

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

**1. SCHEDULED ADMINISTRATIVE HEARINGS:**

**December 15, 2017 at 9:30 a.m.:**

Hobb's Tavern & Brewing Company, 2415 NH Route 16, West Ossipee, NH.  
Brew Pub License #2002115 issued pursuant to RSA 178:13.  
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.  
Date of violations: May 6, 2017.  
Case #: 17-198-OF.

**2. NOTIFICATION OF DISCIPLINARY ACTION:**

CWC Winery, 15510 Woodinville Redmond Road NE, Building E, Woodinville, WA.  
Direct Shipper Permit #8255133 issued pursuant to RSA 178:27.  
Cited for violation of RSA 178:27, V(b)/Liq. 1103.01 – failed to report shipments in a timely manner.  
Violation of Liq. 604.01(a) – failed to pay an administrative fine within five (5) days of receipt of a fine order letter.  
Date of violations: August 15, 2017 & October 26, 2017.  
Case #: 17-270-OF.  
The Licensee shall pay an administrative fine of \$250 to be received by the Division of Enforcement & Licensing by November 15, 2017, the permit to ship alcohol into the state of New Hampshire shall be suspended for ten (10) days commencing November 18, 2017 and re-granted on November 28, 2017 and all outstanding reports shall be filed with the NH Division of Enforcement & Licensing and corresponding taxes paid in full to the Division by November 28, 2017.  
**COMMISSION ACKNOWLEDGED.**

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

California Burritos Hudson, 35 Lowell Road, Hudson, NH.  
Restaurant Beverage & Wine License #1554203 issued pursuant to RSA 178:20.  
Cited for violation of RSA 178:20, I – served alcohol that was more than 24% alcohol by volume.  
Date of violation: October 23, 2017.  
Case #: 17-348-OF.  
\$100 administrative fine paid.  
**COMMISSION ACKNOWLEDGED.**

**4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:**

- a. 3S Contemporary Artspace, Inc. DBA 3S Artspace, 319 Vaughan Street, Portsmouth, NH 03801.  
To be issued Performing Arts License #399708 pursuant to RSA 178:22, V(m).  
30-Day Temporary License issued 11/9/2017.  
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.**
- b. Anthony Jean LLC DBA Gale Motor Co. Whiskey & Wine, 148 North Main Street, Concord, NH 03301.  
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1553203 pursuant to RSA 178:21.  
30-Day Temporary License issued 11/9/2017.  
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.**

- c. Fresh Vibes Café LLC, 45 North Main Street, Rochester, NH 03867.  
To be issued Restaurant On-Premise Beverage and Wine License #1544703 pursuant to RSA 178:20.  
30-Day Temporary License issued 11/3/2017.  
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.**
- d. Hop & Grind LLC, 17 Madbury Road, Durham, NH 03824.  
To be issued Restaurant On-Premise Beverage and Wine License #1551503 pursuant to RSA 178:20.  
30-Day Temporary License issued 11/9/2017.  
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.**
- e. Zou Garden, Inc. DBA Panda Gourmet, 76 Derry Street, Hudson, NH 03051.  
To be issued Restaurant On-Premise Beverage/Wine/Liquor License #1552103 pursuant to RSA 178:21.  
30-Day Temporary License issued 11/7/2017.  
**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 NOVEMBER 9, 2017: 1,174**

- a. Foley Family Wines, Inc. DBA Foley Sonoma, 5110 Highway 128, Geyserville, CA 95441.  
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.  
(Winery)  
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.**
- b. Hawk and Horse Vineyards LLC, 13048 South State Highway 29, Lower Lake, CA 95457.  
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.  
(Winery)  
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.**
- c. Quantum Wines LLC DBA Pence Ranch, 1704 Industrial Way, Lompoc, CA 93436.  
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.  
(Winery)  
**DEPUTY COMMISSIONER MILLIGAN MOVED TO TABLE THIS ITEM SO THAT IT COULD BE FURTHER REVIEWED; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.**

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

None

**8. NOTIFICATION OF APPROVED PETITIONS:**

- a. Beveridge Craft Beer + Soap Co. LLC, 51 North Main Street, Wolfeboro, NH 03894.  
Restaurant On-Premise Beverage and Wine License #1500603 licensed pursuant to RSA 178:20.  
Date petition received: 10/24/2017.  
Date petition approved: 11/8/2017.  
Requested approval for authorization of other area, to wit, an additional dining area with a capacity of 10 pursuant to RSA 178:24 and Liq. 404.05.  
**COMMISSION ACKNOWLEDGED.**
- b. Litherman's LLC DBA Litherman's Limited, 126B Hall Street, Concord, NH 03301.  
Nano Brewery, Beer and/or Specialty Beer/Restaurant License #203922 licensed pursuant to RSA 178:12-a.

