

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, FEBRUARY 25, 2021

1. **RECOMMENDATION TO ACCEPT THE MINUTES FROM THE COMMISSION MEETING HELD FEBRUARY 18, 2021.**
DEPUTY COMMISSIONER JORDAN ACCEPTED THE MINUTES OF FEBRUARY 18, 2021.

2. **SCHEDULED HEARINGS AT LIQUOR COMMISSION OFFICES, 50 STORRS STREET, CONCORD, NH:**
February 25, 2021 at 9:30 a.m.:
 - a. Whiskey's 20, 20 Old Granite Street, Manchester, NH 03101.
Restaurant, On-Premises, Beverage/Wine/Liquor License #1516403 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:50- Unlawful Purpose.
Cited for violation of Liq. 603.05 – failed to comply with the requirements of a Commission Order issued January 14, 2021.
Dates of violations: January 23, 2021 & January 30, 2021.
Case # 21-65-OF.
March 2, 2021 at 10:00 a.m.
 - b. Dinner Table (The), 121 Old Homestead Highway, Swanzey, NH 03446.
Caterer, Off-Site License #1295634 licensed pursuant to RSA 178:22, V(e).
Cited for violation of RSA 179:32 – purchased beverage from other than a licensed wholesale distributor, manufacturer, brew pub or as provided by law.
Cited for violation of RSA 178:22 - served liquor and beverages to members of the general public while only licensed to serve and sell liquor or beverages to members of a private party – 2 counts.
Cited for violation of RSA 179:32 - purchased supplies of liquor and wine from other than the Commission or as provided by law.
Cited for violation of RSA 179:52 – failed to post the liquor license in a conspicuous place on the premises– 3 counts.
Cited for violation of RSA 179:18 – failed to post age requirement sign – 3 counts.
Cited for violation of RSA 179:50 – allowed the premises to be used for a purpose contrary to law – by violating Governor Christopher Sununu's Emergency Order #52, Exhibit B – Charitable Gaming Guidelines.
Dates of violations: January 19, 2021 & February 11, 12 & 14, 2021.
Case #: 21-101-OF.
March 4, 2021 at 10:30 a.m.:
 - c. Pint Public House, 1111 Elm Street, Manchester, NH 03101.
Restaurant, Full Service With Lounge License #1475403 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.
Date of violation: July 18, 2020.
Case #: 20-294-OF.
LICENSEE FILED AN ASSENTED-TO MOTION TO CONTINUE HEARING; MOTION WAS GRANTED ON DECEMBER 10, 2020.
March 24, 2021 at 10:30 a.m.:
 - d. Cara Irish Pub & Restaurant, 11 Fourth Street, Dover, NH 03820.
Restaurant, Full Service With Lounge License #1440403 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 179:51 - failed to maintain an orderly premise – 2 counts.

Date of violations: February 15, 2020.

Case #: 20-109-OF.

LICENSEE FILED AN ASSENTED-TO MOTION TO CONTINUE THAT WAS GRANTED ON AUGUST 28, 2020.

LICENSEE FILED A 2ND ASSENTED-TO MOTION TO CONTINUE THE HEARING OF OCTOBER 7, 2020; MOTION GRANTED ON SEPTEMBER 30, 2020.

LICENSEE FILED A 3RD ASSENTED-TO MOTION TO CONTINUE THE HEARING OF NOVEMBER 5, 2020; MOTION GRANTED ON NOVEMBER 10, 2020.

DIVISION OF ENFORCEMENT FILED AN ASSENTED-TO MOTION TO CONTINUE ON DECEMBER 4, 2020; MOTION WAS GRANTED; HEARING TO BE RESCHEDULED IN MID-JANUARY, 2021.

3. NOTIFICATION OF DISCIPLINARY ACTION:

Opus Lounge, 14 West Hollis Street, Nashua, NH 03060.

Restaurant, On-Premises, Beverage/Wine/Liquor License #1593703 licensed pursuant to RSA 178:21.

Cited for violation of RSA 179:27 – restrictions on serving and congregating of patrons.

Cited for violation of RSA 179:50 – allowed the premises to be used for a purpose contrary to law.

Date of violations: January 16, 2020 through January 17, 2021.

Case #: 21-7-OF.

THE DIVISION OF ENFORCEMENT FILED A MOTION TO CONTINUE; MOTION WAS GRANTED ON JANUARY 26, 2021.

