

STATE OF NEW JERSEY  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
744 Broad Street, Newark, N. J.

BULLETIN NUMBER 75

May 24, 1935

1. RULES CONCERNING LICENSEES AND THE USE OF LICENSED PREMISES -  
RULE #9 - CONTRACEPTIVES AND CONTRACEPTIVE DEVICES FORBIDDEN

Dear Sir:

My attention has been called respecting a concern of New Brunswick, N.J., which is in business in placing so-called slot machines or vending machines in saloons in different parts of the state, of the character hereinafter outlined. We now have one of these machines at Police Headquarters which we have taken from the possession of a saloon operating in this city.

A quarter placed in this machine discharges two disease protectors or hygiene protectors. While it is a well-known fact that you can purchase this article from any drug store, I consider that it is not lawful or proper for any saloon keeper to have such a machine as this on display in his place of business.

Enclosed you will find a photograph of this machine and a sample taken from the same.

Will you kindly give me a ruling in regards to the presence of such machine in saloons.

Very truly yours,  
JOSEPH GUTOWSKI,  
Chief of Police

May 22, 1935

Joseph Gutowski, Chief of Police,  
Perth Amboy, N. J.

Dear Sir:-

I have your valued report.

This vending machine violates Section 13 (1) of the Control Act which forbids the transaction of any other mercantile business in connection with a consumption license and flaunts decency. There is no reason why the tavernkeeper should pander to brazened sex instincts and there is every reason why sex in the raw should be dissociated from saloons.

Hence the following rule is hereby promulgated, effective-immediately:

9. No licensee, except bona fide pharmacies to the extent that they may be duly authorized by law to handle such merchandise, shall allow, permit, or suffer the sale or distribution of any contraceptive or contraceptive device, either chemical or mechanical, or possess, allow, permit or suffer any mechanical device designed or used for such sale or distribution upon or about the licensed premises.

Violation of the foregoing rule constitutes ground for revocation of the license.

Very truly yours,  
D. FREDERICK BURNETT,  
Commissioner

2. APPELLATE DECISIONS - DE ROUSI VS. CARTERET

ANTONIO DeROUSI,	)	
Appellant,	)	
-vs-	)	ON APPEAL
	)	CONCLUSIONS
THE MAYOR AND COUNCIL OF THE	)	
BOROUGH OF CARTERET (MIDDLESEX	)	
COUNTY),	)	
Respondent.	)	
-----)	)	

Leo S. Lowenkopf, Esq., Attorney for Appellant.  
A. D. Glass, Esq., Attorney for Respondent.

BY THE COMMISSIONER:

This is an appeal from the sixty day suspension of appellant's plenary retail consumption license because of his violation of Section 78 of the Control Act in that he bottled alcoholic beverages and sold same for consumption off the licensed premises.

Appellant admits the truth of the charge but contends he did so out of ignorance and not with a wilful disregard of the law.

Ignorance of Section 78, which makes it a misdemeanor for a retail licensee to bottle alcoholic beverages for sale or resale, is not an excuse. Braunstein vs. Bridgeton, Bulletin 63, Item 9, where the Commissioner said:

"Licensees are not to make any assumptions. They have no right to assume that they may do everything they please unless they actually know that it is expressly forbidden. On the contrary, they are bound to make sure that whatever they do is permissible. If appellant had but looked at the law, he would have found staring him in the face an express prohibition against bottling. If, too lazy to examine the law, he had made inquiry from the Commissioner, he would have been promptly informed that he could not bottle. \*\*\*\* Rather than lift his finger to ascertain what he could do and what he could not, he took a chance and was caught."

Appellant further contends that the punishment of a sixty day suspension is too severe.

It is not.

In the Braunstein case, supra, the license was revoked for violation of the same section.

The action of respondent is affirmed.

At the hearing on appeal it developed that appellant had been previously, on August 7, 1934, convicted of violating a local ordinance in that he possessed untaxed alcoholic beverages in violation of the Control Act. It thus appears that appellant has committed two violations of the Control Act and there-

fore under Section 22 of the Act is forever disqualified from receiving any license.

It is therefore recommended that supplemental charges should be drawn by respondent, served immediately upon appellant and he be called on to show cause why his license should not be revoked for commission of two violations of the Control Act so that he be forever barred from having any license thereunder.

D. FREDERICK BURNETT  
Commissioner

Dated: May 16, 1935

3. RULES GOVERNING SIGNS AND OTHER ADVERTISING MATTER -  
NEW RULE - WINDOW DISPLAYS - DISPLAY OF COPPER STILL  
FORBIDDEN

Gentlemen:

I would like to know if I am allowed to put a small copper still in my window as a display showing the making of whiskey from the grain to the finished product. Just an educational display in my window. Also maps showing localities where wine grain etc. is grown and made.

Please inform me at once.

