

STATE OF NEW JERSEY

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

744 Broad Street,

Newark, N. J.

BULLETIN NUMBER 22.

April 18, 1934.

1. COUNTIES OF THE SIXTH CLASS - TRANSFER OF POWERS AND DUTIES TO COMMON PLEAS JUDGES.

Section 6 as amended provides that all powers conferred and all duties imposed upon issuing officials in and for each municipality in said counties shall reside in and be imposed upon and performed by the Judge of the Court of Common Pleas. For text, see Bulletin 21, item 5.

This amendment, read with Section 21 of the original act, makes it the duty of said Common Pleas Judges "to receive applications for such licenses as such other issuing authority is authorized to issue; to investigate applicants and to inspect premises sought to be licensed; to conduct public hearings on applications and revocations; to enforce primarily the provisions of this act and the rules and regulations so far as the same pertain or refer to or are in any way connected with retail licenses, except plenary retail transit licenses; to maintain proper records; to keep full and correct minutes; and to do, perform, take and adopt all other acts, procedures and methods designed to insure the fair, impartial, stringent and comprehensive administration of this act. The enumeration of the above specific duties shall not be construed to limit or restrict in any way the general authority given by this act to each said other issuing authority."

Counties of the Sixth Class comprise Cape May and Ocean Counties.

Hon. Palmer M. Way, Union Bank Building, Wildwood, and Hon. Russell G. Conover, Toms River, N. J., are the respective Common Pleas Judges.

The Commissioner has sent to each judge copies of the Alcoholic Beverage Control Act and of all back bulletins from the beginning, and is now sending them each issue of current bulletins, and bespeaks for each Judge the gracious indulgence of anxious applicants until the voluminous data transmitted can be digested.

The Commissioner has also written to each Municipal Clerk of each of said counties quoting the amendment and directing each to forthwith deliver to the respective Judge all books, records, documents, licenses, license stubs, reports on investigations, and any other matters on hand or filed in connection with or pertaining to the issuance of alcoholic beverage licenses and the regulation of such licensees.

A complete list of each municipality in each county, together with the name of the Municipal Clerk and mailing address has been forwarded to each Judge respectively.

The Commissioner personally thanked each Municipal Clerk and expressed appreciation for the splendid cooperation given the State Department by the municipality in the administration of the

Act. The names of these Municipal Clerks will be kept on the official mailing list notwithstanding the transfer of their duties to the end that they keep at all times in their local office for the benefit of all licensees, applicants and the public generally, an official copy of each bulletin and make up therefrom and distribute as many copies as may be necessary for the use of the local enforcing authorities and disseminate generally to persons resident in the local municipality who are affected by or interested in the alcoholic beverage law and the rulings made thereon.

Municipal Clerks of Ocean and Cape May Counties will kindly oblige accordingly.

The latter request applies to Municipal Clerks generally in all counties.

2. DISCUSSION OF AND RULINGS UPON SUPPLEMENT TO ACT CONCERNING ALCOHOLIC BEVERAGES (Assembly 306) which pertains to both State and to Municipal Licenses.

Governor Moore approved Assembly Bill 306 on March 22, 1934. The supplement is effective immediately.

It constitutes Chapter 44 of the Laws of 1934.

3. The supplement, Section 1, authorizes the issuance of a new type of State license to be known as public warehouse license. It reads:-

"Public warehouse license. The holder of this license shall be entitled, subject to rules and regulations, to receive for purposes of storing and warehousing and to store and warehouse alcoholic beverages in the licensed public warehouse; provided, however, that this license shall not authorize the transportation of alcoholic beverages. The fee for this license shall be one hundred dollars (\$100.00)."

A form of public warehouse license and of application therefor is being devised as well as rules and regulations concerning same, which will be promulgated in due course.

4. The supplement further provides:-

"2. No license shall be issued under the act to which this act is a supplement by any issuing authority to any member thereof or to any corporation, organization or association in which any member thereof is interested directly or indirectly; provided, however, that in any such case application for such license may be made by such member, corporation, organization or association directly to the State commissioner who is hereby authorized to issue such license, subject to rules and regulations, upon the same terms and conditions and for the same fee as other licenses of the same class are issued or are issuable by the said governing board or body. In addition to the fee for such license, which shall be payable to the municipality, a fee of ten dollars (\$10.00) shall be payable to the commissioner to be accounted for by him as are license fees."

5. The objective of Section 2 of this supplement was to prohibit the issuance of licenses by a governing board or body to its members or to corporations, organizations or associations in which any member thereof is interested directly or indirectly, and to authorize the Commissioner to issue licenses in such cases.
6. The Commissioner rules that this section is prospective and not retroactive in operation. Hence it does not apply to licenses issued before the Governor signed the bill. But, henceforth it bars municipal issuing officials from issuing any license to any member of the issuing authority or to any organization in which such member is interested. The point must be carefully investigated in connection with the investigation of each application. If it be found that the section is applicable, the authority of the municipal issuing officials ceases at once as regards that application.

Municipal Clerks will please oblige by bringing this section particularly to the attention of each member of the municipal issuing authority.

