

# **DIVISION OF ENFORCEMENT & LICENSING**



## **MONTHLY REPORT DECEMBER 2021**



## **NEW HAMPSHIRE STATE LIQUOR COMMISSION**

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

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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 December 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

*In December 2021, the Division collected \$1,549,756.74 in revenue. Beer Taxes accounted for the majority of this revenue and totaled \$944,515.84. In all, there were six different categories that each saw more than \$10,000 in fees collected.*

**Total Calls for Service:** During December 2021, the Division recorded 571 calls for service. The most commonly visited licensee type was Restaurant with 196 entries. In total, there were 27 different service codes utilized, with Annual Premise Inspection accounting for the most common type with a total of 132 entries.

## Administrative

**Calls for Service – Civilian:** Civilian personnel within the Division completed 73 calls for service.

**Licensing:** There were 5878 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 1463 licenses on file at the end of this month. The commission approved 45 new applications for alcohol related licensees. Of the 13 different license types applied for, the most commonly applied for license types were Restaurant with 17 approved applicants.

**Petitions Made by Licensees:** The Division approved 12 petitions. Of the eight different petitions applied for, the most common occurrence was *Authorization for Other Areas* with three approved applicants.

**Licensing Help Desk:** There were 3058 transactions recorded by Division personnel during November/December 2021. Activities related to *License Renewals (Generated, Received, Processed)* accounted for the most activity within the Help Desk with 1465 total transactions counted.

### Auditing: Licensee Compliance & Oversight:

Auditing personnel accomplished 26 total on-site or remote audits of licensees during December 2021 and recorded 12 violations during the month. In addition to the licensee audits, the Auditing staff completed 419 Product Approval-related tasks. Personnel received and processed 446 separate departmental requests in December 2021.

**Direct Shipping: Taxes, Carrier Reports and Applications:** Division personnel processed 747 checks totaling \$199,724.56 in revenue. Carrier reports from authorized carriers indicated that a total of 13,791 packages were shipped into the state during the month, of which, there were 95 improper or illegal shipments into the state. There were 20 *Illegal Shipment* notification letters sent out, 41 companies added to the *Seizure* list, while eight companies were removed from the same list. There were 121 Renewal Applications processed, and three New Applications received.

**Training & Public Outreach:** During December 2021, there were 513 attendees for in-person, virtual, and online classes/certifications offered. The Division took part in two Public Program Events during the month reaching 31 attendees.

## Enforcement

**Calls for Service – Sworn:** Sworn Personnel within the Division tallied 498 calls for service. Of these entries, *Annual Premise Inspection* was the most commonly used type with a total of 132 entries.

**Total Arrests:** There were 5 individuals cited/issues a Summons during December 2021.

**Compliance Checks:** During December 2021, there were 39 total Compliance Checks completed, with *Alcohol Compliance Checks* comprising the entirety of the events during the month.

**Administrative Action Taken:** During December 2021, personnel logged 37 Administrative Actions. Of these, nine resulted in the issuance of an *Administrative Notice*, one resulted in a *Verbal Counseling*, and 10 resulted in *Verbal Warnings*.

**Fines:** During December 2021, a total of eight *Administrative Fines* were levied totaling \$1,239.56.

**Non-Title XIII Actions:** During the month of December, Investigators responded to one Life/Safety related situations not associated with a licensed premise, New Hampshire Liquor and Wine Outlet, or a Title XIII investigation.

**Case Disposition:** By the close of the month of December 2021, there were 24 open cases in active investigation by Field personnel. During the month, investigators closed 10 total cases, while four cases were found to have no criminal nexus.

## SCOPE AND METRICS

This report is a summary and description of the activity recorded by the Division of Enforcement and Licensing for December 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 RESULTS

