

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, DECEMBER 8, 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:

None

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

- a. Dover Bowl, 887B Central Avenue, Rollinsford, NH.
Sports Entertainment License #6011705 issued pursuant to RSA 178:22, V(u)(1).
Cited for violation of RSA 179:53 – altered premises without Commission approval.
Date of violation: October 22, 2016.
Case #: 16-333-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- b. 5 Dragons LLC, 28 Railroad Square, Nashua, NH.
Restaurant On-Premises Beverage/Wine/Liquor License #1339203 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 26, 2016.
Case #: 16-378-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- c. True Brew Barista, 3 Bicentennial Square, Concord, NH.
Restaurant On-Premises Beverage/Wine/Liquor License #1433003 issued pursuant to RSA 178:21.
Cited for violation of RSA 179:17 – allowed the sale or consumption of alcoholic beverage on the premises after the expiration of the serving hour.
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.

Date of violations: September 24, 2016.
Case #: 16-313-OF.
\$350 administrative fine paid.
COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL

- a. Aigean Ales LLC, 250 Commercial Street, Unit 2001, Manchester, NH 03101.
To be issued Nano Brewery Beer and/or Specialty Beer License #204422 pursuant to RSA 178:12-a.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. Greater Portsmouth Chamber of Commerce,
Sheraton Portsmouth Harborside Hotel, 250 Market Street, Portsmouth, NH 03801.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 12/14/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. Hanuman, Inc. DBA NH Borderline Express, 5 Main Street, Seabrook, NH 03874.
To be issued Combination Off-Premise Beverage, Wine & Tobacco License #3346647 pursuant to RSA 178:18 & RSA 178:19-a.
30-Day Temporary License issued: 11/28/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- d. New African Asian Market LLC, 132 Loudon Road #3, Concord, NH 03301.
To be issued Combination Off-Premise Beverage, Wine & Tobacco License #3348547 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.
- e. Palmer, Holly, 225 Holden Street, Worcester, MA 01606.
To be issued Alcohol Consultant License #508544 pursuant to RSA 178:27-a.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- f. Pub 319 LLC DBA Trackside Tacos, 44 Market Street, Somersworth, NH 03878.
To be issued Restaurant On-Premise Beverage, Wine & Liquor License #1534903 pursuant to RSA 178:21.
30-Day Temporary License issued: 11/29/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- g. Purple Tomato LLC, 78 Main Street, Unit 6, Lincoln, NH 03251.
To be issued Retail Table Wine License #3161846 pursuant to RSA 178:19.
30-Day Temporary License issued: 12/1/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- h. Red White Trade LLC DBA Matbah Cuisine, 866 Elm Street, Manchester, NH 03101.
To be issued Restaurant On-Premise Beverage & Wine License #1535903 pursuant to RSA 178:20.
30-Day Temporary License issued: 11/29/2016.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA 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 DECEMBER 5, 2016: 1,161

