

Denial of request for place-to-place transfer of liquor license to site in vicinity of two churches was not unreasonable. Application of Maxine's Tavern, 95 N.J.A.R.2d (ABC) 124.

Transferee of inactive license required place-to-place transfer to re-site in original location. Innkeeper v. Remington. 95 N.J.A.R.2d (ABC) 113.

Temporary loss of possession of foreclosed licensed premises; place-to-place transfer. Innkeeper, Inc., v. Mahwah Township Council, 94 N.J.A.R.2d (ABC) 13.

Filing of an appeal takes place upon the receipt of the Notice and Petition of Appeal by the Director, rather than upon their mailing; appeal dismissed as filed out of time. Van Holt v. Mayor and Council, Boro. of Sea Bright, 3 N.J.A.R. 183 (1981).

13:2-7.3 Application for person-to-person license transfer

Application for transfer of license to another person, or other person and other premises, signed and sworn to by the person who seeks the transfer, and bearing the consent in writing to such transfer by the current licensee, must be filed with the Director, or other issuing authority, as the case may be, at or before the first insertion of the advertisement of the notice of application on forms prescribed by the Director.

Amended by R.1990 d.412, effective August 20, 1990. See: 22 N.J.R. 1811(a), 22 N.J.R. 2508(c).

Clarified transfer by "current licensee"; added text regarding forms promulgated by Director.

Amended by R.1995 d.450, effective August 21, 1995. See: 27 N.J.R. 2051(a), 27 N.J.R. 3177(a).

Substituted "prescribed" for "promulgated".

Case Notes

Where a plenary retail consumption license holder did not abandon or vacate the licensed premises, but in fact the landlord testified that he

intentionally kept the lease intact in hopes that the lease holder would resolve his tax problems or that a third party would buy the license. acquire the lease, and resume operations, the ALJ's decision denying transfer of the license was reversed. United Funding, LLC v. Municipal Bd. of Alcohol Beverage Control, City of Paterson, OAL Dkt. No. ABC 10954-04, 2005 N.J. AGEN LEXIS 1484, Final Decision (June 21, 2006).

Court could order transfer of liquor license without holders' consent as temporary relief measure in breach of contract action arising out of failed liquor license transfer agreement. Parkway Liquor & Deli, Inc. v. P.P.P. USA, Inc. et al., 96 N.J.A.R.2d (ABC) 151.

Mutual interest of city and liquor license transferee's landlord in cross access property agreement and sewer regulator agreement was not conflict of interest, and thus city's approval of liquor license transfer was not prohibited. Cromwell Liquors, Inc. v. Western Beverage Corporation, et al., 96 N.J.A.R.2d (ABC) 143.

Person-to-person transfer of liquor license was denied based upon finding that applicant was unqualified to run restaurant business and that applicant's father owned undisclosed interest in business. Varalli and Sons, Inc. v. Municipal Board of Alcoholic Beverage Control of Atlantic City, 96 N.J.A.R.2d (ABC) 122.

Filing of an appeal takes place upon the receipt of the Notice and Petition of Appeal by the Director, rather than upon their mailing; appeal dismissed as filed out of time. Van Holt v. Mayor and Council, Boro. of Sea Bright, 3 N.J.A.R. 183 (1981).

Town Council's action denying license transfer not reversible unless based upon mistakes or abuse of discretion; burden of proof upon transfer applicant; denial of transfer reasonable as founded on residents' objections and problems caused by large number of liquor establishments in transferral area. Stonchenge Gardens, Inc. v. Mayor and Town Council, Town of Phillipsburg, 2 N.J.A.R. 417 (1980) affirmed.

13:2-7.4 Notice of transfer application, form

(a) Notice of application for transfer of a license shall be published in the following form:

-NOTICE-
ALCOHOLIC BEVERAGE PERMIT

Take notice that application has been made to _____
_____ of _____
(Name of Issuing Authority) (Address)
to transfer to _____
(Name of transferee)
trading as _____ for premises located
(Trade Name, if any)
at _____
(Address of premises to which transfer is sought)
the _____ heretofore issued to
(Type of License and Number)
_____, trading as _____
(Name of Licensee in full) (Trade Names, if any)

for premises located at _____
(No.) (Street) (Municipality)

The person(s) who will hold an interest in this permit is/are:

(Name(s))

See *

(See ** to insert other information applicable)

Objections, if any, should be made immediately in writing to:

_____, of _____

(Municipal Clerk or

ABC Board Secretary (address)

or Director, Division of Alcoholic Beverage Control)

(Address)

(Name of Applicant)

(Address of Applicant)

*If the applicant is an individual, insert the name and residence address of that individual.

If the applicant is a corporation, partnership or other legal entity, insert the names and residence of all officers, directors, stockholders holding one percent or more of any of the stock of the applicant corporation, general partners, members, and limited partners holding an interest of one percent or more. If, in listing those, another corporation, partnership, or other legal entity is noted, the application and notice must contain the required information concerning officers, directors, stockholders, partners, or members, of that corporation, partnership, or other legal entity.

If the applicant is a club, insert the names and residence address of all officers and the offices they fill respectively, and the names and residences of the directors, trustees or other governing officials.

If the applicant is a limited liability company, insert the name of the limited liability company and the name and addresses of all officers and members.

**If the application is for transfer of a municipal license to a building not yet constructed, insert in the Notice the following: "Plans of building to be constructed may be examined at the office of the Municipal Clerk."

If the application is for a State license for a building not yet constructed, insert "Plans of building to be constructed may be examined at the office of the Division of Alcoholic Beverage Control."

If the application is for a place-to-place transfer which involves an expansion or reduction of the premises, insert "Plans of the current license premises and proposed licensed premises may be examined at the office of the municipal clerk (or Division of Alcoholic Beverage Control, if appropriate)."

If the applicant intends to conduct retail sales of alcoholic beverages as may be authorized under a State issued license, insert in the Notice the following: "The applicant intends to engage in the retail sale of

_____ at _____

(Alcoholic beverage type)

(No.) (Street)

_____ under the terms and conditions allowed by law."

(b) "Name of issuing authority" in the form in N.J.A.C. 13:2-7.4(a), usually means the governing board or body of the municipality, whatever the name may be, for instance, the mayor and common council, the township council, and so forth, except where a municipal board of alcoholic beverage control has been created, in which case such board is the issuing authority. If the application is made by a member of any issuing authority, or by a corporation, organization or

association in which any member of an issuing authority is interested directly or indirectly, or if the license sought to be transferred was issued in the first instance by the Director, the Director is the "issuing authority" and in that event the notice must state that objections be addressed to the Director of the Division of Alcoholic Beverage Control, PO Box-087, Trenton, New Jersey 08625-0087. This subsection shall not apply to club licenses.