

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, AUGUST 25, 2016

1. INFORMATIONAL HEARING TO BE HELD AT THE EPSOM PUBLIC LIBRARY, 1606 DOVER ROAD, ROUTE 4, EPSOM, NH:

September 9, 2016 at 2:00 p.m.:

- a. In accordance with Title XIII and Administrative Rule, Liq. 208.02, the New Hampshire Liquor Commission will hold an informational licensing hearing on the liquor license application of The Big Easy LLC DBA Circle 9 Ranch, 39 Windymere Drive, Epsom, NH for an on-premises full service restaurant and cocktail lounge liquor license. The hearing will be held on Friday, September 9, 2016 at 2:00 pm to be conducted at the Epsom Public Library, 1606 Dover Road, Epsom, NH 03234. Any interested member of the public may testify and present evidence in favor of or against the applicant. The Commission will announce procedural guidelines at the hearing. Testimony by the public will be allowed in the order in which they sign up to speak and will be relevant to the prospective licensee and the local governing authority. The commission may question speakers to clarify their positions. There shall be no cross examination or rebuttal testimony. Written testimony shall be accepted only if signed and received prior to the close of the hearing. Persons wishing to testify are urged to coordinate their testimony to avoid unnecessary duplication or repetition of testimony. Authority for this hearing is NH RSA Title XIII and Administrative Rule, Liq. 208.02 per order of Joseph S. Plaia, Chief Hearings Officer, New Hampshire Liquor Commission, 50 Storrs Street, Concord, NH 03301, Tel. # 603-230-7015.

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

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.

September 9, 2016 at 11:00 a.m.:

- c. Ming House, 3 Hillside Avenue, Berlin, NH.
Restaurant Full Service With Lounge License #1171303 issued 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 6, 2016.
Case #: 16-183-OF.

September 23, 2016 at 10:00 a.m.:

- d. Pedraza's Mexican Restaurant, 44 Central Square, Keene, NH.
Restaurant Full Service With Lounge License #1375803 issued 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 under-aged individual.
Cited for violation of RSA 179:5, II – allowed an under-aged individual to possess or consume alcoholic beverage.
Date of violations: January 9, 2016.
Case #: 16-24-OF.

September 23, 2016 at 11:00 a.m.:

- e. Newport Veterans Club, 118 John Stark Highway, Newport, NH.
Veterans Club License #16639 issued pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22/Liq. 501.06 – failed to restrict access to gain entrance to a private club.
Date of violation: July 22, 2016.
Case #: 16-268-OF.

2. NOTIFICATION OF DISCIPLINARY ACTION:

None

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

- a. BAW, Inc., 35 & 70 Industrial Way, Buellton, CA.
Direct Shipper Permit #8241333 issued pursuant to RSA 178:27.
Cited for violation of RSA 178:27, V(a)/Liq. 1103.01 – failed to pay to the Commission a fee that is 8% of the retail price for shipments of liquor, wine, beer or beverage.
Date of violation: August 1, 2016.
Case #: 16-278-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- b. Dinner Table Restaurant (The), 121 Old Homestead Highway, Swanzey, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1456603 licensed pursuant to RSA 178:21.
Cited for violation of RSA 178/Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: July 13, 2016.
Case #: 16-267-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- c. Rimmon Club, 595 Dubuque Street, Manchester, NH.
Social Club License #12001 issued pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) – failed to submit a signed club financial statement by the 15th of the following month.
Date of violation: July 21, 2016.
Case #: 16-259-OF
\$100 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: 9/10/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. Azima, Inc. DBA Kathmandu Spice, 379 South Willow Street, A-3, Manchester, NH 03103.
To be issued Restaurant On-Premise Beverage, Wine, Liquor License #1530103 pursuant to RSA 178:21.
30-Day Temporary license issued 8/16/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

