

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
U.S. Routes 1-9 (Southbound), Newark, N. J. 07114

BULLETIN 2428

AUGUST 24, 1982

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STATE OF NEW JERSEY
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1. RECENT LEGISLATION - POLICE OFFICERS AND OFFICE HOLDING IN CLUB LICENSES; FARM WINERY LICENSE; NEW RETAIL LICENSE ISSUANCE PROCEDURE - PUBLIC SALE OPTION; ONE DAY SOCIAL AFFAIRS PERMITS IN "DRY" COMMUNITIES; RETIREMENT OF MUNICIPAL RETAIL CONSUMPTION LICENSES; SALE TO PERSON UNDER THE LEGAL AGE - PHOTO ID DRIVER'S LICENSE; AND POLICE OFFICERS EMPLOYMENT BY LIQUOR LICENSEES.

(a) Police Officers and Office Holding in Club Licenses

Chapter 267 of the Laws of 1981 (adopted August 24, 1981) - Law enforcement officers can assume any leadership or titular position in any fraternal, veteran, religious or similar type of non-profit organization that is a club licensee. Said person shall, however, not be involved in the alcoholic beverage operations of the licensee. Also cited as N.J.S.A. 33:1-25.1.

(b) Farm Winery License

Chapter 280 of the Laws of 1981 (adopted September 10, 1981) - Amends N.J.S.A. 33:1-10 (2b) and reclassifies the Limited Winery license to a Farm Winery license. The requirement of "natural" fermentation eliminated; production allowances increased, fees decreased, utilization of 100% New Jersey grown fruit requirement added and retail sales privileges with taste sampling permitted.

(c) New Retail License Issuance Procedure - Public Sale Option

Chapter 416 of the Laws of 1981 (adopted January 9, 1982) - An alternative mode for issuance of new retail licenses by a municipality is established with stated procedures, conditions and appellate review rights. Where census figures permit issuance of a new plenary retail consumption or distribution license, the municipality may award such license to the highest qualified bidder at public sale. Also cited as N.J.S.A. 33:1-19.3 to 19.6.

(d) One Day Social Affairs Permits in "Dry" Communities

Chapter 37 of the Laws of 1982 (adopted June 14, 1982) - Supplements N.J.S.A. 33:1-74 and permits the Director, Division of Alcoholic Beverage Control, to issue with the approval of the municipality a one day social affairs permit to qualified not-for-profit organizations in a municipality that would otherwise prohibit sales on that day in consequence of an ordinance or referendum, e.g., a "dry" municipality or where sales are prohibited on Sundays.

(e) Retirement of Municipal Retail Consumption Licenses

Chapter 62 of the Laws of 1982 (adopted July 9, 1982) - Amends N.J.S.A. 40:48-2.41 and -2.44 to extend until January 1, 1986 the option of a municipality to contract to purchase and retire plenary retail consumption licenses in excess of the municipality's population quota (one license for each 3,000 population). Also increases the maximum amount of payment from \$15,000.00 to \$30,000.00.

