

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR WEDNESDAY, AUGUST 6, 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:

August 21, 2014 @ 9:30 a.m.:

- a. Milanos House Of Pizza, 1 Broad Street, Nashua, NH.
Restaurant Full Service With Lounge License #309203 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.
Cited for violation of RSA 179:35 – failed to retain sales slips on the premises or readily available for examination by the commission or its liquor investigators for a period of sixty (60) days.
Date of violations: November 9 - 15, 2013.
Case #: 13-353-OF.

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

- b. 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.

October 16, 2014 @ 9:30 a.m.:

- c. Jade Dragon, 515 DW Highway, Merrimack, NH.
Restaurant Full Service With Lounge License #1341903 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.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Dates of violations: August 18, 2012 & November 16, 2013.
Case #s: 12-232-OF & 13-365-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 81, 169 Bound Tree Road, Contoocook, NH.
Veterans Club License #9639 licensed pursuant to RSA 178:22, V(h).
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.
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.
Date of violations: November 9, 2013.
Case #: 13-372-OF.
For violation of RSA 179:5, I, 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 August 9, 2014 with re-grant on August 16, 2014, all licensees shall attend a Management Training Seminar (MTS) by September 15, 2014 and all servers shall attend a Total Education in Alcohol Management (TEAM) seminar by September 15, 2014; for violation of RSA 179:20, an administrative fine of \$250 and for violation of RSA 179:27, an administrative fine of \$250.
CHAIRMAN MOLLICA ACKNOWLEDGED.
- b. Buffalo Wild Wings, 160 Washington Street, Rochester, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1455803 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 – 4 counts.
Date of violations: January 24, 2014.
Case #: 14-26-OF.
\$1,500 administrative fine, eight (8) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended for seven (7) days with two (2) days held in abeyance for twelve (12) months pending no like violation commencing August 10, 2014 with re-grant on August 15, 2014, all Licensee(s) and managers shall attend a Management Training Seminar (MTS) by September 15, 2014 and all servers and doormen shall attend a Total Education in Alcohol Management (TEAM) seminar by September 15, 2014.
CHAIRMAN MOLLICA ACKNOWLEDGED.
- c. Bull Moose Restaurant & Lounge, Route 26, Cambridge, NH.
Restaurant Full Service With Lounge License #1310803 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 – 2 counts and 1 fatality.
Date of violations: April 3, 2013.
Case #: 13-122-OF.
An administrative fine of \$2,000 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 August 8, 2014 with re-grant on August 15, 2014, the Licensee(s) shall attend a Management Training Seminar (MTS) within sixty (60) days of the date of approval of this agreement and all servers shall attend a Total Education in Alcohol Management (TEAM) seminar within sixty (60) days of the date of approval of this agreement.
CHAIRMAN MOLLICA ACKNOWLEDGED.

- d. El Tapatio Restaurante Mexicano, Pennichuck Square, 4C Route 101A, Merrimack, NH.
Restaurant Full Service With Lounge License #1398103 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 alcoholic beverage to an underage person.
Date of violation: September 21, 2013.
Case #: 13-272-OF.
The Licensee shall pay 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 cocktail lounge only for three (3) days commencing August 8, 2014 with re-grant on August 11, 2014, the licensees shall attend a Management Training Seminar (MTS) by September 15, 2014 and all servers shall attend a Total Education in Alcohol Management (TEAM) seminar by September 15, 2014.
CHAIRMAN MOLLICA ACKNOWLEDGED.
- e. Red Arrow Diner, 63 Union Square, Milford, NH.
Restaurant Full Service With Lounge License #1369603 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: January 11, 2014.
Case #: 14-16-OF.
The Licensee shall pay an administrative fine of \$1,500 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 six (6) days with two (2) days held in abeyance for twelve (12) months pending no like violation commencing August 9, 2014 with re-grant on August 13, 2014, all managers shall attend a Management Training Seminar (MTS) by September 15, 2014 and all servers shall attend a Total Education in Alcohol Management (TEAM) seminar by September 15, 2014.
CHAIRMAN MOLLICA ACKNOWLEDGED.

