

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

**AN 2024-02– ADVISORY NOTICE TO ISSUING AUTHORITIES REGARDING THE
ISSUANCE, RENEWAL OR TRANSFER OF “CONFLICT LICENSES” AND THE EXCEPTION
AS TO CLUB LICENSES**

Please be advised that, pursuant to N.J.S.A. 33:1-20 and N.J.A.C. 13:2-4.1, no retail license (**except for a club license**) may be issued, transferred or renewed by an issuing authority if a member of that issuing authority (e.g. Mayor, Council Member, Committee Member) has an interest, either directly or indirectly, in that license. These licenses are often referred to as “conflict licenses.” However, there is a statutory exception if a member of the issuing authority has an interest in a club license. The procedure that issuing authorities must follow for conflict licenses, and the exception as to club licenses, is discussed below.

If a member of an issuing authority has an interest in a retail license (except for a club license), applications for renewal or transfer must be made directly to the Division of Alcoholic Beverage Control (“Division”) for review and approval. Application to the Division is made using the application forms used in all applications for municipal licenses along with a \$200 State fee, certification by the Clerk, board secretary or other responsible municipal official that the appropriate municipal fee has been paid and the amount of such fee (or a certain percentage has been paid depending on the type of transfer), and a copy of the issuing authority’s resolution stating the issuing authority has no objection to issuance, renewal or transfer of the license and is not aware of any circumstances or provisions of law or local ordinance which would prohibit the issuance, renewal or transfer of the license. See N.J.A.C. 13:2-4.2 through 13:2-4.6. Advertising of the application must be done in accordance with N.J.A.C. 13:2-2 and 13:2-4.7, however, any objections to the application must be made to the Director of the Division.

Please note there is an exception if the conflict license is a club license. If a member of an issuing authority has an interest in a club license, the issuing authority may issue, transfer or renew the club license and there is no need to make an application to the Director. If the Division receives an application from an issuing authority where a member of the issuing has an interest in a club license, it will return the application to the issuing authority for issuance, transfer or renewal in its discretion.

This Advisory Notice does not impose any new or additional requirements that are not required by statute or regulation and does not establish any rights or obligations for any person. This document does not provide legal advice and should not be treated as providing legal advice. Licensees should speak to a qualified attorney for legal advice or contact the Division with specific questions related to this Advisory Notice.

Any general questions concerning this Advisory Notice should be directed to Tia Johnson, Retail Manager, Licensing Bureau at 609-376-9723 or Tia.Johnson@njoag.gov. Any legal questions concerning this Advisory Notice should be directed to Jillian Mahoney, DAG at 609-376-9639 or Jillian.Mahoney@njoag.gov.


JAMES B. GRAZIANO
DIRECTOR

Dated: March 26, 2024