

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, JANUARY 24, 2019

1. **RECOMMENDATION TO ACCEPT THE MINUTES FROM THE COMMISSION MEETING HELD JANUARY 17, 2019.**
DEPUTY COMMISSIONER MILLIGAN MOVED TO ACCEPT THE MINUTES OF JANUARY 17, 2019; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

2. **SCHEDULED HEARINGS:**

None

3. **NOTIFICATION OF DISCIPLINARY ACTION:**
 - a. Fiesta Jalisco Mexican Restaurant, 1465 White Mountain Highway, North Conway, NH.
Restaurant, On-Premises Beverage/Wine/Liquor License #1443303 issued pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an individual who was under the age of twenty-one.
Date of violation: September 17, 2018.
Case #: 18-221-OF.
\$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 February 3, 2019 and re-granted on February 5, 2019, Jesus Guzman shall attend a Management Training Seminar (MTS) in a classroom within thirty (30) days from the date of the fully signed agreement and Carlos Jaime shall complete a Total Education in Alcohol Management (TEAM) seminar online within thirty (30) days from the date of the fully signed agreement.
COMMISSION ACKNOWLEDGED.
 - b. Hong Kong Garden, 81 Main Street, Plymouth, NH.
Restaurant, Full Service With Lounge License #432403 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 an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:27, II - served or allowed consumption of alcoholic beverage in an area not approved by the Commission.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Date of violations: April 6, 2018.
Case #: 18-96-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 in the cocktail lounge only for five (5) days with two (2) days held in abeyance for twelve (12) months pending no like violation commencing January 31, 2019 and re-granted on February 3, 2019 and Tsan Hui Kuan and James Hart shall attend a Management Training Seminar (MTS) in a classroom within thirty (30) days from the date of the approved agreement; for violation of RSA 179:27, II, a \$250 administrative fine suspended for twelve (12) months pending no like violation; and for violation of RSA 179:51, a \$250 administrative fine suspended for twelve (12) months pending no like violation.
COMMISSION ACKNOWLEDGED.
 - c. Kim Lai Chinese Restaurant, 599 Lafayette Road #12, Portsmouth, NH.
Restaurant, On-Premises Beverage/Wine/Liquor License #1195003 issued pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an individual who was under the age of twenty-one.
Date of violation: November 2, 2018.
Case #: 18-329-OF.

\$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 commencing February 1, 2019 and re-granted on February 4, 2019, Lai Kwok shall attend a Management Training Seminar (MTS) in a classroom within thirty (30) days from the date of the fully signed agreement and Jinxin Zou shall complete a Total Education in Alcohol Management (TEAM) seminar online within thirty (30) days from the date of the fully signed agreement.

COMMISSION ACKNOWLEDGED.

- d. Thompson's 2nd Alarm, 421 Central Avenue, Dover, NH.
Restaurant, On-Premises Beverage/Wine/Liquor License #1569603 issued pursuant to RSA 178:21.
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.
Date of violation: November 21, 2018.
Case #: 18-344-OF.

\$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 February 5, 2019 and re-granted on February 7, 2019 and Kayli Aselton and Robert Swain shall complete a Total Education in Alcohol Management (TEAM) seminar online within thirty (30) days from the date of the fully signed agreement.

COMMISSION ACKNOWLEDGED.

- e. Whiskey Barrel Music Hall, 546 North Main Street, Laconia, NH.
Ballroom License #1153311 issued pursuant to RSA 178:22, V(c).
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 – 2 counts.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Date of violations: June 1, 2018.
Case #s: 18-154-OF & 18-294-OF.

For violation of RSA 179:5, I, an administrative fine of \$1,500 with \$1,000 suspended for twelve (12) months pending no like violation, eight (8) points shall be assessed to the liquor license, the license to sell, serve or consume alcohol shall be suspended for eight (8) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing February 11, 2019 and re-granted on February 18, 2019, Matthew Menengas shall attend a Management Training Seminar (MTS) in a classroom within thirty (30) days from the date of the fully signed agreement and Lisa Bladecki, Brooke Wolters and Nina Roule shall complete a Total Education in Alcohol Management (TEAM) seminar online within thirty (30) days from the date of the fully signed agreement; for violation of RSA 179:51, a \$250 administrative fine due five (5) business days from the date the licensee receives the fully signed agreement.

COMMISSION ACKNOWLEDGED.

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

- a. Russian Standard Vodka USA, 747 3rd Avenue, #30A, New York, NY.
Liquor & Wine Vendor License #110445 issued pursuant to RSA 178:9.
Cited for violation of RSA 178/Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: January 8, 2019.
Case #: 19-27-OF.
\$100 administrative fine paid.

