

Hoboken ABC Policy Guideline

Updated on 3/27/2014



ALCOHOLIC BEVERAGE CONTROL BOARD

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Robert W. Phillips, Chairman
 Michael Blumenfeld, Vice Chairman
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Definitions:

Abeyance - penalty days that are assigned but not served unless the defendant receives a similar complaint and either pleads or is found guilty of the second similar complaint

Second Violation - a defendant who receives a second complaint will be required to serve the abeyance days under the first violation upon a guilty plea or finding of guilt on that second violation, in addition to any penalty for the first violation.

Third Violation - a defendant who receives a third violation will be required to serve the abeyance days under the first and second violations upon a guilty plea or finding of guilt on that third violation, in addition to any penalty for the Second violation.

Closure- will occur on the same day of the week as the day of the week when the incident occurred.

Penalty Schedule Hoboken ABC Draft Date 2/10/2012

Statute, Regulation or Bulletin Item	Code	Description	State Recommended First Violation	Hoboken First Violation	State Recommended Second Violation	Hoboken Second Violation	State Recommended Third Violation	Hoboken Third Violation
N.J.S.A. 33:1-25, 26, 31a and 52	A&A	Aiding and abetting	10	2 days 5 in abeyance	20	4 days 3 in abeyance	30	5 days 5 in abeyance
N.J.A.C. 13:2-23.5(c)	ACTIV	Illegal activity on the licensed premises	30	5 days 5 in abeyance	60	10 days 6 in abeyance	90	20 days 7 in abeyance
N.J.A.C. 13:2-24.10(a)1-6	ADV1	Improper advertising	5	1 days 3 in abeyance	10	2 days 5 in abeyance	20	4 days 3 in abeyance
N.J.A.C. 13:2-24.10(a)7	ADV2	Improper cooperative advertising	5	1 days 3 in abeyance	10	2 days 5 in abeyance	20	4 days 3 in abeyance
N.J.A.C. 13:2-23.13(a)2	APP1	Failure to provide a copy of the most recent full application and/or current renewal application	1	1 days 5 in abeyance	3	2 days 3 in abeyance	5	5 days 5 in abeyance
N.J.S.A. 33:1-25 and N.J.A.C. 13:2-2.14(a)	APP2	Failure to timely notify of change in fact on the license application	1	1 days 5 in abeyance	3	2 days 3 in abeyance	5	5 days 5 in abeyance
N.J.S.A. 33:1-25 and N.J.A.C. 13:2-2.14(b)	APP3	Failure to notify of corporate structure change	1	1 days 5 in abeyance	3	2 days 3 in abeyance	5	5 days 5 in abeyance
N.J.S.A. 33:1-25	APP4	Failure to disclose or false, misleading or inaccurate answer to a question on an application, which would not by itself result in a disqualification for licensure	10	2 days 5 in abeyance	20	4 days 3 in abeyance	30	5 days 5 in abeyance

