

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

IN THE MATTER OF PROOF)	SR 2021-08
OF THE PUDDING BY MGR, INC.'S)	SPECIAL RULING AUTHORIZING THE
REQUEST FOR A SPECIAL EVENT)	LICENSING BUREAU TO ISSUE
PERMIT FOR THE PGA TOUR'S)	A SPECIAL EVENT PERMIT TO PROOF OF
NORTHERN TRUST GOLF)	THE PUDDING BY MGR, INC. FOR THE
TOURNAMENT)	SALE AND SERVICE OF ALCOHOLIC
)	BEVERAGES AT THE NORTHERN TRUST
)	GOLF TOURNAMENT
)	
)	
_____)	

Jerry Fischer, Esq., Attorney for Applicant

BY THE DIRECTOR:

On July 4, 2021, Proof of the Pudding by MGR, Inc., d/b/a Proof of the Pudding (“Proof”) contacted the Division of Alcoholic Beverage Control (“Division”) requesting a Special Event Permit or Special Ruling to sell and serve alcoholic beverages at the Northern Trust Golf Tournament to be held by the PGA Tour (“PGA”) at Liberty National Golf Club in Jersey City, New Jersey, on August 16, 2021 through August 22, 2021. WA Golf Company, LLC (“WA Golf”) is the holder of Liquor License No. 0906-33-398-006, which is sited at the Liberty National Golf Club (“Liberty”). Proof does not hold a liquor license or permit in New Jersey, but has been licensed to sell, serve and deliver alcoholic beverages in over 100 jurisdictions across 10 States, including at multiple PGA events.

I. Proof’s Qualifications for Special Event Permit.

Proof represents that, while WA Golf is the holder of a plenary retail consumption license for the premises at which the tournament will occur, WA Golf has neither the resources nor expertise to host and manage a special event of the size and scope of this national PGA tournament. However, according to

representations of WA Golf, WA Golf will be selling alcoholic beverages only at Liberty's Clubhouse and at the Northern Trust Pavilion and adjacent fenced-in area, as identified on a map submitted by WA Golf.

Proof states that it is typical for large-scale tournaments, such as the PGA's Northern Trust Golf Tournament, to utilize recognized national catering entities that are connected with the PGA to conduct and manage the events in conjunction with the PGA and the local course. Proof asserts that it is a recognized national catering entity that has been qualified to hold liquor licenses and permits in various other jurisdictions, that it has sufficient funding from legitimate sources to operate safely and responsibly, and that it has substantial experience as the alcoholic beverage vendor at similar kinds of events nationwide. In support of its application for a Special Permit, Proof has provided to the Division the following documents for review:

- Tournament Facilities Agreement, executed March 26, 2014, granting PGA Tour, Inc. exclusive right to conduct tournaments on the property of WA Golf Company LLC during certain tournament dates through January 1, 2043.
- Food Service Agreement, executed January 21, 2020, granting MGR, Inc. (Proof) the exclusive right to provide food and beverage services at PGA Tour, Inc. designated locations through December 31, 2024.
- Proof Financial Balance Sheet from 2020.
- Proof Financial Income Statement from 2020.
- Proof Financial Balance Sheet from 2021.
- Proof Financial Income Statement from 2021.
- Proof List of Out-of-State Alcoholic Beverage Licenses and copies of said licenses, including licenses held at various major sporting properties in the States of Georgia, South Carolina, Alabama, Nevada, Florida, Tennessee and Mississippi.

- Affidavits of Qualification for Ownership or Interest In or Association With a New Jersey Alcoholic Beverage License or Permit for the following individuals:
 - o Dina Biondo Iglesias, Vice President of Sales and Marketing for Proof;
 - o Bin Liu, Chief Financial Officer for Proof;
 - o Adam Haden Noyes, President and Chief Executive Officer, and 50% shareholder for Proof;
 - o Bernard Elmer Witte, Chief Operating Officer for Proof;
 - o Jeremy C. Campbell, Vice President for Sports & Entertainment for Proof;
 - o Nicholas Klug, Corporate Executive Chief for Proof; and
 - o Philip Sutherland Noyes, Chairman, Secretary, and a 50% shareholder for Proof.
- Articles of Incorporation and Amendments for Proof issued by the State of Georgia.

In addition, the Division notes that Proof is required to procure liquor liability insurance in the amount of \$10,000,000. See Food Service Agreement, Section 12.3.

Based on the review of these documents, the Division is able to make a preliminary determination that that Proof and its principals are not criminally disqualified from holding a liquor license or permit in the State of New Jersey, that Proof has an adequate source of funds to hold a Special Event Permit and operate safely and responsibly during this event, and that Proof has the requisite background and experience to provide alcoholic beverages at the Northern Trust Golf Tournament in a manner consistent with the Alcoholic Beverage Control Act (“ABC Act”) and regulations. See N.J.S.A. 33:1-25; N.J.A.C. 13:2-2.9(b). The Division also finds that, pursuant to the Tournament Facilities Agreement, Proof has the requisite possessory interest and control to sell and serve alcoholic beverages at the Liberty National Golf Course during the Northern Trust Golf Tournament, as required by N.J.A.C. 13:2-9.3. See Tournament Facilities Agreement, Section 4.1. However, no Special Event Permit will be issued until the Division receives the

results of a criminal background investigation of Proof's shareholders and the on-site managers at the tournament.

