

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, NOVEMBER 15, 2018

1. RECOMMENDATION TO ACCEPT THE MINUTES FROM THE COMMISSION MEETING HELD NOVEMBER 8, 2018.

DEPUTY COMMISSIONER MILLIGAN MOVED TO ACCEPT THE MINUTES OF NOVEMBER 8, 2018; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

2. SCHEDULED HEARINGS:

TO BE HELD AT NH LIQUOR COMMISSION, DIVISION OF ENFORCEMENT & LICENSING OFFICES, 50 STORRS STREET, CONCORD, NH:

November 19, 2018 at 1:30 p.m.:

Eclipse Bar and Restaurant, 253 Wilson Street, Manchester, NH.
Denial of Restaurant, Full Service With Lounge License issued pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
COMMISSION ACKNOWLEDGED.

FOLLOWING THE MEETING, THE HEARING SCHEDULED FOR NOVEMBER 16, 2018 WAS POSTPONED DUE TO INCLEMENT WEATHER; THE NEW HEARING DATE IS NOVEMBER 19, 2018 AT 1:30 P.M.

3. NOTIFICATION OF DISCIPLINARY ACTION:

- a. Olympus Pizza, 506 Valley Street, Manchester, NH.
Restaurant, Beverage & Wine License #1521303 issued pursuant to RSA 178:20.
Cited for violation of RSA 179:5, I - served or sold 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 179:17 – allowed the sale or consumption of alcoholic beverage on the premises after expiration of the serving hour.
Cited for violation of RSA 178:21 – continued to operate while closed to the general public.
Date of violations: August 11, 2018.
Case #: 18-217-OF.
For violation of RSA 179:5, I, a \$500 administrative fine, four (4) points shall be assessed to the liquor license, the license to sell, serve or consume alcohol shall be suspended for three (3) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing November 17, 2018 and re-granted on November 19, 2018 and Stacey Ranfos shall attend a Total Education in Alcohol Management (TEAM) seminar in a classroom within thirty (30) days from the date of the fully signed agreement; for violation of RSA 179:17, a \$250 administrative fine suspended for twelve (12) months pending no like violation; and for violation of RSA 178:21, a \$250 administrative fine suspended for twelve (12) months pending no like violation.

COMMISSION ACKNOWLEDGED.

- b. Tropical Lounge, 14 West Hollis Street, Nashua, NH.
Restaurant, Full Service With Lounge License #1533203 issued pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 178:22 – operated the cocktail lounge when the dining room was closed.
Date of violation: August 24, 2018.
Case #: 18-234-OF.
A \$100 administrative fine, the Licensee shall provide a copy of the most recent Health Certificate issued by the Nashua Environmental Health Department to the Division of Enforcement & Licensing within thirty (30) days from the date of the fully signed agreement and the Licensee shall comply with all food preparation and service requirements of their license pursuant to NH Revised Statutes and NH Administrative Rules.

COMMISSION ACKNOWLEDGED.

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

OPIA, 128 Rockingham Road, Londonderry, NH.

Retail Tobacco License #136217 issued pursuant to RSA 178:19-a.

Cited for violation of RSA 178/Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.

Date of violation: October 12, 2018.

Case #: 18-311-OF.

\$100 administrative fine paid.

COMMISSION ACKNOWLEDGED.

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Candia Firststop LLC DBA Town Cabin Deli & Pub, 285 Old Candia Road, Candia, NH 03034.
To be issued Conditional Combination License: Restaurant, On-Premise Beverage/Wine/Liquor License #1556803 pursuant to RSA 178:21 and previously issued Combination, Off-Premise Beverage/Wine/Tobacco License #3268547 pursuant to RSA 178:18/RSA 178:19-a.
30-Day Temporary License issued 11/6/2018.

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

- b. Fat Katz LLC DBA Fat Katz Food and Drink, 76 Derry Road, Space #8, Hudson, NH 03051.
To be issued Restaurant, On-Premise Beverage/Wine/Liquor License #1574003 pursuant to RSA 178:21.
30-Day Temporary License issued 11/7/2018.

