

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

IN THE MATTER OF THE APPLICATION)
FOR RENEWAL OF PLENARY AND) ORDER EXTENDING LICENSE
FARM WINERY LICENSES FOR THE) PRIVILEGES OF PLENARY AND FARM
2011-2012 LICENSE TERM) WINERY LICENSEES

BY THE DIRECTOR:

The Third Circuit Court of Appeals determined in the matter of Freeman v. Fischer that a number of the privileges accorded to New Jersey wineries are unconstitutional under dormant commerce clause analysis. This matter was remanded to the District Court for determination of proper remedy in accord with the Decision. Pending a legislative or judicial remedy meeting approval of the District Court, it is my obligation to maintain the status quo with respect to privileges held by current winery licenses and their authorized retail salesrooms.

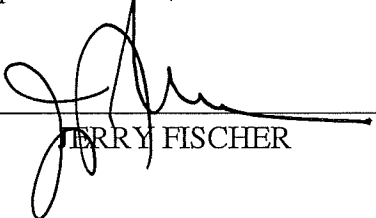
While I shall accept complete and timely applications and fees for renewal of current winery licenses and retail salesrooms, I shall not renew them absent further judicial review and approval. However, in order to maintain status quo for existing licensees, I shall extend their current privileges and salesrooms into the new license term until such time that the constitutional issues are resolved.

Accordingly, it is on this ^{ca}2nd day of June, 2011,

ORDERED, absent good cause to the contrary, the licenses and existing privileges of any plenary or farm winery licensee having submitted a complete renewal application and required fees shall be extended into the 2011-2012 license term effective June 30, 2011; and it is further

ORDERED, that all special conditions, limitations and restrictions placed on plenary and farm winery licensees for the 2010-2011 license term shall remain in full force and effect during the period of this extension; and it is further

ORDERED, the license fee submitted shall be retained by the Division for the extension of the license privileges and subsequent renewal, if so authorized.



JERRY FISCHER

JF/DNB/dal