

**ATTENTION: NEW 12.18 FILING PROCEDURE IN POSSE
AND NEW DATES AS A RESULT OF COVID-19 PUBLIC HEALTH EMERGENCY**

**PROCEDURE FOR LICENSEES TO PETITION THE DIRECTOR FOR A
SPECIAL RULING TO AUTHORIZE ISSUANCE OF A "NEW" LICENSE
BASED UPON FAILURE TO RENEW DUE TO
CIRCUMSTANCES BEYOND LICENSEE'S CONTROL OR OTHER EXTRAORDINARY
CIRCUMSTANCES**

N.J.S.A. 33:1-12.18

(2020-2021 LICENSE TERM)

As a result of Governor Murphy's declaration of a State of Emergency in Executive Order No. 103 (2020) due to the COVID-19 pandemic, the Division of Alcoholic Beverage Control (the "Division") issued AO 2020-02, which extended all municipal and State licenses and permits through Wednesday, September 30, 2020. Given this extension, the dates for seeking relief pursuant to N.J.S.A. 33:1-12.18 ("12.18 Special Ruling") have been adjusted, as described below. Even though the licenses issued during the 2019-2020 license term have been extended, please be advised that the 2020-2021 license term expires on June 30, 2021.

In the normal course, when a licensee does not file its renewal application and pay the annual fees (both municipal and State) on or before July 30 of the year beginning the license term for which renewal is sought, a 12.18 Special Ruling is required. The statute permits a licensee to petition the Director within one year (until July 30 of the year ending the license term for which renewal is sought) following the expiration of the license renewal period and request a Special Ruling to permit the filing of an application for a new license upon failure to timely renew.

For the 2020-2021 license term only, if a licensee fails to timely renew on or before October 30, 2020 and now must obtain a 12.18 Special Ruling for this term, a licensee must file a renewal application and pay both the municipal and State fees and file a Verified Petition on or before July 30, 2021 in order to be eligible for a 12.18 Special Ruling that authorizes the municipal issuing authority to issue a "new" license. To obtain a Special Ruling, the Director must make a written determination that the licensee's failure to apply for a renewal of its license in a timely manner was due to circumstances beyond the licensee's control or other extraordinary circumstances.

SPECIAL INSTRUCTIONS AND DATES FOR THE 2020-2021 LICENSE TERM ONLY:

- **VERIFIED PETITIONS FOR 12.18 RELIEF MAY BE FILED AFTER OCTOBER 30, 2020 AND ON OR BEFORE JULY 30, 2021.**
- **TO BE ELIGIBLE FOR A 12.18 SPECIAL RULING, THE LICENSEE MUST FILE ITS RENEWAL APPLICATION AND PAY THE MUNICIPAL FEES TO THE ISSUING**

AUTHORITY AND PAY THE STATE FEES TO THE DIVISION ON OR BEFORE JULY 30, 2021.

PLEASE BE ADVISED OF THE NEW FILING PROCEDURE. In order to request a 12.18 Special Ruling for the 2020-2021 license term, a licensee must submit a Verified Petition to the Division via the POSSE Online Licensing System (“POSSE”) on or before July 30, 2021 (but after October 30, 2020). (Please be advised, if your license requires a 12.39 Special Ruling, you must submit a separate petition for 12.39 Relief on POSSE). Please sign in to the Division’s online licensing system by going onto the ABC WEB PAGE at: <https://www.njoag.gov/about/divisions-and-offices/division-of-alcoholic-beverage-control-home/posse-online-licensing-system/>. Click on the link that says **Licensee/Public Users** to log onto POSSE. Follow the log on instructions. Once logged in, click on Licensing then click on Request 12.18 Relief.

If you are unable to submit the Verified Petition Form in POSSE, the form and any attachments must be sent to the Division in PDF format by email to NJABCPetitions@njoag.gov on or before July 30, 2021 (but after October 30, 2020). Once the Division representative creates the petition job, the \$100 filing fee(s) must be paid via the POSSE. **NO PAPER PETITIONS AND/OR FEES WILL BE ACCEPTED.**

For purposes of N.J.S.A. 33:-1-12.18, a Verified Petition is a certification made by a licensee with direct personal knowledge concerning the required facts, which is **signed and certified. In lieu of a notary, the licensee must include the following certification language in its petition: “I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are made by me are willfully false, I am subject to punishment.”**

The Verified Petition should include the following information:

1. Complete identification of licensee and license number;
2. Proof that the renewal application and required fees (both State and municipal) were filed with the issuing authority and the State on or before **July 30, 2021**, and the date of filing;
3. Specific recitation of efforts made to renew the license on time and difficulties encountered which prevented the timely renewal of the license. In doing so, the licensee should include dates (or approximations thereof) of when certain activities took place so that the Director can determine whether the licensee’s failure to apply for renewal in the time provided was due to circumstances beyond its control or other extraordinary circumstances;
4. Whether the licensee has previously petitioned the Director to authorize a "new" license pursuant to N.J.S.A. 33:1-12.18;
5. Relevant documents supporting the statements made in the Verified Petition, including but not limited to, dated and signed letters, and correspondence concerning licensee’s attempts to renew its license; and
6. Certification language provided above.

A **copy** of the Verified Petition must be submitted to the Clerk of the local issuing authority or Secretary of the municipal ABC Board at the same time submission is made to the Director. This permits the local issuing authority to review the facts, as stated by the licensee, and supply the Division with any comments.

Upon receipt of the renewal application and fees by a licensee that files for a 12.18 Special Ruling, the local issuing authority should thereafter defer action and forward the application and fees to the Division's Licensing Bureau. The local issuing authority is instructed to not pass any resolution renewing the license until receipt of the Special Ruling from the Division.

The filing of a Verified Petition does not eliminate the licensee's responsibility to continue to apply for renewal of its license on or before June 30th of each year with the local issuing authority during the pendency of this petition.

Should a licensee have any questions or if a licensee is unable to file for a 12.18 Special Ruling in POSSE, contact the Office of Counsel to the Director at (609) 376-9760.