

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, DECEMBER 1, 2016

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

December 16, 2016 @ 10:00 a.m.:

- a. California Grille, 41 Crystal Avenue, Derry, NH.
Restaurant Beverage & Wine License #1508303 issued pursuant to RSA 178:20.
Cited for violation of RSA 179:24 – failed to notify the Commission within 30 days of a change in management.
Cited for violation of RSA 179:32, III – purchased beer from other than a licensed wholesale distributor, manufacturer, brew pub or as provided by law.
Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises.
Date of violations: October 21, 2016.
Case #: 16-349-OF.

Date to be determined:

- b. Fire & Ice Hookah Lounge, 990 Elm Street, Manchester, NH.
Cigar Bar On-Premises Beverage/Wine/Liquor/Cigar License #403106 issued pursuant to RSA 178:20-a.
Cited for violation of RSA 179:27, II - served or allowed consumption of alcoholic beverage in areas not approved by the Commission – 2 counts.
Cited for violation of RSA 179:51 – insufficient lighting.
Date of violations: October 9, 2016.
Case #: 16-343-OF.

2. NOTIFICATION OF DISCIPLINARY ACTION:

- a. Central Ale House, 23 Central Street, Manchester, NH.
Restaurant Full Service With Lounge License #1451203 issued pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, II – allowed an under-aged individual to possess or consume alcoholic beverage – 2 counts.
Cited for violation of RSA 179:8, I – failed to require the purchaser to furnish a motor vehicle driver's license issued by the state of New Hampshire, or a valid driver's license issued by another state, or province of Canada, which bears the date of birth, name, address and picture of the licensee – 2 counts.
Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises.
Cited for violation of RSA 179:27, II - served or allowed consumption of alcoholic beverage in areas not approved by the Commission – 4 counts.
Date of violations: August 13, 2015, August 19, 2015, January 9, 2016 & October 20, 2016.
Case #: 15-313-OF, 16-9-OF & 16-348-OF.
For violation of RSA 179:5, II, an administrative fine of \$1,000, eight (8) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended for fifteen (15) days with five (5) days held in abeyance for twelve (12) months pending no like violation commencing January 2, 2017 and re-granted on January 12, 2017; for violation of RSA 179:8, I, an administrative fine of \$200; for violation of RSA 179:23, IV, an administrative fine of \$250; for violation of RSA 179:27, an administrative fine of \$1,000; commencing immediately, an employee shall be present at the beer wall to serve all beverages; only employees shall be permitted to swipe beer cards and serve beer; there shall be no self-service of beverages permitted at any time; by December 10, 2016, the licensee shall install a bar in front of the beer wall; upon completion of construction of the bar, the licensee shall

notify the NH Division of Liquor Enforcement & Licensing for inspection of the premises; only employees shall be permitted to swipe beer cards and serve beer at the bar; there shall be no self-service of beverages permitted at any time.

DEPUTY COMMISSIONER MILLIGAN MOVED TO TABLE THIS ITEM UNTIL THE DECEMBER 15, 2016 MEETING; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

- b. Mel's Funway Park, 454 Charles Bancroft Highway, Litchfield, NH.
Restaurant Beverage & Wine License #1531903 issued pursuant to RSA 178:20.
Cited for violation of RSA 179:5, II – allowed an under-aged individual to possess or consume alcoholic beverage.
Date of violation: October 7, 2016.
Case #: 16-338-OF.
An administrative fine of \$500, four (4) points shall be assessed to the liquor license and the license to sell alcohol shall be suspended for three (3) days with two (2) days held in abeyance for twelve (12) months pending no like violation to occur on October 6, 2017 and re-granted on October 7, 2017; suspended days held in abeyance shall commence October 6, 2017.
COMMISSION ACKNOWLEDGED.
- c. 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, II – allowed an under-aged individual to possess or consume alcoholic beverage.
Date of violation: January 9, 2016.
Case #: 16-24-OF.
ASSENTED-TO MOTION TO CONTINUE FILED BY THE DIVISION OF ENFORCEMENT; GRANTED SEPTEMBER 2, 2016.
SETTLEMENT PENDING AS OF NOVEMBER 17, 2016.
An administrative fine of \$500, four (4) points shall be assessed to the liquor license and the license to sell alcohol shall be suspended for three (3) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing January 14, 2017 and re-granted on January 16, 2017.
COMMISSION ACKNOWLEDGED.

