

## DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

744 Broad Street,

Newark, N. J.

BULLETIN NUMBER 23

APRIL 20, 1934.

## #1 LICENSES--PRESCRIBED FORM OF SEASONAL RETAIL CONSUMPTION LICENSE.

The Commissioner has prescribed the following form of Seasonal Retail Consumption Licenses. See Bulletin 21, items 11-15 inclusive.

This License Expires \_\_\_\_\_

STATE OF NEW JERSEY

No. C.S. \_\_\_\_\_

\_\_\_\_\_  
(Name of Municipality)

## SEASONAL RETAIL CONSUMPTION LICENSE

Pursuant to an Act of the Legislature of the State of New Jersey, entitled "An Act concerning alcoholic beverages", (P.L.1933, c.436), as amended and supplemented, a Seasonal Retail Consumption License is hereby granted to:

\_\_\_\_\_  
(Name of Licensee)

with respect to the premises located in said municipality at:

\_\_\_\_\_  
(Location of Licensed Premises)

The holder of this license shall be entitled to sell during the period from \_\_\_\_\_ 193-

(May 15th to Sept. 15th; or Nov. 15th to

to \_\_\_\_\_ 193- \_\_\_\_\_ for consumption on April 15th, whichever period it is issued for.)

the licensed premises any alcoholic beverages by the glass or other open receptacle, and also to sell all alcoholic beverages in original containers for consumption off the licensed premises.

This license confers all the rights and privileges pertaining thereto, under the above mentioned Act and any amendments thereof and supplements thereto, and is expressly subject to the terms, provisions, limitations, requirements and conditions set forth in, and any rules and regulations promulgated heretofore and hereafter by the State Commissioner of Alcoholic Beverage Control pursuant to, said Act and amendments and supplements.

This license is subject to the following special conditions:

Dated: \_\_\_\_\_, 193

\_\_\_\_\_  
(Name of Municipality or Municipal Board.)

Fee paid on application \$ \_\_\_\_\_

Municipal Corporate Seal

New Jersey State Library

\_\_\_\_\_  
(Municipal Officer or Agent)

#2 Seasonal retail consumption licenses shall be issued and accounted for in the manner prescribed for the issuance of other types of retail licenses. The proper procedure is set forth in Bulletin #12, Item 6.

#3 LICENSES---PRESCRIBED FORM OF APPLICATION FOR SEASONAL RETAIL CONSUMPTION LICENSE.

The following is the approved type of application to be used for Seasonal Retail Consumption Licenses.

Each municipality which issues such licenses should have these forms printed at once. No change is contemplated and hence they may be used next year as well.

FORM A-7.

State of New Jersey

(Name of Municipality)

Application for Seasonal Retail Consumption License

Application of..... (Print name in full)

for a Seasonal retail consumption license.

For the sale of alcoholic beverages during the period from

(May 15th to Sept. 15th; or Nov. 15th to April 15th, whichever period it is issued for.)

pursuant to an act entitled "An Act concerning alcoholic beverages" (P.L.1933, C.436) as amended and supplemented.

IF APPLICANT IS AN INDIVIDUAL, ANSWER THE FOLLOWING QUESTIONS:

1. Name of Applicant..... Last First Middle

2. Present Residence of Applicant
Street and number.....
Town or City.....State.....

3. All residences of applicant during five years immediately preceding date of application.
.....
.....
.....
.....

4. Location of premises to be licensed
Street and number.....
Town or City.....

Are premises within 200 feet of any church or public school house?.....

If so, state details.....

5. Amount of deposit accompanying this application\$.....

6. Age of Applicant.....years. Date of Birth.....

Place of birth.....

State

Municipality

If not a natural born American citizen, when, how and where did you become a citizen?.....

.....

7. Are you the only person interested directly or indirectly in the business to be conducted under this license? .....

If not, who are the others?.....

8. Have you ever been convicted of any crime?.....If so, what.....

.....When.....What court.....

9. Have you been convicted of any violations of the act entitled

"An Act concerning alcoholic beverages", (P.L.1933, C.436) as amended and supplemented?.....If so, state detail.....

