

AGENDA FOR THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, JANUARY 28, 2016

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

February 26, 2016 @ 10:30 a.m.:

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.

ASSENTED-TO MOTION TO CONTINUE FILED BY THE DOE AND GRANTED ON 1/20/16.

2. NOTIFICATION OF DISCIPLINARY ACTION:

a. 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.

An administrative fine of \$750, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended for three (3) days with two (2) days held in abeyance for twelve (12) months pending no like violation to occur on February 6, 2016 and all bartenders including but not limited to Nicole Edes, Colleen Drapeau, Susanne Walter, Sharri Connor and Patricia Lasko shall complete a Total Education in Alcohol Management (TEAM) seminar online by February 29, 2016.

b. Chi Cha, 5 Pleasant Street Extension, Concord, NH.

Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #403006 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.

Cited for violation of RSA 178:20-a, II(d) – allowed the service of food on the licensed premise.

Dates of violations: December 1, 2015 & December 2, 2015.

Case #s: 15-451-OF & 15-464-OF.

Administrative fine of \$100 for each violation.

c. 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).

Date of violation: October 16, 2015.

Case #: 15-412-OF.

\$250 suspended for twelve (12) months pending no like violation and this matter will be deleted from the violation history if no like violation occurs within twelve (12) months.

- d. Slade's Food & Spirits, 4 West Hollis Street, Nashua, NH.
Restaurant Full Service With Lounge License #1071603 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Date of violation: February 23, 2014.
Case #: 15-362-OF.
For violation of RSA 179:5, I, an administrative fine of \$ \$500, four (4) points shall be assessed to the liquor license, the license to sell alcohol in the cocktail lounge only shall be suspended for three (3) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing January 31, 2016 with re-grant on February 2, 2016 and Nicole Weldy shall complete a Total Education in Alcohol Management (TEAM) seminar online by February 10, 2016; for violation of RSA 179:23, IV, an administrative fine of \$ \$250 suspended for twelve (12) months pending no like violation.

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

Bravo Pizza, 12 South Street, Milford, NH.
Restaurant Beverage and Wine License #1083603 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: January 6, 2016.
Case #: 16-8-OF.
\$100 administrative fine paid.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Baker, Julie, DBA Baron Forrester, 446 Lafayette Road, Hampton, NH 03842.
To be issued Retail Wine License #3160446, licensed pursuant to RSA 178:19.
- b. Cook and Garcia Holdings LLC DBA Harold Square A NY Eatery,
226 Rockingham Road, Londonderry, NH 03053.
To be issued Restaurant On-Premise Beverage and Wine License #1522103 pursuant to RSA 178:20.
30 Day Temporary License issued: 1/19/2016.
- c. New Taj India, Inc., 47-49 East Pearl Street, Nashua, NH 03060.
To be issued Restaurant On-Premise Cocktail Lounge License #1520503 pursuant to RSA 178:22.
30 Day Temporary License issued: 1/15/2016.
- d. NH Association of Chiefs of Police,
Grappone Conference Center, Merrimack Room, Concord, NH 03301.
To be issued an off-sale special Voluntary Nonprofit Organizations Beverage/Wine/Liquor license pursuant to RSA 178:17, II.
Event date: 2/5/2016.
- e. Niche Import Company DBA Niche W & S,
45 Horsehill Road, Suite 106A, Cedar Knolls, NJ 07927.
To be issued Liquor and Wine Vendor License #113145 pursuant to RSA 178:9.
- f. Sabemos Beverages LLC DBA Sage Beverages,
2386 Faraday Avenue, Suite 105, Carlsbad, CA 92008.
To be issued Beverage Vendor License #76631 pursuant to RSA 178:15.
Manufacturer: Lucky Drink P/L.
- g. Tuckerman Brewing Co., 66 Hobbs Street, Conway, NH 03818.
To be issued a Beer Festival License pursuant to RSA 178:30.
Event date: 2/14/2016.

- h. Tuckerman Brewing Co., 66 Hobbs Street, Conway, NH 03818.
To be issued a Beer Festival License pursuant to RSA 178:30.
Event date: 3/13/2016.
- i. Tuckerman Brewing Co., 66 Hobbs Street, Conway, NH 03818.
To be issued a Beer Festival License pursuant to RSA 178:30.
Event date: 4/24/2016.
- j. Tuckerman Brewing Co., 66 Hobbs Street, Concord, NH 03818.
To be issued a Beer Festival License pursuant to RSA 178:30.
Event date: 5/22/2016.

