

**MINUTES OF THE NHLC**  
**DIVISION OF ENFORCEMENT & LICENSING MEETING**  
**FOR THURSDAY, MARCH 17, 2016**

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

**Date to be determined:**

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.

HEARNG CONTINUED AT THE REQUEST OF THE DOE; REQUEST GRANTED.

**2. NOTIFICATION OF DISCIPLINARY ACTION:**

- a. Chen Yang Li, 520 South Street, Bow, NH.  
Restaurant Full Service With Lounge License #1392503 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).  
Cited for violation of RSA 179:17 - allowed the consumption of alcoholic beverage on the premise after the expiration of the serving hour.  
Date of violation: January 30, 2016.  
Case #: 16-28-OF.  
\$250 administrative fine.

**COMMISSION ACKNOWLEDGED.**

- b. Cumberland Farms #5414, Lisbon Road, Route 302, Littleton, NH.  
Combination Off-Premises Beverage/Wine/Tobacco License #876347 licensed pursuant to RSA 178:18/RSA 126-K:4.  
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: December 5, 2015.  
Case #: 15-482-OF.  
\$500 administrative fine, four (4) points shall be assessed to the liquor license and the license to sell alcohol shall be suspended for three (3) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing April 2, 2016 with re-grant April 4, 2016.

**COMMISSION ACKNOWLEDGED.**

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

- a. Backstreet Bar & Grill, 76 Derry Road, Hudson, NH.  
Restaurant Full Service With Lounge License #1320603 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).  
Cited for violation of RSA 179:40, II – refilled bottles of legally purchased beverage or liquor.  
Date of violation: February 3, 2016.  
Case #: 16-34-OF.  
\$250 administrative fine paid.

**COMMISSION ACKNOWLEDGED.**

- b. El Tapatio Restaurante Mexicano, Route 101A, 4C, Merrimack, NH.  
Restaurant Full Service With Lounge License #1398103 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).  
Cited for violation of RSA 179:40, II – refilled bottles of legally purchased beverage or liquor.

Date of violation: February 23, 2016.

Case #: 16-58-OF.

\$250 administrative fine paid.

**COMMISSION ACKNOWLEDGED.**

- c. Magari Limoncello, 285 Stage Road #4, Hampstead, NH.  
Rectifier License #280832 licensed pursuant to RSA 178:7.  
Cited for violation of Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.  
Date of violation: January 29, 2016.  
Case #: 16-31-OF.  
\$100 administrative fine paid.  
**COMMISSION ACKNOWLEDGED.**
- d. Strikers East Bowling Center, 4 Essex Drive, Raymond, NH.  
Restaurant On-Premise Beverage/Wine/Liquor License #1240903 licensed pursuant to RSA 178:21.  
Cited for violation of Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.  
Date of violation: February 9, 2016.  
Case #: 16-49-OF.  
\$100 administrative fine paid.  
**COMMISSION ACKNOWLEDGED.**

**4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:**

- a. Amidon, Tabytha M. DBA Sonics Smoking Accessories, 174 Washington Street, Claremont, NH 03743.  
To be issued Retail Tobacco, Tobacco Only License #137017 pursuant to RSA 178:19-a.  
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.**
- b. Concord Family YMCA, Capitol Center for the Arts, 44 South Main Street, Concord, NH 03301.  
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).  
Event date: 3/31/2016.  
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.**
- c. First Choice Foods LLC DBA Ellacoya Barn & Grille, 2667 Lakeshore Road, Gilford, NH 03249.  
To be issued Restaurant On-Premise Cocktail Lounge License #1524103 pursuant to RSA 178:22.  
30-Day Temporary License issued: 3/10/2016.  
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.**
- d. First Choice Foods LLC DBA Ellacoya Country Store, 2667 Lakeshore Road, Gilford, NH 03249.  
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3340547 pursuant to RSA 178:18 & RSA 178:19-a.  
30-Day Temporary License issued: 3/10/2016.  
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.**
- e. Hassan, Ismail DBA Hamdi International Grocery Store, 132 Orange Street, Manchester, NH 03104.  
To be issued Retail Tobacco, Tobacco Only License #136917 pursuant to RSA 178:19-a.  
30-Day Temporary License issued: 3/7/2016.  
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.**
- f. Istanbul Bazaar LLC, 310 Daniel Webster Highway, Nashua, NH 03060.  
To be issued Retail Tobacco, Tobacco Only License #137517 pursuant to RSA 178:19-a.  
30-Day Temporary License issued: 3/11/2016.  
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.**
- g. Johnston-French, Danielle, 2 Cardinal Lane, East Kingston, NH 03827.  
To be issued Alcohol Consultant License #506144 pursuant to RSA 178:27-a.  
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.**

