

**REVISED PROPOSED REGULATION OF THE
NEVADA TAX COMMISSION**

LCB File No. R056-26

July 31, 2026

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1-6, 20-28, 30 and 32-36, NRS 360.090 and 369.150; §§ 7 and 37, NRS 360.090, 369.150 and 369.485; §§ 8 and 9, NRS 360.090, 369.150 and 369.420; §§ 10-14, 19 and 29, NRS 360.090, 369.150, 369.230 and 369.240; § 15, NRS 360.090, 369.150, 369.230, 369.240, 369.250 and 369.260; §§ 16 and 17, NRS 233B.127, 360.090, 369.150, 369.230 and 369.280; § 18, NRS 360.090, 369.230, 369.240, 369.260 and 369.270; § 31, NRS 360.090, 360.240 and 369.150.

A REGULATION relating to intoxicating liquor; defining certain terms; authorizing a wholesale dealer to accept certain methods of payments other than by electronic funds transfer from a retail liquor store for the delivery of beer, wine and distilled spirits under certain circumstances; requiring a wholesale dealer to provide certain notice to a retail liquor store before initiating an electronic funds transfer; requiring an agreement between a wholesale dealer and electronic payment facilitator to contain certain provisions; establishing procedures for filing a written claim or dispute with the Department of Taxation concerning certain seizures of liquor; prescribing the form and content of a verified complaint and verified answer filed with the Department; authorizing the Department to take certain actions upon receipt of a verified complaint; establishing certain procedures and requirements relating to the revocation or suspension of licenses; establishing certain other rules of procedure for proceedings in certain contested cases held before the Department or Nevada Tax Commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) provides for the licensure of certain persons engaged in activities relating to the distribution and sale of intoxicating liquor in this State; (2) requires the Department of Taxation to administer the provisions of law regulating the distribution of intoxicating liquor in this State; and (3) requires the Nevada Tax Commission to adopt regulations for carrying on the business of the Department. (NRS 360.090, 369.150, 369.180)

Existing law: (1) with certain exceptions, requires payment from a retail liquor store to a wholesale dealer for the delivery of beer, wine or distilled spirits to be made by electronic funds transfer; and (2) prohibits a wholesale dealer from paying, directly or indirectly, any fees incurred by a retail liquor store for such an electronic funds transfer. (NRS 369.485) Existing

regulations: (1) authorize a retail liquor store to make a payment to a wholesale dealer for the delivery of liquor by the use of the electronic transfer of money; (2) prohibit a wholesale dealer from paying any costs incurred by the retail liquor store for the use of the electronic transfer of money; and (3) prohibit a retail liquor store from conditioning any purchase of liquor on the consent of a wholesale dealer to use the electronic transfer of money. (NAC 369.055) **Section 37** of this regulation repeals these now obsolete provisions. **Section 7** of this regulation authorizes a wholesale dealer to elect to accept payment from a retail liquor store for such deliveries using a method of payment other than electronic funds transfer in certain circumstances. **Section 7** prohibits a wholesale dealer from: (1) entering into an agreement with an electronic payment facilitator unless the agreement contains a provision requiring the electronic payment facilitator to provide certain notice to a retail liquor store before the electronic payment facilitator initiates an electronic funds transfer from the retail liquor store; and (2) otherwise authorizing an electronic payment facilitator to initiate an electronic funds transfer from the bank account of a retail liquor store without first providing the retail liquor store with certain notice.

Existing law authorizes the Department or its agents to seize and hold certain shipments of liquor under certain circumstances. (NRS 369.420) **Section 8** of this regulation authorizes a person to: (1) claim an ownership interest in property seized by the Department by filing with the Department a written claim; and (2) dispute the validity of a seizure of property by the Department by filing with the Department a written dispute. **Sections 8 and 9** of this regulation establish certain requirements and procedures concerning the filing of such written claims or disputes with the Department.

Existing law authorizes the Department to: (1) investigate, upon its own motion, the action of any person licensed under provisions of existing law relating to intoxicating liquor; (2) temporarily suspend or permanently revoke any such license for certain acts or omissions of the licensee; and (3) summarily suspend the license of a licensee in certain circumstances. (NRS 369.230, 369.280) Existing law additionally requires the Department, upon the receipt of a verified complaint filed by any person charging a licensee with the commission of certain acts which are cause for suspending or revoking the license of the licensee, to issue a citation directing the licensee to appear before the Department by filing a verified answer within 10 days after he or she is served with the verified complaint. (NRS 369.240) Existing law further: (1) requires the Department to hold a hearing on the verified complaint before rendering a final decision on whether to suspend or revoke the license of a licensee against whom a verified complaint is issued; and (2) establishes certain procedures relating to such hearings. (NRS 369.250-369.270) **Section 2** of this regulation defines the term “citation” to mean any complaint or written statement of charges, including a citation, issued by the Department against a licensee to formally initiate the process of suspending or revoking the license of the licensee, whether issued on the Department’s own motion or pursuant to the receipt of a verified complaint. **Section 6** of this regulation defines the term “verified answer” to mean the written response of a licensee to any citation issued against him or her. **Sections 10 and 11** of this regulation prescribe the content and form of any verified complaint and any verified answer, respectively, filed with the Department.

Section 12 of this regulation authorizes the Department to take certain actions upon the receipt of a verified complaint filed against a licensee with the Department, including dismissing the verified complaint without filing a citation against the licensee under certain circumstances. **Section 13** of this regulation authorizes the Department to, if the Department has any reason to believe that there are sufficient grounds to suspend or revoke the license of a licensee: (1) issue a

notice of intent to suspend or revoke the license of a licensee that contains certain material and give the licensee an opportunity to respond to the notice, with certain exceptions; and (2) take certain actions against the licensee, including issuing a citation against the licensee, after the licensee is given such an opportunity to respond to the notice. **Section 14** of this regulation: (1) prescribes the required content and manner of service of a citation issued against a licensee by the Department; (2) requires a licensee who is served with a citation to file a verified answer with the Department within a certain time; and (3) requires the Department to suspend or revoke the license of a respondent who does not file a verified answer within the prescribed time. **Section 15** of this regulation requires a hearing officer to set and hold a hearing concerning a citation after a licensee files his or her verified answer, and establishes certain requirements and procedures for such hearings.

