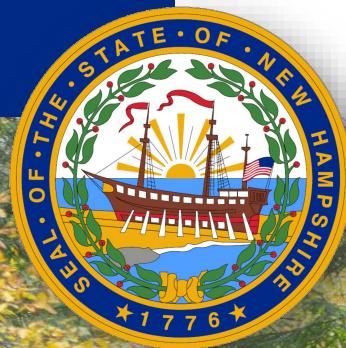


# DIVISION OF ENFORCEMENT & LICENSING



## MONTHLY REPORT SEPTEMBER 2022



Photo courtesy of New Hampshire Division of Travel & Tourism

## 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 September 2022. This document provides a comprehensive overview of work completed by personnel within the Division, both Sworn Officer and Civilian. The Division compiled this report 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 September 2022, the Division collected **\$1,715,947.79** in revenue. Beer Taxes accounted for most of this revenue and totaled **\$1,227,656.77**. In all, there were eight different categories that each saw more than **\$10,000** in fees collected.*

**Total Calls for Service:** During September 2022, the Division recorded **1094** calls for service. The most visited licensee type was **Restaurant** with **350** entries. In total, there were **30** different service codes utilized, **Annual Premise Inspection** accounting for the most common type with a total of **397** entries.

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### Administrative

**Calls for Service – Civilian:** There was a total of **94** Calls for Service among Civilian personnel in September. The most recorded Service Call was **Liq Law Violation(s)** with **51** instances, primarily related to report filing requirements.

**Licensing:** There were **6143** entities actively licensed for the sale of alcohol and/or tobacco products in the State of New Hampshire. The most common license type was **Restaurant** with **1494** licenses on file at the end of this month.

**New Licensees:** The commission approved **59** new applications for alcohol related licensees. Of the **21** different license types applied for, the most applied for was **Restaurant (various sub-categories)** with **15** approved applicants.

**Petitions Made by Licensees:** The Division approved **24** petitions. Of the **five** different petitions applied for, the most common occurrence was **Extension of Service Area** with **16** approved applicants.

**Licensing Help Desk:** There were **1885** transactions recorded by Division personnel during September 2022. Activities related to **License Renewals (Generated, Processed, etc.)** accounted for the most activity within the Help Desk with **1112** total transactions counted.

**Auditing: Licensee Compliance & Oversight:** Auditing personnel accomplished **32** total on-site or remote audits of licensees during September 2022. In addition to the licensee audits, the Auditing staff completed **474** Product Approval-related tasks. Personnel received and processed **459** separate departmental requests.

**Direct Shipping: Taxes, Carrier Reports and Applications:** During September 2022, the Direct Shipping personnel processed **430** checks totaling **\$77,850.16** in revenue as part of the State's program for out of state suppliers. Carrier reports from authorized carriers indicated a total of **6879** packages were shipped into the state during the month.

**Training & Public Outreach:** During September 2022, there were **557** attendees for in-person, virtual, and/or online classes/certifications offered. The Division took part in **five** Public Program Events during the month reaching **240** attendees.



## Enforcement

**Calls for Service – Sworn:** Sworn Personnel within the Division tallied **1000** calls for service.

**Compliance Checks:** There were **205** recorded Compliance Checks accomplished in September 2022.

**Total Arrests:** There was **24** individuals cited/issued a Summons during September 2022.

**Administrative Action Taken:** During the month, personnel logged **146** Administrative Actions. Of these, **18** resulted in the issuance of an Administrative Notice and **20** resulted in Verbal Warnings. Furthermore, there was one reported violation that was deemed unfounded. In addition to the administrative actions, personnel issued **108** educational/verbal counseling's to better educate the licensees in the state.

**Fines:** There were **19** Administrative Fines levied totaling **\$6,048.40** during the month.

**Case Disposition:** By the close of the month of September 2022, there were **40** open Incident Cases in active investigation by Field personnel. During the month, investigators closed **15** total Incident Cases, while **six** cases were found to have no criminal nexus.

