

STATE OF NEW JERSEY

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

744 Broad Street, Newark, N. J.

BULLETIN NUMBER 74

May 16, 1935

1. MUNICIPAL ORDINANCES - SALE OF LIQUOR PROHIBITED TO POLICEMEN
AND FIREMEN IN UNIFORM - APPROVED

Dear Sir:-

The Borough of Cliffside Park desires to adopt a regulation prohibiting the holder of any Retail Liquor License from selling alcoholic beverages to a Policeman or Fireman in uniform, while on duty. I do not see anything in the Law which specifically covers this situation, and I am interested in knowing your opinion or ruling on this request.

The rules of the Police and Fire Departments, of course, prohibit members of those Departments from drinking while on duty, but the object is to make a Tavern owner equally responsible.

Yours very truly,
JOSEPH W. MARINI

May 13, 1935

Joseph W. Marini, Esq.,
Cliffside Park, N. J.

Dear Mr. Marini:

I am in hearty sympathy with the proposed regulation of the Borough of Cliffside Park prohibiting licensees from selling liquor to policemen and firemen in uniform, and will approve it as soon as submitted. I hope it is adopted in other communities. In fact, your letter has set me thinking whether it should not be made a State-wide regulation. I will be only too glad to backstop the police and fire departments by enacting State-wide rules to bind the retail licensees. In doing so, I shall have to adopt a regulatory test as to whether or not the policeman or fireman is in uniform rather than whether he is on duty. The rule will have to be amplified beyond mere "selling".

Very truly yours,
D. FREDERICK BURNETT
Commissioner

2. BARTENDERS - INELIGIBILITY BECAUSE NOT A RESIDENT FOR FIVE
YEARS - BARTENDERS ARE NOT "SPECIALIZED TECHNICAL WORKERS"

May 4, 1935

Dear Sir:

As Solicitor of Franklin Township, Gloucester County, I have been asked to write you relative to the following matter:

One of the licensees in the Township employs a bartender, who, himself is ineligible to hold a license solely by reason of residence within the State of less than five years. The owner of the place however is unable to properly tend to the mixing of

drinks and the general tending of the bar. The employe is skilled in the technique of such work and it appears that without such an employe the owner will have to discontinue the business.

In such a case as this, where the only reason for the employment of this man is his skill and knowledge of the business, is it possible for this worker to secure your approval under that section of the act which states "that specialized technical workers, required in any business may, with the approval of the commissioner, and subject to rules and regulations, be employed although failing to qualify as to residence or citizenship, etc."

I would appreciate your advices as to this situation and if favorable to the employe, your suggestion as to how to formally apply for and secure your approval and what rules and regulations he will have to abide by.

Very truly yours,
CHARLES CAMP COTTON

May 13, 1935

Charles Camp Cotton, Esq.,
Woodbury, N. J.

Dear Mr. Cotton:

I have yours of the 4th. You are correct in concluding that a licensee may not employ a bartender who himself is ineligible to hold a license because not a resident of the State for five years.

It is also true that the law confides to me a discretion to give permits "to specialized, technical workers".

A bartender, however, is not a specialized technical worker. To regard him as such would defeat the very objective of the statute which requires that no one may be a bartender unless he is himself eligible for a license. The discretion has heretofore been exercised only in the case of some aliens who were brought over here to install brewery machinery, and then only for a limited time.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner

3. MUNICIPAL BOARDS OF ALCOHOLIC BEVERAGE CONTROL - EXPENSES - REIMBURSEMENT

Dear Mr. Burnett:

I have been requested by the Linden Alcoholic Beverage Control Board to communicate with you and determine from you whether your interpretation of the statute prevents the members of the Board from receiving reimbursement for their expenses entailed in the performance of their duties. The Governing Body of this City has appropriated monies in its budget for this purpose, feeling, apparently, that it was only fair to the gentlemen serving the municipality to be relieved of any cost made necessary in the performance of their duties. My own view of the matter is

that the members are free to receive reimbursement, but it was deemed more in keeping with the spirit of your enforcement to submit the question to you.