Section 16 of this regulation: (1) authorizes the Executive Director of the Department to issue an order summarily suspending the license of a licensee under certain circumstances; and (2) establishes certain requirements for such an order and the proceedings required to be conducted after the issuance of such an order.

Existing law authorizes a board of county commissioners or governing body of a city to summarily suspend the license of a licensee for an aggravated and flagrant violation of law. (NRS 369.280) **Section 17** of this regulation: (1) requires a board of county commissioners or governing body of a city to notify the Department if it summarily suspends a license; (2) authorizes a licensee whose license is summarily suspended by a board of county commissioners or governing body of a city to request that the Department conduct a hearing to review such an action; and (3) establishes certain procedures concerning such a hearing.

Existing law requires the Department to suspend or revoke the license of a licensee after receipt of: (1) a written notice from a board of county commissioners or governing body of a city stating that the licensee has failed to answer a citation issued by and appear before the board of county commissioners or governing body of a city as directed in the citation; and (2) a notice of decision issued by a board of county commissioners or governing body of a city recommending suspension or revocation of the license. (NRS 369.240, 369.260) **Section 18** of this regulation: (1) prescribes the manner in which a board of county commissioners or governing body of a city is required to provide such notice to the Department; and (2) requires the Department notify both the licensee and the board of county commissioners or governing body of a city, as applicable, upon suspending or revoking the license of the licensee.

Existing law authorizes the Department to, in its discretion before suspending or revoking any license: (1) permit a licensee who has not appeared as required by a board of county commissioners, a governing body of a city or the Department to make such an appearance, under certain circumstances; and (2) grant a new hearing before the Department to a licensee if it is made to appear to the Department that the decision of the board of county commissioners or the governing body of a city was arbitrary, unreasonable or unjust. (NRS 369.270) **Section 18**: (1) authorizes a licensee to seek such relief from the Department by filing with the Department a petition that meets certain requirements; and (2) establishes certain procedures for the filing and resolution of such petitions.

Section 19 of this regulation establishes provisions concerning the effect of an order or decision of a hearing officer, the Department or the Commission that suspends or revokes a license, and requires a licensee who is subject to such an order to take certain actions upon the issuance of such an order.

Section 20 of this regulation establishes the applicability of the provisions of **sections 20-35** of this regulation, which establish generally applicable procedures concerning contested cases held before the Department and Commission concerning existing laws and regulations relating to intoxicating liquors, including contested cases concerning the suspension or revocation of a license.

Section 21 establishes certain requirements concerning documents filed by a party to a contested case. **Section 22** authorizes a hearing officer to hold a prehearing conference and a conference before the taking of testimony. **Sections 23 and 24** provide for the filing of briefs and disclosure of certain other documents by the parties before a hearing. **Section 25** establishes requirements for motions made by a party before a hearing and responses to such motions. **Section 26** authorizes a party to be represented at a hearing by certain other persons, including an attorney who meets certain requirements. **Section 27** authorizes a hearing officer to grant continuances or recesses in certain circumstances and sets forth the procedure for a licensee to obtain an extension of time to file a verified answer to a citation. **Section 28** authorizes a hearing officer to, if a respondent fails to appear at a hearing, proceed with the hearing and consider the case on its merits without the participation of the respondent, if certain other requirements are met. **Section 29**: (1) provides that the Department bears the burden of proof in any hearing concerning the suspension or revocation of a license; (2) establishes that standard of proof as a preponderance of the evidence; and (3) establishes a rebuttable presumption that certain documents, records or other items not maintained by a respondent as required by existing law governing intoxicating liquors would be harmful to the respondent's case. **Section 30** generally prescribes the order of proceedings at a hearing and provides for the finality of decisions issued by a hearing officer after a hearing. **Section 31** authorizes a hearing officer to issue certain subpoenas and establishes the process by which a party may apply for the issuance of such a subpoena. **Section 32** establishes provisions relating to the kinds of evidence that may be admitted during a hearing. **Section 33** establishes the kinds of material of which a hearing officer may take official notice. **Section 34**: (1) authorizes a party to file a notice of appeal of a decision of a hearing officer with the Commission; and (2) sets forth the timing and requirements for the filing of certain briefs with the Commission after a party files a notice of appeal. **Section 35** establishes the general requirements and order of proceedings of an appeal to the Commission.

Sections 3-5 of this regulation define miscellaneous terms used in this regulation, and **section 36** of this regulation establishes the applicability of the definitions set forth in **sections 2-6** to the provisions of existing regulations relating to intoxicating liquor.

Section 1. Chapter 369 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 35, inclusive, of this regulation.

Sec. 2. "Citation":

1. Means any complaint or written statement of charges issued by the Department for the purpose of initiating the formal process of temporarily suspending or permanently revoking the license of a licensee.

2. The term:

(a) Includes a citation issued by the Department pursuant to NRS 369.240.

(b) Does not include an order issued by the Department summarily suspending a license.

Sec. 3. *“Commission” means the Nevada Tax Commission.*

Sec. 4. *“Hearing officer” means an administrative law judge appointed by the Commission to preside over a contested case governed by the provisions of this chapter or chapter 369 of NRS.*

Sec. 5. *“License” means any license issued pursuant to the provisions of chapter 369 of NRS.*

Sec. 6. *“Verified answer”:*

1. Means the written response of a licensee to a citation issued against the licensee.

2. Includes a verified answer filed with the Department pursuant to NRS 369.240 by a licensee who is served with a citation pursuant to that section.

Sec. 7. *1. Notwithstanding the provisions of subsection 5 of NRS 369.485, a wholesale dealer may elect to accept payments from a retail liquor store for the delivery of beer, wine or distilled spirits made using a method of payment other than electronic funds transfer, including, without limitation, a payment made by check, if the wholesale dealer determines, in its sole discretion, that:*

(a) The retail liquor store does not have the present ability to use an electronic funds transfer to make payments for the delivery of beer, wine or distilled spirits; or

(b) Good cause exists to accept another form of payment from the retail liquor store, which may include, without limitation, the existence of a longstanding arrangement for payments

between the wholesale dealer and the retail liquor store or the history of on-time payments made by the retail liquor store.

2. A wholesale dealer who elects to accept payments made by a retail liquor store for the delivery of beer, wine or distilled spirits using a payment method other than electronic funds transfer pursuant to subsection 1 may, at any time, revoke such an election and, except as otherwise provided by subsection 6 or 7 of NRS 369.485, require any payment made by the retail liquor store for the delivery of beer, wine or distilled spirits to be made by electronic funds transfer pursuant to subsection 5 of NRS 369.485.

