MINUTES OF THE NHLC DIVISION OF ENFORCEMENT & LICENSING MEETING FOR THURSDAY, DECEMBER 13, 2018

1. RECOMMENDATION TO ACCEPT THE MINUTES FROM THE COMMISSION MEETING HELD DECEMBER 6, 2018.

DEPUTY COMMISSIONER MILLIGAN MOVED TO ACCEPT THE MINUTES OF DECEMBER 6, 2018; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

2. <u>SCHEDULED HEARINGS</u>:

January 7, 2019 at 9:30 a.m.:

Tower Hill Tavern, 264 Lakeside Avenue, Laconia, NH. Restaurant, Full Service With Lounge License #1369903 issued pursuant to

RSA 178:21, II(a)(1)/RSA 178:22, V(q).

Cited for violation of RSA 179:51 – failed to maintain an orderly premise.

Date of violation: 9/15/2018.

Case #: 18-267-OF.

3. NOTIFICATION OF DISCIPLINARY ACTION:

a. Candia First Stoppe Country Store, 285 Old Candia Road, Candia, NH.

Combination, Off-Premises Beverage/Wine/Tobacco License #3268547 issued pursuant to RSA 178:18/RSA 126-K:4.

Cited for violation of RSA 179:32, I – failed to purchase supplies of alcohol as provided by law.

Date of violation: October 31, 2018.

Case #: 18-328-OF.

An administrative fine of \$250 suspended for twelve (12) months pending no like violation.

COMMISSION ACKNOWLEDGED.

b. 809 Grill & Lounge, 43 West Hollis Street, Nashua, NH.

Restaurant, Full Service With Lounge License #1550803 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 expiration of the serving hour.

Date of violation: September 29, 2018.

Case #: 18-291-OF.

An administrative fine of \$250 suspended for twelve (12) months pending no like violation and the Licensee shall comply with RSA 178:22 relative to all food preparation and service requirements and RSA 179:17 relative to the hours of sale and service of alcohol.

COMMISSION ACKNOWLEDGED.

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

a. Chunky's Cinema Pub, 725 Huse Road, Manchester, NH.

Restaurant, On-Premises Beverage/Wine/Liquor License #1542103 issued pursuant to RSA 178:21. Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.

Date of violation: November 9, 2018.

Case #: 18-337-OF.

\$100 administrative fine paid.

COMMISSION ACKNOWLEDGED.

b. O'Brien's Sports Bar, 118 Main Street, Nashua, NH.

Restaurant, On-Premises Beverage/Wine/Liquor License #1419403 issued pursuant to RSA 178:21. 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 179:20, II – allowed an employee to consume alcoholic beverage while working.

Date of violations: September 16, 2018.

Case #: 18-274-OF.

\$350 administrative fine paid.

COMMISSION ACKNOWLEDGED.

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

a. 34 Manchester Road Derry SH LLC DBA Smokers' Haven Derry,

34 Manchester Road, Derry, NH 03038.

To be issued Retail Tobacco License #145817 pursuant to RSA 178:19-a.

30-Day Temporary License issued 12/4/2018.

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

Aigean Ales LLC, 250 Commercial Street, Unit 2001, Manchester, NH 03101.

To be issued Beverage Manufacturer License #293118 pursuant to RSA 178:12

30-Day Temporary License issued 12/3/2018.

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

Associated Brewing Company, 515 East Raines Road, Memphis, TN 38118.

To be issued Beverage Manufacturer License #90431 pursuant to RSA 178:12

Manufacturer: Classic Brewing Company.

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

d. Dam Brewhouse LLC. 1323 NH Route 175. Campton. NH 03223.

To be issued Beverage Manufacturer License #293218 pursuant to RSA 178:12

30-Day Temporary License issued 12/3/2018.

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

e. Faith and Grace LLC DBA Aldrich General Store,

3039 Dartmouth College Highway, North Haverhill, NH 03774.

To be issued Combination, Off-Premises Beverage/Wine/Tobacco #3378047

pursuant to RSA 178:18/RSA 178:19-a.

30-Day Temporary License issued 11/30/2018.

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

f. Floyd's Spiked Beverages LLC, 21 Brentwood Court, Basking Ridge, NH 07920.

To be issued Beverage Manufacturer License #87231 pursuant to RSA 178:12.