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N.J.S.A. 33:1-25	APP5	Failure to disclose or false, misleading or inaccurate answer to a question of material fact on an application	45	7 days 4 in abeyance	90	20 days 7 in abeyance	Revocation	Revocation
N.J.S.A. 33:1-26	APP6	Lease out of the license	45	7 days 4 in abeyance	90	20 days 7 in abeyance	Revocation	Revocation
N.J.A.C. 13:2-23.32	BOOKS1	Failure to have true book or books of account available on the licensed premises, but produced within 7 business days of demand	2	1 day 2 in abeyance	10	2 days 5 in abeyance	20	4 days 3 in abeyance
N.J.A.C. 13:2-23.32	BOOKS2	Failure to maintain true book or books of account or failure to produce true book or books of account within 7 business days of demand	30	5 days 5 in abeyance	60	10 days 6 in abeyance	Revocation	Revocation
N.J.A.C. 13:2-23.15 or 23.23	BOT1A	Contaminated or low proof bottles (1-5 bottles)	1	0 days 1 in abeyance	5	0 days 3 in abeyance	10	2 days 5 in abeyance
N.J.A.C. 13:2-23.15 or 23.23	BOT1B	Contaminated or low proof bottles (6 or more bottles)	5	1 day 3 in abeyance	10	2 days 5 in abeyance	20	5 day 3 in abeyance
N.J.A.C. 13:2-23.19	BOT2	Substitution of beverages	5	1 day 3 in abeyance	10	2 days 5 in abeyance	20	4 days 3 in abeyance
N.J.A.C. 13:2-23.9(a)	BOT3	Tampering/adulterated alcohol	5	1 day 3 in abeyance	10	2 days 5 in abeyance	20	4 days 3 in abeyance
N.J.A.C. 13:2-35.1 and 35.5 or 35.2 and 35.4	BPP1	Broad package privilege violation (improper sale or display)	10	2 days 5 in abeyance	30	5 days 5 in abeyance	60	10 days 6 in abeyance
N.J.A.C. 13:2-35.1 and 35.2	BPP2	Broad package privilege violation (insufficient equipment and/or bar)	10	2 days 5 in abeyance	30	3 days 5 in abeyance	60	10 days 6 in abeyance
N.J.A.C. 13:2-23.12	BULK	Transfer of inventory without a bulk permit	1	0 days 1 in abeyance	5	0 days 3 in abeyance	10	0 days 5 in abeyance
N.J.A.C. 13:2-23.13(a)1	CERT	License certificate not conspicuously displayed	1	1 days 1 in abeyance	3	2 days 2 in abeyance	5	4 days 3 in abeyance
N.J.A.C. 13:2-1.9(d)	CHECK	Return of an unpaid check to Division or issuing authority (penalties will include original check amount and administrative costs)	5	1 days 3 in abeyance	10	2 days 5 in abeyance	20	4 days 3 in abeyance
N.J.A.C. 13:2-8.13	CLUB1	Advertising availability of alcoholic beverages to the public	5	1 day 3 in abeyance	10	2 days 5 in abeyance	20	4 days 3 in abeyance
N.J.A.C. 13:2-8.8, 9 and 11	CLUB2	Sale beyond the scope of the club license, including, but not limited to, sale to non-member or social affair permittee	10	2 days 5 in abeyance	20	4 days 3 in abeyance	30	5 days 5 in abeyance
N.J.A.C. 13:2-26.1	COOP1	Purchase of alcoholic beverages by a non-member	10	2 days 5 in abeyance	20	4 days 3 in abeyance	30	5 days 5 in abeyance
N.J.A.C. 13:2-26.1	COOP2	Allowed a person not qualified and/or minor permittee to order for member or employee of cooperative	10	2 days 5 in abeyance	20	4 days 3 in abeyance	30	5 days 5 in abeyance
N.J.A.C. 13:2-26.1	COOP3	Allowed a purchase by a non-member retailer under cooperative	10	2 days 5 in abeyance	20	4 days 3 in abeyance	30	5 days 5 in abeyance
N.J.A.C. 13:2-24.8	COST	Sale of alcoholic beverages below cost	15	3 day 5 in abeyance	30	5 days 5 in abeyance	45	7 days 4 in abeyance
N.J.A.C. 13:2-24.6(a)6	CPL1	Sale of alcoholic beverages not listed on a Current Price List" "	15	3 day 5 in abeyance	30	5 days 5 in abeyance	45	7 days 4 in abeyance