3. A wholesale dealer shall not:

(a) Enter into an agreement with an electronic payment facilitator for the purpose of initiating electronic funds transfers from retail liquor stores on behalf of the wholesale dealer unless the agreement contains a provision that requires the electronic payment facilitator to send a written notification to a retail liquor store not less than 5 days before the date on which the electronic payment facilitator will initiate an electronic funds transfer from the bank account of the retail liquor store informing the retail liquor store of the date on which the electronic payment facilitator will initiate the electronic funds transfer; or

(b) Otherwise authorize an electronic payment facilitator to initiate an electronic funds transfer from the bank account of a retail liquor store on behalf of the wholesale dealer unless the wholesale dealer or the electronic payment facilitator sends a written notification to the retail liquor store not less than 5 days before the date on which the electronic payment facilitator will initiate the electronic funds transfer from the bank account of the retail liquor store informing the retail liquor store of the date on which the electronic payment facilitator will initiate the electronic funds transfer.

4. As used in this section, “electronic payment facilitator” means any person who, on behalf of a wholesale dealer, initiates or otherwise facilitates the withdrawal of funds from the bank account of a retail liquor store, using an electronic funds transfer, for the payment for the delivery of beer, wine or distilled spirits pursuant to NRS 369.485.

Sec. 8. 1. To claim an ownership interest in property transmitted to or seized by the Department pursuant to NRS 369.420, a person must file a written claim with the Department within 20 days after the property is transmitted to or seized by the Department.

2. To dispute the validity of a seizure of property by the Department pursuant to NRS 369.420, the owner of the property seized must file a written dispute with the Department within 20 days after the property is transmitted to or seized by the Department.

3. A written claim or dispute filed pursuant to subsection 1 or 2, as applicable, must be executed under oath by the person making the claim or raising the dispute and must contain:

- (a) The name of the person making the claim or raising the dispute;*
- (b) If the person making the claim or raising the dispute is not a licensee, an electronic mail address where the person may be served by electronic means or, if the person wishes to opt out or has previously opted out of receiving notices by electronic means, an address in this State where the person may be served by mail;*
- (c) A description of the property that is the subject of the claim or dispute;*
- (d) A description of the person’s interest in the property; and*
- (e) A statement that sets forth the facts and law upon which the claim or dispute is based.*

↪ The person may attach to the written claim or dispute any documents that support the claim or dispute.

4. If a claim or dispute is filed pursuant to this section, the Department will not sell, destroy or dispose of the transmitted or seized property until a decision on the claim or dispute becomes final.

5. If a person fails to file a claim or dispute within the period of time set forth in subsection 1, the person is deemed to have:

(a) Waived any right to challenge the transmission, seizure or disposition of the property; and

(b) Forfeited any interest in the property.

Sec. 9. 1. Except as otherwise provided in this subsection, within 20 days after the Department receives a claim or dispute filed pursuant to section 8 of this regulation, a hearing officer shall conduct an administrative hearing regarding the claim or dispute. The hearing officer may continue such a hearing for good cause shown.

2. Notice of an administrative hearing conducted pursuant to this section must be sent by electronic mail or, if the recipient has opted out of receiving notices through electronic means, by mail at least 10 days before the date of the hearing to the person who submitted the claim.

3. The notice of a hearing must specify:

(a) The purpose of the hearing; and

(b) The date, time and location of the hearing.

4. A person who files a claim or dispute pursuant to section 8 of this regulation has the burden of proof at the hearing held pursuant to this section. The hearing officer shall determine the order and manner in which evidence will be received at the hearing.

5. After a hearing held pursuant to this section, the hearing officer shall prepare written findings of fact, conclusions of law and a decision on the issues presented at the hearing. The

hearing officer shall serve a copy of the findings of fact, conclusions of law and decision upon the person who filed the claim or dispute and the Department within 20 days after the date of the hearing.

6. A decision issued by a hearing officer pursuant to this section becomes final 30 days after the date of service of the decision unless a party files a timely notice of appeal with the Commission.

Sec. 10. 1. *Any verified complaint filed by a complainant with the Department pursuant to NRS 369.240 must:*

(a) Detail the specific facts, which must be based on the direct personal knowledge or information and belief of the complainant, causing the complainant to believe that the licensee named in the verified complaint has committed or engaged in one or more acts or omissions which would be grounds to suspend or revoke the license of the licensee pursuant to NRS 369.230; and

(b) Be accompanied by:

(1) A statement that is signed and acknowledged before a notary public and states that the contents of the verified complaint are true and correct to the complainant's own knowledge except as to those matters stated on information and belief, and that as to such matters, the complainant believes them to be true and correct; or

(2) An affidavit signed by the complainant in substantially the following form:

Under penalty of perjury, the undersigned declares that he or she is the person filing the verified complaint and knows the contents thereof; that the content of the verified complaint is

true of his or her own knowledge, except as to those matters stated on information and belief, and that as to such matters he or she believes them to be true.

2. As used in this section, “complainant” means a person who files a verified complaint with the Department pursuant to NRS 369.240.

Sec. 11. *Any verified answer filed by a licensee with the Department must:*

1. Admit or deny the allegations set forth in the citation issued against the licensee;

2. Detail the specific facts, which must be based on the direct personal knowledge or information and belief of the licensee, as to why the licensee believes that he or she has not committed any act or omission which is grounds for the revocation or suspension of his or her license pursuant to NRS 369.230; and

3. Be accompanied by:

(1) A statement that is signed and acknowledged before a notary public and states that the contents of the verified answer are true and correct to the licensee’s own knowledge except as to those matters stated on information and belief, and that as to such matters, the licensee believes them to be true and correct; or

(2) An affidavit signed by the licensee in substantially the following form:

Under penalty of perjury, the undersigned declares that he or she is the person filing the verified answer and knows the contents thereof; that the content of the verified answer is true of his or her own knowledge, except as to those matters stated on information and belief, and that as to such matters he or she believes them to be true.

Sec. 12. Upon the receipt of a verified complaint filed with the Department against a licensee pursuant to NRS 369.240, the Department may take any of the following actions with respect to the verified complaint:

1. Examine the verified complaint to determine whether the verified complaint plausibly alleges that the licensee has committed, within 1 year preceding the date on which the verified complaint is filed with the Department, an act or omission which is cause for revocation or suspension of a license pursuant to NRS 369.230.