- c. Family P Foods LLC DBA Bonsai's Restaurant II, 437 Nashua Street, Milford, NH 03055.
To be issued Restaurant On-Premise Cocktail Lounge License #1531403 pursuant to RSA 178:22.
30-Day Temporary License issued 8/16/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- d. Pub 319 LLC, 2 Main Street, Somersworth, NH 03878.
To be issued Restaurant On-Premise Beverage, Wine, Liquor License #1532003 pursuant to RSA 178:21.
30-Day Temporary license issued 8/17/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- e. 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: 9/10/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- 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: 9/17/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- 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//17/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- h. Weyerbacher Brewing Co., Inc., 905 Line Street, Suite G, Easton, PA 18042.
To be issued Beverage Vendor License #79631 pursuant to RSA 178:15.
Manufacturer: Weyerbacher Brewing Co., Inc.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- i. Suna LLC, 6 Brook Road, Sunapee, NH 03782
be issued Restaurant On-Premise Beverage, Wine, Liquor License #1531703 pursuant to RSA 178:21.
30-Day Temporary license issued 7-29-2016.
COMMISSION Tabled ON AUGUST 11, 2016.
THIS ITEM REMAINS Tabled AS OF AUGUST 18, 2016.
DIRECTOR WILSON ADDED THIS ITEM THAT WAS OMITTED IN ERROR; DEPUTY COMMISSIONER MILLIGAN REMOVED IT FROM THE TABLE AND APPROVED IT; CHAIRMAN MOLLICA RECUSED HIMSELF AS HE HAS DONE IN THE LAST 2 MEETINGS.

5. **LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:**

None

6. **DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:**

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING AUGUST 19, 2016: 1,170

Martinelli Winery, Inc., 3360 River Road, Windsor, CA 95492.
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. Cumberland Farms, Inc. DBA Cumberland Farms 5552, 196 North Main Street, Concord, NH 03301. Off-Premise Beverage/Wine/Tobacco License #3135247 licensed pursuant to RSA178:18 and RSA 178:19-a.
Date petition received: 8/12/2016.
Requested permission to transfer alcohol inventory to another licensee location, to wit, from Cumberland Farms of Concord, License #3135247, 196 North Main Street, Concord, NH to Cumberland Farms of Concord, License #867047, 102 Manchester Street, Concord, NH, due to the store closing and remodeling at the North Main Street, Concord, NH location per their letter dated 8/12/2016 and pursuant to RSA 178:29, VIII.
COMMISSION ACKNOWLEDGED.
- b. Loon Mountain Recreation Co. DBA Governor Adams Lodge, Loon Mountain, Lincoln, NH 03251. Sports Recreation Facility License #284805 licensed pursuant to RSA 178:22, V(v).
Date petition received: 8/4/2016.
Requested approval for authorization of other areas, to wit, an outside beer garden area with a capacity of 1,900 for event dates 9/16/2016, 9/17/2016 & 9/18/2016 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. Loon Mountain Recreation Co. DBA Loon Mountain Ski Area, 60 Loon Mountain Road, Octagon Lodge Café, Lincoln, NH 03251.
Restaurant On-Premise Beverage and Wine License #404103 licensed pursuant to RSA 178:20.
Date petition received: 8/4/2016.
Requested approval for authorization of other areas, to wit, an outside concert area and tented area with a capacity of 1,200 for event dates 9/16/2016, 9/17/2016 & 9/18/2016 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- d. Pub 319 LLC, 2 Main Street, Somersworth, NH 03878.
Restaurant On-Premise Beverage/Wine/Liquor License #1532003 licensed pursuant to RSA 178:21.
Date petition received: 8/17/2016.
Requested approval for authorization of other area, to wit, an outside patio area with a capacity of 30 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- e. Puerto Vallarta Mexican Grill LLC, 865 Second Street, Manchester, NH 03102.
Restaurant On-Premise Beverage/Wine/Liquor License #1475303 licensed pursuant to RSA 178:21.
Date petition received: 8/17/2016.
Requested approval for authorization of other area, to wit, an additional dining area with a capacity of 99 for the entire restaurant pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- f. Stone Church Music Club LLC, 5 Granite Street, Newmarket, NH 03857.
Restaurant On-Premise Beverage/Wine/Liquor License #1429903 licensed pursuant to RSA 178:21.
Date petition received: 8/12/2016.
Requested approval for authorization of other area, to wit, an outside parking area with a capacity of 70 for event date 8/14/2016 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:**

None

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

Assumption Greek Orthodox Church, 111 Island Pond Road, Manchester, NH 03109.
To be issued one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor
Licenses pursuant to RSA 178:22, V(l).
Event dates: 8/27/2016 & 8/28/2016.
Recommendation: Expedited approval.
Commission approved on 8/16/2016.
COMMISSION ACKNOWLEDGED.