

DIVISION OF ENFORCEMENT & LICENSING



MONTHLY REPORT APRIL 2021



NEW HAMPSHIRE STATE LIQUOR COMMISSION

<https://www.nh.gov/liquor/enforcement/>

(603) 271-3521

50 Storrs Street
Concord, NH 03301

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EXECUTIVE SUMMARY

This report is a summary and description of the activity recorded by the Division of Enforcement and Licensing for April 2021. This document provides a comprehensive overview of work completed by personnel within the Division, both Sworn Officer and Civilian. The Division compiled this report as a way to track and assess this activity on a regular basis to recognize areas of success and to identify areas that require additional attention.

Division

The Division collected \$1,565,389.59 in revenue during the month of April. The majority of this came through the collection of the Beer Tax totaling \$1,005,833.32. The Division also collected \$300,573.00 in Renewal Fees and \$184,944.36 in Direct Shipping Fees.

Total Calls for Service: The Division recorded 1640 total calls for service. *Restaurant* was the most commonly administered licensee type with 539. There were 39 different CFS codes utilized with *Inspection-Premise Check* accounting for the most common type with a total of 421 entries.

Administrative

Calls for Service – Civilian: Civilian personnel within the Division tallied 64 calls for service.

Licensing: There were 5845 total entities licensed for the sale of alcohol and/or tobacco products in the State of New Hampshire. The most common license type was *Restaurant* with 1453 licensees, followed by *Combination* licenses with 1391 and *Direct Shipper* licensees with 1359. There were 81 new license applicants in April 2021. The most commonly applied-for license type was *Restaurant and Special One-Day* Licenses, which accounted for 15 of the new licensees each.

Petitions Made by Licensees: There were 21 petitions approved in April 2021. There were two requests approved for *Extension of Service Area* while request for *Authorization for use of Other Areas* was approved 14 times during this month.

Licensing Help Desk: There were 1486 Help Desk transactions processed during April 2021. The most frequently administered were *Renewal (Generated)* with 481 entries and *Renewal (Processed)* with 426.

Auditing: Licensee Compliance & Oversight: Staff completed 989 *Product Approval*-related tasks while logging 474 total licensee requests.

Direct Shipping: Taxes, Applications and Carrier: There was \$185,377.60 in Direct Shipping revenue collected in April 2021. There were 95 Renewal Applications processed, 12 New Applications received, and four permits given an Out-of-Business designation. Carrier reports show 13,699 shipments into New Hampshire during the month, of which, there were 85 improper or illegal shipments into the state. There were 22 *Illegal Shipment* notification letters sent out, 22 companies added to the *Seizure* list, while 32 companies were removed from the same list.

Training & Public Outreach: During April 2021, the Training & Public Outreach Unit offered two in-person classes. There were 588 attendees for in-person and online classes/certifications offered. The Division held two Public Program Events with 56 attendees.

Enforcement

Calls for Service – Sworn: Sworn Personnel tallied 1576 calls for service. Of these activities, *Inspection-Premise Check* was the most commonly used type with a total of 421 entries.

Total Arrests: Division personnel cited 29 individuals for law violations in April 2021. There were 19 summons issues, one detained based on existing summons or warrants, and nine detained due to statutory requirements.

Compliance Checks: During April 2021, there were 238 Compliance Checks conducted. Of these, 113 were for *On-Premises Alcohol Sales* and 119 were for *Off-Premises Alcohol Sales*. There were four Tobacco Sale compliance checks during the month (all under the Synar Grant). There were 30 illegal or improper sales made during these checks.

Compliance Action Taken: There were 62 compliance investigations opened in April, with 39 still ongoing. Of the 16 investigations that were closed, eight resulted in the issuance of a verbal warning, three saw a verbal counsel issued, and two administrative notices were issued. The Division received 21 complaints in reference to Title XIII violations.

Fines: During April 2021, a total of \$4,400 in Administrative Fines were issued. These came from 14 separate instances from four different licensee types. Six of the licensees were *Restaurants*, six held *Combination* licenses, with one Social Club and one Sports Recreation Facility receiving one fine each.

Case Disposition: By the close of the month of April 2021, there were 28 open cases in active investigation by Field personnel. During the month, investigators closed 16 total cases, while 28 cases were suspended and four cases were unfounded claims.