COMMISSION ACKNOWLEDGED.

- b. 7-Eleven #37396H, 33 South Main Street, Plymouth, NH.
Combination, Off-Premises Beverage/Wine/Tobacco License #3344947 issued pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:8, II – accepted photographic identification that was expired, not consistent with the appearance of the person, not correct and free of alteration, erasure, blemish or other impairment.

Date of violation: November 8, 2018.
Case #: 18-336-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. 436 South Broadway Corporation DBA Salem Vape & Smoke,
436 South Broadway, Unit 2, Salem, NH 03079.
To be issued Retail Tobacco License #145917 pursuant to RSA 178:19-a.
30-Day Temporary License issued 1/17/2019.
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA
SECONDED THE MOTION; THE MOTION PASSED.**
- b. AMC Variety LLC, 655 Chestnut Street, Manchester, NH 03104.
To be issued Combination, Off-Premises Beverage/Wine/Tobacco License #3378247 pursuant to
RSA 178:18/RSA 178:19-a.
30-Day Temporary License issued 1/17/2019.
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA
SECONDED THE MOTION; THE MOTION PASSED.**
- c. BFB LLC DBA Burgerim NH, 1500 South Willow Street, Unit 104, Manchester, NH 03103.
To be issued Restaurant, On-Premises Beverage & Wine License #1572503 pursuant to RSA 178:20.
30-Day Temporary License issued 1/15/2019.
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA
SECONDED THE MOTION; THE MOTION PASSED.**
- d. Chipotle Mexican Grill of Colorado LLC DBA Chipotle Mexican Grill,
826 Central Avenue, Dover, NH 03820.
To be issued Restaurant, On-Premises Beverage & Wine License #1574803 pursuant to RSA 178:20.
30-Day Temporary License issued 1/10/2019.
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA
SECONDED THE MOTION; THE MOTION PASSED.**
- e. Craftmasters LLC, 599 Lafayette Road, Unit 7, Portsmouth, NH 03801.
To be issued Retail Tobacco License #144417 pursuant to RSA 178:19-a.
30-Day Temporary License issued 1/17/2019.
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA
SECONDED THE MOTION; THE MOTION PASSED.**
- f. Etiquette Cigars LLC, 59 Elm Street, Laconia, NH 03246.
To be issued Retail Tobacco License #145717 pursuant to RSA 178:19-a.
30-Day Temporary License issued 1/14/2019.
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA
SECONDED THE MOTION; THE MOTION PASSED.**
- g. Hill General Store LLC, 24 Commerce Street, Hill, NH 03243.
To be issued Combination, Off-Premises Beverage/Wine/Tobacco License #3379947
pursuant to RSA 178:18/RSA 178:19-a.
30-Day Temporary License issued 1/17/2019.
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA
SECONDED THE MOTION; THE MOTION PASSED.**
- h. J-Pothecary LLC, 66 Gilcreast Road, Unit 4, Londonderry, NH 03053.
To be issued Retail Tobacco License #146017 pursuant to RSA 178:19-a.
30-Day Temporary License issued 1/16/2019.
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA
SECONDED THE MOTION; THE MOTION PASSED.**
- i. J & P Variety LLC DBA Ron's Variety, 737 Main Street, Berlin, NH 03570.
To be issued Combination, Off-Premises Beverage/Wine/Tobacco License #3380047
pursuant to RSA 178:18/RSA 178:19-a.
30-Day Temporary License issued 1/16/2019.
**DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA
SECONDED THE MOTION; THE MOTION PASSED.**

- j. KMS Hospitality LLC DBA Inn at Sunset Hill, 231 Sunset Hill Road, Sugar Hill, NH 03586.
To be issued Hotel License #372702 pursuant to RSA 178:24, II(b)(1).
30-Day Temporary License issued 1/15/2019.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- k. Makoto Hibachi & Asian Bistro, Inc., 553 Mast Road #105, Goffstown, NH 03045.
To be issued Restaurant, On-Premises Beverage & Wine License #1572303 pursuant to RSA 178:20.
30-Day Temporary License issued 1/10/2019.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- l. Markers Edge LLC DBA Crook and Marker,
801 Northpoint Parkway, Suite 49, West Palm Beach, FL 33407.
To be issued Beverage Vendor License #91731 pursuant to RSA 178:15.
Manufacture: Lidestri Beverages LLC
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- m. Mohamad Anwar, Nurulislam DBA Yoma Food Market, 81 Lock Street, Nashua, NH 03064.
To be issued Combination, Off-Premises Beverage/Wine/Tobacco License #3378547
pursuant to RSA 178:18/RSA 178:19-a.
30-Day Temporary License issued 1/16/2019.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- n. Willie Mccoy's LLC, 401 Winchester Street, Keene, NH 03431.
To be issued Caterer, Off-Site License #1291834 pursuant to RSA 178:22, V(e).
30-Day Temporary License issued 1/17/2019.
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 JANUARY 22, 2019: 1,196

