

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, SEPTEMBER 1, 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 23, 2016 at 10:00 a.m.:

- b. 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.:

- c. 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:

- a. 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.

THIS CASE WAS SETTLED AND THE HEARING SCHEDULED FOR SEPTEMBER 9, 2016 WAS CANCELED.

An administrative fine of \$500 with \$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 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 15, 2016 and re-granted on September 17, 2016 and Bambi Duff and David Lachance shall complete a Total Education in Alcohol Management (TEAM) seminar online by September 15, 2016.

COMMISSION ACKNOWLEDGED.

- 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.

THIS CASE WAS SETTLED AND THE HEARING SCHEDULED FOR SEPTEMBER 9, 2016 WAS CANCELED.

An administrative fine of \$1,000 to come forward from a violation adjudicated on December 30, 2015 and an additional administrative fine of \$1,500 for a total of \$2,500, four (4) points assessed to the liquor license, the license to sell alcohol suspended for two (2) days to come forward from a violation adjudicated on December 30, 2015 and an additional five (5) day suspension with three (3) days held in abeyance for twelve (12) months pending no like violation commencing September 6, 2016 and re-granted on September 10, 2016 and the violation history, including the violations and penalties referenced above, shall transfer to Camp Co., License #3346847 until such time that the present licensees and managers are no longer involved in the operation of Camp Co.

COMMISSION ACKNOWLEDGED.

- c. World's Greatest Karaoke Bar, 9A Ocean Blvd., Hampton, NH.
Restaurant Full Service With Lounge License #1467203 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: January 3, 2016.

Case #: 16-5-OF.

An administrative fine of \$1,000, four (4) points assessed to the liquor license, the license to sell alcohol suspended in the cocktail lounge where service occurred for five (5) days commencing September 17, 2016 and re-granted on September 22, 2016 and Jessica Mason to attend a Total Education in Alcohol Management (TEAM) seminar in a classroom by September 30, 2016.

COMMISSION ACKNOWLEDGED.

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

None

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Artisanal Imports, Inc., 1305 West Oltorf, Suite 300, Austin, TX 78704.
To be issued Beverage Vendor License #80231 pursuant to RSA 178:15.
Manufacturer: Elgood & Sons Ltd.

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

- b. Clark Island Enterprises Ltd. DBA Stella Di Mare Yacht Charter & Cruises,
116 Morgan's Way, New Castle, NH 03854.

To be issued Seasonal Vessel – Beverage/Wine/Liquor License #490513 pursuant to RSA 178:21.

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

- c. Durbar Square Restaurant LLC, 10 Market Street, Portsmouth, NH 03801.
To be issued Restaurant On-Premise Beverage, Wine, Liquor License #1531803 pursuant to RSA 178:21.
30-Day Temporary license issued 8/25/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- d. Grasshoppers Nursery & Garden Center LLC, 728 River Road, New Boston, NH 03070.
To be issued Retail Table Wine License #3160946 pursuant to RSA 178:19.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- e. Jass Boxing, Pavilion @ Somersworth HS, 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: 9/17/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- f. Manchester Police Athletic League, Gill Stadium, 396 Valley 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 date: 10/2/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- g. Sublime Brewing Company LLC, 5 Route 25, Plymouth, NH 03264.
To be issued Nano Brewery Beer and/or Specialty Beer License #204322 pursuant to RSA 178:12-a.
30-Day Temporary license issued 8/19/2016.
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 AUGUST 26, 2016: 1,171

Waits-Mast Family Cellars LLC, 1225 Minnesota Street, San Francisco, CA 94107.

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. A and N Sushi Hibachi, Inc. DBA Kume Steakhouse,
570 Lafayette Road, Unit 806, Seabrook, NH 03874.
Restaurant On-Premise Cocktail Lounge License #1507703 licensed pursuant to RSA 178:22.
Date petition received: 7/22/2016.
Requested approval for authorization of other area, to wit, an outside patio area with a capacity of 50 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- b. Cooper Beech Winery LLC, 146 Londonderry Turnpike, Unit 23, Hooksett, NH 03106.
Wine Manufacturer Off-Premise Wine Only License #564830 licensed pursuant to RSA 178:8.
Date petition received: 8/22/2016.

