

AGENDA OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, APRIL 25, 2019

1. RECOMMENDATION TO ACCEPT THE MINUTES FROM THE COMMISSION MEETING HELD APRIL 18, 2019.

2. SCHEDULED HEARINGS:

May 17, 2019 at 9:30 a.m. - Motions Hearing:

Jade Palace, 28 Portsmouth Avenue, Stratham, NH.

Restaurant, Full Service With Lounge License #1476403 licensed 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 – 3 counts.

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 to furnish a motor vehicle driver's license issued by the state of New Hampshire, or a valid driver's license issued by another state, or province of Canada, which bears the date of birth, name, address and picture of the licensee.

Cited for violation of RSA 179:40, II – refilled bottles of legally purchased beverage or liquor.

Cited for violation of RSA 179:49 – stored beverages or liquor in any building other than that designated in their license.

Dates of violations: 2/29/2016 & 3/1/2016.

Case #: 16-65-OF.

A PRE-HEARING CONFERENCE WAS HELD ON APRIL 5, 2019 TO DISCUSS SETTLEMENT; THE HEARING THAT WAS TO BE HELD ON MAY 2 - 3, 2019 WAS POSTPONED AND A MOTIONS HEARING WAS SCHEDULED FOR MAY 17, 2019 AT 9:30 A.M. TO CONTINUE NEGOTIATIONS AND LITIGATE ISSUES PRIOR TO A FULL ADJUDICATORY HEARING.

COMMISSION ACKNOWLEDGED.

3. NOTIFICATION OF DISCIPLINARY ACTION:

a. Maplefields, 390 Meadow Street, Littleton, NH.

Combination, Off-Premises Beverage/Wine/Tobacco License #3352547 licensed pursuant to RSA 178:18/RSA 126-K:4.

Cited for violation of Liq. 603.06 – failed to comply with requirements of a Commission order.

Date of violation: March 24, 2019.

Case #: 19-213-OF.

\$2,000 administrative fine suspended for twelve (12) months pending no like violation.

b. Whiskeys 20, 20 Old Granite Street, Manchester, NH.

Restaurant, On-Premises Beverage/Wine/Liquor License #1516403 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, 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.

Dates of violations: July 6, 2018 & September 22, 2018.

Case #s: 18-219-OF & 18-280-OF.

The Licensee shall pay an administrative fine of \$500 to come forward from violation adjudicated on May 31, 2018 in addition to a \$1,000 administrative fine due five (5) business days from the date the licensee receives the fully executed agreement; eight (8) points shall be assessed to the liquor license; the license to sell alcohol shall be suspended for three (3) days to come forward from a violation adjudicated on May 31, 2018 in addition to three (3) days for a total of (6) six days commencing May 5, 2019 and re-granted on May 11, 2019; the Operations Manager, Thomas Svoilentopoulos, shall attend a Management Training Seminar (MTS) in a classroom within thirty (30) days from the date of the fully executed agreement; the Licensee shall comply with and be accountable for the elements outlined in his Business Model dated February 19, 2019 and accepted by the NH Division of Enforcement & Licensing on the date of the fully executed agreement that includes but is not limited to: A policy shall be created from the following elements that will be upheld by management and provided to all current staff members and newly hired employees; Marketing efforts will be made to focus on a neighborhood-style restaurant; Compliance with RSA 178:21 relative to the operation of a full-service restaurant; Employing experienced chefs and/or cooks to insure quality control and provide the availability of "full course meals" to patronage; Shots shall not be offered, served or consumed by any person on the premises; Only 1 alcoholic beverage shall be served at a time to guests to ensure responsible consumption; Only 21+ guests will be allowed in the establishment after 9:00 p.m. or at the conclusion of the 9:00 p.m. dinner hour; Obtaining approval from the NH Division of Liquor Enforcement prior to opening any area within the facility that is not presently in operation; Nightly, pre-shift meetings for all staff members shall be held; Continued training that includes but is not limited to pour testing, identifying visible signs of intoxication, identifying indicators of youthful and questionable appearance for the possession or consumption of alcohol and identifying fake IDs; TEAM online shall be considered for all existing employees and all new employees done periodically; By 12:45 a.m., last call shall occur; By 1:00 a.m., all lights in areas open to guests shall be fully turned up, the music turned down to a reasonable level to notify guests of closing time and all containers used for the service and/or consumption of alcoholic beverages shall be removed from guests; By 1:15 a.m., the music will be turned off and guests shall be encouraged to leave the premises and discouraged from lingering or loitering on the premises; By 1:30 a.m., all guests will have vacated the premises; To foster a healthy, working relationship with employees, neighbors, the community of Manchester including Manchester City government and the NH Liquor Commission; That the Business Model and above-referenced terms are part of the settlement of NH Liquor Enforcement cases 18-219-OF and 18-280-OF only; and that violation of any of the above-referenced terms shall violate the Commission Order issued in settlement of 18-219-OF and 18-280-OF; the licensee shall never host an under 21 night at the establishment. Additionally, the licensee shall not provide busing services for the sole purpose of transporting college-age students to and from the establishment.