2. Provide the licensee with written notice of the allegations set forth against the licensee in the verified complaint and offer the licensee an opportunity to respond to the allegations, including an opportunity to address the specific reasons why the licensee believes he or she did not commit an act which is cause for revocation or suspension of a license pursuant to NRS 369.230. If such an opportunity is offered, the licensee:

(a) Must submit his or her response to the Department in writing within 10 days after the date on which the Department issues the written notice described in this subsection; and

(b) May include with his or her response any supporting documentation or other evidence he or she has to support his or her response.

3. Dismiss the verified complaint and close the matter against the licensee without issuing a citation against the licensee if it appears to the satisfaction of the Department that:

(a) The verified complaint does not:

(1) Plausibly allege that the licensee committed any act or omission within 1 year preceding the date on which the verified complaint is filed, which is cause for revocation or suspension of a license pursuant to NRS 369.230; or

(2) Satisfy the requirements of section 10 of this regulation; or

(b) The licensee did not commit any of the acts or omissions alleged in the verified complaint which would be cause for revocation or suspension a license pursuant to NRS 369.230.

4. Issue a citation pursuant to NRS 369.240 against the licensee named in the verified complaint based on the acts or omissions set forth in the verified complaint. The Department is not required to provide the licensee with prior notice pursuant to subsection 1 of section 13 of this regulation before issuing such a citation.

Sec. 13. 1. If the Department has any reason to believe that a licensee committed an act or omission which is cause for revocation or suspension of his her license pursuant to NRS 369.230, the Department may issue the licensee prior notice of the Department's intention to file a citation against the licensee to pursue the suspension or revocation of his or her license.

2. A notice issued pursuant to subsection 1 must:

(a) Specify the disciplinary action proposed to be taken by the Department against the licensee;

(b) State with particularity the specific facts or conduct which the Department believes warrants the potential disciplinary action specified pursuant to paragraph (a);

(c) Except as otherwise provided by subsection 4, inform the licensee that he or she has an opportunity pursuant to subsection 3 to respond to the notice within 10 days after service of the notice, and describe with particularity the manner in which the licensee is required to submit such a response to the Department; and

(d) Be served on the licensee by certified mail at his or her latest address of record in the office of the Department.

3. *Except as otherwise provided by subsection 7, the Department will afford a licensee who is issued a notice pursuant to subsection 1 an opportunity to respond to the notice in writing within 10 days after service of the notice. Such a response:*

(a) Must address the specific reasons why the licensee believes he or she did not commit the acts or omissions specified in the notice which are cause for revocation or suspension of a license pursuant to NRS 369.230;

(b) Be accompanied by any supporting documentation or other evidence supporting the reasons addressed in the response pursuant to paragraph (a); and

(c) Be delivered to the Department:

(1) In the manner described in the notice pursuant to paragraph (c) of subsection 2; or

(2) Electronically through the portal maintained by the Department on its Internet website for the submission of documents, if the Department maintains such a portal for such purposes.

4. *A licensee may, before the close of the time prescribed by subsection 3 for submitting a response to a notice issued pursuant to subsection 1, request additional time to submit such a response. The Department may in its discretion allow the licensee such additional time to respond to the notice as it deems reasonably necessary based on the request.*

5. *Within 30 days after the close of the time allowed by subsection 3 or 4 for submitting a response to a notice issued pursuant to subsection 1, the Department may, with respect to the licensee to whom the notice was issued:*

(a) Close the matter against the licensee;

(b) Settle the matter against the licensee with or without a plan of correction;

(c) Request additional information from the licensee or other persons;

(d) Issue a citation against the licensee pursuant to subsection 6 based on the alleged acts or omissions identified in the notice; or

(e) Take any other enforcement action against the licensee which is authorized by chapter 360 or 369 of NRS, including, without limitation, issuing a civil penalty against the licensee, issuing a deficiency determination against the licensee or seizing shipments of liquor as described in NRS 369.420.

6. After the Department issues a notice to a licensee pursuant to subsection 1 and, except as otherwise provided by subsection 7, affords the licensee the opportunity to respond to the notice as required by subsection 3, the Department may on its own motion initiate proceedings to suspend or revoke the license of the licensee based on the acts or omissions set forth in the notice by issuing a citation against the licensee pursuant to this subsection and requesting that the Commission appoint a hearing officer to preside over the matter.

7. If a licensee has previously received a notice issued pursuant to subsection 1, for any subsequent alleged violation of the same statutory provision during the 2-year period immediately following the issuance of such a notice, the licensee is not entitled to the 10-day period to respond to the notice pursuant to subsection 3, and the Department may immediately issue a citation against the licensee pursuant to subsection 6.

Sec. 14. 1. Any citation issued by the Department must:

(a) Set forth in ordinary and concise language the acts or omissions with which the respondent is charged and which are grounds for the suspension or revocation of his or her license pursuant to NRS 369.230;

(b) Include a statement of the legal authority for the suspension or revocation of the license of the respondent;

- (c) Specify the provisions of law which the respondent is alleged to have violated;*
 - (d) Include a statement of the facts supporting the belief of the Department that the license of the respondent should be suspended or revoked;*
 - (e) Specify the disciplinary action proposed to be taken by the Department pursuant to the citation;*
 - (f) Direct the respondent to file a verified answer showing cause as to why his or her license should not be suspended or revoked;*
 - (g) Describe with particularity the manner in which respondent is required to file his or her verified answer with the Department pursuant to subsection 2; and*
 - (h) Be served on the respondent by personal service at his or her latest address of record in the office of the Department, unless NRS 369.240 would require a different method of service, in which case, the manner prescribed by that section, along with:*
 - (1) All documentary evidence on which the Department intends to rely to demonstrate that the respondent has committed the acts or omissions set forth in the citation; and*
 - (2) If applicable, the verified complaint filed against the respondent pursuant to NRS 369.240.*
- 2. A respondent who is served with a citation shall file with the Department a verified answer showing cause as to why his or her license should not be suspended or revoked pursuant to the citation. A respondent must file his or her verified answer with the Department:*
- (a) Not later than 10 days after the citation is served on the respondent, unless NRS 369.240 would allow the respondent additional time to file, in which case, not later than the time prescribed by that section; and*

(b) In the manner described in the citation pursuant to paragraph (g) of subsection 1 or electronically through the portal maintained by the Department on its Internet website for the submission of documents, if the Department maintains such a portal for such purposes.

