

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, SEPTEMBER 25, 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:

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

- a. 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.:

- b. 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:

- c. 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. Karma Cigar & Hookah Lounge, 1077 Elm Street, Manchester, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #400506 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 178:20-a, II – failed to generate 60% of its quarterly gross revenue from the sale of cigar-related products which are limited to cigars, humidors, cigar cutters, cigar cutters and cases, lighters and ashtrays.
Date of violation: January 28, 2014.
Case #: 14-27-OF.
\$1,000 administrative fine with \$500 suspended for twelve (12) months pending no like violation unless licensee is fully compliant with all requirements of RSA 178:20-a and all pertinent administrative rules by May 1, 2015.
COMMISSION ACKNOWLEDGED.
- b. Memakmy, 225 Ocean Boulevard, Hampton, NH.
Retail Tobacco License #120417 licensed pursuant to RSA 126-K:4.
Cited for violation of RSA 179:52 – failed to post license in a conspicuous place on the premises.
Date of violation: August 1, 2014.
Case #: 14-279-OF.
A \$100 administrative fine.
COMMISSION ACKNOWLEDGED.

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

- a. Asian Breeze Restaurant, 1328 Hooksett Road, Hooksett, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1344703 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.
Date of violation: August 29, 2014.
Case #: 14-316-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- b. Capital Beverages, 75 South Main Street, Concord, NH.
Combination Off-Premise Beverage/Wine/Tobacco License #3312947 licensed pursuant to RSA 178:18.
Cited for violation of RSA 175:1/Liq. 404.02 - failed to have representative grocery items commonly found in a grocery or convenience store.
Date of violation: September 12, 2014.
Case #: 14-342-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- c. Fraternal Order of Eagles, 36 South Main Street, Concord, NH.
Social Club License #7101 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, III – allowed consumption of alcohol on the premises that was not sold by the licensee.
Cited for violation of RSA 178:25 – failed to obtain permission to operate under the liquor license at a location owned or controlled by the licensee other than that designated in such license.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violations: August 16, 2014.
Case #: 14-296-OF.
\$450 administrative fine paid.
COMMISSION ACKNOWLEDGED.

- d. Nashua House Of Pizza, 40 East Hollis Street, Nashua, NH.
Restaurant Beverage and Wine License #1492503 licensed pursuant to RSA 178:20.
Cited for violation of RSA 178:2 – failed to attend a required training program within 45 days of the issuance of the liquor license.
Date of violation: August 21, 2014.
Case #: 14-307-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- e. Red I Saloon, 648 John Stark Highway, Newport, NH
Restaurant On-Premise Beverage/Wine/Liquor License #1490103 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violation: August 15, 2014.
Case #: 14-292-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Garrison City Beerworks LLC, 455 Central Avenue, Dover, NH 03820.
To be issued Nano Brewery, Beer and/or Specialty Beer License #202022 pursuant to RSA 178:12-a.
APPROVED BY CHAIRMAN MOLLICA.
- b. Maple Valley Convenience LLC, 245 Maple Street, Maple Valley Plaza, Unit 12, Manchester, NH 03103.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3320247 pursuant to RSA 178:18.
30-Day Temporary License issued: 9/15/2014.
APPROVED BY CHAIRMAN MOLLICA.
- c. NH Catholic Charities/NH Food Bank, 700 E. Industrial Park Drive, Manchester, NH 03109.
To be issued one-day licenses for Voluntary Nonprofit Organizations Beverage/Wine/Liquor pursuant to RSA 178:20, II.
Event date: 10/4/2014.
APPROVED BY CHAIRMAN MOLLICA.
- d. TBCS LLC DBA Bennington Country Store (The), 6 Main Street, Bennington, NH 03442.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3320347 pursuant to RSA 178:18.
30-Day Temporary License issued: 9/15/2014.
APPROVED BY CHAIRMAN MOLLICA.
- e. Time-Out Sports Bar & Grill LLC, 101 Mulberry Street, Claremont, NH 03743.
To be issued Caterer-Off-Site License #1284434 pursuant to RSA 178:22, V(e).
30-Day Temporary License issued: 9/16/2014.
APPROVED BY CHAIRMAN MOLLICA.

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 22, 2014: 1,096

Bazan Cellars LLC DBA Mario Bazan Cellars, 3524 Silverado Trail, Saint Helena, CA 94574.

Direct Shipper Permit pursuant to RSA 178:27.

APPROVED BY CHAIRMAN MOLLICA.

