MINUTES OF THE NHLC DIVISION OF ENFORCEMENT & LICENSING MEETING FOR THURSDAY, JULY 21, 2016

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

August 12, 2016 at 10:00 a.m.:

a. Ikko Japanese Restaurant, 879 Central Avenue, Dover, NH.

Restaurant On-Premise Beverage/Wine/Liquor License #1499303 licensed pursuant to RSA 178:21. Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person.

Date of violation: November 7, 2015.

Case #: 15-459-OF.

6/9/16 - ASSENTED-TO MOTION TO CONTINUE FILED BY THE DOE AND GRANTED; NEW HEARING DATE TO BE DETERMINED.

September 9, 2016 at 10:00 a.m.:

b. New Campus Convenience, 32 Main Street, Durham, NH.

Combination Off-Premises Beverage/Wine/Tobacco License #3229147 issued pursuant to RSA 178:18/RSA 126-K:4.

Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage individual.

Date of violation: April 21, 2016.

Case #: 16-140-OF.

2. NOTIFICATION OF DISCIPLINARY ACTION:

Dos Amigo Burritos, 107 State Street, Portsmouth, NH.

Restaurant Full Service With Lounge License #1251703 issued pursuant to

RSA 178:21, II(a)(1)/RSA 178:22, V(q).

Cited for violation of RSA 175:1 – failed to serve meals to tables.

Cited for violation of RSA 178:21, II, (a)(2) – failed to be open for evening meals five days a week.

Cited for violation of RSA 179:51 – failed to maintain an orderly premise.

Cited for violation of RSA 179:53 – altered premises without Commission approval.

Dates of violations: April 2, 2016, April 14, 2016 & April 21, 2016.

Case #s: 16-113-OF & 16-133-OF.

For violation of RSA 175:1, an administrative fine of \$250, for violation of RSA 178:21, this charge is placed on file without any finding for twelve (12) months pending no like violation; if a like violation is committed, a \$100 administrative fine shall be imposed, for violation of RSA 179:51, this charge is placed on file without any finding for twelve (12) months pending no like violation; if a like violation is committed, a \$250 administrative fine shall be imposed and for violation of RSA 179:53, an administrative fine of \$250.

COMMISSION ACKNOWLEDGED.

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

None

4. <u>LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL</u>:

a. Beverages and Beyond Distributors LLC, 1122 New Hampshire 106, Loudon, NH 03307.
 To be issued Retail Tobacco, Tobacco Only License #138617 pursuant to RSA 178:19-a.
 30-Day Temporary License issued: 7/13/2016.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

b. Binette, Allen & Christina DBA Gorham Corner Market, 385 Main Street, Gorham, NH 03581.

To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3345347 pursuant to RSA 178:18 & RSA 178:19-a.

30-Day Temporary License issued: 7/14/2016.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

c. Childs, Kathy Ann, 24 Fitch Road, Madbury, NH 03823.

To be issued Alcohol Consultant License #507444 pursuant to RSA 178:27-a.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

d. Demoulas Super Market, Inc. DBA Market Basket,

120 Market Place Boulevard, Rochester, NH 03867.

To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3345547 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.

e. GHM Wentworth LLC DBA Wentworth By The Sea A Marriott Hotel & Spa,

588 Wentworth Road, New Castle, NH 03854.

To be issued Hotel On-Premise Cocktail Lounge License #371602

pursuant to RSA 178:21, II(b)(1)/RSA 178:22, V(k).

30-Day Temporary License issued: 7/14/2016.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

f. Gary's Discount LLC DBA Gary's Beverages 1, 806 Route 1 Bypass, Portsmouth, NH 03801.

To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3345247 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.

g. High Hopes Foundation of NH, New England Dragway, 280 Exeter Road, Epping, NH 03042.

To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22. V(I).

Event date: 7/30/2016.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

h. Lord Hobo Brewing Company LLC, 5 Draper Street, Woburn, MA 01801.

To be issued Beverage Vendor License #77031 pursuant to RSA 178:15.

Manufacturer: Lord Hobo Brewing Company.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

i. Milford Variety Store LLC, 92 Union Street, Milford, NH 03055.

To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3344347 pursuant to RSA 178:18 & RSA 178:19-a.

