

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, OCTOBER 3, 2019

1. RECOMMENDATION TO ACCEPT THE MINUTES FROM THE COMMISSION MEETING HELD SEPTEMBER 26, 2019.

CHAIRMAN MOLLICA REOPENED THE MEETING TO ADDRESS THE MINUTES OF SEPTEMBER 26, 2019; DEPUTY COMMISSIONER JORDAN MOVED TO ACCEPT THE MINUTES OF SEPTEMBER 26, 2019; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

2. SCHEDULED HEARINGS:

a. November 6, 2019 at 11:30 a.m.:

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 179:27 – allowed patrons to self-serve alcohol beverages.

Date of violations: June 23, 2019.

Case #: 19-378-OF.

AUGUST 26, 2019, MOTION TO CONTINUE FILED BY THE LICENSEE.

SEPTEMBER 3, 2019, OBJECTION TO RESPONDENT'S MOTION TO CONTINUE AND THE COMMISSION'S REQUEST FOR A PREHEARING CONFERENCE FILED BY THE DIVISION OF ENFORCEMENT & LICENSING.

COMMISSION ACKNOWLEDGED.

ON SEPTEMBER 9, 2019, CHIEF HEARINGS OFFICER JOSEPH PLAIA CANCELLED THE HEARING AND DIRECTED THE PARTIES TO SCHEDULE A PREHEARING CONFERENCE TO BE HELD AS SOON AS POSSIBLE.

PRE-HEARING CONFERENCE SCHEDULED FOR SEPTEMBER 25, 2019 AT 1:00 P.M.

PRE-HEARING CONFERENCE WAS HELD ON SEPTEMBER 25, 2019; HEARING IS SCHEDULED FOR NOVEMBER 6, 2019 AT 11:30 A.M.

COMMISSION ACKNOWLEDGED.

b. November 13, 2019 at 9:30 a.m.:

Castaways Boathouse, 31 Cocheco Street, Dover, NH.

Restaurant, Full Service With Lounge License #1291303 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 – 4 counts.

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

Date of violations: December 18, 2018.

Case #: 19-39-OF.

ON SEPTEMBER 11, 2019, THE LICENSEE REQUESTED A 30-DAY CONTINUANCE; SAID REQUEST WAS GRANTED ON SEPTEMBER 12, 2019.

CHAIRMAN MOLLICA ACKNOWLEDGED.

THE HEARING HAS BEEN RE-SCHEDULED FOR NOVEMBER 13, 2019 AT 9:30 A.M.

3. NOTIFICATION OF DISCIPLINARY ACTION:

None

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

La Esquina Del Pollo Restaurant, 363 Chestnut Street, Manchester, NH.
Restaurant, On-Premises, Beverage/Wine/Liquor License #1565003 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:27, II - served or allowed consumption of alcoholic beverage in an area not approved by the Commission.
Date of violation: August 16, 2019.
Case #: 19-433-OF.
\$250 administrative fine paid.
COMMISSION ACKNOWLEDGED.

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Eastern Depot Restaurant LLC, 443 Main Street, Gorham, NH 03580.
To be issued Restaurant, On-Premises, Beverage/Wine/Liquor License #1592703 pursuant to RSA 178:21.
30-Day Temporary License issued 9/25/2019.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. Exeter Brewing Co. LLC, 25 Pine Road, Brentwood, NH 03833.
To be issued Nano Brewery, Beer and/or Specialty Beer License #207822 pursuant to RSA 178:12-a.
30-Day Temporary License issued 9/23/2019.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. Grand Summit Hotel Condo Unit Owner's Association DBA Black Diamond Grille, 104 Grand Summit Road, Bartlett, NH 03812.
To be issued Restaurant, On-Premises, Beverage & Wine License #1593403 pursuant to RSA 178:20.
30-Day Temporary License issued 9/26/2019.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- d. Han Fusion Asia Restaurant, Inc., 3 Lebanon Street, Hanover, NH 03755.
To be issued Restaurant, On-Premises, Cocktail Lounge License #1593103 pursuant to RSA 178:22, V(e).
30-Day Temporary License issued 9/25/2019.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- e. Long Blue Cat Brewing Co. LLC, 298 Rockingham Road, Londonderry, NH 03053.
To be issued Brew Pub, On-Premises, Cocktail Lounge License #2004815 pursuant to RSA 178:13.
30-Day Temporary License issued 9/25/2019.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- f. Milford Rotary Club, Milford Community House Lawn, 5 Union Street, Milford, NH 03055.
To be issued Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event dates: 10/11/2019 - 10/12/2019.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- g. Mt. Washington Valley Motor Lodge LLC DBA Adventure Suites, 3440 White Mountain Highway, North Conway, NH 03860.
To be issued Hotel, With Cocktail Lounge License #372802 pursuant to RSA 178:21, II(b)(1).
30-Day Temporary License issued 9/25/2019.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

