

AGENDA FOR THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, NOVEMBER 20, 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:

December 18, 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.
HEARING DATE MOVED AT HEARING OFFICER'S REQUEST.

December 18, 2014 @ 10:30 a.m.:

- b. Alburritos Mexican Restaurant, 406 Union Street, Littleton, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1398503 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.
Date of violation: March 28, 2014.
Case #: 14-133-OF.

December 18, 2014 @ 1:30 p.m.:

- c. Olde Kilkenny Pub, 30 Middle Street, Milford, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1410003 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 – 3 counts.
Dates of violations: April 16, 2011 & June 1, 2012.
Case #: 11-469-OF & 11-518-OF.

January 15, 2015 @ 9:30 a.m.:

- d. Arena Sports Bar & Nightclub, 53 High Street, Nashua, NH.
Restaurant Full Service With Lounge License #1453303 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: February 1 - 2, 2013.
Case #: 14-116-OF.

January 15, 2014 @ 10:00 a.m.:

- e. Dutch Treat Restaurant, 317 Main Street, Franconia, NH.
Restaurant Full Service With Lounge License #235003 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: August 23, 2014.
Case #: 14-308-OF.

January 15, 2015 @ 10:30 a.m.:

- f. Club Social, 240 Main Dunstable Road, Nashua, NH.
Social Club License #16501 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.
Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises – 3 counts.
Dates of violations July 18, 2013 – the present & May 3, 2014.
Case #: 14-91-OF & 14-170-OF.

January 15, 2015 @ 11:30 a.m.:

- g. Speedway Convenience Store, 905 Route 106, Loudon, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #885547 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:49 – stored beverages or liquor in any building other than that designated in the license.
Date of violation: September 2, 2014.
Case #: 14-317-OF.

2. NOTIFICATION OF DISCIPLINARY ACTION:

- a. Good Times Smoke Shop Nashua, 449 Amherst Street, Nashua, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #400606 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: September 23, 2014.
Case #: 14-359-OF.
The Licensee shall pay an administrative fine of \$1,000 with \$500 suspended for twelve (12) months pending no like violation and must be fully compliant with all requirements in RSA 178:20-a and all pertinent administrative rules by March 31, 2015.
- b. Flight Deck Gas & Convenience, 364 Route 11, New Durham, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3290547 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: July 18, 2014.
Case #: 14-189-OF.
An administrative fine of \$500 with \$250 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 three (3) days commencing December 5, 2014 with re-grant on December 8, 2014 and Michael White shall complete a Total Education in Alcohol Management (TEAM) seminar in a classroom on the next available date.

- c. Funky Monkey, 546 Main Street, Laconia, NH.
Sports Entertainment License #2503205 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 – 3 counts.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Dates of violations: February 15, 2014 & September 7, 2014.
Case #: 14-65-OF & 14-349-OF.
For violation of RSA 179:5, I, 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 seven (7) days with two (2) days held in abeyance for twelve (12) months pending no like violation commencing December 2, 2014 with re-grant on December 7, 2014, Michelle Zareas shall attend a Management Training Seminar (MTS) in a classroom on the next available date, Fred Foster and Dan Quimby shall attend a Total Education in Alcohol Management (TEAM) seminar in a classroom on the next available date & the Licensee shall contact the training unit to schedule training as indicated above; for violation of RSA 179:51, the Licensee shall pay an administrative fine of \$250.

- d. Naticook Fish and Grill, 454 Charles Bancroft Highway, Litchfield, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1485203 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person.
Date of violation: September 27, 2014.
Case #: 14-369-OF.
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 November 29, 2014 with re-grant on December 2, 2014 & Levi Smith and Michele DeBaker shall attend a Total Education in Alcohol Management (TEAM) seminar online by December 15, 2014.