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

- a. Hilltopstop/Wine Down Canvas At Hilltop (The), 187 Rockingham Road, Derry, NH.
Restaurant On-Premises Beverage/Wine/Liquor License #1509103 issued pursuant to RSA 178:21.
Cited for violation of RSA 179:27, II - served or allowed consumption of alcoholic beverage in areas not approved by the Commission.
Date of violation: November 17, 2016.
Case #: 16-368-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- b. Pacific Fusion Restaurant, 356 DW Highway, Merrimack, NH.
Restaurant On-Premises Beverage/Wine/Liquor License #1442203 issued pursuant to RSA 178:21.
Cited for violation of RSA 179:17 – allowed the sale and consumption of alcoholic beverage on the premises after the expiration of the serving hour.
Date of violation: November 5, 2016.
Case #: 16-360-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL

- a. 7-Eleven, Inc. DBA 7-Eleven 373883H, 9 Village Street, Penacook, NH 03303.
To be issued Combination Off-Premises Beverage, Wine & Tobacco License #3349347 pursuant to RSA 178:18 & RSA 178:19-a.
30-Day Temporary License issued: 11/17/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- b. Black Cove Beverages LLC, 343 DW Highway, US Route 3, Meredith, NH 03253.
To be issued Rectifier Off-Premises Wine & Liquor License #281032 pursuant to RSA 178:7.
30-Day Temporary License issued: 11/16/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- c. Collins, Daniel and Coates, Becky Lynn DBA Pleasant Valley Store,
253 US Route 4 Highway, Canaan, NH 03741.
To be issued Combination Off-Premises Beverage, Wine & Tobacco License #3349047 pursuant to RSA 178:18 & RSA 178:19-a.
30-Day Temporary License issued: 11/22/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- d. DG Retail LLC DBA Dollar General Store #16444,
693 Suncook Valley Road, Center Barnstead, NH 03225.
To be issued Combination Off-Premises Beverage, Wine & Tobacco License #3347847 pursuant to RSA 178:18 & RSA 178:19-a.
30-Day Temporary License issued: 11/16/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- e. Eclipse Bar and Restaurant LLC, 253 Wilson Street, Manchester, NH 03103.
To be issued Restaurant On-Premises Cocktail Lounge License #1535403 pursuant to RSA 178:22.
30-Day Temporary License issued: 11/14/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- f. Fezziwigs Food & Fountain LLC, 112 State Street, Portsmouth, NH 03801.
To be issued Restaurant On-Premises Beverage & Wine License #1530203 pursuant to RSA 178:20.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- g. Fricker's Neighborhood Grill LLC, 250 Dubuque Street, Manchester, NH 03102.
To be issued Restaurant On-Premises Beverage, Wine & Liquor License #1536103 pursuant to RSA 178:21.
30-Day Temporary License issued: 11/21/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- h. Highland Distributing, Inc., 251 Highland Road, Andover, MA 01810.
To be issued Liquor & Wine Vendor License #118945 pursuant to RSA 178:9.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- i. Hill, Gerianne, 1044 Kirkland Court, Central Islip, NY 11722.
To be issued Alcohol Consultant License #508044 pursuant to RSA 178:27-a.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- j. Jake and Star Enterprises, Inc. DBA Jerome's Delicatessen & Catering Co.,
44 Nashua Road, Unit 9, Londonderry, NH 03053.
To be issued Restaurant On-Premises Beverage & Wine License #1512203 pursuant to RSA 178:20.
30-Day Temporary License issued: 11/15/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

