

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR WEDNESDAY, JULY 9, 2014

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

None

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

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

- a. 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 @ 2:00 p.m.:

- b. 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 @ 10:30 a.m.:

- c. 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:

- d. 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:

- a. American Legion Post 47, Foundry Street, Rollinsford, NH.
Veterans Club License #16939 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:5, II – allowed an underage person to possess or consume alcoholic beverage.
Date of violation: November 16, 2013.
Case #: 14-39-OF.
An administrative fine of \$500, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended in the canteen only for three (3) days commencing July 12, 2014 with re-grant on July 15, 2014 and all managers shall attend a Management Training Seminar (MTS) within thirty (30) days of the date of approval of this agreement.
COMMISSION ACKNOWLEDGED.
- b. Ed's Crossroads Pizza & Subs, 21 Route 12, Fitzwilliam, 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 resulting in 1 fatality.
Date of violation: January 5, 2013.
Case #: 13-14-OF.
A \$2,500 administrative fine with \$500 suspended for twelve (12) months pending no like violation, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended for nine (9) days with two (2) days held in abeyance for twelve (12) months pending no like violation commencing July 14, 2014 with re-grant on July 21, 2014, all licensees and all managers shall attend a Management Training Seminar (MTS) within thirty (30) days of the date of approval of this agreement and all servers shall attend a Total Education in Alcohol Management (TEAM) seminar within thirty (30) days of the date of approval of this agreement.
COMMISSION ACKNOWLEDGED.
- c. 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.
\$500 administrative fine, a copy of the letter of resignation from John Hugron to the Lodge shall be provided to the Division of Enforcement & Licensing prior to the Commission's approval of this agreement and a copy of the Lodge Minutes reflecting the removal of John Hugron from the Executive Board shall be provided to the Division of Enforcement & Licensing prior to the Commission's approval of this agreement.
COMMISSION ACKNOWLEDGED.

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

- a. Broken Spoke Saloon, 1072 Watson Road, Laconia, NH.
Full Service With Lounge License #1374603 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:20, II – allowed an entertainer to consume alcoholic beverage while working.
Date of violation: June 21, 2014.
Case #: 14-221-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.

- b. Paradise Beach Club, 322 Lakeside Avenue, Laconia, NH.
Full Service With Lounge License #1218803 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Date of violation: June 21, 2014.
Case #: 14-219-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- c. Tower Hill Tavern, 264 Lakeside Avenue, Laconia, NH.
Full Service With Lounge License #1369903 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.
Date of violation: June 19, 2014.
Case #: 14-218-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Androscoggin Valley Chamber of Commerce, Exchange Street, Gorham, NH 03581.
To be issued one-day licenses for a Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:20, II.
Recommendation: Approval.
COMMISSION APPROVED.
- b. Cheshire Fair Association, Inc., 247 Monadnock Highway, Swanzey, NH 03446.
To be issued one-day licenses for a Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:20, II.
Recommendation: Approval.
COMMISSION APPROVED.
- c. Ekantik Corporation DBA Neighborhood Variety,
2626 Brown Avenue, Suite 10, Manchester, NH 03103.
To be issued Combination Beverage/Wine/Tobacco License #3314947 pursuant to RSA 178:18/RSA 126-K: 4.
30-Day Temporary License issued: 6/30/2014.
Recommendation: Approval.
COMMISSION APPROVED.
- d. Granite State Brewers Association, Arms Park, Manchester, NH 03101.
To be issued Beer Festival License pursuant to RSA 178:30.
Recommendation: Approval.
COMMISSION APPROVED.
- e. Hotel Portsmouth Court Street LLC (The), 40 Court Street, Portsmouth, NH 03801.
To be issued Bed and Breakfast On-Premise Beverage and Wine License #359838 pursuant to RSA 178:20.
30-Day Temporary License issued: 6/27/2014.
Recommendation: Approval.
COMMISSION APPROVED.
- f. Ipswich Clam Bake LLC DBA Ipswich Clam Bake/Castaways Tavern,
791 2nd Street, Manchester, NH 03102.
To be issued Restaurant On-Premise Beverage, Wine & Liquor License #1491903 pursuant to RSA 178:21.
30-Day Temporary License issued: 6/30/2014.
Recommendation: Approval.
COMMISSION APPROVED.

