

AGENDA OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, JUNE 6, 2019

1. RECOMMENDATION TO ACCEPT THE MINUTES FROM THE COMMISSION MEETING HELD MAY 30, 2019.

2. SCHEDULED HEARINGS:

June 7, 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.

ON MAY 6, 2019, AN ASSENTED-TO MOTION TO CONTINUE THIS HEARING WAS FILED BY THE LICENSEE AND GRANTED ON MAY 7, 2019.

3. NOTIFICATION OF DISCIPLINARY ACTION:

Penuche's Music Hall, 1087 Elm Street, Manchester, NH.

Restaurant, On-Premises Beverage/Wine/Liquor License #1508903 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.

Date of violation: January 13, 2019.

Case #: 19-67-OF.

An administrative fine of \$2,000 with \$500 suspended for twelve (12) months pending no like violation, four (4) points shall be assessed to and remain on the liquor license for twelve (12) calendar months commencing the date of adjudication, the license to sell, serve or consume alcohol shall be suspended for three (3) days all held in abeyance for twelve (12) months pending no like violation and the Licensee shall host a Management Training Seminar (MTS) for all employees within thirty (30) days from the date of the fully signed agreement; a liquor investigator shall contact the licensee to schedule the training date.

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

None

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Archer Roose, Inc. DBA Archer Roose Wines, 796 Tremont Street, Boston, MA 02118.
To be issued Beverage Vendor License #91831 pursuant to RSA 178:15.
Manufacturer: Archer Roose.
- b. Budget & Save, Inc., 174 Milton Road, Rochester, NH 03868.
To be issued Combination, Beverage/Wine/Tobacco License #3371747 pursuant to RSA 178:18/RSA 178:19-a.
30-Day Temporary License issued 5/28/2019.
- c. Covert, Harold DBA Isaac B's Diner, 1322 NH Route 10, Orford, NH 03777.
To be issued Restaurant, On-Premises Beverage & Wine License #1585703 pursuant to RSA 178:20.
30-Day Temporary License issued 5/24/2019.
- d. Faro Express LLC, 1135 Union Avenue, Laconia, NH 03246.
To be issued Restaurant, On-Premises Beverage & Wine License #1576603 pursuant to RSA 178:20.
30-Day Temporary License issued 5/29/2019.
- e. Fermentation & Distillation LLC DBA Liquid Riot, 250 Commercial Street, Portland, ME 04101.
To be issued Beverage Vendor License #94031 pursuant to RSA 178:15.
Manufacturer: Liquid Riot.
- f. Global Spirits USA LLC, 77 Water Street, Suite 873, New York, NY 10005.
To be issued Liquor and Wine Vendor License #125745 pursuant to RSA 178:9.
- g. Granite Diamond LLC DBA Nashua Silver Knights Baseball, 66 Amherst Street, Nashua, NH 03064.
To be issued Sports Entertainment License #7002743 pursuant to RSA 178:22, (u)(1).
30-Day Temporary License issued 5/24/2019.
- h. Granite State Brewers Association DBA Kiwanis Riverfront Park, Everett Arena, 15 Loudon Road, Concord, NH 03301.
To be Issued a Special, One-Day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
- i. Maine Craft Distilling LLC, 1243 Washington Avenue, Suite 4, Portland, ME 04101.
To be issued Beverage Vendor License #94031 pursuant to RSA 178:15.
Manufacturer: Maine Craft Distilling.
- j. Mercer Enterprises, Inc. DBA Merland's Tap & Table, 96 Main Street, North Woodstock, NH 03262.
To be issued Restaurant, On-Premises Beverage & Wine License #1576203 pursuant to RSA 178:20.
30-Day Temporary License issued 5/29/2019.
- k. Mill Falls Hotel Beverage LLC DBA Waterfall Café, 312 Daniel Webster Highway, Meredith, NH 03253.
To be issued Restaurant, On-Premises Beverage & Wine License #1586003 pursuant to RSA 178:20.
30-Day Temporary License issued 5/28/2019.
- l. Montcalm Golf LLC, 2 Smith Pond Road, Enfield, NH 03748.
To be issued Sports Recreation Facility With Cocktail Lounge License #6021505 pursuant to RSA 178:22, V(v).
30-Day Temporary License issued 5/30/2019.
- m. New Hampshire Stories, Inc. DBA NH Made, 83 Route 95, I-95 South, Epping, NH 03042.
To be issued Combination, Beverage and Wine License #3384247 pursuant to RSA 178:18.
30-Day Temporary License issued 5/29/2019 with an effective date of 6/1/2019.

