

AGENDA FOR THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, NOVEMBER 17, 2016

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

November 18, 2016 at 10:00 a.m.:

- a. 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.
SETTLEMENT PENDING.

December 2, 2016 at 10:00 a.m.:

- b. Ichiban Japanese Steak House, 118 Manchester Street, Concord, NH.
Restaurant Full Service With Lounge License #1478003 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: February 11, 2016.
Case #: 16-44-OF.
VIOLATION WAS NOL PROSSED ON NOVEMBER 3, 2016.

Date to be determined:

- 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 #s: 15-428-OF & 16-164-OF.
10/13/2016 - ASSENTED-TO MOTION TO CONTINUE FILED ON BEHALF OF THE LICENSEE.
10/14/2016 - MOTION GRANTED; HEARING TO BE RESCHEDULED IF SETTLEMENT IS NOT REACHED.
SETTLEMENT PENDING.

2. NOTIFICATION OF DISCIPLINARY ACTION:

None

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

- a. Green Flash Brewing Company, 6550 Mira Mesa Blvd., San Diego, CA.
Beverage Vendor License #48731 issued pursuant to RSA 178:15.
Cited for violation of RSA 178/Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.

Date of violation: October 5, 2016.

Case #: 16-335-OF.

\$100 administrative fine paid.

- b. Loon Mountain Ski Area, 60 Loon Mountain Road, Lincoln, NH.
Restaurant Beverage and Wine License #404103 issued pursuant to RSA 178:20.
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.
Date of violation: September 17, 2016.
Case #: 16-325-OF.
\$100 administrative fine paid.
- c. Pacific Fusion Restaurant, 356 DW Highway, Merrimack, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1442203 issued pursuant to RSA 178:21.
Cited for violation of RSA 179:50, II – unlawful purpose; allowed smoking on the premises.
Date of violation: November 5, 2016.
Case #: 16-360-OF.
\$250 administrative fine paid.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. 1A Meat Company, Inc. DBA Huntspoint Meats & BBQ, 114 Calef Highway, Epping, NH 03042.
To be issued Restaurant On-Premise Beverage & Wine License #1525003
pursuant to RSA 178:20.
30-Day Temporary License issued: 11/1/2016.
- b. Caroline Arend LLC DBA Caroline's Fine Food, 132 Bedford Center, Unit A, Bedford, NH 03110.
To be issued Retail Table Wine License #3161646 licensed pursuant to RSA 178:19.
30-Day Temporary License issued: 11/1/2016.
- c. Curran, Ryan DBA Washington General Store, 29 North Main Street, Washington, NH 03280.
To be issued Conditional Combination Restaurant Beverage/Wine License #1528803
pursuant to RSA 178:17-a.
- d. FB LLC DBA Bocko's Gas & Convenience, 16 John Stark Highway, Newport, NH 03773.
To be issued Combination Off-Premise Beverage, Wine & Tobacco License #3349247
pursuant to RSA 178:18 & RSA 178:19-a.
30-Day Temporary License issued: 11/2/2016.
- e. El Chapulin LLC DBA La Hacienda Mexicana, 29 Village Road, Waterville Valley, NH 03215.
To be issued Restaurant On-Premise Beverage, Wine & Liquor License #1533503
pursuant to RSA 178:21.
30-Day Temporary License issued: 11/10/2016.
- f. New England Uncorked LLC, 33 Proctor Road, Bedford, NH 03110.
To be issued Liquor and Wine Vendor License #119245 pursuant to RSA 178:9.
30-Day Temporary License issued: 11/1/2016.
- g. New England Uncorked LLC, 33 Proctor Road, Bedford, NH 03110.
To be issued Liquor & Wine Representative Off-Premise Wine & Liquor License #608435
pursuant to RSA 178:10.
30-Day Temporary License issued: 11/1/2016.
- h. Pat & Tony's, Inc. DBA Lyme Country Store, 13 Main Street, Lyme, NH 03768.
To be issued Caterer-Off-Site License #1288334 pursuant to RSA 178:22, V(e).
30-Day Temporary License issued: 11/7/2016.

- i. Rochester Main Street,
Studley's Flower Garden Greenhouse, 82 Wakefield Street, Rochester, NH 03867.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 12/3/2016.
- j. Shri Sahjanandrupa Corp. DBA Smok'in Deal, 112 DW Highway #6, Nashua, NH 03061.
To be issued Combination Off-Premise Beverage, Wine & Tobacco License #3348447 pursuant to RSA 178:18 & RSA 178:19-a.
30-Day Temporary License issued: 10/31/2016.
- k. Tilton Tobacco and Convenience LLC, 276 Main Street, Tilton, NH 03276.
To be issued Retail Tobacco, Tobacco Only License #139817 pursuant to RSA 178:19-a.