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

## SCOPE AND METRICS

This report is a summary and description of the activity recorded by the Division of Enforcement and Licensing for September 2022. This review provides a comprehensive appraisal of work completed by personnel within the Division - Civilian and Sworn. The Division has developed this report 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

Several 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

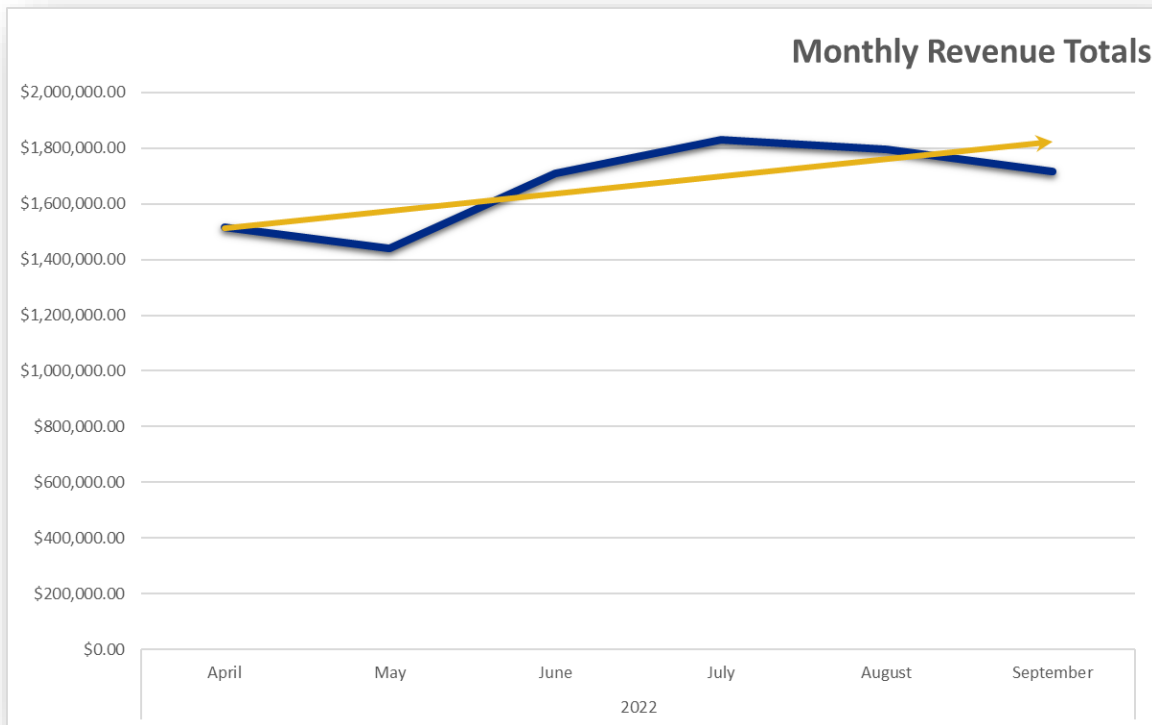
### REVENUE

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 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	\$1,227,656.77
Renewal Fee	\$242,745.00
D/S Tax	\$77,804.34
Wine Tax	\$42,796.69
Specialty Beverage	\$33,220.19
Distilled Spirits Tax	\$30,897.37
Initial License Fee	\$24,294.00
Liquor Tax	\$16,399.30
Application Fee	\$6,300.00
Administrative Fine	\$6,048.40
Other	\$7,785.73
<b>TOTALS</b>	<b>\$1,715,947.79</b>

### Summary

In September 2022, the Division collected **\$1,715,947.79** in revenue. *Beer Taxes* accounted for most of this revenue and totaled **\$1,227,656.77**. In all, there were **eight** different categories that each saw more than \$10,000 in fees collected.

