

STATE OF NEW JERSEY
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
744 Broad Street Newark, N. J.

BULLETIN 2.

SUBJECT:

INSTRUCTIONS and EXPLANATIONS to license issuing authorities concerning questions contained in retail license application blanks.

Explanation of Plenary Retail Consumption License:

This is a retail license that permits the sale of alcoholic beverages by the glass or other open container for consumption on the licensed premises where sold and also permits the sale of alcoholic beverages in the original containers for consumption off the licensed premises. This is a "Bar" or "Tavern" license.

Explanation of Plenary Retail Distribution License:

This is a license that permits the sale of alcoholic beverages at retail in original containers only, and only for consumption off the licensed premises. This is in effect a "family liquor store" license.

Explanation of Question
3.

Inspect closely to be sure that all residences have been within the State of New Jersey for the past five (5) years as required by Statute. If applicant has not been a resident for this period continuously, you must refuse to issue license. (Section 22 of Statute.)

Explanation of Question
4.

Be sure that location is not within (200) two-hundred feet of any church or public school house. You cannot issue license if premises is so located except to Hotels, Clubs, and Fraternal Organizations which own or are in actual possession of the licensed premises at the time this Act becomes effective. (Section 76 of Statute.)

" " #5

See that proper amount of deposit as prescribed by the Commissioner accompanies all applications. The entire license fee for the entire period from the date of issue of the license to June 30, 1934, must be paid by the applicant at the time the application is presented. (Section 22 1.22-23 of Statute.)

Section 23 of the Control Act provides that all licenses now issued shall expire at midnight June 30, 1934, and that the fees for any such license shall be pro-rated according to the date of license based on the respective annual fee. (Section 23 1.1-6 of Statute.)

Therefore, all licenses issued simultaneously with repeal will call for a fee of nearly 7/12ths of the annual fee for such license fixed by the municipality; for example, assuming repeal becomes effective Tuesday, December 5, and the municipality has fixed a fee of \$365. for an annual license fee, then the fee to be paid for a license to be dated December 5 would be 208/365ths of the annual fee, or \$208. For a license dated December 6, the fee would be 207/365ths of the

annual fee, or in this case \$207. Notwithstanding the licenses to be issued next week are only temporary licenses, they can be issued only to applicants who "shall deposit the properly pro-rated annual fee". (Section 46 1.6 of Statute.)

Expl. of Q. #6 Check carefully to be sure that applicant is not a minor. If he is a naturalized citizen you may dispense with proof of naturalization but get enough information on when and where he was naturalized so that investigators can check later.

Licenses must not be issued to aliens. (Section 22 of Statute.)

" #7 If applicant is not the only one interested directly or indirectly in the business to be conducted under this license this constitutes a Partnership or Corporation and applicant must qualify under regulations governing partnerships or corporations. Be sure that other interested persons would qualify as individuals.

" #8 If applicant has been convicted of a crime involving "Moral turpitude" you shall not issue him a license.

Applicant must set forth requested detail of all convictions of any crime including those of minor nature. Conviction of crime in order to constitute ground for disqualification of applicant for license, must be conviction of a crime "involving moral turpitude," that is to say, a crime, the basis of which is an act which is generally regarded as morally wrong. For illustration: unjustifiable homicide or assaults, rape, thefts of all kinds, forgery, frauds of all kinds, blackmail, extortion, obstruction of justice, perjury, criminal contempt of court, (depending somewhat on the particular facts in each case) gambling (especially commercialized gambling in any form including the operation of any kind of lotteries,) criminal negligence indicating reckless disregard of life or property, maintenance of a house of prostitution, violation of narcotic laws, are crimes involving "moral turpitude" which would disqualify applicant.

Violation of liquor laws, where the act consists of the manufacture, sale and/or distribution of liquor in an orderly and peaceful manner, does not constitute "a crime involving moral turpitude", or disqualify applicant, unless it also involves some other element or offense, as for instance; conspiracy, bribery, violence, or maintenance of a place morally offensive to the community.

Some violations of the motor vehicle laws do not involve "moral turpitude," as for instance: exceeding speed limits where persons or property are not thereby endangered, some however, do involve it; as for instance: driving while intoxicated, and reckless disregard of life or property.

(Lack of space makes it impossible to elaborate more fully. The Licensing authority must give consideration to the particular facts of each case in determining as to applicant's qualification. Debatable questions will arise. In such cases the licensing authority should obtain legal advice from municipal counsel, or if necessary, from the State Commissioner.)

Expl. Section 28 of the Statute provides that license can be
of Q. #9 revoked or suspended for any violation of the provisions
of said Statute. Where a conviction for violation has
been found you may refuse to issue license.

Section 22 of the Statute says: "No license shall be
issued to any person who has been convicted to two (2)
or more violations of this Act."

