

32
STATE OF NEW JERSEY

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

744 Broad Street,

Newark, N. J.

May 28, 1934

NOTICE

TO MUNICIPAL ISSUING AUTHORITIES AND ALL MUNICIPAL RETAIL LICENSEES:-

All licenses, except Seasonal Retail Consumption Licenses, expire June 30th, 1934.

The statute provides that all licenses shall be for a term of one (1) year beginning July 1st of each year. Each licensee, therefore, must, prior to July 1st, file a new application. The same procedure is necessary as was required to obtain the present license.

It is highly advisable that all applicants for liquor licenses apply for renewals at earliest moment. The same procedure must be followed as was necessary originally except that advertisement, investigation and hearings must precede and not follow issuance of the license. All this requires time. For instance, the hearing on objections which may come in from the newspaper advertisement cannot be held until after the publication is completed. Dilatory applicants to whom the new licenses have not actually been issued by June 30th will have to stop selling.

The rules for and the required form of publication are enclosed.

Temporary licenses are no longer permissible, so it will be necessary to complete advertisement, investigation, hearing (when necessary), and all other requisites in advance of issuance of license. Federal Special Tax Stamps expire June 30th. New ones must be procured.

It is advisable that publication of Notice of Intention start immediately. A surprisingly large number of irregularities have developed in connection with such publication. Applicants should make certain that the advertisement is accurate in all respects and complies with the rules.

The full amount of the annual fee must accompany the application in the form of cash or certified check, or bank cashier's check, or money order. Installment payments are not permissible.

In many instances municipal license fees have been changed, or are being changed, effective July 1st. The local board or issuing authority should be consulted immediately in this matter, as well as in respect to anything pertaining to the application which is not clear.

Licensees who do not contemplate filing application for renewal are advised that all licenses, with the one exception hereinbefore stated, expire on June 30th; that if license is not renewed, the sale of alcoholic beverages must cease; that application may be made direct to the Commissioner for a Special Permit in order to dispose of stock on hand after that date; that to operate without a license is a violation of the law; that the law will be enforced.

L. Frederick Bennett

Commissioner

New Jersey State Library

REVISED RULES APPLICABLE TO ALL MUNICIPAL RETAIL LICENSES EXCEPT CLUB LICENSES FOR ADVERTISING "NOTICE OF INTENTION" TO APPLY FOR A LICENSE.

1. Notice of Intention shall be published in the following form:

- NOTICE -

Take notice that _____
(Name in full)

Intends to apply to _____
(Name of Issuing Authority)

of _____ for a _____
(Municipality) (Type of License)

_____ license for premises situated at _____
(No. Street

Municipality)

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

_____, of _____
(Municipal Clerk) (Municipality)

(Signed) _____
(Name of Applicant)

2. Name of "Issuing Authority" in the above form means the governing board or body of the municipality, whatever the name may be. For instance, the Mayor and Common Council, or Board of Public Works, etc. except in those cases where the governing board or body has created a municipal board pursuant to Sec. 5 of the Control Act, in which latter case such local excise board becomes the Issuing Authority. In Cape May and Ocean Counties, the issuing authority is the Judge of the Court of Common Pleas. In said Counties, the notice shall state that objections must be addressed to said Judge (not the municipal clerk) and must also state such other matters as may be required by said judges respectively.

3. "Type of License" in the above form means the name or kind of license applied for, which must be strictly according to the statutory language. For instance, Plenary Retail Consumption, etc.

4. Where applicant is a corporation, 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 percentum of any of the stock of said corporation, must be stated in the advertisement as part of "Name of Applicant".

5. Where applicant is a partnership, the name of the partnership and the names and residences of all partners must be stated in the advertisement as part of "Name of Applicant".

6. The notice of intention, fully filled out as above, shall be published once a week, for two (2) weeks successively, in a newspaper printed in the English language, published and circulated in the municipality in which the licensed premises are located. If, however, there shall be no such newspaper, then such notice shall be published in a newspaper printed in the English language, published and circulated in the county in which the licensed premises are located.