Very truly yours,
LEWIS WINETSKY,
City Attorney

April 23, 1935

Lewis Winetsky, City Attorney,
Linden, N. J.

Dear Sir:-

Section 5 of the Control Act, as originally enacted, provided that members of a municipal board shall receive annual salaries fixed by the governing body. Section 6 empowered such municipal boards to appoint inspectors, investigators, employees and agents. Amendments to the Control Act eliminated section 6 and modified section 5 to the end that members of municipal boards shall receive no salaries.

No mention was made in the act as originally enacted or as amended with respect to actual expenses incurred by municipal boards in the performance of their duties. That they should be entitled to such reimbursement, seems beyond dispute. However, in view of the absence of any provision in the Control Act, the authority for such reimbursement must rest upon the Home Rule Act (P.L. 1917, c. 152, p. 319) or other pertinent municipal statutes.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner

By:
Nathan L. Jacobs,
Chief Deputy Commissioner
and Counsel

4. RULES GOVERNING SIGNS AND OTHER ADVERTISING MATTER - APPLICATION -
RULES APPLY TO DISTRIBUTION AS WELL AS CONSUMPTION LICENSEES
EXCEPT RULE 3.

April 23, 1935

Trent Wine & Liquor Stores,
Trenton, N. J.

Gentlemen:

All of the sign regulations, with the exception of rule #3, apply to retail distribution licensees as well as consumption licensees. Rule #3 provides that no licensee authorized to sell alcoholic beverages at retail for consumption on the licensed premises shall advertise the price of any alcoholic beverage or the size of the container thereof on the exterior of the licensed premises or in the show-window, etc. Since this rule is confined to consumption licensees, there is no prohibition against retail distribution licensees advertising the price of any alcoholic beverage or the size of the container thereof.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner

By:
Nathan L. Jacobs,
Chief Deputy Commissioner
and Counsel

5. LICENSED PREMISES - ENLARGEMENT - ADDITIONAL PREMISES REQUIRE
ADDITIONAL LICENSE BUT MERE ALTERATIONS OR BETTERMENTS DO NOT

Dear Commissioner Burnett:

Patsy Borelli, who holds liquor license number C-15, covering his premises at 2 Morford Place, Red Bank, New Jersey, made application to the local Building Inspector to remove the partition located twenty feet from the rear of his building, and shown in the sketch enclosed. This twenty feet is now a room connected with the licensed premises by a door shown in the sketch. The effect of Mr. Borelli's alterations will be to increase the depth of the licensed premises twenty feet.

While the Building Inspector stated that there was nothing in the zoning or other ordinances preventing his issuing a building certificate, the Borough Clerk states that you have made a ruling prohibiting such an alteration, which has the effect of extending licensed premises. Will you please let us know if this is so as soon as possible as Mr. Borelli is embarrassed by some of the preparations he has already made and also by the fact that some of his tenants on the upper floor will be inconvenienced until the change is made. The work will involve about three or four days.

Very truly yours,
APPLEGATE, STEVENS, FOSTER & REUSSILLE

April 24, 1935

Messrs. Applegate, Stevens, Foster & Reussille,
Red Bank, N. J.

Gentlemen:

Section 23 of the Control Act provides that "a separate license is required for each specific place of business and the operation and effect of every license is confined to the licensed premises". The application will contain a description of the premises where the alcoholic beverages are to be sold (see Bulletin 32, Sheet 4, Question #4) and this will, in general, determine what constitutes the licensed premises. See Bulletin 35, Item 15.

In view of the foregoing, it is clear that where a licensee desires to enlarge his place of business by taking over adjacent premises to be operated in conjunction with the original licensed premises, an additional license will be required. See Bulletin 59, Item 12. This latter ruling, however, does not prevent ordinary alterations and enlargements of licensed premises and removals of partitions within licensed premises clearly fall within this classification. Whether the contemplated change consists of an ordinary alteration or enlargement, as contrasted with the taking over of

additional premises, must be determined in the first instance by the issuing authority on the particular facts presented.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner

By:
Nathan L. Jacobs,
Chief Deputy Commissioner
and Counsel

6. RULES GOVERNING SIGNS AND OTHER ADVERTISING MATTER - RULE 2 -
APPLIES TO ALL EXTERIOR SIGNS

Dear Sir:

Please let me know whether this ruling is intended to include the usual posters, stickers and similar advertisements which bear the name of a certain brand of liquor and the manufacturer thereof; or is it intended to refer to signs of a more permanent character, such as electric or Neon signs. An explanation of this particular ruling will be appreciated, as most retail distribution licensees in the usual course of their display and commodity advertisements do indicate inside the windows the names of the manufacturers in connection with the particular liquors that they are advertising.