7. A form for this license is to be devised as well as a form of application and rules and regulations governing the same. The Commissioner will entertain applications and issue licenses in all proper cases forthwith. Until actual promulgation of the new form of application, applications must be made directly to the Commissioner in respect to any municipal license on the original application form A-1.
8. The supplement further provides:-

"3. No licensee hereunder may purchase or sell any alcoholic beverages unless the same shall have been manufactured by manufacturers licensed as such hereunder, or, if manufactured by foreign manufacturers not licensed as such hereunder, unless said foreign manufacturers shall have complied with the same standards and requirements as are or shall be prescribed by rules and regulations for manufacturers licensed as such under this act. Subject to rules and regulations, the commissioner may issue to foreign manufacturers and to persons licensed under this act stamps, labels and other indicia evidencing compliance with prescribed standards upon payment of fees to be fixed by him commensurate with the reasonable cost of the services involved and to be accounted for by him as are license fees."

9. The objective of this section was to provide that alcoholic beverages manufactured by foreign manufacturers shall not be sold in New Jersey unless they comply with the standards prescribed for New Jersey manufacturers and to authorize the Commissioner to charge reasonable fees in connection with the issuance of stamps and labels evidencing compliance with standards prescribed by him.
10. ALCOHOLIC BEVERAGE LAW - COPIES - HOW OBTAINABLE

April 16, 1934

Dear Sir:-

I have but one official copy of the Liquor Law as amended and signed by the Governor.

Arrangements are being made to have copies of the Act, as amended, together with the supplements and the amended Tax Act and supplements, printed but this will probably not be done

until adjournment of the Legislature so as to be sure to include all amendments and supplements which have become law.

In the interim bulletins will be issued setting forth the text of all the several amendments and supplements with explanation of the objective, discussion of the text and rulings upon the same. An authenticated copy of the Act, as amended and supplemented, will be sent you when printed upon receipt of \$1.00, via check to the order of the Commissioner.

Very truly yours,

D. Frederick Burnett,
Commissioner

DFB:L

11. LICENSES - PRESCRIBED FORM OF LIMITED RETAIL DISTRIBUTION LICENSE.

The Commissioner has prescribed the following form of Limited Retail Distribution License. See Bulletin 21, Items 20 to 24 inclusive.

This License Expires June 30, 1934.

STATE OF NEW JERSEY

No. D.L.

(Name of Municipality)

LIMITED RETAIL DISTRIBUTION 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 Limited Retail Distribution License is hereby granted to:

(Name of Licensee)

with respect to the premises located in said municipality at:

(Location of Licensed Premises)

This license entitles the holder to sell only unchilled, brewed, malt alcoholic beverages for consumption off the licensed premises, the same to be sold only in original containers and in quantities of not less than seventy-two (72) fluid ounces.

This license further 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 further subject to the following special conditions:

Dated: _____, 1934. _____
(Name of Municipality or Municipal Board)

Fee paid on application: \$ _____

Municipal Corporate Seal _____
(Municipal Officer or Agent)

12. Limited retail distribution 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.

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

The following is the approved type of application to be used for Limited Retail Distribution 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-6

State of New Jersey

(Name of Municipality)

Application for Limited Retail Distribution License

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

for a Limited Retail Distribution License

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 beverages?.....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?.....
- 15.a. Are you a member of the governing board or body or of the license issuing authority of this municipality?.....
- 15 b. 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 ar-

rangements 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) that you will sell only brewed malt alcoholic beverages in quantities of not less than seventy-two (72) fluid ounces; (3) that you will not permit, allow or suffer any chilled, iced, or refrigerated brewed malt alcoholic beverages on the licensed premises at any time; (4) that you will not sell any alcoholic beverages for consumption on the licensed premises at any time; (5) 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; (6) to abide by and comply with all the provisions of an act entitled "An Act concerning alcoholic 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 SS. COUNTY OF

....., 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

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) 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)

By..... President

ATTEST:

..... Secretary

(Affix corporate seal)

STATE OF)
(SS.
COUNTY OF)

....., 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
------	-----------	-----

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?.....
- 34. Is any partner 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?.....
- 35. Has any partner 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?.....
Does any partner owe to any municipality any license fees in connection with the sale of 3.2% alcoholic beverages?.....
If so, to what municipality?.....
How much?.....Does any partner owe to the State of New Jersey any taxes arising out of the sale of such beverages?.....If so, how much?.....
Has such a partner made arrangements satisfactory to the municipality and/or State Tax Commissioner via cash or bond to secure what he so owes?.....
- 36. Do 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)

Witness:

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
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.)

14. The following new matter will be noted in item 13:-
- (1) Questions 15 a. and 15 b. are inserted to comply with Assembly 306, Sec. 2 (See items 4, 5 and 6 supra).
 - (2) Question 16 to comply with Assembly 304, Sec. 13, as amended, sub-sections 1 and 13 (See Bulletin 21, items 6, 7, 11, 14 and 16).
 - (3) Question 17 to supply requisite information if any municipality should avail itself of statutory permissions contained in Sec. 13 of the Act as amended by sub-section 3-A (See Bulletin 21, Item 20), or that afforded by section 37 as amended (See Bulletin 21, Items 53 and 56).

D. Frederick Burnett
Commissioner