

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, JUNE 1, 2017

1. SCHEDULED ADMINISTRATIVE HEARINGS:

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:

- a. Chi Cha, 5 Pleasant Street Extension, Concord, NH.
Cigar Bar On-Premises Beverage/Wine/Liquor/Cigar License #403006 issued pursuant to RSA 178:20-a.
Cited for violation of RSA 178:20-a, II(a) – failed to generate 60% of its quarterly gross revenue from the sale of cigar-related products which are limited to cigars, humidors, cigar cutters, cigar cutters and cases, lighters and ashtrays.
Date of violation: January 20, 2017.
Case #: 17-29-OF.
\$100 administrative fine.
DEPUTY COMMISSIONER MILLIGAN REQUESTED THAT THIS LICENSEE APPEAR BEFORE THE COMMISSION AT ITS NEXT REGULARLY SCHEDULED BUSINESS MEETING ON JUNE 8, 2017.
- b. JL Sullivan's Pub, 24 Main Street, Lancaster, NH.
Restaurant Full Service With Lounge License #1462903 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 – 2 counts.
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.
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: December 17, 2016.
Case #: 16-405-OF.
For violation of RSA 179:5, I, an administrative fine of \$1,000 with \$500 suspended for twelve (12) months pending no like violation, four (4) points shall be assessed to the liquor license & the license to sell alcohol shall be suspended in the cocktail lounge only for three (3) days commencing June 3, 2017 and re-granted on June 6, 2017; for violation of RSA 179:20, an administrative fine of \$100 suspended for twelve (12) months pending no like violation; and for violation of RSA 179:23, 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:

- a. Golden Dragon, 300 Main Street, Nashua, NH.
Restaurant Full Service With Lounge License #302803 issued pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).

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.

Date of violation: April 29, 2017.

\$250 administrative fine paid.

COMMISSION ACKNOWLEDGED.

- b. Mise En Place Bistro, 96 Lehner Street, Wolfeboro, NH.
Restaurant On-Premises Beverage/Wine/Liquor License #1221903 issued pursuant to RSA 178:21.
Cited for violation of RSA 178/Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: May 2, 2017.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. A7 Eggs LLC DBA Kitchen Cravings, 15 Airport Road, Gilford, NH 03249.
To be issued Restaurant On-Premise Beverage and Wine License #1545303 pursuant to RSA 178:20.
30-Day Temporary License issued 5/22/2017.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. Courchene, Michael & Brenda DBA Mikes' Meat Shoppe,
1009 Upper City Road, Pittsfield, NH 03263.
To be issued Combination Off-Premise Beverage and Wine License #3351447 pursuant to RSA 178:18.
30-Day Temporary License issued 5/24/2017.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. Crawford Notch Campground LLC 1138 Route 302, Harts Location, NH 03812.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3355047 pursuant to RSA 178:18 & RSA 178:19-a.
30-Day Temporary License issued 5/25/2017.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- d. Decard Enterprises LLC DBA Alton Bay Corner Store, 404 Main Street, Alton Bay, NH 03810.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3354847 pursuant to RSA 178:18 & RSA 178:19-a.
30-Day Temporary License issued 5/24/2017.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- e. Dewey, Stephanie, 66 Grove Street #4, Peterborough, NH 03458.
To be issued Alcohol Consultant License #510444 pursuant to RSA 178:27-a.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- f. 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 MOLLIKA SECONDED THE MOTION; THE MOTION PASSED. AS OF MAY 18, 2017,
THIS ITEM REMAINS TABLED PENDING REVIEW OF AN OPERATON PLAN; AS OF MAY 25,
2017, THIS ITEM REMAINS TABLED. **THIS ITEM REMAINS TABLED.**
- g. Morillo, Julian DBA Grande Mini Market, 39 Tolles Street, Nashua, NH 03064.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3356047 pursuant to RSA 178:18 & RSA 178:19-a.
30-Day Temporary License issued 5/26/2017.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

- h. Newport Chamber of Commerce,
Newport Town Common, North Main Street/Park Street, Newport, NH 03773.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(I).
Event date: 6/17/2017.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- i. South Hampton Firemen's Association,
Town Hall Commons, 3 Hilldale Avenue, South Hampton, NH 03827
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(I).
Event date: 6/10/2017.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- j. Uncle George's LLC, 564 Province Road, Strafford, NH 03884.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3352947 pursuant to RSA 178:18 & RSA 178:19-a.
30-Day Temporary License issued 5/24/2017.
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 MAY 26, 2017: 1,175

Mora's Fine Wine and Spirits DBA Mora's Fine Wines, 280 Route 25A, East Setauket, NY 11733.
Direct Shipper Permit Importer, Wholesaler or Retailer pursuant to RSA 178:27.

DEPUTY COMMISSIONER MILLIGAN MOVED TO TABLE THIS ITEM FOR FURTHER DISCUSSION; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