Date petition received: 11/3/2017.

Date petition approved: 11/6/2017.

Requested approval for authorization of other area, to wit, to extend the brewing area pursuant to RSA 178:24 and Liq. 404.05.

**COMMISSION ACKNOWLEDGED.**

- c. 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: 11/3/2017.  
Date petition approved: 11/6/2017.  
Requested approval for authorization of other areas, to wit, Town of Exeter Winter Farmers' Market at Exeter High School, Exeter, NH on Saturdays between 10:00 am to 2:00 pm from November 11, 2017 through April 7, 2018 and Town of Rollinsford Winter Farmers' Market at Wentworth Greenhouse, Rollinsford, NH on Saturdays, between 10:00 am to 2:00 pm from November 18, 2017 through March 24, 2018 pursuant to RSA 178:24 and Liq. 404.05; no sampling will be allowed.  
**COMMISSION ACKNOWLEDGED.**

**9. PETITIONS RECOMMENDED 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:**

**ALCOHOL COMPLIANCE CHECKS –**

**Berlin, NH:**

- a. Fagin's Pub, 777 Main Street, Berlin, NH.  
Restaurant Full Service With Lounge License #1229303 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 alcoholic beverage to a minor during a compliance check.  
Date of violation: August 18, 2017.  
Case #: 17-263-OF.  
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days from the date of the violation.  
**COMMISSION ACKNOWLEDGED.**
- b. Gold House Pizza, 39 Mechanic Street, Berlin, NH.  
Restaurant Beverage & Wine License #934703 issued pursuant to RSA 178:20.  
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.  
Date of violation: August 18, 2017.  
Case #: 17-263-OF.  
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days from the date of the violation.  
**COMMISSION ACKNOWLEDGED.**

- c. Jericho Deli and Convenience, 174 Jericho Road, Berlin, NH.  
Combination Off-Premises Beverage/Wine/Tobacco License #3328947 licensed pursuant to RSA 178:18/RSA 126-K:4.  
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.  
Date of violation: August 18, 2017.  
Case #: 17-263-OF.  
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days from the date of the violation.  
**COMMISSION ACKNOWLEDGED.**
- d. Valley Creek Eatery, 4 Hillside Avenue, Berlin, NH.  
Restaurant Beverage & Wine License #1263403 issued pursuant to RSA 178:20.  
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.  
Date of violation: August 18, 2017.  
Case #: 17-263-OF.  
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days from the date of the violation.  
**COMMISSION ACKNOWLEDGED.**

**Plaistow, NH:**

- a. Foods Plus, 5 Plaistow Road, Plaistow, NH.  
Combination Off-Premises Beverage/Wine/Tobacco License #855247 licensed pursuant to RSA 178:18/RSA 126-K:4.  
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.  
Date of violation: October 12, 2017.  
Case #: 17-330-OF.  
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days from the date of the violation.  
**COMMISSION ACKNOWLEDGED.**
- b. Walgreens Store, 3 Plaistow Road, Plaistow, NH.  
Combination Off-Premises Beverage/Wine/Tobacco License #3303047 licensed pursuant to RSA 178:18/RSA 126-K:4.  
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.  
Date of violation: October 12, 2017.  
Case #: 17-330-OF.  
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days from the date of the violation.  
**COMMISSION ACKNOWLEDGED.**

**Rye, NH:**

- a. Atlantic Grill, 5 Pioneer Road, Rye, NH.  
Restaurant On-Premises Beverage/Wine/Liquor License #1495403 issued pursuant to RSA 178:21.  
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.  
Date of violation: July 28, 2017.  
Case #: 17-259-OF.  
Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days from the date of the violation.  
**COMMISSION ACKNOWLEDGED.**
- b. Jenness Beach Pizza & Grill, 2203 Ocean Boulevard, Rye, NH.  
Combination Off-Premises Beverage/Wine/Tobacco License #3287747 licensed pursuant to RSA 178:18/RSA 126-K:4.

Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.

Date of violation: July 28, 2017.

