

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, MAY 18, 2017

1. SCHEDULED ADMINISTRATIVE HEARINGS:

a. **May 24, 2017 at 10:00 a.m., Lancaster District Court, 55 School Street, Suite 201, Lancaster, NH.**

Twin Mountain Country Store, 130 Route 3, Twin Mountain, NH.

Combination Off-Premises Beverage/Wine/Tobacco License #3286047 issued pursuant to RSA 178:18/RSA 126-K:4.

Cited for violation of RSA 179:5, I – sold alcoholic beverage to an under-aged individual – 3 counts.

Cited for violation of RSA 179:8, I – failed to require the purchaser whose age was in question to furnish identification that such person was 21 years of age – 3 counts.

Cited for violation of RSA 179:17 – sold alcoholic beverage outside the hours of 6:00 a.m. and 11:45 p.m. – counts.

Date of violations: 12/1/16, 1/7/17 & 4/9/17.

Case #: 16-324-OF, 17-12-OF & 17-124-OF.

b. **Date to be determined:**

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.

PENDING MOTION TO CONTINUE FILED BY THE LICENSEE ON APRIL 25, 2017.

PETITION GRANTED ON APRIL 26, 2017.

SETTLEMENT IS PENDING AS OF MAY 2, 2017.

2. NOTIFICATION OF DISCIPLINARY ACTION:

The Cloud Palace, 2 Range Road, Salem, NH.

Cigar Bar On-Premises Beverage/Wine/Liquor/Cigar License #402206 issued pursuant to RSA 178:20-a.

Cited for violation of RSA 178:3, XI – failed to meet all current requirements for issuance of a license.

Cited for violation of RSA 179:40, II – refilled bottles of legally purchased beverage or liquor.

Date of violations: March 30, 2017.

Case #: 17-99-OF.

For violation of RSA 178:3, XI, an administrative fine of \$100; and for violation for RSA 179:40, II, an administrative fine of \$250 suspended for twelve (12) months pending no like violation.

COMMISSION ACKNOWLEDGED.

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

Schweiger Vineyards, 4015 Spring Mountain, St. Helena, CA.

Direct Shipper Permit #8182733 issued pursuant to RSA 178:27.

Cited for violation of RSA 178:27, V – failed to report a shipment by the 15th of the following month.

Date of violation: February 9, 2012.

Case #: 12-57-OF.

\$250 administrative fine paid.

COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Catalanos Lighthouse II LLC, 560 High Street East, Hampton, NH 03842.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3355347 pursuant to RSA 178:18 & RSA 178:19-a.
30-Day Temporary License issued 5/9/2017.
COMMISSION APPROVED THIS ITEM.
- b. Community Day Care Center, Inc. DBA Seacoast Community School, Portsmouth Discover Center, Middle 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 6/3/2017.
COMMISSION APPROVED THIS ITEM.
- c. Maine Craft Distilling LLC, 101 Fox Street, Portland, ME 04101.
To be issued Liquor and Wine Vendor License #121145 pursuant to RSA 178:9.
COMMISSION APPROVED THIS ITEM.
- d. Shivam Corporation DBA Boscawen Mart, 157 King Street, Boscawen, NH 03303.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3355947 pursuant to RSA 178:18 & RSA 178:19-a.
30-Day Temporary License issued 5/9/2017.
COMMISSION APPROVED THIS ITEM.
- e. Tuckerman Brewing Co. LLC, 66 Hobbs Street, Conway, NH 03818.
To be issued a Beer Festival License pursuant to RSA 178:30.
Event dates 5/27/2017 & 5/28/2017.
COMMISSION APPROVED THIS ITEM.
- f. Tuckerman Brewing Co. LLC, 66 Hobbs Street, Conway, NH 03818.
To be issued a Beer Festival License pursuant to RSA 178:30.
Event date 6/3/2017.
COMMISSION APPROVED THIS ITEM.
- g. Tuckerman Brewing Co. LLC, 66 Hobbs Street, Conway, NH 03818.
To be issued a Beer Festival License pursuant to RSA 178:30.
Event dates 6/10/2017 & 6/11/2017.
COMMISSION APPROVED THIS ITEM.
- h. Tuckerman Brewing Co. LLC, 66 Hobbs Street, Conway, NH 03818.
To be issued a Beer Festival License pursuant to RSA 178:30.
Event dates 7/1/2017 & 7/2/2017.
COMMISSION APPROVED THIS ITEM.
- i. Tuckerman Brewing Co. LLC, 66 Hobbs Street, Conway, NH 03818.
To be issued a Beer Festival License pursuant to RSA 178:30.
Event dates 8/5/2017 & 8/6/2017.
COMMISSION APPROVED THIS ITEM.
- j. Tuckerman Brewing Co. LLC, 66 Hobbs Street, Conway, NH 03818.
To be issued a Beer Festival License pursuant to RSA 178:30.
Event date 8/19/2017.
COMMISSION APPROVED THIS ITEM.
- k. Tuckerman Brewing Co. LLC, 66 Hobbs Street, Conway, NH 03818.
To be issued a Beer Festival License pursuant to RSA 178:30.
Event dates 9/2/2017 & 9/3/2017.
COMMISSION APPROVED THIS ITEM.
- l. Zachmatbait LLC, 50 River Street, Seabrook, NH 03874.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3355447 pursuant to RSA 178:18 & RSA 178:19-a.
30-Day Temporary License issued 5/8/2017.
COMMISSION APPROVED THIS ITEM.