- e. Veterans Of Foreign Wars, White Mountain Post 2520, 1107 Main Street, Berlin, NH.
Veterans Club License #19139 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.
Date of violation: April 2, 2014.
Case #: 14-303-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 shall be suspended for five (5) days with two (2) days held in abeyance for twelve (12) months pending no like violation commencing November 24, 2014 with re-grant on November 27, 2014, Dennis Bachand, Douglas Harvey and William Maddalena shall attend a Management Training Seminar (MTS) in a classroom on the next available date & Wilfred Burlock, Arthur Laflamme, Kristy Laflamme, Michael Legere, Richard McCready, Paul Parent, Patricia Rincon, Roland Sanschagrin and Maurice Tremblay shall attend a Total Education in Alcohol Management (TEAM) seminar online by December 15, 2014.

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

- a. Capital Beverages, 75 South Main Street, Concord, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3312947 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 178:18/RSA 175:1/Liq. 404.02 - failed to have representative grocery items commonly found in a grocery or convenience store.
Date of violation: October 2, 2014.
Case #: 14-374-OF.
\$250 administrative fine paid.

- b. Prime Time Sports Bar, 620 Lafayette Road, Seabrook, NH.
Restaurant Full Service With Lounge License #1463903 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:32, II – purchased beer from other than a holder of a wholesaler distributor license.
Date of violation: November 1, 2014.
Case #: 14-409-OF.
\$250 administrative fine paid.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Altaria Hotel LLC DBA Element Hanover-Lebanon, 25 Foothill Road, Lebanon, NH 03766.
To be issued Restaurant On-Premise Beverage and Wine License #1494803 pursuant to RSA 178:20.
- b. Dozo Restaurant, Inc., Dozo Japanese Cuisine, 96 State Street, Portsmouth, NH 03801.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1492603 pursuant to RSA 178:21.
30 Day Temporary License issued: 11/10/2014.
- c. EZ Stop III LLC, 905 Route 106, Loudon, NH 03307.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3322247 pursuant to RSA 178:18.
30 Day Temporary License issued: 11/12/2014.
- d. Lyme Inn LLC, 1 Market Street, Lyme, NH 03768.
To be issued Hotel On-Premise Beverage, Wine and Liquor License #370602 pursuant to RSA 178:24, II(b)(1).
30 Day Temporary License issued: 11/13/2014.
- e. Rick Martin LLC DBA Buffalo Wild Wings Grill and Bar #3,
Mall Of NH, 1500 South Willow Street, Manchester, NH 03103.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1494203 pursuant to RSA 178:21.

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

Winemaker's Kitchen (The) LLC, 80 Premium Outlets Boulevard #603, Merrimack, NH 03054.
To be issued Retail Wine License #3159146 pursuant to RSA 178:19.

6. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING NOVEMBER 18, 2014: 1,097

- a. Calendonia Spirits, Inc., 46 Log Yard Drive, Hardwick, VT 05843.
To be issued Liquor and Wine Vendor License #111945 pursuant to RSA 178:9.
- b. Dube & Robinson LLC, 55 Chocorua Road, Tamworth, NH 03886.
To be issued Wine Manufacturer License #566030 pursuant to RSA 178:8.
- c. Goddu, Diane, 36 Evans Circle, Keene, NH 03431.
To be issued Alcohol Consultant #502544 pursuant to RSA 178:27-a.
Direct Shipper Affiliated: 8192033 ITO Wines.

- d. Noisy Water Winery, 2342 Sudderth Drive, Ruidoso, NM 88345.
Direct Shipper Permit pursuant to RSA 178:27.
- e. Taylor Family Vineyards LLC, 902 Enterprise Way, Suite P, Napa CA 94558.
Direct Shipper Permit pursuant to RSA 178:27.

