

**STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF ALCOHOLIC BEVERAGE CONTROL**

IN THE MATTER OF THE SECOND)	AO 2022-03
EXTENSION OF ALL 2021-2022)	ORDER AUTHORIZING SECOND
PLenary RETAIL LICENSES)	EXTENSION OF 2021-2022 LICENSE
ISSUED BY THE CITY OF TRENTON)	TERM THROUGH THURSDAY, AUGUST
THROUGH THURSDAY, AUGUST 4,)	4, 2022
2022.)	
_____)	

BY THE DIRECTOR:

This matter comes before the Division of Alcoholic Beverage Control (the “Division” or “ABC”) a second time from a request by the City of Trenton (“the City”) for further assistance in the renewal of its plenary retail liquor licenses for the 2022-2023 license term. On June 28, 2022, the Division issued AO 2022-02 to extend by thirty days (from June 30, 2022, to July 30, 2022) the 2021-2022 license term for those licenses in the City that were not properly renewed by the City Council during the June 21, 2022 Special Meeting. Additional City Council meetings have taken place since that time, but due to the immediate need for budget meetings, a Special Meeting to consider liquor license renewals could not be scheduled before July 30, 2022. The remaining license renewals that require municipal action will be added to the consent agenda for the regular meeting scheduled for August 4, 2022. Therefore, this second extension to August 4, 2022, is intended to provide the municipal clerk and City Council additional time to finalize renewal of any licenses that have not been renewed or may have been improperly renewed, and to assist the City Council in maintaining an orderly, well-functioning and stable alcohol marketplace in Trenton.¹

¹ The Division notes that any licensees in the City of Trenton operating without proper renewal may be subject to enforcement penalties.

The Alcoholic Beverage Control Act (“ABC Act”) provides the authority to a governing board or body of a municipality (“municipal issuing authority”) to issue and renew plenary retail licenses as set forth in N.J.S.A. 33:1-12 within its borders. See N.J.S.A. 33:1-19 and -24. These licenses are in effect for a one-year term, beginning on July 1 of each year. N.J.S.A. 33:1-26. License renewal applications must be filed prior to the commencement of a new license term or not later than thirty days after the commencement thereof. N.J.S.A. 33:1-12.13. All municipally issued licenses for the 2021-2022 license term expire on June 30, 2022, unless renewed by the municipal issuing authority in which the licensed premises is located. These licenses may also be extended by the Director of the Division through the issuance of *ad interim* permits pursuant to N.J.A.C. 13:2-2.10, if the municipal issuing authority has not acted upon renewal applications by June 30, 2022.

As noted above, the Trenton City Council held a Special Meeting on Monday, June 21, 2022, and renewed by resolution approximately 100 licenses. However, some of the licenses renewed lacked tax clearance from the Division of Taxation, did not have properly filed renewal applications, or needed relief from the ABC Director pursuant to N.J.S.A. 33:1-12.18 or -12.39. According to information provided by the City, 65 licenses met the eligibility requirements for renewal and were properly renewed by resolution during the Special Meeting.

There remain approximately 48 licenses in Trenton that did not meet the eligibility requirements, but were inadvertently renewed. Of these 48 licenses, the licenses listed on Exhibit A, which is attached hereto, appear to be eligible for the relief provided in this Administrative Order. It is the Division’s expectation that the licenses listed in Exhibit A will be renewed by resolution of the City Council at its August 4, 2022 meeting.²

² Such consideration will include whether timely written objections to renewal have been

If the extension requested by the City were not granted, these licenses would lapse as of July 30, 2022 and no alcohol sales and service could occur thereafter, unless the licensee obtained an *ad interim* permit from the Division in accordance with N.J.A.C. 13:2-2.10. In order to prevent this consequence, the Division is exercising its discretion to extend again the 2021-2022 license term until August 4, 2022 for those licenses listed in Exhibit A. The Division notes that there are still a number of licensees that are not be eligible for the relief granted herein because they have not filed a renewal application, paid State or municipal fees, received tax clearance from the Division of Taxation, or received relief from the Director pursuant to N.J.S.A. 33:1-12.18 or -12.39. Those licensees do not get the benefit of this Administrative Order.

