

AGENDA FOR THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, DECEMBER 15, 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.
HEARING CANCELED; LICNESEE DID NOT RENEW LICENSE.

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.

ON DECEMBER 1, 2016, DEPUTY COMMISSIONER MILLIGAN MOVED TO TABLE THIS ITEM UNTIL THE DECEMBER 15, 2016 MEETING WHEN THE LICENSEE CAN BE PRESENT; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

- b. Room 111 At Victory Lanes, 9 Central Street, Woodsville, NH.
Sports Entertainment License #6019405 issued pursuant to RSA 178:22, V(u)(1).
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.
Cited for violation of RSA 179:51 – failed to maintain an orderly premises.
Date of violations: July 21, 2016.
Case #: 16-308-OF.
For violation of RSA 179:5, I, an administrative fine of \$500, four (4) points shall be assessed to the liquor license and the license to sell alcohol shall be suspended in the cocktail lounge only for three (3) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing December 28, 2016 and re-granted on December 30, 2016; for violation of RSA 179:51, an administrative fine of \$250 suspended for twelve (12) months pending no like violation.

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

- a. Manchester Lodge Of Elks 146, 290 Granite Street, Manchester, NH.
Social Club License #14401 issued pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) – failed to file signed financial statement by the 15th of the following month.
Date of violation: November 22, 2016.
Case #: 16-374-OF.
\$100 administrative fine paid.
- b. Remy Cointreau USA, Inc., 14th Floor, 1290 Avenue of the Americas, New York, NY.
Liquor & Wine Vendor License #508745 issued pursuant to RSA 178:9.
Cited for violation of RSA 178/Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: November 10, 2016.
Case #: 16-364-OF.
\$100 administrative fine paid.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL

- a. Boys & Girls Club of the North Country, 2572 Route 302, Lisbon, NH 03585.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 1/28/2016.
- b. Copper Cannon Distillery LLC, 2 Lyman Way, West Chesterfield, NH 03466.
To be issued Liquor Manufacturer License #288319 pursuant to RSA 178:6.
- c. Ember Wood Fired Grill LLC, 1 Orchard Street, Dover, NH 03820.
To be issued Restaurant On-Premise Cocktail Lounge License #1536503 pursuant to RSA 178:22.
30-Day Temporary License issued: 12/5/2016.
- d. Feast Café & Catering LLC, 321 Nashua Road, Milford, NH 03055.
To be issued Restaurant On-Premise Beverage and Wine License #1535503 pursuant to RSA 178:20.
30-Day Temporary License issued: 12/8/2016.

- e. In The Mix LLC, 174 Main Street, Unit 11, Nashua, NH 03060.
To be issued Caterer-Off-Site License #1288534 pursuant to RSA 178:22, V(e).
- f. Kanetz Alcohol Imports Company DBA Drink Dogg Alcohol Imports,
831 Quailwoods Drive, Loveland, OH 45140.
To be issued Beverage Vendor License #81431 pursuant to RSA 178:15.
Manufacturer: Cheerday Brewery, Hangzhou, Zhejiang China.
- g. Muite, Eric DBA G And E Variety, 94B Kinsley Street, Nashua, NH 03060.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3347647
pursuant to RSA 178:18 & RSA 178:19-a.
30-Day Temporary License issued: 11/29/2016.
- h. River Property and Hospitality Group (The) LLC DBA River Casino & Sportsbar (The),
To be issued Restaurant On-Premise Cocktail Lounge License #1534203 pursuant to RSA 178:22.
30-Day Temporary License issued: 12/7/2016.

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

6. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING DECEMBER 13, 2016: 1,162

- a. Breton Wine Co., Inc. DBA Vice Versa Wines, 3730 Silverado Trail, St. Helena, CA 94574.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
- b. Crown Point Winery LLC, 1777 Fletcher Way, Santa Ynez, CA 93460.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
- c. Deer Run Enterprises, Inc., 3772 West Lake Road, Geneseo, NY 14454.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
- d. Double Canyon Vineyards LLC DBA Seven Hills Winery, 212 N 3rd Avenue, Walla Walla, WA 99362.
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. 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: 12/3/2016.
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 January 1, 2017 to April 30, 2017 as indicated in a letter dated December 3, 2016.
- b. Ember Wood Fired Grill LLC, 1 Orchard Street, Dover, NH 03820.
Restaurant On-Premise Cocktail Lounge License #1536503 licensed pursuant to RSA 178:22.
Date petition received: 12/5/2016.
Requested approval for authorization of other area, to wit, an outside patio area with a capacity of 31 pursuant to RSA 178:24 and Liq. 404.05.