7. Not later than the first insertion of advertisement the applicant shall in writing request the Issuing Authority to fix a date for hearing whereupon it becomes the immediate duty of each Issuing

Authority to fix such date, and the hour, and place, and thereafter if any written objection, duly signed by a bona fide objector to the issuance of such license, is lodged, afford a hearing to all parties and immediately notify the applicant of the date, hour and place thereof. No hearing need be held if no such objection shall be lodged, or if the Issuing Authority on its own motion shall, after the requisite statutory investigation, have determined not to issue a license to such applicant.

8. The date fixed for such hearing shall be not less than two (2) days after the second insertion shall have been published, and should not be more than seven (7) days. For good cause each Issuing Authority in the exercise of sound and fair discretion may, subject to appeal to the State Commissioner by the applicant, if he proves that he is aggrieved by the delay, fix a date for hearing later than said seven (7) days or may adjourn the hearing. This provision is made to include those cases where the issuing authorities are morally convinced but have not had time to gather the proof believed obtainable to demonstrate that the application should be denied.

9. Each Municipal Clerk shall, immediately upon receipt of a written objection, acknowledge it and inform the objector of the date, hour and place fixed for hearing, and invite the objector to be present with his witnesses and counsel, and thereupon forthwith transmit to the Issuing Authority of the particular municipality the objection and everything pertaining thereto. In Cape May and Ocean Counties, the Judge of the Court of Common Pleas shall so acknowledge, inform and invite the objector.

10. 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 _____), 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 _____; and that the first 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)

FORM A-10

Prescribed form of all Applications for Municipal Retail Licenses, except Club License.

STATE OF NEW JERSEY

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

APPLICATION FOR CLASS "C"

☐ Plenary Retail Consumption License

☐ Plenary Retail Distribution License

☐ Limited Retail Distribution License

Seasonal Retail Consumption License-

(May 15 to Sept. 15-
Summer Season)

(Nov. 15 to April 15-
Winter Season)

(Mark "X" License applied for)

pursuant to any act entitled "An Act concerning Alcoholic Beverages" (P.L. 1933, C.436) as amended and supplemented.

APPLICATION OF (Print name in full)

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

Description of building containing premises to be licenses:
(a) Type of construction? . . (b) Number of floors?
(c) Number of rooms? (d) For what purpose used?
(e) Are premises within 200 ft. of any church or school-house? . . . If so, state details
(f) Description of premises where alcoholic beverages are to be sold
.

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. Has any person, individual, partnership, corporation or association, other than the applicant, any interest, directly or indirectly, in the license applied for or in the business to be conducted under said license?
If answer to this question is in the affirmative, state names and addresses of such persons, individuals, partnerships or associations
.

8. Have you or any person mentioned in the answers to questions 27 (a), 27 (c), 27 (h), 27 (i), 27 (j) or 28 and 29 ever been convicted of any crime? If so, state details including with respect to each conviction the name of the person convicted, the date thereof, the nature of the crime, the court in which the conviction was entered and the punishment imposed
9. Have you ever been convicted of or committed any violation of the act entitled "An Act concerning alcoholic beverages", (P.L.1933, C 436), or of any amendments thereto or supplements thereof? If so, state details including, with respect to each violation, the date and nature thereof, and where the violation resulted in a conviction, the court in which the conviction was entered, and the punishment imposed
10. Have you ever been convicted of any violation of a Federal or State law concerning the manufacture, sale, possession or distribution of alcoholic beverages? If so, state details including, with respect to each conviction, the nature of the crime, the court in which the conviction was entered, the date thereof and punishment imposed.
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, possession or distribution of alcoholic beverages? If so, state details including with respect to each fine or penalty the amount thereof, the date when paid and the court or place where paid.
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, distribution or possession of alcoholic beverages? If so, how much was the bond? In what court was it posted? When posted? When forfeited? Reason.
13. Have you or any person mentioned in this application ever applied for a license in New Jersey to manufacture, sell, transport or warehouse alcoholic beverages? If so, to whom was application made and when? Has application ever been denied? Was license issued? License No. Has it ever been revoked or surrendered? State details.
14. (a) Are you or any person mentioned in this application a member of the governing board or body or of the license issuing authority of this municipality?
- (b) Is any member of the governing board or body or the license issuing authority of the 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?