Yours truly,  
DAVID W. VOLPIN

May 17, 1935

Mr. David W. Volpin,  
Atlantic City, N. J.

Dear Mr. Volpin:

While there is nothing inherently wrong of itself in a window display of a still, I shall not allow, as a matter of public policy, any licensee to do so. The public is not languishing from a lack of such educational facilities.

Such displays are hereby forbidden.

There is no objection to a window display of maps showing localities where grain is grown or wine is made.

Very truly yours,  
D. FREDERICK BURNETT,  
Commissioner

4. NOTICE - FINGERPRINTING - NEW REGULATIONS APPLICABLE TO STATE  
LICENSEES AND THEIR EMPLOYEES - MAY BE ADOPTED BY EACH MUNICI-  
PALITY

The Regulations Governing Identification of State Licensees and Their Employees, promulgated today, are designed to break up the practice of disqualified persons operating under "fronts" or behind corporate devices and to sever entirely their connection with the liquor industry.

The regulations provide that all applicants for State licenses shall submit sworn statements setting forth the names of all persons connected with their business in this State in any capacity whatsoever, together with questionnaires signed and sworn by each such person.

After the questionnaires are filed, fingerprints of all persons connected with State licensees will be taken, without charge, under supervision of the Department at times and places to be designated by the Commissioner.

Provision is made to include all persons who become connected with the licensee after the license is granted.

The regulations apply to present State licensees who are renewing their licenses, as well as to new applicants. They do not apply to applicants for retail licenses.

Each municipality may adopt with respect to its retail licensees similar coextensive regulations. I cordially recommend such action to each municipality. Municipal regulations, in the form of resolutions or ordinances, requiring such identification and fingerprinting will receive right of way when submitted for approval, to the end that they become effective at earliest moment.

D. FREDERICK BURNETT,  
Commissioner

Dated: May 20, 1935

5. REGULATIONS GOVERNING IDENTIFICATION OF STATE LICENSEES AND THEIR EMPLOYEES

1. Every individual, partnership or corporation applying to the State Commissioner for a manufacturer's, wholesaler's, transportation or public warehouse license shall submit a verified statement setting forth the names of all persons connected in any capacity whatsoever with the applicant's alcoholic beverage business in this State as director, officer, stockholder, partner, owner, employee or otherwise, together with questionnaires signed and sworn to respectively by each of the persons named in said statement.

2. Such statement and questionnaires shall be upon forms furnished by the Department of Alcoholic Beverage Control and each questionnaire shall contain such information and details as are required therein and shall be accompanied by two (2) identical photographs of the person therein described, each of which shall be 2" by 2" and shall have been taken not more than thirty (30) days prior to the date of the questionnaire.

3. Such statement and questionnaires may be filed with the application or at any time prior to the actual issuance of the license, and in no event will the license be issued by the State Commissioner unless such statement and questionnaires have first been filed.

4. Whenever any person not named in such statement becomes connected in any capacity whatsoever with the licensee's

alcoholic beverage business in this State as director, officer, stockholder, partner, owner, employee or otherwise, such licensee shall, within ten (10) days after such event shall have occurred, file with the Department of Alcoholic Beverage Control a supplemental statement setting forth the name of such person, together with questionnaire upon proper form.

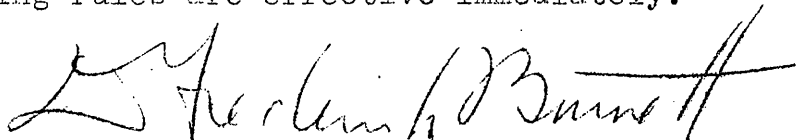
5. Whenever the business connection of any person, named in a statement or questionnaire filed with the Department of Alcoholic Beverage Control, with any licensee shall terminate, the licensee shall, within ten (10) days of such termination, file with said Department a written statement setting forth the name and address of such person and the date upon which his business connection with the licensee terminated.

6. Fingerprints of all persons named in such statement and questionnaires shall be taken, without charge, under the supervision of investigators of the Department of Alcoholic Beverage Control at such times and places as shall be designated from time to time by the Commissioner by written notice thereof to the licensees and shall be marked "non-criminal" and filed with said Department.

7. No person who refuses to complete and verify such questionnaire or submit himself for fingerprinting, when required, pursuant to the preceding paragraphs, shall be employed by or permitted to engage in any capacity whatsoever with the licensee.

8. Violation of any of the provisions of the foregoing regulations shall be cause for revocation of the license.

9. The foregoing rules are effective immediately.



Dated: May 20, 1935

Commissioner

6. FORM OF STATEMENT REQUIRED BY RULE 1 OF REGULATIONS GOVERNING IDENTIFICATION OF STATE LICENSEES AND THEIR EMPLOYEES

STATE OF NEW JERSEY  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

The following statement must be filed with D. Frederick Burnett, Commissioner of Alcoholic Beverage Control, 744 Broad Street, Newark, N. J., by every individual, partnership and corporation applying for a manufacturer's, wholesaler's, transportation or public warehouse license.