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

- c. Mama McDonough's Irish Pub LLC, 5 Depot Street, Hillsborough, NH 03244.
To be issued Caterer, Off-Site License #1291734 pursuant to RSA 178:22, V(e).
30-Day Temporary License issued 11/7/2018.

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

- d. Noah Beverages LLC, 379 South River Road, Bedford, NH 03110.
To be issued Caterer, Off-Site License #1291434 pursuant to RSA 178:22, V(e).
30-Day Temporary License issued 11/6/2018.

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

6. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

7. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING NOVEMBER 9, 2018: 1,187

R & V, Inc. DBA Arlington Wine and Liquor, 718 Dutchess Turnpike, Poughkeepsie, NY 12603.

To be issued Direct Shipper, Retailer Permit pursuant to RSA 178:27.

(Retailer)

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

8. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

9. NOTIFICATION OF APPROVED PETITIONS:

- a. Candia Firststop LLC DBA Town Cabin Deli & Pub, 285 Old Candia Road, Candia, NH 03034.
Restaurant, On-Premise Beverage/Wine/Liquor License #1556803 licensed pursuant to RSA 178:21.
Date petition received: 11/6/2018.
Date petition approved: 11/8/2018.
Requested approval for authorization of other area, to wit, an outside area with a capacity of 46 pursuant to RSA 178:24/Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- b. Maxi Drug North, Inc. DBA Rite Aid 10301, 28 Portsmouth Avenue, Stratham, NH 03885.
Combination, Off-Premise Beverage/Wine/Tobacco License #3097247 licensed pursuant to RSA 178:18/RSA 178:19-a
Date petition received: 11/6/2018.
Date petition approved: 11/8/2018.
Requested permission to transfer alcohol inventory to a new location, to wit, from Rite Aid 10301, License #3097247 to Rite Aid 3304, Combination, Off-Premise Beverage/Wine/Tobacco License #892147 located at 75 Portsmouth Avenue, Unit 1, Exeter, NH 03833 pursuant to RSA 178:29, VIII.
COMMISSION ACKNOWLEDGED.
- c. JPA III Management Company, Inc. DBA Doubletree by Hilton,
700 Elm Street, Manchester, NH 03101.
Hotel Full Service With Lounge License #214602 licensed pursuant to RSA 178:21, II(b)(1)/RSA 178:22, V(k).
Date petition received: 11/2/2018.
Date petition approved: 11/5/2018.
Requested approval for authorization of other area, to wit, an extension of service allowing guests to move through the 1st floor walkways with alcoholic beverages on November 7, 2018 pursuant to RSA 178:24/Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- d. Pickering House Inn LLC, 116 South Main Street, Wolfeboro, NH 03894.
Bed & Breakfast License #361238 licensed pursuant to RSA 178:21, II (c).
Date petition received: 11/5/2018.
Date petition approved: 11/8/2018.
Requests 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 (5) days a week from November 1, 2018 to April 15, 2019 as indicated in a letter dated November 1, 2018.
COMMISSION ACKNOWLEDGED.

10. PETITIONS RECOMMENDED FOR COMMISSION DENIAL:

None

11. TABLED ITEMS:

1-800 Wine Shop.com, Inc., 525 Airpark Road, Napa, CA 94558.
Renewal Application for Direct Shipper, Wine Manufacturer Permit #8007233 pursuant to RSA 178:27.
Recommend denial pursuant to RSA 178:27, I(a)/Liq. 1101.01(f) because Permittee is a Retailer.
ON NOVEMBER 8, 2018, DEPUTY COMMISSIONER MILLIGAN MOVED TO TABLE THIS ITEM;
CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
THIS ITEM REMAINED Tabled.