- (f) Sale to Person Under the Legal Age - Photo ID Driver's License
Chapter 61 of the Laws of 1982 (adopted July 9, 1982) - Amends N.J.S.A. 33:1-77 and restates the prohibition against sales of alcoholic beverages by referencing sales to a "person under the legal age for purchasing alcoholic beverages" or "purchaser" in lieu of "minor". This eliminates a gap in the legislative scheme which under former law did not penalize the seller of alcoholic beverages if the sale was to an eighteen year old, even though the eighteen year old committed a disorderly person offense under N.J.S.A. 33:1-81 and the licensee was subject to disciplinary proceedings under N.J.A.C. 13:2-23.1(a). The amendment further broadens the defense available to a person charged under this section by including as satisfaction of the "writing" element of the defense, a photo ID driver's license as well as the written age representation card.
- (g) Police Officers Employment by Liquor Licensees
Chapter 84 of the Laws of 1982 (adopted July 23, 1982) - supercedes in part and supplements Division regulation (N.J.A.C. 13:2-23.31) concerning a licensee's employment of police officers while off duty. Law provides that no Division regulation can prohibit full-time members of municipal or county police departments from being employed by a liquor licensee in a municipality or county, as the case may be, other than in their employing jurisdiction. This is encompassed in existing regulations. Law further permits the police officer to sell, serve, possess or deliver alcoholic beverages, subject to conditions that the officer cannot possess any firearm or wear or display any uniform, badge or insignia which would identify him as a police officer. This supercedes existing regulatory prohibition concerning this type employment. Finally, law adds a limitation that no officer so employed can work in excess of 24 hours a week in any such establishment. The Division's position is that the regulatory provisions requiring prior written approval by the Director to the licensee, upon submission of consents and notifications by and to the Chiefs of Police of police officer's and licensee's jurisdictions, still remain.
2. NOTICE OF POLICY CHANGE - ONE YEAR WAITING PERIOD BEFORE ACCEPTANCE OF REHABILITATION EMPLOYMENT PERMIT APPLICATIONS REVERSED.

As embodied in the determination in Re Cotroneo, Bulletin 2240, Item 7, a Division policy was articulated in 1976 that an application for a Rehabilitation Employment Permit would not be granted until at least one year has elapsed since the date of the applicant's conviction, and if incarceration resulted from the conviction, no permit would be granted until at least one year from the date of release from incarceration has elapsed.

I have concluded that such an immutable policy can and would result in inequitable hardships and does not properly address the appropriate standard of review in these cases, i.e., would such person's employment be contrary to the public interest. N.J.A.C. 13:2-14.5. The inflexibility of such

a policy is not consistent with the objectives of the regulation and is herein rejected. While an ultimate conclusion on an application may encompass a finding that more time must elapse before approval is granted to ascertain if the applicant is rehabilitated and does not pose a special risk to the alcoholic beverage industry e.g., applicant is a recidivist, the offense is serious or involves violations of the alcoholic beverage law itself, or incarceration of significance occurred), I shall review each application on its merits when presented. The absolute one year waiting period is abolished.

Dated: May 17, 1982

John F. Vassallo, Jr.
Director

3. PETITION PROCEEDINGS - REVIEW OF BRAND REGISTRATION AND DESIGNATION REGULATIONS - TODD SIEFERT, T/A SIEFERT DISTRIBUTING CO. AND LONGWOOD DISTRIBUTORS, INC.
Stay of Enforcement of Regulations Vacated.

IN THE MATTER OF THE PETITIONS	:	
OF TODD SIEFERT, T/A SIEFERT	:	
DISTRIBUTING CO. AND LONGWOOD	:	ORDER VACATING
DISTRIBUTORS, INC. FOR A REVIEW	:	
AND HEARING CONCERNING <u>N.J.A.C.</u>	:	STAY OF ENFORCEMENT
13:2-25.3(b).	:	
	:	

Lionel Frank, Esq., and Carla V. Bello, Esq., Deputy Attorneys General, Appearing for the Division.
Jeffer, Walter, Tierney, Hopkinson and Vogel, Esqs., by Reginald Hopkinson, Esq., Attorneys for Petitioner, Todd Siefert, t/a Siefert Distributing Co.
Herbert W. Irwin, Esq., by Paul D. Kreisenger and Wilentz, Goldman and Spitzer, Esqs., by Marvin J. Branth, Esq., Attorneys for Petitioner, Longwood Distributors, Inc.
Edward D'Alessandro, Esq., Attorney for the Beer Wholesalers' Association of N.J.

