

AGENDA OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING
MEETING FOR NOVEMBER 09, 2023

1. ACCEPTANCE OF MINUTES:

RECOMMENDATION TO ACCEPT THE MINUTES OF THE COMMISSION MEETING HELD NOVEMBER 02, 2023.

2. TABLED ITEMS:

None

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

November 14, 2023 at 9:00 a.m.:

- a. Area 23 LLC, 254 North State Street, Concord, NH 03301.
Restaurant, On-Premises, Beverage/Wine/Liquor License #1509603 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 resulting in a personal injury.
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to a patron who was under the age of twenty-one.
Cited for violation of RSA 179:8, I – failed to require the purchaser whose age was in question to furnish identification that such person was 21 years of age.
Date of violation: 02/08/2023
Case #: 23-168-OF
A CONTINUANCE WAS REQUESTED FOR THE HEARING SCHEDULED ON OCTOBER 24, 2023, GRANTED ON OCTOBER 18, 2023.

November 14, 2023 at 9:00 a.m.:

- b. Deerhead Sportsmens Club, 314 Londonderry Turnpike, Hooksett, NH 03106.
Social Club License #27501 pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) – failed to file a financial statement of club operation (Form 233) by the 15th of the following month.
Date of violation: 06/16/2023
Case #: 23-1071-OF

November 14, 2023 at 9:00 a.m.:

- c. Fidelitas Wines LLC, 51810 Sunset Road, Benton City, WA 99320.
Direct Shipper Permit/Wine Manufacturer #8089433 pursuant to RSA 178:27.
Cited for violation of RSA 178:27/Liq. 1103.01 – failed to file a monthly report by the 15th of the following month.
Date of violation: 07/18/2023
Case #: 23-1043-OF

November 14, 2023 at 10:00 a.m.:

- d. American Legion Post 59, 538 West Main Street, Hillsborough, NH 03244.
Veterans Club License #16739 pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:5, I -Aggravated- served or sold alcoholic beverage to a patron who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of Liq. 603.05 – failed to comply with the requirements of a Commission Order.
Date of violation: 04/07/2023
Case #: 23-458-OF

November 14, 2023 at 1:00 p.m.:

- e. La Carreta, 172 Hanover Street, Portsmouth, NH 03801.
Cocktail Lounge-Full Service Restaurant License #1559103 pursuant to RSA 178:22, V(q)/ RSA 178:21, II(a)(1).
Cited for violation of RSA 179:5, I - Aggravated - served alcoholic beverage to a person who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated resulting in a serious bodily injury.
Cited for violation of RSA 179:5, I - served 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 - served alcoholic beverage to a person who was under the age of twenty-one.
Cited for violation of RSA 179:5, I - served alcoholic beverage to a person who was under the age of twenty-one.
Cited for violation of RSA 179:8, I - failed to require a purchaser whose age was questionable for the purchase of alcohol to furnish an acceptable form of identification- four counts.
Cited for violation of RSA 179:20, II - allowed an employee to consume alcohol while working.
Cited for violation of RSA 179:44, I - gave away free drinks to customers, patrons, members, or guests.
Cited for violation of RSA 179:43- sold beverages or liquor on credit.
Cited for violation of RSA 179:43- continued to operate while closed to the general public.
Date of violation: 03/23/2023 & 03/24/2023
Case #: 23-371-OF.
THE LICENSEE REQUESTED A CONTINUANCE FOR THE HEARING SCHEDULED ON OCTOBER 24, 2023, GRANTED ON OCTOBER 23, 2023.