- g. Malorie Christine LLC DBA Top Shelf Brews, 826 Lafayette Road, Suite A, Hampton, NH 03842.
To be issued Combination Beverage & Wine License #3317147 pursuant to RSA 178:18.
30-Day Temporary License issued: 6/30/2014.
Recommendation: Approval.
COMMISSION APPROVED.
- h. NH Roller Derby, JFK Memorial Coliseum, 303 Beech Street, Manchester, NH 03103.
To be issued one-day licenses for a Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:20, II.
Recommendation: Approval.
COMMISSION APPROVED.
- i. North Madison Hill LLC DBA Great East Butcher Company,
28 Portsmouth Avenue, Stratham, NH 03885.
To be issued Combination Beverage & Wine License #3317347 pursuant to RSA 178:18.
30-Day Temporary License issued: 7/02/2014.
Recommendation: Approval.
COMMISSION APPROVED.
- j. Red Robin International, Inc. DBA Red Robin Gourmet Burgers & Brews,
1500 South Willow Street, Manchester, NH 03103.
To be issued Restaurant On-Premise Beverage, Wine & Liquor License #1482003
pursuant to RSA 178:21.
30-Day Temporary License issued: 6/30/2014.
Recommendation: Approval.
COMMISSION APPROVED.
- k. RFSMITHNH Holdings LLC DBA Wine'ing Butcher (The), 254 Wallace Road, Bedford, NH 03110.
To be issued Combination Beverage & Wine License #3316447 pursuant to RSA 178:18.
30-Day Temporary License issued: 7/01/2014.
Recommendation: Approval.
COMMISSION APPROVED.
- l. RFSMITHNH Holdings LLC DBA Wine'ing Butcher (The),
16 Sheep David Road, Pembroke, NH 03275.
To be issued Combination Beverage & Wine License #3316447 pursuant to RSA 178:18.
30-Day Temporary License issued: 7/01/2014.
Recommendation: Approval.
COMMISSION APPROVED.
- m. Strategakis, Micheal DBA Just Cigars, 169 Ocean Boulevard, Suite 2, Hampton, NH 03843.
To be issued Retail Tobacco License #131317 pursuant to RSA 178:19-a.
30-Day Temporary License issued: 7/01/2014.
Recommendation: Approval.
COMMISSION APPROVED.
- n. Sushiya, Inc., 72 South Main Street, Hanover, NH 03755.
To be issued Restaurant On-Premise Beverage & Wine License #1487503 pursuant to RSA 178:20.
30-Day Temporary License issued: 6/30/2014.
Recommendation: Approval.
COMMISSION APPROVED.

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 JULY 7, 2014: 1,088

Moet Hennessy USA, Inc., 85 Tenth Avenue, New York, NY 10011.

Direct Shippers permit pending approval.

COMMISSION APPROVED.