STATEMENT

Dated: \_\_\_\_\_

- 1. Name of applicant \_\_\_\_\_
- 2. Address of applicant \_\_\_\_\_
- 3. Attached hereto and made part hereof is a list of all persons connected in any capacity whatsoever with the applicant's

alcoholic beverage business in New Jersey, as director, officer, stockholder, partner, owner, employee or otherwise, and there are submitted herewith questionnaires verified respectively by each of said persons.

- 4. The undersigned hereby certifies that no persons other than those appearing in the attached list are connected in any capacity whatsoever with the applicant's alcoholic beverage business in New Jersey and that the photographs and signatures appearing on the questionnaires submitted herewith have been compared with the persons therein described, and are genuine.

(Signed) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

STATE OF )  
 COUNTY OF ) SS.

\_\_\_\_\_, being duly sworn, according to law, upon his oath, deposes and says: That the statements and declarations made above are true in all respects.

Sworn to and subscribed  
 before me this \_\_\_\_\_ day  
 of \_\_\_\_\_, 19 . (Signature of Affiant)

\_\_\_\_\_  
 (Signature of officer administering oath)

(If applicant is corporation, use following in place of above affidavit)

STATE OF )  
 COUNTY OF ) SS.

\_\_\_\_\_, being duly sworn, according to law, upon his oath, deposes and says: That he is \_\_\_\_\_ of the corporation which signed the foregoing statement and that the statements and declarations made above are true in all respects.

Sworn to and subscribed  
 before me this \_\_\_\_\_ day  
 of \_\_\_\_\_, 19 . (Signature of Affiant)

\_\_\_\_\_  
 (Signature of officer administering oath)

7. FORM OF QUESTIONNAIRE TO BE ANSWERED REQUIRED BY RULE 1 OF REGULATIONS GOVERNING IDENTIFICATION OF STATE LICENSEES AND THEIR EMPLOYEES

STATE OF NEW JERSEY DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

The following questionnaire, fully completed, must be filed with D. Frederick Burnett, Commissioner of Alcoholic Beverage Control, 744 Broad Street, Newark, N. J., by every individual, partnership and corporation holding a manufacturer's, wholesaler's, transportation or public warehouse license, and by every applicant for such license for each person connected in any business capacity whatsoever with the alcoholic beverage business in this State of the licensee or applicant (as the case may be) as director, officer, stockholder, partner, owner, employee or otherwise.

QUESTIONNAIRE

Dated: \_\_\_\_\_

1. Name \_\_\_\_\_ (Print or typewrite)

2. Address \_\_\_\_\_

3. Name of licensee or applicant (as the case may be) with which you are connected \_\_\_\_\_ State the position you hold \_\_\_\_\_ State the nature of your work \_\_\_\_\_

4. Description: \_\_\_\_\_

MARRIED

SINGLE

Age Sex Date of birth \_\_\_\_\_

PHOTO 2" by 2"

Height Color of eyes Color of hair \_\_\_\_\_

(Negative type picture not accepted)

Color Weight Date photograph was taken \_\_\_\_\_

Photographs must have been taken not more than 30 days prior to the date of this questionnaire.

5. Where were you born? \_\_\_\_\_

6. Do you reside in New Jersey? \_\_\_\_\_ If so, how long? \_\_\_\_\_

7. Are you a citizen of the United States? \_\_\_\_\_ If a naturalized citizen, state when, how and where you became a citizen \_\_\_\_\_

8. Have you ever been convicted of any crime? \_\_\_\_\_ If so, state \_\_\_\_\_

details with respect to each conviction, including the date thereof, the nature of the crime, the court in which the conviction was entered and the punishment imposed \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

STATE OF ) (Signed) \_\_\_\_\_  
COUNTY OF ) SS.

\_\_\_\_\_, being duly sworn, according to law, upon his oath, deposes and says: That the answers, statements and declarations made in the foregoing questionnaire are true in all respects.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 19 . (Signature of Affiant)

(Signature of officer administering oath)

8. MUNICIPAL ORDINANCES - MUNICIPAL BOARDS OF ALCOHOLIC BEVERAGE CONTROL - FUNCTIONS - MATTERS RESERVED TO GOVERNING BODY AFTER CREATION OF MUNICIPAL BOARD - HEREIN ALSO OF MINORS

May 20, 1935

Howard J. Bloy, Township Clerk,  
Hillside, N. J.

Dear Sir:

I have the proposed ordinance to fix license fees, to regulate the sale and distribution of alcoholic beverages and to provide penalties for violation thereof, which was passed on first reading by the Township Committee on May 8, 1935.

