

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

AN 2020-09

**ADVISORY NOTICE ON MANDATORY ELECTRONIC FILING OF APPEALS FROM
MUNICIPAL ACTION**

Effectively immediately, in light of the COVID-19 pandemic and necessary modifications to the business practices of the Division of Alcoholic Beverage Control (the “Division”), all appeals from an action taken by a municipal issuing authority concerning the issuance, renewal, transfer, suspension, revocation, or imposition of special conditions on a license shall be commenced by the electronic filing of a Notice and Petition of Appeal with the Division.

In order to implement this mandatory electronic filing procedure, the Division is providing the following instructions. All initial and subsequent submissions related to the appeal must be submitted electronically in .pdf format to NJABCappeals@njoag.gov. Failure to comply with this Advisory Notice may result in the rejection of the appeal and/or submissions related thereto.

Please note that, with the exception of N.J.A.C. 13:2-17.1, all other sections of this regulation will continue to apply, including, but not limited to, service of the Notice and Petition of Appeal on the opposing side. See N.J.A.C. 13:2-17.2.

This action is being taken pursuant to the Director’s authority in N.J.S.A. 33:1-39 to make such findings “as may be necessary for the proper regulation and control of the manufacturer, sale and distribution of alcoholic beverages and the enforcement of this chapter.” In the Director’s view, allowing for the electronic filing of Notices and Petitions of Appeal ensures that licensees or individuals aggrieved by an action taken by a municipal issuing authority have an opportunity to timely appeal, notwithstanding that much of the Division’s workforce is working remotely and is unable to process paper appeals. After the pandemic subsides and the public health emergency is over, the Division will consider amending N.J.A.C. 13:2-17.1 to provide for electronic filing of appeals.

**INSTRUCTIONS FOR FILING AN APPEAL FROM MUNICIPAL ACTION BY A
LICENSEE OR THIRD PARTY OBJECTOR**

- Submit the Notice and Petition of Appeal in .pdf format to NJABCappeals@njoag.gov.
- Upon receipt of the Notice and Petition of Appeal, the Division will docket the Appeal in to the POSSE system (please allow 2-3 days for the Appeal to be docketed in).
- 2-3 days after submission of the Appeal by e-mail, the licensee must log in to its POSSE account to pay the \$100 Appeal fee. IF THE FEE IS NOT PAID, THE DIVISION CANNOT PROCESS THE REQUEST.

- Upon logging in to your POSSE account, the account will show an outstanding fee. The licensee must hit “Pay all Fees” to pay. In order to confirm submission of the Appeal, the licensee will need to go to the “Job” in the “Drafts” section. PLEASE BE SURE TO HIT “SUBMIT” so the Division can see that the fee has been paid.

* **PLEASE NOTE**: ALL DOCUMENTS AND SUBMISSIONS RELATED TO THE APPEAL MUST BE FILED IN .PDF FORMAT TO NJABCAppeals@njoag.gov.

* **PLEASE NOTE**: FOR THE DURATION OF THE PUBLIC HEALTH HAZARD POSED BY COVID-19, AND IN CONSIDERATION OF SOCIAL DISTANCING EFFORTS, ALL HEARINGS AND SETTLEMENT CONFERENCES WILL BE HELD REMOTELY BY AUDIO OR VIDEO CONFERENCING, UNLESS OTHERWISE ORDERED BY THE DIRECTOR.

Any questions regarding these instructions should be directed to DAG Paul Urbish at (609) 376 9635.

A handwritten signature in black ink, appearing to read 'J. B. Graziano', with a stylized flourish at the end.

JAMES B. GRAZIANO
ACTING DIRECTOR

Date: October, 2020