

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, DECEMBER 18, 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. Lilliana'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.

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, 2015 @ 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 @ 10:00 a.m.:

- f. 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.:

- g. 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.:

- h. 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.:

- i. 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.:

- j. 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.:

- k. 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, 2015 @ 10:30 a.m.:

- l. 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.

February 19, 2015 @ 11:00 a.m.:

- m. Pacific Fusion Restaurant, 356 D.W. Highway, Merrimack, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1442203 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: July 26, 2014.
Case #: 14-265-OF.

Date to be determined:

- n. 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 #s: 14-318-OF, 14-413-OF & 14-338-OF.
THE LICENSEE FILED A MOTION TO CONTINUE WHICH WAS GRANTED IN PART; NEW DATE TO BE DETERMINED.

2. NOTIFICATION OF DISCIPLINARY ACTION:

Waxy O'Connor's Irish Pub, 401 Winchester Street, Keene, NH.

Restaurant Full Service With Lounge License #1424103 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: June 2, 2013.

Case #: 14-121-OF.

An administrative fine of \$500, four (4) points shall be assessed to the liquor license and the license to sell alcohol around the bar, at any pool table and on all high-top tables shall be suspended for three (3) days commencing January 4, 2015 with re-grant January 7, 2015.

COMMISSION ACKNOWLEDGED.

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

a. Naticook Fish & 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 179:20, II – allowed an employee to consume alcoholic beverage while working.

Date of violation: September 4, 2014.

Case #: 14-335-OF.

\$100 administrative fine paid.

COMMISSION ACKNOWLEDGED.

b. Page Street Express Mart, 1036 Hanover Street, Manchester, NH.

Combination Off-Premises Beverage/Wine/Tobacco License #3285947 licensed pursuant to RSA 178:18/RSA 126-K:4.

Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.

Date of violation: November 12, 2014.

Case #: 14-421-OF.

\$100 administrative fine paid.

COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

a. Boys & Girls Club of the North Country, 2572 Route 302, Lisbon, NH 03585.

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

Event date: 1/25/2015.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

b. Dash Restaurants LLC DBA Chef's Market of North Conway,

2724 Main Street, North Conway, NH 03860.

To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1498703 pursuant to RSA 178:21.

30 Day Temporary License issued: 12/11/2014.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

c. Don Quijote Restaurant 2 LLC, 333 Valley Street, Manchester, NH 03103.

To be issued Restaurant On-Premise Cocktail Lounge License #1497503 pursuant to RSA 178:22.

30 Day Temporary License issued: 12/12/2014.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

- d. Family Dollar, Inc. DBA Family Dollar #10210, 543 US Route 4, Enfield, NH 03748.
To be issued Retail Tobacco, Tobacco Only License #133117
pursuant to RSA 178:19-a.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- e. Hoyts Cinemas Corporation DBA Regal Fox Run Stadium & RPX,
45 Gosling Road, Newton, NH 03801.
To be issued Restaurant On-Premise Beverage and Wine License #1497603
pursuant to RSA 178:20.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- f. New Leda Lanes, Inc. DBA Kegler's Den, 340 Amherst Street, Nashua, NH 03063.
To be issued Retail Tobacco, Tobacco Only License #133617 pursuant to RSA 178:19-a.
30 Day Temporary License issued: 12/11/2014.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- g. New Leda Lanes, Inc. DBA Kegler's Den, 340 Amherst Street, Nashua, NH 03063.
To be issued Sports Recreation License #6018505 pursuant to RSA 178:22, V(v).
30 Day Temporary License issued: 12/11/2014.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- h. New Leda Lanes, Inc. DBA Leda's Light House, 338 Amherst Street, Nashua, NH 03063.
To be issued Restaurant On-Premise Beverage and Wine License #1487803
pursuant to RSA 178:20.
30 Day Temporary License issued: 12/11/2014.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- i. PPT, Inc. DBA Pierre Place, 85 Route 9, West Chesterfield, NH 03466.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3321347
pursuant to RSA 178:18.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- j. Tom's Diner DBA Lowell Street Eatery, 36 Lowell Street, Manchester, NH 03101.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1499503
pursuant to RSA 178:21.
30 Day Temporary License issued: 12/8/2014.
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 DECEMER 12, 2014: 1,106