Yours truly,
WHELAN DRUG STORES
By: H. Rubenoff,
Attorney

April 25, 1935

Whelan Drug Stores,
New York, N. Y.

Gentlemen:

Rule #2 is not confined to permanent signs, but prohibits the display on the exterior of the licensed premises of signs or other advertising matter of any character whatsoever bearing the name, brand or trade-mark of any manufacturer or wholesaler of any alcoholic beverages. It is confined to exterior signs and does not prohibit posters or other signs placed on the inside of the store windows.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner

By:
Nathan L. Jacobs,
Chief Deputy Commissioner
and Counsel

7. RULES GOVERNING SIGNS AND OTHER ADVERTISING MATTER - RULE 2 -
DOES NOT PROHIBIT DISPLAY OF EXTERIOR SIGNS WHICH DO NOT BEAR
NAME, BRAND OR TRADE-MARK OF MANUFACTURER OR WHOLESALER

Dear Sirs:

Our Company who supplies signs to several brewers and have

erected signs in your State feel that they should try to co-operate in every way possible with the brewer not only to protect the investment made but to forestall the development of unpleasant relations with their customers or the replacement of the present advertising at large additional costs. Meaning removal of an outside sign and the installation of one or more window signs, etc.

We offer the following remedy that a painted panel with the lettering of the word DRAUGHT be screwed to the face of the sign, completely covering the trade-name. This method will not permanently damage the sign, and should the sign be removed from New Jersey territory and sent to another territory all that would be necessary would be removing these added panels.

Our second suggestion is to cut out the present trade-name and insert a new face section with the word DRAUGHT in illuminated letters.

This idea outlined above is clearly indicated on the sketch left with you for study and we trust that the fairness of your Board will show them that these plans are practical and not just an evasion, but a protection against great losses and further demands from the tap room keeper.

Sincerely yours,
CENTRAL SIGN SERVICE INC.

April 25, 1935

Central Sign Service, Inc.,
Philadelphia, Pa.

Gentlemen:

It is the desire of this Department to carry out the purposes of the sign regulations with the least discomfort and expense to the various branches of the liquor industry and other industries affected.

Rule #2 prohibits the display on the exterior of the premises of all signs bearing the name, brand or trade-mark of any manufacturer or wholesaler of any alcoholic beverage; it does not prohibit the display of exterior signs which do not bear the name, brand or trade-mark. Consequently, a sign which would otherwise be prohibited may be retained provided the proscribed words or markings are effectively eliminated. The complete excision of a trade-name and the substitution of the word "draught" would be satisfactory. Similarly, it would be unobjectionable if a panel bearing the word "draught" and effectively and completely concealing the trade-name were placed on the sign. This latter procedure would enable you to accomplish your desired result of not permanently damaging the sign to the end that it might ultimately be used in States where its display in original form is permitted.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner

By:
Nathan L. Jacobs,
Chief Deputy Commissioner
and Counsel

8. LICENSES - CONDUCT OF MERCANTILE BUSINESS ON LICENSED PREMISES -
DISTINCTION IN THIS RESPECT BETWEEN CONSUMPTION AND DISTRIBUTION
LICENSES

April 18, 1935

My dear Commissioner:

Appellant conducts a variety store and bait house in a fishing center and claims that by virtue of a recent ruling it is now possible for him to conduct this business together with a plenary retail distribution license. Is this the case or must he separate his present business from his liquor business if license is granted?

Appellant also sells gasoline from pumps located directly in front of the building sought to be licensed. Is this permissible in conjunction with a retail distribution license?