SCOPE AND METRICS

This report is a summary and description of the activity recorded by the Division of Enforcement and Licensing for April 2021. This review provides a comprehensive appraisal of work completed by personnel within the Division - Civilian and Sworn. The Division has developed this report as a way to track and assess this activity on a regular basis to recognize areas of success and to identify areas that require additional attention.

The data for this report is sourced from multiple systems utilized by the Division of Liquor Enforcement

A number of data points are important and necessary for completion of this report. These metrics include, but are not limited to:

- Call for Service (CFS) number
- CFS Date and Time
- Location Information (County, City/Town)
- Licensee Number
- CFS Reason(s)
- Disciplinary Action code(s)

Additional data points not stored within the RMS are required as well. These items include:

- Active Case Updates
- Administrative Fines
- License Information & Totals
- Petitions Made by Licensees

DIVISION METRICS

REVENUE

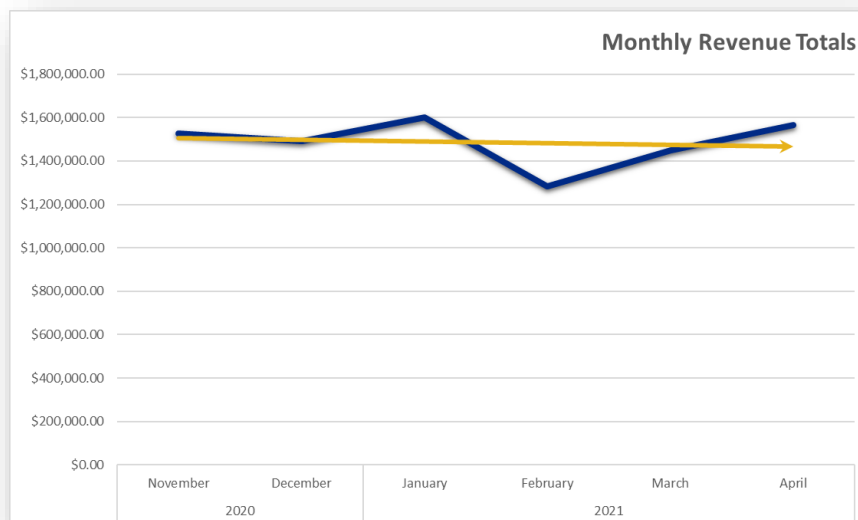
Through the regular course of business, the Division of Enforcement & Licensing is responsible, and in many cases required, to collect fees from licensees. The most commonly considered fees in relation to the Division are those attached to the issuance and/or renewal of a license to sell alcohol and/or tobacco in the State of New Hampshire. These fees are highlighted in RSA 178:29. The Division is also charged with collecting the fees proscribed in 178:26. This RSA establishes the \$.30 fee on each gallon of beer produced per month by licensees. Division staff also collect Liquor (178:6) and Wine (178:8) fees each month.

Summary

In April 2021, the Division collected \$1,565,389.59 in revenue. Beer Taxes accounted for the majority of this revenue and totaled \$1,005,833.32. The Division also collected \$300,573.00 in Renewal Fees. In all, there were five different categories that each saw more than \$10,000 in fees collected.

Type of Fee	Collected	#
Beer Tax	\$1,005,833.32	114
Renewal Fee	\$300,573.00	427
D/S Tax	\$184,944.36	722
Initial License Fee	\$27,928.07	81
Wine Tax	\$20,924.58	34
Liquor Tax	\$7,647.97	13
Application Fee	\$5,675.00	83
Administrative Fine	\$4,400.00	14
Wine Cooler Tax	\$3,327.14	2
Distilled Spirits Tax	\$2,979.38	4
9 Event Fee	\$500.00	2
B/W/L	\$300.00	4
Processing Fee	\$200.00	2
Returned check	\$132.00	7
Certified Statement Fee	\$19.77	5
Event Fee	\$5.00	1
TOTALS	\$1,565,389.59	1515

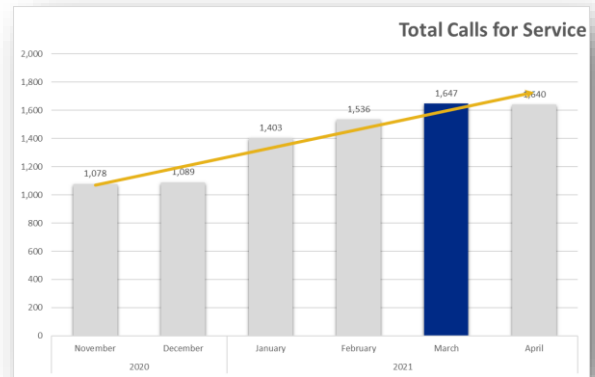
Over the past six months, monthly revenue totals have trended flat. April continued a correction upward after February's decline. As previous COVID-19 safety precautions impacted businesses statewide, there is an expectation that revenue totals will continue to trend upward as COVID mitigating tactics have relaxed and business operations return to pre-COVID norms.