None

8. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

9. NOTIFICATION OF APPROVED PETITIONS:

- a. Jonny Boston's International LLC, 170 Main Street, Floor 1, Newmarket, NH 03857.
Restaurant, On-Premises Beverage/Wine/Liquor License #1506303 licensed pursuant to RSA 178:21.
Date petition requested: 1/10/2019.
Date petition approved: 1/10/2019.
Requested permission to waive leasing/access to part of business, to wit, to allow a doorway between the business and the office/residence to be locked at all times pursuant to RSA 179:48, IV.
COMMISSION ACKNOWLEDGED.
- b. KMS Hospitality LLC DBA Inn at Sunset Hill, 231 Sunset Hill Road, Sugar Hill, NH 03586.
Hotel License #370802 licensed pursuant to RSA 178:24, II(b)(1).
Date petition received: 1/11/2019.
Date petition approved: 1/14/2019.

Requested approval for an outside area, to wit, four (4) outside areas with a total capacity of 377 pursuant to RSA 178:24/Liq. 404.05.

COMMISSION ACKNOWLEDGED.

- c. Mohamad Anwar, Nurulislam DBA Yoma Food Market, 81 Lock Street, Nashua, NH 03064. Combination, Off-Premises Beverage/Wine/Tobacco #3378547 licensed pursuant to RSA 178:18/RSA 178:19-a.

Date petition received: 1/15/2019.

Date petition approved: 1/15/2019.

Requested to waive leasing/access to part of business, to wit, to allow a doorway connecting the residence to the business to be locked at all times pursuant to RSA 179:48, IV.

COMMISSION ACKNOWLEDGED.

- d. SNH Development, Inc. DBA Crotched Mountain Ski Area, Route 47, Bennington, NH 03442. Sports Recreation License #572205 licensed pursuant to RSA 178:22, V(v).

Requested approval for an outside, fenced area, to wit, outside areas with a total capacity of 600 on 1/19/2019 pursuant to RSA 178:24/Liq. 404.05.

COMMISSION ACKNOWLEDGED.

- e. Tandy Stephens, Inc. DBA Tandy's Top Shelf, 1 Eagle Square, Concord, NH 03301. Restaurant, On-Premises Beverage/Wine/Liquor License #1404103 licensed pursuant to RSA 178:21.

Date petition received: 1/11/2019.

Date petition approved: 1/14/2019.

Requested approval for an outside area, to wit, an outside atrium area with a capacity of 206 on 1/19/2019 pursuant to RSA 178:24/Liq. 404.05.

COMMISSION ACKNOWLEDGED.

10. PETITIONS RECOMMENDED FOR COMMISSION DENIAL:

None

11. TABLED ITEMS:

Club 14 LLC, 55 Governor Dinsmore Road, Windham, NH 03087.

Restaurant, On-Premises Beverage & Wine License #1571803 licensed pursuant to RSA 178:20.

Requesting an exception to RSA 178:22 and RSA 175:1, LXIV-c, to wit, that an indoor golf facility be considered a Sports Recreation Facility.

Recommendation: Denial.

ON JANUARY 10, 2019, JAIME SLOCUM, MANAGER OF THIS FACILITY, APPEARED BEFORE THE COMMISSION TO PROVIDE A PRESENTATION OF THIS VIRTUAL GOLF CLUB; SHE DESCRIBED ITS FEATURES AND EXPLAINED THE BREAKDOWN OF REVENUE; SHE EXPRESSED CONCERN FOR BEING ABLE TO MEET THE REQUIREMENTS OF A RESTAURANT LICENSE IN THE FUTURE WHEN THEIR REVENUE IS GENERATED PRIMARILY FROM SPORTS-RELATED ACTIVITIES; BECAUSE THIS CLUB DOES NOT MEET THE CURRENT DESCRIPTION OF A GOLF COURSE PURSUANT TO THE ADMINISTRATIVE RULES, SHE IS SEEKING AN EXEMPTION TO ACCOMMODATE HER BUSINESS MODEL.