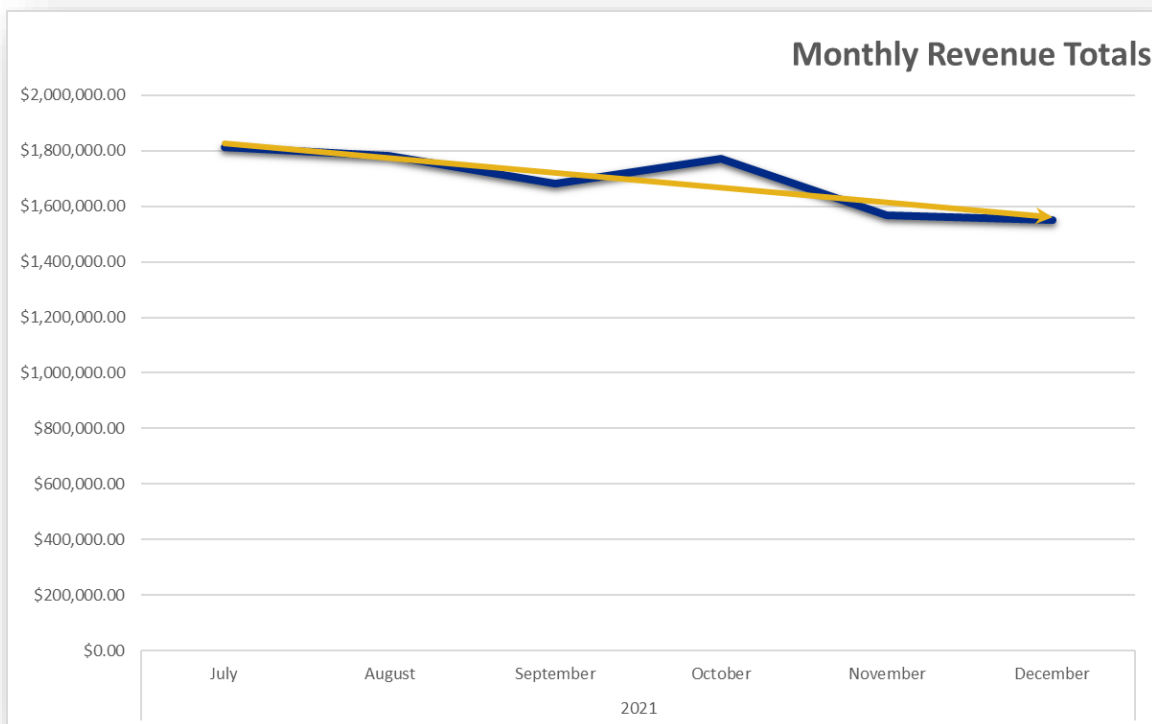
### REVENUE

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.

Revenue Type	Amount
Beer Tax	\$944,515.84
Renewal Fee	\$323,861.00
D/S Tax	\$199,724.56
Wine Tax	\$28,403.35
Initial License Fee	\$25,550.79
Liquor Tax	\$12,771.53
Distilled Spirits Tax	\$6,752.24
Application Fee	\$3,125.00
Administrative Fine	\$1,239.56
9 Event Fee	\$1,000.00
Other	\$2,812.87
<b>TOTALS</b>	<b>\$1,549,756.74</b>

### Summary

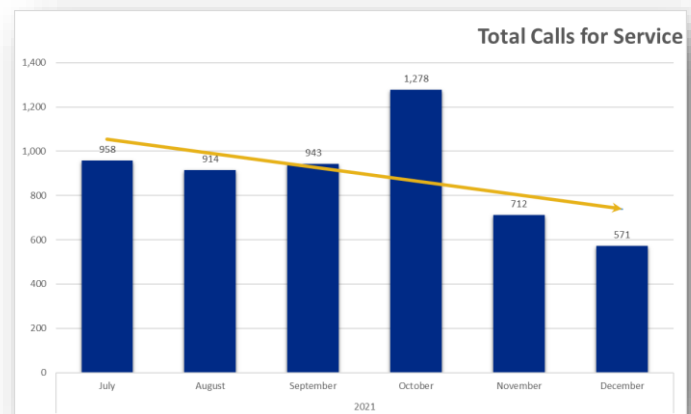
In December 2021, the Division collected \$1,549,756.74 in revenue. *Beer Taxes* accounted for the majority of this revenue and totaled \$944,515.84. In all, there were six different categories that each saw more than \$10,000 in fees collected.



## 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 December 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 December 2021, the Division recorded 571 calls for service. The most commonly visited licensee type was *Restaurant* with 196 entries. In total, there were 27 different service codes utilized, with *Annual Premise Inspection* accounting for the most common type with a total of 132 entries.



