

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, DECEMBER 19, 2019

1. **RECOMMENDATION TO ACCEPT THE MINUTES FROM THE COMMISSION MEETING HELD DECEMBER 12, 2019.**
DEPUTY COMMISSIONER JORDAN ACCEPTED THE MINUTES OF DECEMBER 12, 2019.
2. **SCHEDULED INFORMATIONAL LICENSING HEARING AT LACONIA CITY HALL, ARMAND A. BOLDUC CITY COUNCIL CHAMBERS, 45 BEACON STREET, LACONIA, NH:**

January 3, 2020 at 9:30 a.m.:

- a. Raven Vapers, 371 Union Avenue, Unit B, Laconia, NH 03246.
Pending Retail Tobacco License #148717 pursuant to RSA 178:19-a.
IN ACCORDANCE WITH TITLE XIII AND ADMINISTRATIVE RULE, LIQ. 208.02, THE NEW HAMPSHIRE LIQUOR COMMISSION WILL HOLD AN INFORMATIONAL LICENSING HEARING ON THE RETAIL TOBACCO LICENSE APPLICATION OF VAPE SHOP, LLC D/B/A RAVEN VAPORS, 371 UNION AVE. UNIT B, LACONIA, NH. THE HEARING WILL BE HELD ON FRIDAY, JANUARY 3, 2020 AT 9:30 AM AT LACONIA CITY HALL IN THE ARMAND A. BOLDUC CITY COUNCIL CHAMBER, 45 BEACON STREET, LACONIA, NH 03246.

ANY INTERESTED MEMBER OF THE PUBLIC MAY TESTIFY AND PRESENT EVIDENCE IN FAVOR OF, OR AGAINST THE APPLICANT. THE COMMISSION WILL ANNOUNCE PROCEDURAL GUIDELINES AT THE PUBLIC COMMENTARY HEARING.

TESTIMONY WILL BE ALLOWED THAT IS RELEVANT TO THE FOLLOWING ISSUES:

- THE PROSPECTIVE LICENSEE;
- THE LOCAL GOVERNING AUTHORITY;
- THE PUBLIC, IN THE ORDER IN WHICH THEY SIGN UP TO SPEAK;
- THE COMMISSION MAY QUESTION SPEAKERS TO CLARIFY THEIR POSITIONS;
- THERE SHALL BE NO CROSS EXAMINATION OR REBUTTAL TESTIMONY; AND
- WRITTEN TESTIMONY SHALL BE ACCEPTED ONLY IF SIGNED AND RECEIVED PRIOR TO THE CLOSE OF THE HEARING.

PERSONS WISHING TO TESTIFY ARE URGED TO COORDINATE THEIR TESTIMONY TO AVOID UNNECESSARY DUPLICATION OR REPETITION OF TESTIMONY.

AUTHORITY FOR HEARING: NH TITLE XIII; ADMINISTRATIVE RULE, LIQ. 208.02
PER ORDER OF: NEW HAMPSHIRE LIQUOR COMMISSION
BY: JOSEPH S. PLAIA, CHIEF HEARINGS OFFICER,
NEW HAMPSHIRE LIQUOR COMMISSION, 50 STORRS STREET, CONCORD, NH 03301;
TEL # 603-271-8536.

SCHEDULED HEARINGS AT LIQUOR COMMISSION OFFICES, 50 STORRS STREET, CONCORD, NH:

January 8, 2020 at 9:00 a.m.:

- b. Dover Discount Beverage, 79 Dover Point Road, Dover, NH 03820.
Combination, Off-Premises, Beverage/Wine/Tobacco License #3314847 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: May 16, 2019.
Case #: 19-582-OF.

January 8, 2020 at 9:30 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.
AN ASSENTED-TO MOTION TO CONTINUE WAS FILED BY THE LICENSEE ON NOVEMBER 14, 2019 AND GRANTED; HEARING CONTINUED TO DECEMBER 18, 2019 AT 9:00 A.M.
AN ASSENTED-TO MOTION TO CONTINUE WAS FILED BY THE DIVISION OF ENFORCEMENT ON DECEMBER 12, 2019 AND GRANTED; HEARING CONTINUED TO JANUARY 8, 2020 AT 9:30 A.M.