BY THE DIRECTOR:

On June 2, 1980, former Director Joseph H. Lerner entered an Order staying the enforcement of N.J.A.C. 13:2-25.3(b) and N.J.A.C. 13:2-33.1, et seq. as to Todd Siefert, trading as Siefert Distributing Company (Siefert) and Longwood Distributors, Inc. (Longwood).¹ Those regulations took effect on June 1, 1980. The stay was issued on the petitions of Siefert and Longwood for a

review of the regulations and for a hearing thereon.²

On July 10, 1980, a hearing was conducted at the offices

¹ Subchapter 25. Diversion, Transshipment and Registered Distribution

* * *

13:2-25.3(b) State beverage distributors.

No State beverage distributor shall sell, deliver, acquire or purchase or include in its Current Price List malt beverages not acquired or purchased from the owner of the brand or its registered distributors pursuant to Subchapter 33, except pursuant to waiver provisions of N.J.A.C. 13:2-33.1(b)3, when granted permission by the Director upon petition setting forth the brand name, the quantity to be acquired, the source of supply, and such other information as the Director may deem necessary.

Subchapter 33. Product Information Filing - Brand Registration
13:2-33.1 Schedule of product filing.

(a) No licensee shall sell or offer for sale or deliver, or receive or purchase at wholesale or retail, any alcoholic beverage, including private label brands owned by a retailer and exclusive brands owned by a manufacturer or wholesaler and offered for sale or sold by such manufacturer or wholesaler exclusively to one New Jersey retailer, unless there is first filed with the Director of the Division of Alcoholic Beverage Control for each calendar year a schedule listing the following:

- (1) Its current brand or trade name;
- (2) Its nature and type;
- (3) Its age and proof of alcoholic content when stated on the label;
- (4) The standard number of unit containers per standard case;
- (5) The capacity of each unit container; and
- (6) The names of all New Jersey licensees acknowledged by the filer to be an authorized distributor of the product at wholesale.

(b) The schedule shall be filed by:

- (1) The manufacturer or wholesaler who owns such brand;
- or
- (2) A wholesaler selling such brand who is appointed as exclusive agent by the brand owner for the purpose of filing such schedule; or
 - (3) Any wholesaler with the approval of the Director in the event that the owner of such brand does not file or is unable to file a schedule or designate an agent for such purposes; or

of the Division of Alcoholic Beverage Control (ABC).³ Both the owners of Siefert and Longwood, Mr. Todd Siefert and Mr. John P. Roe, respectively, testified that a substantial amount of their sales were of brands of beer that they were not designated by the brewer or brewer's registered distributor to sell. In Siefert's case, 75% of its sales were of brands it was not designated to sell. Although Siefert testified that it had been in business for 57 years, it first began to sell brands it was not designated to distribute two years prior to the hearing. Mr. Roe testified that 40% of Longwood's sales were comprised of Genesee Beer which it had distributed for approximately six years. Until December, 1979, Genesee's registered distributor had sold the brand to Longwood. After that date, however, Genesee's registered distributor refused to continue to sell the product to it, and Longwood purchased Genesee from sources outside the State.

Siefert and Longwood testified that the "quality" or "freshness" of the unauthorized brands of beer which they sold was as good as that of the same brands of beer being sold by designated distributors. They testified that there was no qualitative difference between brands of beer sold by them which they were either designated or not designated to sell.

The Executive Director of the Beer Wholesalers' Association of New Jersey, John J. Garrity, testified in support of the regulations. He testified that the regulations enabled brewers to ensure that the quality of their beer was not being damaged by improper handling by unauthorized distributors over which they had no control. This improper handling included sales of beer beyond the "life" of the beer (coverage sales of beer), and improper storage of the beer in warehouses. In addition, Garrity testified that his association supported the regulations because they would allow the State to trace sales of beer and collect all taxes due.

Footnote 1 con't.

(4) In the case of private label brands, by the manufacturer or wholesaler supplying such private label brand to the retailer or wholesaler having authority, in writing, from the retailer owning such private label brand, except where the alcoholic beverages are imported by the retailer under a special permit issued by the Director, in which case the retailer shall file the schedule and the labels.

