



Jim Pillen
Governor

STATE OF NEBRASKA
NEBRASKA LIQUOR CONTROL COMMISSION

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Industry Advisory

NEBRASKA LIQUOR CONTROL COMMISSION

11/15/23

Delinquent Credit: Rule Enforcement of Chapter 6 018 of the Nebraska Liquor Control Commission Rules and Regulations. <https://lcc.nebraska.gov/rules-and-regulations> (see page 33)

This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

This guidance document may change with updated information or added examples. The Nebraska Liquor Control Commission recommends you check this document for the most up to date information regarding this guidance.

The Nebraska Liquor Control Commission will enforce and hold accountable, per their rules and regulations, any retail license holder that accepts or receives credit from any manufacturer, distributor or wholesaler on purchases of alcoholic liquors. Beer products must be paid on delivery. Spirits, wine & RTDs have a period not to exceed 30 days. **This industry advisory is effective now and the processes are available now.**

The guidance the industry will follow when a retail licensee is delinquent with a wholesaler, Nebraska craft brewery, Nebraska micro distillery, or Nebraska farm winery:

1. A complaint form must first be made to NLCC and be reviewed. Upon confirmation by NLCC staff, the retailer will be placed on the "No Buy/Sell List" and the retail licensee will be set for an administrative hearing. The complaint form is called Form 199 Delinquent Credit Report Form and is available on the NLCC website on the Dropdown menu of Enforcement: <https://lcc.nebraska.gov/do-not-buysell-list>.
2. NLCC will create and maintain a list of delinquent retail licensees. This list determines whether a licensee may purchase from wholesalers (or license types participating in self distribution) and if said license types can sell respectively. It will assist with whether a Temporary Operating Permit will be issued for a pending license application. This list will be located on the NLCC website under the Dropdown menu of Enforcement: <https://lcc.nebraska.gov/do-not-buysell-list>.
3. The "No Buy/Sell List" will be updated daily (M-F, except State Holidays) by 10 a.m. and as needed by NLCC.
4. A retail licensee may contest their addition to the "No Buy/Sell List" by providing sufficient proof to the Commission that their outstanding invoices are paid. The reporting wholesaler will provide proof of payment to the commission and the licensee will be removed from the list once payment is made. All documentation, updates and questions should be supplied to the email address on the Delinquent Credit form: lcc.enforcement@nebraska.gov

Kim Lowe
Commissioner

Bruce Bailey
Chairman

Harry A. Hoch
Commissioner



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5. Please be advised: Any delinquent licensee will be set for hearing. The licensee reporting the delinquent credit violation, i.e. wholesaler, is **required to testify at the NLCC hearing**. This can be done in person or online. The Commissioners may suspend or cancel according to the penalty guidelines. Penalty Guidelines are as follows:

1st offense is 5 day suspension; 2nd offense is 7 day suspension; 3rd offense is 9 day suspension; 4th offense is cancellation

Quick Facts:

- There is no minimum dollar amount for reporting delinquent credit violations.
- All licensees participating in retail sales are required to abide by Chapter 6, 018. Rules & Regulations can be found here: <https://lcc.nebraska.gov/rules-and-regulations>
- Retail licenses on the "No Buy/Sell List" cannot purchase from any license types participating in distribution/self-distribution per Chapter 6, 018.
- All Invoices are required to include: Retailer Name & Address, All products sold & sizes, total gallonage sold, final price, signatures of both delivery person & retailer representative receiving.
- If a retail license is on the No Buy/Sell List, NA beer may not be sold/purchased either since it is regulated with alcoholic beer, 53-160.02.
- The NLCC "No Buy/Sell List" is the only recognized list.

If there are any questions regarding enforcement of Chapter 6, 018, please feel free to contact the NLCC offices by phone at (402) 471-2571 or email lcc.frontdesk@nebraska.gov.

Signed by,

Hobert Rupe

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