5. **LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:**

None

6. **DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:**

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING MAY 12, 2017: 1,170

- a. Aron Hill Vineyards, Inc., 3745 W. Highway 46, Templeton, CA 93465-8790.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
COMMISSION APPROVED THIS ITEM.
- b. Happy Canyon Vineyards LLC, 59 Industrial Way, Buellton, CA 93427.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
COMMISSION APPROVED THIS ITEM.
- c. Mount Felix Holdings LLC, 2000 A Level Road, Havre de Grace, MD 21078.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
COMMISSION APPROVED THIS ITEM.
- d. Schweiger Vineyards, 4015 Spring Mountain Road, St. Helena, CA 94574.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
COMMISSION APPROVED THIS ITEM.
- e. Vine Direct LLC, 3605 Long Beach Blvd., Suite 407, Long Beach, CA 90807.
Direct Shipper Permit Importer, Wholesaler or Retailer pursuant to RSA 178:27.
COMMISSION APPROVED THIS ITEM.

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

None

8. **NOTIFICATION OF APPROVED PETITIONS:**

- a. Boisselle, Lori A. DBA Rust and Found, 101 Main Street, Gorham, NH 03581.
Retail Wine License #3161146 licensed pursuant to RSA 178:19.
Date petition received: 5/9/2017.
Date petition approved: 5/12/2017.
Requested approval for authorization to transfer business location, to wit, transfer location from 101 Main Street, Gorham, NH to 152 Main Street, Gorham, NH on May 12, 2017 pursuant to RSA 178:29, VIII.
COMMISSION ACKNOWLEDGED.
- b. DC's Tavern LLC, 1100 Hooksett Road, #111, Hooksett, NH 03106.
Restaurant On-Premise Beverage/Wine/Liquor License #1536003 licensed pursuant to RSA 178:21.
Date petition received: 4/27/2017.
Date petition approved: 5/12/2017.
Requested approval for authorization of other area, to wit, an outside area with a capacity of 34 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. Granite Roots Brewing LLC, 244 North Main Street, Troy, NH 03465.
Nano Brewery, Beer and/or Specialty Beer License #203122 licensed pursuant to RSA 178:12-a.
Date petition received: 5/9/2017.
Date petition approved: 5/9/2017.
Requested approval for authorization of other area, to wit, City of Keene farmer's market on Saturdays and Tuesdays from 9:00 am to 1:00 pm between May and October 2017 pursuant to RSA 178:24 and Liq. 404.05; the City of Keene prohibits sampling of alcoholic beverages at farmers markets.
COMMISSION ACKNOWLEDGED.
- d. Mi Jalisco LLC, 586 Nashua Street, Unit 14, Milford, NH 03055.
Restaurant On-Premise Beverage/Wine/Liquor License #1434503 licensed pursuant to RSA 178:21.
Date petition received: 4/25/2017.

Date petition approved: 5/5/2017.

Requested approval for authorization of other area, to wit, an outside tented area with a capacity of 129 for event dates 5/5/2017 & 5/6/2017 pursuant to RSA 178:24 and Liq. 404.05.

