

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, MARCH 16, 2017

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

April 28, 2017 at 11:30 a.m.:

- a. New Wa Toy, 611 Mast Road, Goffstown, NH.
Restaurant On-Premises Beverage/Wine/Liquor License #1416903 issued pursuant to RSA 178:21.
Cited for violation of RSA 179:5, II – allowed an under-aged individual to possess or consume alcoholic beverage – 2 counts.
Date of violations: December 3, 2016.
Case #: 16-386-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 – 3 counts.
Cited for violation of RSA 179:51 – insufficient lighting – 2 counts.
Dates of violations: October 9, 2016 & December 30, 2016.
Case #: 16-343-OF & 17-1-OF.
HEARING CONTINUED BY CHIEF HEARINGS OFFICER JOSEPH PLAIA.
SETTLEMENT CONFERENCE HELD 2/21/17.

Date to be determined:

- c. Truant's Taverne, 96 Main Street, Woodstock, NH.
Restaurant Full Service With Lounge License #1256203 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: October 30, 2015.
Case #: 15-483- OF.
ASSENTED-TO MOTION TO CONTINUE FILED BY THE DIVISION OF ENFORCEMENT ON MARCH 8, 2017; MOTION GRANTED ON MARCH 9, 2017.

2. NOTIFICATION OF DISCIPLINARY ACTION:

None

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

- a. American Legion Post 59, 538 West Main Street, Hillsboro, NH.
Veterans Club License #16739 issued pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) – failed to file a signed financial statement by the 15th of the following month.
Date of violation: February 27, 2017.
Case #: 17-74-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.

- b. Greg and Jane's Beer and Wine, 63 Main Street, Epping, NH.
Beer Specialty License #4000707 issued pursuant to RSA 178:19-d.
Cited for violation of RSA 179:32, III – purchased beverages from other than a licensed wholesale distributor, manufacturer, brew pub or as provided by law.
Date of violation: February 28, 2017.
Case #: 17-76-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- c. Russian Standard Vodka (USA), 232 Madison Avenue, Suite 1600, New York, NY.
Liquor & Wine Vendor License #110445 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: January 20, 2017.
Case #: 17-26-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL

- a. 12 Ocean Grill, Inc., 12 Ocean Boulevard, Seabrook, NH 03874.
To be issued Restaurant On-Premise Beverage, Wine, Liquor License #1538403 pursuant to RSA 178:21.
30-Day Temporary License issued: 3/9/2017.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. AG Supermarkets, Inc. DBA Harvest Market of Hollis, 2 Market Place, Hollis, NH 03049.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3353547 pursuant to RSA 178:18 & RSA 178:19-a.
30-Day Temporary License issued: 3/10/2017.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. Concord Family YMCA, Capitol Center For The Arts, 44 South Main Street, Concord, NH 03301.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 3/30/2017.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- d. Taverne On The Square LLC, 2 Pleasant Street, Claremont, NH 03743.
To be issued Restaurant On-Premise Beverage, Wine, Liquor License #1534803 pursuant to RSA 178:21.
30-Day Temporary License issued: 3/9/2017.
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 MARCH 10, 2017: 1,167

- a. Bertapelle Cellars LP, 1160 Felta Road, Healdsburg, CA 95448.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

- b. Chumash Cellars LLC DBA Kita Wines, 300 North 12th Street, Unit 1A & 2A, Lompoc, CA 93436.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. Ghost Horse Vineyards, 680 Rossi Road, St. Helena, CA 94574.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- d. Harmell Cellars LLC DBA Nocking Point Wines, 269 Narcissa Place, Walla Walla, WA 99362.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- e. McMenamins, Inc. DBA Edgefield Winery, 2126 SW Halsey Street, Troutdale, OR 97060.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- f. Morne Wine Company (The) DBA Brooks Wines,
21101 Southeast Cherry Blossom Lane, Amity, OR 97101.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- g. Northwest Cellars LLC, 11909 124th Avenue, Kirkland, WA 98034.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- h. Spirited Engraving LLC DBA Sipping Shoppe; Think Liquor, 6988 SW 47th Street, Miami, FL 33155.
Direct Shipper Permit Importer, Wholesaler or Retailer pursuant to RSA 178:27.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