30-Day Temporary License issued: 7/13/2016.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

j. Pujan Brothers LLC DBA Shop N Go, 188 Massabessic Street, Manchester, NH 03103.

To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3345447 pursuant to RSA 178:18 & RSA 178:19-a.

30-Day Temporary License issued: 7/14/2016.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

k. Sandown Historical Society & Museum,

Sandown Recreation Center, 25 Pheasant Run Drive, Sandown, NH 03873.

To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(I).

Event date: 9/9/2016.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

I. Tino Enterprises LLC DBA Northeast Café of New Boston, 8 Mill Street, New Boston, NH 03070. To be issued Restaurant On-Premise Beverage and Wine License #1528203 pursuant to RSA 178:20.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

m. Top Terroir LLC, 16 Poor Richards Drive, Bow, NH 03304.

To be issued Liquor and Wine Vendor License #117645 pursuant to RSA 178:9.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

n. Top Terroir LLC, 16 Poor Richards Drive, Bow, NH 03304.

To be issued Liquor and Wine Representative Off-Premise Wine and Liquor License #608235 pursuant to RSA 178:10.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION: THE MOTION PASSED.

o. WISD LLC DBA Domaine Bousquet Finca Lalande,

2665 South Bayshore Drive, Suite 700, Miami, FL 33133.

To be issued Liquor and Wine Vendor License #116345 pursuant to RSA 178:9.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

5. <u>LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:</u>

None

6. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING JULY 15, 2016: 1,170

None

7. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

8. NOTIFICATION OF APPROVED PETITIONS:

a. Auburn Tavern LLC, 346 Hooksett Road, Auburn, NH 03032.

Restaurant On-Premise Cocktail Lounge License #1520003 licensed pursuant to RSA 178:22. Date petition received: 7/12/2016.

Requested approval for authorization of other area, to wit, an outside deck area with a total capacity of 42 pursuant to RSA 178:24 and Liq. 404.05.

COMMISSION ACKNOWLEDGED.

b. Blue Latitudes, Inc., 100 Main Street, Suite 102, Dover, NH 03820.

Restaurant On-Premise Cocktail Lounge License #1264703 licensed pursuant to RSA 178:22. Date petition received: 7/11/2016.

Requested approval for authorization of other area, to wit, an outside area with a total capacity of 152 for event dates July 19, 2016 & August 9, 2016 and rain dates of July 20, 2016 & August 10, 2016 pursuant to RSA 178:24 and Liq. 404.05.

COMMISSION ACKNOWLEDGED.

c. Club National, Inc., 127 Pine Street, Nashua, NH 03060.

Social Club On-Premise Cocktail Lounge License #12601 licensed pursuant to RSA 178:22, V(h). Requested approval to transfer license to other location, to wit, transfer the license to Hudson Fish and Game, 53 Pine Road, Hudson, NH between 9:00 am and 5:00 pm on August 7, 2016 pursuant to RSA 178:25.

COMMISSION ACKNOWLEDGED.

d. Craft Brew Alliance, Inc. DBA Redhook Ale Brewery,

Pease International, 1 Redhook Way, Portsmouth, NH 03801.

Restaurant On-Premise Cocktail Lounge License #1036603 licensed pursuant to RSA 178:22. Date petition received: 7/1/2016.

Requested approval for authorization of other area, to wit, an outside lawn area with a total capacity of 2,500 for event date 7/24/2016 pursuant to RSA 178:24 and Liq. 404.05.

COMMISSION ACKNOWLEDGED.

e. Falls Grill & Tavern LLC (The), 421 Central Avenue, Dover, NH 03820.

Restaurant On-Premise Cocktail Lounge License #1514103 licensed pursuant to RSA 178:22. Date petition received: 7/11/2016.

Requested approval for authorization of other area, to wit, an outside area with a total capacity of 152 for event dates July 26, 2016 & August 2, 2016 and rain dates of July 27, 2016 & August 3, 2016 pursuant to RSA 178:24 and Liq. 404.05.