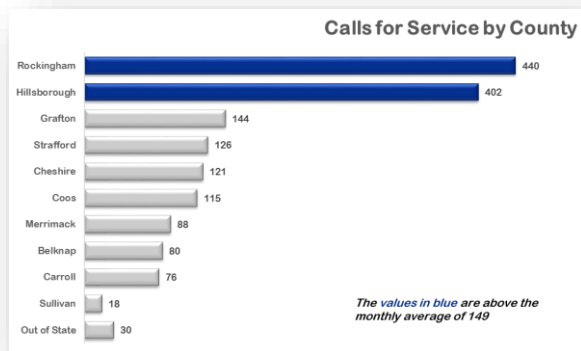
TOTAL CALLS FOR SERVICE

All activity completed by the Division is stored within the RMS as a Call for Service (CFS). This goes for both Civilian and Sworn personnel alike. This section of the report summarizes the number of CFS instances during April 2021. In addition, CFS totals by Civilian and Sworn staff fall into their respective areas of responsibility, providing a snapshot of work undertaken in this timeframe.

During April 2021, the Division recorded 1640 calls for service. The most commonly visited licensee type was *Restaurant* with 539 entries. In total, there were 39 different service codes utilized, with *Inspection-Premise Check* accounting for the most common type with a total of 421 entries.



Total Calls for Service have continued an upward trend over the past six months, with a slight dip in April's results.



Each New Hampshire County had Calls for Service during April 2021. Rockingham County had the most with 440 of the total records. Sullivan County had the fewest with 18 records. Including those Out-of-State CFS entries, the average per-area CFS total was 149 with two Counties in New Hampshire above this average.

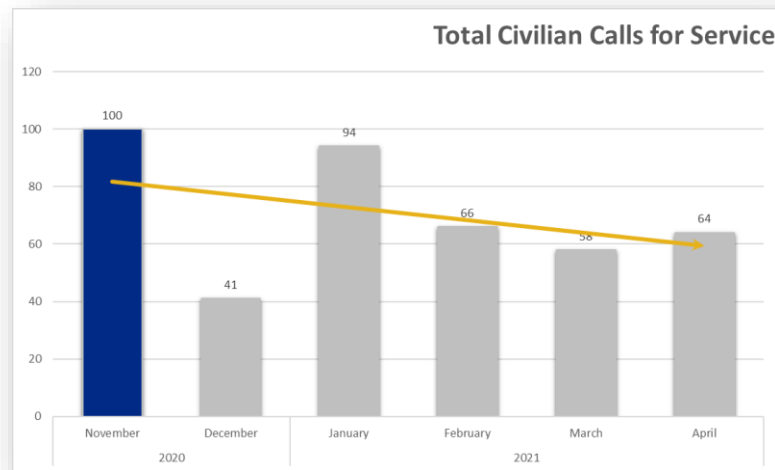
During April 2021, Enforcement and Licensing Personnel serviced 191 different municipalities throughout the state, up from 159 in March 2021. Of these, the 10 cities & towns visited most are as follows:

- | | | | |
|--------------|-----|-------------|----|
| • Manchester | 181 | • Plymouth | 47 |
| • Salem | 94 | • Rochester | 47 |
| • Nashua | 60 | • Dover | 37 |
| • Merrimack | 59 | • Epping | 35 |
| • Portsmouth | 51 | • Keene | 35 |

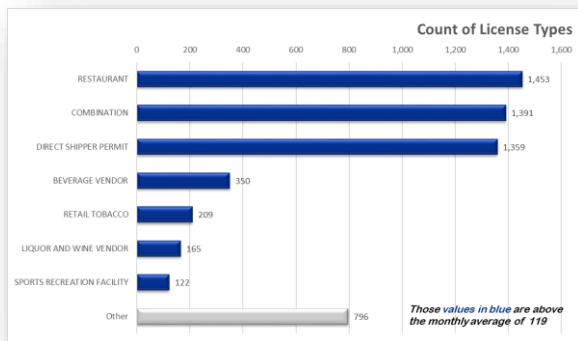
ADMINISTRATIVE

CALLS FOR SERVICE – CIVILIAN PERSONNEL

The number of Calls for Service among Civilian personnel rose slightly in April to a total of 64 but remain slightly below norms.