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

None

8. **PETITIONS RECOMMENDED FOR COMMISSION APPROVAL:**

None

9. **NOTIFICATION OF APPROVED FELON EXCEPTIONS:**

- a. Notch Express, 367 US Route 3, Lincoln, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3292547 issued pursuant to RSA 178:18/RSA 126-K:4.
Approval of a Felon Exception for Victor L. Cloutier as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).
Case #: 16-354-OF.
Approved on: March 12, 2017.
COMMISSION ACKNOWLEDGED.
- b. Taverne On The Square, 2 Pleasant Street, Claremont, NH.
Restaurant Full Service With Lounge License #1404603 issued pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Approval of a Felon Exception for Sarah Guyer as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).
Case #: 17-54-OF.
Approved on: March 12, 2017.
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 DECISION PENDING AFTER HEARING:**

Sixide, 119A Hanover Street, Unit 123, Manchester, NH.

Cigar Bar On-Premises Beverage/Wine/Liquor/Cigar License #403606 issued pursuant to RSA 178:20-a.

Request for emergency suspension made by the City of Manchester, NH dated March 1, 2017.

AN EMERGENCY SUSPENSION HEARING WAS HELD AT THE ALDERMANIC CHAMBERS, ONE CITY HALL PLAZA, MANCHESTER, NH ON MARCH 10, 2017.

14. **NOTIFICATION OF HEARING RESULTS:**

None

15. **MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:**

- a. Anheuser-Busch LLC, 221 Daniel Webster Highway, Merrimack, NH 03054.
Restaurant On-Premise Beverage and Wine License #1513103 licensed pursuant to RSA 178:20.
Date petition received: 2/16/2017.
Date petition approved: 2/23/2017.
Requested approval for authorization of other area, to wit, a Biergarten Patio area with a capacity of 1,200 pursuant to RSA 178:24 and Liq. 404.05.
DISCUSSION WAS HAD REGARDING APPROVAL OF A BLANKET LICENSE FOR A PERMANENT SITE OPPOSED TO A SEASONAL AREA OF AN ESTABLISHMENT. THE COMMISSION IS GRANTING AN EXTENSION OF THE EXISTING LICENSE RATHER THAN ISSUING A NEW LICENSE. DEPUTY COMMISSIONER MILLIGAN MOVED TO TABLE THIS ITEM FOR FURTHER DISCUSSION AND REVIEW OF THE LAW. CHAIRMAN MOLLICA SECONDED THE MOTION. THE MOTION PASSED.
3/9/2017, THIS ITEM REMAINS TABLED.
DEPUTY COMMISSIONER MILLIGAN MOVED TO REMOVE THIS ITEM FROM THE TABLE; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED. DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- b. Foundry Restaurant LLC, 50 Commercial Street, Manchester, NH 03101.
Restaurant On-Premise Beverage/Wine/Liquor License #1513603 licensed pursuant to RSA 178:21.
Date petition received: 3/3/2017.
Requests exception to RSA 178:27, III, to wit, for authorization to purchase wine from a Direct Shipper, Spring Mountain Vineyards, Inc., 2805 Spring Mountain Road, Saint Helena, CA 94574, Permit #8072733, pursuant to RSA 178:32, III.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

16. **MISCELLANEOUS ITEMS FOR INFORMATION ONLY:**

Easter Seals NH, Inc., 555 Auburn Street, Manchester, NH 03103.

To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor

License pursuant to RSA 178:22, V(l).

Event date: 3/11/2017.

Recommendation: Expedited approval.

Commission approved on 3/9/2017.

COMMISSION ACKNOWLEDGED.