3. A respondent may, before the close of the time prescribed by subsection 2 for filing a verified answer, request additional time to file the verified answer. The Department may in its discretion allow the respondent such additional time to file his or her verified answer as it deems reasonably necessary based on the request. If the Department allows a respondent such additional time, the parties shall be deemed to have agreed pursuant to subsection 3 of section 15 of this regulation to extend the time prescribed for the hearing officer to hold a hearing by such an amount of time as is reasonable, in the discretion of the hearing officer, based on the additional time allowed by the Department pursuant to this subsection.

4. The failure of a respondent to file a verified answer with the Department within the time allowed for the filing of the verified answer pursuant to subsection 2 or 3 shall be deemed an admission by the respondent of the commission or omission of the act or acts set forth in the citation. The Department will forthwith suspend or revoke the license of the respondent as specified in the citation without a hearing. The Department will serve notice of the suspension or revocation on the respondent in the manner prescribed by subsection 2 of NRS 369.240.

5. A respondent whose license is suspended or revoked pursuant to subsection 4 may petition the Department for a hearing concerning the citation issued against him or her. Such a petition must:

(a) Be filed with the Department within 30 days after the date on which the respondent was served with the notice issued pursuant to subsection 4;

(b) Address the specific reasons why the respondent believes his or her neglect to file a verified answer or request additional time to file a verified answer within the time allowed pursuant to subsection 2 or 3 was excusable; and

(c) Be accompanied by any supporting documentation or other evidence that supports the reasons addressed in the petition pursuant to paragraph (b).

6. The Department may grant a petition filed by a respondent pursuant to subsection 5 if the Department determines that the respondent has adequately demonstrated that his or her neglect to file a verified answer or request additional time to file a verified answer within the time allowed by subsection 2 or 3 was excusable.

Sec. 15. *1. The hearing officer appointed to preside over a matter concerning a citation issued against a respondent shall, upon the receipt of the verified answer to the citation filed by a respondent pursuant to section 14 of this regulation or the granting by the Department of a petition for a hearing pursuant to subsection 6 of section 14 of this regulation, fix a time and place for a hearing on the citation and give the parties not less than 5 days notice thereof, unless the parties agree to a different period of time for such notice.*

2. The hearing officer shall cause the notice of hearing issued pursuant to subsection 1 to be served on the respondent in the manner required by NRS 369.250.

3. The hearing officer shall hold a hearing pursuant to subsection 1 not later than 45 days after the respondent is served with the citation, unless the parties agree otherwise.

4. Except as otherwise provided by subsection 2 of section 27 of this regulation, the hearing officer shall issue his or her ultimate decision regarding the disposition of a citation not later than 10 days after the close of the hearing held pursuant to this section, unless the parties agree otherwise.

5. A decision issued by the hearing officer pursuant to this section must:

(a) Ultimately dispose of the matter by either dismissing the citation or ordering that the license of the respondent be suspended or revoked;

(b) Be in writing; and

(c) Be served on the respondent in the manner required by NRS 369.260.

6. A decision of a hearing officer ordering the suspension or revocation of a license pursuant to this section is subject to the provisions of section 19 of this regulation.

Sec. 16. *1. The Executive Director may issue an order to summarily suspend the license of a licensee pending proceedings to permanently revoke the license if the Executive Director determines that, due to the licensee's violation of one or more provisions of chapter 369 of NRS, public health, safety or welfare imperatively requires the summary suspension of the license.*

2. An order summarily suspending a license pursuant to subsection 1 must:

(a) Contain the findings required by subsection 3 of NRS 233B.127.

(b) Inform the licensee:

(1) That the suspension of his or her license is effective immediately; and

(2) That the Department intends to initiate formal proceedings pursuant to this chapter and chapter 369 of NRS to permanently revoke his or her license.

(c) Detail the specific provisions of chapter 369 of NRS which the licensee is alleged to have violated, and the specific facts or conduct requiring the issuance of the order.

(d) Notify the licensee of the date, time and place fixed pursuant to subsection 4 for the public hearing concerning the summary suspension of his or her license.

(e) Detail the specific actions, if any, that the licensee may undertake to demonstrate to the Executive Director that he or she did not commit the violations of chapter 369 of NRS detailed in the order pursuant to paragraph (c).

(f) Be personally served on the licensee at his or her latest address of record in the office of the Department.

3. The Executive Director shall transmit a copy of an order summarily suspending the license of a licensee issued pursuant to subsection 1 to the board of county commissioners of the county or governing body of the city in which the licensee maintains his or her principal place of business.

4. Upon the issuance of an order summarily suspending the license of a licensee pursuant to subsection 1, the Department will fix a time and place for a public hearing to be conducted on the matter. The public hearing must be initiated not later than 10 days after the issuance of the order, unless:

(a) The Executive Director lifts the order of summary suspension and cancels the hearing pursuant to subsection 5; or

(b) The hearing officer, in his or her discretion, grants a continuance with the consent of the licensee. If the hearing officer grants a continuance pursuant to this subsection, the hearing must conclude not later than 30 days after the date of the issuance of the order of summary suspension.

5. The Executive Director may, in his or her discretion, lift an order summarily suspending a license issued pursuant to subsection 1 and cancel the public hearing fixed pursuant to subsection 4 if the licensee demonstrates to the satisfaction of the Executive

Director pursuant to paragraph (e) of subsection 2 that he or she did not violate the provisions of chapter 369 of NRS as alleged in the order pursuant to paragraph (c) of subsection 2.

6. If a board of county commissioners or governing body of a city wishes to appear at a public hearing concerning the summary suspension of a license pursuant to NRS 369.280, the board of county commissioners or governing body of a city, as applicable, must:

(a) File with the Department a notice of its intent to appear not less than 3 business days before the date set for the hearing; and

(b) Serve a copy of the notice filed pursuant to paragraph (a) on the licensee to whom the hearing pertains.

7. A hearing officer presiding over a hearing concerning the summary suspension of a license pursuant to this section shall render his or her decision on the matter not later than 10 days after the conclusion of the hearing held pursuant to subsection 4. Notwithstanding the provisions of section 19 of this regulation, a decision issued by a hearing officer pursuant to this section becomes final 30 days after the date of service of the decision.