2. On June 8, 1981, Jaybee Supply Corporation (Jaybee), a corporation which had been issued a limited wholesale distribution license by the ABC in April, 1981, was also granted a stay of enforcement of the two regulations by Order of the Appellate Division of the Superior Court (App. Div. Docket No. 4343-80T3). The Court remanded the appeal to the Division for determination in conjunction with the within matter and did not retain jurisdiction. (This decision, therefore, is also applicable to Jaybee.)

³ Former Director Lerner presided over the hearing. I have, however, carefully reviewed the transcript of the hearing, summations of counsel and documents submitted into evidence.

Two other beer distributors which were designated to distribute particular brands of beer also testified in favor of enforcement of the regulations. One distributor, Mr. Frank Tripuka, testified that since he was responsible to the brewer for the removal of all overage beer in his trading area at his expense, only designated distributors should be allowed to distribute particular brands. Mr. Eugene Lonergan, sales manager for Statewide Distributing Co., testified that designated distributors were required to provide point of sales services, such as neon signs, to retailers in their trade areas. Undesignated distributors did not make this type of investment, but benefitted from it. Mr. Lonergan also testified that sales by undesignated distributors interfered with brewers' calculations as to the amount of beer to be produced in a particular area.

On July 17, 1980, a month after the hearing had ended, a California Court of Appeal ruled that a California statute, identical in effect to the stayed New Jersey regulations, was unlawful under the Sherman Antitrust Act and thus preempted under the Supremacy Clause of the United States Constitution. Norman Williams Company v. Baxter Rice, 108 Cal. App. 3d 348, 166 Cal. Rptr. 563 (1980).⁴ The ruling came on the heels of two decisions which struck down California's statutory scheme of minimum resale prices for wine and liquor as violative of the Sherman Act's prohibition of resale price maintenance. See Rice v. Alcoholic Beverages Appeals Board, 21 Cal. 3d 431, 579 P.2d 476 (1978) and California Retail Liquor Dealers v. Midcal Aluminum, Inc., 445 U.S. 97. In light of the California Court of Appeal decision in Norman Williams there was some concern as to the lawfulness of the stayed regulations. This concern, however, has now been eliminated by a decision of the United States Supreme Court reversing the decision of the California Court of Appeal. Baxter Rice v. Norman Williams, _____ U.S. _____ 50 L.W. 5052 (6-29-82).

In its decision the Supreme Court found that the California "designation" statute was not per se unlawful, but must be judged under the "rule of reason" standard. That standard requires "an examination of the circumstances underlying a particular economic practice . . ." Rice v. Williams, at 5054. The Supreme Court also rejected the claim that the California designation statute denied the respondents due process of law. The decision rejected the assertion that respondents possessed a "constitutionally protected liberty or property interest in obtaining the distiller's permission" to distribute a distiller's branded products. Rice v. Williams, at 5055. The Supreme Court also made it clear that the Due Process Clause of the United States Constitution does not permit courts to assess the wisdom of a legislature's enactment, just its lawfulness. Rice v. Williams, at 5055.

⁴ California Business and Professions Code Section 23672² provided that a "licensed importer shall not purchase or accept delivery of any brand of distilled spirits unless he is designated as an authorized importer of such brand by the brand owner or his authorized agent."

After reviewing the transcripts and written summations of counsel, the Supreme Court's decision in Rice v. Williams, *supra*, and my responsibilities as Director under Title 33, it is my determination that the public interest is and will continue to be best served by the brand registration regulations.

An important responsibility of any Director of the ABC is to ensure that all taxes on sales of alcoholic beverages are properly paid, and that all licensees responsible for the payment of those taxes are easily identified. N.J.S.A. 33:1-39 specifically empowers the Director to make regulations regarding taxes and their enforcement. The two regulations under consideration substantially aid in identifying licensees subject to taxation through the filing of reliable and verifiable documentation. The State Supreme Court recognized the validity of this in Heir v. Degnan, 89 N.J. 109, 125 (1980), when it upheld a challenge to N.J.A.C. 13:2-25.1.

