

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, FEBRUARY 17, 2022

1. RECOMMENDATION TO ACCEPT THE MINUTES FROM THE COMMISSION MEETING HELD FEBRUARY 10, 2022.

CHAIRMAN MOLLICA ACCEPTED THE MINUTES OF FEBRUARY 10, 2022.

2. SCHEDULED HEARING AT LIQUOR COMMISSION OFFICES, 50 STORRS STREET, CONCORD, NH:

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 #: 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:

a. Dubai Night Club & Grill, 253 Wilson Street, Manchester, NH 03101.

Restaurant, Full Service With Lounge License #1601103 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).

Cited for violation of RSA 179:27 - allowed patrons to self-serve alcoholic beverages.

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

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

Date of violations: 12-4-2021.

Case #: 21-626-OF.

For violation of Liq. 603.05, a \$250 administrative fine to come forward from a violation adjudicated on June 23, 2021, for violation of RSA 179:27, an administrative fine of \$250 and the licensee shall remain in compliance with the provisions of RSA 179:27 including but not limited to prohibiting the

self-service of alcoholic beverages/liquor; for violation of RSA 179:50, an administrative fine of \$250 and the licensee shall remain in compliance with the provisions of RSA 179:50 including but not limited to prohibiting the use of hookah on the premises.

COMMISSION ACKNOWLEDGED.

- b. 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 by possessing or selling counterfeit tobacco products.
Date of violations: 11/10/2021.
Case #: 21-595-OF.
A MOTION TO CONTINUE WAS FILED BY THE LICENSEE AND GRANTED ON FEBRUARY 3, 2022; HEARING CONTINUED UNTIL FEBRUARY 11, 2022 AT 10:00 A.M.
For violation of RSA 179:5, I relative to Administrative Notice #5739, an administrative fine of \$2,500, 4 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 shall be suspended for ten (10) days commencing February 11, 2022, the Licensee shall furnish sufficient security for liquor liability of the licensee of \$300,000 for all persons per incident and provide an Insurance Binder or Declaration of Coverage to the Division of Enforcement & Licensing within thirty (30) days from the date of this fully executed agreement and yearly at the time of license renewal, Jian Nui Lin shall attend a Management Training Seminar (MTS) in a classroom within thirty (30) days from the date of the fully executed agreement and Jian Nui Lin shall complete a Total Education in Alcohol Management (TEAM) seminar online within thirty (30) days from the date of the fully executed agreement.
For violation of RSA 179:5, I relative to Administrative Notice #6576, an administrative fine of \$2,500, 4 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 shall be suspended for ten (10) days commencing February 21, 2022.
For violation of RSA 179:5, I relative to Administrative Notice #5738, an administrative fine of \$2,500, 4 points shall be assessed to and remain on the liquor license for twelve (12) calendar months commencing the date of adjudication and the license to serve, consume or possess alcohol shall be suspended for ten (10) days commencing March 3, 2022.
For violation of RSA 179:5, I relative to Administrative Notice #6020, an administrative fine of \$2,500, 4 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 shall be suspended for ten (10) days commencing March 13, 2022 and re-granted on March 23, 2022.
For violation of RSA 179:8 relative to Administrative Notice #5740, an administrative fine of \$100.
For violation of RSA 179:8 relative to Administrative Notice #5741, an administrative fine of \$100.
For violation of RSA 179:20 relative to Administrative Notice #5743, an administrative fine of \$250.
For violation of RSA 179:50 relative to Administrative Notice #6575, an administrative fine of \$250.

COMMISSION ACKNOWLEDGED.

- c. L Street Tavern, 17 L Street, Hampton, NH 03842.
Restaurant, On-Premises, Beverage/Wine/Liquor License #1594703 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.
Date of violation: 1/6/2021.
Case #: 21-10-OF.
An administrative fine of \$500, 4 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 shall be suspended for three (3) days commencing February 21, 2022 and re-granted on February 24, 2022 and Sydney Flickinger and Justine Barnes shall complete a Total Education in Alcohol Management (TEAM) seminar online within thirty (30) days from the date of the fully signed agreement.

