MINUTES OF THE NHLC DIVISION OF ENFORCEMENT & LICENSING MEETING FOR THURSDAY, OCTOBER 13, 2022

1. RECOMMENDATION TO ACCEPT THE MINUTES FROM THE COMMISSION MEETING HELD OCTOBER 6, 2022. DEPUTY COMMISSIONER JORDAN MOVED TO ACCEPT THE MINUTES OF OCTOBER 6, 2022; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

2. <u>TABLED ITEMS</u>:

None

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

October 17, 2022 at 12:30 p.m.

a. Lot 18/Tasting Room, 2545 Napa Valley Corporate Drive, Suite C, Napa, CA 94558. Direct Shipper Permit #826333 licensed pursuant to RSA 178:27. Cited for violation of RSA 178:27, V/Liq. 1103 – failed to file a Direct Shipper Report by the 15th of the following month. Cited for violation of RSA 179:57/Liq. 603.05 – failed to comply with the requirements of a Commission Order. Date of violations: 4/22/2022. Case #: 22-236-OF.

October 17, 2022 at 12:45 p.m.

b. Breakaway Beerworks, 46 Concord Street, Belmont, NH 03220. Nano Brewery, Beer and/or Specialty Beer License #207722 licensed pursuant to RSA 178:12-a. Cited for violation of RSA 178:12-a, I – failed to file a monthly tax report and pay required fees by the 10th of the following month. Date of violation: 2/15/2022. Case #: 22-98-OF.

October 17, 2022 at 1:00 p.m.

c. Smoke & Flame Hookah Lounge, 10 Bridge Street, Unit #5, Pelham, NH 03076. Temporary Cigar Bar, On-Premises Beverage/Wine/Liquor/Cigar/Tobacco License #406906 licensed pursuant to RSA 178:20-a/RSA 178:9-a. Denial of Permanent License.

October 17, 2022 at 2:00 p.m.

d. 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 178/Liq. 704.01 – failed to renew license thirty days prior to expiration. Cited for violation of RSA 178:12-a, I – failed to file a monthly tax report and pay required fees by the 10th of the following month. Cited for violation of RSA 179:57/Liq. 603.05 – failed to comply with the requirements of a Commission Order. Dates of violations: 3/10/2022, 9/21/2022 & 9/22/2022. Case #s: 22-161-OF, 22-532-OF & 22-543-OF.

October 17, 2022 at 2:30 p.m.

e. EZ Mart Foods of NH, 78 Elm Street, Milford, NH 03055. Combination, Off-Premises, Beverage/Wine/Tobacco License #3408547 licensed pursuant to RSA 178:18/RSA 126-K:4. Cited for violation of RSA 126-K:3 – Aggravated - failed to require a purchaser to furnish an acceptable form of identification that such person is 21 years of age or older prior to making the sale of tobacco products, e-cigarettes or liquid nicotine. Cited for violation of RSA 126-K:4, I – Aggravated - sold tobacco products to an underage person. Cited for violation of RSA 126-K:3 – failed to require a purchaser to furnish an acceptable form of identification that such person is 21 years of age or older prior to making the sale of tobacco products, e-cigarettes or liquid nicotine. Cited for violation of RSA 126-K:4, I – sold tobacco products to an underage person. Cited for violation of RSA 126-K:4, I – sold tobacco products to an underage person. Dates of violations: 4/1/2022 & 2/25/2022. Case #s: 21-509-OF & 22-49-OF.

Date to be determined:

f. American Legion Post 33, 6 Plymouth Street, Meredith, NH. Veterans Club License #25139 licensed pursuant to RSA 178:22, V(h). Cited for violation of RSA 178:22 – failed to file a reports by the 15th of the following month – 3 counts. Date of violations: 2/10/2022, 3/16/2022 & 3/22/2022. Case #: 22-82-OF, 22-160-OF & 22-171-OF.
8/25/2022 – LICENSEE REQUESTED AND WAS GRANTED A CONTINUANCE.

Date to be determined:

g. Soho Bistro & Lounge, 20 Old Granite Street, Manchester, NH. Restaurant, Full Service With Lounge License #1628703 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 a minor – 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 – 2 counts. Date of violations: 11/12/2021. Case #: 21-599-OF. 9/1/2022 – LICENSEE REQUESTED AND WAS GRANTED A CONTINUANCE.

