

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR WEDNESDAY, SEPTEMBER 10, 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:

September 18, 2014 @ 9:30 a.m.:

- a. Rack's Bar & Grille, 20 Plaistow Road, Plaistow, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1465103 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 with 1 fatality and 1 personal injury.
Date of violation: October 5, 2013.
Case #: 13-314-OF.
SETTLEMENT PENDING.

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

- b. 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 #: 12-232-OF & 13-365-OF.

October 16, 2014 @ 10:45 a.m.:

- c. 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.
MOTION TO CONTINUE FILED BY LICENSEE; MOTION GRANTED 8/14/2014.

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:

Spare Time Family Fun Center, 216 Maple Street, Manchester, NH
Sports Entertainment License #522705 licensed pursuant to RSA 178:22, V(u)(1).
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: March 12, 2014.
Case #: 14-104-OF.

An administrative fine of \$1,000 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 in the cocktail lounge only shall be suspended for five (5) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing September 14, 2014 with re-grant on September 18, 2014, Michael Corley and Dan Lachance shall attend a Management Training Seminar (MTS) in a classroom within forty-five (45) days from the date of this agreement and Lisa Bedard or another server in her stead shall attend a Total Education In Alcohol Management (TEAM) seminar within forty-five (45) days from the date of this agreement.
COMMISSION ACKNOWLEDGED.

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

Dream City Associates, 18 - 20 Hampshire Road, Salem, NH.
Retail Tobacco License #843017 licensed pursuant to RSA 126-K:4.
Cited for violation of Liq. 704.01 – failed to renew tobacco license thirty (30) days prior to expiration.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Cumberland Farms, Inc. DBA Cumberland Farms #5446, 189 Central Street, Woodsville, NH 03785.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3319747 pursuant to RSA 178:18.
COMMISSION APPROVED.
- b. Gio BP LLC, 1815 Woodbury Avenue, Portsmouth, NH 03801.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3319247 pursuant to RSA 178:18.
30 Day Temporary License issued: 8/29/2014.
COMMISSION APPROVED.
- c. Kiwanis Club Of Claremont NH, Visitors Center Green, 14 North Street, Claremont, NH 03743.
To be issued one-day licenses for Voluntary Nonprofit Organizations Beverage/Wine/Liquor pursuant to RSA 178:20, II.
Event date: 9/20/2014.
COMMISSION APPROVED.
- d. NH Dinner Train LLC DBA Café Lafayette Dinner Train, 3 River Crossing, North Woodstock, NH 03262.
To be issued Seasonal Dining Car On-Premise Beverage, Wine and Liquor License #1494403 pursuant to RSA 178:21.
30 Day Temporary License issued: 9/2/2014.
COMMISSION APPROVED.
- e. 3 West Restaurant Group LLC DBA Rusty Hammer Restaurant (The), 49 Pleasant Street, Portsmouth, NH 03801.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1489903 pursuant to RSA 178:21.
30 Day Temporary License issued: 9/4/2014.
COMMISSION APPROVED.

- f. Two Guys Smoke Shop of NH, Inc., 741 Lafayette Road, Seabrook, NH 03784.
To be issued Retail Tobacco, Tobacco Only License #130917 pursuant to RSA 178:19-a.
30 Day Temporary License issued: 9/2/2014.
COMMISSION APPROVED.
- g. Yang's Family, Inc. DBA New Happy Family Chinese Restaurant,
943 Suncook Valley Highway, Epsom, NH 03234.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1492703
pursuant to RSA 178:21.
30 Day Temporary License issued: 9/2/2014.
COMMISSION APPROVED.
- h. Zin-Zen LLC DBA Zin-Zen Yoga, 126 South River Road, Bedford, NH 03110.
To be issued Retail Table Wine License #3158846 pursuant to RSA 178:19.
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 SEPTEMBER 5, 2014: 1,085

