

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR WEDNESDAY, JUNE 11, 2014

1. HEARINGS TO BE HELD AT THE LIQUOR COMMISSION, 50 STORRS STREETS, CONCORD, NH:

June 25, 2014 @ 9:30 a.m.:

- a. Carlo Rose Cigar Bar, 10 Bridge Street, Unit #5, Pelham, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #402306 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 179:17 – allowed the sale and consumption of alcoholic beverage on the premise after the expiration of the serving hour.
Cited for violation of Liq. 603.06 – failed to comply with requirements of a Commission order.
Date of violations: April 19, 2014.
Case #: 14-147-OF.

June 25, 2014 @ 10:00 a.m.:

- b. Hong Kong Gardens, 81 Main Street, Plymouth, NH.
Restaurant Full Service With Lounge License #432403 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Cited for violation of RSA 178:22 – allowed consumption of alcohol on the premises that was not sold by the licensee.
Cited for violation of Liq. 603.06 – failed to comply with requirements of a Commission order.
Date of violations: April 4, 2014.
Case #: 14-132-OF.

HEARINGS HELD AT THE OFFICES OF THE PUBLIC UTILITIES COMMISSION, WALKER BUILDING, 21 SOUTH FRUIT STREET, CONCORD, NH:

July 17, 2014 @ 10:00 a.m.:

- c. Henniker Junction Restaurant, 24 Weare Road, Henniker, NH.
Restaurant Full Service With Lounge License #1167803 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 178:3 – the licensee leaves substantial doubt that the business shall be operated in strict accordance with all applicable state and federal alcoholic beverage control laws and rules.
Date of violation: August 5, 2013.
Case #: 13-205-OF.
LICENSEE FILED A MOTION TO CONTINUE MARCH 20, 2014 HEARING; MOTION GRANTED.
HEARING POSTPONED UNTIL JULY, 2014.

July 17, 2014 @ 11:00 a.m.:

- d. Loyal Order of Moose, 170 North State Street, Concord, NH.
Social Club License #14101 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:23, IV and VI – allowed a convicted felon to work longer than 60 days without obtaining a waiver.
Date of violation: November 14, 2013.
Case #: 13-247-OF.

July 17, 2014 @ 2:00 p.m.:

- e. Bottoms Up Discount Beverage, 637 Route 125, Fitzwilliam, NH.
Combination Off-Premises Beverage/Wine/Tobacco #702847 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 178:18/RSA 175:1, XXXVI/Liq. 404.02 - failed to have representative grocery items commonly found in a grocery or convenience store.
Date of violation: October 4, 2013.
Case #: 13-338-OF.
LICENSEE FILED A MOTION TO CONTINUE MARCH 20, 2014 HEARING; MOTION GRANTED.
HEARING POSTPONED DUE TO UNAVAILABILITY OF LICENSEE.

August 21, 2014 @ 10:00 a.m.:

- f. Ed's Crossroads Pizza & Subs, 64 Gilsum Road, Surry, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1406003 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: January 5, 2013.
Case #: 13-14-OF.

August 21, 2014 @ 10:30 a.m.:

- g. T-Bird Mini Mart, 595 Sunapee Road, Newport, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3008447 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: August 23, 2013.
Case #: 13-233-OF.

Date to be determined:

- h. La Carreta – Derry, 35 Manchester Road, Derry, NH.
Restaurant Full Service With Lounge License #1310303 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: December 30, 2011.
Case #: 12-327-OF.
MOTION TO CONTINUE FILED BY THE LICENSEE.

2. NOTIFICATION OF DISCIPLINARY ACTION:

None

3. NOTIFICATION OF NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

- a. K2 Market, 22 Main Street, Pittsfield, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3154447 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:50, II – allowed the premise to be used for a purpose contrary to law.
Cited for violation of RSA 179:52 – failed to post license in a conspicuous place on the premises.
Dates of violations: April 25, 2014 & May 30, 2014.
Case #s: 14-151-OF & 14-204-OF.
\$500 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- b. Plymouth House Of Pizza, 45 Main Street, Plymouth, NH.
Restaurant Full Service With Lounge License #268003 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:17 – allowed the sale and consumption of alcoholic beverage on the premise after the expiration of the serving hour.
Date of violation: May 2, 2014.
Case #: 14-169-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Able Ebenezer Brewing Co. LLC, 31 Columbia Circle, Merrimack, NH 03054.
To be issued Nano Brewery, Beer and/or Specialty Beer License #201822 pursuant to RSA 178:12-a.
30-Day Temporary License Issued: 6/2/2014.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED THAT THIS ITEM BE APPROVED; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. HS Market, Inc., 39 High Street, Exeter, NH 03833.
To be issued Combination Off-Premises Beverage/Wine/Tobacco #3312847 pursuant to RSA 178:18/RSA 126-K: 4.
30-Day Temporary License Issued: 6/2/2014.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED THAT THIS ITEM BE APPROVED; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. Jass Boxing, Tri City Christian Academy, 12 Rocky Hill Road, Somersworth, NH 03878.
To be issued one-day licenses for a Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:20, II.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED THAT THIS ITEM BE APPROVED; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- d. Khater, Aldean DBA True Tobacco, 295 Daniel Webster Highway, Nashua, NH 03060.
To be issued Retail Tobacco License #130817 pursuant to RSA 126-K: 4.
30-Day Temporary License Issued: 6/22/2014.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED THAT THIS ITEM BE APPROVED; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