10. Have you ever been convicted of any violation of a Federal or

State law concerning the manufacture, sale or distribution of alcoholic beverages?.....If so, for what violation.....

.....When.....What court.....

11. Have you ever paid a fine or penalty in settlement of any prosecution against you for any violation of any Federal or State law concerning the manufacture, sale or distribution of alcoholic

beverages?.....If so, how much.....When.....

In what court.....

12. Have you ever forfeited a bond to appear in any court to answer any charge for the violation of any Federal or State law concerning the manufacture, sale or distribution of alcoholic bev-

erages?.....If so, how much was the bond.....

.....In what court was it posted.....

When posted.....When forfeited.....

13. Do you hold any alcoholic beverage manufacturer's or wholesaler's license?.....

- 14. Are you interested, directly or indirectly, in any way whatsoever, in any brewery, winery, distillery, rectifying or blending plant, or wholesale liquor concern, either as owner or part owner, or as stockholder, officer, director, agent or employee of any such company.....If so, how?.....
- 15a. Are you a member of the governing board or body or of the license issuing authority of this municipality?.....
- 15b. Is any member of the governing board or body or the license issuing authority of this municipality interested directly or indirectly in any manner whatsoever in the applicant or in the business or in the premises for which this license is sought? .....
- 16. Will you conduct any business other than the sale of alcoholic beverages on the premises sought to be licensed?.....  
If so, what?.....
- 17. Are you interested, either directly or indirectly, in any other alcoholic beverage license issued by this municipality?.....  
If so, what?.....
- 18. Is a photostatic copy of all Federal licenses, permits and/or stamps necessary to the lawful conduct of the same business for which this application is sought submitted herewith?.....  
If so, state number and class of each such licenses, permits and stamps so attached.....  
.....
- 19. Has notice of intention to make this application been published as required by law?.....If so, is proof of publication submitted herewith?.....
- 20. If this application is granted, will you sell alcoholic beverages for the purpose of re-sale to other persons?.....
- 21. Have you ever applied for a license in New Jersey to sell or distribute 3.2% beverages?.....If so, to whom was application made and when.....  
Was the license issued?.....If so, state when and the number of the license.....Has it ever been revoked?.....  
Do you owe to any municipality any license fees in connection with the sale of 3.2% alcoholic beverages?.....If so, to what municipality?.....How much?.....  
Do you owe to the State of New Jersey any taxes arising out of

sales of such beverages?.....If so, how much?.....

Have you made arrangements satisfactory to the municipality and/or State Tax Commissioner via cash or bond to secure what you so owe?.....

22. If license is issued, do you agree that: (1) you will not knowingly employ or be connected in any business capacity whatsoever with any person who would fail to qualify as a licensee; (2) whenever any change shall hereafter occur in any of the facts set forth in this application to file with the issuing authority a written notice of each such change within ten days after such occurrence; (3) you will sell alcoholic beverages only during the period which the license applied for will cover; (4) to abide by and comply with all the provisions of an act entitled "An Act concerning beverages" (P.L.1933, C.436) and all amendments and supplements thereto, and with the Commissioner's Rules and Regulations and with all other laws, resolutions and ordinances applicable thereto, and upon revocation for any violation forthwith to surrender said license?.....

Dated: , 193

Witness: ..... (Signature of Individual Applicant)

STATE OF )
COUNTY OF ) SS.

....., being duly sworn according to law, (Name of Applicant) says on his oath and on his honor that the answers, statements and declarations made in the foregoing application are absolutely true in all respects.

Sworn and subscribed to ) before me this ) day of 193 )

..... (Signature of Affiant)

..... (Signature of officer administering oath)

..... (Title of such officer)

..... (Affidavits administered by officers outside the State must have proper County Clerk's Certificate attached)

IF APPLICANT IS A CORPORATION, ANSWER AS HERE DIRECTED:

Instruction

- I. Do not answer questions: 1,2,3, and 6.
- II. Answer questions: 4,5,7,8,9,10,11,12,13,14,15,16,17,18,19,20, 21,22; also 23 and 24.

23. State:

(a) Full name of Corporation.....  
(as it appears in certificate of incorporation)

(b) Location of registered office in New Jersey.....

(c) Name and residence of registered Agent in New Jersey in charge of its registered office.....