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

6. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING JANUARY 25, 2016: 1,155

Forman Vineyard, 1501 Big Rock Road, St. Helena, CA 94574.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.

7. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

8. NOTIFICATION OF APPROVED PETITIONS:

- a. Lothrop, Scott DBA My Place Market & Deli, 79 North Street, Keene, NH 03431.
Combination Off-Premise Beverage/Wine/Tobacco License #3291147.
Licensed pursuant to RSA178:18 and RSA 178:19-a.
Date petition received: 12/31/2015.
Requested approval for authorization to transfer business location, to wit, to transfer the location from 79 North Street, Keene, NH to 36 Central Square, Keene, NH as indicated in a letter dated 12/28/2015 and pursuant to RSA178:29, VIII.
- b. R C Gadway, Inc. DBA Federal Cigar, 284 Central Avenue, Dover, NH 03820.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #402606.
Licensed pursuant to RSA 178:20-a.
Date petition received: 1/15/2016.
Requested approval for retention of invoices at another location, to wit, to retain invoices at the corporate office located at 36 Market Street, Portsmouth, NH 03820 pursuant to RSA 179:25.
- c. R C Gadway, Inc. DBA Federal Cigar, 96 Calef Highway, Unit 9, Epping, NH 03042.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #402706.
Licensed pursuant to RSA 178:20-a.
Date petition received: 1/15/2016.
Requested approval for retention of invoices at another location, to wit, to retain invoices at the corporate office located at 36 Market Street, Portsmouth, NH 03820 pursuant to RSA 179:25.
- d. R C Gadway, Inc. DBA Federal Cigar, 4 Plaistow Road, Plaistow, NH 03865.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #402806.
Licensed pursuant to RSA 178:20-a.
Date petition received: 1/15/2016.
Requested approval for retention of invoices at another location, to wit, to retain invoices at the corporate office located a 36 Market Street, Portsmouth, NH 03820 pursuant to RSA 179:25.

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:

ALCOHOL COMPLIANCE CHECKS –

Bedford:

- a. Castros Back Room, 132 Bedford Center Road, Bedford, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #402906 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: November 20, 2015.
Case #: 15-434-OF.
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.
- b. Circle K, 8 White Avenue, Bedford, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3328147 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: November 20, 2015.
Case #: 15-434-OF.
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.
- c. Hannaford Food & Drug, 5 Colby Court, Bedford, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #7887547 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: November 20, 2015.
Case #: 15-434-OF.
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.
- d. Pizza Bella, 178 Route 101, Bedford, NH.
Restaurant Beverage and Wine License #443103 licensed pursuant to RSA 178:20.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: November 20, 2015.
Case #: 15-434-OF.
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.

- e. Pizza Mia, 460 Route 101, Bedford, NH.
Restaurant Beverage and Wine License #1415703 licensed pursuant to RSA 178:20.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: November 20, 2015.
Case #: 15-434-OF.
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days of the date of the violation.

13. COMMISSION DECISIONS PENDING AFTER HEARING:

None

14. NOTIFICATION OF HEARING RESULTS:

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.
FINAL ORDER: 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; 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 FEBRUARY 1, 2016 WITH RE-GRANT ON FEBRUARY 3, 2016 AT 12:00 A.M.;
FOUR POINTS SHALL BE ASSESSED TO LIQUOR LICENSE #1476403; THE LICENSEE SHALL CONTACT THE DIVISION OF ENFORCEMENT'S TRAINING UNIT TO SCHEDULE THE TRAINING; ALAN YANG SHALL CONTACT THE TRAINING UNIT WITHIN 10 CALENDAR DAYS TO SCHEDULE A MANAGEMENT TRAINING SEMINAR (MTS) NO LATER THAN MARCH 31, 2016; AND JASON YANG

SHALL CONTACT THE TRAINING UNIT WITHIN 10 CALENDAR DAYS TO SCHEDULE A TOTAL EDUCATION IN ALCOHOL MANAGEMENT (TEAM) SEMINAR NO LATER THAN MARCH 31, 2016.

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

Mark Anthony Brands, Inc. DBA Mike's Hard Lemonade Co., 328 S. Jefferson Street, Chicago, IL 60661.
Beverage Vendor License #29131 licensed pursuant to RSA 178:15.

Date petition received: 1/14/2016.

Requests approval of Mike's Harder Original Orange Soda with an alcohol content of 8% at 60 degrees Fahrenheit by volume and Mike's Harder Mango Lemonade with an alcohol content of 8% at 60 degrees Fahrenheit by volume, licensed pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.

Recommendation: Approval.

16. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

None