

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

IN THE MATTER OF THE MURRAY HODGE)	
AMERICAN LEGION POST 453 REQUEST FOR)	SPECIAL RULING 2025-01
EXTENSION OF SPECIAL RULING 2022-10)	GRANTING REQUEST FOR
)	EXTENSION OF SPECIAL RULING
)	2022-10
_____)	

BY THE INTERIM DIRECTOR:

Before the Director is a petition from Murray Hodge American Legion Post 453 (“Murray Hodge”) seeking an extension of the Division of Alcoholic Beverage Control’s (“Division” or “ABC”) 2022 grant of its club license waiver request.

As background, in 2020, the Division received a request pursuant to N.J.A.C. 13:2-8.7(b), and supporting documents, from Murray Hodge for a club license waiver. Murray Hodge met all the requirements necessary to hold a club license except that it did not have sixty members. Murray Hodge requested time to continue its membership recruitment efforts to increase its visibility in the community, grow its membership and satisfy the membership requirement.

On July 8, 2020, the Division issued Special Ruling 2020-14, granting Murray Hodge’s club license waiver request. The Director found that special cause existed to relax the requirements under N.J.A.C. 13:2-8.7(a) – the requirement that the Club have at least sixty members – and to permit the Borough of Rutherford (the “Borough”) to issue a Club License under N.J.S.A. 33:1-12(5) for license terms 2020-2021 and 2021-2022. The Director found that Murray Hodge demonstrated its active commitment to increase its membership through its ongoing efforts and its twelve-month plan. The Director permitted Murray Hodge to petition

the Director for an extension of Special Ruling 2020-14 if it had not reached the requisite number of members at the end of the 2021-2022 license term by a showing of special cause. The Borough was in full support of Murray Hodge's Club License application.

In 2022, Murray Hodge requested an extension of Special Ruling 2020-14 because it had not reached the requisite number of members. On July 12, 2022, the Director granted Murray Hodge's request for relief in Special Ruling 2022-10. The Director again found that special cause existed to relax the requirements under N.J.A.C. 13:2-8.7(a) – the requirement that a club have at least sixty members – and to permit the Borough to issue a Club License under N.J.S.A. 33:1-12(5) for the 2022-2023 and 2023-2024 license terms. The Director found that Murray Hodge demonstrated its active commitment to increasing its membership through its ongoing efforts. Special Ruling 2022-10 also included a provision that Murray Hodge could petition the Director for an extension if it had not reached the requisite number of members at the end of the 2023-2024 license term by a showing of special cause. The Borough continued its full support of Murray Hodge's Club License application.

The Borough granted Murray Hodge's club license applications and subsequent renewal applications for 2020-2021, 2021-2022, 2022-2023 and 2023-2024 license terms.

Despite its best efforts, Murray Hodge has not yet reached the requisite number of members. It currently has thirty-six full members and ten Ladies Auxiliary members. Murray Hodge has submitted a petition to the Director for a further extension.

Murray Hodge's petition sets forth its plans to increase its membership. Bryan Jay Carter, Adjutant of Murray Hodge, explained that for the past two years, Murray Hodge has been actively recruiting new members. Adjutant Carter has been in contact with Murray Hodge's County Commander, and he was assured that the Post would be provided assistance to help reach its goal. Further, Adjutant Carter continues to explore "Legion 1000," which is a

group of American Legion members who are not affiliated with a particular post. Murray Hodge has used this list of members in the past to recruit new local members. Adjutant Carter sends out more than thirty letters a month to Legion 1000 members inviting them to move their membership to Post 453. Moreover, Adjutant Carter personally sends invitations to potential members for all upcoming Post 453 meetings; he continues to contact its newest members to request that they reach out to their family members and friends to help reach the sixty-member goal.

Murray Hodge continues to advertise in the local monthly paper, "The Gazette," to raise its visibility within the surrounding communities. One recurring advertisement invites veterans who are not currently members of any post to join Post 453, and another advertises Post 453 for hall rentals which is a way to raise funds for Murray Hodges's operating costs and to support local charities.

Murray Hodge has held numerous fundraisers over the past two years and is moving forward with additional fundraisers to bolster its footprint in the neighborhood. As an example, Murray Hodge had a very successful "Fish and Chips Drive" at Felician University in Rutherford; a similar fundraiser is scheduled for June 2025. Additionally, Murray Hodge hosted two very successful "Beefsteak Dinners" at their home post; these events allowed it to meet its financial obligations and support some of its community organizations. Murray Hodge is also collaborating with the other veteran's post in town, Post 109, to coordinate events that will help them both secure new memberships. These events have increased Murray Hodge's visibility in the community.

Murray Hodge joins the town for "Rutherford Day," and sets up a table with its brochures and information about Post 453 and its involvement within the community. This event, held in September every year, is designed specifically to allow Rutherford community

organizations, service groups, clubs, or businesses in Rutherford to promote themselves, their services, accomplishments, and goals to the residents of Rutherford.

Further, Adjutant Carter has reached out to the Borough of Rutherford about this matter. The Borough is aware that Murray Hodge is seeking from the Director an extension of time by which to attain the requisite sixty members. The Borough continues to give Murray Hodge its complete support and is in strong favor of its request to extend the Special Ruling for an additional period. Demonstrating its support, the Borough facilitated an important fundraiser by introducing Murray Hodge to key staff at Felician University a few years ago. Also, the Borough Clerk, Melissa Scanlon, has submitted a letter in strong support of Murray Hodge's diligent efforts to increase its membership and for the grant of a further extension. Murray Hodge has filed its annual renewal application and paid the requisite fees to the Borough and the Division to renew its license for the 2024-2025 license term.

Based on the above, the Division finds that special cause exists to again relax the requirements under N.J.A.C. 13:2-8.7(a) – the requirement that the Club have at least sixty members – and to permit the Borough to issue a Club License under N.J.S.A. 33:1-12(5). Murray Hodge continues to be an important part of the history and culture of the Borough. By its diligent efforts over the past two years and its current membership recruitment and outreach plans, Murray Hodge has demonstrated that it is actively committed to increasing its membership. Moreover, the Borough is in full support of Murray Hodge's Club License renewal application and its efforts to obtain an extension of Special Ruling 2022-10.

Therefore, to allow Murray Hodge time to satisfy the sixty-member requirement, it shall be granted two additional years to increase its membership. The issuing authority is authorized to consider Murray Hodge's license renewal application for the 2024-2025 and 2025-2026 license terms and to consider granting or denying said applications in a

reasonable exercise of its discretion. If Murray Hodge has not reached the requisite number of members at the end of the 2025-2026 license term, it may again petition the Director for an extension of this Special Ruling by a showing of special cause.

Upon issuance of the license by the municipal authority, the Club must comply with all provisions in the Alcoholic Beverage Control Act and regulations, and any special conditions placed on the license by the issuing authority. In addition, the Borough, in the reasonable exercise of its discretion, may require a current sketch of the premises.

Please be advised that this relief granted by the Director is based upon the representations and attachments as set forth in the Petitioner's *ex parte* letters. The relief granted is subject to review and/or modification should the factual circumstances warrant.

A handwritten signature in black ink, appearing to read "Kirstin L. Krueger", written over a horizontal line.

KIRSTIN L. KRUEGER
INTERIM DIRECTOR

DATED: March 20, 2025

KLK/ABC