

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, FEBRUARY 28, 2019

1. **RECOMMENDATION TO ACCEPT THE MINUTES FROM THE COMMISSION MEETING HELD FEBRUARY 21, 2019.**
DEPUTY COMMISSIONER MILLIGAN ACCEPTED THE MINUTES OF FEBRUARY 21, 2019.

2. **SCHEDULED HEARINGS:**

None

3. **NOTIFICATION OF DISCIPLINARY ACTION:**

- a. Berlin Mills Variety, 1725 Riverside Avenue, Berlin, NH.
Combination, Off-Premises Beverage/Wine/Tobacco License #3327947 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.
Date of violation: January 25, 2019.
Case #: 19-68-OF.
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 for three (3) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing March 7, 2019 and re-granted on March 9, 2019 and Ankit Patel 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.
COMMISSION ACKNOWLEDGED.
- b. Keene Discount Mart, 443 Winchester Street, Keene, NH.
Combination, Off-Premises Beverage/Wine/Tobacco License #3321447 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.
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.
Date of violations: June 14, 2018.
Case #: 18-313-OF.
For violation of RSA 179:5, I, an administrative fine of \$500, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended for three (3) days with two (2) days held in abeyance for twelve (12) months pending no like violation to occur on March 14, 2019 and Hitendra Patel shall attend a Management Training Seminar (MTS) in a classroom within thirty (30) days from the date of the fully executed agreement; for violation of RSA 179:8, I, an administrative fine of \$100 due five (5) business days from the date the licensee receives the fully executed agreement.
COMMISSION ACKNOWLEDGED.
- c. Keith Murphy's Taproom, 494 Elm Street, Manchester, NH.
Restaurant, On-Premises Beverage/Wine/Liquor License #1333403 licensed 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.
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an individual who was under the age of twenty-one.
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.
Cited for violation of RSA 179:27, II - served or allowed consumption of alcoholic beverage in an area not approved by the Commission – 3 counts.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.

Date of violations: December 6, 2018.

Case #: 18-356-OF.

For violation of RSA 179:5, I, an administrative fine of \$1,000, eight (8) points shall be assessed to the liquor license, the license to sell, serve or consume alcohol shall be suspended for six (6) days with three (3) days held in abeyance for twelve (12) months pending no like violation commencing March 5, 2019 and re-granted on March 8, 2019; for violation of RSA 179:8, I, an administrative fine of \$100; for violation of RSA 179:27, II, an administrative fine of \$750 with \$500 suspended for twelve (12) months pending no like violation; and for violation of RSA 179:51, an administrative fine of \$250.

COMMISSION ACKNOWLEDGED.