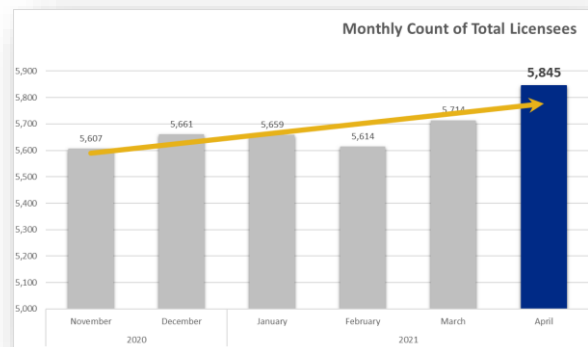
LICENSING



The Division is responsible for issuing all liquor and tobacco-related licenses in the State of New Hampshire. The records associated with these licenses are stored in a shared DOIT-managed system called MyLicense Online (MLO). MLO is a web-based system that the Division utilizes to create, maintain and categorize all records related to the 49 different license types.

At the end of April 2021, there were 5845 entities licensed for the sale of alcohol and/or tobacco products in the State of New Hampshire. The most common license type was *Restaurant* with 1453 licenses on file at the end of this month. The next most common were *Combination* licenses with 1391, followed by *Direct Shipper* permits with 1359.

Data for the past six months shows a gradual but fluctuating, increase in the number of total licensees in the State of New Hampshire. The April total licensee count continues a multi-month increase of 100 or more total licensees and current trends indicate the numbers of Licensees will maintain levels above previous years.



New Licensees

During April 2021, Initial License Fees were collected from 81 applications. Of the 14 different license types applied for, the most commonly applied for license types were *Restaurant* and *Special One-Day* licenses, which accounted for 15 of the new licensee applications each while there were 13 new applications for *Combination*, and 12 for *Direct Shipper* licenses.

Petitions Made by Licensees

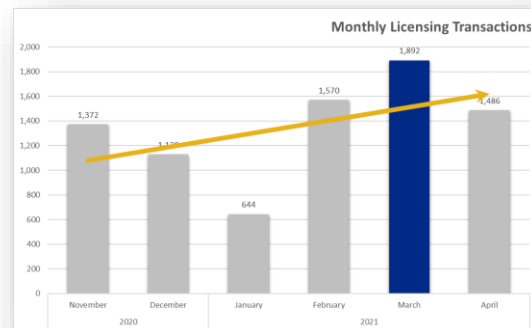
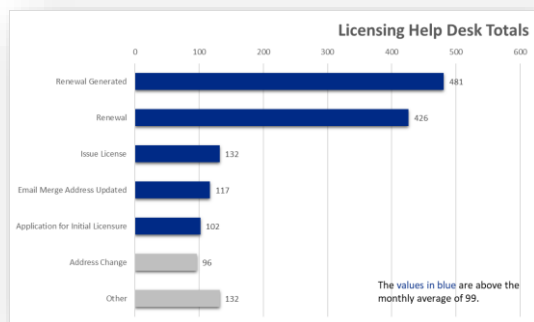
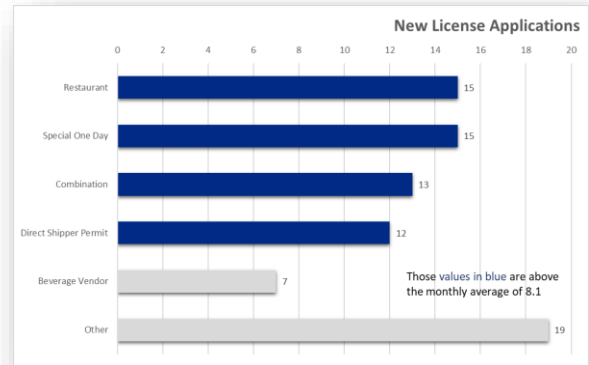
In the course of business, licensees may find that they need to make changes or accommodations that were not a part of their initial license application. This could be a temporary or permanent outdoor location, the addition of a new type of beverage, or even a modification of the licensee's premises. In any instance where a submission of a petition occurs, the Division reviews each petition prior to a final review during the Commission's Weekly Agenda Meeting; this is where recommendation for either approval or denial occurs. The Chairman and the Deputy Commissioner then vote upon that recommendation.