The regulations under consideration also serve at least two other purposes. First, they provide a certain degree of stability within the market and in the economic structure of the industry within the State. Brewers can rely upon distributors selected by and answerable to them. Designated distributors can provide a higher level of service to retailers, including point of sale marketing aids. Designated distributors need not fear attempts by undesigned distributors to take a free-ride on their marketing efforts. Retailers are benefitted by reliable service from designated distributors and are able to complain directly to the brewer if service is lacking. A retailer which deals with undesigned distributors may not have an effective source to which to make complaints because the brewer has no control over undesigned wholesalers. Consumers of this State are protected as to availability of product, proper channels for complaints and assured collecting tax revenues. Coupled with these benefits to the various segments of the industry and to consumers are the stability and security which the regulations provide to the economic investments of the designated wholesalers and their employees in this State. Undesignated wholesalers can wreck havoc on distribution and supply planning and on the quantum of employment and man-hours required to make such distribution and provide such service, thereby creating job insecurity and unemployment. Trade stability has always been recognized as important in the regulation of alcoholic beverages in this State. Heir v. Degnan, *supra*, at 114 and Grand Union Co. v. Sills, 43 N.J. 390 (1964). It continues to be important today, and is a very important consideration herein.

A second purpose served by the regulations is quality control. The testimony by Mr. Garrity, Mr. Tripuka and Mr. Lonergan indicates that the "life" of beer is fairly short and that it must be properly warehoused and checked before sale. The consumers of the State have a right to expect beer being purchased to be at its peak in flavor and quality. Both petitioners testified that there is no problem with the quality of the beer which they sell. But neither petitioner is supervised by the brewers whose beers are sold, and neither has any contractual responsibilities to those brewers. Under these circumstances, it is not unreasonable to expect that beer, which has been purchased outside the brewers' established distribution network, may be less fresh and/or less well cared for than beer sold by designated

distributors. Although I do not consider the quality control issue to be the primary reason for enforcing the regulations, it does merit consideration. Enforcement of the regulations should insure that outdated or stale beer is not offered to the consuming public.

There is no doubt that petitioners will be affected by the decision to retain and enforce the regulations. The interests of the State and its residents in a stable alcoholic beverage industry, capable of being monitored and controlled, to insure collection of lawfully due taxes, prevent unfair or destructive trade practices and promote the availability and quality of the product and services, significantly outweigh the particular limited interests of the petitioners.

Accordingly, it is, on this 10th day of August, 1982,

ORDERED that the Stay of Enforcement of the provisions of N.J.A.C. 13:2-25.3(b) and N.J.A.C. 13:2-33.1, et seq., heretofore entered, be and are hereby vacated, effective August 17, 1982, as to all petitioners.

John F. Vassallo, Jr.
JOHN F. VASSALLO, JR.
DIRECTOR

4. HEARING ON OBJECTIONS TO RENEWAL OF RETAIL LICENSE ISSUED BY DIRECTOR UNDER N.J.S.A. 33:1-20 - RE APPLICATION OF ARMELLINO'S TOWNE TAVERN, INC., MATAWAN.
License Renewal Application Approved Subject to Special Conditions.

IN THE MATTER OF THE APPLICATION
OF:

ARMELLINO'S TOWNE TAVERN, INC.

HOLDER OF PLENARY RETAIL CONSUMPTION
LICENSE NO. 1329-33-015-002 ISSUED BY
DIRECTOR OF THE DIVISION OF ALCOHOLIC
BEVERAGE CONTROL FOR PREMISES:

252 MAIN STREET, MATAWAN

CONCLUSIONS

AND

ORDER

Wilentz, Goldman & Spitzer, Esqs., by Harold G. Smith, Esq., Attorneys
for Applicant Corporation.
Vincent Burlew, Objector, Pro Se.

