

AGENDA FOR THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, SEPTEMBER 10, 2015

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

September 17, 2015 @ 9:30 a.m.:

- a. Mise En Place Bistro, 96 Lehner Street, Wolfeboro, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1221903 licensed pursuant to RSA 178:21.
Cited for violation of RSA 178:19/Liq. 704.01(b)(6) – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: May 5, 2015.
Case #: 15-203-OF.

September 17, 2015 @ 9:30 a.m.:

- b. Molly's Tavern & Restaurant, 35 Mount Vernon Road, New Boston, 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 178:19/Liq. 704.01(b)(6) – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: June 2, 2015.
Case #: 15-225-OF.

September 17, 2015 @ 9:30 a.m.:

- c. Myuge, 163 Camino Dorado, Napa, CA.
Direct Shipper Permit #8229833 licensed pursuant to RSA 178:27.
RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 178:27, V – failed to file a Direct Shipper Report by the 15th of the following month – 4 counts.
Date of violations: January through April, 2015.
Case #: 15-205-OF.

September 17, 2015 @ 1:30 p.m.:

- d. 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.

October 15, 2015 @ 11:00 a.m.:

- e. Whiskey Barrel BBQ & Roadhouse, 200 Portland Street, Lancaster, NH.
Restaurant Full Service With Lounge License #1488803 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.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise – 3 counts
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.
Dates of violations: March 29, 2015 & May 10, 2015.
Case #s: 15-114-OF & 15-184-OF.

October 15, 2015 @ 1:30 p.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 #: 14-170-OF.
**THE LICENSEE REQUESTED AND WAS GRANTED A CONTINUANCE.
TO BE RESCHEDULED AT THE REQUEST OF THE CHIEF HEARINGS OFFICER.**

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

- g. Jewel Nightclub, 61 Canal Street, Manchester, NH.
Sports Entertainment License #6018305 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 intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violations: February 22, 2015.
Case #s: 15-61-OF & 15-63-OF.

December 17, 2015 @ 9:30 a.m.:

- h. 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.

Date to be determined:

- i. 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 Liq. 603.06 – failed to comply with requirements of a Commission order.
Date of violation: August 19, 2015.
Case #: 15-336-OF.
MOTION TO CONTINUE FILED BY LICENSEE; ALLOWED ON SEPTEMBER 3, 2015.

2. NOTIFICATION OF DISCIPLINARY ACTION:

- a. Golden Garden, 32 Lafayette Road, North Hampton, NH.
Restaurant Full Service With Lounge License #1004603 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 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises.
Cited for violation of RSA 179:40, II – refilled bottles of legally purchased beverage or liquor.
Dates of violations: April 13, 2015 & July 7, 2015.
Case #: 15-175-OF.
For violation of RSA 179:5, I, 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 in the cocktail lounge only for three (3) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing September 13, 2015 with re-grant on September 15, 2015 and Man Kan aka Betty Wong shall attend a Management Training Seminar (MTS) in a classroom by September 30, 2015; for violation of RSA 179:23, IV, an administrative fine of \$250; and for violation of RSA 179:40, II, an administrative fine of \$250.

- b. Pasta Loft Restaurant, 241 Union Square, Milford, NH.
Restaurant Full Service With Lounge License #1053803 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: September 26, 2014.
Case #: 14-106-OF.
An administrative fine of \$500, four (4) points shall be assessed to the liquor license, the license to sell alcohol on the deck only shall be suspended for three (3) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing September 14, 2015 with re-grant on September 16, 2015 & Terrance Connor shall attend a Management Training Seminar (MTS) in a classroom by October 10, 2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO TABLE THIS ITEM UNTIL THE LICENSEE CAN APPEAR; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

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

- a. Indian Head Motel Resort, Route 3, Lincoln, NH.
Hotel Full Service With Lounge License #214202 licensed pursuant to RSA 178:21, II(b)(1)/178:22, V(k).
Cited for violation of RSA 178:22, III – allowed consumption of alcohol on the premises that was not sold by the licensee.
Date of violation: July 10, 2015.
Case #: 15-292-OF.
\$100 administrative fine paid.
- b. Lone Wolfe Brewing Company, 39 North Main Street, C1, Wolfeboro, NH.
Nano Brewery, Beer and/or Specialty Beer License #201722 licensed pursuant to RSA 178:12-a.
Cited for violation of RSA 178:12-a, I – failed to file a report and pay fees for July, 2015.
Date of violation: August 17, 2015.
Case #: 15-323-OF.
\$100 administrative fine paid.
- c. Rivas Meat Market, 158 Spruce Street, Manchester, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3330647 licensed pursuant to RSA 178:18/RSA 126-K:4.
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: August 15, 2015.
Case #: 15-322-OF.
\$100 administrative fine paid.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. 217 Nashua Innkeepers LLC DBA Homewood Suites Nashua,
15 Tara Boulevard, Nashua, NH 03062.
To be issued Hotel On-Premise Beverage, Wine and Liquor License #370902 pursuant to RSA 178:24, II(b)(1).

