

STATE OF NEW JERSEY

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

744 Broad Street, Newark, N. J.

BULLETIN NUMBER 9.

January 9, 1934

RULES FOR ADVERTISING NOTICE OF INTENTION TO APPLY FOR LICENSE.

#1. Advertisements on and after January 15th, 1934, shall be in the following form:

NOTICE.

Take notice that _____
(Name in full)

intends to apply to _____
(State Name of Issuing Authority)

* of _____
(Municipality)

for _____ license
(Type of License)

for premises situated at _____
(No. Street City)

** and to maintain a warehouse at _____
(No. Street City)

** and to maintain a salesroom at _____
(No. Street City)

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

** D. Frederick Burnett, Commissioner, 744 Broad St., Newark, N.J.

* _____ of _____
(Municipal Clerk) (Municipality)

(Signed) _____
(Name of Applicant)

(Present Residence)

#2. The Commissioner directs that each municipal clerk shall forthwith prepare true copies of the foregoing rules and serve each licensee on or before Saturday, January 13, 1934, with a copy of said rules.

- #3. Where advertisement has actually been made in whole or in part before January 15th, 1934, it is not invalid merely for failure to comply with above prescribed form provided that it complies with the full essentials of the statute both as to form and spirit. The whole objective is to afford notice so that objections may be lodged with and made to the Issuing Authority and a fair opportunity to be heard afforded to all parties in interest.
- #4. "Name of Issuing Authority" in above form means, in the case of State licenses, "D. Frederick Burnett, Commissioner". In the case of retail consumption or distribution licenses, it means the governing board or body of the municipality, whatever that name may be: for instance, "The Mayor and Common Council", or, "The Board of Commissioners", "The 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. Great care must be taken to state with substantial accuracy the correct name of the Issuing Authority as the case may be. The initiative and the burden is upon the party making the advertisement to see that the advertisement is correct in all respects.
- #5. "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 Winery License"; "Limited Distillery License"; "Plenary Retail Consumption License", etc.
- #6. Lines in the above form preceded by a single asterisk - (thus*) must not be filled out or inserted in the advertisement by applicants for State Licenses.
- #7. Lines in the above form preceded by double asterisks - (thus **) must not be filled out or inserted in the advertisement by applicants for municipal licenses.
- #8. The separate lines and the words in parentheses in the above form are intended solely for convenience in understanding and applying these rules and not to lengthen the space or increase the words for which the applicant must pay to the newspaper. Hence the form may be condensed in space in actual printing and does not have to follow the form line for line but must comply fully with this form and these rules.
- #9. All notices must be published once a week for two 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.

- #10. Concurrently upon 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. The date fixed for such hearing shall be not less than two days after the second insertion shall have been published and should not be more than seven 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 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 or that it might be denied. Issuing Authorities should bear in mind in fairness to applicant that positively no one can operate after February 6th, 1934, unless a permanent license has actually been issued, and that no license can be issued until advertisement has been made, proof of publication filed, opportunity for hearing afforded, and investigation by Issuing Authorities completed. Failure to promptly complete investigations or to afford hearings may thus unfairly and prejudicially affect an applicant for a permanent license if in fact he really is entitled to it.
- #11. 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. The Commissioner will, of course, follow the same procedure in the case of applicants for State licenses.
- #12. Where advertisement has actually been made in whole or in part before January 15, 1934, and any objection shall have been made thereto, it is essential that a hearing substantially in accordance with the spirit of these rules shall be or shall have been afforded to all parties in interest. Such advertisements will not be held invalid if the applicant, if a partnership or corporation shall have heretofore made such advertisement in good faith without complying with the requirement of publication of the particular names and residence required in such cases.
- #13. 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". Where applicant is a corporation the names and residences of

