

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR WEDNESDAY, AUGUST 12, 2015

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:

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

- a. Blue Moon Country Store, 612 Ossipee Lake Road, Freedom, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3019147 licensed pursuant to RSA 178:18/RSA 126-K:4.
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 26, 2015.
Case #: 15-223-OF.

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

- b. 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.:

- c. 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.:

- d. 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 @ 10:30 a.m.:

- e. 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 #s: 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.

September 17, 2015 @ 1:00 p.m.:

- f. 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.

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

- g. 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.

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

- h. 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 #: 15-61-OF & 15-63-OF.

To be determined:

- i. Club Manchvegas, 50 Old Granite Street, Manchester, NH.
Restaurant Full Service With Lounge License #1419703 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 intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Date of violation: March 22 – 23, 2014.
Case #: 14-124-OF.
LICENSEE WILL FILE A MOTION TO CONTINUE.
DECISION PENDING.
MOTION GRANTED.
RESCHEDULED AT THE REQUEST OF THE CHIEF HEARINGS OFFICER.
TO BE RESCHEDULED AT THE REQUEST OF THE CHIEF HEARINGS OFFICER.

To be determined:

- j. 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.

2. NOTIFICATION OF DISCIPLINARY ACTION:

- a. Farm Bar & Grill (The), 25-A Portland Street, Dover, NH.
Restaurant Full Service With Lounge License #1424403 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: November 25, 2014 & December 23, 2014.
Case #: 14-446-OF & 15-29-OF.
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 and the license to sell alcohol shall be suspended in the cocktail lounge that hold seating for 77 people for five (5) days with two (2) days held in abeyance for twelve (12) months pending no like violation commencing August 17, 2015 with re-grant August 20, 2015.
COMMISSION ACKNOWLEDGED.
- b. Imperial Palace Restaurant, 93 Main Street, Woodstock, NH.
Restaurant Full Service With Lounge License #1318603 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 – 2 counts.
Dates of violations: February 4, 2015 & April 17, 2015.
Case #: 15-133-OF.
An administrative fine of \$1,500 with \$500 suspended for twelve (12) months pending no like violation,

four (4) points shall be assessed to the liquor license and the license to sell alcohol shall be suspended for three (3) days commencing August 19, 2015 with re-grant August 22, 2015.

COMMISSION ACKNOWLEDGED.

- c. La Carreta Xitlali, 545 DW Highway #7, Manchester, NH.
Restaurant Full Service With Lounge License #1089003 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: May 5, 2015.
Case #: 15-174-OF.
An administrative fine of \$250 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 three (3) days held in abeyance for twelve (12) months pending no like violation and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar in a classroom by August 22, 2015 for Roberto Sarmiento and Yovani Garcia.
COMMISSION ACKNOWLEDGED.
- d. Margarita's Mexican Restaurant & Watering Hole, 1 Nashua Drive, Nashua, NH.
Restaurant Full Service With Lounge License #1091603 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: June 21, 2015.
Case #: 15-257-OF.
An administrative fine of \$500, four (4) points shall be assessed to the liquor license and 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 August 23, 2015 with re-grant August 25, 2015.
COMMISSION ACKNOWLEDGED.

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

Circle K 7207, 86 West River Road, Hooksett, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3221247 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.
Cited for violation of RSA 179:18 – failed to post an age requirement sign.
Date of violations: July 11, 2015.
Case #: 15-276-OF
\$350 administrative fine paid.
COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Ausbon Sargent Land Preservation Trust,
New London Historical Society, 179 Little Sunapee Road, New London, NH 03257.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 8/29/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. Café Espresso Dover LLC, 471 Central Avenue, Dover, NH 03820.
To be issued Restaurant On-Premise Beverage Wine License #1510303 pursuant to RSA 178:20.
30 Day Temporary License issued: 8/7/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

- c. Diocese of Newton for the Melkites in USA Inc. DBA Our Lady of the Cedars Church, 140 Mitchell Street, Manchester, NH 03103.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event dates: 8/21, 22, 23/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- d. Greater Somersworth Chamber of Commerce, Pavilion at Somersworth High School, 11 Memorial Drive, Somersworth, NH 03878.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 9/19/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- e. Hayley's Friendly Market & Deli LLC, 683 Main Street, Rollinsford, NH 03869.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3328747 pursuant to RSA 178:18 & RSA 178:19-a.
30 Day Temporary License issued: 7/31/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- f. Kheir, Haitham H. DBA Ashah Market, 132 Orange Street, Manchester, NH 03103.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3332747 pursuant to RSA 178:18 & RSA 178:19-a.
30 Day Temporary License issued: 7/31/2015.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- g. Mount Washington Observatory, Great Glen Trail Outdoor Center & Sherman Adams Visitor Center, 1 Mount Washington Auto Road, Green's Grant, NH 03589.
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.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- h. Rustic Table (The) LLC, 320 Keene Road, Winchester, NH 03470.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1508803 pursuant to RSA 178:21.
30 Day Temporary License issued: 8/1/2015.
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 AUGUST 7, 2015: 1,143

