

AGENDA FOR THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, DECEMBER 11, 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 @ 9:00 a.m.:

- a. Lillianna's Diner, 43 Ashworth Avenue, Hampton, NH.
Restaurant Beverage and Wine License #1489803 licensed pursuant to RSA 178:20.
Cited for violation of RSA 178:2/Liq. 603.01 – failed to attend a required training program within 45 days of the issuance of the liquor license.
Date of violation: September 12, 2014.
Case #: 14-378-OF.

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

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

- c. 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 @ 11:00 a.m.:

- d. Zaboo, 24 Depot Street, Manchester, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1494103 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:23, V/Liq. 404.06 – failed to obtain a felon exception.
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person.
Cited for violation of RSA 179:44, I – gave away free drinks to customers, patrons, members or guests.
Dates of violations: August 28, 2014, October 31, 2014 & September 6, 2014.
Case #: 14-318-OF, 14-413-OF & 14-338-OF.

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

- e. 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.:

- f. 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, 2014 @ 10:00 a.m.:

- g. Club 550, 2025 White Mountain Highway, North Conway, NH.
Sports Entertainment License #2503005 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.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
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.
Date of violations: May 25, 2014.
Case #: 14-202-OF.

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

- h. 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 #s: 14-91-OF & 14-170-OF.

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

- i. 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.

January 15, 2015 @ 1:00 p.m.:

- j. Chop Shop Pub & Grub, 920 Lafayette Road, Seabrook, NH.
Caterer-Off-Site License #1282534 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.
Date of violation: June 20, 2014.
Case #: 14-220-OF.

January 15, 2015 @ 2:00 p.m.:

- k. Jade Palace, 28 Portsmouth Avenue, Stratham, NH.
Restaurant Full Service With Lounge License #1476403 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 179:44, I – gave away free drinks to customers, patrons, members or guests.
Date of violations: March 6, 2014.
Case #: 14-90-OF.

February 19, 2015 @ 9:30 a.m.:

- l. Foresters' Club Of Newport, 38 Maple Street, Newport, NH.
Social Club License #16201 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:19, VI/RSA 647:2 – allowed gambling and wagering on the premises.
Date of violation: July 11, 2014.
Case #: 14-269-OF.

February 19, 2014 @ 10:30 a.m.:

- m. Singin' Bowl, 10 Bridge Street #4, Pelham, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #401606 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: February 6, 2014.
Case #: 14-42-OF.

2. NOTIFICATION OF DISCIPLINARY ACTION:

- a. 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 #s: 11-469-OF & 11-518-OF.
An administrative fine of \$1,500 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 ten (10) days with six (6) days held in abeyance for twelve (12) months pending no like violation commencing December 14, 2014 with re-grant December 18, 2014, all violations and penalties referenced above shall become the responsibility of the licensees of liquor license #1453103 and shall be permanently recorded in the violation history for said license and all penalties included in this agreement will be permanent recorded under License #1453103.

- b. La Simpatia, 60 West Hollis Street, Nashua, NH.
Restaurant Beverage and Wine License #1480503 licensed pursuant to RSA 178:20.
Cited for violation of Liq. 603.06 – failed to comply with requirements of a Commission order.
Cited for violation of RSA 178:20, III – allowed beverages and liquor not sold by the licensee to be consumed on the premises.
Cited for violation of RSA 178:20, V – failed to be open to the public while serving alcohol beverages.
Cited for violation of RSA 179:50 – used or allowed the premises to be used for a purpose contrary to law.
Dates of violations: July 12, 2014 & July 18, 2014.
Case #: 14-244-OF & 14- 257-OF.
For violations of RSA 178:20, an administrative fine of \$200; for violation of RSA 179:50, an administrative fine of \$500 with \$250 suspended for twelve (12) months pending no like violation; for violation of Liq. 603.06, an administrative fine of \$500; restricted hours approved by the Liquor Commission on June 18, 2014 shall remain in place through December 18, 2014; if the licensee remains violation – free through December 18, 2014, the Division of Enforcement & Licensing will consider recommending to the Commission that they approve a full liquor license; and Dania Ventura shall attend a Management Training Seminar (MTS) in a classroom on the next available date.