- c. Nashua Elks Lodge 720, 120 DW Highway South, Nashua, NH 03060.
Social Club On-Premise Cocktail Lounge License #11601 licensed pursuant to RSA 178:22, V(h).
Date petition received: 12/7/2016.
Requested a waiver of RSA 178:21, II, a (2) for authorization of extension of hours, to wit, to extend the hours of operation on January 1, 2017 to 1:30 am with glasses off the table at 2:00 am as indicated in a letter dated December 2, 2016.
- d. River House Atlantic Grill (The) LLC DBA Atlantic Grill, 5 Pioneer Road, Rye, NH 03870.
Restaurant On-Premise Beverage/Wine/Liquor License #1495403 licensed pursuant to RSA 178:21.
Date petition received: 12/6/2016.
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. Tandy Stephens, Inc. DBA Tandy's Top Shelf, 1 Eagle Square, Concord, NH 03301.
Restaurant On-Premise Beverage/Wine/Liquor License #1404103 licensed pursuant to RSA 178:21.
Date petition received: 12/6/2016.
Requested approval for an outside area, to wit, an outside atrium area at 7 Eagle Square, Concord, NH with a capacity of 206 from 2:00 p.m. on December 17, 2016 to 2:00 am on December 18, 2016, sanctioned off appropriately 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:

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.

DECISION AND ORDER DATED DECEMBER 12, 2016: "MR. SELL SHOULD BE GRANTED A LIQUOR LICENSE ON A PROBATIONARY BASIS FOR A PERIOD OF 6 MONTHS. FROM TIME TO TIME THE COMMISSION HAS GRANTED A LICENSE ON A PROBATIONARY BASIS WHEN LEGITIMATE CONCERNS ARISE. IN THE PRESENT CASE, THERE HAS BEEN A SHOWING OF UNLAWFUL ACTIVITY TO INCLUDE DRUG ACTIVITY AND ALCOHOL ABUSE ON THE PROPERTY OF CIRCLE 9. ALTHOUGH MR. SELL HAS WORKED WITH THE TOWN AND INVESTED IN CLEANING UP THE CIRCLE 9 PROPERTY AND CLIENTELE, THERE WAS SIGNIFICANT TESTIMONY TO SUGGEST THERE IS A LACK OF ADEQUATE SUPERVISION AND MANAGEMENT OF THE PROPERTY AFTER NORMAL BUSINESS HOURS. AS PART OF THIS PROBATIONARY PERIOD, THE LICENSEE SHOULD WORK WITH THE DIVISION OF ENFORCEMENT & LICENSING TO ADDRESS THE CONCERNS OF THE CITIZENS AND THE TOWN OF EPSOM. THE DIVISION OF ENFORCEMENT & LICENSING SHOULD DETERMINE THE PARAMETERS OF THE PROBATIONARY LICENSE DURING THIS PERIOD. INCIDENTS OF DRUG ACTIVITY, PUBLIC URINATION AND INTOXICATION STEMMING FROM THE LICENSED PREMISES WILL NOT BE TOLERATED BY THE COMMISSION."

14. NOTIFICATION OF HEARING RESULTS:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

- a. Anheuser-Busch LLC, One Busch Place, St Louis, MO 63118.
Beverage Vendor License #4631 licensed pursuant to RSA 178:15.
Date petition received: 12/9/2016.
Requests approval of Bud Light Lime Orange-Ahh-Rita and Bud Light Lime Peach-Ahh-Rita with an alcohol content of 8% at 60 degrees Fahrenheit by volume, licensed pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.
Recommendation: Approval.
- b. 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: 12/6/2016.
Requests approval of Angry Orchard Orchard's Walden Hollow cider with an alcohol content of 7.56% at 60 degrees Fahrenheit by volume, licensed pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.
Recommendation: Approval.
- c. Smuttynose Brewing Co., Inc. DBA Smuttynose Brewing Company,
105 Towle Farm Road, Hampton, NH 03842.
Beverage Manufacturer License #290118 licensed pursuant to RSA 178:12.
Date petition received: 12/6/2016.
Requests approval of 2013 Wheat Wine Ale with an alcohol content of 13.1% at 60 degrees Fahrenheit by volume, licensed pursuant to RSA 178:1, LXIV-a and RSA 179:40-a.
Recommendation: Approval.

16. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

None