

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR FEBRUARY 2, 2023

1. ACCEPTANCE OF MINUTES:

RECOMMENDATION TO ACCEPT THE MINUTES FROM THE COMMISSION MEETING HELD JANUARY 26, 2023.

DEPUTY COMMISSIONER JORDAN MOVED TO ACCEPT THE MINUTES OF JANUARY 26, 2023; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

2. TABLED ITEMS:

None

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

None

4. NOTIFICATION OF ADMINISTRATIVE ACTION PER SETTLEMENT AGREEMENT:

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 179:57/Liq. 603.05 – failed to comply with the requirements of a Commission Order.

Date of violation: 11/4/2022.

Case #: 22-543-OF & 22-723-OF.

Pre-Hearing Conference was held January 25, 2023 where settlement was reached.

An administrative fine of \$2,100 shall be imposed immediately; reports due for November, 2022 and December, 2022 will be available at the audit conducted by the Division of Enforcement that is scheduled for January 26, 2023; the report due for January, 2023 will be received at the Division of Enforcement by February 10, 2023; the license shall be extended beyond the expiration date of January 31, 2023 for thirty (30) days, said date being March 2, 2023; by March 2, 2023, the licensee shall provide to the Division of Enforcement a Business Plan that includes but is not limited to the process by which all required reports will be prepared and received by the Division of Enforcement by no later than the 10th of each month; the licensee may produce product through January 26, 2023 providing all outstanding reports are made available at the audit conducted by the Division of Enforcement on that date. If all reports are received and fees due are paid, the licensee may continue to produce product; the Division of Enforcement will seek suspension of the license if another violation of Commission Order occurs within three (3) years from the date of this fully executed agreement; and renewal of the license shall be allowed after the above-referenced terms are met.

COMMISSION ACKNOWLEDGED.

5. NON-CONTESTED ADMINISTRATIVE ACTION RECOMMENDED FOR COMMISSION APPROVAL:

- a. Club 14, 13 Rockingham Road, Windham, NH 03087.
Restaurant, On-Premises, Beverage/Wine/Liquor License #1571803 licensed pursuant to RSA 178:21.
Cited for violation of RSA 178:21/Liq. 503.04 – failed to have a menu consisting of diversified, full course meals.
Date of violation: 1/20/2023.
Case #: 23-88-OF.
Warning.

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

- b. Club Victoire, 111 North Main Street, Rochester, NH 03867.
Social Club License #14201 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) – failed to file a signed financial statement by the 15th of the following month.

Date of violation: 11/16/2022.

Case #: 22-997-OF.

\$100 administrative fine.

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

- c. El Segundo Brewing Co., 140 Main Street, El Segundo, CA 90245.
Beverage Vendor License #96831 licensed pursuant to RSA 178:15.
Cited for violation of RSA 178:15, II – failed to file Forms 258/334 by the 10th of the following month.
Date of violation: 9/11/2022.
Case #: 22-926-OF.
\$100 administrative fine.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- d. Halyard Brewing Company, 80 Ethan Allen Drive South, Burlington, VT 05403.
Beverage Vendor License #99331 licensed pursuant to RSA 178:15.
Cited for violation of RSA 178:15, II – failed to file Forms 258/334 by the 10th of the following month.
Date of violation: 12/11/2022.
Case #: 22-1001-OF.
\$100 administrative fine.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- e. La Esquina Restaurant, 363 Chestnut Street, Manchester, NH 03101.
Restaurant, On-Premises, Beverage/Wine/Liquor License #1644303 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:50 – allowed the premises to be used for a purpose contrary to law – allowed hookah to be smoked on the premises.
Date of violation: 1/1/2023.
Case #: 23-3-OF.
\$250 administrative fine.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- f. Loyal Order of Moose, 15 School Street, Hillsboro, NH 03244.
Social Club License #20101 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) – failed to file a signed financial statement by the 15th of the following month - 4 counts.
Date of violation: 8/16/2022.
Case #: 22-844-OF.
\$400 administrative fine.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- g. Narragansett Brewing Company, 271 Tockwotten Street, Providence, RI 02903.
Beverage Vendor License #39431 licensed pursuant to RSA 178:15.
Cited for violation of RSA 178:15, II – failed to file Forms 258/334 by the 10th of the following month.
Date of violation: 12/11/2022.
Case #: 22-1002-OF.
\$100 administrative fine.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- h. Sakura, 166 DW Highway, Nashua, NH 03060.
Restaurant, Full Service With Lounge License #1594303 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:40, II – refilled bottles of legally purchased liquor with a mixer.
Date of violation: 12/28/2022.