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N.J.A.C. 13:2-24.6(a)6	CPL2	Sale or acceptance of alcoholic beverages upon terms other than set forth on a Current Price List" "	15	3 day 5 in abeyance	30	5 days 5 in abeyance	45	7 days 4 in abeyance
N.J.A.C. 13:2-24.6(a)1 and 2	CPL3	Failure to maintain an Historical Price List" and "Marketing Manual" "	15	3 day 5 in abeyance	30	5 days 5 in abeyance	45	7 days 4 in abeyance
N.J.A.C. 13:2-24.4	CRED1	Wholesaler extended credit to retailer on COD status	15	3 day 5 in abeyance	30	5 days 5 in abeyance	45	7 days 4 in abeyance
N.J.A.C. 13:2-24.4	CRED2	Retailer received credit from wholesaler while on COD status	15	3 day 5 in abeyance	30	5 days 5 in abeyance	45	7 days 4 in abeyance
N.J.A.C. 13:2-24.1	DISC1	Terms of sale of alcoholic beverages offered in discriminatory manner	15	3 day 5 in abeyance	30	5 days 5 in abeyance	45	7 days 4 in abeyance
N.J.A.C. 13:2-24.2	DISC2	Offers service to a licensee in a discriminatory manner	15	3 day 5 in abeyance	30	5 days 5 in abeyance	45	7 days 4 in abeyance
N.J.S.A. 33:1-26 and N.J.A.C. 13:2-14.5	DISQ1	Employed a criminally disqualified person	30	5 days 5 in abeyance	60	10 days 6 in abeyance	90	20 days 7 in abeyance
N.J.S.A. 33:1-25, 26	DISQ2	Criminally disqualified licensee	Revocation	Revocation	Revocation	Revocation	Revocation	Revocation
N.J.A.C. 13:2-23.13(a)3	E141-A1	Employees list not complete or available on the licensed premises	1	0 days 1 in abeyance	5	1 day 3 in abeyance	10	2 days 5 in abeyance
N.J.A.C. 13:2-23.13(a)3	E141-A2	Employees list not complete or available on the licensed premises and criminally disqualified employee	15	3 day 5 in abeyance	30	5 days 5 in abeyance	45	7 days 4 in abeyance
N.J.A.C. 13:2-14.1 and/or 14.2	EMIN	Employing a minor without a permit	1	0 days 1 in abeyance	5	1 day 3 in abeyance	10	2 days 5 in abeyance
N.J.A.C. 13:2-23.31(b)2i	EPOL1	Employed a law enforcement officer without approval	10	2 days 5 in abeyance	20	4 days 3 in abeyance	30	5 days 5 in abeyance
N.J.A.C. 13:2-23.31(b)2ii	EPOL2	Employed a law enforcement officer in jurisdiction where law enforcement officer serves	15	3 day 5 in abeyance	30	5 days 5 in abeyance	45	7 days 4 in abeyance
N.J.A.C. 13:2-23.25	ESOL	Employment of a solicitor by a retailer	15	3 day 5 in abeyance	30	5 days 5 in abeyance	45	7 days 4 in abeyance
N.J.S.A. 33:1-12a	FETAL	Failure to display Fetal Alcoholic Syndrome warning poster	1	0 days 1 in abeyance	3	1 days 3 in abeyance	5	3 days 3 in abeyance
N.J.S.A. 2A:40-1/ N.J.A.C. 13:2-23.7 Bull. 2430, Item 3/ Bull. 2437, Item 4	GAMB1	Failure to notify of placement of approved video game within 48 hours of placement	5	1 day 3 in abeyance	10	2 days 5 in abeyance	20	4 days 3 in abeyance
N.J.A.C. 13:2-23.7	GAMB2	Raffling of sealed containers of alcoholic beverages without a permit	5	1 day 3 in abeyance	10	2 days 5 in abeyance	20	4 days 3 in abeyance
N.J.A.C. 13:2-23.7(a)5	GAMB3	Gambling paraphernalia on the licensed premises	5	1 day 3 in abeyance	10	2 days 5 in abeyance	20	4 days 3 in abeyance
N.J.A.C. 13:2-23.7(a)	GAMB4A	Non-criminal gambling activity on the licensed premises	5	1 day 3 in abeyance	10	2 days 5 in abeyance	20	4 days 3 in abeyance
N.J.A.C. 13:2-23.7(a)	GAMB4B	Criminal gambling activity on the licensed premises	30	5 days 5 in abeyance	60	10 days 6 in abeyance	90	14 days 10 in abeyance
N.J.A.C. 13:2-23.7(a)	GAMB5	Unapproved video or slot machine or other gambling device on the licensed premises	5	1 day 3 in abeyance	10	2 days 5 in abeyance	20	4 days 3 in abeyance
N.J.A.C. 13:2-23.7(a)4	GAMB6	Video or slot machine or other gambling device playing for money or other valuable thing	30	5 days 5 in abeyance	60	10 days 6 in abeyance	90	20 days 7 in abeyance