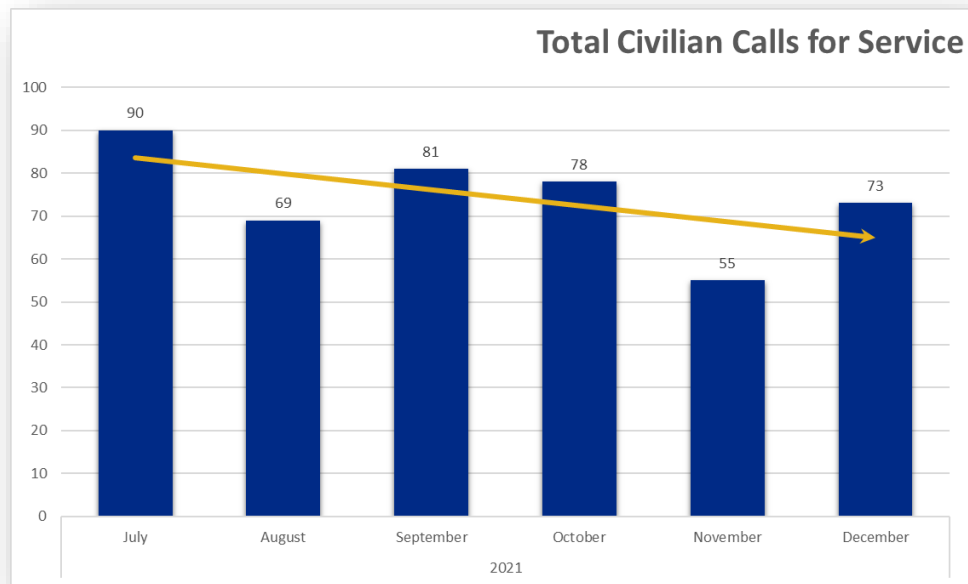
During December 2021, Enforcement and Licensing Personnel serviced 134 different municipalities throughout the state. Of these, the 10 cities & towns visited most are as follows:

- |              |    |               |    |
|--------------|----|---------------|----|
| • Manchester | 57 | • Nashua      | 52 |
| • Wolfeboro  | 37 | • Littleton   | 24 |
| • Concord    | 18 | • Milford     | 16 |
| • Keene      | 16 | • Londonderry | 12 |
| • Laconia    | 11 | • Derry       | 10 |

## ADMINISTRATIVE

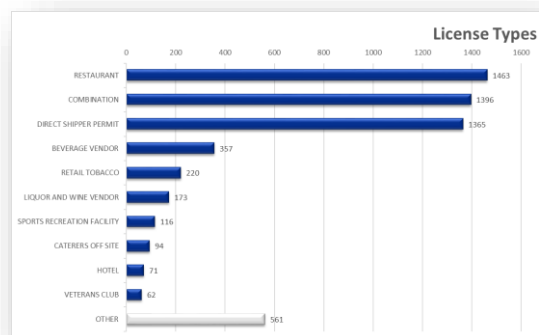
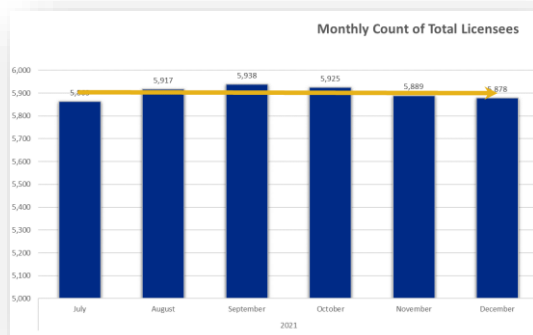
### CALLS FOR SERVICE – CIVILIAN PERSONNEL

There were a total of 73 Calls for Service among Civilian personnel in December.



## 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 December 2021, there were 5878 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 1463 licenses on file at the end of this month.

## New Licensees

During December 2021, from the commission approved 45 new applications for alcohol related licensees. Of the 13 different license types applied for, the most commonly applied for license types were *Restaurant* with 17 approved applicants.

## Petitions Made by Licensees

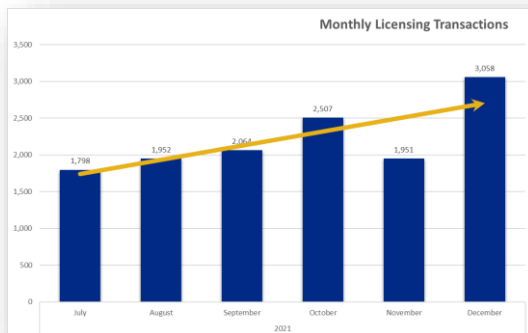
In the course of business, licensees December find that they need to make changes or accommodations that were not a part of their initial license application. This could be a temporary or permanent outdoor location, the addition of a new type of beverage, or even a modification of the licensee's premises. 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 December 2021, the Division approved 12 petitions. Of the eight different petitions applied for, the most common occurrence was *Authorization for Other Areas* with three approved applicants.

## 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 3058 transactions recorded by Division personnel during December 2021. Activities related to *License Renewals (Generated, Received, Processed)* accounted for the most activity within the Help Desk with 1465 total transactions counted.