- h. Lafayette AC, 34 High Street, Nashua, NH 03060.  
To be issued Retail Tobacco, Tobacco Only License #136417 pursuant to RSA 178:19-a.  
30-Day Temporary License issued: 3/4/2016.  
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.**
- i. S & N Food Mart, Inc. DBA Lake View Convenience, 52 Lowell Road, Salem, NH 03079.  
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3340047 pursuant to RSA 178:18 & RSA 178:19-a.  
30-Day Temporary License issued: 3/7/2016.  
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.**
- j. Seacoast Science Center, 570 Ocean Boulevard, Rye, NH 03870.  
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).  
Event date: 4/7/2016.  
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.**
- k. Seacoast Science Center, 570 Ocean Boulevard, Rye, NH 03870.  
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).  
Event date: 5/12/2016.  
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.**
- l. Vinod, Inc. DBA Rt. 16 Quick Stop, 2420 NH 16, West Ossipee, NH 03890.  
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3340147 pursuant to RSA 178:18 & RSA 178:19-a.  
**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. **DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:**

**TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING MARCH 11, 2016: 1,158**

- a. Treasury Chateau & Estates DBA Beaulieu Vineyard Cellars,  
1960 St. Helena Highway, Rutherford CA 94573.  
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. Treasury Chateau & Estates DBA Blossom Hill Winery,  
385 Panoche Road, Paicines CA 95043.  
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.**
- c. Treasury Chateau & Estate DBA Provenance Vineyards,  
1695 St. Helena Highway, Rutherford CA 94573.  
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.**
- d. Treasury Chateau & Estates DBA Sterling Vineyards,  
1111 Dunaweal Lane, Calistoga, CA 94515.  
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.**

- e. Treasury Chateau & Estates, 21468 Eighth Street East, Sonoma, CA 95476.  
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.**
- f. William Penn Corporation DBA Penns Woods Winery,  
1016 Saville Avenue, Eddystone, PA 19022.  
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.**

**7. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:**

None

**8. NOTIFICATION OF APPROVED PETITIONS:**

- a. New Woodshed LLC (The), 128 Lee Road, Moultonborough, NH 03254.  
Restaurant On-Premise Beverage/Wine/Liquor License #1522903 licensed pursuant to RSA 178:21.  
Date petition received: 3/10/2016.  
Requested approval to charge a corkage fee, to wit, to charge a fee when serving a bottle of wine brought in by a customer, to be stored separately from licensed alcohol and served when requested and when a full course meal is consumed pursuant to RSA 178:21, II a (5).  
**COMMISSION ACKNOWLEDGED.**
- b. Pats Peak Skiing LLC DBA Pats Peak, 686 Flanders Road, Henniker, NH 03242.  
Sports Recreation License #572105 licensed pursuant to RSA 178:22, V(v).  
Date petition received: 2/26/2016.  
Requested approval for outside areas, to wit, three outside, fenced-in areas with a total capacity of 720 for an event date of April 4, 2016 pursuant to RSA 178:24 and Liq. 404.05.  
**COMMISSION ACKNOWLEDGED.**
- c. Pats Peak Skiing LLC DBA Pats Peak, 686 Flanders Road, Henniker, NH 03242.  
Sports Recreation License #572105 licensed pursuant to RSA 178:22, V(v).  
Date petition received: 2/26/2016.  
Requested approval for an outside area, to wit, an outside, fenced-in area with a capacity of 13,200 for event dates of July 9, 2016, August 21, 2016 and November 6, 2016 pursuant to RSA 178:24 and Liq. 404.05.  
**COMMISSION ACKNOWLEDGED.**
- d. Tuohy's Tavern LLC DBA Salt Hill, 2 West Park Street, Lebanon, NH 03766.  
Restaurant On-Premise Beverage/Wine/Liquor License #1242903 licensed pursuant to RSA 178:21.  
Date petition received: 3/4/2016.  
Requested approval for an outside area, to wit, an outside, fenced-in area with a capacity of 400 for an event date of March 19, 2016 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:**

Sea Hagg Distillery (The) LLC, Victory Park, Unit 9, North Hampton, NH 03862.

Liquor Manufacturer License #287219 licensed pursuant to RSA 178:6.

Date petition received: 2/9/2016.

Requests approval that Smuttynose Brewing Company's beer be considered a raw ingredient. On September 9, 2014, the NH Liquor Commission entered into an agreement with Sea Hagg Distillery requiring them to hold a rectifier license pursuant to RSA 178:7 which authorizes the manufacturer to age, blend, and bottle liquor at it's premise. RSA 178:7 allows the rectifier to purchase liquor from in-state or out-of-state sources. RSA 175:1, XLII defines liquor as all distilled and rectified spirits, alcohol, wines, fermented and malt liquors and cider, over 6 percent alcoholic content by volume at 60 degrees Fahrenheit. Liquor shall not include specialty beer as defined by RSA 175:1, LXIV-a.

