

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, JANUARY 14, 2016

1. HEARINGS TO BE HELD AT THE LIQUOR COMMISSION, 50 STORRS STREETS, CONCORD, NH:

January 22, 2016 @ 9:30 a.m.:

- a. Keith Murphy's Taproom, 494 Elm Street, Manchester, NH.
Restaurant Full Service With Lounge License #1333403 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violation: October 16, 2015.
Case #: 15-412-OF.

January 22, 2016 @ 10:30 a.m.:

- b. American Legion Post 31, 11 Charles Street, Penacook, NH.
Veterans Club License #18039 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 intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: May 9, 2015.
Case #: 15-181-OF.
ASSENTED-TO MOTION TO CONTINUE FILED BY LICENSEE; MOTION GRANTED.

January 22, 2016 @ 11:00 a.m.:

- c. Crazy Camel, 245 Maple Street, Unit #1, Manchester, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #402006 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 24, 2015. Case #: 15-65-OF.

January 22, 2016 @ 11:30 p.m.:

- d. 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 intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: March 13, 2015.
Case #: 15-153-OF.
ASSENTED-TO MOTION TO CONTINUE FILED BY THE LICENSEE AND GRANTED; NEW HEARING DATE IS 1/22/16 @ 11:30 A.M.

2. NOTIFICATION OF DISCIPLINARY ACTION:

- a. Boston Billiard Club, 55 Northeastern Blvd., Nashua, NH.
Billiards/Pool Hall/Sports Entertainment License #6012305 licensed pursuant to RSA 178:22, V(t)/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 intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: August 14, 2015.
Case #: 15-325-OF.

An administrative fine of \$3,000, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended for five (5) days to come forward from penalties imposed by the Commission on April 16, 2015 of which three (3) days shall be served commencing January 27, 2016 with re-grant January 30, 2016; the two (2) remaining days shall be held in abeyance for twelve (12) months pending no like violation; and all servers shall complete a Total Education in Alcohol Management (TEAM) seminar online by February 15, 2016.

COMMISSION ACKNOWLEDGED.

- b. Penuche's Ale House, 16 Bicentennial Square, Concord, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1092203 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 intoxicated or who a reasonable and prudent person would know is intoxicated.

Date of violation: July 25, 2013.

Case #: 14-175-OF.

Letter of Warning.

COMMISSION ACKNOWLEDGED.

THE COMMISSION REQUESTED THAT THESE LICENSEES APPEAR BEFORE THEM TODAY; DEPUTY COMMISSIONER MILLIGAN ADDRESSED THEM SIMULTANEOUSLY; HE STATED THAT THEY HAVE BOTH ACQUIRED A VIOLATION HISTORY IN A SHORT PERIOD OF TIME; THEY SHOULD CONTACT THE DOE AND THE COMMISSION, IF NECESSARY, TO REQUEST WHATEVER ASSISTANCE THEY MAY NEED TO HELP THEM OPERATE THEIR BUSINESSES SUCCESSFULLY; HE ASKED THE LICENSEES WHETHER THEY WERE SATISFIED WITH THE ASSISTANCE THEY HAVE RECEIVED THUS FAR; TODD TOUSLEY OF PENUCHE'S ALE HOUSE STATED THAT THE TEAM TRAINING PROGRAM WAS VERY GOOD AND THE ONLINE VERSION IS EASY TO USE; HOWEVER, HE PREFERS LIVE TRAINING BECAUSE IT IS MORE POWERFUL AND BECAUSE THE INVESTIGATOR CAN GIVE HIS PERSPECTIVE; IT IS IMPORTANT TO BE PROACTIVE WITH TRAINING NEW EMPLOYEES; KURT MATHIAS OF BOSTON BILLIARD CLUB STATED THAT HE HIRES AN OUTSIDE COMPANY ON A QUARTERLY BASIS TO TRAIN HIS EMPLOYEES; DEPUTY COMMISSIONER MILLIGAN INFORMED BOTH LICENSEES THAT VIOLATIONS CANNOT CONTINUE TO OCCUR AND THAT IT IS THEIR RESPONSIBILITY TO SEEK HELP TO PREVENT VIOLATIONS.

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

- a. Due Fratelli Imports, 73 Mill Road, North Yarmouth, ME.
Direct Shipper Permit #8238933 licensed pursuant to RSA 178:27.
Cited for violation of RSA 178:27, II – shipping and storing unauthorized product to New Hampshire.
Date of violation: December 23, 2015.
Case #: 15-489-OF.
\$100 administrative fine paid.

COMMISSION ACKNOWLEDGED.

- b. Gilford Square Market, 18 Weirs Road, Gilford, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3297447 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:32, I – purchased supplies of liquor and wine from other than the Commission or as provided by law.
Date of violation: December 17, 2015.

Case #: 15-487-OF.

\$250 administrative fine paid.

COMMISSION ACKNOWLEDGED.

- c. Mickey's Roadside Café, Route 4, Enfield, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1289403 licensed pursuant to RSA 178:21.
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 violation: December 22, 2015.