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

- a. Athens Pizza House, 133 Main Street, Keene, NH.
Restaurant Beverage and Wine License #257003 licensed pursuant to RSA 178:20.
Cited for violation of Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: November 5, 2014.
Case #: 14-420-OF.
\$100 administrative fine paid.
- b. JP Stephens Restaurant & Tavern, 377 Route 202, Rindge, NH.
Restaurant Full Service With Lounge License #1399703 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.
Date of violation: October 25, 2014.
Case #: 14-426-OF.
\$100 administrative fine paid.
- c. Rosewood Barn General Store, 1386 Route 103, Newbury, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3151747 licensed pursuant to RSA 178:18/RSA 126-K:4.
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.
Date of violation: November 21, 2014.
Case #: 14-437-OF.
\$250 administrative fine paid.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Byrne, Robert DBA Byrne Auto Sales & Rentals, 114 Main Street, Gorham, NH 03581.
To be issued Retail Tobacco, Tobacco Only License #132917 pursuant to RSA 178:19-a.
30 Day Temporary License issued: 12/2/2014.
- b. Cinco De Mayo Bar & Grill LLC, 446 Central Avenue, Dover, NH 03820.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1498303 pursuant to RSA 178:21.
30 Day Temporary License issued: 12/4/2014.

- c. Dalton Country Store LLC, 395 Dalton Road, Dalton, NH 03598.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3323147 pursuant to RSA 178:18.
30 Day Temporary License issued: 12/3/2014.
- d. Greater Portsmouth Chamber of Commerce,
Sheraton Harborside Hotel, 250 Market Street, Portsmouth, NH 03802.
To be issued one-day licenses for Voluntary Nonprofit Organizations Beverage/Wine/Liquor pursuant to RSA 178:20, II.
Event date: 12/18/2014.
- e. Ishuivu Corporation DBA Keene Discount Mart, 443 Winchester Street, Keene, NH 03431.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3321447 pursuant to RSA 178:18.
- f. Kwik Stop LLC, 81 South Main Street, Concord, NH 03301.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3323747 pursuant to RSA 178:18.
30 Day Temporary License issued: 12/5/2014.
- g. Laabh LLC, 201 Islington Street, Portsmouth, NH 03801.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3321547 pursuant to RSA 178:18.
30 Day Temporary License issued: 12/1/2014.
- h. Murti, Inc. DBA Lee Mobil Mart, 48 Concord Road, Lee, NH 03861.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3322347 pursuant to RSA 178:18.
30 Day Temporary License issued: 12/2/2014.
- i. Nina's Pantry LLC, 80 North Main Street, Concord, NH 03301.
To be issued Retail Wine License #3159346 pursuant to RSA 178:19.
- j. Not Your Average Joe's, Inc. DBA Creative Casual Cuisine Restaurants,
221 DWH, Nashua, NH 03060.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1493303 pursuant to RSA 178:21.
- k. Shri Hari Corp. DBA Victor's Stateline Tobacco & Beverage, 62 Main Street, Rochester, NH 03868.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3322847 pursuant to RSA 178:18.
30 Day Temporary License issued: 12/2/2014.
- l. Siobhan's Table, Inc., 83 Charles Street, Route 153, Farmington, NH 03835.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3321747 pursuant to RSA 178:18.
30 Day Temporary License issued: 12/1/2014.