1. The licensee shall remain in compliance with RSA 178:21 On Premise Beverage and Liquor License – Full Service Restaurant to include:
 - a. Licensee may sell beverages, specialty beverages, and liquor at tables in the approved dining rooms of the restaurant with or without meals when the restaurant kitchen is in operation and meals are being actively promoted and served in that dining room.
 - b. The dining room shall not, however, be used as a substitute for lounge operations.
 - c. At least 50 percent of gross sales shall fall within the category of food. Restaurants with annual food sales of at least \$75,000 shall be exempt from the 50 percent requirement.
 - d. The restaurant shall be open 5 nights a week for evening meals.
 - e. The licensee shall remain in compliance with RSA 175:1 LIX. - "Restaurant" means a space, in a suitable or permanent building, kept, used, maintained, advertised and held out to the public to be a place where meals are regularly served. The licensee shall keep the establishment open to the public, and the door remained unlocked, while patrons are consuming, and the establishment is serving liquor or beverage on the premise.
2. The restaurant shall be limited to a maximum capacity of 25 patrons, and the lounge shall be limited to a maximum capacity of 25 patrons. Capacity may be affected to maintain the appropriate social distancing guidelines.
3. Effective immediately, on Saturday nights, the licensee is required to obtain a Nashua Police Detail unless waived by the Nashua Chief of Police or his designee. After a period of 30 days, approval from the Nashua Police Department and the Division of Enforcement, the Nashua Police Detail requirement will be lifted.
4. The licensee is required to comply with Emergency Order #52 - Exhibit B guidelines and all applicable Emergency Orders as issued by Governor Christopher Sununu.
5. The licensee shall remain in compliance with RSA 179:27 Restrictions on Serving and Congregating of Patrons to include but not limited to preventing the self-service of liquor or beverages on the premise.
6. Upon the Division receiving and/or observing information or circumstances that demonstrates the licensee is not in compliance with all Emergency Order #52 - Exhibit B guidelines and/or any other applicable Emergency Orders, or is in violation of this order, the hours of sale and service of beverages and liquor will be reduced to 6:00 a.m. - 9:00 p.m. immediately throughout the entire premises upon written notification from the Division, and will remain in effect until such case is adjudicated.
7. This settlement constitutes the complete agreement between and among the Parties and supersedes any and all other written or oral communications or agreements related thereto.
8. This agreement will remain in effect until such time the Emergency Orders expire.

COMMISSION ACKNOWLEDGED.

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

None

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Alpha Mart NH Corp. DBA 1 Vape, 904 South Willow Street, Unit #3, Manchester, NH 03103.
To be issued Retail Tobacco License #155817 pursuant to RSA 178:19-a.
30-Day Temporary License issued 2/17/2021.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- b. AR Tobacco NH LLC DBA Raja's Smoke Shack, 11 Manchester Road, Derry, NH 03038.
To be issued Retail Tobacco License #154017 pursuant to RSA 178:19-a.
30-Day Temporary License issued 2/19/2021.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- c. Bevovations LLC DBA New England Apple Products, 320 Industrial Road, Leominster, MA 01453.
To be issued Beverage Vendor License #107931 pursuant to RSA 178:15.
Manufacturer: New England Apple Products.
30-Day Temporary License issued 2/22/2021.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- d. Corner Point Brewing Company LLC, 1 Sullivan Square, Berwick, ME 03901.
To be issued Beverage Vendor License #106131 pursuant to RSA 178:15.
Manufacturer: Corner Point Brewing Company.
30-Day Temporary License issued 2/18/2021.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- e. Elm House of Pizza LLC, 102 Elm Street, Manchester, NH 03101.
To be issued Restaurant, Full Service With Lounge License #1613503 pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
30-Day Temporary License issued 2/23/2021.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- f. Lime Ventures, Inc., 3951 Industrial Way, Suite D, Concord, CA 94520.
To be issued Beverage Vendor License #108331 pursuant to RSA 178:15.
Manufacturer: Braserie Cantillon.
30-Day Temporary License issued 2/22/2021.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- g. Roedel Partners of Manchester LLC DBA Hilton Garden Inn, 101 Commercial Street, Manchester, NH 03101.
To be issued Combination Conditional License #3401547 and Restaurant, Full Service With Lounge License #1311903 pursuant to RSA 178:17-a.
30-Day Temporary License issued 2/22/2021.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- h. Snackshot Catering LLC, 158 Deering Center Road, Weare, NH 03281.
To be issued Caterer, On-Site License #1295934 pursuant to RSA 178:22, V(e).
30-Day Temporary License issued 2/18/2021.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- i. Wild Orchid Enterprises LLC, 369-373 South Broadway, Salem, NH 03079.
To be issued Retail Tobacco License #153117 pursuant to RSA 178:19-a.
30-Day Temporary License issued 2/19/2021.
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 FEBRUARY 19, 2021: 1,318

