



NHLC Division of Enforcement & Licensing



Liq 600 & Liq 200 Rules



New Rule

- 100% Re-write of the 600 Rules – Enforcement Policy
- Significant Re-write of the 200 Rules – Procedural Rules
- Progressive Discipline Model both in *Enforcement and Penalties*
- Administrative Points System
- Streamlined Hearings/Settlement Process
- Established Statute of Limitations



Progressive Discipline Model

All violations except those outlined in Liq 602.06(c) will follow a progressive discipline model.

➤ **Verbal Counsel**

- means any verbal instruction of corrective action issued by or at the direction of an investigator to a licensee, which is reported to the commission in writing, and which does not result in a warning, fine, revocation, points, or a suspension. *Liq 601.03*

➤ **Warning**

- means the final disposition in an adverse commission order that remains on the licensee's violation history but does not impose an administrative penalty. *Liq 201.01 (d)*

➤ **Administrative Notice**

- means the final disposition in an adverse commission order that results in an administrative penalty and remains on a licensee's violation history. *Liq 201.01 (am)*

"Administrative penalty" means conditions, administrative fine, points, suspension, or revocation.



Exceptions to Progressive Discipline

- Violations of RSA 179:5 other than compliance checks;
- Violations of RSA 126-K:4 other than compliance checks;
- All aggravated violations;
- Violations arising during any of the above violations;
- Violations of commission orders;
- Violations of RSA 178:3 (License Qualification/Applications/Renewals)
- Violations of RSA 179:60 (Interference with a Liquor Investigator); and
- Violations of RSA 179:22 (Employment Intervention – Elected Officials)



Administrative Points System

New points matrix establishes a point value for every administrative violation *Liq 602.01 (a)*. Points are only assessed to an Administrative Notice.

Points dictate the following:

- Administrative Penalties
- Enhanced Penalties
- Renewals/Revocations



Administrative Points System

- "Point" means a numerical value assigned to a violation, used to determine a licensee's overall record for an administrative penalty or renewal of license.
- When a single event results in multiple charges of the same violation, points shall only be applied once for that violation. Fines and suspensions shall be applied for each of the violations.
- Points remain on the license for a period of **3 years** from the date of adjudication.
- A violation shall not be a second or higher violation unless it occurs after the previous violation has been adjudicated
- An offense is a subsequent offense when it occurs within **7 years** of the previous offense



Administrative Points System

- When a licensee accumulates **12 points or over**, the licensee shall be ordered to a hearing to determine if enhanced penalties or conditions of the license are necessary to maintain proper controls.
- When a licensee accumulates **25 points or over**, the licensee shall be ordered to a hearing to determine if revocation is necessary
- Nothing in this section shall prohibit the Division from recommending non-renewal of a license or denial of an application based on the specification of RSA 178:3.
- Nothing in this section shall prohibit the Commission from revoking a license when there is a significant risk to public safety, or the business fails to operate in strict accordance with all applicable state and federal alcoholic beverage or tobacco control laws.

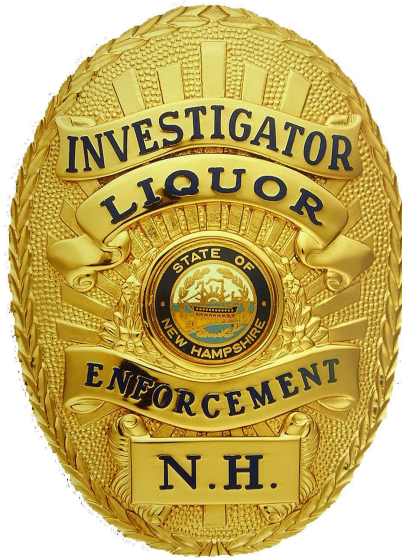


HEARINGS PROCESS

- A licensee has 15 days from the date of issuance of a warning to notify the Commission if they would like a hearing. No notification will result in warning being recommended for approval by the Commission. If approved the warning will be applied to the licensee's violation history.
- Licensee's will receive hearing notices for all Recommendation of Commission Action - Administrative Notices
- Prosecution will reach out to the licensee to discuss settlement, penalties, and points.



Division of Enforcement & Licensing



***Committed to a Safer State, In
Partnership with Our Communities***