- b. Chloey Bear LLC DBA South Street and Vine, 359 Marcy Street, Portsmouth, NH 03801.
To be issued Retail Wine License #3159846 pursuant to RSA 178:19.
30 Day Temporary License issued: 9/1/2015.
- c. Eastman's Corner Foundation, Inc. DBA Farm At Eastman's Corner (The),
267 South Road, Kensington, NH 03833.
To be issued Combination Off-Premise Beverage and Wine License #3335547
pursuant to RSA 178:18.
30 Day Temporary License issued: 9/2/2015.
- d. Exeter Area Chamber of Commerce, Swasey Park, Swasey Parkway, Exeter, NH 03833.
To be issued a Beer Festival License pursuant to RSA 178:30.
Event date: 10/3/2015.
- e. Funktion Spirits & Spoonfuls LLC, 931 Elm Street, Manchester, NH 03101.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1511703
pursuant to RSA 178:21.
30 Day Temporary License issued: 9/2/2015.
- f. Green Elephant NH INC DBA Green Elephant Vegetarian Bistro & Bar,
35 Portwalk Place, Portsmouth, NH 03801.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1504403
pursuant to RSA 178:21.
- g. Kiwanis Club of Claremont NH, Visitor Center Green, 14 North Street, Claremont, NH 03743.
To be issued a Beer Festival License pursuant to RSA 178:30.
Event date: 9/19/2015.
- h. Plex Fitness LLC DBA NH Sportsplex, 68 Technology Drive, Bedford, NH 03110.
To be issued Restaurant On-Premise Beverage and Wine License #1515303
pursuant to RSA 178:20.
30 Day Temporary License issued: 9/2/2015.
- i. Strawberry Banke Museum, 14 Hancock Street, Portsmouth, NH 03801.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to
RSA 178:22, V(I).
Event date: 9/19/2015.

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 SEPTEMBER 4, 2015: 1,141

- a. Breckenridge Brewery LLC, 2920 Brewery Lane, Littleton, CO 80120.
To be issued Beverage Vendor License #74831 pursuant to RSA 178:15.
Manufacturer: Breckenridge Brewery.
- b. Grieb Optimal Winecrafting LLC DBA Treveri Cellars, 71 Gangl Road, Wapato, WA 98951.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
- c. Kobrand Corporation, 1 Manhattanville Road, Purchase, NY 10577.
Direct Shipper Permit Importer, Wholesaler or Retailer pursuant to RSA 178:27.

- d. Paso's Best Wines LLC DBA Pasos BestWines.com,
708 Paso Robles Street, Suite C, Paso Robles, CA 93446
Direct Shipper Permit Importer, Wholesaler or Retailer pursuant to RSA 178:27.

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

None

8. NOTIFICATION OF APPROVED PETITIONS:

- a. American Citizens of Polish Descent of Newmarket NH INC DBA American Citizens of Polish Descent, Social Club On-Premise Cocktail Lounge License #10601 licensed pursuant to RSA 178:22, V(h).
Date petition received: 9/3/2015.
Requested approval for authorization of other area, to wit, an outside area with a total capacity of 75 for event date September 12, 2015 pursuant to RSA 178:24 and Liq. 404.05.
- b. Hospitality Resources, Inc. DBA Bedford Village Inn & Rest. 2 Olde Bedford Way, Bedford, NH 03110.
Hotel On-Premise Cocktail Lounge License #349602.
Licensed pursuant to RSA 178:22, V(k).
Requested an exception to RSA 178:27, III, to wit, for authorization to purchase wine from a Direct Shipper, Kerwin Estate LLC DBA Araujo Estate Wines, 2155 Pickett Road, Calistoga, CA 94515, Permit #8212433, pursuant to RSA 178:32, III.

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:

Tobacco – Berlin & Gorham, NH:

Moe's Variety, 4 Lancaster Road, Gorham, NH.
Combination Off-Premises Beverage/Wine/Tobacco #733947 licensed pursuant to RSA 178:18/RSA 126-K: 4.
Cited for violation of RSA 126-K: 4 – sold tobacco to an underage person during a compliance check.
Date of violation: August 8, 2015.
Case #: 15-310-OF.
Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety days of the date of the violation.

Tobacco – Hollis, NH:

- a. Hollis Pharmacy, 6 Ash Street, Hollis, NH.
Sports Entertainment License #3123147 licensed pursuant to RSA 178:22, V(u)(1).
Cited for violation of RSA 126-K: 4 – sold tobacco to an underage person during a compliance check.
Date of violation: August 13, 2015.
Case #: 15-319-OF.
Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS)

within ninety days of the date of the violation.

- b. Hollis Village Grocery, 1 Main Street, Hollis, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3037447 licensed pursuant to RSA 178:18/RSA 126-K: 4.
Cited for violation of RSA 126-K: 4 – sold tobacco to an underage person during a compliance check.
Date of violation: August 13, 2015.
Case #: 15-319-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. Overlook Golf Club, 3 Overlook Drive, Hollis, NH.
Sports Entertainment License #5505 licensed pursuant to RSA 178:22, V(u)(1).
Cited for violation of RSA 126-K: 4 – sold tobacco to an underage person during a compliance check.
Date of violation: August 13, 2015.
Case #: 15-319-OF.
Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety days of the date of the violation.