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

6. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING NOVEMBER 14, 2016: 1,158

- a. Baywood Cellars DBA Fitvine, 5573 W. Woodbridge Road, Lodi, CA 95242.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
- b. Blue Mountain Vineyards & Cellars LTD, 7627 Grape Vine Drive, New Tripoli, PA 18066.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
- c. David James LLC DBA Sinegal Family Estate, 2125 Inglewood Avenue, St. Helena, CA 94574.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
- d. SMT Acquisitions LLC DBA Esprit Du Vin, 301 Yamado Road, Suite 3130B, Boca Raton, FL 33431.
Direct Shipper Permit Importer, Wholesaler or Retailer pursuant to RSA 178:27.
- e. Wilhelm Family Vineyards, 21 Mountain Ranch Road, Elgin, AZ 85611.
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. Ashuelot Brewing Company LLC, 110 Old County Road, Richmond, NH 03470.
Beverage Manufacturer License #290618 licensed pursuant to RSA 178:12.
Date petition received: 10/26/2016.
Requested approval for authorization of other area, to wit, an outside tasting area with a capacity of 9 pursuant to RSA 178:24 and Liq. 404.05.
- b. Dube & Robinson LLC, 55 Chocorua Road, Tamworth, NH 03886.
Wine Manufacturer Off-Premise Wine Only License #566030 licensed pursuant to RSA 178:8.
Date petition received: 10/26/2016.
Requested approval for authorization to transfer business location, to wit, transfer location from 55 Chocorua Road, Tamworth, NH to 153 Gardner Hill Road, Tamworth, NH on October 26, 2016 pursuant to RSA 178:29, VIII.

- c. Grazinggoats, Inc. DBA Grazing Room (The), 33 The Oaks, Henniker, NH 03242.
Hotel On-Premise Beverage/Wine/Liquor License #371102 licensed pursuant to RSA 178:21.
Date petition received: 10/31/2016.
Requested approval for authorization of other area, to wit, an outside patio area with a capacity of 12 pursuant to RSA 178:24 and Liq. 404.05.
- d. Isolino LLC DBA Louie's On Pleasant St. Portsmouth, 86 Pleasant Street, Portsmouth, NH 03801.
Restaurant On-Premise Beverage/Wine/Liquor License #1502403 licensed pursuant to RSA 178:21.
Date petition received: 10/31/2016.
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).
- e. 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: 10/17/2016.
Requested approval for authorization of other area, to wit, an outside, tented area with a capacity of 500 for event date 11/5/2016 pursuant to RSA 178:24 and Liq. 404.05.
- f. Phat Fish, Inc., 57A Main Street, Plymouth, NH 03264.
Restaurant On-Premise Beverage/Wine/Liquor License #1534703 licensed pursuant to RSA 178:21.
Date petition received: 11/2/2016.
Requested approval for authorization of other area, to wit, an outside patio area with a capacity of 66 pursuant to RSA 178:24 and Liq. 404.05.

9. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

- a. Donna Jean's Diner, 1208 Weirs Blvd., Laconia, NH.
Restaurant Beverage and Wine License #1169703 issued pursuant to RSA 178:20.
Felon Exception for Sheila Plume as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).
Case #: 16-226-OF.
Approved on October 31, 2016.
- b. Pub 319, 2 Main Street, Somersworth, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1532003 issued pursuant to RSA 178:21.
Felon Exception for Shonna Kirk as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).
Case #: 16-334-OF.
Approved on November 2, 2016.
- c. Smitty's Restaurant & Pizza, 6 Main Street, Hinsdale, NH.
Restaurant Beverage and Wine License #1525703 issued pursuant to RSA 178:20.
Felon Exception for Rockingham Smith as a License Applicant pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).
Case #: 16-358-OF.
Approved on November 8, 2016.

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.

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.

THE HEARING WAS CONTINUED AT THE OFFICES OF THE LIQUOR COMMISSION ON SEPTEMBER 30, 2016. LICENSEE FORREST SELL GAVE TESTIMONY CONCERNING HIS OWNERSHIP AND MANAGEMENT OF THE PROPERTY IN QUESTION. CHIEF HEARINGS OFFICER JOSEPH PLAIA REQUESTED THE FOLLOWING DOCUMENTATION: ANY CORRESPONDENCE OR RULINGS ISSUED BY THE NH DEPARTMENT OF JUSTICE TO THE LICENSEE RELATIVE TO THE PROPERTY; AND A LIST OF CALLS FOR SERVICE MADE TO THE PROPERTY FROM MAY 8, 2014 TO THE PRESENT BY THE EPSOM, NH POLICE DEPARTMENT, TO BE SUBMITTED TO OR OBTAINED BY THE DIVISION OF ENFORCEMENT & LICENSING WITHIN TEN (10) DAYS.