Requested approval for authorization for tasting at farmer's market, to wit, Town of Merrimack Farmer's Market, located at Vault Storage Parking Lot, 526 Daniel Webster Highway, Merrimack, NH every Wednesday between 3:00 pm and 6:00 pm from June 15, 2016 to October 12, 2016 pursuant to RSA 178:24 and RSA 179:44,II-a. The Town of Merrimack has approved sampling of alcoholic beverages at these events.

COMMISSION ACKNOWLEDGED.

- c. Dowd's Country Inn LLC DBA Dowd's Country Inn & Latham House Tavern, 9 Main Street, Lyme, NH 03768.
Restaurant On-Premise Cocktail Lounge License #1530403 licensed pursuant to RSA 178:22.
Date petition received: 7/1/2016.
Requested approval for authorization of other area, to wit, an outside garden area with a capacity of 400 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- d. GC Fridays Boston LLC DBA TGI Fridays #27411, 2060 Woodbury Avenue, Newington, NH 03801.
Restaurant On-Premise Cocktail Lounge License #1517103 licensed pursuant to RSA 178:22.
Date petition received: 8/26/2016.
Requested permission to transfer alcohol inventory to a new location, to wit, from TGI Fridays of Newington, License #1517103 to TGI Fridays of Manchester, License #1517003 located at 1516 South Willow Drive, Manchester, NH 03103 due to the business closing at the Newington location on August 23, 2016 pursuant to their letter dated 8/9/2016 and RSA178:29, VIII.
COMMISSION ACKNOWLEDGED.
- e. Hump LLC DBA D's Café, 141 Winchester Street, Keene, NH 03431.
Restaurant On-Premise Beverage and Wine License #1530603 licensed pursuant to RSA 178:20.
Date petition received: 8/16/2016.
Requested approval for authorization of other area, to wit, an outside patio area with a capacity of 22 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- f. Koszco Street Pub, Inc. DBA Wild Rover Pub, 21 Kosciuszko Street, Manchester, NH 03102.
Restaurant On-Premise Cocktail Lounge License #258403 licensed pursuant to RSA 178:22.
Date petition received: 8/22/2016.
Requested approval for authorization of other area, to wit, an outside parking lot area with a capacity of 1,700 for event date September 18, 2016 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- g. Ocean Dining LLC DBA Bernie's Bar & Grill, 72 Ocean Boulevard, Hampton, NH 03842.
Restaurant On-Premise Cocktail Lounge License #1448003 licensed pursuant to RSA 178:22.
Date petition received: 7/1/2016.
Requested approval for authorization of other areas, to wit, an outside, upper deck area with a capacity of 154 and an outside lower deck area with a capacity of 51 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- h. Old Settlers Cidery LLC, 789 Gilsum Mine Road, Alstead, NH 03602.
Wine Manufacturer Off-Premise Wine Only License #565730 licensed pursuant to RSA 178:8.
Date petition received: 8/12/2016.
Requested approval for authorization of other area, to wit, a retail/tasting area with a capacity of 12 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- i. Omni Hotels Management Corporation DBA Clubhouse at Bretton Woods, 310 Mount Washington Road, Route 302, Bretton Woods, NH 03575.
Sports Recreation License #6014505 licensed pursuant to RSA 178:22, V(v).
Date petition received: 8/25/2016.
Requested approval for authorization of other area, to wit, an outside, tented area with a capacity of 50 for event date 8/26/2016 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- j. Polish American Club of Nashua, 15 School Street, Nashua, NH 03060.
Social Club On-Premise Cocktail Lounge License #8401 licensed pursuant to RSA 178:22, V(h).

Requested approval to transfer license to other location, to wit, to transfer the license to The Grove, 43 Baboosic Lake Road, Merrimack, NH from 8:00 am to 7:00 pm on August 27, 2016 pursuant to RSA 178:25.

COMMISSION ACKNOWLEDGED.

- k. Vineyard at Seven Birches LLC DBA Seven Birches, 22 South Mountain Drive, Lincoln, NH 03251. Wine Manufacturer Off-Premise Wine Only License #563430 licensed pursuant to RSA 178:8. Date petition received: 8/19/2016. Requested approval for authorization of other area, to wit, an outside deck tasting area with a capacity of 25 pursuant to RSA 178:24 and Liq. 404.05.