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 On-Premise Cocktail Lounge License #2001915 licensed pursuant to RSA 178:13.
Date petition received: 9/3/2014.
Requested approval for authorization of other areas, to wit, an outside area with a capacity of 250 for event date September 20, 2014 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- b. Cornucopia Wine and Cheese Market LLC, 4 Front Street, Exeter, NH 03833.
Combination Off-Premise Beverage/Wine/Tobacco License #3270747 licensed pursuant to RSA 178:18.
Date petition received: 9/15/2014.
Requested approval for authorization to transfer business location, to wit, transfer the location from 4 Front Street, Exeter, NH to 143 Water Street, Exeter, NH on September 29, 2014 pursuant to RSA 178:29, VIII.
COMMISSION ACKNOWLEDGED.
- c. Daniels Pub, Inc., 48 Main Street, Henniker, NH 03242.
Restaurant On-Premise Cocktail Lounge License #414903 licensed pursuant to RSA 178:22.
Date petition received: 9/15/2014.
Requested approval for authorization of other areas, to wit, an outside area with a capacity of 68 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- d. Earth Eagle Brewing LLC, 175 High Street #6, Portsmouth, NH 03801.
Nano Brewery, Beer and/or Specialty Beer License #200622 licensed pursuant to RSA 178:12-a.
Date petition received: 9/11/2014.
Requested approval for authorization of other areas, to wit, office, fermentation and cold storage areas pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- e. Takorn Thai Corp. DBA Giant of Siam, 5 East Hollis Street, Nashua, NH 03060.
Restaurant On-Premise Beverage/Wine/Liquor License #1007403 licensed pursuant to RSA 178:21.
Date petition received: 9/12/2014.
Requested approval for authorization to transfer business location, to wit, to transfer location from 5 East Hollis Street, Nashua, NH to 90 Main Street, Nashua, NH on 9/4/2014 pursuant to RSA 178:29, VIII.
COMMISSION ACKNOWLEDGED.

10. **NOTIFICATION OF APPROVED FELON EXCEPTIONS:**

None

11. **NOTIFICATION OF DENIED FELON EXCEPTIONS:**

None

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:**

Vermont Hard Cider Company LLC, 153 Pond Lane, Middlebury, VT 05753.

Beverage Vendor License #34431 licensed pursuant to RSA 178:15.

Requests approval of Wyder's Reposado Hard Cider with an alcohol content of 6.8% at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.

APPROVED BY CHAIRMAN MOLLICA.

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

- a. Dover Main Street, Inc., City of Dover Rotary Arts Pavilion, 6 Washington Street, Dover, NH 03820.
To be issued one-day licenses for Voluntary Nonprofit Organizations Beverage/Wine/Liquor.
Licensed pursuant to RSA 178:20, II.
Event date: 9/27/2014.
Recommendation: Expedited approval.
Commission approved on 9/19/2014.
COMMISSION ACKNOWLEDGED.
- b. Great American Downtown, Inc., Main Street From 169-191, Downtown Nashua, NH 03060.
To be issued one-day licenses for Voluntary Nonprofit Organizations Beverage/Wine/Liquor.
Licensed pursuant to RSA 178:20, II.
Event date: 9/21/2014.
Recommendation: Expedited approval.
Commission approved on 9/15/2014.
COMMISSION ACKNOWLEDGED.
- c. Hillsborough Chamber of Commerce, Schnitzelfest, Central Street, Hillsborough, NH 03244.
To be issued one-day licenses for Voluntary Nonprofit Organizations Beverage/Wine/Liquor.
Licensed pursuant to RSA 178:20, II.
Event date: 9/27/2014.
Recommendation: Expedited approval.
Commission approved on 9/19/2014.
COMMISSION ACKNOWLEDGED.

- d. Lancaster Rotary Club Charities, Inc., Centennial Park, Main Street, Lancaster, NH 03584.
To be issued one-day licenses for Voluntary Nonprofit Organizations Beverage/Wine/Liquor.
Licensed pursuant to RSA 178:20, II.
Event date: 9/20/2014.
Recommendation: Expedited approval.
Commission approved on 9/19/2014.
COMMISSION ACKNOWLEDGED.
- e. Star Island Corporation, Oceanic Hotel, Isles of Shoals, Rye, NH 03870.
To be issued one-day licenses for Voluntary Nonprofit Organizations Beverage/Wine/Liquor.
License pursuant to RSA 178:20, II.
Event date: 9/20/2014.
Recommendation: Expedited approval.
Commission approved on 9/16/2014.
COMMISSION ACKNOWLEDGED.
- f. The Children's Museum of New Hampshire, 6 Washington Street, Dover, NH 03820.
To be issued one-day licenses for Voluntary Nonprofit Organizations Beverage/Wine/Liquor.
Licensed pursuant to RSA 178:20, II.
Event date: 9/20/2014.
Recommendation: Expedited approval.
Commission approved on 9/16/2014.
COMMISSION ACKNOWLEDGED.

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

Old Amsterdam Bar & Lounge, 8 Temple Street, Nashua, NH
Restaurant Full Service With Lounge License #1448503 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: May 5, 2014.
Case #: 14-198-OF.
For violation of RSA 179:5, I, 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 shall be suspended for five (5) days with two (2) days held in abeyance for twelve (12) months pending no like violation commencing September 27, 2014 with re-grant on September 30, 2014 and mandatory attendance in a Management Training Seminar (MTS) in a classroom on the next available date.
COMMISSION ACKNOWLEDGED.