- a. Booker Vineyard and Winery, 2640 Anderson Road, Paso Robles, CA 93446.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

- b. MHW LTD, 1129 Northern Boulevard, Suite 312, Manhasset, NY 11030.
To be issued Beverage Vendor License #75031 pursuant to RSA 178:15.
Manufacturer: Licher Privatbrauerei, Germany.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- c. MHW LTD, 1129 Northern Boulevard, Suite 312, Manhasset, NY 11030.
To be issued Beverage Vendor License #75131 pursuant to RSA 178:15.
Manufacturer: Kong Brauerei, Germany.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- d. MHW LTD, 1129 Northern Boulevard, Suite 312, Manhasset, NY 11030.
To be issued Beverage Vendor License #75231 pursuant to RSA 178:15.
Manufacturer: Benediktiner Weibrau, Germany.
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. **NOTIFICATION OF APPROVED PETITIONS:**

- a. Boston Culinary Group, Inc. DBA Meadowbrook Food Service,
72 Meadowbrook Lane, Gilford, NH 03249.
Caterer-On-Site License #1275226 licensed pursuant to RSA 178:22, V(e).
Date petition received: 8/7/2015.
Requested approval for authorization of other area, to wit, a temporary, onstage bar area to be set up on the stage as part of a performance for event date August 8, 2015 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- b. Foundry Restaurant LLC, 50 Commercial Street, Manchester, NH 03101.
Restaurant On-Premise Beverage/Wine/Liquor License #1513603 licensed pursuant to RSA 178:21.
Date petition received: 8/4/2015.
Requested approval for authorization of other area, to wit, an outside deck area with a capacity of 120 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. L.B.O. Holding, Inc., Attitash/Bear Peak Resort, Route 302, Bartlett, NH 03812.
Restaurant On-Premise Beverage/Wine/Liquor License #1009403 licensed pursuant to RSA 178:21.
Date petition received: 6/11/2015.
Requested approval for authorization of other area, to wit, an outside fenced-in area for event dates June 27, 2015 through September 7, 2015; approval is contingent upon receipt of a permit of assembly from the local fire department pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- d. Stella Blu LLC, 70 East Pearl Street, Nashua, NH 03060.
Restaurant On-Premise Beverage/Wine/Liquor License #1358103 licensed pursuant to RSA 178:21.
Date petition received: 7/24/2015.
Requested approval for authorization of other area, to wit, an outside street area with a capacity of 200 for event dates August 5, 2015 and September 2, 2015 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- e. Tandy Stephens, Inc. DBA Tandy's Top Shelf, 1 Eagle Square, Concord, NH 03301.
Date petition received: 8/3/2015.
Restaurant On-Premise Beverage/Wine/Liquor License #1404103 licensed pursuant to RSA 178:21.
Requested approval for an outside area, to wit, an outside atrium area at 7 Eagle Square, Concord, NH with a capacity of 206 from 6:00 pm to 1:00 am on August 8, 2015, 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:

None

14. NOTIFICATION OF HEARING RESULTS:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

- a. Firestone Walker LLC, PO BOX 645, Solvang, CA 93464.
Beverage Vendor License #54731 licensed pursuant to RSA 178:15.
Requests approval of Firestone Walker Helldorado Blonde Barley Wine Ale with an alcohol content of 13.43% at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.
Recommendation: Approval.
ON AUGUST 6, 2015, DEPUTY COMMISSIONER MILLIGAN MOVED TO TABLE THIS ITEM PENDING RECEIPT OF PRODUCT INFORMATION; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
DEPUTY COMMISSIONER MILLIGAN MOVED REMOVE THIS ITEM FROM THE TABLE; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED. DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. 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.
Requests approval of Mike's Harder Mean Green Apple with an alcohol content of 8.0% at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. Vermont Hard Cider Company LLC, 153 Pond Lane, Middlebury, VT 05753.
Beverage Vendor License #34431 licensed pursuant to RSA 178:15.
Requests approval of Local Nectar Hard Cider with an alcohol content of 6.8% at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

16. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

- a. Beveridge Craft Beer & Soap Co., The Nick, 10 Trotting Track Road, Wolfeboro, NH 03894.
To be issued a Beer Festival License pursuant to RSA 178:30.
Event date: 8/15/2015.
Recommendation: Expedited approval.
Commission approved on 8/6/2015.
COMMISSION ACKNOWLEDGED.
- b. Jass Boxing, Tri City Christian Academy, 12 Rocky Hill Road, Somersworth, NH 03878.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor
License pursuant to RSA 178:22, V(l).
Event date: 8/8/2015.
Recommendation: Expedited approval.
Commission approved on 8/6/2015.
COMMISSION ACKNOWLEDGED.
- c. Project Sunapee, Town Area, River Road & Maple Street to Covered Bridge, Sunapee, NH 03872.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor
License pursuant to RSA 178:22, V(l).
Event date: 8/8/2015.
Recommendation: Expedited approval.
Commission approved on 8/6/2015.
COMMISSION ACKNOWLEDGED.