12. MISCELLANEOUS ITEMS RECOMMENDED 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 pursuant to RSA 177:9.
Recommendation: Approval.
MARK ROY OF THE MARKETING DIVISION CONTACTED THE LICENSEE TO OFFER WHATEVER ASSISTANCE THEY MAY NEED RELATIVE TO THEIR LIQUOR LICENSE; THE LICENSEE STATED THAT HE HAS BEEN VERY SATISFIED WITH THE SERVICE HE HAS RECEIVED FROM BOTH THE COMMISSION AND DHL THIS PAST YEAR. DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. Room 111 At Victory Lanes, 9 Central Street, Woodsville, NH.
Renewal of Sports Recreation Facility License #6019405 issued pursuant to RSA 178:22, V(u)(1).
Licensee accumulated 12 points on their license during the last license year; approval by the Commission is required pursuant to RSA 178:3/Liq. 208.03(d).
LICENSEE NATE SWAIN APPEARED BEFORE THE COMMISSION AT ITS REQUEST; DEPUTY COMMISSIONER MILLIGAN ADDRESSED THE LICENSEE REGARDING THE ACCUMULATED POINTS ON HIS LIQUOR LICENSE; HE STATED THAT THE COMMISSION IS INTERESTED IN WORKING WITH HIM AND ASSURED HIM THAT THE DIVISION OF ENFORCEMENT CAN PROVIDE EMPLOYEE TRAINING AND ANSWER QUESTIONS PERTAINING TO HIS LICENSE; HE URGED MR. SWAIN TO ASK FOR HELP IF HE NEEDS IT; THE COMMISSION'S GOAL IS TO KEEP ALL LICENSEES COMPLIANT WITH THE LAW AND IN BUSINESS; MR. SWAIN STATED THAT HE UNDERSTOOD; QUESTIONS CONCERNING HIS ESTABLISHMENT WERE ADDRESSED BY CHIEF ARMAGANIAN AFTER THE MEETING.

13. MISCELLANEOUS ITEMS RECOMMENDED FOR COMMISSION DENIAL:

None

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

None

15. NOTIFICATION OF COMPLIANCE CHECKS:

None

16. NOTIFICATION OF DENIED FELON WAIVER:

None

17. ADMINISTRATIVE HEARING DECISION PENDING:

None

18. ADMINISTRATIVE HEARING DECISION:

Glowbar, 123 Hanover Street, Manchester, NH.
Cigar Bar, On-Premise Beverage/Wine/Liquor/Cigar License #403906 issued pursuant to RSA 178:20-a.
ON 9/18/18, AN ASSENTED-TO MOTION TO CONTINUE WAS FILED BY THE CITY SOLICITOR ON BEHALF OF COUNSEL FOR THE LICENSEE AND GRANTED; HEARING DATE YET TO BE DETERMINED. THE HEARING IS CONTINUED UNTIL NOVEMBER 9, 2018 AT 9:00 A.M.
TIME OF HEARING HAS BEEN CHANGED TO 10:00 A.M.
COMMISSION ACKNOWLEDGED.

**THE REVOCATION HEARING WAS HELD ON NOVEMBER 9, 2018 AT THE ALDERMANIC CHAMBERS IN MANCHESTER, NH BEFORE CHIEF HEARINGS OFFICER JOSEPH PLAIA; THE CITY OF MANCHESTER AND THE LICENSEE AGREED THAT THE LICENSEE ELECTED TO NOT CHALLENGE OR CONTEST THE ALLEGATIONS SET FORTH IN THE PETITION FOR REVOCATION DUE TO THE FACT THAT THE LOCATION OF THE BUSINESS IS BEING SOLD AND IS NO LONGER AVAILABLE FOR USE BY THE LICENSEE; THAT THE LICENSE SHALL BE SURRENDED EFFECTIVE SEPTEMBER 6, 2018; AND THAT THE LICENSEE MAY RE-APPLY FOR A LICENSE NOT SOONER THAN 365 DAYS FROM SEPTEMBER 6, 2018.
COMMISSION ACKNOWLEDGED.**

19. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

- a. Boys & Girls Club of Souhegan Valley, Mont Vernon Street, Milford, NH 03054.
To be issued One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #589141 pursuant to RSA 178:22, V(I).
Event date: 11/18/2018.
Recommendation: Expedited approval.
Commission approved on 11/8/2018.
COMMISSION ACKNOWLEDGED.
- b. **THERE WILL BE NO BUSINESS MEETING ON NOVEMBER 22, 2018 IN OBSERVANCE OF THANKSGIVING.**