3. NOTIFICATION OF DISCIPLINARY ACTION:

- Jade Dragon, 515 DW Highway, Merrimack, NH 03054.
Restaurant, Full Service With Lounge License #1341903 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Date of violation: April 13, 2019.
Case #: 19-254-OF.
An administrative fine of \$1,500 with \$1,000 suspended for twelve (12) months pending no like violation, eight (8) 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 ten (10) days with five (5) days held in abeyance for twelve (12) months pending no like violation commencing January 25, 2020 and re-granted on January 30, 2020, Raymond Tang shall attend a Management Training Seminar (MTS) in a classroom within thirty (30) days from the date of the fully executed agreement and Nesha Landry and Robin Sanborn shall complete a Total Education in Alcohol Management (TEAM) seminar online within thirty (30) days from the date of the fully executed agreement.
COMMISSION ACKNOWLEDGED.

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

- a. Fraternal Order Of Eagles, 8 Green Square, Berlin, NH 03570.
Social Club License #9301 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) – failed to file financial reports by the 15th of the following month for the months of July through October, 2019.
Date of violation: November 25, 2019.
Case #: 19-621-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.
- b. Modestman Brewing, 100 Main Street, Keene, NH 03431.
Nano Brewery, Beer and/or Specialty Beer License #207422 licensed pursuant to RSA 178:12-a.
Cited for violation of RSA 178:12-a, I – failed to file a monthly tax report by the 10th of the following month.
Date of violation: December 6, 2019.
Case #: 19-636-OF.
\$100 administrative fine paid.
COMMISSION ACKNOWLEDGED.

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Country Chef LLC (The), 944 Gibbons Highway, Wilton, NH 03086.
To be issued Restaurant, On-Premises, Beverage/Wine/Liquor License #1598003 pursuant to RSA 178:21.
30-Day Temporary License issued 12/10/2019.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. DV Spirits LLC DBA Dulce Vida, 3601 South Congress Avenue, Suite B-250, Austin, TX 78704.
To be issued Liquor & Wine Vendor License #129245 pursuant to RSA 178:9.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. Estey, Kristen DBA Roasted Root Café, 3 West Main Street, Hillsborough, NH 03244.
To be issued Restaurant, On-Premises, Beverage & Wine License #1597103 pursuant to RSA 178:20.
30-Day Temporary License issued 12/13/2019.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- d. High Street Ventures LLC DBA Good Eats, 320 Lafayette Road, Hampton, NH 03842.
To be issued Restaurant, On-Premises, Beverage & Wine License #1595203 pursuant to RSA 178:20.
30-Day Temporary License issued 12/16/2019.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- e. Highland Distributing, Inc. DBA Highland Wine Company, 123 Main Street, Suite 6, North Andover, MA 01865.
To be issued Liquor & Wine Representative License #610435 pursuant to RSA 178:10.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- f. McSheffrey's Up North LLC, 7 Glen Ledge Road, Glen, NH 03838.
To be issued Combination, Off-Premises, Beverage/Wine/Tobacco License #3388147 pursuant to RSA 178:18/RSA 126-K:4.
30-Day Temporary License issued 12/13/2019.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- g. Nashobe River Company LLC DBA Foley Brothers Brewing, 79 Stone Mill Dam Road, Brandon, VT 05733.
To be issued Beverage Vendor License #97131 pursuant to RSA 178:15.
Beverage Manufacturer: Foley Brothers Brewing.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- h. Otay Lakes Brewery LLC DBA Novo Brazil Brewing, c/o Nova Easy Kombucha, 901 Lane Avenue #100, Chula Vista, CA 91914.
To be issued Beverage Vendor License #96231 pursuant to RSA 178:15.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- i. Petrogas Group New England, Inc. DBA Applegreen, 491 Calef Highway, Barrington, NH 03825.
To be issued Combination, Off-Premises, Beverage/Wine/Tobacco License #3386947 pursuant to RSA 178:18/RSA 126-K:4.
30-Day Temporary License issued 12/16/2019.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- j. Raven Vapes LLC, 272 Main Street, #3, Tilton, NH 03276.
To be issued Retail Tobacco License #148817 pursuant to RSA 178:19-a.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