Sec. 17. 1. If a board of county commissioners or governing body of a city issues an order or decision summarily suspending the license of a licensee pursuant to NRS 369.280, the board of county commissioners or governing body of a city, as applicable, shall notify the Department of that action and transmit to the Department a copy of any decision ordering such action within 10 days after the date on which the board of county commissioners or governing body of a city took such action.

2. If a licensee whose license is summarily suspended by a board of county commissioners or governing body of a city wishes to request that the Department conduct a hearing to review

such an action pursuant to NRS 369.280, the licensee must file such a request with the Department in writing. The request must:

(a) Be filed with Department within 10 days after the board of county commissioners or governing body of a city, as applicable, serves the licensee with notice of the action. The licensee shall transmit a copy of the request filed with the Department to the board of county commissioners or governing body of a city, as applicable, within the timeframe set forth by this paragraph for the filing of the request with the Department.

(b) Set forth the particular grounds as to why the licensee believes the action taken by the board of county commissioners or governing body of a city, as applicable, should be modified or set aside. A licensee shall include with the request any documentation he or she has to support the grounds he or she set forth in the request pursuant to this paragraph.

(c) Be accompanied by an original or certified copy of the complete record, including transcripts, if applicable, of the proceedings at issue.

3. The Department will request that the Commissioner appoint a hearing officer to preside over a hearing timely requested pursuant to subsection 2. The hearing officer shall:

(a) As soon as practicable after the request is timely filed with the Department pursuant to subsection 2, fix a time and place for a hearing to be conducted on the matter;

(b) Not less than 5 days before the hearing, notify the parties of the time and place fixed for the hearing;

(c) Issue his or her written decision within 10 days after the hearing is concluded; and

(d) Serve his or her decision on the parties by certified mail.

4. A party to a hearing conducted pursuant to subsection 3 may appeal the decision of the hearing officer to the Commission within 30 days after the decision is served on the party.

Sec. 18. 1. *If a licensee fails to answer a complaint pending against the licensee before a board of county commissioners or governing body of a city within the time prescribed for answering the complaint:*

(a) The board of county commissioners or governing body of a city shall, within 10 days after the date on which the licensee was required to answer the complaint, transmit to the Department written notice of the failure of the licensee to answer the complaint along with a copy of the complaint served upon the licensee.

(b) The Department will, within 10 days after receipt of a notice from a board of county commissioners or governing body of a city transmitted pursuant to paragraph (a):

(1) Suspend or revoke the license of the licensee in accordance with the action set forth in the complaint;

(2) Serve the licensee with notice of the suspension or revocation of the license in the manner prescribed by NRS 233B.125 at the address of the licensee provided by the board of county commissioners or governing body of a city, as applicable; and

(3) Transmit to the board of county commissioners or governing body of a city, as applicable, a copy of the notice served upon the licensee pursuant to subparagraph (2).

2. *If a board of county commissioners or governing body of a city in which a licensee maintains his or her principal place of business issues an order or decision recommending the suspension or revocation of the license of the licensee:*

(a) The board of county commissioners or governing body of a city, as applicable, shall, within 10 days after the issuance of the order or decision, transmit the order or decision to the Department.

(b) The Department will, within 10 days after receipt of an order or decision pursuant to paragraph (a):

(1) Suspend or revoke the license of the licensee in accordance with the order or decision;

(2) Serve the licensee with notice of the suspension or revocation of the license in the manner prescribed by NRS 233B.125 at the address of the licensee provided by the board of county commissioners or governing body of a city, as applicable; and

(3) Transmit to the board of county commissioners or governing body of a city, as applicable, a copy of the notice served upon the licensee pursuant to subparagraph (2).

3. If a board of county commissioners or governing body of a city takes an adverse action described in subsection 1 or 2, the licensee adversely affected by such an action may petition the Department for a hearing concerning the action based on the applicable grounds set forth in subsection 1 of NRS 369.270. The petition must:

(a) Be filed with the Department within 10 days after the board of county commissioners or governing body of a city, as applicable, serves the licensee with notice of the action. The licensee shall transmit a copy of the petition filed with the Department to the board of county commissioners or governing body of a city, as applicable, within the timeframe set forth by this paragraph for the filing of the petition with the Department.

(b) Set forth the particular facts as to why the licensee believes he or she satisfies the applicable grounds for the relief he or she seeks from the Department as set forth in subsection 1 of NRS 369.270. A licensee shall include with the petition any documentation he or she has to support the facts he or she set forth in the petition pursuant to this paragraph.

(c) Be accompanied by an original or certified copy of the complete record, including transcripts, if applicable, of the proceedings at issue.

4. Upon receipt of a petition timely filed pursuant to subsection 3, the Department will temporarily stay the effectiveness of its notice suspending or revoking the license of the licensee issued pursuant to subsection 1 or 2 pending its final determination on the petition pursuant to subsection 6. The stay issued pursuant to this subsection shall terminate upon the issuance by the Department of its final determination, unless otherwise specified by the Department.

5. A board of county commissioners or governing body of a city may file a response to a petition transmitted to the board of county commissioners or governing body of a city, as applicable, pursuant to subsection 3 within 10 days after its receipt of the petition.

6. The Department will make a final determination on a petition timely filed pursuant to subsection 3 not later than 20 days after its receipt of the petition. The Department will serve notice of its final determination upon the licensee and the board of county commissioners or governing body of a city, as applicable.

Sec. 19. 1. *Except as otherwise provided in subsection 2, if a hearing officer or the Commission issues an order or decision that temporarily suspends or permanently revokes the license of a licensee:*

(a) The Department will, upon the issuance of the order or decision, notify the licensee of the order or decision in the manner prescribed by NRS 233B.125 at his or her latest address of record in the office of the Department.

(b) The order or decision must not become final and the license must not be suspended or revoked until 30 days after the date of the issuance of the order or decision suspending or revoking the license. When the order or decision becomes final, the Department will:

(1) Temporarily suspend or permanently revoke the license of the licensee as set forth in the order or decision;

(2) Provide notice of the suspension or revocation of the license to the licensee by regular mail; and

(3) Transmit a copy of the order or decision to the board of county commissioners or governing body of the city in which the licensee maintains his or her principal place of business.

2. The provisions of subsection 1 do not apply to any order that summarily suspends a license.

3. The licensee shall, within 5 business days after the date on which any order or decision that temporarily suspends or permanently revokes his or her license is issued, notify each supplier and customer, other than a retail customer, of the licensee of the revocation or suspension of the license and the date on which the suspension or revocation becomes final.