As noted in AO 2022-02, to qualify for the relief in this Administrative Order, all license holders must have completed the following renewal requirements by June 30, 2022:

- a. File a renewal application with the Division;
- b. Pay all State filing fees;
- c. Pay all municipal filing fees to the issuing authority; and
- d. Obtain an Alcoholic Beverage Retail License Certificate Renewal (i.e., a tax clearance certificate) from the Division of Taxation.

Licensees that have pending petitions seeking relief pursuant to N.J.S.A. 33:1-12.18 and/or -12.39 are also required to meet the renewal eligibility requirements; however, the Trenton City Council may not act on those renewals unless the licensees have relief granted by the Director. See N.J.A.C. 13:2-42.4 and -43.7. In addition, it should be noted that any licensee that has not filed a renewal application and paid the State and municipal fees for the 2022-2023 license term by July 30, 2022 will need to apply to the Director for relief pursuant to N.J.S.A. 33:1-12.18,

The Division believes that a second extension to August 4, 2022, of the 2021-2022 license

filed under N.J.A.C. 13:2-2.7. Any such objections should be handled in the normal administrative course.

term will give the Trenton City Council the opportunity to act in order to avoid the consequences that will be visited upon license holders – either the shutdown of their alcohol business as of August 4, 2022, or the process of having to apply for and obtain *ad interim* permits. The Division also believes that the relief granted herein avoids any undue burden being placed on its Licensing Bureau staff in processing a host of *ad interim* permits by virtue of their non-renewal by the authorities in Trenton.

There is ample legal authority for this Administrative Order. In conformity with N.J.S.A. 33:1-39, the Director has the broad authority to issue special rulings and findings “as may be necessary for the proper regulation and control of the manufacture, sale and distribution of alcoholic beverages and the enforcement of [the ABC Act]” The New Jersey Supreme Court interpreted this provision to include the Director’s explicit, as well as inherent, powers to ensure a stable and well-regulated alcoholic beverage industry. Heir v. Degnan, 82 N.J. 109, 121 (1980). The Division construes this authority to extend to all municipally-issued liquor licenses in the City of Trenton facing potential cessation of alcohol sales and service. To be certain, the Division’s exercise of this authority is within its purview because it ensures the uninterrupted sales and/or service of alcoholic beverages and is within the Director’s almost “limitless” powers. See R&R Marketing, LLC v. Brown-Forman Company, 158 N.J. 170, 176 (1999); Joseph H. Reinfeld, Inc. v. Schieffelin & Co., 94 N.J. 400, 412 (1983). Moreover, the Supreme Court has upheld the Director’s implied authority to craft appropriate remedies to address unique situations and to deal fairly with holders of alcoholic beverage licenses. Circus Liquors Inc. v. Governing Body of Middletown Township, 199 N.J. 1, 19-21 (2009).

In light of the foregoing statutory authority and precedent, the issuance of an Administrative Order temporarily extending the 2021-2022 license term a second time to August

4, 2022, which provides additional time for Trenton City Council to act on complete renewal applications for plenary retail liquor licenses in order to prevent a partial cessation of alcohol sales and/or service in the face of the above-referenced circumstances, is necessary and proper. It is wholly consistent with the authority of the Director to ensure in the City of Trenton a properly functioning alcoholic beverage marketplace and to provide uniform and effective administration of the renewal and licensing procedures. This limited second extension is also in the public interest of the City of Trenton, the consuming public, the alcoholic beverage industry, and the licensees of the City of Trenton, and is necessary and appropriate under these circumstances. See N.J.S.A. 33:1-3.1.

Accordingly, it is on this 29th day of July, 2022,

ORDERED that the 2021-2022 license term shall be extended a second time, from July 30, 2022, to August 4, 2022, to allow time for the adoption of the appropriate resolutions by the Trenton City Council on complete license renewal applications for the 2022-2023 license term for licensees enumerated on the list attached to this Administrative Order as Exhibit A; and it is further

ORDERED that all City of Trenton licensees must have filed for renewal, paid the State fee, paid the municipal fee to the issuing authority, and obtained an Alcoholic Beverage Retail License Certificate Renewal (i.e., tax clearance certificate) from the Division of Taxation on or before June 30, 2022, in order for the municipal issuing authority to act upon renewal applications for the 2022-2023 license term; and it is further

