

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, SEPTEMBER 15, 2016

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

October 21, 2016 at 10:00 a.m.:

- a. 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.
ASSENTED-TO MOTION TO CONTINUE FILED BY THE DIVISION OF ENFORCEMENT.

November 18, 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.
ASSENTED-TO MOTION TO CONTINUE FILED BY THE DIVISION OF ENFORCEMENT.

2. NOTIFICATION OF DISCIPLINARY ACTION:

None

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

None

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. 7-Eleven, Inc. DBA 7-Eleven #37376H, 2 Back River Road, Dover, NH 03820.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3347347 pursuant to RSA 178:18 & RSA 178:19-a.
30-Day Temporary license issued 9/8/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. 245 Union Ave. Laconia SH LLC DBA Smokers Haven Laconia,
245 Union Avenue, Laconia, NH 03246.
To be issued Retail Tobacco, Tobacco Only License #139017 pursuant to RSA 178:19-a.
30-Day Temporary license issued 9/6/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. Bridge St. Variety LLC DBA Gary's Beverages 2, 78 Bridge Street, Portsmouth, NH 03801.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3345147 pursuant to RSA 178:18 & RSA 178:19-a.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

- d. Capital Burger Company LLC DBA Eastern Burger Company,
157 Portsmouth Avenue, Unit 2, Stratham, NH 03885.
To be issued Restaurant On-Premise Beverage and Wine License #1533303 pursuant to RSA 178:20.
30-Day Temporary license issued 9/7/2016.
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA
SECONDED THE MOTION; THE MOTION PASSED.**
- e. Cataleya's LLC DBA Cataleya's Caribbean Grill, 420 Main Street, New London, NH 03257.
To be issued Restaurant On-Premise Beverage/Wine/Liquor License #1531103
pursuant to RSA 178:21.
30-Day Temporary license issued 9/7/2016.
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA
SECONDED THE MOTION; THE MOTION PASSED.**
- f. Center Harbor Provisions LLC, 313 Whittier Highway, Center Harbor, NH 03226.
To be issued Combination Off-Premise Beverage and Wine License #3346447
pursuant to RSA 178:18.
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA
SECONDED THE MOTION; THE MOTION PASSED.**
- g. Claremont Kiwanis Charities, Inc., Visitor Center Green, 14 North Street, Claremont, NH 03743.
To be issued a Beer Festival License pursuant to RSA 178:30.
Event date: 9/24/2016.
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA
SECONDED THE MOTION; THE MOTION PASSED.**
- h. Exeter Area Chamber of Commerce, Swasey Park, 32 Court Street, Exeter, NH 03833.
To be issued a Beer Festival License pursuant to RSA 178:30.
Event date: 10/1/2016.
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA
SECONDED THE MOTION; THE MOTION PASSED.**
- i. Hillsborough Chamber of Commerce,
Butler Park, Center Street & Butler Park, Hillsborough, NH 03244.
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.
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA
SECONDED THE MOTION; THE MOTION PASSED.**
- j. Howie Glynn & Sons Convenience, Inc., 318 Island Pond Road, Derry, NH 03038.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3342547
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.**
- k. James R. St. Jean Auctioneer DBA Rockingham Park,
1 Rockingham Park Boulevard, Salem, NH 03079.
To be issued an off-sale, special Voluntary Nonprofit Organizations Beverage/Wine/Liquor
License pursuant to RSA 178:17, II.
Event date: 9/24/2016.
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA
SECONDED THE MOTION; THE MOTION PASSED.**
- l. Maryann's Diner Salem LLC, 3 Veterans Memorial Parkway, Salem, NH 03079.
To be issued Restaurant On-Premise Beverage and Wine License #1532803 pursuant to RSA 178:20.
30-Day Temporary license issued 9/6/2016.
**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 SEPTEMBER 9, 2016: 1,166