- h. Opus Lounge LLC, 14 West Hollis Street, Nashua, NH 03060.
To be issued Restaurant, On-Premises, Beverage/Wine/Liquor License #1593703 pursuant to RSA 178:21.
30-Day Temporary License issued 9/23/2019.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- i. Roman, Ana DBA Ana Food Market, 353 Maple Street, Manchester, NH 03101.
To be issued Combination, Off-Premises, Beverage/Wine/Tobacco License #3367547 pursuant to RSA 178:18/RSA 178:19-a.
30-Day Temporary License issued 9/25/2019.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- j. Tap Public House, Inc. DBA Brookside Pizza II, 930 Laconia Road, Belmont, NH 03220.
Caterer, Off-Site License #1293934 licensed pursuant to RSA 178:22, V(e).
30-Day Temporary License issued 9/25/2019.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- k. Tower Hill Tavern LLC, 264 Lakeside Avenue, Laconia, NH 03246.
To be issued Caterer, Off-Site, License #1293634 pursuant to RSA 178:22, V(e).
30-Day Temporary License issued 9/20/2019.
DEPUTY COMMISSIONER JORDAN 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 SEPTEMBER 27, 2019: 1,211

- a. AK LLC DBA Perdido Liquor, 8058 West Highway 98, Pensacola, FL 32506.
To be issued Direct Shipper, Retailer Permit pursuant to RSA 178:27.
(Retailer)
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. McKahn Family Cellars LLC, 2245 South Vasco Road, Suite A, Livermore, CA 94550.
To be issued Direct Shipper, Wine Manufacturer Permit pursuant to RSA 178:27.
(Winery)
DEPUTY COMMISSIONER JORDAN 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:

- a. American Citizens of Polish Descent, 18 Central Street, Newmarket, NH 03857.
Social Club, On-Premises, Cocktail Lounge License #10601 licensed pursuant to RSA 178:22, V(h).
Date petition received: 9/16/2019.
Date petition approved: 9/23/2019.
Requested approval for authorization of other area, to wit, an outside area with a capacity of 40 on 10/27/2019 pursuant to RSA 178:24/Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- b. Capitol Center for the Arts, 44 South Main Street, Concord, NH 03301.
Performing Arts License #398008 licensed pursuant to RSA 178:22, V(m).
Date petition received: 9/19/2019.
Date petition approved: 9/23/2019.
Requested approval for authorization of other area, to wit, an outside area with a capacity of 239 from 9/27/2019 - 9/29/2019 pursuant to RSA 178:24/Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. Liars' Bench Beer Company LLC, 459 Islington Street, Suite #4, Portsmouth, NH 03801.
Nano Brewery, Beer and/or Specialty Beer License #203722 licensed pursuant to RSA 178:12-a.
Date petition received: 7/25/2019.
Date petition approved: 9/23/2019.
Requested approval for authorization of other area, to wit, an outside area with a capacity of 350 on 9/29/2019 pursuant to RSA 178:24/Liq. 404.05
COMMISSION ACKNOWLEDGED.
- d. Mulligan Holdings II LLC DBA Mulligan's Tap Room and Eatery,
28 Village Road, Waterville Valley, NH 03215.
Restaurant, On-Premises, Beverage/Wine/Liquor License #1519903 licensed pursuant to RSA 178:21.
Date petition received: 9/19/2019.
Date petition approved: 9/26/2019.
Requested approval for authorization of other area, to wit, an outside area with a capacity of 30 on 9/28/2019 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:

- a. Anheuser-Busch LLC, One Busch Place, St. Louis, MO 63118.
Beverage Vendor License #54131 licensed pursuant to RSA 178:15.
Requests approval of Goose Island Bourbon County Brand Double Barrel Stout with an alcohol content of 18% at 60 degrees Fahrenheit by volume pursuant to RSA 175:1 LXIV-a/RSA 179:40-a; sample provided.
Requests approval of Goose Island Bourbon County Mon Cheri Stout with an alcohol content of 14.1% at 60 degrees Fahrenheit by volume pursuant to RSA 175:1 LXIV-a/RSA 179:40-a; sample provided.
Requests approval of Goose Island Bourbon County Brand Reserve Rye with an alcohol content of 14.5% at 60 degrees Fahrenheit by volume pursuant to RSA 175:1 LXIV-a/RSA 179:40-a; sample provided.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. Eastern Depot Restaurant LLC, 443 Main Street, Gorham, NH 03580.
Restaurant, On-Premises, Beverage/Wine/Liquor License #1592703 pursuant to RSA 178:21.
Requests a waiver of RSA 178:21, II, a (2) for authorization of reduction of hours, to wit, to reduce the hours of operation to less than five (5) days a week as indicated in letter dated 9/25/2019.
DEPUTY COMMISSIONER JORDAN 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:

Raymond, NH.
COMMISSION ACKNOWLEDGED.

15. NOTIFICATION OF COMPLIANCE CHECKS:

TOBACCO COMPLIANCE CHECKS –

Merrimack County:

- a. Kwik Stop, 81 South Main Street, Concord, NH.
Combination, Off-Premises, Beverage/Wine/Tobacco License #3323747 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: September 10, 2019.
Case #: 19-468-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. 7 Eleven #37383H, 9 Village Street, Penacook, NH.
Combination, Off-Premises, Beverage/Wine/Tobacco License #3349347 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: September 3, 2019.
Case #: 19-469-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.
- c. Village Street Discount Beverage, 308 Village Street, Penacook, NH.
Combination, Off-Premises, Beverage/Wine/Tobacco License #3382047 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: September 3, 2019.
Case #: 19-469-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:

- a. Chapel & Main, Henry Law Park, 1 Washington Street, Dover, NH 03820.
Beer Festival License #4008014 licensed pursuant to RSA 178:30.
Event date: 9/28/2019.
Special Approval received on 9/20/2019.
COMMISSION ACKNOWLEDGED.

- b. Chocorua Community Association,
The Preserve at Chocorua, 88 Philbrook Neighborhood Road, Tamworth, NH 03886.
Special, One-day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #605741 licensed pursuant to RSA 178:22, V(1).
Event date: 9/29/2019.
Special Approval received on 9/26/2019.
COMMISSION ACKNOWLEDGED.
- c. Concord Coalition to End Homelessness, Bank of NH Stage, 238 N. Main Street, Concord, NH 03301.
Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #605441 licensed pursuant to RSA 178:22, V(I).
Event date: 10/5/2019.
Special Approval received 9/23/2019.
COMMISSION ACKNOWLEDGED.
- d. Easterseals NH, Inc./Veterans Count DBA Funspot, 579 Endicott Street North, Laconia, NH 03246.
Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #605941 licensed pursuant to RSA 178:22, V(I).
Event date: 9/28/2019.
Special Approval received on 9/26/2019.
COMMISSION ACKNOWLEDGED.
- e. NH Humane Society DBA Gunstock Mountain Resort, 719 Cherry Valley Road, Gilford, NH 03249.
Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #605841 licensed pursuant to RSA 178:22, V(I).
Event date: 9/28/2019.
Special Approval received on 9/26/2019.
COMMISSION ACKNOWLEDGED.
- f. Slow Food Seacoast, Bakie Farm, 35 Pow Wow River Road, Kingston, NH 03848.
Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #605541 licensed pursuant to RSA 178:22, V(I).
Event date: 9/29/2019.
Special Approval received on 9/23/2019.
COMMISSION ACKNOWLEDGED.
- g. Tuckerman Brewing Co. LLC,
Conway Market Place, 50 White Mountain Highway, Conway, NH 03818.
Beer Festival License #4008114 licensed pursuant to RSA 178:30.
Event date: 9/22/2019.
Special Approval received on 9/20/2019.
COMMISSION ACKNOWLEDGED.