BY THE DIRECTOR:

This matter came before the Director on July 16, 1982 on a hearing on written objections filed by the Objector, Vincent Burlew, under date of April 30, 1982, objecting to the renewal of Plenary Retail Consumption License No. 1329-33-015-002 by Armellino's Towne Tavern, Inc., for premises at 252 Main Street, Matawan, for the 1982-83 license term. Pending hearing on the objections and determination of the same, the Director entered an Order on June 29, 1982 extending the subject license theretofore issued for the 1981-82 license term for the 1982-83 license term.

In his objections, Vincent Burlew has alleged that the renewal of the license should not be granted to the applicant for the following reasons: (1) excess amount of noise mostly between 11:00 p.m. and 1:30 a.m.; (2) drinking outside of tavern in parking lot and street; (3) rowdy patrons - there have been some fights; and (4) patrons leaving the bar drunk, have been seen urinating in the parking area, and alongside of building.

At the hearing, the objector, Vincent Burlew, testified as to specific instances occurring on March 13, 1982, when a motorcycle gunned its engines; on March 14, 1982 when a car door was slammed; on April 17, 1982, when a fight occurred and two police cars responded; on April 21, 1982 when a car had excessive noise from muffler and tires; on June 16, 1982 when a man came out of a nearby residence and allegedly staggered to the tavern and then emerged with a six pack of an alleged alcoholic beverage; on June 25, 1982, when an argument took place in the early hours of the morning in the tavern parking lot; and on June 26, 1982 when members of a wedding party went in and out of the licensed premises with glasses and cans in their hands. The Objector also testified that he had observed a number of persons which he characterized as "minors" who left the premises with soda or cigarettes or brown bags. The Objector cited a Borough Ordinance forbidding minors to be on a licensed premises unless accompanied by competent adults.


I was impressed by the sincerity of the Objector, Vincent Burlew, who resides two doors from the tavern, and I find that he has presented the objections in good faith. Testimony adduced on cross-examination, however, has shown that the Objector, Vincent Burlew, has habitually objected to the presence of a tavern and I find that is his primary objection and not the conduct of the licensee. The tavern and Mr. Burlew's home are located on the main street of Matawan and the noise of cars and people is not unusual on such a street. The incidents that Mr. Burlew testified to are isolated incidents which to large extent are beyond the control of the licensee and they do not indicate any pattern of conduct on the licensed premises which should be the subject of concern by the issuing authority. Certainly even the isolated incidents may be unpleasant, but they do not go to the type of conduct which would justify the withholding of the licensee's renewal.

Although the Law is well-settled that the issuing authority may deny renewal of the license, even where there is no prior record of violations, R.B. & W. Corp. v. Caldwell, Bulletin 1921, Item 1; Ocean Club Corp. v. Jersey City, Bulletin 2122, Item 2, affirmed in an unreported opinion of the Appellate Division, Docket No. A-293-73, cited in Bulletin 2148, Item 2, and Mr. Christian's Pub, Inc., t/a The Giraffe v. Mayor and Council of the Borough of Palisades Park, Bulletin 2300, Item 1, such situations are usually the result of a long period of adjudicated violations stemming from conduct on the licensed premises. Such a long record of problematic conditions is usually testified to by numerous residents living in the proximity of the licensed premises and there are normally police report records to substantiate such complaints, while in the instant case there are only isolated incidents testified to by the one objector. There was no corroboration by other residents and, in fact, the applicant produced letters from two other neighbors, Harold McKenna of 237 Main Street, Matawan, N.J., and Glenn C. Pike and Susan Pike of 15 Washington Street, Matawan, N.J., indicating that they lived in close proximity to the licensed premises and that there were no problems with it. Notwithstanding the sparcity of the complaints, it is well-established that a licensee is responsible for conditions both inside and outside the licensed premises. Tyrone's Haven, Inc. v. South River, Bulletin 2214, Item 1, affirmed in an unreported opinion of the Appellate Division, Docket No. A-881-75, cited in Bulletin 2242, Item 2; Galasso v. Bloomfield, Bulletin 1387, Item 1. Because of this obligation, and because of problems in the licensee's control of conduct outside the premises, the overriding consideration becomes that of the public interest. See Blanck v. Mayor and Borough Council of Magnolia, 38 N.J. 484 (1962). Based on the facts presented, I find that the public interest is not affected to such an extent as would justify not renewing the licensee's license for the new license term.