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N.J.A.C. 13:2-23.7	GAMB7A	Criminal gambling activity on the licensed premises involving an employee	90	20 days 7 in abeyance	Revocation	30 days 30 in abeyance	Revocation	
N.J.A.C. 13:2-23.7	GAMB7B	Criminal gambling activity on the licensed premises involving a licensee	Revocation	Revocation	Revocation	Revocation	Revocation	Revocation
N.J.A.C. 13:2-23.7	GAMB7C	Non-criminal gambling activity on the licensed premises involving an employee	10	2 days 5 in abeyance	20	4 days 3 in abeyance	30	5 days 5 in abeyance
N.J.A.C. 13:2-23.7	GAMB7D	Non-criminal gambling activity on the licensed premises involving a licensee	10	2 days 5 in abeyance	20	4 days 3 in abeyance	30	5 days 5 in abeyance
N.J.S.A. 33:1-35/ N.J.A.C. 13:2-23.30	HIND1	Employee hindering an investigation	30	5 days 5 in abeyance	60	10 days 6 in abeyance	90	20 days 7 in abeyance
N.J.S.A. 33:1-35/ N.J.A.C. 13:2-23.30	HIND2	Licensee hindering an investigation	45	7 days 4 in abeyance	90	20 days 7 in abeyance	Revocation	30 days 30 in abeyance
N.J.A.C. 13:2-38.1 or 38.2	HRS1	Sale of alcoholic beverages before or after the legal hour or in violation of a municipal ordinance	10	2 days 5 in abeyance	20	4 days 3 in abeyance	30	5 days 5 in abeyance
N.J.S.A. 33:1-31h and N.J.A.C. 13:2-38.1 or 38.2	HRS2	Presence of non-employee(s) after the legal hour set by a municipal ordinance	10	2 days 5 in abeyance	20	4 days 3 in abeyance	30	5 days 5 in abeyance
N.J.A.C. 13:2-20	INSIG	Alcoholic beverages transported without a transit insignia	1	0 days 1 in abeyance	5	1 day 3 in abeyance	10	2 days 5 in abeyance
N.J.A.C. 13:2-20.4(b) or 23.32	INV1	Failure to have invoices available at the licensed premises, but produced within 7 business days of demand	1	0 days 1 in abeyance	5	1 day 3 in abeyance	10	2 days 5 in abeyance
N.J.A.C. 13:2-20.4(b) or 23.32	INV2	Failure to maintain invoices or failure to produce invoices within 7 business days of demand	30	5 days 5 in abeyance	60	10 days 6 in abeyance	Revocation	30 days 30 in abeyance
N.J.A.C. 13:2-23.6(a)1	LEWD1	Lewd activity on the licensed premises	30	5 days 5 in abeyance	60	10 days 6 in abeyance	90	20 days 7 in abeyance
N.J.A.C. 13:2-23.6(a)1	LEWD2	Lewd activity with audience participation on the licensed premises	45	7 days 4 in abeyance	90	20 days 7 in abeyance	Revocation	30 days 30 in abeyance
N.J.A.C. 13:2-23.14	LEWD3	Lewd material on the licensed premises	10	2 days 5 in abeyance	20	4 days 3 in abeyance	30	5 days 5 in abeyance
N.J.S.A. 33:1-12	MERC	Conducted other mercantile business on the licensed premises	5	1 day 3 in abeyance	10	2 days 5 in abeyance	20	4 days 3 in abeyance
N.J.A.C. 13:2-23.5(b)	NARC1	Narcotic activity on the licensed premises	45	7 days 4 in abeyance	90	20 days 7 in abeyance	Revocation	Revocation
N.J.A.C. 13:2-23.5(b)	NARC2	Narcotic paraphernalia on the licensed premises	45	7 days 4 in abeyance	90	20 days 7 in abeyance	Revocation	Revocation
N.J.A.C. 13:2-23.5(b)	NARC3	Narcotic activity on the licensed premises involving an employee	90	20 days 7 in abeyance	Revocation	30 days 30 in abeyance	Revocation	Revocation
N.J.A.C. 13:2-23.5(b)	NARC4	Narcotic activity on the licensed premises involving a licensee	Revocation	Revocation	Revocation	Revocation	Revocation	Revocation
N.J.A.C. 13:2-23.6(a)3	NUIS1	Licensed business conducted in such a manner to become a nuisance (quality of life – noise, litter, urination, etc.)	10	2 days 5 in abeyance	20	2 days 3 in abeyance	30	5 days 5 in abeyance
N.J.A.C. 13:2-23.6(a)3	NUIS2	Licensed business conducted in such a manner to become a nuisance (police intervention – public safety or rights being violated)	30	5 days 5 in abeyance	60	10 days 6 in abeyance	90	20 days 7 in abeyance