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

- a. Blue Aqua, 292 Route 101, Amherst, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1459903 licensed pursuant to RSA 178:21.
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: July 19, 2014.
Case #: 14-256-OF.
\$250 administrative fine paid.
CHAIRMAN MOLLICA ACKNOWLEDGED.
- b. Mad Hatter Bar & Grill, 99 Route 13, Brookline, NH.
Restaurant Full Service With Lounge License #1468403 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:40, II – refilled bottles of legally purchased beverage or liquor.
Date of violation: April 25, 2014.
Case #: 14-153-OF.
CHAIRMAN MOLLICA ACKNOWLEDGED.
- c. Martha's Exchange, 185 Main Street, Nashua, NH.
Brew Pub License #2000815 licensed pursuant to RSA 178:13.
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: June 28, 2014.
Case #: 14-223-OF.
\$250 administrative fine paid.
CHAIRMAN MOLLICA 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 Voluntary Nonprofit Organizations Beverage/Wine/Liquor pursuant to RSA 178:20, II.
Recommendation: Approval.
CHAIRMAN MOLLICA APPROVED.
- b. Bada Bings! Pizzeria LLC DBA Badabing Pizzeria & Ristorante, 946 Elm Street, Manchester, NH 03101.
To be issued Restaurant On-Premise Beverage & Wine License #1493103 pursuant to RSA 178:20.
Recommendation: Approval.
CHAIRMAN MOLLICA APPROVED.
- c. LAZO, Fabiola DBA Carniceria Zapopan Meat Market, 9th Water Street, Nashua, NH 03060.
To be issued Combination Beverage/Wine/Tobacco #3318247 pursuant to RSA 178:18/RSA 126-K: 4.
Recommendation: Approval.
CHAIRMAN MOLLICA APPROVED.
- d. Millo's Pizza and Grill LLC, 575 Franklin Pierce Highway, Barrington, NH 03825.
To be issued Restaurant On-Premise Beverage & Wine License #1490003 pursuant to RSA 178:20.
Recommendation: Approval.
CHAIRMAN MOLLICA APPROVED.
- e. Sage of Bethlehem, 2085 Main Street, Bethlehem, NH 03574.
To be issued Restaurant On-Premise Beverage & Wine License #1491803 pursuant to RSA 178:20.
30-Day Temporary License issued: 7/11/2014.
Recommendation: Approval.
CHAIRMAN MOLLICA APPROVED.
- f. 603 Brewery LLC, Londonderry Lions Club, 258 Mammoth Road, Londonderry, NH 03053.
To be issued Beer Festival Beverage Specialty Beverage pursuant to RSA 178:30.
Recommendation: Approval.
CHAIRMAN MOLLICA APPROVED.
- g. Smoke Ring LLC, 178 Lafayette Road, Seabrook, NH 03874.
To be issued Retail Tobacco, Tobacco Only License #131117 pursuant to RSA 178:19-a.
30-Day Temporary License issued: 7/31/2014.
Recommendation: Approval.
CHAIRMAN MOLLICA 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 AUGUST 4, 2014: 1,079

- a. Altipiano Vineyard and Winery LLC, 20365 Camino Del Aguila, Escondido, CA 92025.
Direct Shipper Permit pending approval.
CHAIRMAN MOLLICA APPROVED.
- b. Appellations LP, 3266 Silverado Trail, Napa, CA 94558.
Direct Shipper Permit pending approval.
CHAIRMAN MOLLICA APPROVED.
- c. Bantam Cider Company, 40 Merriam Street, Somerville, MA 02143.
To be issued Beverage Vendor License #71031 pursuant to RSA 178:15.
Manufacturer: Bantam Cider Company, Somerville, MA.
Recommendation: Approval.
CHAIRMAN MOLLICA APPROVED.

- d. Brand Napa Valley LLC, 90 Long Ranch Road, St. Helena, CA 94574.
Direct Shipper Permit pending approval.
CHAIRMAN MOLLICA APPROVED.
- e. Champlain Orchards, Inc., 3597 Route 74, West Shoreham, VT 05770.
To be issued Beverage Vendor License #71631 pursuant to RSA 178:15.
Manufacturer: Champlain Orchards, Inc., West Shoreham, VT 05770.
30-Day Temporary License issued: 7/25/14.
Recommendation: Approval.
CHAIRMAN MOLLICA APPROVED.
- f. FN Cellars LLC DBA FNC Acacia, 1350 Acacia Drive, Oakville, CA 94562.
Direct Shipper Permit pending approval.
CHAIRMAN MOLLICA APPROVED.
- g. FN Cellars LLC DBA FNC Bella Oaks, 1315 Bella Oaks Lane, Napa, CA 94573.
Direct Shipper Permit pending approval.
CHAIRMAN MOLLICA APPROVED.
- h. FN Cellars LLC DBA FNC Enroute Winery,
2064 North Highway, Suite 503, 503A & 504, Sebastopol, CA 95472.
Direct Shipper Permit pending approval.
CHAIRMAN MOLLICA APPROVED.
- i. FN Cellars LLC, 8164 St. Helena Highway, Oakville, CA 94562.
Direct Shipper Permit pending approval.
CHAIRMAN MOLLICA APPROVED.
- j. MLPNH Operating LLC DBA Beara Irish Brewing Co., 2800 Lafayette Road, #12A,
Portsmouth, NH 03801.
To be issued Nano Brewery Beer and/or Specialty Beer License #201622.
Recommendation: Approval.
CHAIRMAN MOLLICA APPROVED.
- k. North Winery LLC DBA Promontory, 500 Meadowood Lane, St. Helena, CA 94574.
Direct Shipper Permit pending approval.
CHAIRMAN MOLLICA APPROVED.
- l. Qupe Wine Cellars LLC, 4665 Santa Maria Mesa Road, Suite A, Santa Maria, CA 93454.
Direct Shipper Permit pending approval.
CHAIRMAN MOLLICA APPROVED.
- m. Tenacity Wines LLC DBA Soliste Cellars, 3358 D Coffey Lane, Santa Rosa, CA 95403.
Direct Shipper Permit pending approval.
CHAIRMAN MOLLICA 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. American Legion Grill DBA American Legion Post 6, 96 Islington Street, Portsmouth, NH 03801.
Veterans Club On-Premise Cocktail Lounge License #19439 licensed pursuant to RSA 178:22, V(h).
Date petition received: 7/09/2014.
Requested approval for authorization of other areas, to wit, an outside deck area with a capacity of 29 pursuant to RSA 178:24 and Liq. 404.05.
CHAIRMAN MOLLICA ACKNOWLEDGED.