ORDERED that any City of Trenton licensee that files its license renewal application between July 1, 2022, and July 30, 2022, will be considered timely in accordance with N.J.S.A. 33:1-12.13. Any plenary retail licensee that files an application after July 30, 2022, will be required to file a petition for and receive relief from the Division for the issuance of a new license pursuant

to N.J.S.A. 33:1-12.18 in order for the City of Trenton to renew the license for the 2022-2023 license term; and it further

ORDERED that if any license is not renewed by a resolution of the Trenton City Council on or before August 4, 2022, then the licensee must cease the sale and service of alcoholic beverages, unless the licensee obtains an *ad interim* permit issued by the Division effective August 5, 2022, pursuant to N.J.A.C. 13:2-2.10; and it is further

ORDERED, that the Director may issue additional orders to clarify, address problems not anticipated by this Order, and to provide further relief, as necessary, in accordance with the foregoing.


JAMES B. GRAZIANO
DIRECTOR

EXHIBIT A

License Number#	Establishment	Licensee	Notes
1111-32-019-010	Championship Sports Bar & Grill 931 Chambers St. Trenton, NJ 08611	RANSOME GROUP LLC.	can be renewed as long as municipal fee is paid
1111-32-141-007	Lamberton Liquors 202 Cass St. Trenton, NJ 08611	America 2020. LLC	can be renewed as long as municipal fee is paid
1111-32-205-014	Empire Discount Liquors 1200-1206 S. Broad St. Trenton, NJ 08611	Empire Discount Liquors, LLC	can be renewed as long as municipal fee is paid
1111-33-037-009	DECACHE BAR & LIQUORS 629 Whitaker Ave, Trenton, NJ 08611	DECACHE BAR & LIQUORS LLC.	can be renewed as long as municipal fee is paid
1111-33-086-003	TOMI BAR & LIQUOR 1401 S. Clinton Ave. Trenton, 08611	CAVEMAN, INC.	can be renewed as long as municipal fee is paid
1111-33-117-009	FRANKYES RESTAURANT 1500 S. Clinton Avenue	FRANKYES RESTAURANT, INC.	can be renewed as long as municipal fee is paid
1111-33-122-006	MUNDYS LIQUORS 912 Brunswick Avenue	ANNA AND GREG, INC.	can be renewed as long as municipal fee is paid
1111-33-124-008	LARRY'S TAVERN 965 New York Avenue	LOPEZ APARICIO ENTERPRISES,	can be renewed as long as municipal fee is paid
1111-33-198—009	TIKAL RESTAURANT & LOUNGE 501 Morris Avenue	TIKAL PERFECTION LIQUORS, INC.	can be renewed as long as municipal fee is paid
1111-33-249-008	CHOPPYS GALLERA 640 N Clinton Avenue	CHOPPY'S GALLERA, INC.	can be renewed as long as municipal fee is paid
1111-33-254-004	ISLA DE TRENTON 47 Chestnut Avenue	AMIN ARIAS/ISLA DE TRENTON, INC.	can be renewed as long as municipal fee is paid
1111-44-046-008	P & P LIQUOR LOCKER 1335 S. Broad Street	SHREE NIDHI CORPORATION	can be renewed as long as municipal fee is paid
1111-33-097-010	COOPERS RIVERVIEW 50 RIVERVIEW PARK	DAKE WATERFRONT ENTERPRISES, LLC	can be renewed as long as municipal fee is paid
1111-33-132-005	DON JULIOS BAR & GRILL 900 Liberty Street	SUAREZ ENTERPRISES, LLC	can be renewed as long as municipal fee is paid
1111-32-241-004	Sykes Liquors 327 Market St. Trenton, NJ 08611	Kapila 786 Enterprises, INC	can be renewed as long as municipal fee is paid
1111-33-154-006	EL POTRILLO RESTAURANT 541 Roebing Avenue	EL POTRILLO RESTAURANT, LLC	can be renewed as long as municipal fee is paid
1111-33-226-003	Top Road Tavern	PMS Top Road Inc	can be renewed as long as municipal fee is paid
1111-33-142-007	DIAMOND IN THE ROUGH 554 Lamberton Street	EL ENCANTO, LLC	can be renewed as long as municipal fee is paid