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N.J.S.A. 33:1-31(h)	ORDIN	Violation of any ordinance, resolution or regulation of an issuing authority or governing body	10	2 days 5 in abeyance	20	4 days 3 in abeyance	30	5 days 5 in abeyance
N.J.S.A. 33:1-31	ORDER	Violation of an order of the Director or of an issuing authority	10	2 days 5 in abeyance	20	4 days 3 in abeyance	30	5 days 5 in abeyance
N.J.A.C. 13:2-9.3	POSS	Failure to maintain continuing possession and exclusive control of licensed premises	Indefinite Suspension + 10 days	Indefinite Suspension + 10 days	Indefinite Suspension + 20 days	Indefinite Suspension + 20 days	Indefinite Suspension + 30 Days	Indefinite Suspension + 30 Days
N.J.A.C. 13:2-23.16	PP	Prohibited promotion	10	2 days 5 in abeyance	20	4 days 3 in abeyance	30	5 days 5 in abeyance
N.J.A.C. 13:2-23.10	PROHD	Accepted delivery from a non-licensed carrier	5	1 day 3 in abeyance	10	2 days 5 in abeyance	20	4 days 3 in abeyance
N.J.A.C. 13:2-23.12(a) or (b)	PROHP	Purchased alcoholic beverages from a prohibited source	10	2 days 5 in abeyance	20	4 days 3 in abeyance	30	5 days 5 in abeyance
N.J.A.C. 13:2-23.12(b)	PROHS	Sale of alcoholic beverages to a prohibited receiver (retailer-retailer)	10	2 days 5 in abeyance	20	4 days 3 in abeyance	30	5 days 5 in abeyance
N.J.A.C. 13:2-23.1(a)	PULA	Sale to a person under the legal age, but over the age of 18	15	3 day 5 in abeyance	30	5 days 5 in abeyance	45	7 days 4 in abeyance
N.J.A.C. 13:2-23.1(a)	PULA/M	Sale to a person under the age of 18 years	30	5 days 5 in abeyance	60	10 days 6 in abeyance	90	20 days 7 in abeyance
N.J.A.C. 13:2-24.11	REBATE	Prohibited consumer rebate	5	1 day 3 in abeyance	10	2 days 5 in abeyance	20	4 days 3 in abeyance
N.J.A.C.13:2-23.24	RET	Retailer received – parallel to SOL3	30	5 days 5 in abeyance	60	10 days 6 in abeyance	90	20 days 7 in abeyance
N.J.S.A. 33:1-11, 2c	SBD1	Sale of less than 144 fluid ounces of malt alcoholic beverages in original containers	5	1 day 3 in abeyance	10	2 days 5 in abeyance	20	4 days 3 in abeyance
N.J.S.A. 33:1-11, 2c	SBD2	Sale of chilled" malt alcoholic beverages"	5	2 days 5 in abeyance	10	2 days 5 in abeyance	20	4 days 3 in abeyance
N.J.S.A. 33:1-12	SCOPE	Sale or consumption beyond the scope of the license	10	2 days 5 in abeyance	20	4 days 5 in abeyance	30	5 days 5 in abeyance
N.J.S.A. 33:1-52/ N.J.A.C. 13:2-16.11(a) and/or 16.11(c)	SOL1	Solicitor offered an order of alcoholic beverages for purchase or sale, other than allowed by law and the license of employer and/or to retail licensee with family member involved	15	3 day 5 in abeyance	30	5 days 5 in abeyance	45	7 days 4 in abeyance
N.J.A.C. 13:2-16.12	SOL2	Solicitor employed by or connected in business capacity to a retail licensee	15	3 day 5 in abeyance	30	5 days 5 in abeyance	45	7 days 4 in abeyance
N.J.A.C. 13:2-16.11(b)	SOL3	Solicitor offered a cash rebate, free goods or other incentive not contained on Current Price List	30	5 days 5 in abeyance	60	10 days 6 in abeyance	90	20 days 7 in abeyance
N.J.S.A. 33:1-31(e)	STAMP	Federal Tax Stamp not available	1	0 days 1 in abeyance	3	0 days 2 in abeyance	5	1 day 3 in abeyance
N.J.A.C. 13:2-23.21	STOR1	Storage of alcoholic beverages off the licensed premises without a permit or not in a licensed warehouse	5	1 day 3 in abeyance	10	2 days 5 in abeyance	20	4 days 3 in abeyance
N.J.A.C. 13:2-23.21	STOR2	Storage of alcoholic beverages for a time period exceeding 72 hours following receipt of a delivery for a fellow co-op member	5	1 day 3 in abeyance	10	2 days 5 in abeyance	20	4 days 3 in abeyance