Manufacturer: Minhas Brewing, Monroe, WI.

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

g. Fry Fine Art LLC, 36 Grove Street, Peterborough, NH 03458.

To be issued Retail Wine License #3162646 pursuant to RSA 178:19.

30-Day Temporary License issued 12/6/2018.

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

h. Kumar, Inc. DBA Sammy's Market, 7 Madbury Road, Durham, NH 03824.

To be issued Combination, Off-Premises Beverage/Wine/Tobacco #3377047

pursuant to RSA 178:18/RSA 178:19-a.

30-Day Temporary License issued 11/30/2018.

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

i. Noodz LLC, 968 Elm Street, Manchester, NH 03101.

To be issued Restaurant, On-Premises Beverage & Wine License #1576003 pursuant to RSA 178:20. 30-Day Temporary License issued 12/3/2018.

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

j. Vineyard at Seven Birches (The) LLC DBA Seven Birches,

25 South Mountain Drive, A-14, Lincoln, NH 03251.

To be issued Retail Outlet License #20229 pursuant to RSA 178:19.

30-Day Temporary License issued 12/6/2018.

DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA 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 DECEMBER 7, 2018: 1.184

a. Adler Duetsch Vineyard LLC DBA Adler-Duetsch Vineyard,

3524 Silverado Trail North, St. Helena, CA 94574.

To be issued Direct Shipper, Wine Manufacturer Permit pursuant to RSA 178:27. (Winerv)

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

b. Syltbar USA LLC DBA Syltbar, 2081 SW 70th Avenue, Unit G10, Davie, FL 33317. To be issued Direct Shipper, Retailer Permit pursuant to RSA 178:27.

(Retailer)

(ITELAHEI)

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

8. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

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 Permitee is a Retailer. ON NOVEMBER 8, 2018, DEPUTY COMMISSIONER MILLIGAN MOVED TO TABLE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION: THE MOTION PASSED.

ON NOVEMBER 15, 2018, THIS ITEM REMAINED TABLED.

ON NOVEMBER 29, 2018, DEPUTY CHIEF SCOTT DUNN INFORMED THE COMMISSION THAT DISCUSSIONS WITH THIS PERMITTEE CONCERNING HIS PERMIT TYPE CONTINUE AND RECOMMENDED THAT THIS ITEM REMAIN TABLED; THE COMMISSION ACCEPTED THE RECOMMENDATION.

ON DECEMBER 6, 2018, DEPUTY CHIEF SCOTT DUNN RECOMMENDED THAT THIS ITEM REMAIN TABLED; THE COMMISSION ACCEPTED THE RECOMMENDATION.

RECOMMENDATION: DENIAL.

DEPUTY COMMISSIONER MILLIGAN REQUESTED THAT THIS ITEM BE REMOVED FROM THE TABLE FOR DISCUSSION; CHAIRMAN MOLLICA MOVED TO TAKE IT OFF THE TABLE; THE DEPUTY COMMISSIONER SECONDED THE MOTION; THE MOTION PASSED; DEPUTY COMMISSIONER MILLIGAN ASKED LT. MATTHEW CULVER TO EXPLAIN WHY DENIAL OF THE APPLICATION WAS RECOMMENDED AT THIS TIME; LT. CULVER EXPLAINED THAT DESPITE SEVERAL DISCUSSIONS WITH THE PERMITEE, THE DIVISION OF ENFORCEMENT & LICENSING HAS NOT HAS BEEN ABLE TO DETERMINE WHETHER THEY ARE A WINE MANUFACTURER OR RETAILER; A DIVISION AUDITOR RECENTLY CONTACTED THE PERMITEE BY TELEPHONE WHO HUNG UP ON HER; DEPUTY COMMISSIONER MILLIGAN STATED THAT IT IS HIS UNDERSTANDING THE PERMITEE IS NOT COOPERATING WITH THE DIVISION'S INQUIRIES; AFTER ALL IT'S DOCUMENTED EFFORTS, THE

DIVISION HAS DECIDED TO RECOMMEND DENIAL OF THE APPLICATION; LT. CULVER CONFIRMED THAT THIS IS CORRECT; DEPUTY COMMISSIONER MILLIGAN MOVED TO DENY THE APPLICATION AS RECOMMENDED; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

9. NOTIFICATION OF APPROVED PETITIONS:

Earth Eagle Brewings LLC, 175 High Street #s 6 & 7, Portsmouth, NH 03801.