- k. Seacoast Brewing LLC DBA Sawbelly Brewing, 156 Epping Road, Unit C, Exeter, NH 03833.
To be issued Brew Pub License #2004615 pursuant to RSA 178:13.
30-Day Temporary License issued 12/12/2019.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- l. Simple Skiff Beverages LLC, 49 Blanchard Street, Suite 203/3, Cambridge, MA 02140.
To be issued Beverage Vendor License #97331 pursuant to RSA 178:15.
Beverage Manufacturer: Matt Brewing Co.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- m. SNJK Corporation DBA Smoke & Vape Outlet, 256 Lafayette Road, Seabrook, NH 03874.
To be issued Retail Tobacco License #149317 pursuant to RSA 178:19-a.
30-Day Temporary License issued 12/12/2019.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- n. Sprezzatura Beverages LLC, 13749 Midvale Avenue North, Seattle, WA 98133.
To be issued Beverage Vendor License #96631 pursuant to RSA 178:15.
Manufacturer: Sprezzatura Beverages.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- o. Vaughan Street Hotel LLC DBA Event Center of Vaughan Street,
299 Vaughan Street, Portsmouth, NH 03801.
To be issued Hotel, Full Service With Lounge License #373002 pursuant to
RSA 178:21, II(b)(1)/RSA 178:22, V(k).
30-Day Temporary License issued 12/11/2019.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- p. Visit Tuscany LLC DBA Gusto Italian Café, 23 Main Street, Suite 1B, Center Harbor, NH 03226.
To be issued Restaurant, On-Premises, Beverage & Wine License #1595403 pursuant to RSA 178:20.
30-Day Temporary License issued 12/13/2019.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA 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 DECEMBER 13, 2019: 1,223

Green & Red Vineyards LLC, 3208 Chiles Pope Valley Road, St Helena, CA 94574.
To be issued Direct Shipper, Wine Manufacturer Permit pursuant to RSA 178:27.
(Winery)

DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

8. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

9. NOTIFICATION OF APPROVED PETITIONS:

- a. Cask & Vine, 1 ½ East Broadway, Derry, NH 03038.
Restaurant, On-Premises, Beverage/Wine/Liquor License #1455603 licensed pursuant to RSA 178:21.
Date petition requested: 12/3/2019.
Date petition approved: 12/3/2019.

Requested a waiver for an extension of hours, to wit, to extend the hours of operation on January 1, 2020 to 1:30 a.m. with glasses off the table by 2:00 a.m. pursuant to RSA 178:21, II, a (2) and as stated in a letter received December 3, 2019.

COMMISSION ACKNOWLEDGED.

- b. Depot Dining Trackside Café, 3 Crossing At River Place, North Woodstock, NH 03262. Seasonal Restaurant, On-Premises, Beverage/Wine/Liquor License #153503 licensed pursuant to RSA 178:21.

Date petition requested: 12/2/2019.

Date petition approved: 12/10/2019.

Requested approval for other area, to wit, an outside area with a capacity of 14 pursuant to RSA 178:24/Liq. 404.05.

COMMISSION ACKNOWLEDGED.

- c. Estey, Kristen DBA Roasted Root Café, 5 West Main Street, Hillsborough, NH 03244. Restaurant, On-Premises, Beverage & Wine License #1597103 licensed pursuant to RSA 178:20. Date petition requested: 12/5/2019.

Date petition approved: 12/10/2019.

Requested exception for access to other businesses, to wit, a door on either side of the licensed premises that lead to other units and a third door that leads to the basement; all three doors will be locked at all times pursuant to RSA 179:48, IV.

COMMISSION ACKNOWLEDGED.