- a. Atlantic Importing Company, 101 Bishop Street, Framingham, MA 01702.
To be issued Beverage Vendor License #70331 pursuant to RSA 178:15.
Manufacturer: Brewmasters Brewing Company, Williamsburg, MA.
Recommendation: Approval.
COMMISSION APPROVED.
- b. Atlantic Importing Company, 101 Bishop Street, Framingham, MA 01702.
To be issued Liquor and Wine Vendor License #111545 pursuant to RSA 178:9.
Recommendation: Approval.
COMMISSION APPROVED.
- c. Magito & Co. LLC DBA Meadowcroft Wines, 1446 Industrial Avenue, Sebastopol, CA 95472.
Direct Shipper Permit pursuant to RSA 178:27.
COMMISSION APPROVED.
- d. Tres 10 Solutions, Inc. DBA William Chris Vineyards, 10352 US Highway 290, Hye, TX 78635.
Direct Shipper Permit pursuant to RSA 178:27.
COMMISSION APPROVED.
- e. Washington Vintners LLC DBA Corliss Estates/Tranche Cellars,
511 N 2nd Avenue, Walla Walla, WA 99362.
Direct Shipper Permit pursuant to RSA 178:27.
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. Anheuser-Busch LLC, 221 Daniel Webster Highway, Merrimack, NH 03054.
Beverage Manufacturer License #286818 licensed pursuant to RSA 178:12.
Date petition received: 7/30/2014.
Requested approval for authorization of other areas, to wit, an outside parking lot area with a capacity of 70 on 10/5/2014 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- b. Anheuser-Busch LLC, 221 Daniel Webster Highway, Merrimack, NH 03054.
Beverage Manufacturer License #286818 licensed pursuant to RSA 178:12.
Date petition received: 8/11/2014.
Requested approval for authorization of other areas, to wit, an outside parking lot area with a capacity of 350 for an event on 10/11/2014 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. Corner House Inn, Inc., 22 Main Street, Sandwich, NH 03227.
Restaurant On-Premise Beverage and Wine License #259603 licensed pursuant to RSA 178:20.
Date petition received: 8/25/2014.
Requested approval for authorization of other areas, to wit, an outside lawn area with a capacity of 200 for an event on 9/13/2014 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- d. HGP Café LLC DBA Black Mtn. Burger Co., 264 Main Street, Unit 4, Lincoln, NH 03251.
Date petition received: 8/19/2014.
Requested approval for authorization to transfer business location, to wit, transfer the business location from 264 Main Street, Unit 4, Lincoln, NH to 264 Main Street, Unit 10, Lincoln, NH on 9/4/2014 pursuant to RSA178:29, VIII.
COMMISSION ACKNOWLEDGED.
- e. Polish American Club of Nashua, 15 School Street, Nashua, NH 03060.
Social Club On-Premise Cocktail Lounge License #8401 licensed pursuant to RSA 178:22, V(h).
Requested approval to transfer license to other location, to wit, transfer the license to The Pine Grove, 43 Baboosic Lake Road, Merrimack, NH on September 7, 2014 from 10:00am to 5:00pm pursuant to RSA 178:25.
COMMISSION ACKNOWLEDGED.
- f. TB-Four, Inc. DBA T-Bones of Derry, 39 Crystal Avenue, Derry, NH 03038.
Restaurant On-Premise Cocktail Lounge License #1273603 licensed pursuant to RSA 178:22.
Date petition received: 9/3/2014.
Requested permission to transfer alcohol inventory to a new location, to wit, from T-Bones of Derry, License #1273603 to T-Bones of Derry, Off-Site Catering License, License #1281934 located at 25 South River Road, Bedford, NH 03110 pursuant to RSA178:29, VIII.
COMMISSION ACKNOWLEDGED.

10. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

None

11. NOTIFICATION OF DENIED FELON EXCEPTIONS:

Papaya Thai Restaurant, 101 North Main Street, Rochester, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1475803 licensed pursuant to RSA 178:21.
Requested approval for a Felon Exception for Chanta Leuthavone as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).
Case #: 14-107-OF.
COMMISSION ACKNOWLEDGED.

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

Durham, NH.

13. **NOTIFICATION OF COMPLIANCE CHECKS:**

None

14. **HEARING RESULTS:**

None

15. **MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:**

None

16. **MISCELLANEOUS ITEMS FOR INFORMATION ONLY:**

NH Catholic Charities/NH Food Bank, Mel's Funway Park,
454 Charles Bancroft Highway, Litchfield, NH 03052.

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

Event date: 9/6/2014.

Recommendation: Expedited approval.

Commission approved on 9/2/2014.

COMMISSION ACKNOWLEDGED.

17. **LATE ITEM FOR INFORMATION ONLY:**

Meadowbrook Food Service, 72 Meadowbrook Lane, Gilford, NH

Caterer-On-Site License #1275226 licensed pursuant to RSA 178:22, V(e).

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 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.

Date of violations: July 24, 2014.

Case #: 14-271-OF.

For violation of RSA 179:5, I, an administrative fine of \$500, four (4) points shall be assessed to the liquor license and the license to sell alcohol shall be suspended for three (3) days commencing September 16, 2014 with re-grant on September 19, 2014; for violation of RSA 179:27, an administrative fine of \$250.

COMMISSION ACKNOWLEDGED.