- e. R C Gadway, Inc. DBA Federal Cigar, 284 Central Avenue, Dover, NH 03820.
To be issued Cigar Bar On-Premise Cocktail Lounge License #402606 pursuant to RSA 178:20-a.
30-Day Temporary License Issued: 5/30/2014.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED THAT THIS ITEM BE APPROVED; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- f. R C Gadway, Inc. DBA Federal Cigar, 96 Calef Highway, Unit 9, Epping, NH 03042.
To be Issued Cigar Bar On-Premise Cocktail Lounge License #402706 pursuant to RSA 178:20-a.
30-Day Temporary License Issued: 5/30/2014.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED THAT THIS ITEM BE APPROVED; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- g. R C Gadway, Inc. DBA Federal Cigar, 4 Plaistow Road, Plaistow, NH 03865.
To be issued Cigar Bar On-Premise Cocktail Lounge License #402806 pursuant to RSA 178:20-a.
30-Day Temporary License Issued: 5/30/2014.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED THAT THIS ITEM BE APPROVED; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- h. Sahajanad LLC DBA Sahanjanad Premium Mart, 280 Court Street, Laconia, NH 03246.
To be issued Combination Off-Premises Beverage/Wine/Tobacco License #3315347 pursuant to RSA 178:18/RSA 126-K: 4.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED THAT THIS ITEM BE APPROVED; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- i. Seacoast Science Center, 570 Ocean Boulevard, Rye, NH 03878.
To be issued one-day licenses for a Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:20, II.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED THAT THIS ITEM BE APPROVED; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- j. Shalee, Inc. DBA Littleton Diner (The), 145 Main Street, Littleton, NH 03561.
To be issued Restaurant Beverage and Wine License #1486003 licensed pursuant to RSA 178:20.
30-Day Temporary License Issued: 5/30/2014.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED THAT THIS ITEM BE APPROVED; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- k. SHRIRAM LLC DBA Shalimar Resort By The Lake, 650 Laconia Road, Tilton, NH 03276.
To be issued Hotel License #370202 pursuant to RSA 178:24, II (b) (1).
30-Day Temporary License Issued: 6/3/2014.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED THAT THIS ITEM BE APPROVED; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

5. **LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:**

None

6. **SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:**

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING JUNE 9, 2014: 1,075

Soleravino LLC, 6 Brier Lane, Derry, NH 03038.

To be issued Alcohol Consultant #502044 licensed pursuant to RSA 178:27-a.

30-Day Temporary License Issued: 6/5/2014.

Recommendation: Approval.

DEPUTY COMMISSIONER MILLIGAN MOVED THAT THIS ITEM BE APPROVED; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

7. **SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:**

None

8. **CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:**

None

9. **NOTIFICATION OF APPROVED PETITIONS:**

- a. Brau, Inc. DBA Schilling Beer Company, 18 Mill Street, Littleton, NH 03561.

Brew Pub License #2001915 licensed pursuant to RSA 178:13.

Date petition received: 6/3/2014.

Requested approval for authorization of other areas, to wit, an outside parking area with a capacity of 250 on June 14, 2014 pursuant to RSA 178:24 and Liq. 404.05.

COMMISSION ACKNOWLEDGED.

- b. Estabrook Grill LLC, 57 Palmer Street, Nashua, NH 03060.

Restaurant On-Premise Cocktail Lounge License #1371703 licensed pursuant to RSA 178:22.

Date petition received: 6/4/2014.

Requested approval for authorization of other areas, to wit, an outside area/atrium on June 7, 2014 pursuant to RSA 178:24 and Liq. 404.05.

COMMISSION ACKNOWLEDGED.

- c. Family Tree Restaurant LLC, 927 Laconia Road, Tilton, NH 03276.

Restaurant On-Premise Beverage/Wine/Liquor License #1484403 licensed pursuant to RSA 178:21.

Date petition received: 5/23/2014.

Requested approval for authorization of other areas, to wit, an outside deck area with a capacity of 58 pursuant to RSA 178:24 and Liq. 404.05.

COMMISSION ACKNOWLEDGED.

- d. Fulchino Vineyards, Inc., 178 Pine Hill Road, Hollis, NH 03049.

Wine Manufacturer Off-Premise Wine Only License #562830 licensed pursuant to RSA 178:8.

Date petition received: 4/24/2014.

Requested approval for authorization of other areas, to wit, a tasting room with a capacity of 49 pursuant to RSA 178:24 and Liq. 404.05.

COMMISSION ACKNOWLEDGED.