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

None

8. **NOTIFICATION OF APPROVED PETITIONS:**

- a. Chickaroo LLC, 2 Cottage Street, Littleton, NH 03561.
Retail Table Wine License #3161946 licensed pursuant to RSA 178:19.
Date petition received: 5/12/2017.
Date petition approved: 5/22/2017.
Requested approval for authorization to transfer business location, to wit, to transfer the location from 2 Cottage Street, Littleton, NH to 17 Main Street, Littleton, NH on May 22, 2017 pursuant to RSA 178:29, VIII.
COMMISSION ACKNOWLEDGED.
- b. Crawford Notch Campground LLC, 1138 Route 302, Harts Location, NH 03812.
Combination Off-Premise Beverage, Wine and Tobacco License #3355047 licensed pursuant to RSA 178:18 & RSA 178:19-a.
Date petition received: 5/25/2017.
Date petition approved: 5/25/2017.
Requested a waiver to lease/give access to part of business, to wit, to allow a doorway connecting a residence to the business that will be locked at all times pursuant to RSA 179:48, IV.
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: 5/22/2017.
Date petition approved: 5/22/2017.
Requested approval for authorization of other area, to wit, Town of Jaffrey's farmers' market on Tuesdays between 3:00 pm and 6:00 pm from June 6, 2017 to October 4, 2017 pursuant to RSA 178:24 and Liq. 404.05. The Town of Bedford prohibits sampling of alcoholic beverages at farmers' markets.
COMMISSION ACKNOWLEDGED.
- d. Rockingham Brewing Company LLC, 1 Corporate Park Drive, Unit #1, Derry, NH 03038.
Nano Brewery, Beer and/or Specialty Beer License #202222 licensed pursuant to RSA 178:12-a.
Date petition received: 5/24/2017.
Date petition approved: 5/24/2017.
Requested approval for storage in another area, to wit, to store raw materials, ingredients and finished beer in another area at 1 Corporate Park Drive, Unit #3, Derry, NH pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- e. Stoneface Brewing Co. LLC, 436 Shattuck Way, Newington, NH 03801.
Restaurant On-Premise Beverage/Wine/Liquor License #1540303 licensed pursuant to RSA 178:21.
Date petition received: 5/3/2017.
Date petition approved: 5/22/2017.
Requested approval for authorization of other area, to wit, an outside patio area with a capacity of 20 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- f. White Birch Catering and Banquet Hall LLC DBA Arbor Restaurant and Function Facility, 57 Palm Street, Nashua, NH 03060.
Restaurant On-Premise Beverage/Wine/Liquor License #1539603 licensed pursuant to RSA 178:21.
Date petition received: 5/23/2017.
Date petition approved: 5/23/2017.
Requested approval for authorization of other area, to wit, an outside patio area with a capacity of 49 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- g. Wild Coyote Grill, Inc., Route 49, Waterville Valley, NH 03215.
Restaurant On-Premise Cocktail Lounge License #1033103 licensed pursuant to RSA 178:22.
Date petition received: 5/15/2017.
Date petition approved: 5/23/2017.
Requested approval for authorization of other area, to wit, an outside pool area with a capacity of 200 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

9. **PETITION FOR COMMISSION DENIAL:**

None

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. ADMINISTRATIVE HEARING DECISION PENDING:

- a. 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.

- b. 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 #s: 16-324-OF, 17-12-OF & 17-124-OF.
A HEARING WAS HELD ON MAY 24, 2017; DECISION AND ORDER IS PENDING.

15. NOTIFICATION OF HEARING RESULTS:

None

16. MISCELLANEOUS ITEM FOR COMMISSION APPROVAL:

- a. Errol General Store, Inc., 76 Main Street, Errol, NH 03579.
Agency Store Off-Premise Liquor Only License #980704 licensed pursuant to RSA 177:9.
Requested approval for renewal of license, to wit, to renew Agency Store Off-Premise Liquor Only License for renewal period 7/1/2017 to 6/30/2018 pursuant to RSA 177:9.
ON MAY 25, 2017, DEPUTY COMMISSIONER MILLIGAN MOVED TO TABLE THIS ITEM UNTIL DIRECTOR BRASSARD-JORDAN COULD CONTACT THE LICENSEES TO OFFER WHATEVER ASSISTANCE THEY NEED WITH THE OPERATION OF THEIR BUSINESS RELATIVE TO THEIR LIQUOR LICENSE; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
DIRECTOR NICOLE BRASSARD-JORDAN AND CHIEF MARK ARMAGANIAN CONTACTED THE LICENSEE WHO INDICATED THAT HE REQUIRES NOTHING FROM THE COMMISSION AT THIS TIME; DEPUTY COMMISSIONER MILLIGAN MOVED TO TAKE THIS ITEM OFF 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.
- b. Exel, Inc. DBA DHL Supply Chain (USA), 683 Route 3-A, Bow, NH 03304.
Liquor/Wine/Beverage Warehouse License #172212 licensed pursuant to RSA 178:11.
Requests approval for renewal of license, to wit, to renew the Liquor/Wine/Beverage Warehouse License from July 1, 2017 through June 30, 2018 pursuant to RSA 177:9.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

17. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

- a. Amy's Treat, New England Dragway, 280 Exeter Road, Epping, NH 03042.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(I).
Event dates: 6/2/2017, 6/3/2017 & 6/4/2017.
Recommendation: Expedited approval.
Commission approved on 5/24/2017.
COMMISSION ACKNOWLEDGED.
- b. Bedford Historical Society, TD Bank Building, 184 Route 101, 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: 6/1/2017.

Recommendation: Expedited approval.
Commission approved on 5/26/2017.

COMMISSION ACKNOWLEDGED.

- c. Crotched Mountain Foundation,
Devine Millimet & Branch PA Atrium, 111 Amherst Street, Manchester, NH 03101.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(I).
Event date: 6/8/2017.

Recommendation: Expedited approval.
Commission approved on 5/19/2017.

COMMISSION ACKNOWLEDGED.

- d. Roman Catholic Bishop of Manchester DBA St. Mark the Evangelist,
One South Road, Londonderry, NH 03053.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(I).
Event date: 6/2/2017.

Recommendation: Expedited approval.
Commission approved on 5/24/2017.

COMMISSION ACKNOWLEDGED.