November 14, 2023 at 2:00 p.m.:

- f. KV Wines LLC, 9419 NE Worden Hill Road, Dundee, OR 97115.
Direct Shipper Permit/Wine Manufacturer #8285533 pursuant to RSA 178:27.
Cited for violation of RSA 178:27/Liq. 1103.01 – failed to file a monthly report by the 15th of the following month.
Date of violation: 07/18/2023
Case #: 23-1027-OF

November 14, 2023 at 2:00 p.m.:

- g. Hillsboro Lodge 1091 INC DBA Loyal Order of Moose, 15 School Street, Hillsboro, NH 03244.
Social Club License #20101 pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) – failed to file a financial statement of club operation (Form 233) by the 15th of the following month- two counts.
Date of violation: 06/16/2023 & 07/18/2023
Case #: 23-1074-OF & 23-1182-OF

November 15, 2023 at 10:00 a.m.:

- h. Portsmouth Gas Light Co, 64 Market Street, Portsmouth, NH 03801.
Cocktail Lounge-Full Service Restaurant License #253103 pursuant to RSA 178:22, V(q)/ RSA 178:21, II(a)(1).
Cited for violation of RSA 179:5, I/603.01 -Aggravated- served an alcoholic beverage to a patron who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: 11/24/2022
Case #: 22-841-OF.

December 19, 2023 at 10:30 a.m.:

- i. Niko Grill and Lounge Corporation DBA Slades Food and Spirits,
4 West Hollis Street, Nashua, NH 03060.
Cocktail Lounge-Full Service Restaurant License #1071603 pursuant to
RSA 178:22, V(q)/ RSA 178:21, II(a)(1).
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: 01/28/2023
Case #: 23-99-OF

December 19, 2023 at 1:00 p.m.:

- j. Barcode LLC, 1055 Elm Street, Manchester, NH 03101
Interim Restaurant, On-Premises, Beverage/Wine/Liquor License #1675803 was issued pursuant to
RSA 178:21. A full license was denied on September 8, 2023. The licensee has requested a hearing.
**THE LICENSEE REQUESTED A CONTINUANCE FOR THE HEARING SCHEDULED ON
OCTOBER 24, 2023, GRANTED ON OCTOBER 23, 2023.**

4. NOTIFICATION OF ADMINISTRATIVE ACTION PER SETTLEMENT AGREEMENT:

- a. David Coffaro Winery, 7485 Dry Creek Road, Geyersville, CA 95441.
Direct Shipper Permit/Wine Manufacturer #8078533 pursuant to RSA 178:27.
Cited for violation of RSA 178:27/Liq. 1103.01 – failed to file a monthly report by the 15th of the
following month.
Cited for violation of RSA 179:57Liq. 603.05 – failed to comply with the requirements of a Commission
Order.
Date of violation: 9/16/2023
Case #: 23-1344-OF
An administrative fine of \$500 and the licensee shall remain in compliance with all statutes and
administrative rules pertaining to the filing of reports by the 15th of the following month pursuant to RSA
178:27/Liq. 1103.01.
- b. Domain Serene/Rockblock Cellars, 6555 NE Hilltop Lane, Dayton, OR97114.
Direct Shipper Permit/Importer #8021033 pursuant to RSA 178:27.
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: 9/16/2023
Case #: 23-1330-OF
An administrative fine of \$250 and the licensee shall remain in compliance with all statutes and
administrative rules pertaining to the filing of reports by the 15th of the following month pursuant to RSA
178:27, V/Liq. 1103.01.
- c. Heron Hill Vineyards Inc, 9301 County Route 76, Hammondsport, NY 14840.
Direct Shipper Permit/Wine Manufacturer #8107133 pursuant to RSA 178:27.
Cited for violation of RSA 178:27/Liq. 1103.01 – failed to file a monthly report by the 15th of the
following month- two counts.
Date of violation: 7/18/2023 & 9/16/2023
Case #: 23-1057-OF & 23-1353-OF
An administrative fine of \$500 and the licensee shall remain in compliance with all statutes and
administrative rules pertaining to the filing of reports by the 15th of the following month pursuant to RSA
178:27/Liq. 1103.01.