4. Until the date on which an order or decision that temporarily suspends or permanently revokes the license of a licensee becomes final, the licensee may continue to engage in any lawful activity otherwise authorized or permitted pursuant to this chapter or chapter 369 of NRS.

5. A licensee may not seek a stay of an order or decision of a hearing officer to suspend or revoke his or her license pending an appeal of the order to the Commission. If a licensee

appeals such an order or decision to the Commission, the order or decision remains effective unless and until the Commission reverses or modifies the order or decision in relevant part.

Sec. 20. 1. *The provisions of sections 20 to 35, inclusive, of this regulation govern practice and procedure in contested cases held before the Department or Commission pursuant to the provisions of this chapter and chapter 369 of NRS.*

2. A notice of hearing issued by a hearing officer pursuant to the provisions of this chapter and chapter 369 of NRS must contain the items required pursuant to subsection 2 of NRS 233B.121.

Sec. 21. 1. *Any document filed by a party with the hearing officer or Commission must be served on the opposing party in person, by mail or by electronic means.*

2. With any document that is served on a party in person or by mail, an acknowledgment of service or a certificate in substantially the following form must be included:

I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding (by delivering a copy thereof in person to) (by mailing a copy thereof, properly addressed, with postage prepaid, to)
Dated at, this(day) of(month) of(year)

.....

Signature

Sec. 22. 1. *The hearing officer may, upon his or her own motion or the motion of a party, hold a prehearing conference for the purpose of formulating or simplifying the issues, obtaining admissions of fact from the licensee or documents which will avoid unnecessary*

proof, arranging for the exchange of proposed exhibits or prepared expert testimony, limiting the number of witnesses, establishing or reviewing any procedure for the hearing and taking any other action which may promote the orderly conduct of the proceedings or expedite the disposition or settlement thereof.

2. The action taken at a prehearing conference and the agreements, admissions or stipulations made by the parties concerned must be made a part of the record and must be approved by the parties. When approved, the action shall control the course of subsequent proceedings, unless otherwise stipulated to by all the parties of record with the consent of the hearing officer.

3. In any proceeding, the hearing officer may, in his or her own discretion, call all the parties together for a conference before the taking of testimony. The hearing officer shall state on the record the results of the conference.

Sec. 23. *1. A hearing officer may order the parties to file briefs with the hearing officer before or after the hearing.*

2. A hearing officer may consider any request by the parties to file briefs with the hearing officer before or after the hearing.

Sec. 24. *1. Except as otherwise provided in subsection 2, a respondent shall, not later than 7 days before the date of the hearing set forth in a notice of hearing, provide to the Department a copy of each document which is reasonably available to the respondent and which the respondent reasonably believes will be used in support of the respondent's position.*

2. A respondent may supplement the documents provided pursuant to subsection 1 on or before the date of the hearing only if good cause exists to demonstrate why the supplemental documents were not provided within the time required by subsection 1.

3. A hearing officer may exclude any document not timely provided pursuant to subsection 1 or 2.

Sec. 25. 1. All motions, unless made at a hearing, must be:

(a) Made in writing; and

(b) Served on the opposing party and the hearing officer at least 7 days before the date of the hearing.

2. Any response to a motion, other than a motion made at a hearing, must be:

(a) Made in writing; and

(b) Served on the opposing party and the hearing officer within 5 days after receipt of the motion.

Sec. 26. 1. A party may appear in person at a hearing or may be represented by an attorney, an accountant or an officer, employee or other authorized representative of the party.

2. An attorney who represents a party at a hearing:

(a) Must be admitted to practice and in good standing before the highest court of any state of the United States; and

(b) If the attorney is not admitted to practice and in good standing before the Supreme Court of Nevada, must be associated with an attorney so admitted and in good standing.

Sec. 27. 1. A hearing officer may, in his or her own discretion, either before or during a hearing, grant continuances or recesses.

2. If a respondent to a citation issued by the Department requests from and is granted a continuance of a hearing by the hearing officer, the request shall be deemed an agreement by the parties pursuant to subsection 4 of section 15 of this regulation to extend the time prescribed by that section for the hearing officer to issue a written decision on the matter for

such an amount of time as is reasonable, in the discretion of the hearing officer, based on the continuance allowed pursuant to this subsection.

Sec. 28. *If:*

- 1. A respondent fails to appear at a hearing;*
- 2. The hearing officer has not granted a continuance; and*
- 3. The hearing officer makes a determination that the respondent was given proper notice of the hearing,*

↪ the hearing officer may proceed to consider the case on its merits without the participation of the respondent and dispose of the case based on the evidence before him or her.

Sec. 29. *1. Except as otherwise provided in subsection 2, the Department has the burden of proof in any hearing concerning a citation filed against a respondent.*

2. If a respondent fails to maintain any documents, records or other items required to be maintained by the respondent pursuant to this chapter or chapter 369 or 597 of NRS, that failure shall create a rebuttable presumption that such items would be harmful to the respondent's case at any hearing concerning a citation issued against the respondent.

Sec. 30. *1. At a hearing, evidence may be received in any manner ordered by the hearing officer, but the hearing will ordinarily proceed in the following order:*

(a) The Department will present witnesses and evidence and the respondent may cross-examine the witnesses in the order in which they are presented by the Department.

(b) After the Department has completed its presentation of witnesses and evidence, the respondent may present witnesses and evidence and the Department may cross-examine the witnesses in the order in which they are presented by the respondent.

(c) After the respondent has completed its presentation of witnesses and evidence, the Department may call any rebuttal witnesses and the respondent may cross-examine the witnesses.

(d) The hearing officer may question any witness, party, counsel or representative at any time.

2. After the close of the hearing, the hearing officer shall prepare his or her decision on the issues presented at the hearing, including written findings of fact and conclusions of law, and serve on all parties of record a copy of the decision and the accompanying findings of fact and conclusions of law.

3. Except as otherwise provided by a specific provision of this chapter or chapter 369 of NRS, a decision issued by a hearing officer becomes final and effective 30 days after the date of service of the decision unless a party timely appeals the decision to the Commission.

Sec. 31. *1. Subject to the restrictions imposed by NRS 360.240, a subpoena requiring the attendance of a witness from any place in the State to any designated place of a hearing for the purpose of taking testimony may be issued by the hearing officer.*

2. A party desiring a subpoena must submit an application in writing to the hearing officer stating the reasons why a subpoena is requested.