In April 2021, the Division approved 21 petitions. There were 14 requests approved for *Authorization for use of Other Areas* while request for *Approval for Extension of Service Area* was approved two times during this month.

Licensing Help Desk

The Division's Licensing Help Desk's mission is to work with and assist members of the public as they attempt to obtain or renew a license, modify an existing license, or in closing out a license that is no longer in use. Civilian personnel at the Licensing Help Desk include one full-time licensing specialist and two part-time licensing support staff members. An export of User Activity from the MLO system provides a count of all Licensing Personnel activity. Additional Licensing-related work completed by non-Help Desk personnel is also captured here.

Based on the information found in MLO's User Activity report, there were 1486 transactions recorded by Division personnel during April 2021. The most commonly recorded transaction type was *Renewal (Generated)* that was processed 481 times. The next most commonly processed transaction type was *Renewal (Processed)* with 426 instances.



April saw a decrease in Help Desk activity with total transactions processed by the Licensing Help Desk trending higher over the past six months.

Feedback

Of the 29 survey responses received by the Licensing Department in April 2021, 92.5% found the processes and personnel to be effective and efficient.

AUDITING AND DIRECT SHIPPING

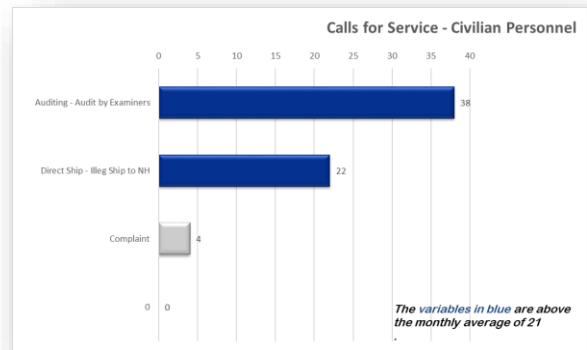
The Division maintains a unit dedicated to dealing with issues around Auditing and Direct Shipping activities within the State of New Hampshire. This unit consists of one Supervisory Auditor, two Field Auditors, one Direct Shipping Auditor and one support staff member. These individuals handle issues related to the following license types among others:

- Beverage Wholesalers
- Direct Shippers
- Beverage Manufacturers
- Alcohol Consultants
- Liquor/Wine Vendors
- Nano-Breweries
- Liquor/Wine Representatives
- Wine Manufacturers
- Carriers
- Liquor Manufacturers
- Warehouses
- Rectifiers

Auditing: Licensee Compliance & Oversight

In addition to the Calls for Service recorded in the Division's RMS, there are a number of other metrics captured by the Auditing and Direct Shipping personnel. These metrics afford a more-complete view of the tasks and responsibilities delegated to these small but important units, which serviced 5659 different licensees in April 2021.

Auditing and Direct Shipping Civilian Personnel recorded 64 calls for service during April 2021; this is up from the 58 recorded the month before. The most common Service Call type with 38 entries was *Audit by Examiners*.



In addition to the Calls for Service recorded in the RMS, the Auditing staff completed 989 Product Approval-related tasks. This metric continues to trend significantly above totals from prior months and years. For reference, total Product Approvals in April 2020 totaled only 245 and 325 in April 2019. Personnel received and processed 474 separate departmental requests in April 2021.

Feedback

Of the 5 survey responses received by the Auditing Department in April 2021, 88% found the processes and personnel to be effective and efficient.

Direct Shipping: Taxes, Applications and Carrier Reporting

On top of the Calls for Service recorded in the Division's RMS, there are a number of other important metrics captured by the Direct Shipping personnel. These metrics afford a more complete view of the tasking and responsibilities delegated to this small but important Unit. Because of operational cycles, revenue collected and processed in April is from transactions originating in the month prior.

During April 2021, the Direct Shipping personnel collected \$185,377.60 in revenue as part of the State's program for out of state suppliers. A total of 725 checks were processed during the month.