DEPUTY COMMISSIONER MILLIGAN STATED THAT THE RULES MAY NOT BE UP-TO-DATE FOR THIS TYPE OF FACILITY; HE PROPOSED THAT HE, CHAIRMAN MOLLIKA AND ATTORNEY ROSEMARY WIANT, COUNSEL TO THE COMMISSION, VISIT THE CLUB WITHIN THE NEXT WEEK; HE THEN MOVED TO TABLE THE DIVISION OF ENFORCEMENT'S RECOMMENDATION TO DENY THIS APPLICATION PENDING FURTHER REVIEW; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED. ON JANUARY 17, 2019, DEPUTY COMMISSIONER MILLIGAN INDICATED THAT HE SPOKE WITH THE LICENSEE; HE WILL BE VISITING HER FACILITY ON JANUARY 18, 2019; THIS ITEM REMAINS TABLED. **DEPUTY CHIEF SCOTT DUNN RECOMMENDED THAT THIS ITEM REMAIN TABLED; HE STATED THAT CHIEF MARK ARMAGANIAN IS HAVING ONGOING DISCUSSIONS WITH THE LICENSEE AND IS PREPARING TO MAKE A RECOMMENDATION TO THE COMMISSION CONCERNING THIS EXCEPTION TO TITLE XIII; DEPUTY COMMISSIONER MILLIGAN STATED THAT HE RECENTLY VISITED THIS FACILITY AND WAS IMPRESSED; HE MOVED TO KEEP THIS ITEM ON THE TABLE; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.**

12. MISCELLANEOUS ITEMS RECOMMENDED FOR COMMISSION APPROVAL:

Dogfish Head Craft Brewery LLC, 6 Cannery Village Court, Milton, DE 19968.
Beverage Vendor License #34731 licensed pursuant to RSA 178:15.
Requests approval of Raison D'extra with an alcohol content of 15.66% at 60 degrees Fahrenheit by volume;
licensed pursuant to RSA 178:1, LXIV-a; sample provided.
**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. ADMINISTRATIVE HEARING DECISION PENDING:

None

17. ADMINISTRATIVE HEARING DECISION:

None

18. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

- a. Beveridge Craft Beer & Soap Company LLC, 19 Mile Bay, Route 109, Mirror Lake, NH 03853.
To be issued a Beer Festival License pursuant to RSA 178:30.
Event date: 1/26/2019.
Recommendation: Expedited approval.
Commission approved on 1/15/2019.
COMMISSION ACKNOWLEDGED.
- b. Laura Mahoney Autism & Epilepsy Foundation, Purity Lake Ice, Eaton, NH 03832.
To be issued a Special, One-Day Voluntary Nonprofit Organizations Beverage/Wine/Liquor
License pursuant to RSA 178:22, V(l).
Event dates: 1/26/2019 & 1/27/2019.
Recommendation: Expedited approval.
Commission approved on 1/15/2019.
COMMISSION ACKNOWLEDGED.
- c. Roman Catholic Bishop of Manchester DBA Saint Kathryn Church,
4 Dracut Road, Hudson, NH 03051.
To be issued a Special, One-Day Voluntary Nonprofit Organizations Beverage/Wine/Liquor
License pursuant to RSA 178:22, V(l).
Event date: 1/13/2019.
Recommendation: Expedited approval.
Commission approved on 1/10/2019.
COMMISSION ACKNOWLEDGED.

- d. Tuckerman Brewing Company LLC, 66 Hobbs Street, Conway, NH 03818.
To be issued a Beer Festival License pursuant to RSA 178:30.
Event date: 1/19/2019.
Recommendation: Expedited approval.
Commission approved on 1/17/2019.
COMMISSION ACKNOWLEDGED.

19. LATE ITEM - NOTIFICATION OF DISCIPLINARY ACTION:

Romy's Market, 89 Marlboro Street, Keene, NH.

Combination, Off-Premises Beverage/Wine/Tobacco License #3326847 issued pursuant to RSA 178:18/RSA 126-K:4.

Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an individual who was under the age of twenty-one – 2 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 – 2 counts.

Dates of violation: December 3, 2017 & October 11, 2018.

Case #s: 18-8-OF & 18-305-OF.

For violation of RSA 179:5, I, a \$2,000 administrative fine due five (5) business days from the date the licensee receives the fully signed agreement, eight (8) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended for seven (7) days commencing January 31, 2019 and re-granted on February 7, 2019, Kalpesh Patel a/k/a Kenny Patel shall not be a Person-In-Charge of the premises nor shall he sell alcohol in or on the premises in the course of performing his duties and Asha Patel shall attend a Management Training Seminar (MTS) in a classroom within forty-five (45) days from the date of the fully signed agreement; for violation of RSA 179:8, a \$500 administrative fine with \$250 suspended for twelve (12) months pending no like violation due five (5) business days from the date the licensee receives the fully signed agreement.

COMMISSION ACKNOWLEDGED.