Because there has been created for the Township of Hillside a Municipal Board of Alcoholic Beverage Control, there is grave doubt as to whether the Hillside Township Committee has the legal right to adopt this ordinance in the form in which it is presented. The Alcoholic Beverage Control Act, although it does not so require, contemplates the existence of two municipal bodies, each of which has a function to control locally the licensing and retail sale of alcoholic beverages. These two bodies are (1) the governing board or body of the municipality and (2) the Municipal Board of Alcoholic Beverage Control.

Where no Municipal Board has been created, the question of respective jurisdiction does not arise for the governing body in such circumstances performs the functions of both. But where a Municipal Board of Alcoholic Beverage Control has been duly created it becomes, in the terms of the Act, the "issuing authority" as distinguished from the governing board or body.

Some functions are vested exclusively in the governing body. Others are vested exclusively in the Municipal Board. For

example: Sections 13 and 37 confer upon the governing body the exclusive power to fix license fees, to restrict plenary retail distribution licensees to the sale of alcoholic beverages exclusively, to prohibit the issuance of limited retail distribution or club licenses and to prevent the issuance of more than one limited retail distribution license or more than one license of any class to any person, corporation, partnership, limited partnership, or association. On the other hand, Section 18 makes it the duty of the Municipal Board (if such has been created) to administer the issuance of all licenses; Section 28 authorizes the issuing authority (i.e. the Municipal Board) to suspend or revoke licenses issued by it; Section 29 permits the issuing authority to impose conditions to the issuance of licenses; Section 32 authorizes the issuing authority to make investigations; Section 37 empowers the issuing authority to limit the number of licenses and the hours of sale and to regulate the conduct of licensed businesses and the nature and condition of licensed premises.

Thus, your Section 4, which fixes license fees and Section 5, which permits but one limited retail distribution license to any person, corporation, partnership, limited partnership or association, properly may be adopted by the Township Committee. But the adoption of Sections 6 through 16 inclusive, which limit the number of licenses and the hours of sale, and regulate the conduct of licensed businesses and the nature and condition of licensed premises is a matter vested by the Act exclusively in the Municipal Board of Alcoholic Beverage Control.

Your Section 17, which penalizes by fine or imprisonment or both for violations of the ordinance raises a further question. The Control act is silent with respect to imposing such penalties for violations of local regulations. Accordingly, in providing for such penalties, municipalities should be governed by other controlling statutes. It is clear that such penalties can be imposed only by ordinance. The Municipal Board has no power to adopt an ordinance. The only teeth which can be put in the enforcement of its regulations by the Municipal Board is the power to suspend or revoke licenses.

The solution is for you to break up the subject matter into two sections, one to be a resolution to be duly adopted by the Municipal Board of Alcoholic Beverage Control and the other to be an ordinance to be adopted by the Township Committee. The resolution should be comprised of sections the adoption of which is vested by the Act in the Municipal Board, to wit: Sections 6 through 16 inclusive, 18, 19 and 20, together with proper preamble and necessary corrections resulting from the change in form. The other part should be an ordinance comprised of Sections 1 through 5 inclusive, 17, 19, 20 and 21. Appropriate corrections should be made to Section 17 to the end that it penalize by fine or imprisonment or both, not only for violations of the ordinance, but also for violation of the specific rules and regulations theretofore adopted by the Municipal Board of Alcoholic Beverage Control, which rules and regulations should be repeated in and made a part of the ordinance in their entirety.

I recommend that the ordinance and the regulations be redrafted and submitted as aforesaid.

When so doing, consider at the same time the comment made with respect to Section 11 of the ordinance as follows:

Section 11 reads: "No minor shall be permitted to attend bar." As worded, it could be construed to permit minors to be employed by licensees otherwise than to attend the bar. I know you did not intend any such result, but it is susceptible of such misconstruction. The statute, Section 23, says that no person who would fail to qualify as a licensee shall be knowingly employed by or connected in any business capacity whatsoever with the licensee and Section 22 prohibits the issuance of any license to any person under legal age. Thus, minors may not be employed by licensees in any capacity except, in the words of the statute, "with the approval of the Commissioner and subject to rules and regulations.....but such employee shall not in any manner whatsoever sell or solicit the sale.....of any alcoholic beverage". If you choose to include a regulation prohibiting the employment of minors, it should at least be as broad as the statute. But the statute need not be repeated in your regulations in order to be effective. See Bulletin 43, Item 8. Hence, I suggest that Section 11 be omitted entirely.

