

AGENDA OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, OCTOBER 31, 2019

1. RECOMMENDATION TO ACCEPT THE MINUTES FROM THE COMMISSION MEETING HELD OCTOBER 24, 2019.

2. SCHEDULED HEARINGS:

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

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

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.

THE DIVISION OF ENFORCEMENT FILED AN ASSENTED-TO MOTION TO CONTINUE THE HEARING OF NOVEMBER 6, 2019; MOTION WAS GRANTED ON OCTOBER 24, 2019.

3. NOTIFICATION OF DISCIPLINARY ACTION:

a. Castaways Boathouse, 31 Cocheco Street, Dover, NH.

Restaurant, Full Service With Lounge License #1291303 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 – 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 MOLLIKA ACKNOWLEDGED.

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

THE HEARING SCHEDULED FOR NOVEMBER 13, 2019 WAS CANCELED WHEN SETTLEMENT WAS REACHED.

For violation of RSA 179:5, I, one (1) count of over-service shall be held in abeyance for twelve (12) months pending no like violation; should the Licensee be found responsible for over-service of alcohol during the twelve month period, a \$500 administrative fine, four (4) points and a suspension of liquor license for three (3) days shall come forward; the Licensee shall pay an administrative fine of \$3,000 with \$1,500 suspended for twelve (12) months pending no like violation, twelve (12) points shall be assessed to and remain on the liquor license for twelve (12) calendar months commencing the date of adjudication; these points shall not prohibit renewal of the liquor license so long as at the time of renewal, there are no pending investigations for like violations and/or adjudicated investigations for

like violations; the license to sell, serve or consume alcohol shall be suspended for nine (9) days with three (3) days held in abeyance for twelve (12) months pending no like violation commencing January 6, 2020 and re-granted on January 12, 2020 and Randy Kilty and Stacy Day 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 179:51, an administrative fine of \$250 shall be suspended for twelve (12) months pending no like violation.

- b. Northern Star, 1 Ocean Blvd., Hampton, NH.
Seasonal Vessel, Lounge License #160013 licensed issued to RSA 178:22, V(s).
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 179:20, II – allowed an employee to consume alcoholic beverage while working.
Date of violations: August 10, 2019.
Case #: 19-460-OF.
For violation of RSA 179:5, I, an administrative fine of \$1,500 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 serve, consume or possess alcohol shall be suspended for three (3) days commencing August 8, 2020 and re-granted on August 11, 2020 and Denise Gauron and Angel Gauron Eaton shall attend a Management Training Seminar (MTS) in a classroom no later than April 30, 2020; for violation of RSA 179:20, an administrative fine of \$100.
- c. Odd Fellows Brewing Company, 118 – 130 Main Street, Nashua, NH.
Brew Pub License #2003615 issued pursuant to RSA 178:13.
Cited for violation of RSA 179:5, II – allowed an under-aged individual to possess or consume alcoholic beverage.
Date of violation: August 31, 2019.
Case #: 19-472-OF.
An administrative fine of \$1,250 with \$1,000 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 serve, consume or possess alcohol shall be suspended in the O'Brien's Lounge only for three (3) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing November 9, 2019 and re-granted on November 11, 2019 and William Provost and James Sano shall attend a Management Training Seminar (MTS) in a classroom within thirty (30) days from the date of the signed agreement.

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

- a. Jackson Family Fine Wine, 421 Aviation Blvd., Santa Rosa, CA.
Liquor & Wine Vendor License #992045 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: October 2, 2019.
Case #: 19-547-OF.
\$100 administrative fine paid.
- b. 1984 Rock, 21 Kearsarge Street, North Conway, NH.
Restaurant, Full Service With Lounge License #1534003 issued pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:32, III – purchased beverage from other than a licensed wholesale distributor, manufacturer, brew pub or as provided by law.
Cited for violation of RSA 179:40, II – refilled bottles of beverage or liquor.
Date of violations: October 4, 2019.
Case #: 19-528-OF.
\$500 administrative fine paid.