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. Brandli's Pizza Grill, Inc., 2 Common Court, Unit A28, North Conway, NH 03860.
Restaurant Beverage and Wine License #1068103 licensed pursuant to RSA 178:20.
Date petition received: 4/23/2014.
Requested approval for authorization of other areas, to wit, an outside area with a capacity of 40 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- b. Eagle Mountain House LLC DBA Eagle Mountain House and Golf Club,
179 Carter Notch Road, Jackson, NH 03846.
Hotel On-Premise Cocktail Lounge License #368402 licensed pursuant to RSA 178:22.
Date petition received: 6/18/2014.
Requested approval for authorization of other areas, to wit, two outside areas: a grassy hill area with a capacity of 800 from July 1, 2014 through November 30, 2014 and a tented area with a capacity of 210 (table and chairs) or 450 (auditorium-style seating) from May 1, 2014 through November 30, 2014 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. Gordon Bissell Post 4 DBA American Legion Post 4, 797 Court Street, Keene, NH 03431.
Veterans Club On-Premise Cocktail Lounge License #17539 licensed pursuant to RSA 178:22, V(h).
Date petition received: 6/11/2014.
Requested approval for authorization of other areas, to wit, two outside areas: a pavilion with a capacity of 183 and a smoking area with a capacity of 266 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- d. L.B.O. Holding, Inc. DBA Attitash/Bear Peak Resort, Route 302, Barlett, NH 03812.
Restaurant On-Premise Beverage/Wine/Liquor License #1009403 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 400 from July 5, 2014 through September 1, 2014 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- e. Lillianas Diner LLC, 43 Ashworth Avenue, Hampton, NH 03842.
Restaurant Beverage and Wine License #1489803 licensed pursuant to RSA 178:20.
Date petition received: 6/19/2014.
Requested approval for authorization of other areas, to wit, an outside area with a capacity of 22 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- f. Loon Mountain Recreation Co. DBA Governor Adams Lodge, Loon Mountain, Lincoln, NH 03251. Sports Recreation License #284805 licensed pursuant to RSA 178:22, V(v).
Date petition received: 6/2/14.
Requested approval for authorization of other areas, to wit, an outside beer garden area with a capacity of 500 on August 23, 2014 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- g. McClay Enterprises LLC DBA Out Of The Ordinary, 104 Pleasant Street, Claremont, NH 03743. Restaurant Beverage and Wine License #1436203 licensed pursuant to RSA 178:20.
Date petition received: 6/9/2014.
Requested approval for authorization of other areas, to wit, an outside area with a capacity of 15 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- h. Waterville Estates Village District DBA Summit Lounge at Waterville Estates, 562 Winterbrook Road, Box 19, Campton, NH 03223. Sports Recreation Facility On-Premise Cocktail Lounge License #572005 licensed pursuant to RSA 178:22.
Date petition received: 6/26/2014.
Requested approval for authorization of other areas, to wit, two outside areas with a capacity of 470 on July 5, 2014 and a capacity of 280 on August 22, 2014 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

10. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

None

11. NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:

Raymond, NH.

12. NOTIFICATION OF ALCOHOL COMPLIANCE CHECKS:

None

13. HEARING RESULTS:

None

14. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

- a. Greater Nashua Chamber of Commerce DBA Downtown Nashua, West Pearl Street (Between Main and Elm Streets), Nashua, NH 03060.
To be issued one-day licenses for a Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:20, II.
Event date: 7/02/2014.
Recommendation: Expedited approval.
Commission approved on 7/01/2014.
For information only.
COMMISSION ACKNOWLEDGED.

- b. Greater Nashua Chamber of Commerce DBA Downtown Nashua, West Pearl Street (Between Main and Elm Streets), Nashua, NH 03060.
To be issued one-day licenses for a Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:20, II.
Event date: 7/09/2014.
Recommendation: Expedited approval.
Commission approved on 7/01/2014.
For information only.
COMMISSION ACKNOWLEDGED.
- c. Public Hearing on Administrative Rules Liq. 510.01-510.07, Liq. 706.40, and Liq. 1102.06:
These rules set forth the manner in which an alcohol consultant will operate his or her alcohol consultant business in the State of New Hampshire. The rules also prescribe the manner in which the NH Liquor Commission, Division of Enforcement & Licensing will regulate this new license category.
Groups Affected:
All businesses involved with an alcohol consultant license, and any individual who has an issue for Commission consideration, or communities or groups who wish to have input on Commission action concerning an alcohol consultant license.
Date and Time: July 29, 2014 from 1 pm to 3 pm
Hearing Location: 50 Storrs Street (1st floor conference room), Concord, NH 03301.
*Written and electronic submissions will be accepted until 4 pm on August 6, 2014.
COMMISSION ACKNOWLEDGED.