



Jim Pillen
Governor

STATE OF NEBRASKA
NEBRASKA LIQUOR CONTROL COMMISSION

Hobert B. Rupe
Executive Director
301 Centennial Mall South
P.O. Box 95046
Lincoln, Nebraska 68509-5046
Phone (402) 471-2571
Fax (402) 471-2814 or (402) 471-2374
TRS USER 800 833-7352 (TTY)
web address: <https://lcc.nebraska.gov/>

Industry Advisory

NEBRASKA LIQUOR CONTROL COMMISSION

10/20/23

Delinquent Credit procedure modification

Rule Enforcement of Chapter 6 018 of the Nebraska Liquor Control Commission Rules and Regulations.

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 has modified the procedures to be followed for processing Delinquent Credit complaints. These procedures are in place and active at the Commission. All Class X, W license types (also L, Z, Y license types participating in self distribution) are required to submit retail license holders who owe money for beer and who owe money for wine/spirits/RTDs exceeding 30 days. Industry members not reporting delinquencies to NLCC have until 12/1/23 to do a review of your Accounts Receivables. After 1/1/24, all licensees not reporting their aging Accounts Receivable will be cited for providing something of value to retail licensees in arrears in violation of the Liquor Commission's Rules & Regulations.

The guidance to follow when a retail licensee is delinquent with a wholesaler, Nebraska craft brewery, Nebraska microdistillery, 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 all wholesalers (or license types participating in self distribution) and if said license types can sell respectively. It also 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.

Kim Lowe
Commissioner

Bruce Bailey
Chairman

Harry A. Hoch
Commissioner



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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

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.

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.

Signed by,

Hobert Rupe
Executive Director

Kim Lowe
Commissioner

Bruce Bailey
Chairman

Harry A. Hoch
Commissioner