Very truly yours,  
D. FREDERICK BURNETT,  
Commissioner

9. MUNICIPAL ORDINANCES - REVOCATION - RESERVATION OF RIGHT TO  
REVOKE CLUB LICENSES WITHOUT CAUSE DISAPPROVED

MUNICIPAL ORDINANCES - RESIDENCE REQUIREMENTS ADDITIONAL TO  
THOSE PROVIDED BY STATUTE - DISAPPROVED IF UNFAIR TO EXISTING  
LICENSEES OR WHEN THE EXCEPTIONS SHOW THAT ORDINANCE HAS NO  
REASONABLE CONNECTION WITH LIQUOR CONTROL PROBLEMS

May 21, 1935

Mr. Carl Newton,  
Clerk of Piscataway Township,  
New Market, N. J.

Dear Sir:-

I have before me:

1. An ordinance to regulate the sale of alcoholic beverages in the Township of Piscataway, in the County of Middlesex, adopted December 18, 1934.
2. The proposed amendment passed on first reading on May 7, 1935 to the ordinance adopted December 18, 1934.

Section 10 of the ordinance purports to reserve to the Township Committee "the right to revoke all club license in its discretion and without case, provided, however, the unused fee shall be tendered or remitted to the applicant after a Five Dollar (\$5.00) reduction is made as an investigation charge."

Authority to suspend or revoke any license resides in all issuing officials. It is conferred by Section 28 of the Act. Hence, it is unnecessary to repeat it in your ordinance. But the suspension or revocation must be for good cause. A five-day notice of the charges preferred must be given to the licensee and a reasonable opportunity to be heard thereon afforded to him.

The reservation of the right to revoke club licenses without cause may convey the idea that it is intended to be used in an arbitrary or capricious manner. I cannot approve it as written. Further, there is no authority given to refund a portion of the license fee in the event of a suspension or revocation of a license. Section 28 of the Act provides that no refund shall be made of any portion of a license fee after the issuance of a license except in the event of voluntary surrender and then only subject to the conditions and requirements set forth therein. The above quoted words of your Section 10 should be rescinded entirely.

Section 12, as it is intended to be amended, will prohibit the issuance of any license "to any person, firm, corporation, group or partnership, who has not resided or had a resident office or place of business in the Township of Piscataway, in the county of Middlesex, for a period of at least three (3) years continuously immediately preceding the time of filing of the application."

There is no objection to a local residence requirement insofar as it applies to applicants who are not, at the time of its adoption, licensed by you. But I have grave doubts as to its propriety so far as it may disqualify those who are duly licensed at the time of its adoption and who have made commitments and expended monies in reliance upon a license previously granted, and the renewal of which they would be deprived without fault on their part.

Furthermore, irrespective of the unfairness possibly inflicted upon present licensees by Section 12 as submitted, it will have to be changed in any event because of its language in other respects. For instance: I can see a good reason why a person may be required to reside in the Township for three years as a condition precedent to obtaining a liquor license. Because of his residence, opportunities would be afforded to form some estimate of his character. But why is having an office or a place of business the equivalent of residence? The office or the place of business may be manned by mere employees and their occupations may have nothing to do with the liquor business. Why the exceptions about having an office or doing business in the Township? The exceptions indicate a different story. If all it means is Piscataway for Piscatawayans, I must disclaim concern with insular economics and disapprove it as having no reasonable connection with any problem of Liquor Control.

Again, there are many questions which arise from its operative language, viz., "group" or "partnership". The law does not recognize groups. Again, do you mean that every member of the partnership must reside in the Township or will one suffice?

The Alcoholic Beverage Control Act prescribes certain requirements as to residence in the State. Is it really necessary to superimpose additional local requirements of residence in the specific Township which tread on such debatable ground? You have it within your power, without any local ordinance, to reject anybody who is not well qualified and wholly worthy. I respectfully suggest that rather than attempt to revamp Section 12 and the proposed amendment, that the entire Section be rescinded and the amendment dropped.

Very truly yours,  
D. FREDERICK BURNETT,  
Commissioner

10.  
RULES GOVERNING SIGNS AND OTHER ADVERTISING MATTER - RULE 2 - EXTERIOR  
SIGNS ARE ILLEGAL ONLY WHEN BEARING THE MANUFACTURER'S NAME, BRAND OR  
TRADE-MARK

RULES GOVERNING SIGNS AND OTHER ADVERTISING MATTER - RULE 1 - NO  
PRESENT CHANGE CONTEMPLATED BUT RIGHT RESERVED TO CHANGE ALL RULES  
AS EXPERIENCE TEACHES

May 20, 1935

G. U. Bergner, Secretary,  
Pennsylvania State Brewers Association,  
2311 Philadelphia Savings Fund Bldg.,  
Philadelphia, Pa.

Dear Mr. Bergner:

Confirming conference with you and your Committee today  
re Rules Governing Signs:

Rule #2 reads: "No retail licensee shall permit or suffer  
the display, on the exterior of the licensed premises, of any signs  
or other advertising matter bearing the name, brand or trade-mark of  
any manufacturer or wholesaler of any alcoholic beverage."