14. NOTIFICATION OF HEARING RESULTS:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

- a. Boston Beer Corporation DBA Boston Beer Company,
One Design Center Place, Suite 850, Boston, MA 02210.
Beverage Vendor License #29931 licensed pursuant to RSA 178:15.
Date petition received: 11/7/2016.
Requests approval of Angry Orchard Iceman with an alcohol content of 10.9% at 60 degrees Fahrenheit by volume, Angry Orchard Strawman with an alcohol content of 10% at 60 degrees Fahrenheit by volume and Angry Orchard The Muse with an alcohol content of 7.75% at 60 degrees Fahrenheit by volume, licensed pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.
The label on Angry Orchard The Muse states "Carbonated Apple Wine With Natural Flavors Added". Angry Orchard Iceman is classified by TTB as a wine and the label states "Apple Wine produced from Apple Juice Concentrate Frozen Post-Harvest". Angry Orchard Strawman is classified by TTB as a wine. These products should be classified as a Table Wine pursuant to RSA 175:1, LXIX.
Recommendation: Denying this cider for sale as a beverage in NH pursuant to RSA 175:1, VIII.
- b. Country Corner Mile LLC, Route 31, Greenville, NH 03048.
Agency Store Off-Premise Liquor Only License #980404 licensed pursuant to RSA 177:9.
Requested approval for renewal of license, to wit, to renew Agency Store Off-Premise Liquor Only License pursuant to RSA 177:9.
Recommendation: Approval.

ON NOVEMBER 3, 2016, DEPUTY COMMISSIONER MILLIGAN MOVED TO TABLE THIS ITEM SO THAT DIRECTOR BRASSARD-JORDAN COULD CONTACT THE LICENSEES TO EXTEND ANY ASSISTANCE THEY MAY NEED IN THE OPERATION OF THEIR BUSINESS RELATIVE TO THEIR LIQUOR LICENSE; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

- c. Great Divide Brewing Company, 2201 Arapahoe Street, Denver, CO 80205.
Beverage Vendor License #74231 licensed pursuant to RSA 178:15.
Date petition received: 11/7/2016.
Requests approval of Barrel Aged Old Ruffian with an alcohol content of 12.74% at 60 degrees Fahrenheit by volume, licensed pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.
Recommendation: Approval.
- d. Sebago Brewing Company, 48 Sanford Drive, Gorham, ME 04038.
Beverage Vendor License #45831 licensed pursuant to RSA 178:15.
Date petition received: 11/10/2016.
Requests approval to modify Barleywine from an alcohol content of 10.3% at 60 degrees Fahrenheit by volume to 12.46% at 60 degrees Fahrenheit by volume pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.
Recommendation: Approval.
- e. Young's General Store LLC, 2792 North Main Street, Pittsfield, NH 03582.
Agency Store Off-Premise Liquor Only License #980504 licensed pursuant to RSA 177:9.
Requested approval for renewal of license, to wit, to renew Agency Store Off-Premise Liquor Only License pursuant to RSA 177:9.
Recommendation: Approval.
- f. Vote to approve the final proposals for Administrative Rules, Chapters Liq. 405 and Liq. 1000.

16. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

- a. Chipotle Mexican Grill of Colorado LLC DBA Chipotle Mexican Grill 1, 265 Loudon Road, Concord, NH 03301.
To be issued Restaurant On-Premise Beverage and Wine License #1527203 pursuant to RSA 178:20.
Recommendation: Expedited approval.
Commission approved on 11/4/2016.
- b. Josiah's Meeting House LLC, 521 Calef Highway, Epping, NH 03042.
To be issued Caterer-Off-Site License #1288234 pursuant to RSA 178:22, V(e).
Recommendation: Expedited approval.
Commission approved on 11/4/2016.
- c. New Hampshire Telephone Museum, 1 Depot Street, Warner, NH 03278.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 11/18/2016.
Recommendation: Expedited approval.
Commission approved on 11/4/2016.
- d. Phat Fish, Inc., 57A Main Street, Plymouth, NH 03264.
To be issued Restaurant On-Premise Beverage, Wine, Liquor License #1534703 pursuant to RSA 178:21.
Recommendation: Expedited approval.
Commission approved on 11/4/2016.

- e. Roddy, Alicia, 111 Bernard Street, Manchester, NH 03102.
To be issued Alcohol Consultant License #506944 pursuant to RSA 178:27-a.
Recommendation: Expedited approval.
Commission approved on 11/4/2016.

- f. Roman Catholic Bishop of Manchester, Christ The King Parish,
72 South Main Street, Concord, NH 03301.
To be issued an off-sale special Voluntary Nonprofit Organizations Beverage/Wine/Liquor
License pursuant to RSA 178:17, II.
Event date: 11/19/2016.
Recommendation: Expedited approval.
Commission approved on 11/4/2016.