- k. Kanjabi 6 LLC DBA Mr. Mac's Portsmouth, 2600 Lafayette Road, Unit 2, Portsmouth, NH 03801.
To be issued Restaurant On-Premises Beverage & Wine License #1536203 pursuant to RSA 178:20.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- l. Lee Wah Chen Restaurant, Inc., 118 Whittier Highway, Moultonborough, NH 03254.
To be issued Restaurant On-Premises Beverage, Wine & Liquor License #1534303 pursuant to RSA 178:21.
30-Day Temporary License issued: 11/22/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- m. Lineage Wine Selections LLC DBA Lineage Wine Selections, 14 Swift Lane, Merrimack, NH 03054.
To be issued Liquor & Wine Vendor License #119445 pursuant to RSA 178:9.
30-Day Temporary License issued: 11/14/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- n. Lineage Wine Selections LLC DBA Lineage Wine Selections, 14 Swift Lane, Merrimack, NH 03054.
To be issued Liquor & Wine Representative Off-Premises Wine & Liquor License #608535 pursuant to RSA 178:10.
30-Day Temporary License issued: 11/14/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- o. Lola's Pizzeria LLC, 16 Church Street, North Walpole, NH 03609.
To be issued Restaurant On-Premises Beverage & Wine License #1534503 pursuant to RSA 178:20.
30-Day Temporary License issued: 11/17/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- p. Merland's Deli & Draft, Inc., 96 Main Street, (Upper Level), North Woodstock, NH 03262.
To be issued Restaurant On-Premises Beverage & Wine License #1533903 pursuant to RSA 178:20.
30-Day Temporary License issued: 11/14/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- q. Nexdine LLC DBA Downeaster Café, 100 Arboretum Drive, Newington, NH 03801.
To be issued Dining Car On-Premises Beverage, Wine & Liquor License #1194527 pursuant to RSA 178:21.
30-Day Temporary License issued: 11/16/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- r. Prescott Park Arts Festival, Exeter Town Hall, 9 Front Street, Exeter, NH 03833.
To be issued one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor Licenses pursuant to RSA 178:22, V(l).
Event dates: 12/09, 12/10, 12/11, 12/17 & 12/18/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- s. Stewart, Rebecca, 47 Midnight Sun Drive, Fremont, NH 03044.
To be issued Alcohol Consultant License #508444 pursuant to RSA 178:27-a.
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 NOVEMBER 23, 2016: 1,165

- a. American Wine Trade, Inc. DBA Hedges Family Estate,
53511 North Sunset Road, Benton City, WA 99320.
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.
- b. Atomic Liquors DBA Boutique Wines, 604 East Chatham Street, Cary, NC 27511.
Direct Shipper Permit Importer, Wholesaler or Retailer pursuant to RSA 178:27.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- c. Kunin Wines LLC, 28 Anacapa Street, Santa Barbara, CA 93101.
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. 2 Percent Hospitality LLC DBA Monadnock Inn, 379 Main Street, Jaffrey, NH 03452.
Restaurant On-Premises Beverage/Wine/Liquor License #1489103 licensed pursuant to RSA 178:21.
Date petition received: 11/18/2016.
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).
COMMISSION ACKNOWLEDGED.
- b. Anheuser-Busch LLC, 221 DW Highway, Merrimack, NH 03054.
Beverage Manufacturer License #286818 licensed pursuant to RSA 178:12.
Date petition received: 11/10/2016.
Requested approval for authorization of other area, to wit, an outside area, the entrance of Hamlet, with a capacity of 40 for event dates 11/16/2016, 12/8/2016 and 12/15/2016 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. RCLT Holdings LLC DBA Hilltop Stop/Wine Down Canvas at Hilltop (The),
187 Rockingham Road, Derry, NH 03038.
Restaurant On-Premises Beverage/Wine/Liquor License #1509103 licensed pursuant to RSA 178:21.
Date petition received: 10/31/2016.
Requested approval for authorization of other area, to wit, an additional first floor dining room area with a capacity of 55 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- d. Sharon's Sea Grill LLC, 186 Ocean Boulevard, Seabrook, NH 03874.
Restaurant On-Premises Beverage/Wine/Liquor License #1288403 licensed pursuant to RSA 178:21.
Date petition received: 11/22/2016.
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 November 22, 2016 to February 28, 2017 as indicated in a letter dated November 22, 2016.
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:

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. Pabst Brewing Company LLC, 121 Interpark Boulevard, Suite 300, San Antonio, TX 78216. Beverage Vendor License #79531 licensed pursuant to RSA 178:15. Date petition received: 11/16/2016. Requests approval of Vermont Cider Co. Gumption Late Show Choco Lottie with an alcohol content of 6.8% 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 MOLLICA SECONDED THE MOTION; THE MOTION PASSED.**
- b. Young's General Store LLC, 2792 North Main Street, Pittsburg, NH 03592. Agency Store Off-Premises Liquor Only License #980504 licensed pursuant to RSA 177:9.

Requested approval for renewal of license, to wit, to renew Agency Store Off-Premises Liquor Only License pursuant to RSA 177:9.

Recommendation: Approval.

ON NOVEMBER 17, 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 MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

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.

16. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

- a. American Independence Museum, Folsom Tavern, 164 Water Street, Exeter, NH 03833.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 12/2/2016.
Recommendation: Expedited approval.
Commission approved on 11/22/2016.
COMMISSION ACKNOWLEDGED.
- b. Family Promise of Greater Nashua, Radisson Hotel, 11 Tara Boulevard, Nashua, NH 03062.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 12/1/2016.
Recommendation: Expedited approval.
Commission approved on 11/16/2016.
COMMISSION ACKNOWLEDGED.