

**PROCEDURE FOR LICENSEES TO PETITION THE DIRECTOR
TO ALLOW RENEWAL OF A LICENSE THAT BECAME INACTIVE
ON OR BEFORE JUNE 30, 2016**

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

(2018-2019 LICENSE TERM)

If your license became inactive on or before June 30, 2016, your local issuing authority will not be able to renew your inactive license for the 2018-2019 license term unless you first obtain a "Special Ruling" from the Director of the New Jersey Division of Alcoholic Beverage Control. 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") based upon good cause shown.

In order for the Division of Alcoholic Beverage Control to process a request for a Special Ruling to authorize renewal of an inactive license pursuant to N.J.S.A. 33:1-12.39, **you must submit a "Verified Petition Form" to the Director. You are required to fill out a "Verified Petition Form."** **You may not apply for a 12.39 Special Ruling online.** A "Verified Petition Form" is a form template affidavit completed and mailed to us by a licensee with direct personal knowledge concerning the required facts (as set forth below), which is **signed and sworn to before a notary public or any other person authorized to administer oaths in the State of New Jersey.** **No Special Ruling will be granted without a "Verified Petition Form."** You may attach additional documentation to the form, but it is **not required**. The "Verified Petition Form" can be found on our website at: <http://www.nj.gov/oag/abc/regulatory-library.html>

Upon submission of a "Verified Petition Form" and a non-refundable filing fee of \$100 per license term, the Director will consider reasonable requests for two terms (2018-2019 and 2019-2020) of relief. 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 next year and in all future years.

Due to the high volume of petitions, status updates will not be provided prior to the issuance of a ruling, except for good cause.

Your "Verified Petition Form" must be completely filled out and include the following information:

1. Complete identification of licensee and license number;
2. Name, email address, mailing address, fax and phone number where you can be reached;

3. The license terms for which you request relief, the Division will accept and grant up to two years of relief. **(Be sure to send the proper amount of filing fees.)**
4. **Specific reasons why the license has remained inactive and efforts made to resume active use of the license.** You may include dates when certain activities occurred so the Director can determine whether there is good cause to authorize a further application for renewal; and,
5. **\$100 per license term requested** for the filing fee of the “Verified Petition Form.” Make sure that you send the proper amount based upon the number of license terms you request. For example, if you would like to be considered for relief for the 2018-19 and 2019-2020 license terms, please submit \$200. Payment must be made by personal check, certified check, money order or attorney trust check, made payable to the "N.J. Division of ABC". **Payment must accompany the “Verified Petition Form” submitted to this Division.**
6. Your “Verified Petition Form” and optional supporting documentation must be mailed to Counsel to the Director’s Office, NJ Division of Alcoholic Beverage Control, P.O. Box 087, 140 East Front Street, 5th Floor, Trenton, New Jersey, 08625. **You may not apply for a 12.39 Special Ruling online. PLEASE SUBMIT YOUR VERIFIED PETITION FORM AS SOON AS POSSIBLE.**
7. A **copy** of the “Verified Petition Form” 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 Form.” **Do not** fax your “Verified Petition or attach it to your renewal application. All “Verified Petition Forms” must be mailed to the Division.
8. You must file your 2018-2019 renewal application and renewal fees no later than July 30, 2018. The issuing authority is advised to accept your application and fees, but to defer passing a Resolution renewing your license until receipt of a Special Ruling and a Tax Clearance Certificate.
9. **The Division is no longer accepting online filing of a petition for relief pursuant to N.J.S.A 33:1-12.39 via POSSE, the Division’s online licensing system. All licensees who petition for 12.39 relief are required to complete and mail in a “Verified Petition Form.”**

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 Decision 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 2017-2018 and 2018-2019 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 letter pursuant to N.J.S.A. 33:1-12.39 before your local governing body can renew the license for the 2018-2019 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 your case worker at the Division of Taxation or by visiting the nearest Taxation Regional Office to your business.

YOU MUST FILE YOUR RENEWAL APPLICATION AND PAY ALL NECESSARY FEES (BOTH STATE AND MUNICIPAL) TO THE LOCAL ISSUING AUTHORITY BY ITS DEADLINE DATE. IN ANY EVENT, BE ADVISED THAT STATE LAW REQUIRES THAT YOU FILE YOUR RENEWAL APPLICATION AND FEES ON OR BEFORE JULY 30, 2018. Failure to file your renewal application and fees with the local issuing authority by July 30, 2018 may cause your license to permanently lapse and cease to exist.

Should you have any further questions, please contact Counsel to the Director's Office at (609) 984-2830.

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

LICENSE NO: _____ - _____ - _____

NAME OF LICENSEE: _____)
t/a: _____)
IN THE MATTER OF A _____)
SPECIAL RULING PURSUANT TO N.J.S.A. 33:1-12.39 _____)
FOR LICENSE TERM(S) 2018-19; 2019-20;
(circle term(s) requested)

“VERIFIED PETITION FORM”
AFFIDAVIT IN
SUPPORT OF REQUEST
FOR A SPECIAL RULING

(LIST PRIOR TERM(S) IF
NOT ALREADY RECEIVED)

1. I am _____
(NAME) (POSITION OR TITLE)

Contact email address is: _____

I make this affidavit in support of a request for a Special Ruling pursuant to N.J.S.A. 33:1-12.39 with the Division of Alcoholic Beverage Control (“Division”). I am fully familiar with the facts stated herein, and am authorized to make this request on behalf of _____
(LICENSEE)

2. Briefly state the reasons why the license has remained inactive, and the prognosis for activation of the license. NOTE: Along with this REQUIRED form, you MAY submit documentation which shows steps taken to activate the license. Attach additional pages if needed.

3. Provide complete contact information including your mailing address, telephone number, and fax number. Failure to provide this information will delay the processing of the Special Ruling.

Mailing Address: _____
(STREET) (CITY/TOWN) (STATE) (ZIP)
Personal Phone: _____ - _____ - _____ Business Phone: _____ - _____ - _____ Fax: _____ - _____ - _____

PLEASE MAIL THIS DOCUMENT, ANY OPTIONAL SUPPORTING DOCUMENTATION AND MONEY ORDER OR CHECK TO:
Division of ABC, 140 East Front Street, PO Box 087, Trenton, NJ 08625-0087 ATTN: Petitions
Note: you must include a \$100 filing fee for EACH term requested, made payable to the Division of ABC

I certify that I have provided a copy of this Verified Petition Form to the municipality, submitted on _____
(DATE)

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

(SIGNATURE)

(SIGNATURE OF NOTARY/ATTORNEY-AT-LAW)

(DATE)

(DATE)

NOTE: AFFIANT’S SIGNATURE MUST BE NOTARIZED BEFORE A NOTARY PUBLIC OR AN ATTORNEY AT LAW.

This section for Division of Alcoholic Beverage Control Use ONLY:

JOB NUMBER: _____

DOCKET NUMBER: _____

I have reviewed the petition filed in this matter and have considered all the facts and circumstances related to the inactive status of this license. I find that the petitioner or licensee has established good cause in accordance with the statutory requirements to warrant an application for renewal of the license for the license term(s). Accordingly, the municipal issuing authority is hereby authorized to consider the application for renewal of the subject license for the _____ license term(s) and to thereupon grant or deny said application in the reasonable exercise of its discretion. This authorization does not abrogate the licensee's obligation to timely submit the license renewal application and requisite fees prior to any consideration of renewal, including obtaining a tax clearance. Please note that the approval granted herein is conditional, and is based upon the representations set forth in the petitioner's notarized verified petition form. This approval is subject to review and/or modification should the factual circumstances warrant.

Date

Director