

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

IN THE MATTER OF THE)
APPLICATION TO PERMIT THE)
RELAXATION OF N.J.A.C. 13:2-33.2(a))
TO PERMIT REFUND OF BRAND)
REGISTRATION FEES)
)
)
)
)

SR 2022-07
SPECIAL RULING GRANTING
RELAXATION OF N.J.A.C. 13:2-33.2(a)

HOPE WINE, LLC

Kat Boss, Compliance Connection on behalf of Hope Wine, LLC

BY THE DIRECTOR:

All alcoholic beverages sold or offered for sale in New Jersey by manufacturers or wholesalers to retailers must first be brand registered with the Division of Alcoholic Beverage Control (the “Division”). See N.J.S.A. 33:1-2(c). A brand owner or registrant who files a brand registration schedule and amendment must pay a filing fee of \$23.00 per filing for each initial brand registration and annual renewal and \$10.00 for each amendment. See N.J.S.A. 33:1-2(d); N.J.A.C. 13:2-33.2(a)

On or about March 11, 2022, Petitioner, Compliance Connection, a compliance company acting on behalf of out-of-state winery Hope Wine, LLC (“Hope Wine”),¹ filed a petition requesting relaxation of N.J.A.C. 13:2-33.2(a). This regulation provides, among other things, that brand registration fees are non-refundable. Petitioner Compliance Connection is seeking this relief based on its assertion that it overpaid its brand registration fees when it filed its brand registration schedule with the Division on behalf of Hope Wine.

N.J.A.C. 13:2-9.1 allows the Director to relax a regulation upon a showing by a Petitioner of undue hardship, economic or otherwise on a licensee, that the waiver of the rule would not unduly burden any affected parties, and that the waiver is consistent with the underlying purpose of Title 33 and the implementing regulations. A Petitioner seeking this relief must submit its request in writing and must include all documentation which supports its request for the waiver.

The Division has reviewed the submission from the Petitioner and has considered all the facts and circumstances relating to this matter. The Petitioner requests a refund for the incorrect

¹ Hope Wine, LLC holds a New Jersey out-of-state winery license, License No. 3404-41-823-001.

payment of brand registration fees in the amount of \$184.00.² Petitioner explains that an employee in training at Compliance Connection mistakenly filed the brand registrations under the wrong entity, Vin-Go, instead of the correct entity, Hope Wine. As a result of its error, the wrong entity incurred the fee for the brand registrations. Petitioner states that there is an economic hardship present as the wrong entity should not be expected to pay for the filing entity's error. Petitioner states that it has now correctly filed its brand registrations on behalf of Hope Wine and Petitioner has remitted payment for same.

Based on the Division's review, the Division finds that the Petitioner has met the requirements of N.J.A.C. 13:2-9.1 to warrant the relaxation of provisions of N.J.A.C. 13:2-33.2(a). Compliance Connection's employee appeared to be confused which resulted in the employee filing the brand registrations under the wrong entity. The Division believes that Petitioner will likely be economically harmed if it is not provided a refund for its error. The Division also believes that granting the requested waiver in this instance will not unduly burden any affected parties or undermine the purposes of Title 33 because Hope Wine is the exclusive distributor of these products in New Jersey. Therefore, for the reasons set forth herein, Petitioner's request for a refund of \$184.00 is granted. Petitioner should be advised that no further relief shall be granted as to these March 11, 2022 brand registrations and it should be cautious when filing its brand registrations in the future.

Please note that the approval granted herein is conditional and based upon the representations set forth in Petitioner's petition and the unique circumstances presented. If the Division becomes aware of different facts, it reserves the right to withdraw this Special Ruling and initiate appropriate proceedings, if required.



JAMES B. GRAZIANO
DIRECTOR

DATED: June 10 , 2022

JBG/JM

² The brand registration filed on March 11, 2022 included eight different wines with the following brand registration numbers: 604196, 604197, 604198, 604199, 604200, 604201, 604202 and 604203.