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

- a. Cheddar and Rye, 889 Elm Street, Manchester, NH.
Restaurant, On-Premises Beverage/Wine/Liquor License #1572203 pursuant to RSA 178:21.
Cited for violation of RSA 178:2, V/Liq. 603.01(c) - failed to attend a required training program within 45 days of licensure.
Cited for violation of RSA 178:21, II – failed to keep the kitchen in operation or to actively promote and serve meals in the dining room.
Dates of violations: January 4, 2019 & January 5, 2019.
Case #: 19-37-OF
\$200 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- b. Consuelo's Taqueria, 36 Amherst Street, Manchester, NH.
Restaurant, On-Premises Beverage & Wine License #1331003 issued pursuant to RSA 178:20.
Cited for violation of RSA 178/Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration.
Date of violation: February 7, 2019.
Case #: 19-95-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- c. Penuche's Ale House, 4 Canal Street, Nashua, NH.
Restaurant, On-Premises Beverage/Wine/Liquor License #1040103 issued pursuant to RSA 178:21.
Cited for violation of RSA 178:21, II – failed to keep the kitchen in operation or to actively promote and serve meals in the dining room.
Date of violation: February 8, 2019.
Case: 19-103-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- d. Salem Village Market, 517 South Broadway, Salem, NH.
Combination, Off-Premises Beverage/Wine/Tobacco License #3290147 issued pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 175:1/Liq. 404.02 - failed to have representative grocery items commonly found in a grocery or convenience store.
Date of violation: February 15, 2019.
Case #: 19-114-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- e. 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 179:17 – allowed the sale of alcoholic beverage after expiration of the selling hour.
Date of violation: November 10, 2018.
Case #: 18-340-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Fuego Latin Fusion Bar & Restaurant, Inc., 438 South Broadway, Salem, NH 03079.
To be issued Restaurant, On-Premises Beverage/Wine/Liquor License #1579103 pursuant to RSA 178:21.
30-Day Temporary License issued 2/20/2019.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. High Hopes Foundation of NH, Radisson Hotel, 11 Tara Boulevard, Nashua, NH 03062.
To be issued a Special, One-Day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 2/20/2019.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. Hopknot On Elm LLC (The), 1000 Elm Street, Suite 36, Manchester, NH 03101.
To be issued Restaurant, On-Premises Beverage/Wine/Liquor License #1576303 pursuant to RSA 178:21.
30-Day Temporary License issued 2/19/2019.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- d. Quick To Go Gas And Service, Inc. DBA Quick To Go, 547 Central Avenue, Dover, NH 03820.
To be issued Restaurant, On-Premises Beverage & Wine License #1578703 pursuant to RSA 178:20.
30-Day Temporary License issued 2/19/2019.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- e. Trapshire LLC, 1434 Bellows Falls Road, Charlestown, NH 03603.
To be issued Caterer, Off-Site, Cocktail Lounge License #1292134 pursuant to RSA 178:22, V(e).
30-Day Temporary License issued 2/20/2019.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- f. Woodman's Brewing Company LLC DBA Orono Brewing Company, 61 Margin Street, Orono, ME 04473.
To be issued Beverage Vendor License #90231 pursuant to RSA 178:15.
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 FEBRUARY 22, 2019: 1,199

- a. Fries Family Winery LLC, 2256 Chapman Lane, Prosser, WA 99350.
To be issued Direct Shipper, Wine Manufacturer Permit pursuant to RSA 178:27.
(Winery)
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. Tom Eddy Winery LLC, 3870 Highway 128, Calistoga, CA 94515.
To be issued Direct Shipper, Wine Manufacturer Permit pursuant to RSA 178:27.
(Winery)
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

- c. Wilde Farm Wines LLC, 6450 First Street, Units D,F,K &L, Forestville, CA 95436.
To be issued Direct Shipper, Wine Manufacturer Permit pursuant to RSA 178:27.
(Winery)
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:

Tuohy's Tavern LLC DBA Salt Hill, 2 West Park Street, Lebanon, NH 03766.
Restaurant, On-Premises Beverage/Wine/Liquor License #1242903 licensed pursuant to RSA 178:21.
Date petition requested: 2/20/2019.
Date petition approved: 2/21/2019.
Requested approval for outside area, to wit, an outside area with a capacity of 400 for March 16, 2019 pursuant to RSA 178:24/Liq. 404.05.
COMMISSION ACKNOWLEDGED.