.....

(d) Location of principal office.....

(e) Under the laws of what State was applicant incorporated and when.....

(f) If incorporated under laws other than New Jersey, is applicant now duly authorized to do business within New Jersey....

(g) Names and residences (as residences appear on Corporation's books) of all Stockholders holding one (1) or more per centum of any of the stock of the applicant Corporation.

NAME	RESIDENCE
------	-----------

(h) Names and residences of all members of the Board of Directors of the applicant Corporation.

NAME	RESIDENCE
------	-----------

(i) Names and residences of all officers and office held by each.

NAME	RESIDENCE	OFFICE
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24. Does the individual signing this application on behalf of said Corporation know, or have any reason whatsoever to believe or suspect that any of the officers or directors of said corporation, or any holder, directly or indirectly by any device or subterfuge whatsoever, of ten (10) per centum or more in bene-

ficial interest of the capital stock of said corporation would fail to qualify as an individual applicant for the license hereby applied for in any respect except as to residence and age?.... If "Yes", state who would or possibly might so fail to qualify.

DATED: , 193 (Name of Corporation)

ATTEST: By: President

Secretary (Affix corporate seal)

STATE OF )
COUNTY OF ) SS.

....., of full age being duly sworn (Name of President or Vice-President)

according to law, says on his oath and on his honor, that (1) he is the.....President of the Corporation named as the applicant in, and which signed, the foregoing application; (2) he was duly authorized by the Board of Directors of said corporation to sign said application in its name and in its behalf; (3) he has read and fully understands all of the questions pertaining to such applicant corporation, and that all the foregoing answers, statements and declarations made thereto are absolutely true in all respects.

Sworn and subscribed to before me this day of 193

..... (Signature of affiant)

..... (Signature of officer administering oath)

..... (Title of such officer)

..... (Affidavits administered by officers outside the State must have proper County Clerk's Certificate attached.)

IF APPLICANT IS A PARTNERSHIP, ANSWER AS HERE DIRECTED:

Instruction

- I. Do not answer questions: 1,2,3,6,8,9,10,11,12,13,14; also 23 and 24.
II. Answer questions: 4,5,7,15,16,17,18,19,20,21,22; also 25, 26,27,28,29,30,31,32,33,34,35 and 36.

25. State:

(a) Trade name of Partnership.....

(b) Name, residence, and age of all partners.

NAME	RESIDENCE	AGE
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26. State:

All residence of each Partner during five years immediately preceding date of this application.

NAME	RESIDENCE
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27. Are all partners natural born American citizens? If not, when, how and where did each such foreign born partner become a citizen?

28. Has any partner ever been convicted of any crime?.....If so, What.....When.....What Court.....

29. Has any partner ever been convicted of any violations of the Act entitled "An Act concerning alcoholic beverages" (P.L.1933, C.436), as amended and supplemented?.....If so, state details....

30. Has any partner ever been convicted of any violation of a Federal or State law concerning the manufacture, sale or distribution of alcoholic beverages?.....If so, for what violation..... When.....What Court.....

31. Has any partner ever paid a fine or penalty in settlement of any prosecution against him for any violation of any Federal or State law concerning the manufacture, sale or distribution of alcoholic beverages?.....If so, how much..... When.....What Court.....

32. Has any partner ever forfeited a bond to appear in any Court to answer any charge for the violation of any Federal or State law concerning the manufacture, sale or distribution of alcoholic beverages?.....If so, how much was the bond..... In what Court was it posted..... When posted.....When forfeited.....

33. Does any partner hold any alcoholic beverage manufacturer's or wholesaler's license?.....



....., of full age, being duly sworn according to law, say (each for himself and not for the others) on their respective oaths and honor, that (1) they are all of the partners of the partnership named as the applicant in the foregoing application; (2) they have read and fully understand all of the questions pertaining to such applicant partnership; and (3) that all the foregoing answers, statements, and declarations made thereto are absolutely true in all respects.

Sworn and subscribed to .....  
before me this (Signature of affiant)  
day of 193

.....  
(Signature of affiant)

.....  
(Signature of officer administering oath) .....  
(Signature of affiant)

.....  
(Title of such officer) .....  
(Signature of affiant)

.....  
(Affidavits administered by officers outside the State must have proper County Clerk's Certificate attached.)