Case #: 15-488-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Almost There Sports Tavern & Restaurant LLC, 1287 NH Route 16, Albany, NH 03818.
To be issued Restaurant On-Premise Cocktail Lounge License #151980 pursuant to RSA 178:22.
30 Day Temporary License issued: 1/4/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. Sportszone Corporation (The), 7 A Street, Derry, NH 03038.
To be issued Restaurant On-Premise Beverage and Wine License #1503303 pursuant to RSA 178:20.
30 Day Temporary License issued: 1/4/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. Taboo Lounge LLC, 60 West Hollis Street, Nashua, NH 03060.
To be issued Restaurant On-Premise Beverage and Wine License #1520603 pursuant to RSA 178:20.
Conditions are as listed: Beverage/Wine and hours of sale will cease at 11 pm for a period of 6 months; re-evaluation in 6 months to allow an upgrade of the license to include liquor and regular hours of sale extended to 1 am.
Recommendation: approve with the above conditions listed.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- d. VMO Contracting & Management LLC DBA La Provence, 2043 Main Street, Bethlehem, NH 03574.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1518303 pursuant to RSA 178:21.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA 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 JANUARY 8, 2016: 1,154

None

7. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

8. NOTIFICATION OF APPROVED PETITIONS:

- a. A & C Matte Ent LLC DBA Ace Discount Cigarettes, 30 Bridge Street, Pelham, NH 03076.
Combination Off-Premise Beverage/Wine/Tobacco License #3166847.
Licensed pursuant to RSA 178:18 and RSA 178:19-a.
Date petition received: 12/17/2015.
Requested approval for authorization to transfer business location, to wit, to transfer location from 30 Bridge Street, Pelham, NH to 28 Bridge Street, Pelham, NH as indicated in their letter dated December 3, 2015 and pursuant to RSA178:29, VIII.
COMMISSION ACKNOWLEDGED.

- b. Penuche's, Inc. DBA Penuche's Ale House, 4 Canal Street, Nashua, NH 03060.
Restaurant On-Premise Beverage/Wine/Liquor License #1040103 licensed pursuant to RSA 178:21.
Date petition received: 1/4/2016.
Requested approval for authorization of other area, to wit, an additional area bringing the total capacity of the premise to 138 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. Tandy Stephens, Inc. DBA Tandy's Top Shelf, 1 Eagle Square, Concord, NH 03301.
Restaurant On-Premise Beverage/Wine/Liquor License #1404103 licensed pursuant to RSA 178:21.
Date petition received: 1/4/2016.
Requested approval for an outside area, to wit, an outside atrium area at 7 Eagle Square, Concord, NH with a capacity of 206 between 2:00 pm and midnight on January 9, 2016, sanctioned off appropriately pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

9. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

None

10. NOTIFICATION OF DENIED FELON EXCEPTIONS:

None

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

None

12. NOTIFICATION OF COMPLIANCE CHECKS:

None

13. COMMISSION DECISIONS PENDING AFTER HEARING:

Jade Palace, 28 Portsmouth Avenue, Stratham, NH.
Restaurant Full Service With Lounge License #1451603 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 – 2 counts.
Dates of violations: October 13, 2014 & December 28, 2014.
Case #s: 14-400-OF & 15-7-OF.
HEARING WAS HELD SEPTEMBER 17, 2015.
OCTOBER 1, 2015, THE COMMISSION ISSUED ITS DECISION AND ORDER ON OBJECTIONS RAISED AT THE PRE-HEARING CONFERENCE AND HEARING; LICENSEE'S OBJECTION TO SGT. EMERSON'S AND SGT. CALL'S TESTIMONY IS DENIED; OBJECTION TO INVESTIGATOR MONE'S TESTIMONY IS DENIED; AND OBJECTION TO EXCLUDE POLICE AND INCIDENT REPORTS AS WELL AS A LICENSEE'S VIOLATION HISTORY AS EXHIBITS IS GRANTED.
THE DOE FILED AN OBJECTION TO THE DECISION AND ORDER ON OBJECTIONS RAISED AT THE PRE-HEARING CONFERENCE AND HEARING.
RESPONSE TO OBJECTION TO NOTICE OF DECISION AND ORDER FILED BY THE LICENSEE.
11/24/15, NOTICE OF DECISION REGARDING DOE'S OBJECTION AND FINAL DECISION AND ORDER ISSUED BY THE COMMISSION; RECOMMENDED PENALTIES REQUESTED OF BOTH PARTIES BY 12/2/15;
ASSENTED-TO MOTION TO EXTEND DEADLINE FOR RECOMMENDED PENALTIES FILED BY THE LICENSEE AND GRANTED BY THE COMMISSION; RECOMMENDATIONS ARE DUE BY 12/10/15.
DECISION DATED 12/11/15 - A FINE OF \$2,000 IS IMPOSED WITH \$1,000 HELD IN ABEYANCE FOR A PERIOD OF ONE YEAR ON THE CONDITION OF NO LIKE VIOLATIONS. THE FINE OF \$1,000 SHALL BE PAID WITHIN 30 DAYS; A SUSPENSION OF 10 DAYS IS IMPOSED WITH 8 DAYS HELD IN ABEYANCE

FOR A PERIOD OF 12 MONTHS ON THE CONDITION OF NO LIKE VIOLATIONS. THE IMPOSED SUSPENSION SHALL COMMENCE AT 12:00 A.M. ON DECEMBER 21, 2015 WITH A RE-GRANT ON DECEMBER 23, 2015 AT 12:00 A.M.; FOUR POINTS SHALL BE ASSESSED TO LIQUOR LICENSE #1476403; ALAN YANG SHALL CONTACT THE TRAINING UNIT WITHIN 10 DAYS TO SCHEDULE ATTENDANCE AT A MANAGEMENT TRAINING SEMINAR (MTS) NO LATER THAN JANUARY 30, 2016; AND JASON YANG SHALL CONTACT THE TRAINING UNIT WITHIN 10 DAYS TO SCHEDULE ATTENDANCE AT A TOTAL EDUCATION IN ALCOHOL MANAGEMENT (TEAM) SEMINAR NO LATER THAN JANUARY 30, 2016.

MOTION TO STAY PENALTY FILED BY LICENSEE ON DECEMBER 21, 2015.

14. NOTIFICATION OF HEARING RESULTS:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

None

16. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

None