

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, JANUARY 27, 2022

1. **RECOMMENDATION TO ACCEPT THE MINUTES FROM THE COMMISSION MEETING HELD JANUARY 20, 2022.**
DEPUTY COMMISSIONER JORDAN MOVED TO ACCEPT THE MINUTES OF JANUARY 20, 2022; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
2. **SCHEDULED HEARING AT LIQUOR COMMISSION OFFICES, 50 STORRS STREET, CONCORD, NH:**

January 28, 2022 at 1:30 p.m.: EMERGENCY HEARING

Happy Crab, 369 South Broadway, Salem, NH 03079.
Restaurant, On-Premises, Beverage/Wine/Liquor License #1613903 licensed pursuant to RSA 178:21.
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 – 2 counts.
Cited for violation of RSA 179:5, I – Aggravated – served or sold alcoholic beverage to an individual who was under the age of twenty-one – 2 counts.
Cited for violation of RSA 179:8 – Aggravated – failed to require the purchaser whose age was in question to furnish identification that such person was 21 years of age – 2 counts.
Cited for violation of RSA 179:20 – allowed an employee to consume alcoholic beverage while working.
Cited for violation of RSA 179:50 – allowed the premises to be used for a purpose contrary to law.
Case #: 21-595-OF.

February 1, 2022 at 10:00 a.m. - VIA ZOOM:

Black Bear Tavern, 151 Main Street, Colebrook, NH 03576.
Hotel, Full Service With Lounge License #368802 licensed pursuant to RSA 178:21, II(b)(1)/RSA 178:22, V(k).
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.
Cited for violation of RSA 179:5, I – Aggravated – served or sold alcoholic beverage to an individual who was under the age of twenty-one.
Cited for violation of RSA 179:8 – failed to require the purchaser whose age was in question to furnish identification that such person was 21 years of age.
Date of violations: 9/17/2021.
Case #: 21-495-OF.

REQUEST FOR HEARING TO BE CONTINUED AND GRANTED ON 1/20/2022; HEARING RESCHEDULED AS A SENTENCING HEARING ON 2/1/2022 AT 10:00 A.M.

March 2, 2022 at 2:30 p.m.

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 179:5, 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 179:27 – allowed patrons to self-serve alcohol beverages.
Cited for violation of RSA 179:50 – allowed patrons to smoke hookah devices on the premises – 2 counts.
Dates of violation: 1/25/2021, 5/7/ 2021 & 10/30/2021.
Case #s: 21-57-OF, 21-258-OF & 21-575-OF.
THE DIVISION OF ENFORCEMENT REQUESTED AND WAS GRANTED A CONTINUANCE ON 11/29/2021; THE HEARING HAS BEEN RESCHEDULED FOR 1/12/2021 AT 1:00 P.M.
THE LICENSEE REQUESTED AND WAS GRANTED A CONTINUANCE ON 1/10/2022. RESCHEDULED TO 1/26/2022 AT 2:00 P.M.
THE DIVISION OF ENFORCEMENT REQUESTED AND WAS GRANTED A CONTINUANCE ON 1/25/2022. RESCHEDULED TO 3/2/2022 AT 2:30 P.M.

Date to be determined:

7-Eleven, 670 Center Street, Wolfeboro Falls, NH 03896.

Combination, Off-Premises, Beverage/Wine/Tobacco License #3198147 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 under the age of twenty-one – 2 counts.

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 – 3 counts.

Date of violations: 1/27/2021.

Case #: 21-94-OF.

COUNSEL FOR WASSIM DAABOUL REQUESTED AND WAS GRANTED A CONTINUANCE ON 12/28/2021; NEW HEARING DATE TO BE DETERMINED.

3. NOTIFICATION OF ADMINISTRATIVE ACTION PER SETTLEMENT AGREEMENT:

Exit 3 Travel Stop, 1166 Greenland Road, Portsmouth, NH 03801.

Combination, Off-Premises, Beverage/Wine/Tobacco License #3376447 licensed pursuant to RSA 178:18/RSA 126-K:4.

Cited for violation of Liq. 603.05 – failed to comply with the requirements of a Commission order.

Date of violation: 6/23/2021.

Case #: 21-326-OF.

\$2,000 administrative fine with \$1,000 suspended for twelve (12) months pending no like violation and the license to sell alcohol shall be suspended for thirty (30) days held in abeyance for twelve (12) months pending no like violation.

COMMISSION ACKNOWLEDGED.

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

a. 603 Bar & Grill, 1087 Elm Street, Manchester, NH 03101.

Restaurant, Full Service With Lounge License #1508903 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).

Cited for violation of RSA 179:27, II - served or allowed consumption of alcoholic beverage in an area not approved by the Commission.

Date of violation: 11/25/2021.

Case #: 21-615-OF.

\$250 administrative fine paid.

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

b. Lot 18/Tasting Room, 2545 Napa Valley Corporate Drive, Suite C, Napa, CA 94558.

Direct Shipper Permit #8246333 licensed pursuant to RSA 178:27.

Cited for violation of RSA 178:27, V – failed to file a Direct Shipper Report and pay fees by the 15th of the following month for the months of June, 2020 through May, 2021.

Date of violation: 7/1/2021.