- b. Kelly's Row, Inc., 421 Central Avenue, Dover, NH 03820.
Restaurant On-Premise Cocktail Lounge License #1326303 licensed pursuant to RSA 178:22.
Date petition received: 7/21/2014.
Requested approval for authorization of other areas, to wit, an outside courtyard area with a capacity of 152 on July 29, 2014 and August 19, 2014 with a rain date of August 26, 2014 pursuant to RSA 178:24 and Liq. 404.05.
CHAIRMAN MOLLICA ACKNOWLEDGED.
- c. Laconia Country Club, Inc., 607 Elm Street, Laconia, NH 03246.
Sports Entertainment License #6003005 licensed pursuant to RSA 178:22, V(u)(1).
Date petition received: 7/16/2014.
Requested approval to use a mobile cart, to wit, on the fairways for sales and service of alcohol pursuant to Liq. 206.10 (a)(1), Liq. 404.05 (a)(1) and Liq. 509.
CHAIRMAN MOLLICA ACKNOWLEDGED.
- d. Plymouth Lodge BPOE 2312 Elks, Route 175, Holderness, NH 03245.
Social Club On-Premise Cocktail Lounge License #30201 licensed pursuant to RSA 178:22, V(h).
Date petition received: 7/09/2014.
Requested approval for authorization of other areas, to wit, an outside fenced area with a capacity of 55 on August 24, 2014 pursuant to RSA 178:24 and Liq. 404.05.
CHAIRMAN MOLLICA ACKNOWLEDGED.
- e. Sage of Bethlehem LLC, 2085 Main Street, Bethlehem, NH 03574.
Restaurant Beverage and Wine License #1491803 licensed pursuant to RSA 178:20.
Date petition received: 7/28/2014.
Requested approval for authorization of other areas, to wit, an outside porch area with a capacity of 40 pursuant to RSA 178:24 and Liq. 404.05.
CHAIRMAN MOLLICA ACKNOWLEDGED.
- f. Tandy Stephens, Inc. DBA Tandy's Top Shelf, 1 Eagle Square, Concord, NH 03301.
Restaurant On-Premise Beverage/Wine/Liquor License #1404103 licensed pursuant to RSA 178:21.
Date petition received: 7/30/2014.
Requested approval for authorization of other areas, to wit, an outside atrium area with a capacity of 206 on August 1, 2014 pursuant to RSA 178:24 and Liq. 404.05.
CHAIRMAN MOLLICA ACKNOWLEDGED.

10. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

None

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

None

12. NOTIFICATION OF ALCOHOL COMPLIANCE CHECKS:

None

13. HEARING RESULTS:

None

14. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

Sandwich Childrens' Center, Sandwich Fairgrounds Craft Building, Center Sandwich, NH 03227.

To be issued one-day licenses for Voluntary Nonprofit Organizations Beverage/Wine/Liquor pursuant to RSA 178:20, II.

Event date: 8/02/2014.

Recommendation: Expedited approval.

Commission approved on 7/29/2014.

For information only.

CHAIRMAN MOLLICA ACKNOWLEDGED.

15. LATE ITEM:

Whole Foods Market Group, Inc., 255 Amherst Street, Nashua, NH 03063.

To be issued Conditional Combination License: Combination Beverage/Wine/Tobacco License #3317547 and Restaurant Beverage/Wine License #1492303 licensed pursuant to RSA 178:17-a.

Recommendation: Approval.

CHAIRMAN MOLLICA APPROVED.