The point in the first question above is, Are the regulations given in Bulletin 35, Item 15, and Bulletin 38, Item 6 applicable to retail Distribution licenses or only to consumption licenses as Appellant contends?

Very truly yours,
HAROLD L. BAILEY,
Township Clerk.

April 22, 1935

HAROLD L BAILEY TOWNSHIP CLERK
DOWNE TOWNSHIP
DIVIDING CREEK N J

BULLETINS REFERRED TO APPLY TO CONSUMPTION LICENSES STOP CONTROL ACT DOES NOT PROHIBIT THE ISSUANCE OF RETAIL DISTRIBUTION LICENSE FOR PREMISES WHERE OTHER MERCANTILE BUSINESS IS CARRIED ON STOP UNDER SECTION THIRTEEN MUNICIPALITIES MAY BY ORDINANCE PROHIBIT THE ISSUANCE OF SUCH LICENSES FOR SUCH PREMISES

NATHAN L JACBOS
CHIEF DEPUTY COMMISSIONER

April 26, 1935

Harold L. Bailey, Township Clerk,
Downe Township,
Dividing Creek, N. J.

Dear Sir:-

Kindly refer to your letter of April 18th and my telegram in reply thereto.

Section 13 (1) of the Control Act prohibits the issuance of plenary retail consumption licenses for premises where other mercantile businesses are carried on. Bulletin 35, Item 15, and Bulletin 38, Item 6 deal with the foregoing provision and set forth general principles to guide issuing authorities in determining whether the other mercantile business is carried on in the premises sought to be licensed.

Section 13 (3)a. provides that the governing board or body of each municipality may, by ordinance, provide that retail distribution licenses shall not be issued for premises where another

mercantile business is carried on. Where no ordinance has been adopted pursuant to section 13 (3)a. there is no such prohibition and consequently the principles set forth in the bulletins above referred to would not be material.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner

By: Nathan L. Jacobs,
Chief Deputy Commissioner
and Counsel

9. RULES GOVERNING SIGNS AND OTHER ADVERTISING MATTER - RULE 3 - DOES NOT PROHIBIT MERE DISPLAY OF BOTTLES WITHOUT MENTION OF PRICE OR RELATIVE SIZE

Dear Commissioner:

Will you please advise if a retail consumption licensee is permitted to display Bottles of Alcoholic Beverages or Alcoholic Beverage Cartons in his Show Window?

Very respectfully yours,
NATIONAL ASSOCIATION OF RETAIL
BEVERAGE DEALERS OF N.J., Inc.

May 3, 1935

National Association of Retail
Beverage Dealers of New Jersey, Inc.,
Newark, N. J.

Gentlemen:

Rule #3 of the rules governing signs and other advertising matter prohibits the advertising by consumption licensees of the price of any alcoholic beverage or the size of the container thereof on the exterior of the licensed premises or in the show-window or door thereof or in the interior thereof when visible from the street. It is designed mainly to eliminate price advertising and signs such as "biggest beer in town", etc. It does not prohibit the mere display of bottles of alcoholic beverages without mention of price or relative size.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner

By: Nathan L. Jacobs,
Chief Deputy Commissioner
and Counsel

10. RULES GOVERNING SIGNS AND OTHER ADVERTISING MATTER - APPLICATION - WINDOW DRESSING

Dear Sir:-

I have a liquor store running under a consumer's license. I have no bar and only sell by the bottle. Would you kindly in-

form me what my status is in dressing my windows and carrying on my business.

Respectfully yours,
HOBOKEN WINE AND LIQUOR CO.

May 9, 1935

Hoboken Wine and Liquor Co.,
Hoboken, N. J.