Case #: 21-332-OF.

\$250 administrative fine paid.

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

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Austin Street Brewery LLC, 1 Industrial Way, Unit #8, Portland, ME 04103.
To be issued Beverage Vendor License #114031 pursuant to RSA 178:15.
Manufacturer: Austin Street Brewery LLC.
30-Day Temporary License issued 1/14/2022.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. Beliveau, Lucas DBA Rocky's Taqueria, 26 Opera House Square, Claremont, NH 03743.
To be issued Restaurant, On-Premises, Beverage & Wine License #1637303 pursuant to RSA 178:20.
30-Day Temporary License issued 1/24/2022.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. Intercontinental Packaging Company DBA Prestige Beverage Group,
24 Stauffer Industrial Park, Bldg. DC#6, Taylor, PA 18517.
To be issued Beverage Vendor License #115731 pursuant to RSA 178:15.
Manufacturer: Associated Brewing Co.
30-Day Temporary License issued 1/20/2022.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- d. NH Trooper's Foundation at Grappone Conference Center,
70 Constitution Avenue, Concord, NH 03301.
To be issued Special Auction License #14442 for 2/4/2022 pursuant to RSA 178:17.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- e. Redwood Manor LLC DBA Sonny's Tavern, 328 Central Avenue, Dover, NH 03820.
To be issued Caterer, Off-Site License #1299534 pursuant to RSA 178:22, V(e).
30-Day Temporary License issued 1/21/2022.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA 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 JANUARY 21, 2022: 1,378

Cordelina Wine Company LLC, 5027 Caviar Court, Fair Oaks, CA 95628.
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. Fody's Tavern, 187 ½ Rockingham Road, Derry, NH 03038.
Restaurant, On-Premises, Beverage/Wine/Liquor License #1580703 licensed pursuant to RSA 178:21.

Requested approval for extension of service, to wit, an outside, tented area with a capacity of 1,000 on 1/28 – 29/2022 pursuant to RSA 178:24/Liq. 404.05.

COMMISSION ACKNOWLEDGED.

- b. Garrison City Beerworks, 455 Central Avenue, Dover, NH 03820.
Nano Brewery, Beer and/or Specialty Beer License #202022 licensed pursuant to RSA 178:12-a.
Requested approval for extension of service, to wit, for additional seating not to exceed a capacity of 161 pursuant to RSA 178:24/Liq. 404.05.

COMMISSION ACKNOWLEDGED.

- c. Tempesta's, 401 Winchester Street, Keene, NH 03431.
Restaurant, On-Premises, Beverage & Wine License #1620203 licensed pursuant to RSA 178:20.
Requested approval for extension of service, to wit, an outside patio area with a capacity of 50 seats 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. 603 Brewery LLC, 42 Main Street, Londonderry, NH 03053.
Beverage Manufacturer License #293518 licensed pursuant to RSA 178:12.
Requests approval of 603 Barleywine that has an alcohol content of 12.7% at 60 degrees Fahrenheit by volume pursuant to RSA 175:1, LXIV-a; sample provided.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. Labatt USA Operating Co. LLC 79 Perry Street, Suite #200, Buffalo, NY 14203.
Beverage Vendor License #50131 licensed pursuant to RSA 178:15.
Requests approval of Seagram's Escapes Spiked Mango Ginger & Lime and Seagram's Escapes Spiked Passionfruit Lime & Salt, each with an alcohol content of 8% at 60 degrees Fahrenheit by volume pursuant to RSA 175:1, VIII; samples provided.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. New Belgium Brewing Company, 500 Linden Street, Fort Collins, CO 80524.
Beverage Vendor License #81531 licensed pursuant to RSA 178:15.
Requests approval of Fruit Smash Super Hard Seltzer Cherry Lime Chill, Fruit Smash Super Hard Seltzer Pineapple Punch and Fruit Smash Super Hard Seltzer Wild Watermelon, each with an alcohol content of 8% at 60 degrees Fahrenheit by volume pursuant to RSA 175:1, VIII; samples provided.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA 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. **ADMINISTRATIVE ACTION ON COMPLIANCE CHECKS RECOMMENDED FOR COMMISSION APPROVAL:**

Alcohol Compliance Checks –

Bedford, NH:

Circle K 7263, 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: 5/6/2021.

Case #: 21-240-OF.

\$500 administrative fine.

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

16. **ADMINISTRATIVE HEARING DECISION PENDING:**

None

17. **ADMINISTRATIVE HEARING DECISION:**

None

18. **MISCELLANEOUS ITEMS FOR INFORMATION ONLY:**

a. Laura Mahoney Autism and Epilepsy Foundation, 1014 Eaton Road, Madison, NH 03849. Issued Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #633141 for 1/29 – 30/2022 pursuant to RSA 178:22, V(I).

COMMISSION ACKNOWLEDGED.

b. Manchester Harley-Davidson, 115 John E. Devine Drive, Manchester, NH 03103. Issued Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liquor License #633341 on 2/12/2022, #633441 on 2/19/2022, #633541 on 2/20/2022, #633641 on 2/24/2022 and #633741 on 2/28/2022 pursuant to RSA 178:22, V(I).

COMMISSION ACKNOWLEDGED.