None

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

None

8. **NOTIFICATION OF APPROVED PETITIONS:**

- a. JPA III Management Co., Inc. DBA Radisson Hotel @ CTR of NH, 700 Elm Street, Manchester, NH 03101.
Hotel On-Premise Cocktail Lounge License #214602 licensed pursuant to RSA 178:22, V(k).
Date petition received: 11/30/2016.
Requested approval for an extension of service areas, to wit, during a holiday party event on December 6, 2016, guests are allowed to carry their alcoholic drinks from the expo center to the café and ballrooms and back to the expo center; the staff will provide security and will control people carrying their alcoholic beverages from area to area pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- b. MVT Restaurant and Pub Holdings LLC DBA Fitzwilliam Inn and Lemming Pub, 62 NH Route 119 West, Fitzwilliam, NH 03447.
Restaurant On-Premise Beverage/Wine/Liquor License #1474503 licensed pursuant to RSA 178:21.
Date petition received: 11/28/2016.
Requested a waiver of RSA 178:21, II, a (2) for authorization for reduction of hours, to wit, to reduce the hours of operation to less than five days a week from January 1, 2017 to April 9, 2017 as indicated in a letter dated November 26, 2016.
COMMISSION ACKNOWLEDGED.
- c. Post Office Café LLC, 47 Main Street, Walpole, NH 03608.
Restaurant On-Premise Beverage/Wine/Liquor License #1209603 licensed pursuant to RSA 178:21.
Date petition received: 11/15/2016.
Requested approval for authorization of other area, to wit, an additional dining/function area with a capacity of 30 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- d. Pub 319 LLC DBA Trackside Tacos, 44 Market Street, Somersworth, NH 03878.
Restaurant On-Premise Beverage/Wine/Liquor License #1534903 licensed pursuant to RSA 178:21.
Date petition received: 11/29/2016.
Requested approval for authorization of other area, to wit, an outside patio area with a capacity of 35 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- e. Red White Trade LLC DBA Matbah Cuisine, 866 Elm Street, Manchester, NH 03101.
Restaurant On-Premise Beverage & Wine License #1535903 licensed pursuant to RSA 178:20.
Date petition received: 11/29/2016.
Requested approval for authorization of other area, to wit, an outside, sidewalk area with a capacity of 12 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- f. Throwback Brewery LLC, 7 Hobbs Road, North Hampton, NH 03862.
Brew Pub On-Premise Cocktail Lounge License #2002415 licensed pursuant to RSA 178:13.
Date petition received: 11/29/2016.
Requested approval for authorization of other areas, to wit, Town of Exeter Farmers Market at Exeter High School, Exeter, NH between 10:00 am and 2:00 pm from December 10, 2016 through April 8, 2017 and Town of Rollinsford Winter Farmers Market at Wentworth Greenhouses, Rollinsford, NH between 10:00 am and 2:00 pm from December 3, 2016 through March 25, 2017 pursuant to RSA 178:24 and Liq. 404.05; **The Towns of Exeter and Rollinsford prohibit sampling of alcoholic beverages at farmers markets.**
COMMISSION ACKNOWLEDGED.

9. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

Applebee's Neighborhood Grill & Bar, 260 Loudon Road, Concord, NH.
Restaurant On-Premises Beverage/Wine/Liquor License #1430103 licensed pursuant to RSA 178:21.
Approved a Felon Exception for Elizabeth A. Kimball as a Person In Charge pursuant to
RSA 178:4, RSA 179:23 and Liq. 404.06(c).
Case #: 16-272-OF.
Approved on: December 1, 2016.
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.

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. Dogfish Head Craft Brewery LLC, 6 Cannery Village Court, Milton, DE 19968.
Beverage Vendor License #34731 licensed pursuant to RSA 178:15.
Date petition received: 12/2/2016.
Requests approval of World Wide Stout with an alcohol content of 16.33% 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.
- b. Millercoors LLC, 311 10th Street, Golden, CO 80401.
Beverage Vendor License #45431 licensed pursuant to RSA 178:15.
Date petition received: 11/28/2016.
Requests approval of Redd's Wicked Strawberry Kiwi with an alcohol content of 7.98% 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:

- a. Boys & Girls Club of Greater Nashua,
Sky Meadow Country Club, 6 Mountain Laurels Drive, Nashua, NH 03062.
To be issued an off-sale special Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:17, II.
Event date: 12/3/2016.
Recommendation: Expedited approval.
Commission approved on 12/1/2016.
COMMISSION ACKNOWLEDGED.
- b. Spartans Junior Drum & Bugle Corps (The),
Friendship Club, 35 Orchard Avenue, Nashua, NH 03060.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(I).
Event date: 12/4/2016.
Recommendation: Expedited approval.
Commission approved on 12/2/2016.
COMMISSION ACKNOWLEDGED.

17. LATE ITEM:

110 Grill RM Rochester LLC DBA 110 Grill, 136 Marketplace Boulevard, Rochester, NH 03867.
To be issued Restaurant On-Premise Beverage, Wine, Liquor License #1530903 pursuant to RSA 178:21.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.