4. LICENSES - PLENARY CONSUMPTION LICENSE ISSUED TO CLUB - ADMITTANCE OF PUBLIC TO GRILL ROOM.

MADISON LODGE NO. 1465

Benevolent & Protective Order of Elks

April 12, 1934.

D. Frederick Burnett, State Commissioner.

My dear Commissioner,

Our club operates a grill in our club house together with our Lodge Room. Admittance to the grill has always in the past been confined to members of the Order. Our grill room does not open on the street nor has it an exit to any of the outside walls of the building.

Since the repeal of prohibition we now operate our "bar" in the grill room under a Plenary Retail Consumption License granted and issued by the Town Council of the Boro of Madison, N. J.

The point in question is: whom are we obliged to admit to our grill room under this license (other than members of the order.)

Respectfully yours,

(Signed) S. B. Flanagan

Secretary,  
House Committee.

April 18, 1934

Madison Lodge of Elks, No. 1465,  
Madison, N. J.

Gentlemen:

I have yours of the 12th.

You are not obliged to admit any one to your grill room, and may for good cause exclude anybody.

Since you have a plenary retail consumption license you may admit the public if you choose.

Very truly yours,

D. Frederick Burnett  
Commissioner

DFB:L

5. LICENSES - PRESCRIBED FORM OF APPLICATION FOR LIMITED  
RETAIL DISTRIBUTION LICENSE.

The requisite form is set forth in Bulletin 22, Item 13. It is highly convenient, but not necessary, that these forms be printed. If any municipality, to save expense, desires to have FORM A-6 typed or multigraphed or mimeographed, they may do so. In any event, the application must be made upon the prescribed form and every necessary question answered.

There is no option concerning the licenses themselves, as distinguished from applications. Licenses must be printed. See procedure set forth in Bulletin 12, Item 6. As to the necessity of engraving licenses and the procedure in the case of a municipality where but few licenses are issued, see Bulletin 15, Item 4; and Bulletin 17, Item 7.

6. LICENSES - PRESCRIBED FORM OF APPLICATION FOR SEASONAL  
RETAIL CONSUMPTION LICENSE.

Reference is made to Item 3, supra. What was said above in Item 5, in reference to printing or other copying of prescribed form of Limited Retail Distribution License, applies equally to Seasonal Retail Consumption License, except that the latter is FORM A-7.

So as to engraving the license itself, see item 5, supra.

## 7. LICENSES - CLASSIFICATION - SCHEDULE OF FEES AND BONDS.

<u>LICENSE DESIGNATION</u>	<u>LICENSE</u>	<u>APPLICATION FORM NO.</u>	<u>ANNUAL FEE</u>	<u>BOND</u>
<u>CLASS "A" - MANUFACTURER'S LICENSE</u>				
B	Plenary Brewery	A-2	\$3500.	\$50,000
BL	Limited Brewery	A-2	To 50,000 bbls. 500.	15,000
			100,000 " 1000.	25,000
			200,000 " 2000.	40,000
			300,000 " 3000.	50,000
V	Plenary Winery	A-2	500.	50,000
VL	Limited Winery	A-2	1,000 gals. 25.	1,000
			1,000-2,500 " 100.	2,000
			2,500-5,000 " 200.	5,000
S	Plenary Distillery	A-2	7500.	100,000
SL	Limited Distillery	A-2	10,000 " 2500.	50,000.
			5,000 " 1000.	25,000
R	Rectifier & Blender.	A-2	1500.	25,000
<u>CLASS "B" - Wholesaler's License</u>				
W	Plenary Wholesale	A-3	1500.	10,000
WL	Limited Wholesale	A-3	750.	5,000
EW	Plenary Export Wholesale	A-3	2000.	10,000
EWL	Limited Export Wholesale	A-3	1250.	5,000
<u>CLASS "C" - RETAILER'S LICENSE</u>				
C	Plenary Retail Consumption	A-1	\$200. to 2000.	
CS	Seasonal Retail Consumption	A-7	75% of fee	
D	Plenary Retail Distribution	A-1	100. to 1000.	
DL	Limited Retail Distribution	A-6	25. to 50.	
CB	Club		50. to 150.	
M	Plenary Retail Transit (boats under 5 gross ton)	A-4	150.	
<u>CLASS "D" - Transportation License</u>				
T	Transportation	A-5	To 10 trucks 200.	5,000
			25 " 10,000	
			over 25 " 25,000	
<u>CLASS "E" - Public Warehouse License</u>				
X	Public Warehouse	A-8	100.	-----

To the Commissioner:

The foregoing is a complete schedule of all licenses revised to April 19, 1934.