- e. Lakehouse @ Church Landing LLC, 281 Daniel Webster Highway, Meredith, NH 03253.
Restaurant On-Premise Cocktail Lounge License #1263703 licensed pursuant to RSA 178:22.
Date petition received: 4/28/2014.
Requested approval for authorization of other areas, to wit, an outside area on various dates with a capacity of 196 from May 10, 2014 through October 25, 2014 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- f. Loon Mountain Recreation Company DBA Governor Adams Lodge,
Loon Mountain, Lincoln, NH 03251.
Sports Recreation License #284805 licensed pursuant to RSA 178:22, V(v).
Date petition received: 5/19/2014.
Requested approval for authorization of other areas, to wit, an outside lodge and patio area with a capacity of 430 from June 5, 2014 through October, 2014 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- g. R C Gadway, Inc. DBA Federal Cigar, 96 Calef Highway, Unit 9, Epping, NH 03042.
Cigar Bar On-Premise Cocktail Lounge License #402706 licensed pursuant to RSA 178:20-a.
Date petition received: 5/30/2014.
Requested approval for authorization of other areas, to wit, an outside patio area with a capacity of 24 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- h. Remington's Restaurant LLC, 38 Route 25, Plymouth, NH 03264.
Restaurant On-Premise Beverage/Wine/Liquor License #1470503 licensed pursuant to RSA 178:21.
Date petition received: 5/22/2014.
Requested approval for authorization of other areas, to wit, an outside tented area with a capacity of 80 from June 14, 2014 through June 22, 2014 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- i. Ripalo LLC DBA Republic Café & Bistro, 1069 Elm Street, Manchester, NH 03101.
Restaurant On-Premise Beverage/Wine/Liquor License #1392603 licensed pursuant to RSA 178:21.
Date petition received: 5/30/2014.
Requested approval to charge a corkage fee, to wit, to charge a fee when serving a bottle of wine brought in by customers and when a full-course meal is consumed pursuant to RSA 178:21, II, a (5).
COMMISSION ACKNOWLEDGED.
- j. Vexed LLC DBA Spite, 941 Elm Street, Manchester, NH 03101.
Restaurant On-Premise Beverage/Wine/Liquor License #1486603 licensed pursuant to RSA 178:21.
Date petition received: 5/27/2014.
Requested approval for authorization of other areas, to wit, an outside area with a capacity of 10 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- k. Walpole Main Holding LLC DBA Walpole Inn, 297 Main Street, Walpole, NH 03608.
Restaurant On-Premise Beverage/Wine/Liquor License #1479503 licensed pursuant to RSA 178:21.
Date petition received: 5/28/2014.
Requested approval for authorization of other areas, to wit, two outside patios: the south porch area with a capacity of 40 and the west porch patio with a capacity of 25 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- l. White Apron LLC (The) DBA White Apron Café, 14 Hancock Street, Portsmouth, NH 03801.
Restaurant Beverage and Wine License #1472803 licensed pursuant to RSA 178:20.
Date petition received: 4/15/2014.
Requested approval for authorization of other areas, to wit, an outside area with a capacity of 36 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- m. WVSR LLC, 29 Village Road, Waterville Valley, NH 03215.
Restaurant On-Premise Beverage/Wine/Liquor License #1460803 licensed pursuant to RSA 178:21.
Date petition received: 6/3/2014.
Requested approval for authorization of other areas, to wit, an outside tented area with a capacity of 40 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

10. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

Millos Pizza and Grill, 575 Franklin Pierce Highway, Barrington, NH.
Restaurant Beverage and Wine License pending pursuant to RSA 178:20.
Requested approval for a Felon Exception for Yougious N. Tsoukalas as a Person In Charge or License Applicant pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).
Case #: 14-190-OF.
Exception approved.
COMMISSION ACKNOWLEDGED.

11. NOTIFICATION OF ALCOHOL COMPLIANCE CHECKS:

None

12. HEARING RESULTS:

None

13. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

- a. Arts Rochester, Inc. DBA Sole City Dance, 187 Route 108, Somersworth, NH 03878.
To be issued One-Day Licenses for a Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:20, II.
Recommendation: Expedited approval.
Commission approved on 6/2/2014.
For information only.
COMMISSION ACKNOWLEDGED.
- b. Ampey, Amanda, Pease ANGB, Portsmouth, NH 03801.
Requests a waiver of transport fee, to wit, a military servicewoman wishes to import her collection of alcohol back to New Hampshire from overseas where she is currently stationed and have the 25% fee waived pursuant to RSA 175:6.
List of alcoholic items: Attached to request.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED THAT THIS ITEM BE APPROVED; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. NH Breast Cancer Coalition, WWBSCC, 60 Wentworth Road, Rye, NH 03870.
Off-Premises Special Licenses Beverage/Wine/Liquor License issued pursuant to RSA 178:17.
Recommendation: Expedited approval.
Commission approved on 6/2/2014.
For information only.
COMMISSION ACKNOWLEDGED.