COMMISSION ACKNOWLEDGED.

- l. Wakefield Inn and Restaurant LLC, 2753 Wakefield Road, Sanbornville, NH 03872. Restaurant On-Premise Beverage/Wine/Liquor License #1466903 licensed pursuant to RSA 178:21. Date petition received: 7/15/2016. Requested approval for authorization of other area, to wit, an outside front porch area with a capacity of 10 pursuant to RSA 178:24 and Liq. 404.05.

COMMISSION ACKNOWLEDGED.

- m. Waterville Estate Village District DBA Summit Lounge @ Waterville Estates, 562 Winterbrook Road, Box 19, Campton, NH 03223. Sports Recreation License #572005 licensed pursuant to RSA 178:22, V(v). Date petition received: 8/10/2016. Requested approval for authorization of other areas, to wit, an outside lawn area with a capacity of 100 and a VIP area with a capacity of 300 for event date August 27, 2016 pursuant to RSA 178:24 and Liq. 404.05.

COMMISSION ACKNOWLEDGED.

9. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

- a. Pizzico Italian Restaurant, 7 Continental Blvd., Merrimack, NH. Restaurant Full Service With Lounge License #1346003 issued pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q). Requested approval of a Felon Exception for Christian William Taylor Biddle as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c). Case #: 16-209-OF.

COMMISSION ACKNOWLEDGED.

- b. Tio Juan's Margaritas Mexican Restaurant, 1 Bicentennial Square, Concord, NH. Restaurant Full Service With Lounge License #334803 issued pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q). Requested approval of a Felon Exception for Nicole Dalessio as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c). Case #: 16-264-OF.

COMMISSION ACKNOWLEDGED.

10. NOTIFICATION OF DENIED FELON EXCEPTIONS:

None

11. NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:

None

12. NOTIFICATION OF COMPLIANCE CHECKS:

ALCOHOL COMPLIANCE CHECKS –

Hampton, NH:

- a. Bernie's Bar & Grill, 73 Ocean Blvd., Hampton, NH.

Restaurant Full Service With Lounge License #1448003 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 a minor during a compliance check.

Date of violation: July 28, 2016.

Case #: 16-254-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. Beverages Unlimited II, 67 Ocean Blvd., Hampton, NH.

Combination Off-Premises Beverage/Wine/Tobacco License #3092647 issued 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: July 28, 2016.

Case #: 16-254-OF.

\$250 administrative fine suspended for twelve (12) months pending no like violation, 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.

- c. Hannaford Food & Drug 319, 630 Lafayette Road, Hampton, NH.

Combination Off-Premises Beverage/Wine/Tobacco License #782847 issued 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: July 28, 2016.

Case #: 16-254-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.

- d. Las Olas Taquena, 356 Lafayette Road, Hampton, NH.

Restaurant Beverage and Wine License #1398403 issued pursuant to RSA 178:20.

Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.

Date of violation: July 28, 2016.

Case #: 16-254-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.

- e. Ocean Gaming At Hampton Beach, 81 Ocean Blvd., Hampton, NH.

Restaurant On-Premise Beverage/Wine/Liquor License #1425703 issued pursuant to RSA 178:21.

Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.

Date of violation: July 28, 2016.

Case #: 16-254-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.

- f. Rage's Rexall, 131 Ocean Blvd., Hampton, NH.

Combination Off-Premises Beverage/Wine/Tobacco License #3194947 issued 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: July 27, 2016.

Case #: 16-254-OF.

\$250 administrative fine suspended for twelve (12) months pending no like violation, 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.

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:

Crotched Mountain Foundation, Rehabilitation Center, 1 Verney Drive, Greenfield, NH 03047.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 9/24/2016.
Recommendation: Expedited approval.
Commission approved on 8/9/2016.
COMMISSION ACKNOWLEDGED.

17. LATE ITEMS:

- a. Vote on re-adoption with amendment of Liq. 405.
DEPUTY COMMISSIONER MILLIGAN MOVED TO RE-ADOPT LIQ. 405 WITH AMENDMENT; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- b. Vote on adoption of Liq. 1000 – Liq. 1004.
DEPUTY COMMISSIONER MILLIGAN MOVED TO ADOPT LIQ. 1000 – LIQ. 1004; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.