16600 Cellars LLC DBA Winery Sixteen 600, 589 First St. West, 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.

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

None

8. **NOTIFICATION OF APPROVED PETITIONS:**

- a. Alpine Grove, Inc., 19 South Depot Road, Hollis, NH 03049.
Caterer, On-Site, Cocktail Lounge License #1168426.
Licensed pursuant to RSA 178:22, V(e).
Requested approval for authorization of other areas, to wit, an outside patio area with a capacity of 60, an outside, tented deck with a capacity of 82 and an outside lawn area with a capacity of 1,714 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- b. Applecrest Farm Bistro LLC, 133 Exeter Road, Hampton Falls, NH 03844.
Restaurant On-Premise Beverage/Wine/Liquor License #1503403 licensed pursuant to RSA 178:21.
Date petition received: 8/18/2016.
Requested approval for authorization of other area, to wit, an outside, tented area with a capacity of 125 for event dates September 11, 2016 and October 30, 2016 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. Cataleya's LLC DBA Cataleya's Caribbean Grill, 420 Main Street, New London, NH 03257.
Restaurant On-Premise Beverage/Wine/Liquor License #1531103 licensed pursuant to RSA 178:21.
Date petition received: 9/7/2016.
Requested approval for authorization of other areas, to wit, an outside, left side area with a capacity of 16 and an outside, right side area with a capacity of 8 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- d. Colebrook Country Club, Inc., Route 26, Colebrook, NH 03576.
Sports Recreation Facility License #396805 licensed pursuant to RSA 178:22, V(v).
Date petition received: 9/7/2016.
Requested approval for authorization of other area, to wit, an outside parking lot area with a capacity of 100 for event date September 10, 2016 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- e. Omni Hotels Management Corp. DBA Fabyan Station Restaurant, 310 Mount Washington Road, Route 302, Bretton Woods, NH 03575.
Restaurant On-Premise Cocktail Lounge License #1392103 licensed pursuant to RSA 178:22.
Date petition received: 9/2/2016.
Requested a waiver of RSA 178:21, II, a (2) for authorization of reduction of hours, to wit, to reduce the hours of operation to less than five days a week from October 31, 2016 to December 14, 2016 as indicated in a letter dated September 2, 2016.
COMMISSION ACKNOWLEDGED.

9. **NOTIFICATION OF APPROVED FELON EXCEPTIONS:**

- a. 7-Eleven, 496 Amherst Street, Nashua, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3031947 issued pursuant to RSA 178:18/RSA 126-K:4.

Requested approval of a Felon Exception for Richard Beaulieu as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).

Case #: 16-211-OF.

COMMISSION ACKNOWLEDGED.

- b. Tio Juan's Margaritas Mexican Restaurant, 77-81 Main Street, Keene, NH.
Restaurant Full Service With Lounge License #1171803 issued pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).

Requested approval of a Felon Exception for Zackary Wrobel as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).

Case #: 16-146-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:

None

13. COMMISSION DECISIONS PENDING AFTER HEARING:

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.

THE INFORMATIONAL HEARING WAS HELD AT EPSOM PUBLIC LIBRARY, 1606 DOVER ROAD, EPSOM, NH ON SEPTEMBER 9, 2016.

14. NOTIFICATION OF HEARING RESULTS:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

- a. Dogfish Head Craft Brewery, 6 Cannery Village Court, Milton, DE 19968.
Beverage Vendor License #34731 licensed pursuant to RSA 178:15.
Date petition received: 8/29/2016.

Requests approval of Dogfish 120 Minute IPA with an alcohol content of 16.22% at 60 degrees Fahrenheit by volume, licensed pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.

Recommendation: Approval.

DEPUTY COMMISSIONER MILLIGAN MOVED TO TABLE THIS ITEM PENDING RECEIPT OF INFORMATION ABOUT OTHER APPROVED BEER PRODUCTS WITH AS HIGH AN ALCOHOL CONTENT; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

DEPUTY COMMISSIONER MILLIGAN QUESTIONED THE ALCOHOL CONTENT THAT IS ABOVE 16%; DIRECTOR WILSON STATED THAT THE COMMISSION MAY STATUTORALLY APPROVE SPECIALTY BEER THAT IS 6% TO 12% AND OVER 12% ON A CASE BY CASE BASIS; THE COMMISSION HAS APPROVED A NUMBER OF THEM THAT ARE IN THE RANGE OF THIS PRODUCT AND SOME ARE SLIGHTLY HIGHER; LT. GOODNO PRESENTED A LIST OF THOSE PRODUCTS TO THE COMMISSION; DEPUTY COMMISSIONER MILLIGAN STATED A REVIEW MIGHT BE WARRANTED TO DISCUSS HOW HIGH THE ALCOHOL CONTENT IN BEER SHOULD BE; DEPUTY COMMISSIONER MILLIGAN MOVED TO 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. Green Flash Brewing, Inc. DBA Green Flash Brewing Co.,
6550 Mira Mesa Boulevard, San Diego, CA 92121.
Beverage Vendor License #48731 licensed pursuant to RSA 178:15.
Date petition received: 9/7/2016.
Requests approval of Green Flash Sepia Frumento Barley Wine in kegs only with an alcohol content of 13.50% at 60 degrees Fahrenheit by volume, licensed 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:

Hampton Area Chamber of Commerce,
Hampton Beach Seafood Festival, Ocean Boulevard, Main Beach, Hampton, NH 03842.
To be issued one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor
Licenses pursuant to RSA 178:22, V(l).
Event dates: 9/9/2016, 9/10/2016 & 9/11/2016.
Recommendation: Expedited approval.
Commission approved on 9/2/2016.
COMMISSION ACKNOWLEDGED.