4. NOTIFICATION OF ADMINISTRATIVE ACTION PER SETTLEMENT AGREEMENT:

None

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

- a. Big Water Brewery, 24 Robie Road, Salisbury, NH 03268. Nano Brewery, Beer and/or Specialty Beer License #201922 licensed pursuant to RSA 178:12-a. Cited for violation of RSA 178:3/Liq. 704.01 – failed to renew liquor license thirty (30) days prior to expiration. Date of violation: 9/8/2022. Case #: 22-509-OF. Warning. DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
- b. Cracker Barrel Old Country Store, 16 Nashua Road, Londonderry, NH 03053.
 Restaurant, On-Premises, Beverage & Wine License #1616203 licensed pursuant to RSA 178:20.
 Cited for violation of RSA 178:3/Liq. 704.01 failed to renew liquor license thirty (30) days prior to expiration.

Date of violation: 9/1/2022. Case #: 22-504-OF. Warning. DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED. Crotched Mountain Ski Area, Route #47, Bennington, NH 03442. c. Sports Recreation Facility License #572205 licensed pursuant to RSA 178:22, V(u)(1). Cited for violation of RSA 178:3/Lig. 704.01 - failed to renew liquor license thirty (30) days prior to expiration. Date of violation: 9/13/2022. Case #: 22-512-OF. Warning. DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM: CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED. d. Foray Events, 174 Main Street, Marlborough, NH 03455. Caterer, Off-Site License #1299334 licensed pursuant to RSA 178:22, V(e). Cited for violation of RSA 178:3/Lig. 704.01 - failed to renew liquor license thirty (30) days prior to expiration. Date of violation: 9/1/2022. Case #: 22-505-OF. Warning. DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM: CHAIRMAN MOLLICA SECONDED THE MOTION: THE MOTION PASSED. General's Sports Bar & Grill, 840A South Stark Highway, Weare, NH 03281. e. Restaurant, Full Service With Lounge License #1368603 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(g). Cited for violation of RSA 178:3/Liq. 704.01 - failed to renew liquor license thirty (30) days prior to expiration. Date of violation: 9/6/2022. Case #: 22-507-OF. Warning. DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM: CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED. Goody Cole's Smokehouse, 374 Route #125, Unit C, Brentwood, NH 03833. f. Restaurant, On-Premises, Beverage & Wine License #1322303 licensed pursuant to RSA 178:20. Cited for violation of RSA 178:3/Lig. 704.01 – failed to renew liquor license thirty (30) days prior to expiration. Date of violation: 9/2/2022. Case #: 22-506-OF. Warning. DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED. Lakeview At Belmont, 89 Ladd Hill Road, Belmont, NH 03220. g. Sports Recreation Facility License #6025105 licensed pursuant to RSA 178:22, V(u)(1). Cited for violation of RSA 178:3/Lig. 704.01 – failed to renew liquor license thirty (30) days prior to expiration. Date of violation: 9/13/2022. Case #: 22-511-OF. Warning. DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED. Moonlight Meadery, 23 Londonderry Road, Unit #17, Londonderry, NH 03053. h. Direct To Consumer, Shipper Permit #1250 in conjunction with Wine Manufacturer License #563230 licensed pursuant to RSA 178:8/RSA 178:6. Cited for violation of RSA 178:3/Lig. 704.01 - failed to renew liquor license thirty (30) days prior to expiration.

6.

Date of violation: 9/6/2022. Case #: 22-508-OF. Warning. DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED. Newfound Grocery, 408 Mayhew Turnpike, Bridgewater, NH 03222. i. Restaurant, On-Premises, Beverage & Wine License #1397003 licensed pursuant to RSA 178:20. Cited for violation of RSA 178:3/Lig. 704.01 - failed to renew liquor license thirty (30) days prior to expiration. Date of violation: 9/9/2022. Case #: 22-510-OF. Warning. DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM: CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED. Pizza Chef of Bradford, 107 East Main Street, Bradford, NH 03221. j. Restaurant, On-Premises, Beverage & Wine License #1460503 licensed pursuant to RSA 178:20. Cited for violation of RSA 178:3/Lig. 704.01 - failed to renew liquor license thirty (30) days prior to expiration. Date of violation: 9/13/2022. Case #: 22-513-OF. Warning. DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM: CHAIRMAN MOLLICA SECONDED THE MOTION: THE MOTION PASSED. Rochester Fair, 72 Lafayette Street, Rochester, NH 03867. k. State Fair License #531223 licensed pursuant to RSA 178:20 (B/W) Cited for violation of RSA 178:3/Lig. 704.01 - failed to renew liquor license thirty (30) days prior to expiration. Date of violation: 9/13/2022. Case #: 22-514-OF. Warning. DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM: CHAIRMAN MOLLICA SECONDED THE MOTION: THE MOTION PASSED. Ι. Sweet Fire Barbecue and Take Out, 116 Mulberry Street, Claremont, NH 03747. Restaurant, On-Premises, Beverage/Wine/Liguor License #1363703 licensed pursuant to RSA 178:21. Cited for violation of RSA 178:21, II – failed to keep the kitchen in operation or to actively promote meals while serving alcohol. Date of violation: 9/13/2022. Case #: 22-404-OF. Warning. DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL: a. 125 Gas, Inc., 174 Milton Street, Rochester, NH 03868. To be issued Combination License #3417947 pursuant to RSA 178:18. 30-Day Temporary License issued 10/5/2022. DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA

 SECONDED THE MOTION; THE MOTION PASSED.
 b. Augy LLC DBA Smoke Shack Smoke Shop, 59-61 Route #27, Unit #9, Raymond, NH 03077. To be issued Retail Tobacco License #163217 pursuant to RSA 178:19-a. 30-Day Temporary License issued 10/5/2022.
 DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

C. Bay Diner LLC (The), 5 North Street, Wolfeboro, NH 03894. To be issued Restaurant, On-Premises, Beverage/Wine/Liguor License #1653603 pursuant to RSA 178:21. 90-Day Temporary License issued 10/4/2022. DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED. Canaan Enterprises LLC DBA Pleasant Valley Store, 253 US Route #4, Canaan, NH 03741. d. To be issued Combination, Off-Premises, Beverage/Wine/Tobacco License #3421647 pursuant to RSA 178:18/RSA 126-K:4. 30-Day Temporary License issued 10/4/2022. DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED. Grapes & Grain Distribution LLC, 10 Lorden Lane, Brookline, NH 03033. e. To be issued Liguor & Wine Representative License #612335 pursuant to RSA 178:10. 30-Day Temporary License issued 10/11/2022. DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED. f. Grapes & Grain Distribution LLC, 10 Lorden Lane, Brookline, NH 03033. To be issued Liquor & Wine Vendor License #142945 pursuant to RSA 178:9. 30-Day Temporary License issued 10/11/2022. DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED. James W. Foley Legacy Foundation, Inc. DBA James W. Foley Community Center. g. 150 Wakefield Street, Rochester, NH 03867. To be issued Special, One-Day, Voluntary Nonprofit Organizations Beverage/Wine/Liguor License #650841 for 10/15/2022 between 8:00 a.m. - 3:00 p.m. pursuant to RSA 178:22, V(I). DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED. Kitchen On River Road LLC (The), 149 Hanover Street, Manchester, NH 03101. h. To be issued Combination License #3418647 pursuant to RSA 178:18. 30-Day Temporary License issued 10/5/2022. DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM: CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED. La Boca LLC, 50 North Main Street, Wolfeboro, NH 03894. i. To be issued Combination Conditional Retail Wine License #3169346/Restaurant, On-Premises, Beverage/Wine/Liquor License #1542403 pursuant to RSA 178:19/RSA 178:21. 90-Day Temporary License issued 10/6/2022. DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED. OM Shell Express, Inc. DBA Shell Mart, 163 Main Dunstable Road, Nashua, NH 03060. j. To be issued Combination, Off-Premises, Beverage/Wine/Tobacco License #3421047 pursuant to RSA 178:18/RSA 126-K:4. 30-Day Temporary License issued 10/6/2022. DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED. k. OM Shell Mart, Inc. DBA Shell Mini Mart, 650 2nd Street, Manchester, NH 03102. To be issued Combination, Off-Premises, Beverage/Wine/Tobacco License #3421147 pursuant to RSA 178:18/RSA 126-K:4. 30-Day Temporary License issued 10/6/2022. DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED. I. Spyglass Brewing Company LLC, 306 Innovative Way, Nashua, NH 03062. To be issued Beverage Manufacturer License #297518 pursuant to RSA 178:12. 30-Day Temporary License issued 10/7/2022. DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

 m. Tilted Barn Brewery LLC, 1 Hemsley Place, Exeter, RI 02822. To be issued Beverage Vendor License #122831 pursuant to RSA 178:15. Manufacturer: Tilted Barn Brewery. 30-Day Temporary License issued 10/6/2022.
 DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA 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 OCTOBER 7, 2022: 1,382