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. AG Supermarkets, Inc. DBA Berlin Marketplace, 19 Pleasant Street, Berlin, NH 03570.
To be issued Combination, Off-Premises, Beverage/Wine/Tobacco License #3387547 pursuant to RSA 178:18.
30-Day Temporary License issued 10/23/2019.
- b. Finestkind Brewing LLC DBA Smuttlabs, 47 Washington Street, Dover, NH 03820.
To be issued Brew Pub License #2004515 pursuant to RSA 178:13.
30-Day Temporary License issued 10/25/2019.
- c. GSC-Tenney LLC DBA The Common Man Roadside,
484 Tenney Mountain Highway, Plymouth, NH 03264.
To be issued Combination, Off-Premises, Beverage & Wine License #3384047 pursuant to RSA 178:18.
30-Day Temporary License issued 10/22/2019.
- d. Orchard Grille LLC, 133 Exeter Road, Hampton Falls, NH 03844.
To be issued Restaurant, On-Premises, Beverage/Wine/Liquor License #1594003 pursuant to RSA 178:21.
30-Day Temporary License issued 10/23/2019.
- e. Palace Theatre Trust DBA Rex Theatre, 23 Amherst Street, Manchester, NH 03101.
To be issued Performing Arts License #400208 pursuant to RSA 178:22, V(m).
30-Day Temporary License issued 10/25/2019.
- f. Picco LLC, 181A Webster Street, Hudson, NH 03051.
To be issued Combination, Off-Premises, Beverage/Wine/Tobacco License #3385747 pursuant to RSA 178:18/RSA 126-K:4.
30-Day Temporary License issued 10/24/2019.
- g. Zingers LLC, 29 Mont Vernon Street, Milford, NH 03055.
To be issued Restaurant, On-Premises, Beverage & Wine License #1588403 pursuant to RSA 178:20.
30-Day Temporary License issued 10/21/2019.

6. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

7. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING OCTOBER 25, 2019: 1,219

- a. Coopers Hawk Downers Grove Café LLC DBA Coopers Hawk Community Café,
3500 Lacey Road, Unit LL, Downers Grove, IL 60515.
To be issued Direct Shipper, Retailer Permit pursuant to RSA 178:27.
(Retailer)
- b. Gleason Family Vineyards LP DBA Roblar Winery & Vineyards,
3010 Roblar Avenue, Santa Ynez, CA 93460.
To be issued Direct Shipper, Wine Manufacturer Permit pursuant to RSA 178:27.
(Winery)
- c. Precept Brands LLC DBA Waterbrook Winery, 10518 West Highway 12, Walla Walla, WA 99362.
To be issued Direct Shipper, Wholesaler Permit pursuant to RSA 178:27.
(Wholesale)

8. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

9. NOTIFICATION OF APPROVED PETITIONS:

- a. Hector's Fine Food and Spirits, 53 Beacon Street West, Laconia, NH 03246.
Restaurant, Full Service With Lounge License #1566803 issued pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Date petition requested: 9/24/2019.
Date petition approved: 10/18/2019.
Requested an extension of service, to wit, an outside area with a capacity of 40 on 10/18/2019 and 10/19/2019 pursuant to RSA 178:24/Liq.404.05.
- b. RM Management and Operations, 620 Ragged Mountain Road, Danbury, NH 03230.
Sports Recreation Facility License #6016905 issued pursuant to RSA 178:22, V(u)(1).
Date petition requested: 9/10/2019.
Date petition approved: 10/18/2019.
Requested an extension of service, to wit, an outside area with a capacity of 357 on 10/20/2019 pursuant to RSA 178:24/Liq. 404.05.
- c. Smuttlabs, 47 Washington Street, Dover, NH 03820.
Brew Pub License #2004515 issued pursuant to RSA 178:13.
Date petition requested: 10/25/2019.
Date petition approved: 10/28/2019.
Requested an exemption for two entrances/exits, to wit, double doors between the kitchen and a shared storage area and a door that is in a hallway that opens to a shared hallway in a mill building pursuant to RSA 179:48, IV.
- d. Sportszone Corp. (The), 7 A Street, Derry, NH 03038.
Restaurant, On-Premises, Beverage & Wine License #1503303 issued pursuant to RSA 178:20.
Date petition requested: 10/10/2019.
Date petition approved: 10/23/2019.
Requested an extension of service, to wit, the first floor of the facility on 10/26/2019 pursuant to RSA 178:24/Liq. 404.05.