Gentlemen:

I am enclosing herewith rules governing signs and other advertising matter. You will note particularly that since you are the holder of a consumption license you may not, under rule #3, advertise the price of any alcoholic beverage or size of the container thereof on the exterior of the licensed premises or in the show-window or door thereof or in the interior thereof when visible from the street. The fact that you have no bar and do not actually sell for consumption on the premises is not material since under the terms of your license you have a right to do so.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner

By:
Nathan L. Jacobs,
Chief Deputy Commissioner
and Counsel

11. RULES GOVERNING SIGNS AND OTHER ADVERTISING MATTER - RULE 1 -
COST OR VALUE IN EXCESS OF \$100 - WINDOW DRESSING - WINDOW SIGNS

Dear Mr. Burnett:

We have received reports from our representatives to the effect that the police in Union City, Secaucus, and other towns, are advising Bar and Grill owners that the new regulations prohibit neon signs in the window.

We understand that neon signs are permitted on the interior of the window to the extent of \$100.00 and that the prohibition relates to price or size of container.

Would you be good enough to advise us if we are correct in this matter and see that the police authorities are properly advised in regard to the new regulations.

Very truly yours,
THE F. & M. SCHAEFER BREWING CO.
By: Val A. Schmitz,
Advertising Manager

May 9, 1935

The F. & M. Schaefer Brewing Co.,
Brooklyn, N. Y.

Gentlemen:

The rules governing signs and other advertising matter, a

copy of which is enclosed, do not prohibit signs in the interior or show-window of licensed premises merely because they bear a name, brand or trade-mark of a manufacturer or wholesaler, provided such signs have not been furnished by a manufacturer or a wholesaler in violation of the \$100.00 maximum set forth in rule #1. Exterior signs bearing the name, brand or trade-mark of any manufacturer or wholesaler of any alcoholic beverage may not be displayed by any retail licensee on the exterior of the licensed premises without any qualification.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner

By:
Nathan L. Jacobs,
Chief Deputy Commissioner
and Counsel

12. LICENSEES - ALIENS - NO PROHIBITION AGAINST ALIENS SELLING
FOOD PRODUCTS TO A LICENSEE

May 11, 1935

Mr. Harry Koblantz,
Newark, N. J.

Dear Sir:-

As I understand the facts, your complaint is that your brother, an alien, has terminated his association with you and is now in business for himself selling food products to licensees and that in the conduct of his business he has been calling on your trade.

The Control Act requires that employees of licensees be citizens and sets forth certain other qualifications. These requirements, however, have no bearing on the situation presented since your brother is not employed by any retail licensee, but merely sells food products to them. It is clear that the requirements pertaining to employees of licensees have no relation to persons who sell products other than alcoholic beverages to such licensees.

Whether you have any legal complaint against your brother's activities, based upon his solicitation of your trade, depends on general principles of civil law, and is beyond the jurisdiction of this Department.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner

By:
Nathan L. Jacobs,
Chief Deputy Commissioner
and Counsel

13. REFUNDS - AMOUNT - CALCULATED FROM DATE OF ACTUAL SURRENDER
OF LICENSE AND NOT FROM CESSATION OF BUSINESS

Gentlemen:

I am Attorney for Hanover Township. One of the liquor

licensees holding a plenary retail consumption license whose building burned down on January 28th has not engaged in the business since. He is now asking that we refund the portion of his license fee from the date of the fire down to the end of the term. Under Section 28 of the Act, do you think that we can return his fee from the date of the fire or from the actual date that the license is surrendered? Thanking you for your opinion in this matter, I am

Yours very truly,
HOWARD F. BARRETT

May 11, 1935

Howard F. Barrett, Esq.,
Madison, N. J.

Dear Sir:-

Section 28 of the Control Act contemplates that any refund which may be payable to a licensee upon the surrender of his license shall be calculated from the date of the actual surrender of his license and not from the date on which he ceased to do business.

Bulletin 48, Item 9, a copy of which is enclosed, sets forth the procedure to be followed upon an application for a refund after voluntary surrender of a license.

Very truly yours,
D. FREDERICK BURNETT,
Commissioner

By:
Nathan L. Jacobs,
Chief Deputy Commissioner
and Counsel

14. APPELLATE DECISIONS - FIFTH WARD A.A. VS. BRIDGETON

FIFTH WARD A.A., a Corporation)
of the State of New Jersey,)
Appellant,)
-vs-)
CITY COUNCIL OF THE CITY OF)
BRIDGETON (CUMBERLAND COUNTY),)
Respondent.)
-----)

ON APPEAL
CONCLUSIONS

J. Ellsworth Long, Esq., Attorney for Appellant
Samuel Iredell, Esq., Attorney for Respondent.

BY THE COMMISSIONER:

This is an appeal from the denial of an application for a club license for premises located at #23 Mount Vernon Street, Bridgeton.

