

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, OCTOBER 16, 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:

Date to be determined:

- 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.
HEARING DATE MOVED AT HEARING OFFICER'S REQUEST.

Date to be determined:

- b. 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. Sunset Grill, 2092 Route 3, Campton, NH.
Restaurant Full Service With Lounge License #1185703 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 26, 2014.
Case #: 14-45-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 October 19, 2014 with re-grant on October 22, 2014 and Avern Burnell shall attend a Total Education in Alcohol Management (TEAM) seminar in a classroom on the next available date.
COMMISSION ACKNOWLEDGED.

- b. 2 Friends Country Store, 92 Union Street, Milford, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3254947 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person.
Date of violation: April 18, 2014.
Case #: 14-149-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 for three (3) days commencing October 17, 2014 with re-grant on October 20, 2014 and Aleem Manzar shall attend a Management Training Seminar (MTS) in a classroom in the next available class.
COMMISSION ACKNOWLEDGED.

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

- a. O'Brien's Sports Bar, 118 Main Street, Nashua, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1419403 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Cited for violation of RSA 179:27 – restrictions on serving and congregating of patrons (overcrowding).
Date of violations: September 27, 2014.
Case #: 14-367-OF.
\$500 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- b. Thon Khao, 427 Amherst Street, Nashua, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1233103 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:32, II – purchased beer from other than a holder of a wholesaler distributor license.
Date of violation: September 27, 2014.
Case #: 14-368-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- c. Yogie's Bar and Cigars, 5B Main Street, Seabrook, NH.
Retail Tobacco License #131517 licensed pursuant to RSA 126-K:4.
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: September 17, 2014.
Case #: 14-358-OF.
\$100 fine paid.
COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Bouteille ~ Wine & Gift Merchants LLC, 18 Opera House Square, Claremont, NH 03743.
To be issued Combination Off-Premise Beverage and Wine License #3319847 pursuant to RSA 178:18.
30 Day Temporary License issued: 10/8/2014.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- b. Jacob's Ladder Roast Beef & Tavern LLC, 329 Lakeside Avenue, Laconia, NH 03246.
To be issued Seasonal Restaurant On-Premise Beverage, Wine and Liquor License #1495603 pursuant to RSA 178:21.
30 Day Temporary License issued: 10/6/2014.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

- c. Portsmouth Smoke and Vape, Inc., 93 High Street, Unit 5, Portsmouth, NH 03801.
To be issued Retail Tobacco License #132317 pursuant to RSA 178:19-a.
30 Day Temporary License issued: 10/8/2014.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- d. Walpole Village School, 75 Westminster Street, Walpole, NH 03608.
To be issued one-day licenses for Voluntary Nonprofit Organizations Beverage/Wine/Liquor pursuant to RSA 178:20, II.
Event date: 10/25/2014.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA 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 OCTOBER 13, 2014: 1,094

- a. Haynes, Jennifer, 246 Green Avenue, Belchertown, MA 01007.
To be issued Alcohol Consultant License #502344 pursuant to RSA 178:27-a.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- b. Newburyport Brewing Co., Inc., 4 New Pasture Road, Newburyport, MA 01950.
To be issued Beverage Vendor License #70231 pursuant to RSA 178:15.
Manufacturer: Newburyport Brewing Co., Newburyport, MA.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- c. Reliance Wine & Liquor, Inc. DBA www.bestwineinny.com,
2626 Hylan Boulevard, Staten Island, NY 10306.
Direct Shipper Permit pursuant to RSA 178:27.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- d. Shand Impor LLC, 1020 Mission Street, Unit H, South Pasadena, CA 91030.
Direct Shipper Permit pursuant to RSA 178:27.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- e. United States Distilled DBA Prestige Wine and Spirits,
1607 South 12th Street, Princeton, MN 55371.
To be issued Beverage Vendor License #72431 pursuant to RSA 178:15.
Manufacturer: ASPISPA.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA 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. C-Port Enterprises LLC DBA Cure Restaurant, 189 State Street, Portsmouth, NH 03801.
Restaurant On-Premise Beverage/Wine/Liquor License #1479603 licensed pursuant to RSA 178:21.
Date petition received: 6/4/2014.
Requested approval for authorization of other areas, to wit, an outside patio area with a capacity of 20 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- b. Loon Mountain Recreation Co. DBA Loon Mountain Ski Area, Octagon Lodge Café,
60 Loon Mountain Road, Lincoln, NH 03251.
Restaurant On-Premise Beverage and Wine License #404103 licensed pursuant to RSA 178:20.
Date petition received: 10/3/2014.
Requested approval for authorization of other areas, to wit, an outside beer garden area with a capacity of 1,000 for event dates October 11 & 12, 2014 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. Loyal Order of Moose 443, 45 Chestnut Street, Dover, NH 03820.
Social Club On-Premise Cocktail Lounge License #14701 licensed pursuant to RSA 178:22, V(h).
Date petition received: 10/7/2014.
Requested approval for authorization of other areas, to wit, an outside patio area with a capacity of 359 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- d. Patty B's Eatery and Drinkery LLC DBA Patty B's,
34 Dover Point Road, Suite 100, Dover, NH 03820.
Restaurant On-Premise Beverage/Wine/Liquor License #1438603 licensed pursuant to RSA 178:21.
Date petition received: 10/8/2014.
Requested approval for authorization of other areas, to wit, an additional area with a capacity of 40 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- e. Poco Diablo, Inc. DBA Poco's Bow Street Cantina, 37 Bow Street, Portsmouth, NH 03801.
Restaurant On-Premise Cocktail Lounge License #434303 licensed pursuant to RSA 178:22.
Date petition received: 10/7/2014.
Requested a waiver of RSA 178:21, II, a (2) for reduction of hours, to wit, to reduce the hours of operation to less than five days a week from 11:00 am to 12:00 am on Thursdays through Sundays between November 1, 2014 and December 31, 2014 and from 3:00 pm to 12:00 a.m. on Thursdays through Saturdays between January 1, 2015 through February 28, 2015 resuming full hours on March 1, 2015 as indicated in letter dated October 6, 2014.
COMMISSION ACKNOWLEDGED.
- f. Upper Valley Snow Sports Foundation, 160 Whaleback Mountain Road, Enfield, NH 03748.
Sports Recreation License #6017405 licensed pursuant to RSA 178:22, V(v).
Date petition received: 10/3/2014.
Requested approval for authorization of other areas, to wit, an outside patio and an adjacent area with a capacity of 150 on event date 10/11/2014 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- g. VFW POST 8546 Club, Inc., 42 North Broadway, Salem, NH 03079.
Veterans Club License #21939 licensed pursuant to RSA 178:22, V(h).
Date petition received: 10/7/2014.
Requested approval for authorization of other areas, to wit, an outside fenced in area with a capacity of 650 for event date October 15, 2014 pursuant to RSA 178:24 and Liq. 404.05.
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:**

None

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

None