10. PETITIONS RECOMMENDED FOR COMMISSION DENIAL:

None

11. TABLED ITEMS:

RECOMMENDATION TO ACCEPT THE MINUTES FROM THE COMMISSION MEETING HELD OCTOBER 17, 2019.
ON OCTOBER 24, 2019, THIS ITEM WAS TABLED BY CHAIRMAN MOLLICA FOR DEPUTY COMMISSIONER JORDAN'S APPROVAL.

12. MISCELLANEOUS ITEMS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Averill House Vineyard, 21 Averill Road, Brookline, NH 03033.
Wine Manufacturer License #566730 issued pursuant to RSA 178:8.
Date petition received: 10/22/2019.
Date petition approved: 10/23/2019.
Requests approval for authorization for tasting and retail sales at an indoor farmers' and holidays market, to wit, Nashua Farmers' Market, 201 Main Street, Nashua, NH on Saturday, November 30, 2019 from 2 pm to 11 pm pursuant to RSA 178:24/RSA 179:44, II-a.

- b. Champlain Orchards, Inc., 3597 Route 74 West, Shoreham, VT 05770.
Beverage Vendor License #71631 issued pursuant to RSA 178:15.
Requests approval of Cellar Block Bone-Dry Unfiltered Hard Cider that has an alcohol content of 6.43 percent at 60 degrees Fahrenheit by volume pursuant to RSA. 175:1, VIII; sample provided.
- c. Diageo Beer Company USA, 801 Main Avenue, Norwalk, CT 06851.
Beverage Vendor License #30031 issued pursuant to RSA 178:15.
Requests approval of Smirnoff Spiked Seltzer Blackberry that has an alcohol content of 8 percent at 60 degrees Fahrenheit by volume and Smirnoff Spiked Seltzer Blood Orange that has an alcohol content of 8 percent at 60 degrees Fahrenheit by volume pursuant to RSA. 175:1, VIII; samples provided.
- d. Firestone Walker, Inc., 1400 Ramada Driver, Paso Robles, CA 93446.
Beverage Vendor License #54731 issued pursuant to RSA 178:15.
Requests approval of Firestone Walker Helluva Brulee 2019 with an alcohol content of 14.07 percent at 60 degrees Fahrenheit by volume pursuant to RSA 175:1, LXIV-a; sample provided.

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. Access Fund, Barn Door Hostel & Campground, 30 Stone Hill Road, Rumney, NH 03266.
Issued Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #608041 pursuant to RSA 178:22, V(I).
Event date: 10/26/2019.
Recommended: Expedited approval.
Commission approved on 10/25/2019.
- b. Derry Rotary Club, Boys & Girls Club of Greater Derry, 40 East Derry Road, Derry, NH 03038.
Issued Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #607741 pursuant to RSA 178:22, V(I).
Event date: 10/24/2019.
Recommended: Expedited approval.
Commission approved on 10/24/2019.

- c. Harvey Mitchell Memorial Foundation, New England Dragway, 280 Exeter Road, Epping, NH 03042.
Issued Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #607941 pursuant to RSA 178:22, V(I).
Event date: 11/2/2019.
Recommended: Expedited approval.
Commission approved on 10/24/2019.

- d. Hoague-Batchelder American Legion Post 103, 37 North Road, Deerfield, NH 03037.
Issued Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #607841 pursuant to RSA 178:22, V(I).
Event dates: 10/24/2019 & 10/25/2019.
Recommended: Expedited approval.
Commission approved on 10/24/2019.

- e. Rochester Main Street, Rochester Community Center, 150 Wakefield Street, Rochester, NH 03867.
Issued Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #607641 pursuant to RSA 178:22, V(I).
Event date: 10/23/2019.
Recommended: Expedited approval.
Commission approved on 10/22/2019.