COMMISSION ACKNOWLEDGED.

- e. Monadnock Motor Sports, Inc. DBA Monadnock Motor Raceway, Route 10, Winchester, NH 03470. Restaurant On-Premise Beverage/Wine/Liquor License #301103 licensed pursuant to RSA 178:20.

Date petition received: 4/28/2017.

Date petition approved: 5/9/2017.

Requested approval for authorization of other area, to wit, an outside beer garden expansion with a capacity of 340 pursuant to RSA 178:24 and Liq. 404.05.

COMMISSION ACKNOWLEDGED.

- f. Three Ball LLC DBA Oaks Golf Links, 100 Hideaway Place, Somersworth, NH 03874.

Sports Recreation Facility License #6009605 licensed pursuant to RSA 178:22, V(v).

Date petition received: 5/11/2017.

Date petition approved: 5/12/2017.

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.

9. PETITION FOR COMMISSION DENIAL:

Jones, Benjamin DBA Big Water Brewery, 24 Robie Road, Salisbury, NH 03268.

Nano Brewery, Beer and/or Specialty Beer License #203122 licensed pursuant to RSA 178:12-a.

Date petition received: 5/9/2017.

Requested approval for authorization of other area, to wit, an extension of service/tasting room with a capacity of 20 inside his private residence pursuant to RSA 178:24 and Liq. 404.05.

Recommendation: Denial of this licensee's request for an extension of service/tasting room based on his not meeting the requirements of RSA 178:12-a.

DEPUTY COMMISSIONER MILLIGAN APPROVED THE RECOMMENDATION TO DENY THIS REQUEST FOR AN EXTENSION.

10. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

None

11. NOTIFICATION OF DENIED FELON EXCEPTIONS:

None

12. NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:

None

13. NOTIFICATION OF COMPLIANCE CHECKS:

None

14. COMMISSION DECISION PENDING AFTER HEARING:

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.

SETTLEMENT PENDING.

PETITION FOR REVOCATION OF LICENSE FILED BY THE CITY OF MANCHESTER TO BE HEARD.
REQUEST FOR PRE-HEARING CONFERENCE MADE BY THE LICENSEE ON APRIL 27, 2017; A PRE-HEARING CONFERENCE WAS HELD ON MAY 1, 2017 AND THE HEARING WAS RESCHEDULED TO MAY 8, 2017 AT 9:00 A.M.

THE HEARING COMMENCED MAY 8, 2017 AND WILL RESUME ON MAY 17TH AT 9:00 A.M. AT LIQUOR COMMISSION OFFICES.

ORDER DATED MAY 10, 2017 INDICATES THE LICENSE "IS HEREBY REINSTATED IMMEDIATELY ON A TEMPORARY AND PROBATIONARY BASIS UNTIL A FINAL DECISION AND ORDER IS ISSUED WITH REGARD TO THE PETITION FILED BY THE CITY OF MANCHESTER ON APRIL 19, 2017. THE TERMS OF THE REINSTATEMENT ARE AS FOLLOWS:

- 1. SERVICE OF ANY ALCOHOL BEVERAGES SHALL CEASE AT 12:00 A.M. AND ALL ALCOHOLIC BEVERAGES SHALL BE CLEARED FROM TABLES AND PATRONS SHALL LEAVE THE PREMISES BY 12:30 A.M.**
 - 2. ANY VIOLATIONS OF LAW ON THE PREMISES SHALL BE IMMEDIATELY REPORTED TO THE MANCHESTER POLICE DEPARTMENT.**
 - 3. FIRE & ICE AND ALL OF ITS OWNERS, MEMBERS, MANAGERS AND EMPLOYEES SHALL STRICTLY ADHERE TO ALL LAWS AND RULES CONTAINED WITHIN NH TITLE XIII.**
 - 4. ANY VIOLATIONS OF NH TITLE XIII, LIQ RULES OR STATE STATUTES WILL RESULT IN IMMEDIATE SUSPENSION WITHOUT A HEARING UNTIL A FINAL DECISION AND ORDER IS REACHED WITH REGARD TO THIS MATTER.**
 - 5. THE LICENSEE WILL EMPLOY AT HIS EXPENSE A TWO OFFICER MANCHESTER POLICE DETAIL ON FRIDAY, SATURDAY AND SUNDAY NIGHTS. THESE DETAILS WILL BE EMPLOYED BY THE LICENSEE ON HOLIDAYS AND OTHER SUCH DAYS THE LICENSEE CAN REASONABLY FORESEE A HIGH VOLUME OF PATRONS.**
 - 6. THE LICENSEE WILL IMMEDIATELY TERMINATE ANY SECURITY PERSONNEL, WHETHER ON DUTY OR NOT, WHO ENGAGES IN ASSAULTIVE BEHAVIOR. *(NOTE: THE LICENSEE HAS TERMINATED THE SECURITY STAFF MEMBER WHO WAS DOCUMENTED ON VIDEO ASSAULTING A PATRON ON APRIL 16, 2017).**
 - 7. THE LICENSEE WILL ADOPT WRITTEN PROTOCOL FOR ITS SECURITY PERSONNEL, HAVE MANDATED TRAINING FOR NEW HIRES AND EXISTING SECURITY PERSONNEL AND PROVIDE A COPY OF THE PROTOCOL TO THE DIVISION OF ENFORCEMENT AND MANCHESTER POLICE DEPARTMENT PRIOR TO THE HEARING ON MAY 17, 2017. THE PROTOCOL SHALL BE CONSISTENT WITH RSA 627:4 USE OF FORCE STATUTE.**
 - 8. THE LICENSEE SHALL UTILIZE THE INFORMATION PROVIDED BY THE CITY OF MANCHESTER AND IDENTIFY ANY PATRONS WHO HAVE ENGAGED IN ASSAULTIVE BEHAVIOR AND IMMEDIATELY BAN SUCH INDIVIDUALS AND PROVIDE A LIST OF SAME TO ALL PERSONNEL OF THE ESTABLISHMENT, THE DIVISION OF ENFORCEMENT AND THE MANCHESTER POLICE DEPARTMENT.**
 - 9. THE LICENSEE WILL CONTINUE TO COOPERATE WITH THE MANCHESTER POLICE AND MAKE SECURITY FOOTAGE AND ALL STAFF AVAILABLE TO THE DIVISION OF ENFORCEMENT AND MANCHESTER POLICE TO ASSIST WITH ANY INVESTIGATIONS."**
- THE HEARING WAS CONCLUDED ON MAY 17, 2017; FINAL DECISION AND ORDER IS PENDING.**

15. NOTIFICATION OF HEARING RESULTS:

None

16. MISCELLANEOUS ITEM FOR COMMISSION APPROVAL:

Canal Street Brewing Company LLC DBA Founders Brewing Company,
235 Grandville Avenue, SW Grand Rapids, MI 49503.
Beverage Vendor License #62431 licensed pursuant to RSA 178:15.
Date petition received: 5/8/2017.

Requests approval of Doom Imperial India Pale Ale with an alcohol content of 12.37% at 60 degrees Fahrenheit by volume; no sample provided pursuant to RSA 175:1, LXIV-a.

Recommendation: Approval.

COMMISSION APPROVED THIS ITEM.

17. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

- a. Catholic Medical Center, Bedford Village Inn, 2 Olde Bedford Way, Bedford, NH 03110.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(I).
Event date 5/11/2017.
Recommendation: Expedited approval.
Commission approved on 5/10/2017.
COMMISSION ACKNOWLEDGED.
- b. Daniel Webster Council of The Boy Scouts,
Merrill Fay Arena, 468 Province Road, Laconia, NH 03246.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(I).
Event date 5/19/2017.
Recommendation: Expedited approval.
Commission approved on 5/10/2017.
COMMISSION ACKNOWLEDGED.
- c. Laconia Best Warehousing & Distribution Corp. DBA Rateliner, 28 Locke Road, Concord, NH 03301.
To be issued Liquor, Wine and Beverage Warehouse License #172412 pursuant to RSA 178:11.
ON MAY 11, 2017, DEPUTY COMMISSIONER MILLIGAN MOVED TO TABLE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED; AS OF MAY 18, 2017, THIS ITEM REMAINS TABLED PENDING REVIEW OF AN OPERATON PLAN.

18. LATE ITEM:

NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:

Durham, NH on and off premises.

COMMISSION ACKNOWLEDGED.