## Feedback

Of the five survey responses received by the Licensing Department in December 2021, 82.61% 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.

Auditing personnel accomplished 26 total on-site or remote audits of licensees during December 2021 and recorded 12 violations during the month.

In addition to the licensee audits, the Auditing staff completed 419 Product Approval-related tasks. Personnel received and processed 446 separate departmental requests in December 2021.

### Feedback

Of the six survey responses received by the Auditing Department in December 2021, 96.67% 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 present a more complete view of the tasking and responsibilities delegated to this small but important Unit. Due to operational and financial cycles, revenue, Direct Shipper, and Carrier information collected and processed in December is from business transactions originating in the month prior.

During December 2021, the Direct Shipping personnel collected \$199,724.56 in revenue as part of the State's program for out of state suppliers with a total of 747 checks were processed during the month.

Monthly reports from authorized carriers indicated a total of 13,791 packages were shipped into the state. The processing of these reports, and the subsequent reconciliation against all Direct Shipping permittee's reports ensures all related licensees are adhering to the State of New Hampshire's laws and administrative rules. Out of these reports, there were a total of 95 improper or illegal shipments into the state with 20 notification letters of *Illegal Shipment* sent to Direct Shippers during the month. Staff added 41 companies to the State's Seizure list, while there were eight companies removed from this same list.

Direct Shipping personnel also processed 14 New Applications during the month with an additional 121 Renewal Applications processed.

### Feedback

There were zero feedback surveys submitted for the Direct Shipping office in December, 2021.

## 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 December 2021, there were 513 attendees for in-person, virtual, and online classes/certifications offered. The Division took part in two Public Program Events during the month reaching 31 attendees.

### Feedback

Of the seven survey responses received by the Training and Outreach Department in December 2021, 100.00% found the processes and personnel to be effective and efficient.

## ENFORCEMENT

### CALLS FOR SERVICE – SWORN PERSONNEL

During December 2021, the Sworn Personnel within the Division tallied 498 calls for service. Of these entries, *Annual Premise Inspection* was the most commonly used type with a total of 132 entries.

#### 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 441 calls for service during December. The most commonly recorded Service Call was *Annual Premise Inspection* with 132 instances.

#### Special Investigations Unit

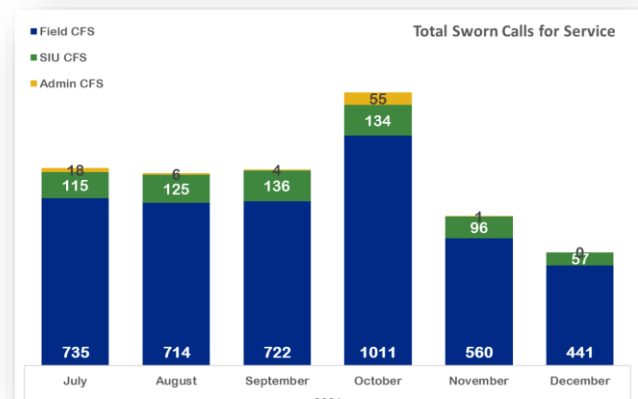
In addition to the Field Investigators, the Division has three Investigators who work in the Special Investigations Unit (SIU). These members of the Division will work cases across the State, not just within a set geographical area.

SIU Personnel recorded 57 calls for service during December 2021. The most commonly recorded Service Calls were related to incidents at Liquor Stores with 37 instances.

#### 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 no call for service in December 2021.



### 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 December 2021.

#### Summary

There were 5 individuals cited/issues a Summons during December 2021.

### 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 December 2021, there were 39 total Compliance Checks completed, with *Alcohol Compliance Checks* comprising the entirety of the events during the month.

## ADMINISTRATIVE 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 December 2021, a breakdown of the different types, and a tally of the fines issued.

## Summary

During December 2021, personnel logged 37 Administrative Actions. Of these, nine resulted in the issuance of an Administrative Notice one resulted in a Verbal Counseling, and 10 resulted in Verbal Warnings.

## Fines

During December 2021, a total of 8 Administrative Fines were levied totaling \$1,239.56.

## NON-TITLE XIII ACTIONS

During the month of December, Investigators responded to one Life/Safety related situations not associated with a licensed premise, New Hampshire Liquor and Wine Outlet, or a Title XIII investigation.

## 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 could be included in these metrics.

By the close of the month of December 2021, there were 24 open cases in active investigation by Field personnel. During the month, investigators closed 10 total cases, while four cases were found to have no criminal nexus.