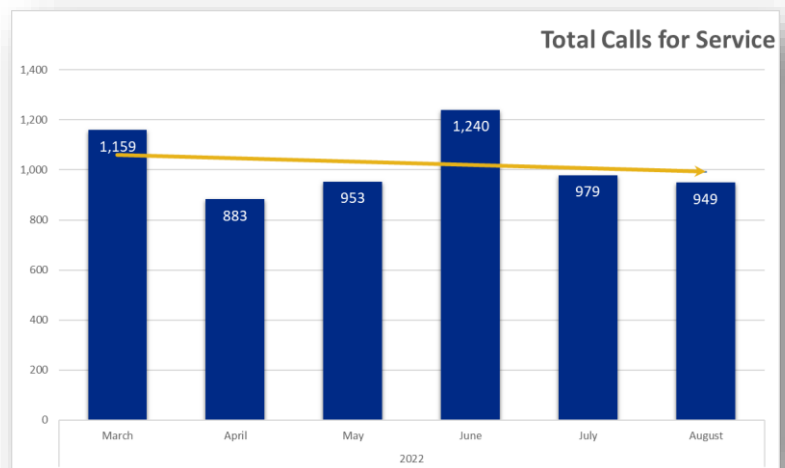


## TOTAL CALLS FOR SERVICE

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 September 2022. 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.

### Summary

During September 2022, the Division recorded **1094** calls for service. The most visited licensee type was **Restaurant** with **350** entries. In total, there were **30** different service codes utilized, **Annual Premise Inspection** accounting for the most common type with a total of **397** entries.



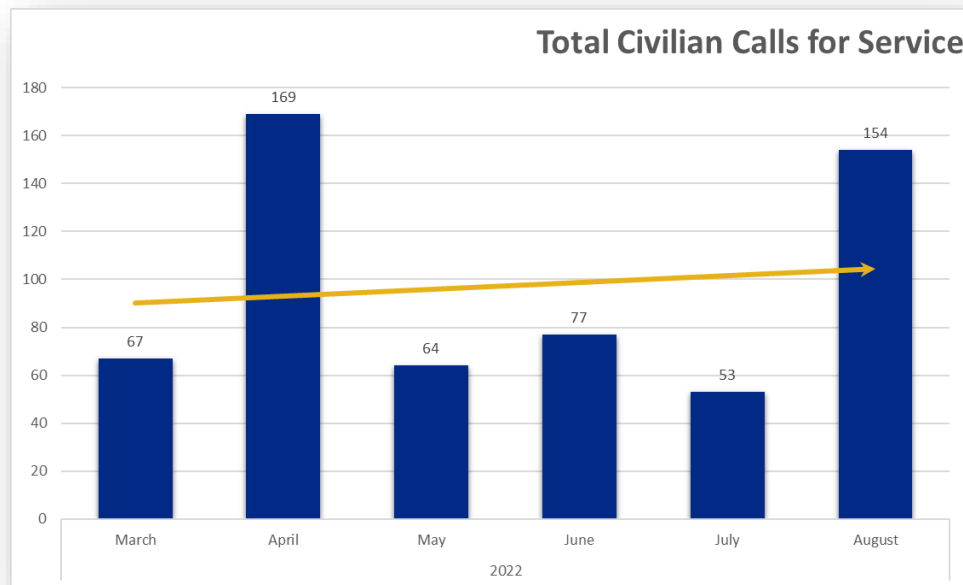
Enforcement and Licensing Personnel serviced **164** different municipalities throughout the state during the month. Of these, the 10 cities & towns visited most are as follows:

• Manchester	179	• Nashua	57
• Concord	54	• Durham	50
• Plymouth	48	• Hanover	40
• Claremont	29	• Portsmouth	26
• Hookset	25	• Keene	24

