

**PROCEDURE FOR LICENSEES TO PETITION THE DIRECTOR
TO ALLOW RENEWAL OF A LICENSE THAT BECAME INACTIVE
ON OR BEFORE JUNE 30, 2018**

N.J.S.A. 33:1-12.39

(2020-2021 LICENSE TERM)

If your license became inactive on or before **June 30, 2018**, your local issuing authority will **not** be able to renew your inactive license for the 2020-2021 license term **unless** you first obtain a "Special Ruling" from the Director of the New Jersey Division of Alcoholic Beverage Control (the "Division"). An inactive license is a license that is **not** currently open and operating in a licensed premises. The Director has the authority to grant a Special Ruling pursuant to N.J.S.A. 33:1-12.39 ("12.39 Special Ruling") based upon good cause shown.

In order for the Division to process a request for a 12.39 Special Ruling to authorize renewal of an inactive license, **you must complete and email a "Verified Petition Form" to the Division. The Verified Petition Form is available at: <http://www.nj.gov/oag/abc/regulatory-library.html>**

The Verified Petition Form must be completed in full by a licensee with direct personal knowledge of the required facts and must be signed and certified by the licensee. Additional documentation may be attached to the Verified Petition Form.

The Verified Petition Form and attachments, if any, **must** be sent to the Division in PDF format by email to NJABCPetitions@njoag.gov and the filing fee(s) **must** be paid via the POSSE Online Licensing System. At this time, licensees may not submit the Verified Petition Form directly on POSSE. **No Special Ruling will be granted unless you complete, sign and certify the Verified Petition Form and pay the filing fee(s). NO PAPER PETITIONS AND/OR FEES WILL BE ACCEPTED.**

Upon submission of a Verified Petition Form and a non-refundable filing fee of \$100 **per license term**, the Director will consider requests for up to **two terms only** (2020-2021 and 2021-2022) of relief (if a licensee is requesting relief for **prior** terms (2017-2018, 2018-2019, etc.), this two term limitation will not apply). Therefore, one Special Ruling could provide relief for two license terms and avoid licensee uncertainty about Special Rulings in the future. Be advised, however, that a licensee that receives a Special Ruling for a future license term is still required to file a timely renewal application and fees with the local issuing authority for each year and in all future years.

A copy of the "Verified Petition Form" must be submitted to your issuing authority at the same time you submit the original to this Division. The date of submission to the municipality must be noted on the "Verified Petition Form" submitted to the Division.

If your license is subject to a Special Condition imposed by a Consent Order entered into with this Division which required activation by a specific date, or a Special Condition imposed by a Special Ruling or a Final Conclusion and Order by the Director, be advised that you must ask that the special condition to be vacated, or the license presumptively lapses and it will be more difficult for you to meet the standard for the issuance of a Special Ruling.

Also, if your license received a two (2) year "fire/casualty" ruling pursuant to N.J.S.A. 33:1-12.39 which authorized renewal for the 2019-2020 and 2020-2021 license terms, the ruling only applies to the licensee who suffered the casualty loss. If the license has been transferred to you in the last year, then you must petition the Division as outlined in this notice pursuant to N.J.S.A. 33:1-12.39 before your local governing body can renew the license for the 2020-2021 license term.

Prior to renewal, **all licensees** must receive an Alcoholic Beverage Retail License Clearance Certificate for renewal from the Division of Taxation. Questions regarding a clearance certificate should be directed to your case worker at the Division of Taxation or by visiting the nearest Taxation Regional Office to your business.

YOU MUST FILE YOUR RENEWAL APPLICATION AND PAY ALL NECESSARY FEES (BOTH STATE AND MUNICIPAL) BY ITS DEADLINE DATE. BE ADVISED THAT STATE LAW REQUIRES THAT YOU FILE YOUR RENEWAL APPLICATION AND FEES ON OR BEFORE July 30, 2020 (NOW October 30, 2020 per Director's Order due to COVID-19). Failure to file your renewal application and fees with the local issuing authority by July 30, 2020 (NOW October 30, 2020) may cause your license to permanently lapse and cease to exist.

Should you have any further questions, please contact Counsel to the Director's Office at (609) 376-9760.

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

LICENSE NO: _____ - _____ - _____ - _____

NAME OF LICENSEE: _____)
t/a: _____)
IN THE MATTER OF A _____)
SPECIAL RULING PURSUANT TO N.J.S.A. 33:1-12.39)
FOR LICENSE TERM(S) (mark terms requested): **2020-21;** **2021-22;**)

“VERIFIED PETITION FORM”
AFFIDAVIT IN
SUPPORT OF REQUEST
FOR A SPECIAL RULING

_____ (LIST PRIOR TERM(S) IF NOT ALREADY RECEIVED)

1. I am _____)
(NAME) (POSITION OR TITLE)

My email address is: _____

I make this affidavit in support of a request for a Special Ruling pursuant to N.J.S.A. 33:1-12.39 with the Division of Alcoholic Beverage Control (“Division”). I am fully familiar with the facts stated herein, and am authorized to make this request on behalf of _____)
(LICENSEE)

2. **Briefly state the reasons why the license has remained inactive, and the prognosis for activation of the license. NOTE:** Along with this REQUIRED form, you MAY submit documentation which shows steps taken to activate the license. Attach additional pages if needed.

3. Provide complete contact information including your mailing address, telephone number, and email. Failure to provide this information will delay the processing of the Special Ruling.

Mailing Address: _____)
(STREET) (CITY/TOWN) (STATE) (ZIP)
Personal Phone: _____ - _____ - _____ Business Phone: _____ - _____ - _____ Email: _____

PLEASE EMAIL THIS DOCUMENT AND ANY OPTIONAL SUPPORTING DOCUMENTATION TO: NJABCPetitions@njoag.gov

Note: You must pay a \$100 filing fee for EACH term requested on Posse. If the filing fee is not paid, the Division CANNOT process the Petition.

I certify that I have provided a copy of this Verified Petition Form to the municipality, submitted on _____)
(DATE)

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

_____)
(DATE)

_____)
(SIGNATURE)

This section for Division of Alcoholic Beverage Control Use ONLY:

JOB NUMBER: _____ DOCKET NUMBER: _____

I have reviewed the petition filed in this matter and have considered all the facts and circumstances related to the inactive status of this license. I find that the petitioner or licensee has established good cause in accordance with the statutory requirements to warrant an application for renewal of the license for the license term(s). Accordingly, the municipal issuing authority is hereby authorized to consider the application for renewal of the subject license for the _____ license term(s) and to thereupon grant or deny said application in the reasonable exercise of its discretion. This authorization does not abrogate the licensee's obligation to timely submit the license renewal application and requisite fees prior to any consideration of renewal, including obtaining a tax clearance. Please note that the approval granted herein is conditional, and is based upon the representations set forth in the petitioner's notarized form verified petition. This approval is subject to review and/or modification should the factual circumstances warrant.

_____)
Date

_____)
Director