3. An application to compel the attendance of a witness at a hearing for the purpose of taking the oral testimony of the witness must identify whether or not the witness is a nonparty witness.

4. An application for a subpoena duces tecum for the production of books, waybills, papers, accounts or other documents must contain a complete and specific description of the documents or other tangible things desired.

5. *An application for a subpoena pursuant to subsection 2 must be accompanied by a proposed subpoena, on a form prescribed by the Department, which contains:*

- (a) The name and license number of the licensee who is a party to the hearing;*
- (b) The name of the person to whom the subpoena will be directed and whether such a person is a party to the hearing;*
- (c) The address for service of the subpoena;*
- (d) The date, time and place of the hearing; and*
- (e) The name and signature of the requesting party or the attorney for the requesting party.*

6. *The hearing officer, upon receipt of an application for a subpoena, shall:*

- (a) Grant the application and issue the subpoena;*
- (b) Deny the application; or*
- (c) Schedule a hearing to decide whether to grant or deny the application.*

7. *A subpoena must be served by the requesting party at least 10 days before the hearing. A subpoena will be issued during the hearing or upon less than 10 days' notice only upon order of the hearing officer for reasonable cause shown by the requesting party. A subpoena duces tecum must be served on the opposing party not less than 7 days before service on the person to whom the subpoena is directed.*

8. *The requesting party shall arrange for service of the subpoena. All costs incident to the subpoena must be paid by the requesting party.*

Sec. 32. 1. *A hearing will not be conducted according to the technical rules of evidence. Any relevant evidence may be admitted, except where precluded by law, if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of their affairs, even though the evidence might be subject to objection in civil actions.*

2. Hearsay evidence, as that term is used in civil actions, may be admitted for the purpose of supplementing or explaining other evidence, but is not sufficient to support findings of fact unless it would be admissible over objection in civil actions.

3. The rules of privilege will be applied as they are applied in civil actions.

4. Irrelevant, cumulative and unduly repetitious evidence is not admissible, nor is incompetent evidence, as that term is used in civil trials, with the exception of hearsay evidence, as above provided.

5. The parties or their counsel may, by written stipulation, agree that certain specified evidence may be admitted, even though the evidence would otherwise be subject to objection.

6. The affidavit of any person may be admitted in evidence if all the parties stipulate and consent to its admission.

Sec. 33. *The hearing officer may take official notice of the following matters when properly introduced into the record and the opposing party has had an opportunity to examine the matter and present rebuttal evidence:*

1. Rules, regulations, official reports, decisions and orders of the Commission and any regulatory agency of the State.

2. Contents of decisions, orders, licenses, certificates and permits issued by the Department and the Commission, other than a certificate issued pursuant to chapter 361 of NRS.

3. Matters of common knowledge and technical or scientific facts of established character.

4. Matters which may be judicially noticed by the courts of this State.

Sec. 34. 1. A party may, within 30 days after service of a final decision issued by a hearing officer, file a notice of appeal to the Commission.

2. A notice of appeal filed pursuant to this section must be served on all parties and must identify the:

- (a) Decision from which the party appeals;*
- (b) Date on which the decision was issued; and*
- (c) Basis for the appeal, which must arise from one or more of the grounds set forth in subsection 3 of NRS 233B.135.*

3. The filing of an appeal pursuant to this section does not excuse compliance with the decision of the hearing officer unless otherwise ordered by the hearing officer.

4. Within 30 days after filing a notice of appeal, the appellant shall file with the Commission an opening brief:

- (a) Setting forth the points relied upon in his or her appeal and the authorities in support thereof; and*
- (b) Designating the parts of the record before the hearing officer that the appellant deems relevant to his or her appeal.*

5. An opposing party may, not later than 30 days after service of an opening brief, file with the Commission a responsive brief rebutting only the points raised in the opening brief unless otherwise directed by the Commission. Such a response may include identification of the parts of the record before the hearing officer that the opposing party deems relevant to his or her response.

6. An appellant may, not later than 30 days after the filing of a responsive brief pursuant to subsection 5, file with the Commission a reply brief which, unless otherwise directed by the Commission, shall only address those matters set forth in the responsive brief.

Sec. 35. *1. Upon the filing of all briefs pursuant to section 34 of this regulation or the expiration of the time for filing such briefs, the Executive Director shall schedule oral argument on the appeal at the next meeting of the Commission.*

2. Oral argument will be limited to 15 minutes for each party. The appellant must present his or her argument first but may reserve time for rebuttal following the presentation of argument by the opposing party. The Commission will only consider evidence submitted to the hearing officer and identified in the opening brief of the appellant or response brief of an opposing party.

3. The Commission may affirm, reverse or modify the decision of the hearing officer or remand the case to the hearing officer. The Executive Director shall, on behalf of the Commission, issue a written decision on the appeal.

4. The Executive Director shall serve his or her decision on the appeal in the same manner prescribed for the service of notices by the Department pursuant to NRS 369.250.

5. Unless the Commission remands a case to the hearing officer, the decision of the Commission is a final decision in a contested case for the purposes of judicial review.

Sec. 36. NAC 369.001 is hereby amended to read as follows:

369.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 369.002 to 369.008, inclusive, *and sections 2 to 6, inclusive, of this regulation*, have the meanings ascribed to them in those sections.

Sec. 37. NAC 369.055 is hereby repealed.

TEXT OF REPEALED SECTION

369.055 Payment to wholesale dealer by retail liquor store by electronic transfer of money authorized.

1. A retail liquor store may make payment to a wholesale dealer for liquor pursuant to NRS 369.485 by use of the electronic transfer of money if the wholesale dealer:

- (a) Consents to the use of the electronic transfer of money for such payment; and
- (b) Does not pay any costs incurred by the retail liquor store for use of the electronic transfer of money.

2. A retail liquor store shall not condition any purchase of liquor from a wholesale dealer upon the consent of the wholesale dealer to the use of the electronic transfer of money to make payment for the liquor.

3. As used in this section, “electronic transfer of money” means any transfer of money, other than a transaction initiated by a check, draft or other similar instrument, that is initiated through an electronic terminal, telephone, computer or magnetic tape for the purpose of ordering, instructing or authorizing a financial institution or person holding an account on behalf of another to debit or credit an account.