- d. Nashua Elks Lodge 720, 12 Murphy Drive, Nashua, NH 03060.
Social Club License #11601 pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) – failed to file a financial statement of club operation (Form 233) by the 15th of the following month.
Date of violation: 08/16/2023
Case #: 23-1311-OF
An administrative fine of \$100 and the licensee shall remain in compliance with all statutes and administrative rules pertaining to the filing of financial statements by the 15th of the following month pursuant to RSA 178:22, V(h)(1).
- e. New Hampshire Kombucha Company, 156 School Street, Effingham, NH 03882.
Beverage Manufacturer License #296618 pursuant to RSA 178:12.
Cited for violation of RSA 178:12/RSA 178:26 – failed to file a monthly tax report and pay required fees by the 10th of the following month.
Date of violation: 8/11/2023
Case #: 23-1265-OF
An administrative fine of \$100 and an additional fee of \$3.61 that represents the total outstanding taxes due for the month of July, 2023. The licensee shall remain in compliance with RSA 178:12 and RSA 178:26 regarding the filing of reports and payments of taxes by the 10th of the following month.
- f. Ravines Wine Cellars, 400 Barracks Road, Geneva, NY 14456.
Direct Shipper Permit/Wine Manufacturer #8157733 pursuant to RSA 178:27.
Cited for violation of RSA 178:27/Liq. 1103.01 – failed to file a monthly report by the 15th of the following month.
Date of violation: 9/16/2023
Case #: 23-1354-OF
An administrative fine of \$250 and the licensee shall remain in compliance with all statutes and administrative rules pertaining to the filing of reports by the 15th of the following month pursuant to RSA 178:27/Liq. 1103.01.

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

- a. Blue Farm LLC, 21684 8th Street, Suite 440-450, Sonoma, CA 95476.
Direct Shipper Permit/Manufacturer #8252833 pursuant to RSA 178:27.
Cited for violation of RSA 178:27/Liq. 1103.01 – failed to file a monthly report by the 15th of the following month.
Date of violation: 10/16/2023
Case #: 23-1438-OF
\$250.00 administrative fine.
- b. PTS Food Enterprises LLC DBA Stark Brewing Company,
500 Commercial Street, Manchester, NH 03101.
Beverage Manufacturer License #297718 pursuant to RSA 178:12.
Cited for violation of RSA 178:12/RSA 178:26 – failed to file a monthly tax report and pay required fees by the 10th of the following month.
Date of violation: 8/11/2023
Case #: 23-1267-OF
Warning.
- c. Zeus Food Service LLC DBA Bond Brewing and BBQ, 1015 Elm Street, Manchester, NH 03101.
Brew Pub License #2007315 pursuant to RSA 178:13.
Cited for violation of RSA 178:13/RSA 178:26 – failed to file a monthly tax report and pay required fees by the 10th of the following month.
Date of violation: 8/11/2023
Case #: 23-1260-OF
Warning.

6. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Austin 17 House, 263 Route 125, Brentwood, NH 03833.
To be issued Special One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License # 683541 for 11/04/2023 between 6:00 p.m. and 9:00 p.m. pursuant to RSA 178:22, V(l).
- b. Buba Concord Co Inc DBA Buba Kitchen, 148 North Main Street, Concord, NH 03301.
To be issued Restaurant, On-Premises, Beverage/Wine/Liquor License #1681903 pursuant to RSA 178:21.
90-Day Temporary License issued 11/03/2023.
- c. Endres Brothers LLC DBA Bird Dog Cider Co, 150 Bayside Road, Greenland, NH 03840.
Direct To Consumer, Shipper Permit 3350 in conjunction with Beverage Manufacturer License 299818 pursuant to RSA 178:12.
- d. Illuminati NH INC DBA Smoker Choice II, 137 Loudon Road, Concord, NH 03301.
To be issued Retail Tobacco License #167817 pursuant to RSA 178:19-a.
30-Day Temporary License issued 11/02/2023.
- e. Karibbean (The), 61 Hanover Street, Lebanon, NH 03784.
Restaurant, On-Premises, Beverage & Wine License #1630903 pursuant to RSA 178:20.
30-Day Temporary License issued 11/07/2023.
- f. Lucky Duck Operating Company LLC DBA Roy's Market, 20 Main Street, Peterborough, NH 03458.
To be issued Combination, Off-Premises, Beverage/Wine/Tobacco License #3432347 pursuant to RSA 178:18/RSA 178:19-a.
30-Day Temporary License issued 11/01/2023.
- g. Tongue in Cheek LLC, 3 Reporter Court, North Conway, NH 03860.
To be issued Restaurant, On-Premises, Beverage/Wine/Liquor License #1674103 pursuant to RSA 178:21.
90-Day Temporary License issued 11/06/2023.
- h. Wild Valentine LLC, 261 South Street, Portsmouth, NH 03801.
To be issued Retail Wine License #3170946 pursuant to RSA 178:19.
30-Day Temporary License issued 11/03/2023.

7. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

8. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING November 07, 2023: 1,352

- a. Mariposa Wine Company LLC
20146 Road 21, Madera, CA 93637
Direct Shipper Wine Manufacturer Permit pursuant to RSA 178:27.
(Winery)
- b. Yankee Spirits Inc.
376 Maine St., Sturbridge, MA 01566
Direct Shipper Retailer Permit pursuant to RSA 178:27.
(Retailer)

9. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

10. NOTIFICATION OF APPROVED PETITIONS:

- a. Bow Mills Brewing LLC DBA Hoptimystic Brewing, 34 Hamilton Court, Bow, NH 03304. Beverage Manufacturer License #299518 pursuant to RSA 178:12. Requested approval for authorization of other area for retail sales and tastings at farmers' market, to wit, Downtown Concord Winter Farmers Market, 7 Eagle Square, Concord, NH 03301 on Saturdays between 9:00 a.m. – 1:00 p.m. from 11/04/2023 – 04/07/2023 pursuant to RSA 178:24/RSA 179:44, II-a.
- b. Dubai Night Club and Grill LLC, 253 Wilson Street, Manchester, NH 03103. Restaurant, On-Premises, Beverage/Wine/Liquor License #1601103 pursuant to RSA 178:21. Requested a waiver of RSA 178:21, II, a (2) for authorization of extension of hours, to wit, to extend the hours of operation on November 10, 2023, to 1:30 a.m. with glasses off the table at 2:00 a.m. as stated in a memo dated October 27, 2023.
- c. Exit 13 Enterprises LLC DBA Farmers Table Café, 112 Unity Road, Newport, NH 03753. Restaurant, On-Premises, Beverage/Wine/Liquor License #1613003 pursuant to RSA 178:21. Requested to transfer business location, to wit, to transfer the business location from 249 Route 10, Grantham, NH 03753 to 112 Unity Road, Newport, NH 03773 pursuant to RSA 178:29, VIII.
- d. Exit 13 Enterprises LLC DBA Farmers Table Café, 112 Unity Road, Newport, NH 03753. Restaurant, On-Premises, Beverage/Wine/Liquor License #1613003 pursuant to RSA 178:21. Requested approval for a permanent extension of service, to wit, for outside areas, 1st Floor porch with the capacity of 30, 2nd Floor porch with the capacity of 30, and Pavilion with the capacity of 175 pursuant to RSA 178:24/Liq. 404.05.
- e. Pats Peak Skiing LLC DBA Pats Peak, 686 Flanders Road, Henniker, NH 03242. Sports Recreation Facility With Cocktail Lounge License #572105 pursuant to RSA 178:22, V(u)(1). Requested approval for a temporary extension of service, to wit, for an outside area (tent) with the capacity of 353 for 11/05/2023 - 11/06/2023 pursuant to RSA 178:24/Liq. 404.05.
- f. Tongue in Cheek LLC, 3 Reporter Court, North Conway, NH 03860. Restaurant, On-Premises, Beverage/Wine/Liquor License #1674103 pursuant to RSA 178:21. Requested an exception for direct access to another area, a shared bathroom, assessable to other residential apartments and another business pursuant to RSA 179:48, IV.
- g. Windmill Restaurant Inc (The), 172 Loudon Road, Concord, NH 03301. Restaurant, On-Premises, Beverage/Wine/Liquor License #414003 pursuant to RSA 178:21. Requested an exception to opening requirements, to wit, to close the restaurant at 3:00 p.m. on Sundays, Mondays, and Tuesdays each week pursuant to RSA 178:21.