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. Lyme Inn LLC, 1 Market Street, Lyme, NH 03768.
Hotel On-Premise Beverage, Wine and Liquor License #370602 licensed pursuant to RSA 178:24, II(b)(1).
Date petition received: 11/13/2014.
Requested approval for authorization of other areas, to wit, an outside terrace garden area with a capacity of 28 pursuant to RSA 178:24 and Liq. 404.05.
- b. Lyme Inn LLC, 1 Market Street, Lyme, NH 03768.
Hotel On-Premise Beverage, Wine and Liquor License #370602 licensed pursuant to RSA 178:24, II(b)(1).
Date petition received: 11/13/2014.
Requested approval for authorization of other areas, to wit, an outside cellar patio area with a capacity of 12 pursuant to RSA 178:24 and Liq. 404.05.
- c. Lyme Inn LLC, 1 Market Street, Lyme, NH 03768.
Hotel On-Premise Beverage, Wine and Liquor License #370602 licensed pursuant to RSA 178:24, II(b)(1).
Date petition received: 11/13/2014.
Requested approval for authorization of other areas, to wit, an outside pergola garden area with a capacity of 75 pursuant to RSA 178:24 and Liq. 404.05.
- d. Peyton Place Restaurant at the Mann Tavern LLC, 454 NH Route 10, Orford, NH 03777.
Restaurant On-Premise Beverage/Wine/Liquor License #1204403 licensed pursuant to RSA 178:21.
Date petition received: 11/10/2014.
Requested a waiver of RSA 178:21, II, a (2) for authorization of reduction of hours, to wit, to reduce the hours of operation to less than five days a week from November 19, 2014 to April 8, 2015 as indicated in a letter dated November 5, 2014.
- e. Troko Entertainment, Inc. DBA Arena Sports Bar & Nightclub, 53 High Street, Nashua, NH 03060.
Restaurant On-Premise Cocktail Lounge License #1453303 licensed pursuant to RSA 178:22.
Date petition received: 11/10/2014.
Requested a waiver of RSA 178:21, II, a (2) for authorization of extension of hours, to wit, to extend the hours of operation on New Year's Eve to 1:30 am with glasses off the table at 2:00am as indicated in a letter dated November 7, 2014.

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:

Country Corner Mile LLC, Route 31, Greenville, NH 03048.

Agency Store Off-Premise Liquor Only License #980404 licensed pursuant to RSA 177:9.

Requested approval for renewal of license, to wit, to renew Agency Store Off-Premise Liquor Only License pursuant to RSA 177:9.

Recommendation: Approval.

AS PART OF THE COMMISSION'S YEARLY DUE DILIGENCE WITH ALL AGENCY STORE LICENSES, DEPUTY COMMISSIONER MILLIGAN TABLED THIS ITEM SO THAT DIRECTOR GERRISH CAN CONTACT THE LICENSEE TO OFFER WHATEVER ASSISTANCE HE MAY NEED RELATIVE TO THIS LIQUOR LICENSE. THE COMMISSION CURRENTLY HAS NO CONCERNS REGARDING THIS LICENSEE.

16. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

- a. Children's Museum of NH (The), 6 Washington Street, Dover, NH 03820.
To be issued one-day licenses for Voluntary Nonprofit Organizations Beverage/Wine/Liquor pursuant to RSA 178:20, II.
Event date: 11/15/2014.
Recommendation: Expedited approval.
Commission approved on 11/12/2014.
- b. Etz Hayim Synagogue, 1 ½ Hood Road, Derry, NH 03038.
To be issued one-day licenses for Voluntary Nonprofit Organizations Beverage/Wine/Liquor pursuant to RSA 178:20, II.
Event date: 11/15/2014.
Recommendation: Expedited approval.
Commission approved on 11/12/2014.
- c. NH Catholic Charities DBA NH Food Bank, Radisson, 700 Elm Street, Manchester, NH 03101.
To be issued one-day licenses for Voluntary Nonprofit Organizations Beverage/Wine/Liquor pursuant to RSA 178:20, II.
Event date: 11/15/2014.
Recommendation: Expedited approval.
Commission approved on 11/12/2014.
- d. NH Catholic Charities DBA NH Food Bank,
Portsmouth Harbor Events and Conference Center,
100 Deer Street At Portwalk Place, Portsmouth, NH 03801.
To be issued one-day licenses for Voluntary Nonprofit Organizations Beverage/Wine/Liquor

pursuant to RSA 178:20, II.
Event date: 11/22/2014.
Recommendation: Expedited approval.
Commission approved on 11/12/2014.