

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

IN THE MATTER OF THE APPLICATION TO)
RELAX THE PROVISIONS OF N.J.A.C. 13:2-)
5.1(d) WHICH ALLOWS A SOCIAL AFFAIR)
PERMITTEE TO OBTAIN NO MORE THAN)
TWELVE SOCIAL AFFAIR PERMITS IN A)
TWELVE-MONTH PERIOD)
)
BROOK ARTS CENTER)
_____)

SR 2022-12
SPECIAL RULING GRANTING
RELAXATION

BY THE ACTING DIRECTOR:

The Division of Alcoholic Beverage Control (“Division”) has received a request from the Brook Arts Center, seeking relaxation of N.J.A.C. 13:2-5.1(d), which allows a social affair permittee to obtain no more than twelve social affair permits in a twelve-month period. Relaxation of the regulation is permitted pursuant to N.J.A.C. 13:2-9.1; in the absence of such relief, a permit applicant cannot exceed twelve social affair permits in a twelve-month period.

On July 15, 2022, the Brook Arts Center submitted a request to apply for an additional ten social affair permits since it has already obtained twelve social affair permits for the 2022 calendar year. The Brook Arts Center is a nonprofit theater and “arts incubator” in the borough of Bound Brook, New Jersey. Its mission is to provide a venue for all artists and offer affordable arts, culture and entertainment to Bound Brook and surrounding communities. Due to the novel coronavirus 19 (COVID-19) pandemic, the Brook Arts Center closed in March 2020 and reopened in a limited capacity in April 2021. The pandemic adversely impacted ticket sales, attendance and operating costs, and raised financial concerns that are ongoing. This year’s schedule includes shows and

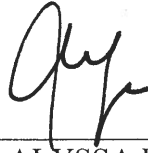
performances that had to be postponed in 2020 and 2021. The ten additional permits are for the following dates: August 6, 2022; August 13, 2022; September 10, 2022; September 17, 2022; September 24, 2022; October 1, 2022; October 8 (or alternative date October 14), 2022; October 15, 2022; October 22, 2022; and October 28, 2022.

Under N.J.A.C. 13:2-9.1, the Director may relax the provisions of a regulation upon a showing of undue economic hardship; a determination that the waiver of the rule does not unduly burden any affected party; and a demonstration that the waiver is consistent with the underlying purposes of Title 33 and the implementing rules. Based on a review of the specific circumstances described above, there appears to be an adverse economic impact on the Brook Arts Center if relaxation is not granted. Moreover, the Division is satisfied that by allowing the Brook Arts Center to host a total of twenty-two social affair events this year through October 28, 2022, there shall be no burden to any other party. Conversely, if relief is not provided, there is the potential for an adverse effect on this organization. Finally, allowing this relaxation is not inconsistent with Title 33's statutory mandate to protect the public health, safety and welfare of the people of this State. The Brook Arts Center is seeking a total of 22 social affair permits for the same designated premises in a calendar year, and is not seeking to exceed the statutory maximum number of permits as set forth in N.J.S.A. 33:1-74.

In light of the foregoing, pursuant to N.J.A.C. 13:2-9.1, the Division will GRANT the request for relaxation of N.J.A.C. 13:2-5.1(d) allowing the issuance of ten additional social affair permits for the specified dates, provided that Brook Arts Center applies for each permit, complies with all other requirements of N.J.A.C. 13:2-5.1, and the Licensing Bureau makes a satisfactory determination on the merits of each application.

The relief provided herein is based on information provided in the Brook Arts Center's

application for relief. Should the relief granted be inconsistent with Title 33 in actual practice or should the requester violate the terms of its social affair permit or any special conditions attached thereto, this approval may be withdrawn or modified.



ALYSSA P. WOLFE
ACTING DIRECTOR

Dated: August 5, 2022

JBG/RL/APW