## ADMINISTRATIVE

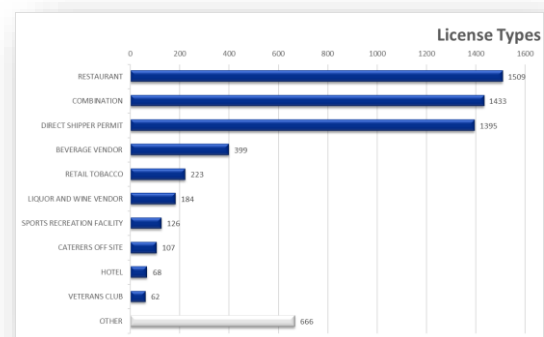
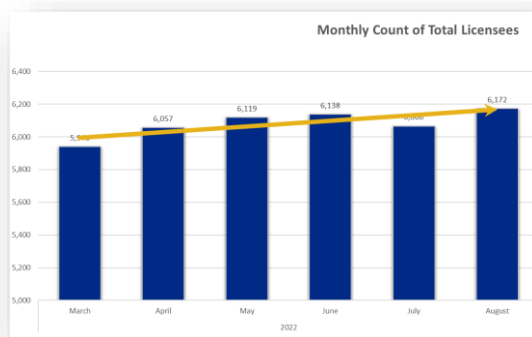
### CALLS FOR SERVICE – CIVILIAN PERSONNEL

There was a total of **94** Calls for Service among Civilian personnel in September. The most recorded Service Call was **Liquor Law Violation(s)** with **51** instances, primarily related to *report filing* requirements.



## 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 51 different license types.



At the end of September 2022, there were **6143** entities actively licensed for the sale of alcohol and/or tobacco products in the State of New Hampshire. The most common license type was **Restaurant** with **1494** licenses on file at the end of this month.



## New Licensees

During September 2022 the commission approved **49** new applications for alcohol related licensees. Of the **17** different license types applied for, the most applied for was **Special One-Day** with **21** approved applicants.

## Petitions Made by Licensees

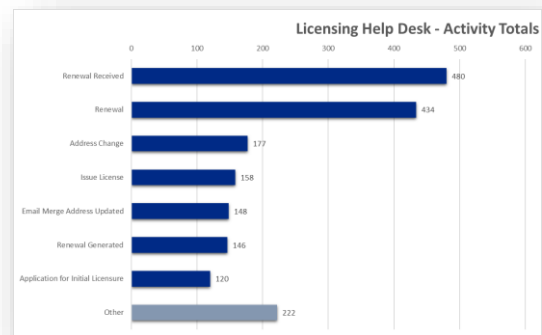
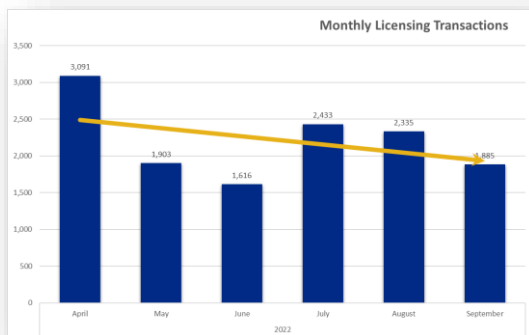
Often, licensees find that they need to make changes or accommodations that were not a part of their initial license application. This could be a temporary or permanent outdoor location, the addition of a new type of beverage, or even a modification of the licensee's premises. When a submission of a 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 September 2022, the Division approved **24** petitions. Of the **five** different petitions applied for, the most common occurrence was **Extension of Service Area** with **16** 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 **1885** transactions recorded by Division personnel during September 2022. Activities related to **License Renewals** (*Generated, Processed, etc.*) accounted for the most activity within the Help Desk with **1112** total transactions counted.



## 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.

### Auditing: Licensee Compliance & Oversight

In addition to the Calls for Service recorded in the Division's RMS, there are several 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 **32** total on-site or remote audits of licensees during September 2022.

In addition to the licensee audits, the Auditing staff completed **474** Product Approval-related tasks. Personnel received and processed **459** separate departmental requests.

### Direct Shipping: Taxes, Applications and Carrier Reporting

On top of the Calls for Service recorded in the Division's RMS, there are a few 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 September is from business transactions originating in the month prior.