COMMISSION ACKNOWLEDGED.

- d. Smokers Lane of NH, 492B South Broadway, Salem, NH 03079.
Retail Tobacco License #153917 licensed pursuant to RSA 178:19-a.
Cited for violation of RSA 179:50 –allowed the premises to be used for a purpose contrary to law by possessing or selling counterfeit tobacco products.
Cited for violation of Liq. 1003.01 –failed to sell tobacco products, e-cigarettes and liquid nicotine in the original packaging as provided by the manufacturer and bearing all federally required warnings.
Cited for violation of Liq. 1004.01 –failed to abide by all federal laws, regulations and rules governing the sale, packaging, distribution and advertising of tobacco products, e-cigarettes and liquid nicotine.
Date of violations: 9/18/2020.
Case #: 20-370-OF.
For violation of RSA 179:50, a \$250 administrative fine; for violation of Liq. 1003.01, a \$100 administrative fine; and for violation of Liq. 1004.01, a \$100 administrative fine.
COMMISSION ACKNOWLEDGED.

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

- a. 603 Bar and 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 179:51 – failed to maintain an orderly premise.
Date of violation: 9/11/2021.
Case #: 21-500-OF.
\$250 administrative fine.
**DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA
SECONDED THE MOTION; THE MOTION PASSED.**
- b. American Beverage, 1 Daily Way, Verona, PA 15147.
Beverage Vendor License #37331 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: 1/28/2022.
Case #: 22-81-OF.
Warning.
**DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA
SECONDED THE MOTION; THE MOTION PASSED.**
- c. American Legion, 32 Harriman Hill Road, Raymond, NH 03077.
Veterans Club License #394939 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) – failed to file a financial statement by the 15th of the
following month.
Date of violation: 2/3/2022.
Case #: 22-59-OF.
\$100 administrative fine.
**DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA
SECONDED THE MOTION; THE MOTION PASSED.**
- d. Breezeway Pub, 14 Pearl Street, Manchester, NH 03104.
Restaurant, Full Service With Lounge License #1175103 licensed pursuant to
RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:50 – allowed the premises to be used for a purpose contrary to law.
Date of violation: 9/18/2021.
Case #: 21-493-OF.
\$250 administrative fine.
**DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA
SECONDED THE MOTION; THE MOTION PASSED.**

- e. Guyer-Carignan American Legion Post #22, 189 Mechanic Street, Lebanon, NH 03766.
Veterans Club License #25239 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) – failed to file financial statement by the 15th of the following month.
Date of violation: 2/2/2022.
Case #: 22-61-OF.
Warning.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- f. Mont Royal Club, 594 Somerville Street, Manchester, NH 03103.
Social Club License #12301 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) – failed to file a financial statement by the 15th of the following month.
Date of violation: 2/3/2022.
Case #: 22-60-OF.
Warning.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- g. San Antonio Winery, 737 Lamar Street, Los Angeles, CA 90031.
Beverage Vendor License #58331 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: 1/28/2022.
Case #: 22-42-OF.
\$100 administrative fine.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- h. VFW Keene Post #799, 459 Winchester Street, Keene, NH 03431.
Veterans Club License #30939 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) – failed to file a financial statement by the 15th of the following month.
Date of violation: 2/2/2022.
Case #: 22-62-OF.
Warning.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Bistro 19 LLC, 24 Kingswood Road, Wolfeboro, NH 03894.
To be issued Restaurant, On-Premises, Beverage/Wine/Liquor License #1637203 pursuant to RSA 178:21.
90-Day Temporary License issued 2/15/2022.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. Burgers Etc. LLC DBA Stroll Café, 837 State Street, Portsmouth, NH 03801.
To be issued Restaurant, On-Premises, Beverage & Wine License #1635803 pursuant to RSA 178:20.
30-Day Temporary License issued 2/14/2022.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- c. Covenant Living of Keene, 95 Wyman Road, Keene, NH 03431.
To be issued Restaurant, On-Premises, Beverage/Wine/Liquor License #1638703 pursuant to RSA 178:21.
90-Day Temporary License issued 2/15/2022.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.