Smuttynose Brewing Company holds two beverage manufacturer licenses, #287118 and #290118, pursuant to RSA 178:12 which authorizes the brewery to manufacture beer. Smuttynose Brewing Company has beer they are planning to destroy. Smuttynose Brewing Company's beer is a finished product and would not be considered a raw ingredient as the beer does not meet the definition of a liquor.

**RECOMMENDATION: DENIAL.**

**DIRECTOR JAMES WILSON EXPLAINED THE FOLLOWING: SEA HAGG DISTILLERY REQUESTS APPROVAL TO TRANSFER IN BOND BEER FROM SMUTTYNOSE BREWING COMPANY TO THEIR PREMISES FOR RECITIFICATION INTO EITHER BEER SCHNAPPS OR HOPPED WHISKEY; SEA HAGG ALSO REQUESTS THAT SMUTTYNOSE BREWING COMPANY'S BEER BE CONSIDERED A "RAW INGREDIENT" FOR THIS PROCESS; ACCORDING TO THE REQUEST FILES BY SEA HAGG, SMUTTYNOSE BREWING COMPANY HAS BEER THEY ARE PLANNING TO DESTROY WHICH SEA HAGG WOULD LIKE TO PURCHASE FOR RECTIFICATION ON AN ONGOING BASIS; SEA HAGG'S LICENSE AS A RECTIFIER ALLOWS THEM TO PURCHASE LIQUOR FROM SOURCES INSIDE AND OUTSIDE THE STATE FOR AGING, BLENDING AND BOTTLING; THE LICENSING STATUTE (RSA 178:7) DOES NOT MAKE A SIMILAR PROVISION FOR RECTIFIERS TO DO THE SAME WITH BEER OR WINE. BEER DOES NOT MEET THE DEFINITION OF A "LIQUOR" UNDER RSA 175:1, XLII AS THE DEFINITION DOES NOT INCLUDE BEVERAGES WITH AN ABV OF 6% OR LOWER AND ALSO SPECIFICALLY STATES "LIQUOR SHALL NOT INCLUDE SPECIALTY BEER AS DEFINED BY RSA 175:1, LXIV-A"; THE SMUTTYNOSE BEER IS CONSIDERED A FINISHED PRODUCT, NOT A RAW INGREDIENT; THE COMMISSION ACCEPTS THE RECOMMENDATION OF DIRECTOR WILSON TO DENY THE REQUEST FOR SEA HAGG DISTILLERY TO CONSIDER BEER A RAW INGREDIENT; AS EXPLAINED BY DIRECTOR WILSON, STATUTORILY, THE COMMISSION CANNOT APPROVE THIS REQUEST; THE COMMISSION RECOMMENDS THAT THE LANGUAGE IN RSA 178:7 AND RSA 175:1 BE AMENDED BEFORE THEY SEEK APPROVAL; THE COMMISSION DOES SUPPORT THE LANGUAGE CHANGES; DEPUTY COMMISSIONER MILLIGAN MADE A MOTION TO ACCEPT THE DIRECTOR'S RECOMMENDATION OF DENIAL BASED ON THE STATUTORY LIMITATIONS; THE CHAIRMAN SECONDED THE MOTION; THE MOTION CARRIES.**

16. **MISCELLANEOUS ITEMS FOR INFORMATION ONLY:**

- a. Easter Seals NH, Inc., Radisson Hotel Expo Center, 700 Elm Street, Manchester, NH 03101. To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).

Event date: 3/12/2016.  
Recommendation: Expedited approval.  
Commission approved on 3/4/2016.  
**COMMISSION ACKNOWLEDGED.**

- b. Hanover Area Chamber of Commerce, Leverone Fieldhouse, Park Street, Hanover, NH 03755.  
To be issued special off-sale Voluntary Nonprofit Organizations Beverage/Wine/Liquor Licenses pursuant to RSA 178:17, II.  
Event dates: 3/18/2016 & 3/19/2016.  
Recommendation: Expedited approval.  
Commission approved on 3/11/2016.  
**COMMISSION ACKNOWLEDGED.**
- c. MLPNH Operating LLC DBA Beara Irish Brewing Co.,  
Back Lot, 2800 Lafayette Road, Portsmouth, NH 03801.  
To be issued a Beer Festival License pursuant to RSA 178:30.  
Event date: 3/12/2016.  
Recommendation: Expedited approval.  
Commission approved on 3/8/2016.  
**COMMISSION ACKNOWLEDGED.**
- d. NH Catholic Charities DBA NH Food Bank, 700 East Industrial Park Drive, Manchester, NH 03109.  
To be issued a special off-sale Voluntary Nonprofit Organizations Beverage/Wine/Liquor Licensed pursuant to RSA 178:17, II.  
Event date: 3/14/2016.  
Recommendation: Expedited approval.  
Commission approved on 3/4/2016.  
**COMMISSION ACKNOWLEDGED.**