

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING
MEETING FOR WEDNESDAY, NOVEMBER 27, 2019

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

2. **SCHEDULED HEARINGS:**

December 4, 2019 at 9:00 a.m.:

- a. Down The Block, 167 Hanover Street, Manchester, NH 03104.
Combination, Off-Premises, Beverage/Wine/Tobacco License #3041147 licensed 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 visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: September 5, 2019.
Case #: 19-479-OF.

December 4, 2019 at 9:30 a.m.:

- b. Tower Hill Tavern, 264 Lakeside Avenue, Laconia, NH 03246.
Restaurant, Full Service With Lounge License #1369903 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I – allowed to be sold or given away or caused or allowed or procured to be sold, delivered, or given away alcoholic beverage to a person who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:5, I – allowed to be sold or given away or caused or allowed or procured to be sold, delivered, or given away alcoholic beverage to a person who was under the age of twenty-one.
Dates of violations: May 11, 2019 & June 14, 2019.
Case #s: 19-294-OF & 19-370-OF.

December 18, 2019 at 9:00 a.m.:

- c. North Beach Bar & Grill, 931 Ocean Blvd., Hampton, NH 03842.
Restaurant, Full Service With Lounge License #1379203 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.
Cited for violation of RSA 179:40, II – refilled bottles of legally purchased beverage or liquor.
Cited for violation of RSA 179:44, I – gave free drinks to customers, patrons, members or guests.
Date of violations: January 10, 2019.
Case #: 19-47-OF.

January 8, 2020 at 11:30 a.m.

- d. ARZ Mini Mart, 41 Lake Street, Nashua, NH 03060.
Combination, Off-Premises, Beverage/Wine/Tobacco License #3344447 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 126-K:4, I – sold tobacco product to an underage person.
Date of violation: October 10, 2019
Case #: 19-518-OF.

3. NOTIFICATION OF DISCIPLINARY ACTION:

- a. Martha's, 179-185 Main Street, Nashua, NH 03060.
Brew Pub License #2000815 pursuant to RSA 178:13.
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: October 11, 2019.
Case #: 19-546-OF.
The hearing scheduled for January 8, 2020 at 9:00 a.m. was cancelled when settlement was reached. An administrative fine of \$500, 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 in the cocktail lounge only shall be suspended for three (3) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing January 2, 2020 and re-granted on January 4, 2020 and Brigida Elliott shall complete a Total Education in Alcohol Management (TEAM) seminar online within thirty (30) days from the date of the fully executed agreement.

DEPUTY COMMISSIONER JORDAN ACKNOWLEDGED

- b. Tavern at River's Edge, 163 Water Street, Exeter, NH 03833.
Restaurant, Full Service With Lounge License #1083803 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I – allowed to be sold or given away or caused or allowed or procured to be sold, delivered, or given away alcoholic beverage to a person who was under the age of twenty-one.
Cited for violation of RSA 179:20, II – allowed an employee to consume alcoholic beverage while working.
Cited for violation of RSA 179:44, I – gave free drinks to customers, patrons, members or guests.
Date of violations: July 2, 2017.
Case #: 17-207-OF.
COUNSEL FOR THE LICENSEE FILED AN ASSENTED-TO MOTION TO CONTINUE ON NOVEMBER 14, 2019; MOTION WAS GRANTED ON NOVEMBER 14, 2019.
The hearing scheduled for December 11, 2019 at 1:00 p.m. was cancelled when settlement was reached.
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 in the cocktail lounge only shall be suspended for three (3) days commencing December 26, 2019 and re-granted on December 29, 2019 and Zachary Frye 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 179:20, II, an administrative fine of \$100; and for violation of RSA 179:44, I, an administrative fine of \$250 suspended for twelve (12) months pending no like violation.

DEPUTY COMMISSIONER JORDAN ACKNOWLEDGED

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

- a. BP Pelham, 32 Bridge Street, Pelham, NH 03076.
Combination, Off-Premises, Beverage/Wine/Tobacco License #3374347 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:51 – allowed the premises to be used for a purpose contrary to law – purchased tobacco products from an unlicensed wholesaler/source without paying the required taxes.
Date of violation: August 13, 2019.
Case #: 19-584-OF.
\$250 administrative fine paid.
DEPUTY COMMISSIONER JORDAN ACKNOWLEDGED

- b. EZ Mart Foods of NH, 78 Elm Street, Milford, NH 03055.
Combination, Off-Premises, Beverage/Wine/Tobacco License #3369447 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:51 – allowed the premises to be used for a purpose contrary to law – purchased tobacco products from an unlicensed wholesaler/source without paying the required taxes.
Date of violation: September 17, 2019.
Case #: 19-494-OF.
\$250 administrative fine paid.
DEPUTY COMMISSIONER JORDAN ACKNOWLEDGED
- c. EZ Mart Foods of NH, 779 Lafayette Road, Seabrook, NH 03874.
Combination, Off-Premises, Beverage/Wine/Tobacco License #3369547 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:51 – allowed the premises to be used for a purpose contrary to law – purchased tobacco products from an unlicensed wholesaler/source without paying the required taxes.
Date of violation: September 26, 2019.
Case #: 19-583-OF.
\$250 administrative fine paid.
DEPUTY COMMISSIONER JORDAN ACKNOWLEDGED