B. C. Brown,  
Inspector-in-Chief.

8.

## STATE OF NEW JERSEY

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

744 Broad Street,

Newark, N.J.

April 20, 1934

RE APPEALS

One hundred and one cases have been listed. The appellate powers and duties formerly vested in the State Board of Alcoholic Beverage Appeals were transferred to the Commissioner by Assembly Bill 304, which was signed by Governor Moore on April 13th.

This work has been organized this week under the direction of Nathan L. Jacobs, Counsel-in-Chief. Hearings begin on Monday next. Papers in all cases listed with the State Board have been physically transmitted to the Commissioner by the Governor. A calendar of cases has been devised and arrangements perfected for hearing each case at a set time, so as to save time and expense of appellants, respondents, municipal officials, and the witnesses and counsel on both sides.

Thirty cases have been listed for hearing during the week commencing April 23rd. Each party has been given at least a five day notice of the time fixed for the particular hearing.

All hearings will be conducted de novo, i.e. each side is given an opportunity to produce testimony and documentary evidence as in original proceedings. The objective will be to determine whether the applicant is worthy and whether, in view of all the facts and the law and the rules and regulations a license should or should not be issued or a revocation made or not or whatever the issue may be, a decision on the substantial merits and not a mere review of technical procedure. This determination was reached because of the usual informality of the original hearings, often without a sworn stenographer and usually without counsel attendant upon applicant or objector.

Each party has been informed that they are entitled to subpoenas signed by the Commissioner, and in several instances they have already made avail of this privilege.

The calendar has been devised with due deference to the order in which the appeals were filed, but in some instances have been taken out of chronological order because the cases involve the same or similar point, or because of the convenience of the attendance of litigants and witnesses.

Inspectors-in-Chief Ash and Mitchell have been assigned by the Commissioner as Hearers. Mr. Jacobs will attend the cases heard before Mr. Mitchell, and will represent the State's interest, so that in each case heard there will be three interested parties: the appellant and his counsel, the respondent excise board and its counsel, and also counsel for the State.

Attorney-in-Chief Meehan will similarly attend Mr. Ash as counsel for the State.

Complete stenographic transcripts will be made of each

April 20, 1934

RE APPEALS

hearing which, with the documentary evidence and the conclusions of the Hearer, will be submitted to the Commissioner in all cases for his personal adjudication. Written decisions with reasons will be rendered as soon after the hearing as possible.

The calendar for the week commencing April 23, 1934 is as follows:

CALENDAR OF APPEALS FOR WEEK  
COMMENCING APRIL 23, 1934

MONDAY, April 23, 1934

	<u>HEARER</u>	<u>COUNSEL</u>
9:30 A.M. --CASE #1 Bisante -vs- Camden Municipal Board of Alcoholic Beverage Control ***	ASH Room 812	MEEHAN
CASE #2 Barlow Grocery Company-vs- Municipal Board of Alcoholic Beverage Control of the City of Trenton. ***	MITCHELL Room #2005	JACOBS
CASE #3 Marriott -vs- Board of Alcoholic Beverage Control of the City of Trenton. ***	MITCHELL Room #2005	JACOBS
2:00 P.M. --CASE #4 Kubiak -vs- Board of Alcoholic Beverage Control of the City of Trenton. ***	MITCHELL Room #2005	JACOBS
CASE #5 Berkelhammer -vs- Municipal Board of Alcoholic Beverage Control of Trenton. ***	MITCHELL Room #2005	JACOBS
CASE #6 Saft -vs- Township Committee of the Township of Union. ***	ASH Room #812	MEEHAN