COMMISSION ACKNOWLEDGED.

f. Haverhill Heritage, Inc. DBA Court Street Arts at Alumni Hall, 75 Court Street, Haverhill, NH 03765. Requested approval for authorization of other area, to wit, an outside portico area with a capacity of 33 for event dates July 15, 2016 to August 26, 2016 and July 24, 2016 to August 6, 2016 pursuant to RSA 178:24 and Liq. 404.05.

COMMISSION ACKNOWLEDGED.

g. Mallett Corp. DBA Wentworth Resort GC/Madeline's Sandwich Deli, Route 16-A, Jackson, NH 03846. Sports Recreation License #395405 licensed pursuant to RSA 178:22, V(v).

Date petition received: 5/18/2016.

Requested approval for authorization of other area, to wit, an outside tented area with a capacity of 215 for event dates July 16, 2016 & July 21, 2016 pursuant to RSA 178:24 and Liq. 404.05.

COMMISSION ACKNOWLEDGED.

h. Pete Stuben LLC DBA Wildcat Inn and Tavern, 94 Main Street, Jackson, NH 03846.

Hotel On-Premise Cocktail Lounge License #364302 pursuant to

RSA 178:21, II(b)(1)/RSA 178:22, V(k).

Requested approval for authorization of other areas, to wit, an outside patio/lawn area with a total capacity of 166 pursuant to RSA 178:24 and Liq. 404.05.

COMMISSION ACKNOWLEDGED.

Tino Enterprises LLC DBA Northeast Café of New Boston, 8 Mill Street, New Boston, NH 03070.
 Restaurant On-Premise Beverage and Wine License #1528203 licensed pursuant to RSA 178:20.
 Date petition received: 7/11/2016.

Requested approval for authorization of other areas, to wit, an outside patio and balcony area with a total capacity of 16 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:

Hampton, NH.

12. NOTIFICATION OF COMPLIANCE CHECKS:

ALCOHOL COMPLIANCE CHECKS -

Plaistow, NH:

a. Northland Mall Variety, 134 Newton Road #1, Plaistow, NH.

Combination Off-Premises Beverage/Wine/Tobacco #3159347 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: June 23, 2016.

Case #: 16-232-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 from the date of the violation. **COMMISSION ACKNOWLEDGED.**

b. Plaistow Quick Mart, 18 Plaistow Road, Plaistow, NH

Combination Off-Premises Beverage/Wine/Tobacco #3261647 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: June 23, 2016.

Case #: 16-232-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 from the date of the violation. **COMMISSION ACKNOWLEDGED.**

TOBACCO COMPLIANCE CHECKS -

Cheshire County:

a. Big S Discount, 48 Manning Hill, Winchester, NH.

Combination Off-Premises Beverage/Wine/Tobacco #784447 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: June 23, 2016.

Case #: 16-227-OF.

Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days from the date of the violation.

COMMISSION ACKNOWLEDGED.

b. Mr. Mike's, 9 Keene Road, Winchester, NH.

Combination Off-Premises Beverage/Wine/Tobacco #784447 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: June 23, 2016.

Case #: 16-227-OF.

Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days from the date of the violation.

COMMISSION ACKNOWLEDGED.

Hillsborough County:

c. Patel's Mammoth Convenience, 203 Mammoth Road, Pelham, NH.

Combination Off-Premises Beverage/Wine/Tobacco #3271847 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: July 5, 2016.

Case #: 16-235-OF.

Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days from the date of the violation.

COMMISSION ACKNOWLEDGED.

d. Pelham Getty, 32 Bridge Street, Pelham, NH.

Combination Off-Premises Beverage/Wine/Tobacco #3041247 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: July 5, 2016.

Case #: 16-235-OF.

Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days from the date of the violation.

COMMISSION ACKNOWLEDGED.

e. Steele's Stationers, 40 Main Street, Peterborough, NH.

Retail Tobacco License #471017 issued pursuant to RSA 178:19-a.

Cited for violation of RSA 126-K:4 – sold tobacco to an underage person during a compliance check. Date of violation: July 7, 2016.

Case #: 16-238-OF.

Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days from the date of the violation.

COMMISSION ACKNOWLEDGED.

Merrimack County:

f. Park N Go, Elkins Business Loop, Wilmot, NH.

Combination Off-Premises Beverage/Wine/Tobacco #3070447 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: June 23, 2016.

Case #: 16-239-OF.

Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days from the date of the violation.

COMMISSION ACKNOWLEDGED.

Strafford County:

g. Shiva Market, 35 Washington Street, Somersworth, NH.

Combination Off-Premises Beverage/Wine/Tobacco #3299947 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: July 5, 2016.

Case #: 16-240-OF.

Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days from the date of the violation.

COMMISSION ACKNOWLEDGED.

h. Somersworth One Stop, 495 High Street, Somersworth, NH.

Combination Off-Premises Beverage/Wine/Tobacco #3263047 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: July 5, 2016.

Case #: 16-240-OF.

Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days from the date of the violation.

COMMISSION ACKNOWLEDGED.

i. Three Shining Stars Corp., 410 Roller Coaster Road, Strafford, NH.

Combination Off-Premises Beverage/Wine/Tobacco #3274347 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: June 29, 2016.

Case #: 16-234-OF.

Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days from the date of the violation.

COMMISSION ACKNOWLEDGED.

13. COMMISSION DECISIONS PENDING AFTER HEARING:

None

14. NOTIFICATION OF HEARING RESULTS:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

a. Last Chair LLC (The), #5 Route 25, Plymouth, NH 03264.

To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1526203 pursuant to RSA 178:21.

60-Day Temporary License issued per Chief James Wilson on 7/1/2016.

Recommendation: A written objection has been raised by a concerned citizen; letter is attached to the Agenda Request.

LICENSEES DAVID AND LYNN SANBORN APPEARED BEFORE THE COMMISSION FOLLOWING ITS RECEIPT OF A LETTER FROM NATALYA VINOGRADOVA, A CONCERNED CITIZEN FROM THE AREA WHO IS REQUESTING A PUBLIC HEARING TO DETERMINE WHETHER THIS ESTABLISHMENT SHOULD BE LICENSED TO SELL ALCOHOL; THE LETTER WAS READ INTO THE RECORD BY DEPUTY CHIEF SCOTT DUNN; THE LICENSEES STATED THEY HAVE SEVERAL LETTERS OF APPROVAL FROM THE COMMUNITY, THE TOWN AND FROM A LOCAL SCHOOL; ALSO, THEY HAVE A DRONE VIDEO FOR THE COMMISSION'S REVIEW THAT SHOWS THEIR LOCATION'S PROXIMITY TO THE SCHOOL; CHAIRMAN MOLLICA ACCEPTED THE LETTERS AND TABLED THIS ITEM UNTIL DEPUTY COMMISSIONER MILLIGAN RETURNS TO THE OFFICE; THE MATTER WILL BE REVIEWED AT THAT TIME; IT IS ANTICIPATED THAT A DECISION WILL BE MADE SOON AFTER.

DEPUTY COMMISSIONER MILLIGAN MOVED TO REMOVE THIS ITEM FROM THE TABLE; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED; DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

b. Winenot LLC DBA Winenot Boutique, 170 Main Street, Nashua, NH 03060.

Combination Off-Premise Beverage and Wine License #3340647 pursuant to RSA178:18. Date petition received: 7/7/2016.

Requests an exception to RSA 178:27, III, to wit, for authorization to purchase wine from a Direct Shipper, Due Fratelli Imports LLC, 73 Mill Road, North Yarmouth, ME 04097, Permit #8238933 pursuant to RSA 178:32, III.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

c. Winenot LLC DBA Wine Steward, The Hampstead Commons, 201 Route 111, Hampstead, NH 03841. Combination Off-Premise Beverage, Wine and Tobacco License #3307547 pursuant to RSA178:18 & RSA 178:19-a

Date petition received: 7/7/2016.

Requests an exception to RSA 178:27, to wit, for authorization to purchase wine from a Direct Shipper, Due Fratelli Imports LLC, 73 Mill Road, North Yarmouth, ME 04097, Permit #8238933 pursuant to RSA 178:32, III.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

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

Louis T. Festo Memorial Scholarship Fund,

Sandlots Sports and Entertainment, 56 North Road, Sandown, NH 03873.

To be a issued one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(I).

Event date: 7/16/2016.

Recommendation: Expedited approval. Commission approved on 7/8/2016. COMMISSION ACKNOWLEDGED.