- d. Paddy's - An American Grille, Pease Tradeport, 27 International Drive, Portsmouth, NH 03801. Restaurant, Full Service With Lounge License #1190803 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).

Date petition requested: 10/9/2019.

Date petition approved: 12/12/2019.

Requested approval for an extension of service area, to wit, an additional space with a capacity of 50 for banquets and functions pursuant to RSA 178:24/Liq. 404.05.

COMMISSION ACKNOWLEDGED.

- e. Portsmouth Gas Light Co., 64 Market Street, Portsmouth, NH 03801. Restaurant, Full Service With Lounge License #235103 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).

Date petition requested: 12/9/2019.

Date petition approved: 12/10/2019.

Requested a waiver for an extension of hours, to wit, to extend the hours of operation on January 1, 2020 to 1:30 a.m. with glasses off the table by 2:00 a.m. pursuant to RSA 178:21, II, a (2) and as stated in an email received December 9, 2019.

COMMISSION ACKNOWLEDGED.

- f. Time-Out Sports Bar and Grill, 101 Mulberry Street, Suite D, Claremont, NH 03743. Restaurant, On-Premises, Beverage/Wine/Liquor License #1403303 licensed pursuant to RSA 178:21. Date petition requested: 12/16/2019.

Date petition approved: 12/17/2019.

Requested a waiver for authorization of reduction of hours, to wit, to reduce the hours of operation to four (4) nights the week of Christmas and New Year's and closing all day Christmas Day and New Year's Day pursuant to RSA 178:21, II, a (2) and as indicated in an email dated December 16, 2019.

COMMISSION ACKNOWLEDGED.

10. PETITIONS RECOMMENDED FOR COMMISSION DENIAL:

None

11. TABLED ITEMS:

None

12. MISCELLANEOUS ITEMS RECOMMENDED FOR COMMISSION APPROVAL:

Anheuser-Busch LLC, One Busch Place, St. Louis, MO 63118. Beverage Vendor License #4631 licensed pursuant to RSA 178:15.

Requests approval of Natural Light Seltzer Strawberry Kiwi that has an alcohol content of 6.08% at 60 degrees Fahrenheit by volume pursuant to RSA 175:1, VIII; sample provided.

DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

13. MISCELLANEOUS ITEMS RECOMMENDED FOR COMMISSION DENIAL:

None

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

None

15. NOTIFICATION OF COMPLIANCE CHECKS:

TOBACCO COMPLIANCE CHECKS –

Durham, NH:

- a. New Campus Convenience, 32 Main Street, Durham, NH 03824.
Combination, Off-Premises, Beverage/Wine/Tobacco License #3229147 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 29, 2019.
Case #: 19-508-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. Phillips 66, 7 Old Dover Road, Durham, NH 03824.
Combination, Off-Premises, Beverage/Wine/Tobacco License #3144647 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 29, 2019.
Case #: 19-508-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:**

CHAIRMAN MOLLICA PRESENTED ATTORNEY JAMES VARA WITH 10-YEAR CERTIFICATES OF SERVICE AND THANKED HIM FOR THE WORK HE DOES FOR THE COMMISSION; COO ROSEMARY WIANIANT STATED THAT SHE IS PLEASED THAT ATTY. VARA IS PART OF THE TEAM AND THAT SHE APPRECIATES HIS SERVICE TO THE COMMISSION;

DEPUTY COMMISSIONER JORDAN PRESENTED TRAINING SPECIALIST SUSAN LESSARD WITH 35-YEAR CERTIFICATES OF SERVICE AND STATED THAT SUSAN HAD ONCE BEEN THE MANAGER OF STORE 69; IT WAS THERE THAT THEY MET AND THAT SUSAN BECAME A MENTOR TO HER; CHIEF MARK ARMAGANIAN COMMENDED SUSAN FOR BEING AT THE HEART OF THE ENFORCEMENT DIVISION'S ROBUST TRAINING UNIT, HELPING TO KEEP THE COMMUNITY SAFE THROUGH HER TRAINING EFFORTS.