Tobacco – Plaistow, NH:

Shaws Supermarket 7669, 4 Plaistow Road, Plaistow, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3204847 licensed pursuant to RSA 178:18/RSA 126-K: 4.
Cited for violation of RSA 126-K: 4 – sold tobacco to an underage person during a compliance check.
Date of violation: August 26, 2015.
Case #: 15-334-OF.
Verbal warning 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:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

- a. Canal Street Brewing Company LLC DBA Founders Brewing Company,
235 Grandville Avenue SW, Grand Rapids, MI 49503.
Beverage Vendor License #62431 licensed pursuant to RSA 178:15.
Requests approval for a specialty beer label depicting an image of a minor, Founders Breakfast Stout with an alcohol content of 6.45% at 60 degrees Fahrenheit by volume pursuant to RSA 179:31, VII(a).
Recommendation: Approval.
- b. Schilling Cider LLC, 4402 D Street NW, Suite 101, Auburn, WA 98001.
Beverage Vendor License #74731 licensed pursuant to RSA 178:15.
Requests approval of Dry Cider with an alcohol content of 6.85%, Hopped Cider with an alcohol content of 6.87%, Ginger Cider with an alcohol content of 6.04% and Oak Aged Cider with an alcohol content of 6.28% at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.
Recommendation: Approval.
- c. “Commission Action: The Division of Enforcement and Licensing requests issuance of an order banning the sale and the direct shipment of powdered alcohol in the state.”

16. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

- a. Annunciation Greek Orthodox Church of Dover NH,
Hellenic Center, 219 Long Hill Road, Dover, NH 03820.
To be issued one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor Licenses pursuant to RSA 178:22, V(l).
Event dates: 9/4/2015 & 9/5/2015.
Recommendation: Expedited approval.
Commission approved on 8/28/2015.
- b. Canterbury Shaker Village, North Shop, 288 Shaker Road, Canterbury, NH 03224.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 9/12/2015.
Recommendation: Expedited approval.
Commission approved on 9/3/2015.
- c. Concord Hospital Trust, Elm Brook Park, 2097 Maple Street, Hopkinton, NH 03229.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 9/12/2015.
Recommendation: Expedited approval.
Commission approved on 9/3/2015.
- d. NH Catholic Charities DBA NH Food Bank,
Mel's Funway Park, 454 Charles Bancroft Highway, Litchfield, NH 03052.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 9/12/2015.
Recommendation: Expedited approval.
Commission approved on 9/3/2015.
- e. Richard Free Library, Parlin Field Airport, Airport Road, Newport, NH 03773.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 9/12/2015.
Recommendation: Expedited approval.
Commission approved: 9/3/2015.
- f. Strawberry Banke Museum, 14 Hancock Street, Portsmouth, NH 03801.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 9/12/2015.
Recommendation: Expedited approval.
Commission approved on 9/3/2015.
- g. Strawberry Banke Museum, 14 Hancock Street, Portsmouth, NH 03801.
To be issued an off-sale, special Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:17, II.
Event date: 9/12/2015.
Recommendation: Expedited approval.
Commission approved on 9/3/2015.
- h. 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 179:5, 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 – 2 counts.

Dates of violations: October 31, 2014, September 6, 2014 & January 9, 2015.

Case #: 14-413-OF, 14-338-OF & 15-24-OF.

THE LICENSEE FILED A MOTION TO CONTINUE WHICH WAS GRANTED IN PART; NEW DATE TO BE DETERMINED.

SETTLEMENT PENDING.

HEARING REQUESTED BY LICENSEE.

LICENSEE HAS RETAINED COUNSEL; ASSENTED-TO MOTION TO CONTINUE FILED BY LICENSEE; DECISION PENDING.

HEARING HELD MAY 21, 2015.

LICENSEE FILED A MOTION FOR RECONSIDERATION ON JUNE 2, 2015.

LICENSEE FILED A MOTION FOR RECONSIDERATION FOR GOOD CAUSE ON JUNE 3, 2015.

ON JUNE 5, 2015, THE DIVISION OF ENFORCEMENT & LICENSING FILED A RESPONSE TO BOTH MOTIONS FOR RECONSIDERATION FILED BY THE LICENSEE.

ON JUNE 10, 2015, THE CHIEF HEARINGS OFFICER FOUND THAT THE LICENSEE WAS DEFAULTED IN ERROR ON MAY 21, 2015; A NEW PRE-HEARING AND HEARING WILL BE SCHEDULED; ACCORDINGLY, THERE IS NO NEED TO RULE ON THE LICENSEE'S MOTION TO RECONSIDER FOR GOOD CAUSE SHOWN; THE DIVISION OF ENFORCEMENT & LICENSING IS NOT REQUIRED TO PRODUCE BRIAN GUNNING AS A WITNESS.

LICENSEE SURRENDERED HIS LICENSE ON SEPTEMBER 2, 2015.