Because, however, the licensee is under the obligation to control conditions both inside and outside the licensed premises, I find that the licensee should take reasonable steps to assure that there is compliance with the Borough Ordinances relating to alcoholic beverages. Accordingly, I will permit the renewal of licensee's license for the 1982-83 license term, but I will impose as a Special Condition that the licensee shall post, in a conspicuous place located near the primary exit from the establishment, a notice summarizing the Alcoholic Beverage Ordinances of the Borough of Matawan insofar as they affect the conduct of persons utilizing such beverages.

Accordingly, it is, on this 28th day of July, 1982,

ORDERED that the Mayor and Council of the Borough of Matawan be and the same is hereby directed to renew Plenary Retail Consumption License-No. 1329-33-015-002, for Armellino's Towne Tavern, Inc., for the 1982-83 license term, in accordance with the application filed therefor, expressly subject to the imposition of the Special Condition that the licensee shall post in a conspicuous place near the primary exit from its establishment a summary of the Alcoholic Beverage Ordinances of the Borough of Matawan governing the conduct of persons utilizing such beverages.


JOHN F. VASSALLO, JR.
DIRECTOR

5. AMUSEMENT GAMES CERTIFICATIONS - NEW GAMES CERTIFIED - NEW CERTIFICATION
CATEGORY NO. 8 (MISCELLANEOUS SKILL GAMES).

- (a) Clickety Click, Lucky 2's, Silver Ghost and Supa Steppa - AWP games manufactured by JPM (Automatic Machines) Ltd - Certification No. 2

CERTIFICATION OF AMUSEMENT GAMES

Re: (1) "Clickety Click", (2) "Lucky 2's", (3) "Silver Ghost", and
(4) "Supa Steppa" - AWP games manufactured by JPM (Automatic Machines) Ltd.,
Hadfield Road, Leckwith Trading Estate, Cardiff, South Glamorgan, CF1 8AQ.

The above 4 games are hereby granted temporary certification pursuant to
N.J.A.C. 13:3-7.1, et seq., and will be considered additions to the list of
certified games included under Certification No. 2 (arcade games).

This certification is specifically conditioned upon the following:

1. The games are presently activated by either 10 pence or 20 pence coins of the British Government. Such coins may only be used provided that the value, based on the legal rate of exchange, does not exceed the maximum amount that may be charged for the participation in a game (N.J.S.A. 5:8-107), which amount is currently fixed at 25 cents. If the value of the pence coins exceeds 25¢, the machines must be modified to accept United States Coins or tokens to be purchased only at the licensed premises operating the games and which may be utilized only for the purpose of activating the games and no other purpose.

2. The games must be internally modified so that the winning of the game will cause the payout of tokens or tickets that are of a different type than the coins or tokens used to activate the playing of the games. There can be no automatic refilling of the payout source from the reservoir of coins or tokens utilized to play the games. The prize tokens must also be clearly marked that they are prize tokens and non-transferable, and they shall further be so marked that they are redeemable only for merchandise prizes at the licensed premises where they are won. Such prize tokens shall also have no cash value.

The Commissioner specifically reserves the right to modify, amend or rescind this certification after a review of the electronic games has been completed.