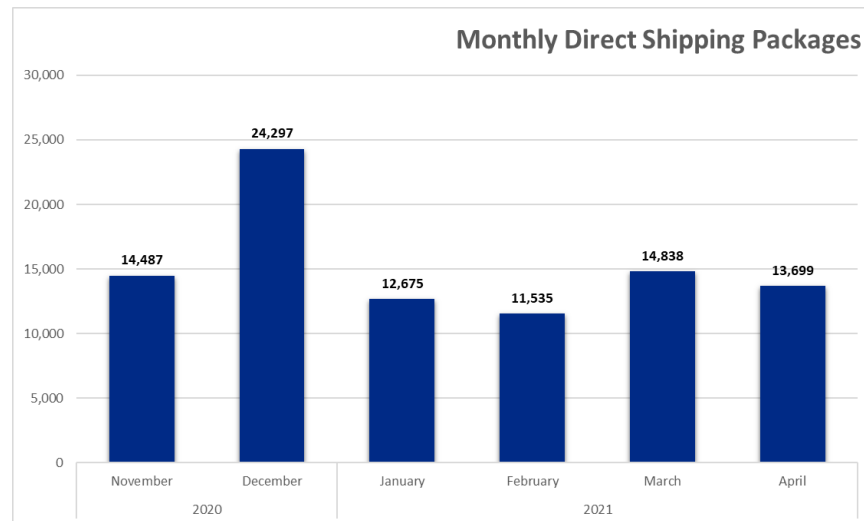
Direct Shipping personnel also processed 95 Renewal Applications during April 2021. Furthermore, there were 12 New Applications processed, while four permits received an Out-of-Business designation in the Division's systems. There were 14 instances where a permittee did not return the required paperwork.

The processing of Carrier reports in April 2021 ensured that all Direct Shipping permittees are adhering to the State of New Hampshire's rules and guidelines. Out of these reports, there were a total of 85 improper or illegal shipments into the state with 22 notification letters of Illegal Shipment sent to Direct Shippers in April 2021. Staff added 22 companies to the State's

Seizure list, while there were 32 companies removed from this same list. The statistics for the authorized carriers are as follows:

<i>Carrier</i>	<i># of Packages</i>
<i>FedEx Express</i>	825
<i>FedEx Ground</i>	5972
<i>UPS</i>	6902
<i>Total</i>	13699

Historical data shows that the number of packages shipped into the State of New Hampshire is trending flat over the last six months with a major holiday anomaly in December 2020.



Feedback

Of the one survey response received by the Direct Shipping Department in April 2021, 100% found the processes and personnel to be effective and efficient.

TRAINING AND PUBLIC OUTREACH

The Division of Enforcement & Licensing is committed to providing superior educational programs for licensees and employees that focuses on proper sales/service of alcohol or tobacco and for parents, students, local communities, and enforcement personnel that encourages responsible alcohol consumption. The Division's goal is to serve the citizens of New Hampshire through its educational training efforts and move closer to achieving the Division's overall goals; reducing the number of alcohol related incidents.

Summary

During April 2021, the Training & Public Outreach Unit offered two in-person classes. There were 588 attendees for in-person and online classes/certifications offered. The Division held two Public Program Events with 56 attendees.

Feedback

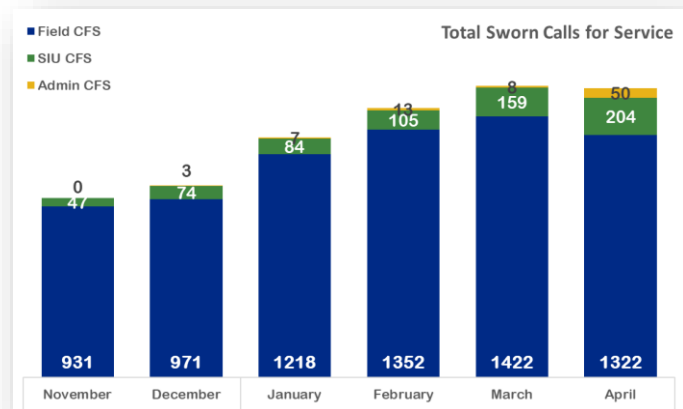
Of the 17 survey responses received by the Training and Outreach Department in April 2021, over 95% found the processes and personnel to be effective and efficient.