You desire that I put a period after the words "advertising  
matter", and eliminate the rest. This, however, would destroy the ob-  
jective. The vice at which the rule was aimed was the tie-up of the  
saloonkeeper with the brewery through the furnishing of elaborate  
signs advertising the latter's product. There is no fair objection  
to mere advertisement by the retailer that he has beer on draught for  
sale. The law gives the licensed retailer the right to sell beer.  
He should have the right to advertise the fact provided he does it  
fairly and decently. The trouble is not with an exterior sign as such  
but with one furnished gratis by the brewery and advertising his par-  
ticular product. It is at this juncture that unwholesome practices  
have arisen. It is this which the rule prevents.

In the alternative, you ask that Rule #1 which prohibits  
manufacturers from furnishing to retailers any signs or other adver-  
tising matter, the aggregate cost or reasonable value of which ex-  
ceeds \$100 be rescinded and in lieu thereof an absolute prohibition  
be made against a brewery furnishing any signs to retailers irrespec-  
tive of cost or value and of whether or not the signs bear the brew-  
er's name, brand or trade-mark, or be exterior or interior. Your  
objective, of course, is wholly economic and leveled at competitive  
advertising. In substance, it amounts to an amendment of your own  
Brewers National Code which permits advertising by giving signs up  
to a cost of \$100 per licensee. Your self-made Code, approved by  
the President of the United States, recognizes this as legitimate. If  
the brewers have changed their minds and believe such competition is  
destructive, and shall put their own house in order by making it un-  
lawful to furnish as advertising any signs at all, I shall then be  
glad to change the State regulation to correspond.

If experience shows that exterior signs, even with the  
brewer's name entirely removed, become a nuisance or result in brewery-  
controlled saloons, it will become necessary to prevent in New Jersey  
what your Code may permit elsewhere. While I have no present intention  
of doing so, the right is reserved to prohibit all exterior signs at  
any time or to change the rules as experience teaches. No vested rights

accrue to licensees by compliance with rules. That is their duty anyway.

Very truly yours,  
D. FREDERICK BURNETT,  
Commissioner

11. RULES GOVERNING SIGNS AND OTHER ADVERTISING MATTER - RULE 5 -  
THE 60 DAY PERIOD OF GRACE EXPIRES JUNE 9, 1935

Dear Commissioner:

There seems to be some misunderstanding among the cafe owners as well as myself as to the date of the effectiveness of your recent order, namely:- "RULES GOVERNING SIGNS AND OTHER ADVERTISING MATTER".

Your order stated these signs may be retained for a period of sixty (60) days and your order is dated April 9th, 1935, but service on each individual owner of the Plenary Retail Consumption License was not made until May 15th, 1935 and most all are laboring under the impression their sixty-(60) day period is from that date or May 15th, 1935.

Will you kindly advise me at your earliest convenience as to your decision so that I can instruct the members of this department accordingly.

Respectfully yours,  
JOHN A. MURPHY,  
Chief of Police

May 19, 1935

John A. Murphy, Chief of Police,  
Paterson, N. J.

My dear Chief:

I have yours of the 16th.

The rules governing signs were effective the day promulgated, to wit, April 9th. The 60 day period was allowed to remove the exterior signs which violated the rules. I made it 60 days rather than a shorter time just because I anticipated that there might be cases such as you mention where the licensees were not served promptly with notice of the rules. Hence the 60 days began to run on April 9th, and therefore will expire on June 9th, by which time all exterior signs which violate the rules must be removed.

Very truly yours,  
D. FREDERICK BURNETT,  
Commissioner

12. NOTICE TO HOLDERS OF MUNICIPAL RETAIL LICENSES ISSUED BY THE  
STATE COMMISSIONER PURSUANT TO P. L. 1934, C. 44, AS TO PROCEDURE  
ON RENEWAL

May 24, 1935

All licenses, except Seasonal Retail Consumption licen-

ses, will expire at midnight, June 30, 1935. Licensees must obtain their renewal licenses on or before that date in order to continue business without interruption. The law requires that a licensee who seeks to renew his license must comply with all the requirements pertaining to his original application.

Accordingly, you must (1) file a new application accompanied by the full annual license fee for the period from July 1, 1935 to July 1, 1936 and satisfactory evidence that a new Federal tax stamp for such period has been obtained, and (2) publish a Notice of Intention once a week for two weeks successively.

But this is only the mechanical part of the procedure. The thing that really matters is the investigation which must be made by the State Commissioner and the hearing held, if hearing be necessary. All this requires TIME. It is, therefore, highly desirable that applications be filed at once and Notices of Intention published at the earliest possible minute. Don't wait the last rush. A "Garrison finish" has its moments but won't be "placed" in this serious business of licensing. Undue delay means some licensee will have to close up shop.