Respondent contends the application was properly denied because of the recommendation of the Commissioner of Public Safety, after investigation, that the club quarters are "a very undesirable location for the granting of a club license".

The Commissioner of Public Safety testified that his recommendation was based upon the facts that Mount Vernon Street is an unsightly, unpaved street, one block in length, away from the main arteries of the municipality and that considerable disorders have occurred there requiring frequent police calls. Fights, family squabbles, drunkenness and the like, presently require special police attendance in the neighborhood about three times a week. While none of these disorders are presently attributable to appellant club, in the opinion of the Commissioner of Public Safety the issuance of a license to appellant would increase the disorders and would require the assignment of a police officer to patrol the street regularly.

An issuing authority should consider the character of the neighborhood in which the premises sought to be licensed are located. If a reasonable basis exists for the issuing authority's determination that the character of the neighborhood renders it undesirable to issue any particular license, such determination will not be set aside on appeal. The honest opinion of the head of the Police Department is entitled to great weight and his objections based upon his experience with the neighborhood are not lightly to be disregarded. In the instant case, in view of the police experience with Mount Vernon Street and the opinion of the Commissioner of Public Safety that the issuance of a license would create additional disorders therein, it cannot be said that respondent's determination was unreasonable. Accordingly, the denial of appellant's application will be sustained.

The action of respondent is affirmed.

Dated: May 14, 1935

D. FREDERICK BURNETT,
Commissioner

15. BULLETIN ITEMS - CERTAIN ITEMS SUPERSEDED

Bulletin 33, Item 3 is superseded by Bulletin 74, Item 16, which sets forth the revised rules applicable to all State licenses for advertising "Notice of Intention" to apply for a license.

16. REVISED RULES APPLICABLE TO ALL STATE LICENSES FOR ADVERTISING "NOTICE OF INTENTION" TO APPLY FOR A LICENSE. (THE STATUTE EXEMPTS APPLICANTS FOR TRANSPORTATION AND PUBLIC WAREHOUSE LICENSES FROM ANY ADVERTISING.)

- #1. Application for license must be filed with the Commissioner at or before the first insertion of advertisement.
- #2. If the applicant is a corporation, insert at the asterisk (*) in the following forms the names and residences of all officers and all directors who have no other named office, and the names and residences of all stockholders holding one (1) or more per centum of any of the stock of said corporation.
- #3. If applicant is a partnership, insert at the asterisk (*) in the following forms the names and residences of all partners.
- #4. Applicants for Class A- Manufacturer's license shall publish Notice of Intention in the following form.

MANUFACTURER'S FORM

Take notice that _____
 (Name of Applicant in full)
 intends to apply to the State Commissioner of Alcoholic Beverage Control for a _____ license for the
 (Type of License)
 premises situated at _____,
 (No.) (Street) (City)
 and to maintain a warehouse at _____.
 (No.) (Street) (City)

*

Objections, if any, should be made immediately in writing to D. FREDERICK BURNETT, Commissioner, 744 Broad Street, Newark, N. J.

(Signed) _____
 (Name of Applicant)

- #5. Applicants for Class B- Wholesaler's license shall publish Notice of Intention in the following form.

WHOLESALER'S FORM

Take notice that _____
 (Name of Applicant in full)
 intends to apply to the State Commissioner of Alcoholic Beverage Control for a _____ license for the premises situated at _____,
 (Type of License)
 (No.) (Street) (City)
 and to maintain a warehouse at _____,
 (No.) (Street) (City)
 _____, and to maintain a salesroom
 (City)
 at _____,
 (No.) (Street) (City)

*

Objections, if any, should be made immediately in writing to D. FREDERICK BURNETT, Commissioner, 744 Broad Street, Newark, N. J.