- d. D&V International, Inc. 147 Barcelona Drive, Jupiter, FL 116231.
To be issued Beverage Vendor License #33458 pursuant to RSA 178:15.
Manufacturer: Brouweru Giraroin.
30-Day Temporary License issued 2/14/2022.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- e. Hump LLC DBA Trax Club, 82 Main Street, Keene, NH 03431.
To be issued Restaurant, On-Premises, Beverage & Wine License #1640503 pursuant to RSA 178:20.
90-Day Temporary License issued 2/10/2022.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- f. Rochester Hospitality LLC DBA Holiday Inn Express & Suites, 77 Farmington Road, Rochester, NH 03867.
To be issued Retail Wine License #3168146 pursuant to RSA 178:19.
30-Day Temporary License issued 2/10/2022.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- g. Stonebridge CC Holding LLC DBA Stonebridge Country Club, 161 Gorham Pond Road, Goffstown, NH 03045.
To be issued Sports Recreation Facility License #6023905 pursuant to RSA 178:22, V(u)(1).
90-Day Temporary License issued 2/10/2022.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- h. Sugarlands Distilling Company LLC, 805 Parkway, Gatlinburg, TN 37738.
To be issued Beverage Vendor License #116531 pursuant to RSA 178:15.
Manufacturer: Sugarlands Distilling Company.
30-Day Temporary License issued 2/10/2022.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- i. Tuk Tuk Thai Cuisine LLC, 12 Main Street, West Lebanon, NH 03784.
To be issued Restaurant, On-Premises, Beverage/Wine/Liquor License #1631003 pursuant to RSA 178:21.
90-Day Temporary License issued 2/8/2022.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- j. Twelve Percent LLC, 341 State Street, North Haven, CT 06473.
To be issued Beverage Vendor License #116831 pursuant to RSA 178:15.
Manufacturer: Twelve Percent.
30-Day Temporary License issued 2/8/2022.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- k. Twelve Percent LLC, 560 South Third Avenue, Mount Vernon, NY 10550.
To be issued Beverage Vendor License #116931 pursuant to RSA 178:15.
Manufacturer: Twelve Percent.
30-Day Temporary License issued 2/9/2022.
DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- l. Twelve Percent LLC, 560 South Third Avenue, Mount Vernon, NY 10550.
To be issued Beverage Vendor License #117031 pursuant to RSA 178:15.
Manufacturer: Twelve Percent.
30-Day Temporary License issued 2/9/2022.
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 11, 2022: 1,380

- a. Pour Management LLC DBA Pour Management,
2443 Fillmore Street #380-6567, San Francisco, CA 94115.
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.
- b. Spritz Bev., Inc. DBA Spritz Bev., 21945 Carneros Lake Lane, Unit #1, Sonoma, CA 95476.
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.

8. DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

9. NOTIFICATION OF APPROVED PETITIONS:

- a. Stonebridge Country Club, 161 Gorham Pond Road, Goffstown, NH 03045.
Sports Recreation Facility License #6023905 licensed pursuant to RSA 178:22, V(u)(1).
Requested approval for authorization of other area, to wit, two golf carts for mobile service pursuant to RSA 178:24/Liq. 404.05/Liq. 509.01(a-f).
COMMISSION ACKNOWLEDGED.
- b. Stonebridge Country Club, 161 Gorham Pond Road, Goffstown, NH 03045.
Sports Recreation Facility License #6023905 licensed pursuant to RSA 178:22, V(u)(1).
Requested approval for extension of service, to wit, an outdoor deck with a capacity of 40 and a tented event area with a capacity of 200 pursuant to RSA 178:24/Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. Thirty Trails Café, 39 Grafton Turnpike, Lyme Center, NH 03769.
Restaurant, On-Premises, Beverage/Wine/Liquor License #1600703 licensed pursuant to RSA 178:21.
Requested approval for an outside area, to wit, an outside area with a capacity of 100 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. Boston Beer Company, One Design Center Place, Boston, MA.
Beverage Vendor License #29731 licensed pursuant to RSA 178:15.
Requests approval of Truly Extra Hard Seltzer Pineapple Orange Punch 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 MOLLIKA SECONDED THE MOTION; THE MOTION PASSED.
- b. Stowe Cider, 17 Town Farm Lane, Stowe, VT.
Beverage Vendor License #86231 licensed pursuant to RSA 178:15.
Requests approval of Brain Waves Sucker Punch Hard Cider with an alcohol content of 6.9% at 60 degrees Fahrenheit by volume, Puff Puff Pineapple Dry Hard Cider with an alcohol content of 6.5% at 60 degrees Fahrenheit by volume and Vermont Grown Single Orchard Blend Hard Cider with an alcohol content of 6.5% 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. United States Beverage LLC, 700 Canal Street, Stamford, CT.
Beverage Vendor License #102731 licensed pursuant to RSA 178:15.
Requests approval of 1911 Pink Grapefruit Hard Cider and 1911 Sour Blackberry Hard Cider, each with an alcohol content of 6.81% 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:

Littleton, NH; and
Plymouth, NH.

COMMISSION ACKNOWLEDGED.

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

None

16. ADMINISTRATIVE HEARING DECISION PENDING:

None

17. ADMINISTRATIVE HEARING DECISION:

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.
A SENTENCING HEARING WAS HELD ON 2/1/2022; DECISION WILL BE RENDERED WITHIN 15 DAYS.

DISCUSSION - DISPOSITION:

There is no dispute that aggravated violations of 179:5, I occurred on September 17, 2021 at the Black Bear Tavern. The incident, in which John Kenny, a 57-year-old experienced bartender/server did not ask for identification of a 19-year-old man and egregious and a complete deviation of Title XIII and all laws and rules associated with it. These violations, among other factors, resulted in the death of this young man. This is nothing short of tragic. Pursuant to 601.03 and 603.03, the Division of Enforcement is both justified and required to seek the penalty of a 10-day suspension of the liquor license and a \$2,500 fine for each violation of RSA 179:5. Liq. Rule 603.03 states these penalties shall be imposed for a violation resulting in the death of a person.

Although the licensee has made no admissions, they do not contest the violations and are taking responsibility for them. There are no facts to argue against the proffer made by the Division of Enforcement or points of law which relieves the licensee from liability as far as the administrative process is concerned. The only thing to consider is what penalties are just and appropriate under the circumstances.

Although several aggravating factors exist to support harsh penalties for these aggravated violations, there are several mitigating factors contemplated both by Liq. 206.02 and the proffer by Attorney Harden. First, it is evident that the majority of Black Bear Tavern's employees had received liquor commission training prior to the incident. The licensee consulted counsel to develop an employee handbook and required their employees to certify they had received and read it. This handbook specifically discussed the service of alcohol to intoxicated and underage individuals. The licensee changed the culture of the establishment when he took it over 10 years ago creating a family atmosphere. Attorney Harden proffered that he hasn't received a DUI case from the establishment in over seven years. The licensee had zero violations in its 10-year history prior to this incident.

Following the incident, the licensee took several steps in response: he terminated the employee responsible for overserving the underage patron, cooperated fully with the investigation to include preserving and providing all video evidence in their possession, had a meeting with all employees to discuss the incident and the importance of complying with Title XIII, hosted a liquor commission training at their establishment for all of their employees including those who had already received the training, and established a policy that requires all new hires to receive Liquor Commission training within 30-days of being hired.