Brew Pub License #2002315 licensed pursuant to RSA 178:13.

Date petition received: 10/30/2018. Date petition approved: 11/30/2018.

Requested approval for another area, to wit, a room for a retail center with an additional capacity of 26 pursuant to RSA 178:24/Liq. 404.05.

COMMISSION ACKNOWLEDGED.

b. Finestkind Brewing LLC DBA Smuttynose Brewing Company,

105 Towle Farm Road, Hampton, NH 03842.

Beverage Manufacturer License #292718 licensed pursuant to RSA 178:12.

Date petition received: 12/3/2018. Date petition approved: 12/7/2018.

Requested approval for extension of 2 areas, to wit, extension of a tasting area to the gallery inside the front entrance and an extension of the retail store to the grassy area in front of the main entrance pursuant to RSA 178:24/Lig. 404.05.

COMMISSION ACKNOWLEDGED.

c. Mountain Music Winery, 3447 US Route 3, Thornton, NH 03285.

Wine Manufacturer License #567230 issued pursuant to RSA 178:8.

Date petition received: 12/5/2018. Date petition approved: 12/5/2018.

Requested approval for authorization for tasting at farmers' market, to wit, Rolling Green Winters Farmers' Market, Greenland, NH, on Saturdays between 10 am and 2 pm from December 8, 2018 to March 2, 2019 pursuant to RSA 178:8; the Town of Greenland allows sampling of wine at this event. **COMMISSION ACKNOWLEDGED.**

d. Tuohy's Pub & Brewery LLC DBA Salt Hill Pub, 5 Airport Road, W. Lebanon, NH 03784.

Restaurant, On-Premises Beverage/Wine/Liquor License #1541903 licensed pursuant to RSA 178:21.

Date petition received: 11/26/2018. Date petition approved: 11/30/2018.

Requested approval for an outside area, to wit, an outside area with a capacity of 74 pursuant to RSA 178:24/Liq. 404.05.

COMMISSION ACKNOWLEDGED.

e. WVSR LLC DBA T-Bars Restaurant At Waterville, 220 Ski Area Road, Waterville Valley, NH 03215. Sports Recreation License #6013605 licensed pursuant to RSA 178:22, V(v).

Date petition received: 12/4/2018.

Date petition approved: 12/4/2018.

Requested approval for 3 additional areas, to wit, Marketplace with a capacity of 650, Schwendi Hut with a capacity of 165 and Sunnyside Base Lodge with a capacity of 330 pursuant to RSA 178:24/Liq. 404.05.

COMMISSION ACKNOWLEDGED.

10. PETITIONS RECOMMENDED FOR COMMISSION DENIAL:

None

11. TABLED ITEMS:

None

12. MISCELLANEOUS ITEMS RECOMMENDED FOR COMMISSION APPROVAL:

Chief Warrant Officer III Melanie Ann Ober, 282 North Road, Danbury, NH 03230.

Military servicewoman wishes to import 468 bottles of wine to New Hampshire from overseas where she is currently stationed and have the 25% fee waived pursuant to RSA 175.6.

Recommendation: Approval.

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

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:

None

19. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

a. Prescott Park Arts Festival, Exeter Historic Town Hall, 8 Front Street, Exeter, NH 03833.

To be issued One-day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #589441 pursuant to RSA 178:22, V(I).

Event dates: 12/7, 12/8, 12/9/2018. Recommendation: Expedited approval. Commission approved on 12/3/2018.

COMMISSION ACKNOWLEDGED.

b. Prescott Park Arts Festival, Exeter Historic Town Hall, 8 Front Street, Exeter, NH 03833.

To be issued One-day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #589541 pursuant to RSA 178:22, V(I).

Event dates: 12/13, 12/14, 12/15/2018. Recommendation: Expedited approval.

Commission approved on 12/3/2018.

COMMISSION ACKNOWLEDGED.

c. Roman Catholic Bishop of Manchester DBA St. Kathryn Church, 4 Dracut Road, Hudson, NH 03051. To be issued One-day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #589741

pursuant to RSA 178:22, V(I).

Event date: 12/16/2018.

Recommendation: Expedited approval.

Commission approved on 12/6/2018.

COMMISSION ACKNOWLEDGED.