15. Are you or any person mentioned in this application interested, directly or indirectly in any brewery, winery, distillery, rectifying and blending plant, or wholesale liquor concern, either as owner or part owner, or as stockholder, officer, director, agent, employee of any corporation or otherwise?
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 stamps necessary to the lawful conduct of the business which relates to alcoholic beverages for which the application is sought submitted herewith?
19. Has notice of intention to make this application been published as required by law? If so, state the dates of publication and the newspaper in which published.
Is proof of publication submitted herewith?
20. Has written request for hearing on this application been filed with the issuing authority?
21. If this application is granted, will you sell alcoholic beverages for the purpose of resale to other persons?
22. (Question #22 need be answered only by an applicant for a Limited Retail Distribution License)
a) Will you sell only brewed malt alcoholic beverages in quantities of not less than seventy-two (72) fluid ounces?
b) Will you permit, allow or suffer any chilled, iced or refrigerated (brewed malt) alcoholic beverages on the licensed premises at any time?
c) Will you sell any alcoholic beverages to be consumed on premises?
23. (Question #23 need be answered only by an applicant for Plenary Retail Distribution License)
Will you sell, permit, allow or suffer any alcoholic beverages to be consumed on the licensed premises?
24. (Question #24 need be answered only by applicant for Seasonal Retail Consumption License)
If application is granted I will sell alcoholic beverages, subject to rules and regulations, during the (Winter)(Summer) season from to inclusive.
(Month) (Date) (Month) (Date)
25. The following is a complete list of vehicles used for the delivery or transportation of alcoholic beverages.
List each vehicle as to:-

<u>MAKE</u>	<u>TYPE</u>	<u>SERIAL NO.</u>	<u>ENGINE NO.</u>
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26. If license is issued, do you agree to abide and comply with the provisions of an act entitled "An Act Concerning Alcoholic Beverages", as amended and supplemented, with all other laws applicable thereto, and with the rules and regulations heretofore and hereafter promulgated by the Commissioner 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: Answer questions 4, 5, 7 to 21 inclusive, 25 to 28 inclusive. Also answer 22, 23 or 24, whichever is applicable.

27. 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) Does the applicant agree that service of process in any proceeding against the applicant in any of the courts of this State or in the United States District Court for the district of New Jersey may be made upon the Registered Agent mentioned above?

(h) 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	PERCENTUM OF STOCK
.....
.....
.....

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

NAME	RESIDENCE
.....
.....
.....

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

NAME	RESIDENCE	OFFICE
.....
.....
.....

28. 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) percentum or more in beneficial 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)

TEST:.....By.....President

.....Secretary
Affix corporate seal)

TATE 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
.....President of the Corporation named as the applicant
1, 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.

orn and subscribed to before me }
is..... }
y 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: Answer questions 4, 5, 7, 8, 13 to 21 inclusive (22, 23 or 24 whichever is applicable), 25, 26, 29 to 36 inclusive.

29. State:

(a) Trade name of Partnership.

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

NAME	RESIDENCE	AGE

30. State:

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

NAME	RESIDENCE

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

32. Has any partner ever been convicted of or committed any violation of the act entitled "An Act concerning alcoholic beverages" P.L.1933, C 436), or of any amendments thereto or supplements thereof? If so, state details including, with respect to each violation, the date and nature thereof, and where the violation resulted in a conviction the court in which the conviction was entered and punishment imposed.

33. Has any partner ever been convicted of any violation of a Federal or State law concerning the manufacture, sale, possession or distribution of alcoholic beverages? If so, state details including, with respect to each conviction, the nature of the crime, the court in which the conviction was entered, the date thereof and punishment imposed.

34. 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, possession or distribution of alcoholic beverages? If so, state details including, with respect to each fine or penalty, the amount thereof, the date when paid and the court or place where paid.

35. 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?

36. Does any of the individual partners signing this application know, or have any reason whatsoever to believe or suspect, that any of the partners of said partnership would fail to qualify as an individual applicant, for the license hereby applied for in any respect?
If "Yes", state which partner would or possibly might so fail to qualify.

DATED. 193 (Name of partnership)

Witness: By. (Partner)
Witness: (Partner)
Witness: (Partner)
Witness: (Partner)
. (Partner)

STATE OF }
COUNTY OF } SS.
.
. (Names of all Partners)

., 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 (Signature of affiant)
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.)

J. EDGAR