ENFORCEMENT

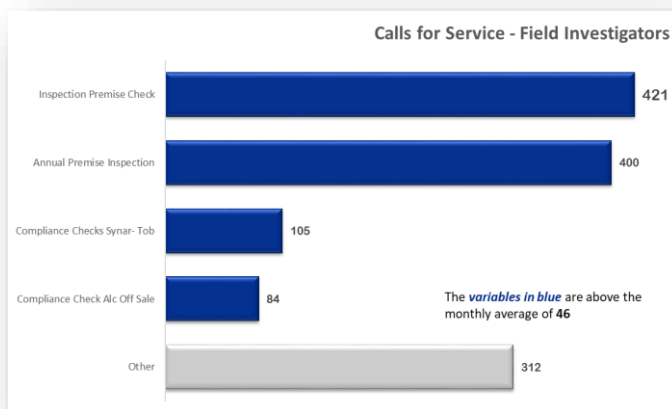
CALLS FOR SERVICE – SWORN PERSONNEL

During April 2021, the Sworn Personnel within the Division tallied 1576 calls for service. Of these entries, *Inspection-Premise Check* was the most commonly used type with a total of 421 entries.

The number of Calls for Service among all Sworn has trended higher since the recent low of 978 in November 2020. April has seen a slight dip in Calls for Service by Sworn Personnel. Overall, CFS totals are returning to patterns observed prior to the COVID-19 outbreak period.



Field Investigators



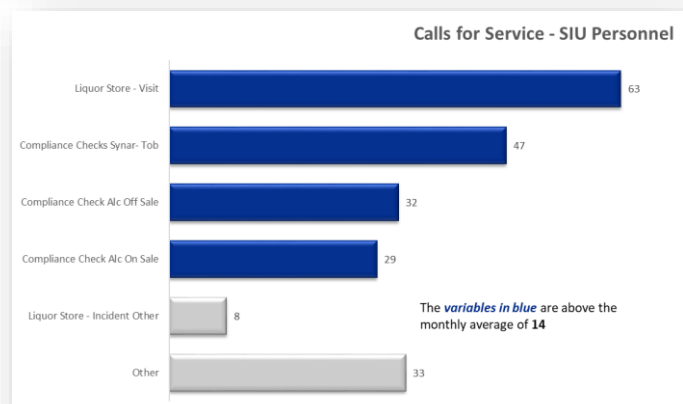
The Division has a number of Investigators assigned to the field. In an attempt to provide uniform coverage across the State of New Hampshire, Investigators work in two separate teams, each of which cover different geographical areas.

Field Personnel recorded 1322 calls for service during April - down from the 1422 recorded the previous month. The most commonly used CFS type was *Inspection - Premise Check*.

Special Investigations Unit

In addition to the Field Investigators, the Division has three Investigators who work in the Special Investigations Unit (SIU). These members of the Division will work cases across the State, not just within a set geographical area.

SIU Personnel recorded 204 calls for service during April 2021; this was up from the 159 observed in March. Of the 15 different CFS in April, Liquor Store – Visit was the most common with 63 calls.



Administrative Sworn Personnel

The Division has three Sworn personnel members who work primarily out of Headquarters. These three individuals are a Field Operations Lieutenant, an Administrative Lieutenant, and a Staff Sergeant. Their main duties center on managing most of the Division's Civilian personnel and their respective units.

The three Administrative Personnel recorded 50 calls for service during April 2021, up significantly from the eight in March. Of these, 15 were *Complaint* related.

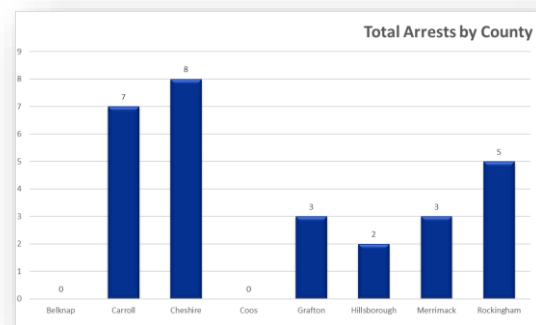
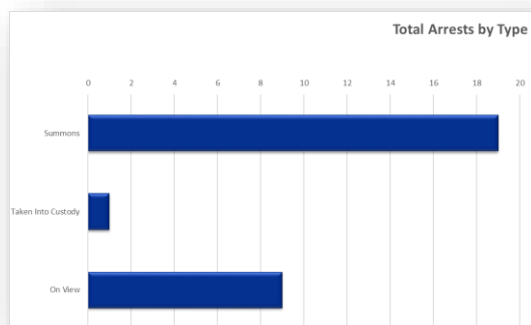
TOTAL ARRESTS

In the course of their statutory duties and responsibilities, Sworn personnel are sometimes required to cite individuals for violations of New Hampshire law (with a primary focus on RSA Title XIII and RSA 126-K). The reason for these events can vary, and this section will identify these actions that occurred during April 2021.