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 DECEMBER 9, 2014: 1,102

- a. Basha, Kimberly, 32 New Road, Canterbury, NH 03224.
To be issued Alcohol Consultant License #502844 pursuant to RSA 178:27-a.
Direct Shipper Affiliated: ITO Wines LLC, License #8192033.
- b. TSG LLC DBA The Wine Tasting Network, 578 Gateway Drive, Napa, CA 94558.
To be issued Direct Shipper Permit pursuant to RSA 178:27.
- c. West Bay Estates LLC DBA Colloca Estate, 14678 West Bay Road, Sterling, NY 13156.
To be issued 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. Aoude, Inc. DBA Global Gas & Convenience, 1 Hampton Drive, Londonderry, NH 03053.
Combination Off-Premise Beverage/Wine/Tobacco License #3205447 licensed pursuant to RSA 178:18.
Date petition received: 12/3/2014.
Requested permission to transfer alcohol inventory to a new location, to wit, to close the store and transfer its stock to Mr. Gas +, 36 West River Road, Hooksett, NH, License #3270547 pursuant to RSA178:29, VIII.
- b. Doogie's LLC, 37 Manchester Street, Manchester, NH 03101.
Restaurant On-Premise Beverage/Wine/Liquor License #1451403 licensed pursuant to RSA 178:21.
Date petition received: 12/3/2014.
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 January 1, 2015 to 1:30 am with glasses off the table by 2:00 am as indicated in a letter dated December 3, 2014.
- c. JPA III Management Co., Inc. DBA Radisson Hotel @ CTR of NH, 700 Elm Street, Manchester, NH 03101.
Hotel On-Premise Cocktail Lounge License #214602 licensed pursuant to RSA 178:22, V(k).
Date petition received: 12/2/2014.
Requested approval for an extension of service areas, to wit, during a holiday party event on December 10, 2014, guests are allowed with staffed security to carry their alcoholic drinks from the expo center to the café and ballrooms and back to the expo center; staff will control people carrying their alcoholic drinks from area to area pursuant to RSA 178:24 and Liq. 404.05.
- d. Mi Jalisco LLC, 586 Nashua Street, Unit 14, Milford, NH 03055.
Restaurant On-Premise Cocktail Lounge License #1434503 licensed pursuant to RSA 178:22.
Date petition received: 9/26/2014.
Requested approval for authorization of other area, to wit, an additional room for service with a total capacity of 125 pursuant to RSA 178:24 and Liq. 404.05.

- e. NH-Vacations.Com LLC DBA Schuster's Tavern, 580 Cherry Valley Road, Gilford, NH 03249. Hotel On-Premise Cocktail Lounge License #369702 licensed pursuant to RSA 178:22, V(k). Date petition received: 11/25/2014. Requested approval for authorization of other areas, to wit, three additional areas for service with a total capacity of 74 in the conference room, 15 on the outside deck, and 44 in an outside, fenced area pursuant to RSA 178:24 and Liq. 404.05.
- f. PTS Food Enterprises LLC DBA Milly's Tavern, 500 Commercial Street, Manchester, NH 03101. Brew Pub On-Premise Cocktail Lounge License #2001715 licensed pursuant to RSA 178:13. Date petition received: 12/2/2014. 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 January 1, 2015 to 1:30 am with glasses off the table by 2:00 am, as indicated in the letter dated December 2, 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:

Tobacco – Cheshire County:

- a. Bottoms Up Discount Beverage, 637 Route 12 South, Fitzwilliam, NH. Combination Off-Premises Beverage/Wine/Tobacco #702847 licensed pursuant to RSA 178:18/126-K:4. Cited for violation of RSA 126-K:4 – sold tobacco to an underage person during a compliance check for the second time in twelve (12) months. Date of violation: September 24, 2014. Case #: 14-356-OF. **THE LICENSEE WILL APPEAR BEFORE THE COMMISSION AT THIS MEETING PURSUANT TO RSA 126-K, 4, II & LIQ. 605.03.**
- b. Mr. Mike's, Routes 12 & 119, Fitzwilliam, NH. Combination Off-Premises Beverage/Wine/Tobacco #3289047 licensed pursuant to RSA 178:18/126-K:4. Cited for violation of RSA 126-K:4 – sold tobacco to an underage person during a compliance check. Date of violation: September 24, 2014. Case #: 14-356-OF. Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.
- c. State Line Grocery, 1117 Route 12 South, Fitzwilliam, NH. Combination Off-Premises Beverage/Wine/Tobacco #3191847 licensed pursuant to RSA 178:18/126-K:4. Cited for violation of RSA 126-K:4 – sold tobacco to an underage person during a compliance check. Date of violation: September 24, 2014. Case #: 14-356-OF. Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.

14. HEARING RESULTS:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

Firestone Walker LLC, 1400 Ramada Road, Paso Robles, CA 93446.
Beverage Vendor License #54731 licensed pursuant to RSA 178:15.
Requests approval of Firestone Walker XVIII Anniversary Ale with an alcohol content of 13.46% at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.

16. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

None