11. PETITIONS RECOMMENDED FOR COMMISSION DENIAL:

None

12. MISCELLANEOUS ITEMS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Lawson's Finest Liquids LLC, 155 Carrol Road, Waitsfield, VT 05673. Beverage Vendor License #86131 pursuant to RSA 178:15. Requests approval of Fayston Barrel Aged with an alcohol content of 12.75% at 60 degrees Fahrenheit by volume pursuant to RSA 175:1, LXIV-aaa.

13. MISCELLANEOUS ITEMS RECOMMENDED FOR COMMISSION DENIAL:

None

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

a. Gorham, NH;

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

None

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

- a. Antrim, NH;
- b. Bennington, NH;
- c. Brookline, NH;
- d. Canaan, NH;
- e. Frankestown, NH;
- f. Greenfield, NH;
- g. Greenville, NH;
- h. Hancock, NH;
- i. Hillsborough, NH;
- j. Manchester, NH;
- k. Moultonborough, NH;
- l. Nashua, NH;
- m. New Boston, NH;
- n. New Ipswich, NH;
- o. Peterborough, NH;
- p. Temple, NH;
- q. Weare, NH;
- r. West Lebanon, NH; and
- s. Wilton, NH

17. ADMINISTRATIVE ACTION ON TOBACCO COMPLIANCE CHECKS RECOMMENDED FOR COMMISSION APPROVAL:

None

18. ADMINISTRATIVE HEARING DECISION PENDING:

None

19. ADMINISTRATIVE HEARING DECISIONS:

603 Bar and Grill, 1087 Elm Street, Manchester, NH 03101.

Cocktail Lounge-Full Service Restaurant License #1559103 pursuant to

RSA 178:22, V(q)/ RSA 178:21, II(a)(1).

Cited for violation of RSA 179:5, I - served alcoholic beverage to a patron who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.

Date of violation: 07/01/2023.

Case #: 23-936-OF.

A Hearing was held on October 24, 2023: Decision dated 11/03/2023:

“Following due consideration of the evidence and the recommended penalty, the presiding officer finds that the assessment of 4 points on the license are appropriate and orders that they be imposed. As to the other terms of

the recommended penalty, the presiding officer notes, as did Investigator Patterson at the hearing, that the standard base penalty for a violation of RSA 179:5 in N.H. Code Admin. Rules Liq 603.01(a)(7) includes a \$500 fine and a three-day suspension. The presiding officer, however, does not find a suspension warranted in these circumstances, given the licensee's history and attempts to mitigate negative consequences from service to the intoxicated individual here. Neither does the presiding officer find that a suspension should be entirely excused. Accordingly, pursuant to the discretion to impose an appropriate penalty considering all circumstances granted by N.H. Code Admin. Rules Liq 603.02, N.H. Code Admin. Rules Liq 603.03, and RSA 179:57, the presiding officer imposes the following penalty in addition to the points noted above: the licensee is fined \$500, payable within 5 days of this order consistent with N.H. Code Admin. Rules Liq 604.01; and a suspension of alcohol service for three days is held in abeyance for 12 months pending no similar violations occurring. For clarity, the licensee is not suspended at this time, but if a new violation occurs within 12 months of the date of this order, the three-day suspension described in this order shall be imposed in addition to any suspension or other penalty that may result from that new violation.

Lastly, the presiding officer understands from Mr. Stevens that the licensee's business may be sold in the near future. The suspension described in this order shall, to the extent the law permits, remain with the licensed business in the event of such sale.

Consistent with N.H. Code Admin. Rules Liq 206.04, any party may petition for a rehearing within 30 calendar days of being notified of this decision."

20. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

None