- n. New Hampshire Stories, Inc. DBA NH Made, 76 Route 95, I-95 North, Hampton, NH 03842.
To be issued Combination, Beverage and Wine License #3384147 pursuant to RSA 178:18.
30-Day Temporary License issued 5/29/2019 with an effective date of 6/1/2019.
- o. Seacoast Science Center, 570 Ocean Boulevard, Rye, NH 03870.
To be issued a Special, One-Day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(I).
Event date: 6/13/2019.
- p. Seacoast Science Center, 570 Ocean Boulevard, Rye, NH 03870.
To be issued a Special, One-Day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(I).
Event date: 7/11/2019.
- q. Seacoast Science Center, 570 Ocean Boulevard, Rye, NH 03870.
To be issued a Special, One-Day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(I).
Event date: 7/18/2019.
- r. Seacoast Science Center, 570 Ocean Boulevard, Rye, NH 03870.
To be issued a Special, One-Day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(I).
Event date: 7/25/2019.
- s. Seacoast Science Center, 570 Ocean Boulevard, Rye, NH 03870.
To be issued a Special, One-Day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(I).
Event date: 8/1/2019.
- t. Tom's Sloppy Joes LLC, 55 Henniker Street, Unit 1, Hillsborough, NH 03244.
To be issued Restaurant, On-Premises Beverage/Wine/Liquor License #1582103 pursuant to RSA 178:21.
30-Day Temporary License issued 5/24/2019.

6. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

7. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING MAY 31, 2019: 1,216

None

8. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

9. NOTIFICATION OF APPROVED PETITIONS:

- a. Boards & Brews, 941 Elm Street, Manchester, NH 03101.
Restaurant, Beverage/Wine/Liquor License #1562203 licensed pursuant to RSA 178:21.
Date petition received: 5/17/2019.
Date petition approved: 5/28/2019.
Requested approval for authorization of other area, to wit, an outside area with a capacity of 24 pursuant to RSA 178:24/Liq. 404.05.

- b. Buckey's Restaurant and Tavern LLC, 240 Gov. Wentworth Highway, Moultonborough, NH 03254. Restaurant, On-Premises With Cocktail Lounge License #1217703 licensed pursuant to RSA 178:22. Date petition received: 5/29/2019. Date petition approved: 5/30/2019. Requested approval for authorization of other area, to wit, an outside area with a capacity of 53 from 6/13/2019 through 6/15/2019 pursuant to RSA 178:24/Liq. 404.05.
- c. From the Barrel Brewing Co. LLC, 1 Corporate Park Drive, #16, Derry, NH 03038. Nano Brewery, Beer and/or Specialty Beer License #201522 licensed pursuant to RSA 178:12-a. Date petition received: 5/29/2019. Date petition approved: 5/29/2019. Requested approval for authorization of other areas for tasting and retail sales at farmers' market, to wit, Derry Farmers' Market (Derry Homegrown Farm & Artisan Market), 1 West Broadway, Derry, NH 03038 every Wednesday between 3:00 p.m. and 7:00 p.m. from 6/5/2019 to 9/25/2019 pursuant to RSA 178:24/Liq. 404.05.
- d. Jamison's LLC, 11 Village Square, 472 State Road, Hampstead, NH 03841. Restaurant, On-Premises With Cocktail Lounge License #1552903 licensed pursuant to RSA 178:22. Date petition received: 5/24/2019. Date petition approved: 5/29/2019. Requested approval for authorization of other area, to wit, an outside area with a capacity of 200 for 6/18/2019 pursuant to RSA 178:24/Liq. 404.05.
- e. Pitman, Amy A. DBA Mountain Music Winery & Vineyards, 33 Valley Road, Town Square, Waterville Valley, NH 03215. Wine Manufacturer, Off-Premises Wine Only License #20129 licensed pursuant to RSA 178:8. Date petition received: 5/10/2019. Date petition approved: 5/28/2019. Requested transfer of location from Town Square, 33 Valley Road, Waterville Valley, NH to 183 Main Street, North Woodstock, NH pursuant to RSA 178:24.
- f. Rockingham Brewing Company, 1 Corporate Park Drive, #1, Derry, NH 03038. Nano Brewery, Beer and/or Specialty Beer License #202222 licensed pursuant to RSA 178:12-a. Date petition received: 5/28/2019. Date petition approved: 5/28/2019. Requested approval for authorization of other areas for tasting and retail sales at farmers' market, to wit, Derry Farmers' Market (Derry Homegrown Farm & Artisan Market), 1 West Broadway, Derry, NH 03038 every Wednesday between 3:00 p.m. and 7:00 p.m. from 6/5/2019 to 9/25/2019 pursuant to RSA 178:24/Liq. 404.05.
- g. Smuttynose Restaurant, 105 Towle Farm Road, Hampton, NH 03842. Restaurant, On-Premises Beverage/Wine/Liquor License #1561803 licensed pursuant to RSA 178:21, II(a)(1). Date petition received: 5/8/2019. Date petition approved: 5/28/2019. Requested approval for authorization of other area, to wit, an outside area with a capacity of 300 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:

- a. Brentwood Country Store, 405 Middle Road, Brentwood, NH.
Combination, Off-Premises Beverage/Wine/Tobacco License #3189947 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 for the second time in twelve (12) calendar months.
Date of violation: April 25, 2019.
Case #: 19-257-OF.
Recommendation: \$500 administrative fine and mandatory attendance for a manager at a Management Training Seminar (MTS) within ninety (90) days from the date of the violation.

- b. Errol General Store, Inc., 76 Main Street, Errol, NH 03579.
Agency Store, Off-Premises Liquor Only License #980704 licensed pursuant to RSA 177:9.
Requested approval for renewal of license, to wit, to renew the Agency Store, Off-Premises Liquor Only License pursuant to RSA 177:9.
Recommendation: Approval.

13. MISCELLANEOUS ITEMS RECOMMENDED FOR COMMISSION DENIAL:

None

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

Durham, NH;
Gilford, NH;
Merrimack, NH and
Wakefield, NH.
COMMISSION ACKNOWLEDGED.

15. NOTIFICATION OF COMPLIANCE CHECKS:

ALCOHOL COMPLIANCE CHECKS –

Merrimack County:

Circle K #4707266, 718 Main Street, Andover, NH.
Combination, Off-Premises Beverage/Wine/Tobacco License #3218747 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: May 10, 2019.
Case #: 19-266-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.

TOBACCO COMPLIANCE CHECKS –

Grafton County:

AAANM Ahmad, 558 Dartmouth College Highway, Lebanon, NH.
Combination, Off-Premises Beverage/Wine/Tobacco License #3293847 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 23, 2019.
Case #: 19-238-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.

Rockingham County:

- a. Exeter Mobil Mart, 54 Portsmouth Avenue, Exeter, NH.
Combination, Off-Premises Beverage/Wine/Tobacco License #3348247 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 25, 2019.
Case #: 19-257-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. Folk Women, 66 Main Street, Newfields, NH.
Combination, Off-Premises Beverage/Wine/Tobacco License #3352847 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 25, 2019.
Case #: 19-257-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.
- c. Phillips 66, 150 Portsmouth Avenue, Exeter, NH.
Combination, Off-Premises Beverage/Wine/Tobacco License #3011547 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 25, 2019.
Case #: 19-257-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. Cocheco Valley Humane Society, Henry Law Park, Henry Law Avenue, Dover, NH 03820.
Issued a Special, One-Day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(I).
Event date: 6/2/2019.
Commission approved on 5/23/2019.
- b. TUFF, 14F Broad Street, Nashua, NH 03064.
Issued a Special, One-Day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(I).
Event date: 6/8/2019.
Commission approved on 5/28/2019.

19. LATE ITEMS FOR COMMISSION APPROVAL:

- a. New Hampshire Stores, Inc. DBA NH Made, 76 Route 95, 1-95 North, Hampton, NH 03842.
Combination Beverage and Wine License #3384147 licensed pursuant to RSA 178:18/RSA 178:19-a.
Date petition received: 5/9/2019.

Requested approval for storage in another area, to wit, to store beer in another area at 539 Calef Highway 104, Epping, NH 03042 pursuant to RSA 178:24/Liq. 404.05.

Recommendation: Approval.

- b. New Hampshire Stores, Inc. DBA NH Made, 83 Route 95, I-95 South, Hampton, NH 03842.

Combination Beverage and Wine License #3384247 licensed pursuant to RSA 178:18/RSA 178:19-a.

Date petition received: 5/9/2019.

Requested approval for storage in another area, to wit, to store beer in another area at 539 Calef Highway 104, Epping, NH 03042 pursuant to RSA 178:24/Liq. 404.05.

Recommendation: Approval.