Herewith are the instructions governing applications to the State Commissioner for municipal retail licenses. Also, two (2) copies of supplemental application Form A-11. Also, the Revised Rules Applicable to All Municipal Retail Licenses for Advertising "Notice of Intention" to Apply for a License. Note particularly that these rules require that application must be filed at or before the first insertion of the Notice of Intention, and that a hearing date is to be set when any objection is filed without the necessity of any request therefor by the applicant.

Licensees who intend to continue in business but fail to obtain their renewal licenses on or prior to June 30th, 1935, will not be permitted to operate until all the legal requisites have been completed and licenses actually issued.

The law will be enforced. Licensees are urged to act now and save embarrassment later.

D. FREDERICK BURNETT,  
Commissioner

### 13. INSTRUCTIONS GOVERNING APPLICATIONS TO THE STATE COMMISSIONER FOR MUNICIPAL RETAIL LICENSES

May 24, 1935

Section 18A (P.L. 1934, C.44) of the Alcoholic Beverage Control Act prohibits the issuance of any license by a municipality to any member of the municipal issuing authority or to any corporation, organization or association in which any such member is interested directly or indirectly. In such circumstances application must be made directly to the State Commissioner as follows:

1. First obtain in duplicate, from the clerk of the municipality in which the licensed premises is intended to be situated, the application for Class "C" license, Form A-13, or, if it is intended to apply for a Club license, the application for Club license, Form A-14. Execute fully both copies as directed in the application.

All such applications must be accompanied by:

- (a) The full annual fee if application is made for the entire fiscal year, or the full term fee if application is made for a Seasonal Retail Consumption license, in the amount fixed by the municipal governing body for the type of license applied for.

Or

The aforesaid fee, if application is made during the license year or term, prorated from the date of filing of the application to the end of the fiscal year or term.

All fees are payable in cash, money order or certified check to the order of D. FREDERICK BURNETT, Commissioner.

- (b) Photostatic copy of the Federal Occupational Tax stamp or stamps necessary to the lawful conduct of the business or, in lieu of photostatic copy, the stamp or stamps themselves, or the official Bureau of Internal Revenue receipts of payment therefor.
  - (c) If the application is for a Club license, in addition to (a) and (b), supra, there must be presented therewith for inspection either the "charter" or the "articles of association" of the club or, in lieu thereof, a certified copy of same. There must, however, be submitted with the application a list containing the names and addresses of all members as of the date of filing the application.
2. Submit, in duplicate, the supplemental application Form A-11, two copies of which are enclosed herewith. Execute fully both copies. All such applications must be accompanied by:
    - (a) The required additional fee of \$10.00 which is payable in cash, money order or certified check to the order of D. FREDERICK BURNETT, Commissioner.
    - (b) A copy of a resolution adopted by the issuing authority of the municipality in which it is intended that the licensed premises be situated, and certified by the clerk thereof, setting forth that said issuing authority has no objection to the issuance of the license applied for and consents thereto and, furthermore, is not aware of any circumstances or provisions of law or local ordinance which would prohibit the issuance of the license.
  3. The advertising of "Notice of Intention" to apply for a license must be made in accordance with the Revised Rules Applicable to All Municipal Retail Licenses (Bulletin 72, Item 2) a copy of which is enclosed herewith. Note particularly that part of Rule #3 which reads: "If application is made pursuant to P. L. 1934, C. 44 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, the State Commissioner of Alcoholic Beverage Control is the 'Issuing Authority' and in that event the notice must state that objections be addressed to D. FREDERICK BURNETT, Commissioner, 744 Broad Street, Newark, N.J."

4. Herewith also is Application for Transportation Insignia, Form 102. If such insignia are wanted, the application should be filed with the State Department accompanying the license application. No alcoholic beverages may be transported in connection with your proposed business unless such insignia are affixed to the vehicles so used.

D. FREDERICK BURNETT,  
Commissioner

14.

NOTICE RE TRANSPORTATION INSIGNIA

May 24, 1935

To all Clerks of Issuing Authorities receiving applications for municipal retail licenses:

Concurrently with the expiration on June 30, 1935, of all municipal retail licenses (except Seasonal Retail Consumption), all transportation insignia likewise will expire. For the period commencing July 1, 1935, new transportation insignia will have to be obtained by all licensees, including Seasonal Retail Consumption. Thus all applicants for new licenses and all present Seasonal Retail Consumption licensees who intend to transport alcoholic beverages in connection with their respective businesses and in their own vehicles must obtain new transportation insignia so permitting. Both vehicle and contents are subject to seizure if any alcoholic beverages are transported without such insignia first having been obtained and properly affixed.

Herewith for distribution to applicants for municipal licenses are Applications for Transportation Insignia, Form 102. If such insignia are wanted, one copy of each such application should be filed with the State Department immediately upon the issuance of the municipal license. But in no event will any transportation insignia be issued until the issuance of the license has been certified to the State Department by the municipal issuing authority.