Case #: 17-259-OF.

Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days from the date of the violation. **COMMISSION ACKNOWLEDGED.**

- c. Petey's Red Roof Enterprises, 1207 Ocean Boulevard, Rye, NH.  
Combination Off-Premises Beverage/Wine/Tobacco License #3036047 licensed pursuant to RSA 178:18/RSA 126-K:4.

Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.

Date of violation: July 28, 2017.

Case #: 17-259-OF.

Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days from the date of the violation. **COMMISSION ACKNOWLEDGED.**

- d. Seaport Fish Company, 13 Sagamore Road, Rye, NH.  
Combination Off-Premises Beverage/Wine/Tobacco License #3231047 licensed pursuant to RSA 178:18/RSA 126-K:4.

Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.

Date of violation: July 28, 2017.

Case #: 17-259-OF.

Verbal warning, four (4) points assessed to the liquor license and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety-days from the date of the violation. **COMMISSION ACKNOWLEDGED.**

**14. ADMINISTRATIVE HEARING DECISION PENDING:**

None

**15. NOTIFICATION OF HEARING RESULTS:**

None

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

- a. Country Corner Mile LLC, Route 31, Greenville, NH 03048.  
Agency Store Off-Premise Liquor Only License #980404 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 1/1/2018 to 12/31/2018 pursuant to RSA 177:9.

Recommendation: Approval.

**DEPUTY COMMISSIONER MILLIGAN MOVED TO TABLE THIS ITEM TO ASSURE THAT DIRECTOR BRASSARD-JORDAN CONTACTED THE LICENSEE TO OFFER WHATEVER ASSISTANCE THEY MAY NEED RELATIVE TO THEIR LIQUOR LICENSE; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.**

- b. Diageo Beer Company USA, 801 Main Avenue, Norwalk, CT 06851.  
Beverage Vendor License #30031 licensed pursuant to RSA 178:15.  
Date petition received: 11/8/2017.

Requests approval of Smirnoff Ice Cherry & Lime, Smirnoff Ice Peach & Mango, Smirnoff Ice Strawberry & Lemon all with alcohol contents of 8% at 60 degrees Fahrenheit by volume pursuant to RSA 175:1, LXIV-a; no samples were provided.

Recommendation: Approval.

**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.**

- c. Diageo Beer Company USA, 801 Main Avenue, Norwalk, CT 06851.  
Beverage Vendor License #30031 licensed pursuant to RSA 178:15.  
Date petition received: 11/8/2017.  
Requests approval of Smirnoff Ice Smashed Lemon & Lime and Smirnoff Ice Smashed Screwdriver with alcohol contents of 8% at 60 degrees Fahrenheit by volume pursuant to RSA 175:1, LXIV-a; no samples were provided.  
Recommendation: Approval.  
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.**

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

Hannah Grimes Center, Inc., 25 Roxbury Street, Keene, NH 03431.  
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(I).  
Event date: 11/6/2017.  
Recommendation: Expedited approval.  
Commission approved on 11/3/2017.  
**COMMISSION ACKNOWLEDGED.**

**18. LATE ITEM FOR COMMISSION APPROVAL:**

Pickleback LLC DBA The Goat, 142 Congress Street, Portsmouth, NH 03801.  
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1553403 pursuant to RSA 178:21.  
Recommendation: **To be discussed.**  
**LICENSEE ALBERT FLEURY AND HIS ATTORNEY, JONATHAN FLAGG WERE PRESENT AT THIS MEETING TO PRESENT THEIR ARGUMENT IN FAVOR OF LICENSE APPROVAL TO INCLUDE DANCING, TO SUBMIT A LETTER DATED NOVEMBER 16, 2017 IN SUPPORT OF THEIR ARGUMENT AND TO ANSWER QUESTIONS REGARDING THE LICENSE APPLICATION; THE COMMISSIONERS WENT INTO RECESS TO DISCUSS THIS MATTER WITH DIRECTORS DANIEL ST. HILAIRE AND MARK ARMAGANIAN; UPON RETURNING FROM RECESS, DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM WITHOUT DANCING; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED; THE COMMISSION MADE IT CLEAR TO THE LICENSEE THAT AN ADMINISTRATIVE HEARING WOULD BE SCHEDULED IF HE APPLIES FOR A DANCE AREA IN THE FUTURE AND THAT THE CITY OF PORTSMOUTH WOULD BE NOTIFIED OF SAME.**