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N.J.A.C. 13:2-23.27	SUSPV	Prohibited activity during license suspension	10	2 days 5 in abeyance	20	4 days 3 in abeyance	30	5 days 5 in abeyance
N.J.A.C. 13:2-23.22(a)	TAP	Tap connected to a container of malt alcoholic beverages not truly indicating name or brand	5	1 day 3 in abeyance	10	2 days 5 in abeyance	20	4 days 3 in abeyance
N.J.S.A. 33:1-31(d)	TAX	Knowing failure to pay taxes described in N.J.S.A. 33:1-31	15	3 day 5 in abeyance	30	5 days 5 in abeyance	60	10 days 6 in abeyance
N.J.A.C. 13:2-23.1(b)	TOX1	Sale of alcoholic beverages to an intoxicated patron	15	3 day 5 in abeyance	30	5 days 5 in abeyance	45	7 days 4 in abeyance
N.J.A.C. 13:2-23.20	TOX2	Licensee or employee working at licensed premises while intoxicated	15	3 day 5 in abeyance	30	5 days 5 in abeyance	45	7 days 4 in abeyance
N.J.A.C. 13:2-20.4(a)	TRANS	Transporting alcoholic beverages without proper documents	10	2 days 5 in abeyance	20	4 days 3 in abeyance	30	5 days 5 in abeyance
N.J.S.A. 33:1-25	UI1	Undisclosed person, not otherwise disqualified, with a beneficial interest in a liquor license or licensed business	30	5 days 5 in abeyance	60	10 days 6 in abeyance	90	21 days 7 in abeyance
N.J.S.A. 33:1-26	UI2	Person under the age of 18 or criminally disqualified person with an undisclosed beneficial interest a liquor license or licensed business	Revocation	Revocation	Revocation	Revocation	Revocation	Revocation
N.J.S.A. 33:1-12.31	UI3	Acquiring a beneficial interest in more than two retail liquor licenses	Revocation	Revocation	Revocation	Revocation	Revocation	Revocation
N.J.S.A. 33:1-43/N.J.A.C. 13:2-16.12	UI4	Solicitor with an undisclosed business relationship to or a beneficial interest in a retail license	Revocation	Revocation	Revocation	Revocation	Revocation	Revocation
N.J.A.C. 13:2-23.31	UI5	Police officer, peace officer or any other person whose power or duties include the enforcement of the Alcoholic Beverage Law or regulations with an undisclosed beneficial interest in a liquor license	Revocation	Revocation	Revocation	Revocation	Revocation	Revocation
N.J.S.A. 33:1-43	UI6	A brewery, winery, distillery, rectifying and blending plant or wholesale licensee with an undisclosed interest in a retail liquor license	Revocation	Revocation	Revocation	Revocation	Revocation	Revocation
N.J.A.C. 13:2-16.11 and 23.28	WHOL	Wholesaler responsible for solicitor violating N.J.A.C. 13:2-16.11(a), (b) and/or (c)	30	5 days 5 in abeyance	60	10 days 6 in abeyance	90	20 days 7 in abeyance