- a. Lange Winery LLC, 18380 NE Buena Vista Drive, Dundee, OR 97115.
Direct Shipper Permit pursuant to RSA 178:27.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- b. Truchard, Anthony DBA Truchard Vineyards, 3234 Old Sonoma Road, Napa, CA 94559.
To be issued Liquor and Wine Vendor License #111345 pursuant to RSA 178:9.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

- c. Vino.Com LLC DBA Total Beverage Solution,
421 Wando Park Blvd., Suite 200, Mount Pleasant, SC 29464.
To be issued Beverage Vendor License #72231 pursuant to RSA 178:15.
Manufacturer: Saison Dupont.
**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. Loyal Order of Moose 444, 1163 Sagamore Avenue, Portsmouth, NH 03802.
Social Club On-Premise Cocktail Lounge License #21401 licensed pursuant to RSA 178:22, V(h).
Date petition received: 12/11/2014.
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 from 1:30 am with glasses off the table at 2:00
am as indicated in the email dated December 9, 2014.
COMMISSION ACKNOWLEDGED.
- b. Not Your Average Joes, Inc. DBA Creative Casual Cuisine,
221 Daniel Webster Highway, Nashua, NH 03060.
Restaurant On-Premise Beverage/Wine/Liquor License #1493303 licensed pursuant to RSA 178:21.
Date petition received: 12/2/2014.
Requested approval for authorization of other areas, to wit, an outside patio area with capacity of 32
pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. Nouria Energy Retail, Inc., 174 Milton Road, Rochester, NH 03868.
Combination Off-Premise Beverage/Wine/Tobacco License #3283647 licensed
pursuant to RSA 178:18.
Date petition received: 12/4/2014.
Requested permission to transfer alcohol inventory to a new location, to wit, from License #3283647 to
License #3283147, located at 198 Milton Road, Rochester, NH, due to the store closing pursuant to
RSA178:29, VIII.
COMMISSION ACKNOWLEDGED.
- d. P.D.S. Restaurateurs, Inc. DBA Portsmouth Gas Light Co., 64 Market Street, Portsmouth, NH 03801.
Restaurant On-Premise Cocktail Lounge License #235103 licensed pursuant to RSA 178:22.
Date petition received: 12/9/2014.
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 from 1:30 am with glasses off the table at 2:00
am as indicated in the email dated December 9, 2014.
COMMISSION ACKNOWLEDGED.
- e. Sawaya Enterprises, Inc. DBA Strange Brew Tavern, 88 Market Street, Manchester, NH 03101.
Restaurant On-Premise Cocktail Lounge License #1094903 licensed pursuant to RSA 178:22.
Date petition received: 12/5/2014.
Requested a waiver of RSA 178: II, a (2) for authorization of extension of hours, to wit,
to extend the hours of operation on January 1, 2015 from 1:30 am with glasses off the table at 2:00
am as indicated in the letter dated December 5, 2014.
COMMISSION ACKNOWLEDGED.

- f. Tuesday Night Supper Club LLC DBA Salt Hill, 58 Main Street, Newport, NH 03773.
Restaurant On-Premise Beverage/Wine/Liquor License #1326003 licensed pursuant to RSA 178:21.
Date petition received: 12/4/2014.
Requested approval for authorization of other areas, to wit, an additional third floor area with a capacity of 50 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

10. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

- a. Buck Rub Pub, 2353 North Main Street, Pittsburg, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1217403 licensed pursuant to RSA 178:21.
Requested approval for a Felon Exception for Dawn Paul a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).
Case #: 14-370-OF.
COMMISSION ACKNOWLEDGED.
- b. Crowley's Variety & Grill, 351 Main Street, Farmington, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3249447 licensed pursuant to RSA 178:18/RSA 126-K:4.
Requested approval for a Felon Exception for Crissann Cormier a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).
Case #: 14-438-OF.
COMMISSION ACKNOWLEDGED.

11. NOTIFICATION OF DENIED FELON EXCEPTIONS:

None

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

None

13. NOTIFICATION OF COMPLIANCE CHECKS:

None

14. HEARING RESULTS:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

Young's General Store LLC, 2792 North Main Street, Pittsburg, NH 03592.
Agency Store Off-Premise Liquor Only License #980504 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.

INVESTIGATOR SOARES CONDUCTED A PREMISE INSPECTION ON OCTOBER 23, 2014 IN PREPARATION FOR RENEWAL ON FEBRUARY 1, 2015. 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:**

None