(Signed) _____
(Name of Applicant)

#6. Applicants for Class C- Plenary Retail Transit license for all dining and club cars shall publish Notice of Intention in the following form.

RAILROAD FORM

Take notice that _____
(Name of Applicant)
intends to apply to the State Commissioner of Alcoholic Beverage Control for a Plenary Retail Transit license to sell alcoholic beverages for consumption only in dining and club cars while in transit and operated within the State of New Jersey.

*

Objections, if any, should be made immediately in writing to D. FREDERICK BURNETT, Commissioner, 744 Broad Street, Newark, N. J.

(Signed) _____
(Name of Applicant)

#7. Applicants for Class C- Plenary Retail Transit license for all airplanes shall publish Notice of Intention in the following form.

AIRPLANE FORM

Take notice that _____
(Name of Applicant in full)
intends to apply to the State Commissioner of Alcoholic Beverage Control for a Plenary Retail Transit license to sell alcoholic beverages for consumption only on airplanes while in transit and operated within the State of New Jersey.

*

Objections, if any, should be made immediately in writing to D. FREDERICK BURNETT, Commissioner, 744 Broad Street, Newark, N. J.

(Signed) _____
(Name of Applicant)

- #8. Applicants for Class C- Plenary Retail Transit license for a boat shall publish Notice of Intention in the following form.

BOAT FORM

Take notice that _____
 (Name of Applicant in full)
 intends to apply to the State Commissioner of Alcoholic Beverage Control for a Plenary Retail Transit license to sell alcoholic beverages for consumption only on the boat named, _____,
 (Name of Boat)
 and operated within the State of New Jersey.

*

Objections, if any, should be made immediately in writing to D. FREDERICK BURNETT, Commissioner, 744 Broad Street, Newark, N. J.

(Signed) _____
 (Name of Applicant)

- #9. Where the licensed premises are located in the State of New Jersey, the Notice of Intention shall be published once a week for two weeks successively in a newspaper or newspapers printed in the English language and published and circulated in each municipality in which said premises and any portion thereof, e.g., office, warehouse, salesroom, are located. If, however, there shall be no such newspaper, then such notice shall be published in a newspaper printed in the English language and published and circulated in the county or counties in which the licensed premises and any portion thereof are located.
- #10. Where applicants do not maintain any licensed premises in the State of New Jersey, they shall designate in the application as a material part thereof the name and address of a duly authorized agent within this State upon whom service of process may be made, and Notice of Intention shall be published in the manner above prescribed in the municipality wherein such agent is located. If applicant is a corporation authorized to do business in New Jersey, the Registered Agent may be designated.
- #11. The Commissioner, immediately upon receipt of a written objection duly signed by a bona fide objector, will afford a hearing to all parties and forthwith notify the applicant and the objector of the date, hour and place thereof.
- #12. The date fixed for such hearing will be not less than two (2) days after the second insertion shall have been published, nor more than seven (7) days. For good cause, however, the Commissioner in the exercise of sound and fair discretion may fix a date for hearing later than said seven (7) days or may adjourn the hearing.
- #13. No hearing will be held if no objection shall be lodged, or if the Commissioner, after the requisite statutory investigation, shall have determined not to issue a license to such applicant.

#14. Proof of publication of Notice of Intention to apply for license shall be substantially in the following form:

STATE OF NEW JERSEY)
COUNTY OF) SS.

_____, of full age, being duly sworn according to law, on his oath says:

That he is a _____, employed by _____ (Name of newspaper), which is a newspaper printed in the _____ English language, published and circulated in _____ (Name of municipality or county); that a Notice of Intention, of which the annexed notice is a true copy, was published once a week for two (2) weeks successively in the said _____ (Name of newspaper); and that the first insertion was on the _____ day of _____, 193 , and that the second insertion was on the _____ day of _____, 193 , making two (2) insertions in all.

Sworn and subscribed to before me this _____ day of _____, 193 . _____

(Signature of officer administering oath)

(Title of such officer)

#15. The foregoing rules are effective immediately and supersede previous rules in respect to same subject matter.

L. Franklin Bennett
Commissioner