JOHN F. VASSALLO, JR.
COMMISSIONER

Dated: May 21, 1982

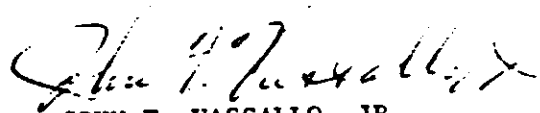
- (b) Portable Rope Ladder Climb, Original Log Roll and Dip Bowl - skill games manufactured by Wapello Fabrications Co. - Certification No. 8.

CERTIFICATION OF AMUSEMENT GAMES

Re: (1) "Portable Rope Ladder Climb", (2) "Original Log Roll", and (3) "Dip Bowl" - skill games manufactured by Wapello Fabrications Co. ("WAFABCO"), 210 North Second Street, Wapello, Iowa 52653

Based upon an examination of the specifications for the above three games, they are hereby granted certification pursuant to N.J.A.C. 13:3-7.1, et seq., and will be included under Certification No. 8 (miscellaneous skill games).

The Commissioner specifically reserves the right to modify, amend or rescind the certification category assigned to this certification.


JOHN F. VASSALLO, JR.
COMMISSIONER

Dated: July 1, 1982

- (c) Bar 7 - AWP game manufactured by JPM (Automatic Machines) Ltd. - Certification No. 2.

CERTIFICATION OF AMUSEMENT GAMES

Re: (1) "Bar 7" - AWP game manufactured by JPM (Automatic Machines) Ltd., Hadfield Road, Leckwith Trading Estate, Cardiff, South Glamorgan, CF1 8AQ.


The above game is hereby granted temporary certification pursuant to N.J.A.C. 13:3-7.1, et seq., and will be considered an addition to the list of certified games included under Certification No. 2 (arcade games).

This certification is specifically conditioned upon the following:

1. The game is presently activated by either 10 pence or 20 pence coins of the British Government. Such coins may only be used provided that the value, based on the legal rate of exchange, does not exceed the maximum amount that may be charged for the participation in a game. If the value of the pence coins exceeds such amount, the machines must be modified to accept United States coins or tokens to be purchased only at the licensed premises operating the games and which may be utilized only for the purpose of activating the games and no other purpose.

2. The game must be internally modified so that the winning of the game will cause the payout of tokens or tickets that are of a different type than the coins or tokens used to activate the playing of the game. There can be no automatic refilling of the payout source from the reservoir of coins or tokens utilized to play the game. The prize tokens must also be clearly marked that they are prize tokens and non-transferable, and they shall further be so marked that they are redeemable only for merchandise prizes at the licensed premises where they are won. Such prize tokens shall also have no cash value.

The Commissioner specifically reserves the right to modify, amend or rescind this certification after a review of the electronic game has been completed.


JOHN F. VASSALLO, JR.
COMMISSIONER

Dated: July 1, 1982

- (d) Screw Ball Game - skill game with no known manufacturer - Certification No. 8.


CERTIFICATION OF AMUSEMENT GAMES

Re: "Screw Ball Game" - game of skill consisting of three billiard balls surrounding an inverted flat head screw with a cue ball and cue stick utilized to propel the cue ball into the other balls on a playing surface of approximately two feet by five and one-half feet in an effort to knock over the screw on consecutive tries - no known manufacturer

Based on an examination of specifications submitted for the above game, it is hereby granted certification pursuant to N.J.A.C. 13:3-7.1, et seq., and will be included under Certification No. 8 (miscellaneous skill games).

This certification is specifically conditioned upon the entry or participation fee not exceeding the maximum amount permitted to be charged and the number of tries allowed for such fee being sufficient to make possible the knocking over of the screw the consecutive number of times required to win a prize.

The Commissioner specifically reserves the right to modify, amend or rescind the certification category assigned to this certification.


JOHN F. VASSALLO, JR.
COMMISSIONER

Dated: July 2, 1982