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Historical Society of Amherst, NH, Wigwam Museum, 17 Middle Street, Amherst, NH 03031.
To be issued Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #608841 pursuant to RSA 178:22, V(l).
Event date: 12/7/2019.
DEPUTY COMMISSIONER JORDAN APPROVED
- b. Lexies-Dover LLC, 421 Central Avenue, Dover, NH 03820.
To be issued Restaurant, On-Premises, Beverage & Wine License #1581603 pursuant to RSA 178:20.
30-Day Temporary License issued 11/21/2019.
DEPUTY COMMISSIONER JORDAN APPROVED

6. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

7. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING NOVEMBER 22, 2019: 1,226

Hutchinson Wines Inc. DBA Amphora Winery, 4791 Dry Creek Road, Building #6, Healdsburg, CA 95448.
To be issued a Direct Shipper, Wine Manufacturer Permit pursuant to RSA 178:27.
(Winery)
DEPUTY COMMISSIONER JORDAN APPROVED

8. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

9. NOTIFICATION OF APPROVED PETITIONS:

Lucciano's Café, 52 Gilcreast Road, Londonderry, NH 03053.
Restaurant, On-Premises, Beverage/Wine/Liquor License #1186503 licensed pursuant to RSA 178:21.
Date petition requested: 10/1/2019.
Date petition approved: 11/20/2019.
Requested to transfer business location, to wit, to transfer the business location from 52 Gilcreast Road, Londonderry, NH to 4 Orchard View Drive, Unit 2, Londonderry, NH.
DEPUTY COMMISSIONER JORDAN ACKNOWLEDGED

10. PETITIONS RECOMMENDED FOR COMMISSION DENIAL:

None

11. TABLED ITEMS:

None

12. MISCELLANEOUS ITEMS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Country Corner Mile LLC, Route 31, Greenville, NH 03048.
Agency Store, Off-Premises, Liquor Only License #980404 licensed pursuant to RSA 177:9.
Requested approval for renewal of license, to wit, to renew Agency Store, Off-Premises, Liquor Only License #980404 for renewal period 1/1/2020 to 12/31/2020 pursuant to RSA 177:9.
DEPUTY COMMISSIONER JORDAN APPROVED
- b. Fulchino Vineyards, 178 Pine Hill Road, Hollis, NH 03049.
Wine Manufacturer, Off-Premises, Wine Only License #562830 licensed pursuant to RSA 178:8.
Date petition received: 11/19/2019.
Date petition approved: 11/19/2019.
Requests approval for authorization of other areas for tasting and retail sales at farmers' market, to wit, Made in NH EXPO, Double Tree By Hilton, 700 Elm Street, Manchester, NH from Saturday, December 7, 2019 between 10:00 am and 7:30 pm and Sunday, December 8, 2019 between 10:00 am and 5:00 pm pursuant to RSA 178:24/RSA 179:44, II-a; the City of Manchester has approved retail sales at this event.
DEPUTY COMMISSIONER JORDAN APPROVED
- c. Mass Bay Brewing Company, Inc., 306 Northern Avenue, Boston, MA 02210. Beverage Vendor License #9131 licensed pursuant to RSA 178:15.
Requests approval of Clown Shoes A Fistful of Unidragon that has an alcohol content of 12.34 percent at 60 degrees Fahrenheit by volume pursuant to RSA. 175:1, LXIV-a; sample provided.
DEPUTY COMMISSIONER JORDAN APPROVED
- d. Sap House Meadery LLC, 6 Folsom Road, Center Ossipee, NH 03814.
Wine Manufacturer, Off-Premises, Wine Only License #563130 licensed pursuant to RSA 178:8.
Date petition received: 11/19/2019.
Date petition approved: 11/19/2019.
Requests approval for authorization of other areas for tasting and retail sales at farmers' market, to wit, Made in NH EXPO, Double Tree By Hilton, 700 Elm Street, Manchester, NH from Saturday, December 7, 2019 between 10:00 am and 7:30 pm and Sunday, December 8, 2019 between 10:00 am and 5:00 pm pursuant to RSA 178:24/RSA 179:44, II-a; the City of Manchester has approved retail sales at this event.
DEPUTY COMMISSIONER JORDAN APPROVED

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. American Independence Museum,
Folsom Tavern at the American Independence Museum, 164 Water Street, Exeter, NH 03833. Issued Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #609041 pursuant to RSA 178:22, V(I).
Event date: 12/5/2019. Recommended:
Expedited approval. Commission approved on 11/22/2019.
DEPUTY COMMISSIONER JORDAN ACKNOWLEDGED
- b. Family Promise of Greater Nashua, Radisson Nashua, 11 Tara Blvd., Nashua, NH 03062.
Issued Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #608741 pursuant to RSA 178:22, V(I).
Event date: 12/5/2019. Recommended:
Expedited approval. Commission approved on 11/20/2019.
DEPUTY COMMISSIONER JORDAN ACKNOWLEDGED
- c. Trinity High School,
Trinity High School Field at Derryfield Park, 355 Reservoir Avenue, Manchester, NH 03104.
Issued Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #608941 pursuant to RSA 178:22, V(I).
Event date: 11/27/2019. Recommended:
Expedited approval. Commission approved on 11/21/2019.
DEPUTY COMMISSIONER KNOWLEDGED