Other factors to consider are that Black Bear Tavern is one of three establishments in Colebrook that offer dining and libations, employs 20 people in a region where similar employment opportunities are not readily obtainable, several are single parents who depend on that income to support their dependents, the licensee has provided employment opportunities for those whose employment was lost due to another establishment having a fire. By all accounts, the Black Bear Tavern is a family friendly environment with a focus on being a part of the community.

Finally, the facts bear out that the licensee is a responsible business owner who does train his employees to be cognizant of Title XIII. Although not all sections of RSA 507-F:6 are part of this licensee's regular practice, it is clear these types of practices are addressed in the employee handbook and the majority of employees had received training prior to the incident. I find that under the facts presented this tragic event was the result of one employee who grossly deviated from the normal culture and

practices of the Black Bear Tavern. Further, there were several adults who interacted with Mr. Dostie both at his table while being served and following his departure from the Black Bear Tavern who could have prevented him from operating a motor vehicle and possibly prevented this incident.

Penalty

For the aggravated violation of RSA 179: 5, I (service of alcohol to an intoxicated individual):

1. The license to sell alcohol shall be suspended for a period of ten (10) days with three (3) days held in abeyance for a period of one year conditioned on no like violations. The suspension shall commence on April 1, 2022 and re-granted on April 8, 2022; last call shall occur no later than 11:30 pm on March 31, 2022 and the bar, all tables and any other effected area shall be cleared of glasses, bottles or other containers utilized for the service/consumption of alcohol by 12:00 am on April 1, 2022; during the suspension period, the dining room(s) and any other approved area shall not allow over-flow from the cocktail lounge or be used as a substitute for the cocktail lounge. Restocking of alcohol is not permitted during the suspension period. The licensee is fined in the amount of \$2,500. \$1,500 shall be paid within 5 days of receipt of this order, and \$1,000 of the fine shall be held in abeyance for a period for one year conditioned on no like violations. Four (4) points shall be assessed to the liquor license.
2. All employees have already received the appropriate training from the Division of Enforcement and proof has been provided to the Commission. The licensee has already implemented a policy for all new hires to receive the appropriate training within 30 days of being hired. It is strongly recommended the licensee enforce this policy. It is further recommended the licensee review and adhere to the provisions of RSA 507-F:6 to better ensure the policies and culture of the establishment are followed by all employees.
3. The Licensee has already and shall continue to furnish sufficient security for liquor liability of the license in the amount of \$100,000 and shall provide an Insurance Binder or Declaration of Coverage to the Division of Enforcement & Licensing within thirty (30) days from the date of this Order and yearly at the time of license renewal.

For the aggravated violation of RSA 179:5, I (aggravated service of alcohol to an underage individual).

4. The license to sell alcohol shall be suspended for a period of ten (10) days held in abeyance for a period of one year conditioned on no like violations. The licensee is fined in the amount of \$2,500 all held in abeyance for a period of one year conditioned on no like violations. Four (4) points shall be assessed to the liquor license.

For the violation of RSA 179:8:

5. A licensee is fined in the amount of \$100 to be paid within 5 days of receipt of this order.
6. Failure to comply with any of the terms, limitations and conditions of this decision and order during this one-year period will result in the suspended penalties being imposed and subject the licensee to being in violation of a Commission order.

So Ordered this 8th day of February, 2022.”

COMMISSION ACKNOWLEDGED.

18. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

- a. Pizzico, Inc. DBA Pizzico Italian Restaurant, 7 Harold Drive, Unit #4, Nashua, NH 03060.
Issued Restaurant Delivery License #02051 in conjunction with Restaurant, Full Service With Lounge License #1074203 pursuant to RSA 179:15.
COMMISSION ACKNOWLEDGED.
- b. St. Thomas Aquinas Paris, 26 Crystal Avenue, Derry, NH 03038.
Issued Wine and Liquor Festival #12821 for a wine festival on 2/26/2022 pursuant to RSA 178:31.
COMMISSION ACKNOWLEDGED.