Case #: 22-979-OF.

\$250 administrative fine.

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

- i. Sapporo USA, 303 South Broadway Street, Tarrytown, NY 10591.
Beverage Vendor License #3031 licensed pursuant to RSA 178:15.
Cited for violation of RSA 178:15, II – failed to file Forms 258/334 by the 10th of the following month.
Date of violation: 12/11/2022.

Case #: 22-1023-OF.

\$100 administrative fine.

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

- j. Sapporo USA, 303 South Broadway Street, Tarrytown, NY 10591.
Beverage Vendor License #57631 licensed pursuant to RSA 178:15.
Cited for violation of RSA 178:15, II – failed to file Forms 258/334 by the 10th of the following month.
Date of violation: 12/11/2022.

Case #: 22-1005-OF.

\$100 administrative fine.

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

- k. Sapporo USA, 303 South Broadway Street, Tarrytown, NY 10591.
Beverage Vendor License #92431 licensed pursuant to RSA 178:15.
Cited for violation of RSA 178:15, II – failed to file Forms 258/334 by the 10th of the following month.
Date of violation: 12/11/2022.

Case #: 22-1024-OF.

\$100 administrative fine.

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

- l. Thumbprint Cellars, 102 Matheson Street, Healdsburg, CA 95448.
Wine Manufacturer License #8284533 licensed pursuant to RSA 178:8.
Cited for violation of RSA 178:27, V/Liq. 1103.01 – failed to file a monthly report by the 15th of the following month.
Date of violation: 12/16/2022.

Case #: 22-965-OF.

\$250 administrative fine.

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

6. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Granite Gorge Partnership LLC, 341 NH Route #9, Roxbury, NH 03431.
To be issued Sports Recreation Facility License #6027205 pursuant to RSA 178:22, V(u)(1).
90-Day Temporary License issued 1/24/2023.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- b. Hidden Pig, Inc. DBA The Hidden Pig, 53-59 Main Street, Nashua, NH 03064.
To be issued Restaurant, Full Service With Lounge License #1658103 pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
90-Day Temporary License issued 1/25/2023.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

- c. Intown Concord, Inc., 49 South Main Street, Suite #202, Concord, NH 03301.
To be issued Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #659041 for 1/28/2023 between 11:00 a.m. – 4:00 p.m. pursuant to RSA 178:22, V(l).
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- d. Laura Mahoney Autism & Epilepsy Foundation DBA Laura Foundation, 3006 Eaton Road, Eaton, NH 03832.
To be issued Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #660041 between 8:00 a.m. – 4:00 p.m. on 1/28/2023 and 1/29/2023 pursuant to RSA 178:22, V(l).
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- e. Manchester NH H.O.G. Chapter #47278 at Manchester Harley Davidson, 115 John E. Devine Drive, Manchester, NH 03103.
To be issued Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #661041 for 1/28/2023 between 11:00 a.m. – 3:00 p.m., License #661141 for 1/29/2023 between 11:00 a.m. – 3:00 p.m. and License #661241 for 1/31/2023 between 5:00 p.m. – 8:00 p.m. pursuant to RSA 178:22, V(l).
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- f. Mirai LLC, 188 Washington Street, Claremont, NH 03743.
To be issued Combination, Off-Premises, Beverage/Wine/Tobacco License #3422947 pursuant to RSA 178:18/RSA 126-K:4.
30-Day Temporary License issued 1/27/2023.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- g. Queen City Rotary Club at the Hellenic Orthodox Community of St. George Cathedral Auditorium, 650 Hanover Street, Manchester, NH 03104.
To be issued Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #659341 for 2/4/2023 between 6:00 p.m. – 11:00 p.m. pursuant to RSA 178:22, V(l).
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- h. Two Bee's Café + Patisserie LLC, 100 First Street, Suite #110Dover, NH 03820.
To be issued Restaurant, On-Premises, Beverage & Wine License #1647003 pursuant to RSA 178:20.
30-Day Temporary License issued 1/27/2023.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- i. WHG Lebanon Management LLC DBA Courtyard By Marriott Lebanon, 10 Morgan Drive, Lebanon, NH 03766.
To be issued Hotel License #376802 pursuant to RSA 178:24, II(b)(1).
90-Day Temporary License issued 12/20/2022.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- j. Zab LLC, 1840 Restaurant, 8 Back Lake Road, Pittsburg, NH 03592.
To be issued Restaurant, On-Premises, Beverage/Wine/Liquor License #1657403 pursuant to RSA 178:21.
90-Day Temporary License issued 1/24/2023.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

7. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

8. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING JANUARY 27, 2023: 1,393

Pindar Vineyards LLC, 37645 State Route #25, Peconic, NY 11958.

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.

9. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

10. NOTIFICATION OF APPROVED PETITIONS:

- a. Granite Gorge Partnership LLC, 341 NH Route #9, Roxbury, 03431.
Sports Recreation Facility License #6027205 licensed pursuant to RSA 178:22, V(u)(1).
Requested approval for a permanent extension of service, to wit, for an outside deck around a fire pit pursuant to RSA 178:24/Liq. 404.05.
COMMISSIONER ACKNOWLEDGED.
- b. Henniker Brewing Co., 129 Centervale Road, Henniker, NH 03242.
Beverage Manufacturer License #289418 licensed pursuant to RSA 178:12.
Requested approval for a temporary extension of service, to wit, for a space behind the building to host a Henniker Lions Club fundraiser pursuant to RSA 178:24/Liq. 404.05.
COMMISSIONER ACKNOWLEDGED.
- c. Monadnock Country Café, 80 Peterborough Street, Jaffrey, NH 03452.
Restaurant, On-Premises, Beverage/Wine/Liquor License #1618003 licensed pursuant to RSA 178:21.
Requested approval to upgrade the license, to wit, to upgrade the license from a Restaurant, On-Premises, Beverage and Wine License to a Restaurant, On-Premises, Beverage/Wine/Liquor License pursuant to RSA 178:21.
COMMISSIONER ACKNOWLEDGED.

11. PETITIONS RECOMMENDED FOR COMMISSION DENIAL:

None

12. MISCELLANEOUS ITEMS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Be-Maek LLC, 1801 West Oak Parkway, Suite A, Marietta, GA 30062.
Beverage Vendor License #124431 licensed pursuant to RSA 178:15.
Requests approval of Black Albert – Belgian Royal Stout, Black Damnation 24 – Octopussy and Black Damnation 26 – Froggie, each with an alcohol content of 13% at 60 degrees Fahrenheit by volume, Clash Of The Titans Grand Reserve and Clash of the Titans Special Reserva, each with an alcohol content of 12.6% at 60 degrees Fahrenheit by volume, all pursuant to RSA 175:1, LXIV-a.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- b. Boston Beer Company, 1 Design Center Place, Suite #850, Boston, MA 02210.
Beverage Vendor License #29731 licensed pursuant to RSA 178:15.
Requests approval of Dogfish Head Grapefruit and Pomegranate Vodka Crush and Dogfish Head Pineapple and Orange Rum Crush, each with an alcohol content of 7% at 60 degrees Fahrenheit by volume pursuant to RSA 175:1, LXIV-aaa.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

- c. Branch and Blade Brewing Company, 17 Bradco Street, Keene, NH 03431. Beverage Manufacturer License #292618 licensed pursuant to RSA 178:12. Requests approval of New Boot Goofin with an alcohol content of 16% at 60 degrees Fahrenheit by volume pursuant to RSA 175:1, LXIV-a.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- d. Duff Enterprise Kitchen 56 Group LLC DBA Kitchen 56, 56 Main Street, Enfield, NH 03748. Requests approval of a Felon Exception for Tammi Falzone Duff as a Licensee pursuant to RSA 178:4/RSA 179:23/Liq. 404.06(c).
Case #: 23-57-OF.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- e. Flying Dog Brewery LLLP, 4607 Wedgewood Blvd., Frederick, MD 21703. Beverage Vendor License #43631 licensed pursuant to RSA 178:15. Requests approval of Killer Hard Tea Peach and Killer Hard Tea Raspberry, each with an alcohol content of 8% at 60 degrees Fahrenheit by volume pursuant to RSA 175:1, VIII.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- f. Three Floyds Brewing LLC, 9750 Indiana Parkway, Munster, IN 46321. Beverage Vendor License #107231 licensed pursuant to RSA 178:15. Requests approval of Pillar Of Beast (Coconut) with an alcohol content of 13.7% at 60 degrees Fahrenheit by volume pursuant to RSA 175:1, LXIV-a.
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:

Bradford, NH;
Canterbury, NH;
Dunbarton, NH;
Hill, NH;
Hopkinton, NH;
Loudon, NH;
Manchester, NH;
Nashua, NH;
Newbury, NH;
Northfield, NH;
Salisbury, NH; and
Warner, NH.

COMMISSIONER ACKNOWLEDGED.

15. ADMINISTRATIVE ACTION ON COMPLIANCE CHECKS RECOMMENDED FOR COMMISSION APPROVAL:

None

16. ADMINISTRATIVE HEARING DECISION PENDING:

None

17. ADMINISTRATIVE HEARING DECISIONS:

- a. Finch Beer Co., 1800 West Walnut Street, Chicago, IL 60612.
Beverage Vendor License #97431 licensed pursuant to RSA 178:15.
Cited for violation of RSA 179:57/Liq. 603.05 – failed to comply with the requirements of a Commission Order.
Date of violation: 10/28/2022.
Case #: 22-693-OF.
Hearing was held on 1/25/2023: **"Decision: I find that the licensee violated the Commission Order dated September 14, 2022 contrary to Liq. Rule 601.03(h). There shall be no penalty imposed at the request of the State."**
COMMISSIONER ACKNOWLEDGED.
- b. Mason Ale Works, 255 Redel Road, Escondido, CA 92027.
Beverage Vendor License #108231 licensed pursuant to RSA 178:15.
Cited for violation of RSA 178:15, II – failed to file Forms 258/334 by the 10th of the following month – 2 counts.
Dates of violation: 1/28/2022 & 3/28/2022.
Case #: 22-41-OF & 22-187-OF.
Hearing was held on 1/25/2023: **"Decision dated 1/26/2023: I find that the licensee failed to file their monthly tax report for December, 2022 on or before January 10, 2023 and a fine of \$100 shall be imposed should the licensee reopen the business."**
COMMISSIONER ACKNOWLEDGED.
- c. Odd Fellows Brewing, 118-130 Main Street, Nashua, NH 03060.
Brew Pub License #2003615 licensed pursuant to RSA 178:13.
Cited for violation of RSA 178:13, IV/RSA 178:26 – failed to file a monthly tax report and pay required taxes by the 10th of the following month.
Date of violation: 10/13/2022.
Case #: 22-650-OF.
Hearing was held on 1/25/2023: **"Decision dated 1/26/2023; As it was conceded, a finding is issued that the licensee failed to file his monthly tax report on or prior to October 10, 2022. However, under the circumstances, the entire fine and tax of \$117.40 is suspended for a period of one year on the condition of no like violations."**
COMMISSIONER ACKNOWLEDGED.
- d. Sumo Sushi, 55 Crystal Avenue, Derry, NH 03038.
Restaurant, On-Premises, Beverage/Wine/Liquor License #1508703 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a patron who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: 1/17/2021.
Case #: 21-183-OF.
Hearing was held on 1/25/2023: **"Decision: I find that the licensee committed a violation of RSA 179:5, I in that they served alcohol to an intoxicated individual. The licensee shall be assessed a \$500 fine, a 3-day loss of license and four points to the license."**
COMMISSIONER ACKNOWLEDGED.

18. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

None

19. LATE ITEM FOR COMMISSION APPROVAL:

Hornburg Brewing Co., 165 Peterborough Road, Hancock, NH 03449.
To be issued Nano Brewery, Beer and/or Specialty Beer License #209022 pursuant to RSA 178:12-a.
30-Day Temporary License issued 12/23/2022.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.