

ATTENTION: NEW 12.39 FILING PROCEDURE IN POSSE

**PROCEDURE FOR LICENSEES TO PETITION THE DIRECTOR
TO ALLOW RENEWAL OF A LICENSE THAT BECAME INACTIVE
ON OR BEFORE JUNE 30, 2019**

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

(2021-2022 LICENSE TERM)

If your license became inactive on or before **June 30, 2019**, your local issuing authority will **not** be able to renew your inactive license for the 2021-2022 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 submit a "Verified Petition" to the Division via the POSSE Online Licensing System ("POSSE")**. (Please be advised, if your license requires a 12.18 Special Ruling, you must submit a separate petition for 12.18 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 12.39 Relief.

If you are unable to submit a "Verified Petition" via POSSE, the "Verified Petition Form" and any attachments, **must** be sent to the Division in PDF format by email to NJABCPetitions@njoag.gov and once the Division representative creates the petition job, the filing fee(s) must be paid via POSSE.

The Verified Petition Form is available at: <https://www.njoag.gov/about/divisions-and-offices/division-of-alcoholic-beverage-control-home/counsel-to-the-director/>. **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.**

The Verified Petition Form must be completed in full by a licensee with direct personal knowledge of the required facts or by an "authorized representative" (e.g., lawyer or accountant) and must be signed and certified by the licensee. Additional documentation may be uploaded along with the Verified Petition Form.

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 (2021-2022 and 2022-2023) of relief (if a licensee is requesting relief for prior terms (2019-2020, 2020-2021, 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 will be sent via POSSE. If you submitted the Verified Petition Form via email, a copy 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 or 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 2020-2021 and 2021-2022 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 2021-2022 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 the Division of Taxation by emailing them at: ABCClearance.Public@treas.nj.

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, 2021. Failure to file your renewal application and fees with the local issuing authority by July 30, 2021 may cause your license to permanently lapse and cease to exist.

Should you have any further questions or if you have difficulty filing for a 12.39 Special Ruling through POSSE, please contact Counsel to the Director's Office at (609) 376-9760.