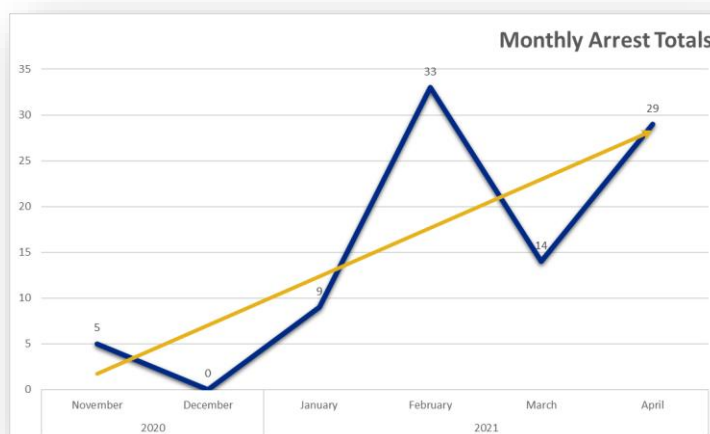
Summary

There were 29 individuals cited during April 2021. Of these, 19 individuals were issued a Summons and released while one individual was taken into custody based on an existing summons or warrant. Additionally, there were nine individuals taken into temporary custody due to statutory requirements.

The County with the most incidents was *Cheshire* County with seven and the municipalities with the most were *Plymouth*, *North Conway*, and *Concord Dover* with three each.



Trending for individuals cited and/or taken into custody is up during the past six months with April recording the second highest total of cited individuals over the past six months.



COMPLIANCE CHECKS

Compliance checks have been used as an educational tool throughout the state for several years, and are an important part of the enforcement of the Prohibited Sales statute in New Hampshire (RSA 179:5). Investigators will obtain a list of licensees

within a municipality and with the aid of a Division-Approved Underage Buyer, the Investigator will go site-to-site to ensure that all licensees assessed for compliance are in fact adhering to RSA 179:5.

Summary

During April 2021, there were 238 Compliance Checks conducted. Of these, 113 were for *On-Premises Alcohol Sales* and 119 were for *Off-Premises Alcohol Sales*. There were four *Tobacco Sale* compliance checks during the month (all under the Synar Grant). There were 30 illegal or improper sales made during these checks.

COMPLIANCE ACTION TAKEN

Whenever an investigator/licensing specialist/examiner discovers a violation of administrative rules enforced by our Division which requires administrative action be taken, the investigator/licensing specialist shall be responsible to follow the case through to its completion. Investigators shall make a recommendation for administrative action consisting of either a verbal or written warning, administrative fine, or suspension of the license.

In the case of an Administrative Notice, personnel will document that corrective action is required. In addition, some form of punitive action occurs; a fine or mandatory education of a licensee's staff are a pair of examples. A Verbal Warning is a way of keeping a record that corrective action is required, though in a way that does not carry a punitive measure (i.e. no fine). This section summarizes all instances of compliance actions taken during April 2021, a breakdown of the different types, and a tally of the fines issued.

Summary

During April 2021, personnel logged 62 Compliance investigations. Of these, 39 cases are still ongoing. Of the 16 cases that were closed, eight resulted in the issuance of a verbal warning, three saw a verbal counsel issued, and two administrative notices were issued. The Division received 21 complaints in reference to Title XIII violations.

Fines

During April 2021, a total of \$4,400 in Administrative Fines were issued. These came from 14 separate instances from four different licensee types. Six of the licensees were *Restaurants*, six held *Combination* licenses, with one *Social Club* and one *Sports Recreation Facility* receiving one fine each.

CASE DISPOSITION

Investigators maintain caseloads respective to their assigned areas of responsibility (North, South, and Special Investigations). These metrics are comprised of active case investigations and those investigations closed during the current calendar year; investigations initiated in prior years may be included in these metrics.

By the close of the month of April 2021, there were 28 open cases in active investigation by Field personnel. During the month, investigators closed 16 total cases, while 28 cases were suspended and four cases were unfounded claims.