During September 2022, the Direct Shipping personnel processed **430** checks totaling **\$77,850.16** in revenue as part of the State's program for out of state suppliers.

Direct Shipping personnel processed **11** *New Applications* during the month with an additional **151** *Renewal Applications* processed.

Monthly reports from authorized carriers indicated a total of **6879** 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 **30** improper or illegal shipments into the state with **six** notification letters of *Illegal Shipment* sent to Direct Shippers during the month. Staff added **24** companies to the State's *Seizure List*, while there were **zero** companies cleared from this same list.

## 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 September 2022, there were **557** attendees for in-person, virtual, and/or online classes/certifications offered. The Division took part in **five** Public Program Events during the month reaching **240** attendees.

## ENFORCEMENT

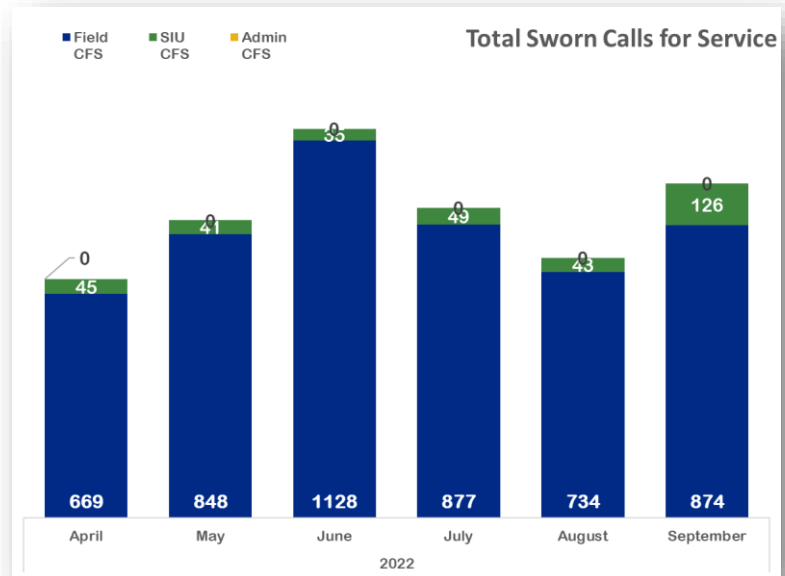
### CALLS FOR SERVICE – SWORN PERSONNEL

During September 2022, the Sworn Personnel within the Division tallied **1000** calls for service. Of these entries, **Annual Premise Inspection** was the most used type with a total of **397** entries.

#### Field Investigators

The Division has several Investigators assigned to the field. To provide uniform coverage across the State of New Hampshire, Investigators work in multiple teams, each of which cover different geographical areas.

Field Personnel recorded **874** calls for service during September. The most recorded Service Call was **Annual Premise Inspection** with **315** 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 **126** calls for service during the month. The most recorded Service Call was **Annual Premise Inspection** with **82** 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.

There were **no** calls for service recorded by Administrative Personnel during the month.

### 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

There were **205** recorded Compliance Checks accomplished in September 2022.

## 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 total number that occurred during the month.

### Summary

There were **24** individuals cited/issued a Summons during September 2022.

## 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 September 2022, a breakdown of the different types, and a tally of the fines issued.

### Summary

During the month, personnel logged **146** Administrative Actions. Of these, **18** resulted in the issuance of an Administrative Notice and **20** resulted in Verbal Warnings. Furthermore, there was one reported violation that was deemed unfounded.

In addition to the administrative actions, personnel issued **108** educational/verbal counseling's to better educate the licensees in the state.

### Fines

There were **19** Administrative Fines levied totaling **\$6,048.40** during the month.

## 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 September 2022, there were **40** open Incident Cases in active investigation by Field personnel. During the month, investigators closed **15** total Incident Cases, while **six** cases were found to have no criminal nexus.

## NON-TITLE XIII ACTIONS

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