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

None

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. 69 LLC DBA Oba Noodle Bar, 69 Water Street, Exeter, NH 03833.
To be issued Restaurant, On-Premises Beverage/Wine/Liquor License #1582303 pursuant to RSA 178:21.
30-Day Temporary License issued 4/18/2019.

- b. Claremont Motorsports Park LLC, 282 Thrasher Road, Claremont, NH 03743.
To be issued Race Track (Motor Vehicle), On-Premises Cocktail Lounge License #542124 pursuant to RSA 178:22, V(n).
30-Day Temporary License issued 4/18/2019.
- c. DG Retail LLC DBA Dollar General Store #19762, 3 Blanch Farm Road, Greenville, NH 03048.
To be issued Combination, Off-Premises Beverage/Wine/Tobacco License #3381947 pursuant to RSA 178:18/RSA 178:19-a.
30-Day Temporary License issued 4/18/2019.
- d. Gilford Youth Center, 19 Potter Hill Road, Gilford, NH 03249.
To be issued a Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 5/3/2019.
- e. Granite State Wine Co. LLC, 212 Range Road, Windham, NH 03087.
To be issued Liquor/Wine Representative License #609735 pursuant to RSA 178:10.
30-Day Temporary License issued 4/17/2019.
- f. Granite State Wine Co. LLC, 212 Range Road, Windham, NH 03087.
To be issued Liquor and Wine Vendor License #127245 pursuant to RSA 178:9.
30-Day Temporary License issued 4/17/2019.
- g. High Hopes Foundation of NH, Inc.,
Anheuser Busch Soccer Fields, 221 Daniel Webster Highway, Merrimack, NH 03054.
To be issued a Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 5/18/2019.
- h. Intown Concord, 49 South Main Street, Concord, NH 03301.
To be issued Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor Licenses pursuant to RSA 178:22, V(l).
Event dates: 6/20, 21, 22/2019.
- i. Monadnock Speedway LLC, 840 Keene Road, Winchester, NH 03470.
To be issued Restaurant, Beverage and Wine License #542224 pursuant to RSA 178:20.
30-Day Temporary License issued 4/17/2019.
- j. Nashua International Sculpture Symposium, Hunt Community, 10 Allds Street, Nashua, NH 03060.
To be issued a Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 5/9/2019.
- k. Tartaglia's Pizza LLC, 250 Route 49, Campton, NH 03223.
To be issued Restaurant, Beverage and Wine License #1567503 pursuant to RSA 178:20.
30-Day Temporary License issued 4/18/2019.
- l. Toasted Brothers Bedford LLC DBA The Friendly Toast, 4 Main Street, Bedford, NH 03110.
To be issued Restaurant, On-Premises Beverage/Wine/Liquor License #1567503 pursuant to RSA 178:21.
30-Day Temporary License issued 4/15/2019.
- m. ZG Holdings, Inc. DBA Zero Gravity Craft Brewery, 716 Pine Street, Burlington, VT 05401.
To be issued Beverage Vendor, Off-Premises Beverage Only License #92931 pursuant to RSA 178:15.
Manufacturer: Zero Gravity Craft Brewery.

6. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

7. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING APRIL 19, 2019: 1,207

- a. E & J Gallo Winery DBA Bridlewood Winery, 3555 Roblar Avenue, Santa Ynez, CA 93460.
To be issued Direct Shipper, Wine Manufacturer Permit pursuant to RSA 178:27.
(Winery)
- b. E & J Gallo Winery DBA Columbia Winery, 14030 Northeast 145th Street, Woodinville, WA 98072.
To be issued Direct Shipper, Wine Manufacturer Permit pursuant to RSA 178:27.
(Winery)
- c. E & J Gallo Winery DBA Edna Valley Vineyard,
2585 Biddle Ranch Road, San Luis Obispo, CA 93401.
To be issued Direct Shipper, Wine Manufacturer Permit pursuant to RSA 178:27.
(Winery)
- d. E & J Gallo Winery DBA J Vineyards & Winery, 11447 Old Redwood Highway, Healdsburg, CA 95448.
To be issued Direct Shipper, Wine Manufacturer Permit pursuant to RSA 178:27.
(Winery)
- e. E & J Gallo Winery DBA Louis M Martini Winery,
254 Saint Helena Highway South, Saint Helena, CA 94574.
To be issued Direct Shipper, Wine Manufacturer Permit pursuant to RSA 178:27.
(Winery)
- f. E & J Gallo Winery DBA Orin Swift Cellars, 1325 Main Street, Saint Helena, CA 94574.
To be issued Direct Shipper, Wine Manufacturer Permit pursuant to RSA 178:27.
(Winery)
- g. E & J Gallo Winery DBA Robert Talbott Vineyards & Winery, 1380 River Road, Salinas, CA 93908.
To be issued Direct Shipper, Wine Manufacturer Permit pursuant to RSA 178:27.
(Winery)
- h. E & J Gallo Winery DBA William Hill Winery, 1761 Atlas Peak Road, Napa, CA 94558.
To be issued Direct Shipper, Wine Manufacturer Permit pursuant to RSA 178:27.
(Winery)

8. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

9. NOTIFICATION OF APPROVED PETITIONS:

- a. Alburritos Mexican Restaurant LLC, 406 Union Street, Littleton, NH 03561.
Restaurant, On-Premises Beverage/Wine/Liquor License #1398503 licensed pursuant to RSA 178:21
Date petition received: 3/4/2019.
Date petition approved: 4/12/2019.
Requested approval for an outside area, to wit, an outside area with a capacity of 50 pursuant to
RSA 178:24/Liq. 404.05.

- b. Chu's Station LLC DBA Noodle Station, 11 Lebanon Street, Hanover, NH 03755.
Restaurant, Beverage and Wine License #1580603 licensed pursuant to RSA 178:20.
Date petition received: 3/25/2019.
Date petition approved: 4/17/2019.
Requested approval for an outside area, to wit, an outside area with a capacity of 28 pursuant to RSA 178:24/Liq. 404.05.
- c. Lakehouse At Church Landing LLC, 281 Daniel Webster Highway, Meredith, NH 03253.
Restaurant, Full Service With Lounge License #1263703 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Date petition received: 4/2/2019.
Date petition approved: 4/18/2019.
Requested approval for an outside area, to wit, an outside area with a capacity of 50 from May 5, 2019 through October 26, 2019 pursuant to RSA 178:24/Liq. 404.05.
- d. M & D Productions, Inc., 1857 White Mountain Highway, North Conway, NH 03860.
Performing Arts License #235008 licensed pursuant to RSA 178:22, V(m).
Date petition received: 4/10/2019.
Date petition approved: 4/16/2019.
Requested approval for authorization to transfer business location, to wit, to transfer the location from 1857 White Mountain Highway, North Conway, NH to 2760 White Mountain Highway, North Conway, NH on April 16, 2019 pursuant to RSA 178:29, VIII.
- e. Patty B's Eatery and Drinkery LLC DBA Patty B's, 34 Dover Point Road, Suite 100, Dover, NH 03820.
Restaurant, On-Premises Beverage/Wine/Liquor License #1438603 licensed pursuant to RSA 178:21.
Date petition received: 4/1/2019.
Date petition approved: 4/9/2019.
Requested approval for an extension of service, to wit, a function space with a capacity of 100 pursuant to RSA 178:24/Liq. 404.05.

10. PETITIONS RECOMMENDED FOR COMMISSION DENIAL:

None

11. TABLED ITEMS:

None

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 World Wide Stout with an alcohol content of 16.14% at 60 degrees Fahrenheit by volume pursuant to RSA 175:1, LXIV-a/RSA 179:40-a.
Recommendation: Approval.

13. MISCELLANEOUS ITEMS RECOMMENDED FOR COMMISSION DENIAL:

None

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

Gilford, NH;
Wakefield, NH; and
Wolfeboro, NH.

15. NOTIFICATION OF COMPLIANCE CHECKS:

TOBACCO COMPLIANCE CHECKS –

Hillsborough County:

- a. Black Cow Convenience, 72-74 Lowell Road, Hudson, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3201247 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: April 3, 2019.
Case #: 19-214-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.
- b. Dollar General Store#17171, 786 Turnpike Road, New Ipswich, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3351247 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: April 4, 2019.
Case #: 19-226-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.

16. ADMINISTRATIVE HEARING DECISION PENDING:

None

17. ADMINISTRATIVE HEARING DECISION:

None

18. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

- a. Londonderry Lions Club, West Road Soccer Fields, 90 West Road, Londonderry, NH 03053.
To be issued a Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 4/20/2019.
Recommendation: Expedited approval.
Commission approved on 4/16/2019.
- b. Monadnock International Film Festival, Mon Amie Fine Jewelry, 87 Main Street, Keene, NH 03531.
To be issued a Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 4/26/2019.
Recommendation: Expedited approval.
Commission approved on 4/17/2019.