

AGENDA FOR THE NHL
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, SEPTEMBER 29, 2016

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

September 30, 2016 at 10:00 a.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.
- THE INFORMATIONAL HEARING WAS HELD AT EPSOM PUBLIC LIBRARY, 1606 DOVER ROAD, EPSOM, NH ON SEPTEMBER 9, 2016.
- THIS HEARING COMMENCED SEPTEMBER 9, 2016 AND WAS EXTENDED AT THE AGREEMENT OF ALL PARTIES AND ATTENDEES. THE LICENSEE WILL GIVE TESTIMONY ON SEPTEMBER 30, 2016.**

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

- b. 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; GRANTED SEPTEMBER 2, 2016.

October 28, 2016 at 1:00 p.m.:

- c. Whiskeys 20, 20 Old Granite Street, Manchester, NH.
Restaurant Full Service With Lounge License #1516403 issued pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:23, IV and VI – allowed a convicted felon to work longer than 60 days without obtaining a waiver.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Dates of violations: November 8, 2015 & April 4, 2016.
Case #: 15-428-OF & 16-164-OF.

November 18, 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.

ASSENTED-TO MOTION TO CONTINUE FILED BY THE DIVISION OF ENFORCEMENT; GRANTED SEPTEMBER 2, 2016.

2. NOTIFICATION OF DISCIPLINARY ACTION:

On The Budget Corp., 229 Queen City Avenue, Manchester, NH.

Combination Off-Premises Beverage/Wine/Tobacco License #3345647 issued pursuant to RSA 178:18/RSA 126-K:4.

Cited for violation of RSA 178:2, II – failed to attend a required training program within 45 days of the issuance of the liquor license.

Date of violation: August 26, 2016.

Case #: 16-294-OF.

\$100 administrative fine suspended.

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

a. Flynnagan's, 237 Ossipee Lake Road, Tamworth, NH.

Restaurant On-Premise Beverage/Wine/Liquor License #1464803 issued pursuant to RSA 178:21.

Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.

Date of violation: July 28, 2016.

Case #: 16-285-OF.

\$100 administrative fine paid.

b. Raxx Billiards, 1211 Elm Street, Manchester, NH.

Sports Entertainment License #2503305 issued pursuant to RSA 178:22, V(u)(1).

Cited for violation of RSA 179:40, II – refilled bottles of legally purchased beverage or liquor.

Date of violation: September 2, 2016.

Case #: 16-300-OF.

\$250 administrative fine paid.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

a. 7-Eleven, Inc. DBA 7-Eleven 37390H, 36 Main Street, Lincoln, NH 03251.

To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3347247 pursuant to RSA 178:18 & RSA 178:19-a.

30-Day Temporary License issued 9/20/2016.

b. Arts In Reach: Encouraging Growth Through The Arts,

Discovery Portsmouth Center, 10 Middle Street, Portsmouth, NH.

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

Event date: 10/8/2016.

c. L.B.O. Holdings, Inc. DBA Attitash/Bear Peak Resort, 775 US Route 302, Bartlett, NH 03812.

To be issued a Beer Festival License pursuant to RSA 178:30.

Event dates: 10/8/2016 & 10/9/2016.

d. Pasquale's Ristorante LLC, 87 Nashua Road, Londonderry, NH 03053.

To be issued Restaurant On-Premise Beverage, Wine, Liquor License #1525803 pursuant to RSA 178:21.

30-Day Temporary license issued 9/21/2016.

- e. Veranda Grill LLC DBA Veranda, 201 Hanover Street, Manchester, NH 03104.
To be issued Restaurant On-Premise Beverage, Wine, Liquor License #1530303 pursuant to RSA 178:21.
30-Day Temporary license issued 9/22/2016.

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 23, 2016: 1,168

Cuda Ridge Wines LLC, 2400 Arroyo Road, Livermore, CA 94550.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.

7. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

8. NOTIFICATION OF APPROVED PETITIONS:

- a. Brau, Inc. DBA Schilling Beer Company, 18 Mill Street, Littleton, NH 03561.
Brew Pub On-Premise Cocktail Lounge License #2001915 licensed pursuant to RSA 178:13.
Date petition received: 8/25/2016.
Requested approval for authorization of other area, to wit, an outside parking lot area with a capacity of 377 for event date 9/24/2016 pursuant to RSA 178:24 and Liq. 404.05.
- b. Clarke Distributors, Inc., 472 Winchester Street, Keene, NH 03431.
Wholesale Distributor License #281020 licensed pursuant to RSA 178:16.
Date petition received: 9/6/2016.
Requested approval of storage of beverages in another area, to wit, #3 Krif Court, Keene, NH 03431 due to limited space at licensee's current location. All products will be transferred pursuant to RSA 179:49.
- c. Old Rail Pizza Co. LLC, 6 Main Street, Somersworth, NH 03878.
Restaurant On-Premise Beverage and Wine License #1497903 licensed pursuant to RSA 178:20.
Date petition received: 9/7/2016.
Requested approval for authorization to transfer business location, to wit, transfer location from 6 Main Street, Somersworth, NH to 400 High Street, Suite D, Somersworth, NH on September 19, 2016 pursuant to RSA 178:29, VIII.
- d. Pasquale's Ristorante LLC, 87 Nashua Road, Londonderry, NH 03053.
Restaurant On-Premise Beverage/Wine/Liquor License #1525803 licensed pursuant to RSA 178:21.
Date petition received: 9/21/2016.
Requested approval for authorization of other area, to wit, an outside deck area with a capacity of 18 pursuant to RSA 178:24 and Liq. 404.05.
- e. Shio, Inc. DBA Shio Japanese Restaurant, 2454 Lafayette Road, Portsmouth, NH 03801.
Restaurant On-Premise Beverage/Wine/Liquor License #1386803 licensed pursuant to RSA 178:21.
Date petition received: 9/16/2016.
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).

- f. Ukrainian American Citizens Club of New Hampshire, 148 Manchester Street, Manchester, NH 03101. Social Club On-Premise Cocktail Lounge License #10001 licensed pursuant to RSA 178:22, V(h).
Date petition received: 9/19/2016.
Requested approval for authorization of other area, to wit, an outside parking lot area with a capacity of 185 for event date 9/24/2016 pursuant to RSA 178:24 and Liq. 404.05.
- g. Veranda Grill LLC DBA Veranda, 201 Hanover Street, Manchester, NH 03104.
Restaurant On-Premise Beverage/Wine/Liquor License #1530303 licensed pursuant to RSA 178:21.
Date petition received: 9/22/2016.
Requested approval for authorization of other area, to wit, an outside patio area with a capacity of 60 pursuant to RSA 178:24 and Liq. 404.05.

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:

- a. Enfield Shaker Museum, 447 NH Route 4A, Enfield, NH 03748.
Requests approval of a Beer Festival License for cider containing more than 6% by volume from various out of state locations for sampling only at a beer festival pursuant to RSA 175:1, VIII.
Recommendation: Temporary approval.
- b. USAF Mark Wultz, 16 Whispering Pines Lane, Merrimack, NH 03054.
Military serviceman wishes to import his collection of alcohol to New Hampshire from overseas where he is currently stationed and have the 25% fee waived pursuant to RSA 175:6.
Recommendation: Approval.

16. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

Front Door Agency, Inc. (The), Labelle Winery, 345 Route 101, Amherst, NH 03031.
To be issued off-sale, special Voluntary, Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:17, II.
Event date: 9/27/2016.
Recommendation: Expedited approval.
Commission approved on 9/20/2016.