10. PETITIONS RECOMMENDED FOR COMMISSION DENIAL:

None

11. TABLED ITEMS:

Cisco Brewers, Portsmouth (a not yet licensed Brew Pub)
Requesting approval to sublet space to Craft Brew Alliance, Inc. (License #287718), to wit, a space to operate a retail room within their brewpub premise pursuant to RSA 179:48.
Recommendation: Denial.
ON FEBRUARY 21, 2019, MR. PETER BURKE OF CISCO BREWERS APPEARED BEFORE THE COMMISSION TO EXPLAIN THE REQUEST TO SUBLET; DEPUTY COMMISSIONER MILLIGAN TABLED THIS ITEM SO THAT MORE INFORMATION COULD BE OBTAINED; HE STATED THAT COMMISSION REPRESENTATIVES WOULD VISIT THIS FACILITY IN THE NEAR FUTURE.
CHIEF MARK ARMAGANIAN RECOMMENDED THAT THIS ITEM REMAIN TABLED; HE STATED THAT DEPUTY CHIEF SCOTT DUNN IS IN THE PROCESS OF SCHEDULING A MEETING BETWEEN THE DIVISION OF ENFORCEMENT & LICENSING, DIRECTOR ROSEMARY WIANT OF THE COMMISSION AND THE APPLICANT; DEPUTY COMMISSIONER MILLIGAN REQUESTED THAT THE COMMISSION BE KEPT APPRISED OF THE OUTCOME OF THE MEETING AND THAT HE APPRECIATES THE DIVISION'S CAUTIOUS CONSIDERATION IN THIS MATTER.

12. MISCELLANEOUS ITEMS RECOMMENDED FOR COMMISSION APPROVAL:

Diageo Beer Company USA, 801 Main Avenue, Norwalk, CT 06851.
Beverage Vendor License #30031 licensed pursuant to RSA 178:15.
Requests approval of Smirnoff Ice Smash Pineapple with an alcohol content of 8% at 60 degrees Fahrenheit by volume pursuant to RSA 175:1, VIII; sample provided.
Recommendation: Approval.
DEPUTY COMMISSIONER MILLIGAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

13. MISCELLANEOUS ITEMS RECOMMENDED FOR COMMISSION DENIAL:

None

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

Lincoln, NH;
Moultonboro, NH; and
Wolfeboro, NH.

COMMISSION ACKNOWLEDGED.

15. NOTIFICATION OF COMPLIANCE CHECKS:

ALCOHOL

Merrimack County:

- a. Al's Village Pizza, 185 Central Street, Franklin, NH.
Restaurant, Full Service With Lounge License #439403 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: February 22, 2019.
Case #: 19-130-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 (90) days from the date of the violation.
COMMISSION ACKNOWLEDGED.
- b. Pizza Chef of Franklin, 418 North Main Street, Franklin, NH.
Restaurant, On-Premises Beverage & Wine License #1477003 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: February 22, 2019.
Case #: 19-131-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 (90) days from the date of the violation.
COMMISSION ACKNOWLEDGED.

TOBACCO

Belknap County:

- a. Airport Country Store & Deli, 63 Gilford Drive, Gilford, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #184647 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 126-K:4 - sold tobacco to an underage person during a compliance check.
Date of violation: February 17, 2019.
Case #: 19-129-OF.
Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety (90) days from the date of the violation.
COMMISSION ACKNOWLEDGED.
- b. Ellacoya Country Store, 2667 Lakeshore Road, Gilford, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3340547 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 126-K:4 - sold tobacco to an underage person during a compliance check.
Date of violation: February 17, 2019.
Case #: 19-128-OF.
Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety (90) days from the date of the violation.
COMMISSION ACKNOWLEDGED.

Strafford County:

Stop-N-Go Deli, 754 Columbus Avenue, Rochester, NH.

Combination Off-Premises Beverage/Wine/Tobacco License #3332847 licensed pursuant to RSA 178:18/RSA 126-K:4.

Cited for violation of RSA 126-K:4 - sold tobacco to an underage person during a compliance check.

Date of violation: February 17, 2019.

Case #: 19-127-OF.

Verbal warning and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety (90) days from the date of the violation.

COMMISSION ACKNOWLEDGED.

16. ADMINISTRATIVE HEARING DECISION PENDING:

None

17. ADMINISTRATIVE HEARING DECISION:

None

18. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

Franklin Business And Industrial Development Corp.,

Franklin Outing Club, 266 Flaghole Road, Franklin, NH 03235.

Issued a Special One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(I).

Event date: 3/2/2019.

Recommendation: Expedited approval.

Commission approved on 2/20/2019.

COMMISSION ACKNOWLEDGED.