Note particularly that only vehicles operated under commercial motor vehicle licenses are eligible to receive insignia permitting the transportation of alcoholic beverages and that such vehicles must be either owned or leased by the applicant. If leased, a certified copy of the lease must accompany the application.

The initial insignia each year is furnished free of charge. All additional insignia are charged for at the rate of Two (\$2.00) Dollars each. Each application must be accompanied

by cash, money order or certified check drawn to the order of D. FREDERICK BURNETT, Commissioner.

D. FREDERICK BURNETT,  
Commissioner

15. NOTICE TO STATE LICENSEES AS TO PROCEDURE ON RENEWAL

May 24, 1935

To all State licensees:

All licenses will expire at midnight, June 30, 1935. Licensees must obtain their renewal licenses on or before that date in order to continue business without interruption. The law requires that a licensee who seeks to renew his license must comply with all the requirements pertaining to his original application.

Accordingly, you must:

1. File a new application accompanied by the full annual license fee for the period from July 1, 1935, to July 1, 1936, together with satisfactory evidence that new Federal permits, licenses and/or tax stamps for such period have been obtained and that the bonding requirements of the State Tax Department, Beverage Tax Division, have been complied with. Three (3) application forms are enclosed herewith. Two (2) copies must be completely executed and returned to the Department when application for a license is made. The third copy is for your own record.
2. Publish a Notice of Intention once a week for two weeks successively, in accordance with the Revised Rules Applicable to all State Licensees (except Transportation and Public Warehouse licensees) for Advertising Notice of Intention to Apply for a License, enclosed herewith. Note particularly that these revised rules require that application must be filed at or before the first insertion of the Notice of Intention, and that a date for hearing will be set when any objection is filed without the necessity of any request therefor by the applicant. No advertising is required of applicants for Transportation or Public Warehouse licenses.
3. Submit the "statement" and "questionnaires" in accordance with the Regulations Governing Identification of State Licensees and Their Employees, a copy of each of which is enclosed herewith. These regulations require that every individual, partnership or corporation applying to the State Commissioner for a manufacturer's, wholesaler's, transportation or public warehouse license shall submit a verified statement setting forth the names of all persons connected in any capacity whatsoever with the applicant's alcoholic beverage business in this State as director, officer, stockholder, partner, owner, employee or otherwise, together with questionnaires signed and sworn to respectively by each of the persons named in said statement, in

accordance with the rules set forth therein. It is, therefore, incumbent upon all such applicants for State licenses to obtain at once from the Commissioner additional questionnaires sufficient to provide for all persons required to be so reported.

4. Make application for and affix transportation insignia to all commercial vehicles intended to be used by you in the transportation of alcoholic beverages before such vehicles are so used in connection with the new license. Application for transportation insignia is enclosed herewith.

But this is only the mechanical part of the procedure. The thing that really matters is the investigation which must be made, and the hearing held, if hearing be necessary. All this requires TIME. It is, therefore, highly desirable that applications be filed at once, that Notices of Intention be published and "statements" and "questionnaires" be submitted at the earliest possible moment. Don't wait the last rush. A "Garrison finish" has its moments but won't be "placed" in this serious business of licensing.

Licenses who intend to continue in business but fail to obtain their renewal licenses on or prior to June 30, 1935, will not be permitted to operate until all the legal requisites have been completed and licenses actually issued.

The law will be enforced. Licensees are urged to act now and save embarrassment later.

D. FREDERICK BURNETT,  
Commissioner

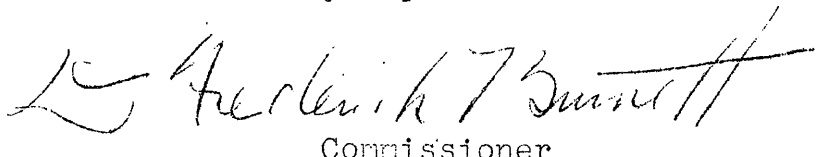
#### 16. NEW LEGISLATION - SEASONAL RETAIL CONSUMPTION LICENSES

Chapter 180 of the Laws of 1935, approved by the Governor May 7th, changes the term of Seasonal Retail Consumption licenses, so far as concerns the summer season, to run from May 1st until November 1st, instead of from May 15th to September 15th as heretofore.

This Act, however, does not become effective until July 4, 1935.

Hence, until July 4th next, all summer Seasonal Retail Consumption licenses issued must be issued according to the present law and based on a term running from May 15th until September 15th. But this ruling is subject to the possible exception next noted.

Senate Bill No. 294 contains the same change of dates, but differs in that if it shall be enacted into law, it will be effective immediately upon the Governor's signature. It has passed the Senate and is now in the Assembly. When and if it is passed by the Assembly and approved by the Governor, the new dates will thereupon become effective immediately. In such event, the preceding paragraph will be automatically superseded.



Commissioner