

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

PROCEDURE FOR LICENSEES TO PETITION THE DIRECTOR TO ALLOW RENEWAL OF A LICENSE THAT BECAME INACTIVE ON OR BEFORE JUNE 30, 2010.

(2012-2013 LICENSE TERM)

If your license became inactive on or before June 30, 2010, your local issuing authority will not have the jurisdiction to renew your inactive license for the 2012-2013 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 for one or more terms, based upon good cause shown.

Upon submission of a Verified Petition and a non-refundable filing fee of \$100 per license term, the Director may consider reasonable requests for multiple terms of relief based upon appropriate evidential submission and good cause. Therefore, one Special Ruling could provide relief for multiple license terms and avoid licensee uncertainty about Special Rulings in the future. Be advised, however, that a licensee that receives a Special Ruling for future license terms is 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. Priority will be given to licensees who demonstrate that activation of their license is imminent. Such licensees should contact Chris Margounakis at 609-292-9301 for further instructions.

In order for the Division of Alcoholic Beverage Control to process a request for a Special Ruling to authorize renewal of an inactive license under N.J.S.A. 33:1-12.39, you must submit a "Verified Petition" to the Director. **There is no Verified Petition "form" to be filled out.** A Verified Petition is an affidavit made by, 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.**

Your Verified Petition must include the following information:

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

3. Date (month, day, and year) license ceased active operations and reasons for inactivity;
4. Number of license terms for which you request relief; (Be sure to send the proper amount of filing fees.)
5. Certification that a copy of the Verified Petition was submitted to the municipality, noting the date of such submission;
6. **Specific efforts made to activate the license**, or difficulties encountered which prevented activation of license. You should include dates when certain activities occurred so the Director can determine whether there is good cause to authorize a further application for renewal. It is helpful to include with your Verified Petition copies of relevant documents such as dated and signed agreements for sale, listing agreements with real estate agents, etc., as evidence which supports the information submitted;
7. **Prognosis** as to when the license will be activated; and
8. **\$100 per license term requested** for the filing fee of the Verified Petition. Make sure that you send the proper amount based upon the number of license terms you request. For example, if you qualify and would like to be considered for relief for two (2) years, 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 upon submission to this Division.**
9. A **copy** of the Verified Petition must be submitted to your municipal clerk at the same time you submit the original to this Division. As noted above, proof that you have submitted a copy of the Verified Petition must be submitted. Acceptable proof includes, but is not limited to, an acknowledgment in your petition confirming your filing with the municipality. **If such proof is not included, your Verified Petition will not be acted upon and will be returned to you.**
10. Your Verified Petition and supporting documentation should 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. **DO NOT SUBMIT YOUR VERIFIED PETITION TO THIS DIVISION ANY EARLIER THAN MAY 15.**

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11. **Do not** fax your Verified Petition or attach it to your renewal application.
 12. You must file your 2012-2013 renewal application with the issuing authority no later than July 30, 2012. The clerk of your municipality 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.

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 your 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 2011-2012 and 2012-2013 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 2012-2013 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 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, 2012. Failure to file your renewal application and fees with the local issuing authority by July 30, 2012 may cause your license to permanently lapse and cease to exist.

(SRI#1)