- a. Anthill Farms LLC DBA Anthill Farms Winery,
4791 Dry Creek Road, Building 3-4, Healdsburg, CA 95448.
To be issued Direct Shipper, Wine Manufacturer Permit pursuant to RSA 178:27.
(Winery)
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. Breuckelen Distilling Company, Inc., 77 19th Street, Brooklyn, NY 11232.
To be issued Direct Shipper, Retailer Permit pursuant to RSA 178:27.
(Retailer)
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. Celebration Cellars LLC DBA Miramonte Winery,
33410 Rancho California Road, Temecula, CA 92591.
To be issued Direct Shipper, Wine Manufacturer Permit pursuant to RSA 178:27.
(Winery)
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- d. Saint Lawrence Spirits LLC, 38289 Route 12E, Clayton, NY 13624.
To be issued Direct Shipper, Retailer Permit pursuant to RSA 178:27.
(Retailer)
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

8. **DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:**

None

9. **NOTIFICATION OF APPROVED PETITIONS:**

- a. Averill House Vineyard, 21 Averill Road, Brookline, NH 03033.
Wine Manufacturer License #566730 licensed pursuant to RSA 178:8.
Requested approval for authorization of other areas for retail sales and tastings at farmers' market, to wit, Milford Farmers' Market, 300 Elm Street, Milford, NH 03055 on Saturdays between 10:00 a.m. and 1:00 p.m. from 5/8/2021 through 10/9/2021 pursuant to RSA 178:24/RSA 179:44, II-a.
COMMISSION ACKNOWLEDGED.
- b. Pup's Cider Company LLC, 193 East Road, Greenfield, NH 03047.
Beverage Manufacturer License #288918 licensed pursuant to RSA 178:12.
Requested approval for authorization of other areas for retail sales at farmers' market, to wit, Frankestown Farmers' Market, Frankestown Horse Sheds, 2 New Boston Road, Frankestown, NH 03047 on Fridays between 4:00 p.m. and 7:00 p.m. from 4/2/2021 through 10/22/2021 pursuant to RSA 178:24/RSA 179:44, II-a.
COMMISSION ACKNOWLEDGED.
- c. Rockingham Brewing Company, 1 Corporate Park Drive #1, Derry, NH 03038.
Nano Brewery, Beer and/or Specialty Beer License #202222 licensed pursuant to RSA 178:12-a.
Requested approval for extension of service, to wit, to change the seating from a capacity of 70 to 122 pursuant to RSA 178:24/Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- d. Samalis, Debbie DBA Wildwood Smokehouse, 45 Main Street, Sunapee, NH 03782. To be issued Restaurant, On-Premises, Beverage/Wine/Liquor License #1466003 pursuant to RSA 178:21. Requested approval for authorization of other area, to wit, an outside area with a capacity of 20 pursuant to RSA 178:24/Liq. 404.05.
COMMISSION ACKNOWLEDGED.

10. PETITIONS RECOMMENDED FOR COMMISSION DENIAL:

None

11. TABLED ITEMS:

None

12. MISCELLANEOUS ITEMS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Anheuser-Busch, One Busch Place, St. Louis, MO 63118. Beverage Vendor License #4631 licensed pursuant to RSA 178:15. Requests approval of Devil's Backbone Lemonade Smash that has an alcohol content of 7.5% at 60 degrees Fahrenheit by volume and Devil's Backbone Grapefruit Smash that has an alcohol content of 7.5% at 60 degrees Fahrenheit by volume pursuant to RSA 175:1, LXIV-aaa; samples provided.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- b. Foundation Brewing Company, 1 Industrial Way, Suite #5, Portland, ME 04103. Beverage Vendor License #91331 licensed pursuant to RSA 178:15. Requests approval of Pie Anyone? Key Lime Pie Beer with an alcohol content of 6.5% 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.
- c. Mark Anthony Brands, Inc. DBA Mike's Hard Lemonade Co., 328 South Jefferson Street, Chicago, IL 60661. Beverage Vendor License #29131 licensed pursuant to RSA 178:15. Requests approval of Mike's Harder Pineapple Mandarin with an alcohol content of 8% 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.
- d. Shacksbury LLC, 11 Main Street, Vergennes, VT 05491. Beverage Vendor License #85731 licensed pursuant to RSA 178:15. Requests approval of Champlain with an alcohol content of 7.4% 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:

- a. It's Good Imports LLC, 150 Pilgrim Park Road, Waterbury, VT 05676. Beverage Vendor License #101731 licensed pursuant to RSA 178:15. Requests approval of Mornin' Quickie Sour Ale with an alcohol content of 6.5% at 60 degrees Fahrenheit by volume and Netfinch and Chill O.F. Phone Home Sour Ale with an alcohol content of 7.0% at 60 degrees Fahrenheit by volume pursuant to RSA 175:1, VIII; labels attached.
Recommendation for denial of these products pursuant to RSA 179:31, VII(b) as the labels are reasonably likely to induce consumption by minors.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THE RECOMMENDATION; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

- b. Twelve Percent LLC, 341 State Street, North Haven, CT 06473.
Beverage Vendor License #100031 licensed pursuant to RSA 178:15.
Requests approval of Fat Orange Cat Dazed & Confused Teenage Kittens with an alcohol content of 7.1% at 60 degrees Fahrenheit by volume pursuant to RSA 175:1, LXIV-aaa; labels attached.
Recommendation for denial of this product pursuant to RSA 179:31, VII(b) as the label is reasonably likely to induce consumption by minors.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THE RECOMMENDATION; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

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

Allenstown, NH;
Chichester, NH;
Concord, NH;
Dover, NH;
Durham, NH;
Epsom, NH;
Farmington, NH;
Hampstead, NH;
Hooksett, NH;
Laconia, NH;
Merrimack, NH;
Pembroke, NH;
Salem, NH; and
Wakefield, NH.

COMMISSION ACKNOWLEDGED.

15. NOTIFICATION OF COMPLIANCE CHECKS:

ALCOHOL COMPLIANCE CHECKS –

Bedford, NH:

- a. Heavens Food Mart, 381 Boynton Street, Bedford, NH 03110.
Combination, Off-Premises, Beverage/Wine/Tobacco License #3275047 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: October 22, 2020.
Case #: 20-436-OF.
Verbal warning, four (4) points assessed to the liquor license and mandatory completion of a Management Training Seminar (MTS) by a manager within ninety (90) days from the date of the violation.
COMMISSION ACKNOWLEDGED.
- b. Mac's Convenience Store, 8 White Avenue, Bedford, NH 03110.
Combination, Off-Premises, Beverage/Wine/Tobacco License #3228147 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: October 22, 2020.
Case #: 20-436-OF.
Verbal warning, four (4) points assessed to the liquor license and mandatory completion of a Management Training Seminar (MTS) by a manager within ninety (90) days from the date of the violation.
COMMISSION ACKNOWLEDGED.

- c. Rite Aid 10279, 1 South River Road, Bedford, NH 03110.
Combination, Off-Premises, Beverage/Wine/Tobacco License #3094747 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: October 22, 2020.
Case #: 20-436-OF.
Verbal warning, four (4) points assessed to the liquor license and mandatory completion of a Management Training Seminar (MTS) by a manager within ninety (90) days from the date of the violation.
COMMISSION ACKNOWLEDGED.
- d. Taipei & Tokyo Chinese & Japanese Restaurant, 7 Colby Court, Bedford, NH 03110.
Restaurant, On-Premises, Beverage/Wine/Liquor License #1055603 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: October 22, 2020.
Case #: 20-436-OF.
Verbal warning, four (4) points assessed to the liquor license and mandatory completion of a Management Training Seminar (MTS) by a manager within ninety (90) days from the date of the violation.
COMMISSION ACKNOWLEDGED.
- e. Trader Joe's 562, 2 Market Street, Bedford, NH 03110.
Combination, Off-Premises, Beverage/Wine/Tobacco License #3381447 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:5, I - served or sold alcoholic beverage to a minor during a compliance check.
Date of violation: October 22, 2020.
Case #: 20-436-OF.
Verbal warning, four (4) points assessed to the liquor license and mandatory completion of a Management Training Seminar (MTS) by a manager within ninety (90) days from the date of the violation.
COMMISSION ACKNOWLEDGED.

TOBACCO COMPLIANCE CHECKS –

Newport & Claremont, NH:

- a. Claremont Mobil, 247 Main Street, Claremont, NH 03747.
Combination, Off-Premises, Beverage/Wine/Tobacco License #3315547 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: October 6, 2020.
Case #: 20-311-OF.
Verbal warning and mandatory completion of a Management Training Seminar (MTS) by a manager within ninety (90) days from the date of the violation.
COMMISSION ACKNOWLEDGED.
- b. Shop Express 2, 27 Sunapee Street, Newport, NH 03773.
Combination, Off-Premises, Beverage/Wine/Tobacco License #3146247 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 21, 2020.
Case #: 20-311-OF.
Verbal warning and mandatory completion of a Management Training Seminar (MTS) by a manager 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:**

None