(It is recognized that applicants who apply when or
shortly after the Act takes effect, could hardly have been
convicted thereunder. This question is included because
this form of application is designed as a permanent form,
to be used also for applications made at a later date, by
which time there may have been convictions under the Act.
The question, however, must be answered in all cases.)

" #10 If applicant has been convicted of such violation, the
licensing authority in determining as to applicant's
qualification for license, must be guided by instruction
No. 8.

" #11 If applicant has paid such fine or penalty, the act con-
stituting the offense in connection with which such fine
or penalty was paid, must be ascertained. The licensing
authority in determining as to applicant's qualification
for license, must be guided by instruction No. 8.

" #12 If applicant has forfeited such a bond, the reason for
forfeiture, final disposition of case, and all pertinent
facts must be ascertained. Mere failure of defendant to
appear is not sufficient to disqualify applicant for
license.

" #13 The holder of a retail license cannot have any interest
active or otherwise in any business holding a manufactur-
er's or wholesaler's license. (Section 40 of Statute.)

" #14 If answer is "Yes" you shall not issue retail license.
(Section 40 of Statute.)

" #15 Photostatic copy of Federal stamps and permits appropri-
ate to the license applied for are required to accompany
application. (Section 22 of Statute.)

(In the issuance of temporary licenses, for the time being,
submission of such photostatic copies can be waived.
Applicant must, however, submit for inspection of li-
censing authority the actual Federal Tax Stamps or the
Post Office Receipt evidencing purchase of same.)

" #16 Every application must be accompanied by proof of publi-
cation, of intention to make such application (in a form
prescribed by rules and regulations) once a week for two
weeks successively in a newspaper printed in the English
language published and circulated in municipality, but
if there be no such newspaper, then in an English-language
newspaper published and circulated in the County, in which
the licensed premises are located. (Section 22 of Statute).
Section 46 of Statute expressly provides, however, for
issuance of temporary licenses without this proof of pub-
lication.

Expl. If answer is "Yes" you must refuse to issue license as
of Q. #17 this constitutes a wholesale business.

" #18 If applicant did apply, number of license and whether
revoked, must be ascertained. If revoked, do not issue
even temporary license until reason for revocation is
ascertained. Be guided by facts developed, taking into
consideration instructions herein, and by Section 30 and
other pertinent sections of Statute.

If license not revoked, also make certain before issuing
any license, that all taxes, fees, or penalties, have
been paid or arranged for pursuant to Section 30 of
Statute.

" #19 As provided in Section 23 of Statute, licensee may not
connect himself in business or employ anyone who would
be refused a license as an individual except, that by
special permission of the Commissioner he may employ
specialized technical workers required in his business
subject to rules and regulations.

Notice of any change in any fact herein stated must be
sent to the Commissioner at once as provided in Section
31 of the Statute.

" #20 (b) registered office -- every corporation must have a
registered office in New Jersey. Get the address of this
office, as the Home office of corporation may be in
another State.

(d) principal office -- this is the main or "home" of-
fice of corporation and is not necessarily the place
where the license is issued for. The principal office
need not necessarily be the registered office, and often
is not.

" #21 An applicant corporation is disqualified if: (1) any
officer (2) director or (3) any holder directly or in-
directly of ten (10) per cent or more in beneficial
interest of its capital stock, would fail to qualify as
an individual applicant in all respects except as to
residence and age.

If it should appear on the face of the application that
a given person owns ten (10) per cent or more of the
stock of the corporation and that if such person were
making an individual application for such license, such
license would be rejected unless for age or residence,
then the application of the corporation must be rejected.
If, however, nothing appears on the face of the applica-
tion which indicates that the corporation is disqualified
then there is no objection to issuing the license
immediately so far as that point is concerned, leaving
it to future investigation subsequent to issuance of the
temporary license and prior to the issuance of the
permanent license to ascertain further as to possible
disqualification of the corporation.

" #23 Be careful that all partners have been residents of this
State for the past five years. If they have not all been
such residents you must refuse to issue a license as they
would not then qualify as in Section 22 of Statute.

Expl.

- of Q. 24 All partners must be citizens as you cannot issue a license to an alien. Section 22 of Statute.
- " #25 See explanation to question No. 8.
- " #26 See explanation to question No. 9.
- " #27 See explanation to question No. 10.
- " #28 See explanation to question No. 11.
- " #30 See explanation to question No. 13.
- " #31 See explanation to question No. 14.
- " #32 See explanation to question No. 18.
- " #33 See explanation to question No. 21.

FURTHER INSTRUCTIONS

All records pertaining to the issuance of alcoholic beverage license must be kept in such manner that they can be readily audited by the State Auditors.

All licenses issued must be consecutively numbered and a report of each license issued sent daily to the Commissioner, in duplicate. When this emergency is over there will be printed regular approved license forms in books similar to check books which will expedite this work for you.

All supplemental schedules and extra sheets attached to applications must be signed by the applicant exactly as he signs the application itself.

D. FREDERICK BURNETT
COMMISSIONER