II. Proof's Proposed Alcohol Beverage Operation.

Proof has proposed a plan of 12 separate concession stands and 7 premium suite locations in and around the course for service of alcoholic beverages, as designated in the Concessions Chart and Course Map and described in the Method of Operation Affidavit submitted by Adam Noyes, President and CEO of Proof, provided along with the application. Proof's employees will be selling and serving alcohol at each point of sale from 7 a.m. to 7 p.m., on Monday, August 16, 2021 through Saturday August 21, 2021, and from 10 a.m. to 7 p.m. on Sunday, August 22, 2021. Proof has stated that all bartenders and servers will be trained in alcohol service by a nationally recognized accrediting agency, and that it will endeavor to hire as many local New Jerseyans to service and bartend the event. The PGA is providing adequate security by hiring State Police and Jersey City police officers, as well as a private security firm. These representations, along with other requirements, will be included by Special Conditions imposed on the Special Event Permit to ensure that the event is run safely and responsibly.

In addition, WA Golf will be utilizing its license and will continue to service its members and guests exclusively at the Club House and the Title Sponsor's Pavilion and adjacent fenced-in area off of the 18th green during the event. If a Special Event Permit is issued to Proof, it would be sited at areas on and around the course only, as proposed, so that the Special Event Permit is not sited on the same footprint as WA Golf's active license and there is no mingling of alcohol sold by WA Golf and Proof.

III. Division's Authority to Issue Special Event Permit.

Pursuant to N.J.S.A. 33:1-39, the Director has the authority to make such general rules and regulations and such special rulings and findings "as may be necessary for the proper regulation and control of the manufacture, sale and distribution of alcoholic beverages . . . , and [to] alter, amend, repeal and publish

the same from time to time.” Such rules and regulations may cover a variety of subjects, as well as any matters whatsoever as are or may become necessary in the fair, impartial, stringent and comprehensive administration of the ABC Act. Additionally, N.J.S.A. 33:1-74 grants the Director the authority to issue temporary permits to provide for contingencies where it would be appropriate and consonant with the spirit of Title 33 to issue a license but the contingency has not been expressly provided for.

The State of New Jersey has a legitimate interest in serving as host to major national events that have a positive impact on the local economy. In this case, WA Golf is not able to satisfy the requirements of the PGA to sell and serve alcoholic beverages at this large golf tournament due to resource limitations. The Division has made a preliminary determination that Proof is qualified to sell and serve alcoholic beverages and therefore, the Division is authorizing the Licensing Bureau to conduct a final review and recommendation to the Director to issue a Special Event Permit to allow Proof to serve alcoholic beverages at the Northern Trust Golf Tournament to be held at the Liberty National Golf Club from August 16, 2021 through August 22, 2021, with a rain date of August 23, 2021. This Special Event Permit will contain conditions necessary to ensure that the sale and service of alcoholic beverages is done in a responsible manner that protects the health, safety and welfare of the attendees at this event. Should the event be run in a manner inconsistent with the ABC Act and its regulations, the Division will take appropriate legal action and may deny any future applications submitted by Proof.

In issuing this Special Ruling, the Division further finds that the authorization contained herein does not unduly burden any affected parties, is consistent with the underlying purposes of the ABC Act, and that undue economic hardship would befall Liberty, Proof, the PGA, and the State if such authorization was not granted.

The permission granted herein authorizes the Division’s Licensing Bureau to review Proof’s application for a Special Event Permit based on consideration of the foregoing. Proof must satisfy all

requests from the Licensing Bureau and must establish that it is qualified to hold an interest in or be associated with a New Jersey Alcoholic Beverage license or permit. This Ruling in and of itself does not authorize Proof to sell, serve, or deliver alcoholic beverages at this or any other event. If Proof is issued a Special Event Permit for the Northern Trust Golf Tournament, it will be required to submit an accounting to the Division within 45 days after the conclusion of the event, said accounting to include, but not limited to: (1) a dissemination of all alcoholic-beverage related proceeds, (2) number of attendees, (3) amount of proceeds from alcoholic beverage sales accrued throughout the event, and (4) all exchange of payment records for the event related to alcoholic beverages.

Should the proposal presented in the July 4, 2021 letter and subsequent documents differ from the actual circumstances involved in putting on the Northern Trust Golf Tournament, the Director reserves the right to modify, amend or rescind this Ruling, and to take any remedial action necessary against the applicant.



JAMES B. GRAZIANO
DIRECTOR

Dated: August 4, 2021

JBG/PTU