



# RECORDS UPKEEP

FAILING TO STAY ON TOP OF FORMS CAN BE COSTLY

BY DOUGLAS SHERMAN

**A**s you prepare yourselves for another license term, it is a good time for retail licensees to do some housekeeping. One of the things that you should do to keep your house in order is make sure that your record-keeping is current.

Our office routinely receives calls from licensees who either have received violation notices for failing to properly maintain their records or have received a notice to produce from NJABC because documents that were required to be kept on the licensed premises were missing (often the notice to produce will result in some sort of violation once the documents are produced). It strikes me that this is one of the simplest violations to avoid.

The relevant regulations can be found at N.J.A.C. 13:2-23.13 and N.J.A.C. 13:2-23.32. The NJABC retail handbook also contains a brief summary of the documents that should be kept on site.

## Must-Have Docs

One of the documents that needs to be maintained on site and that often serves as the basis for a violation is the E-141A form. This employee list should be continually updated to make sure that anyone working on the licensed premises (with very limited exceptions) is properly identified and all of the boxes on the form are filled in. Even one blank box on the list can result in a violation notice being sent to the offending licensee.

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Further, properly maintaining the E-141A form can help ensure that anyone working on the licensed premises is not otherwise disqualified from doing so because of a criminal history involving a “crime of moral turpitude.” The E-141A form requires that licensees obtain this information from their employees.

Another document that I often notice cited in a violation notice as missing is a copy of the licensee’s current long-form license application. If you do not have a copy of it, you should contact your attorney (if you hired one to file your application) or your municipality’s clerk to get a copy.



## Storage Solution

If you find that you are swamped with paperwork and no longer have any room in your office to store it, there is some relief. Using the POSSE system, you can obtain a permit for off-premises storage for delivery slips, invoices and similar documents, records of income and records of expenses that are more than three months old. You can even store these documents electronically as long as they are readily retrievable.

Although we are all busy with our businesses and lives, taking the time to quickly review your record keeping and not relegating it to the bottom of your to do list is a simple way to be in compliance and avoid paying a fine for something that is simple to fix. Good luck to all in the new license term. ■

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