TUESDAY, APRIL 24, 1934

9:30 A.M. --CASE #7 Caputi -vs- Board of Alcoholic Beverage Control of the City of Trenton. ***	MITCHELL Room #2005	JACOBS
CASE #8 Hoxton Mercantile Corp.-vs- Board of Alcoholic Beverage Control of the City of Trenton ***	MITCHELL Room #2005	JACOBS
CASE #21 O'Hare -vs- Township Committee of the Township of East Amwell. ***	ASH Room #812	MEEHAN

RE APPEALS

HEARER                      COUNSEL

2:00 P.M. -- CASE #9  
The Commercial Club of Trent-  
ton -vs- Board of Alcoholic  
Beverage Control of Trenton.)  
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MITCHELL                      JACOBS  
Room #2005

CASE #10  
Louis A. Levy -vs- Board of  
Alcoholic Beverage Control  
of Trenton.)  
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MITCHELL                      JACOBS  
Room #2005

CASE #31  
Campbell -vs- Ocean Township  
Committee )  
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ASH                              MEEHAN  
Room #812

WEDNESDAY, APRIL 25, 1934

9:30 A.M. -- CASE #11  
Kalb -vs- Board of Alcoholic  
Beverage Control of Trenton )  
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MITCHELL                      JACOBS  
Room #2005

CASE #12  
Procoli -vs- Board of Alco-  
holic Beverage Control of  
Trenton.)  
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MITCHELL                      JACOBS  
Room #2005

CASE #36  
Harvey, Sr. -vs- Board of  
Commissioners of the City of  
Millville.)  
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ASH                              MEEHAN  
Room #812

2:00 P.M. -- CASE #13  
Pilla -vs- Board of Alcohol-  
ic Beverage Control of Tren-  
ton.)  
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MITCHELL                      JACOBS  
Room #2005

CASE #14  
Caplan -vs- Board of Alco-  
holic Beverage Control of  
Trenton.)  
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MITCHELL                      JACOBS  
Room #2005

CASE #45  
Berlangieri -vs- Board of  
Commissioners of City of  
Newark.)  
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ASH                              MEEHAN  
Room #812

THURSDAY, APRIL 26, 1934

9:30 A.M. -- CASE #19  
Levenson -vs- Board of  
Alcoholic Beverage Control  
of Trenton.)  
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MITCHELL                      JACOBS  
Room #2005

CASE #20  
Saperstein -vs- Board of  
Alcoholic Beverage Control  
of Trenton.)  
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MITCHELL                      JACOBS  
Room #2005

April 20, 1934

RE APPEALS

HEARER

COUNSEL

CASE #57  
Braunstein -vs- City Council  
of the City of Bridgeton.  
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ASH MEEHAN  
Room #812

2:00 P.M. -- CASE #22  
Fearen -vs- Board of Alcoholic  
Beverage Control of Trenton )  
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MITCHELL JACOBS  
Room #2005

CASE #23  
Lewis -vs- Municipal Board of  
Beverage Control of the City  
of Trenton.  
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MITCHELL JACOBS  
Room #2005

CASE #61  
Ryman -vs- Branchburg Town-  
ship Committee.  
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ASH MEEHAN  
Room #812

FRIDAY, APRIL 27, 1934

9:30 A.M. -- CASE #15  
Gliba -vs- Board of Alcoholic  
Beverage Control of Trenton )  
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MITCHELL JACOBS  
Room #2005

CASE #16  
Zuccarella -vs- Board of  
Alcoholic Beverage Control of  
Trenton.  
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MITCHELL JACOBS  
Room #2005

CASE #50 (2 Cases)  
Swerdloff -vs- Common Council  
of the City of Plainfield )  
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ASH MEEHAN  
Room #812

2:00 P.M. -- CASE #17  
Radice -vs- Board of Alcoholic  
Beverage Control of the City  
of Trenton.  
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MITCHELL JACOBS  
Room #2005

CASE #18  
Koschek -vs- Board of  
Alcoholic Beverage Control of  
Trenton.  
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MITCHELL JACOBS  
Room #2005

*D. Frederick Burnett*

D. Frederick Burnett,  
Commissioner