- a. Delicato Vineyards LLC, 300 Via Archimedes, Geyserville, CA 95441. To be issued Direct Shipper, Wine Manufacturer Permit pursuant to RSA 178:27. (Retail)
 DEPUTY COMMISSIONER JORDAN MOVED TO APPROVE THIS ITEM; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.
 b. Fritz Cellars, Inc., 24691 Dutcher Creek Road, Cloverdale, CA 95425.
- 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.
- c. Kongsgaard Wine LLC, 4375 Atlas Peak Road, Napa, CA 94558. 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.
- d. Mr. D Wine Merchant, 3020 NW 7th Avenue, Miami, FL 33127. To be issued Direct Shipper, Wine Manufacturer Permit pursuant to RSA 178:27. (Retail)
 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. Greenleaf, 54 Nashua Street, Milford, NH 03055. Restaurant, On-Premises, Beverage/Wine/Liquor License #1579503 licensed pursuant to RSA 178:21. Requested approval for a temporary extension of service, to wit, for an outdoor, fenced in dining area with a capacity of 20 during Milford Pumpkinfest on 10/7/2022 between 5:00 p.m. – 9:00 p.m., 10/8/2022 between 10:00 a.m. – 9:00 p.m. and 10/9/2022 between 10:00 a.m. – 3:00 p.m. pursuant to RSA 178:24/Liq. 404.05. COMMISSION ACKNOWLEDGED.
- b. Lucky Dog Tavern & Grill, 53 South Main Street, Plymouth, NH 03264. Restaurant, Full Service With Lounge License #1267803 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q). Requested approval for a permanent extension of service, to wit, to extend service to the upstairs with a capacity of 43 seats pursuant to RSA 178:24/Liq. 404.05. COMMISSION ACKNOWLEDGED.

- North Country Center For The Arts, Jean's Playhouse, 10 Papermill Drive, Lincoln, NH 03251. Performing Arts License #398608 licensed pursuant to RSA 178:22, V(m). Requested approval for a temporary extension of service, to wit, for the lawn area on 10/8/2022 between 4:00 p.m. – 7:00 p.m. pursuant to RSA 178:24/Liq. 404.05.
 COMMISSION ACKNOWLEDGED.
- Reed's North, 2 East Main Street, Warner, NH 03278.
 Restaurant, On-Premises, Beverage/Wine/Liquor License #1632103 licensed pursuant to RSA 178:21.
 Requested approval for a temporary extension of service, to wit, for a tented area in front of the existing restaurant for the 2022 Warner Fall Foliage Festival from 10/7/2022 10/9/2022 between 5:00 p.m. 6:00 p.m. pursuant to RSA 178:24/Liq. 404.05.
 COMMISSION ACKNOWLEDGED.
- e. Reed's North, 2 East Main Street, Warner, NH 03278. Restaurant, On-Premises, Beverage/Wine/Liquor License #1632103 licensed pursuant to RSA 178:21. Requested approval for a temporary extension of service, to wit, for a beer tent in the parking lot for the 2022 Warner Fall Foliage Festival from 10/7/2022 - 10/9/2022 between 5:00 p.m. – 6:00 p.m. pursuant to RSA 178:24/Liq. 404.05.

COMMISSION ACKNOWLEDGED.

- f. Station 101 LLC, 193 Union Square, Milford, NH 03055. Restaurant, On-Premises, Beverage & Wine License #1594203 licensed pursuant to RSA 178:20. Requested approval for an extension of service, to wit, to extend service to an outside area for Milford Pumpkinfest between 10/7/2022 - 10/9/2022 with a capacity of 244 pursuant to RSA 178:24/Liq. 404.05. COMMISSION ACKNOWLEDGED.
- g. Taco Beyondo, 53 Henniker Street, Unit #5, Hillsborough, NH 03244.
 Restaurant, On-Premises, Beverage & Wine License #1541503 licensed pursuant to RSA 178:20.
 Requested approval for a temporary extension of service, to wit, for an outdoor seating in front of the business with a capacity of 20 on 10/7/2022 pursuant to RSA 178:24/Liq. 404.05.
 COMMISSION ACKNOWLEDGED.
- Workmen's Club, 183 Douglas Street, Manchester, NH 03102. Social Club License #10101 licensed pursuant to RSA 178:22, V(h). Requested approval for a temporary extension of service, to wit, for a block party between Douglas and Conant Streets including a parking lot on 10/22/2022 between 11:00 a.m. – 4:00 p.m. pursuant to RSA 178:24/Liq. 404.05.
 COMMISSION ACKNOWLEDGED.

11. <u>PETITIONS RECOMMENDED FOR COMMISSION DENIAL</u>:

None

12. <u>MISCELLANEOUS ITEMS RECOMMENDED FOR COMMISSION APPROVAL</u>:

None

13. MISCELLANEOUS ITEMS RECOMMENDED FOR COMMISSION DENIAL:

None

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

Rollinsford, NH. COMMISSION ACKNOWLEDGED.

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

None

October 13, 2022 Enforcement Minutes

16. ADMINISTRATIVE HEARING DECISION PENDING:

None

17. ADMINISTRATIVE HEARING DECISION:

None

18. <u>MISCELLANEOUS ITEMS FOR INFORMATION ONLY</u>:

None