

**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 2022-10
EXTENSION OF SR 2020-14 )	GRANTING REQUEST FOR
_____ )	EXTENSION OF SR 2020-14

BY THE 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”) 2020 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 60 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 60 members – and to permit the Borough of Rutherford (the “Borough”) to issue a Club License under N.J.S.A. 33:1-12(5). The Director found that Murray Hodge demonstrated its active commitment to increasing its membership through its ongoing efforts and its 12-month plan. The Borough was in full support of Murray Hodge’s Club License application.

As part of the Special Ruling granting the club waiver, Murray Hodge was granted two years to increase its membership and satisfy the sixty-member requirement. Accordingly, the issuing authority was authorized to consider Murray Hodge's license application for a new Club License for the 2020-2021 and the 2021-2022 license terms. The Borough granted Murray Hodge's club license application and subsequent renewal application for the 2020-2021 and 2021-2022 license terms, respectively. If Murray Hodge had not reached the requisite number of members at the end of the 2021-2022 license term, the Special Ruling provided that the club could petition the Director for an extension of the Special Ruling by demonstrating special cause.

Despite its best efforts, Murray Hodge has not yet reached the requisite number of members. It currently has 50 members which includes the ladies auxiliary. Therefore, it has submitted a petition to the Director for relief. Additionally, Melissa Scanlon, Clerk of the Borough has submitted a letter in support of Murray Hodge's efforts.

In the petition, Bryan Jay Carter, Adjutant of Murray Hodge, explained that for the past two years, Murray Hodge has been actively recruiting new members but that the pandemic has adversely affected their efforts. The building had to be closed and no in-person meetings were held, only virtual meetings occurred. Despite this, Murray Hodge acquired five new members. Sadly, however, five members have since passed away.

Mr. Carter further explained that one of its newest members has become the new fundraising chairperson. Two very successful fundraisers were held, one at UNO Pizzeria and the other at Felician University in Rutherford, New Jersey. In fact, the University has invited Murray Hodge to make this year's event an annual event at their facilities. These events increased Murray Hodge's visibility in the community. Another fundraiser is scheduled for November 2022, a "spaghetti night."

Murray Hodge's petition sets forth its other plans to increase its membership. It will advertise in the local paper, "The Gazette," to raise its visibility within the surrounding communities. Murray Hodge has also contacted its new members and requested that they reach out to their family members and friends to help reach the 60-member goal. Murray Hodge is also exploring "Legion 100," which is a group of American Legion members who are not affiliated with a particular post. Murray Hodge has used this list in the past to recruit new local members.

Further, Murray Hodge states that the Borough has been especially helpful and supportive over the past several years. The Borough facilitated its first fundraiser by introducing Murray Hodge to key staff at Felician University. Moreover, 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.

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 2022-2023 license term.

Based on the above, the Division finds that special cause exists to relax again the requirements under N.J.A.C. 13:2-8.7(a) – the requirement that the Club have at least 60 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 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 SR 2020-14.

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 2022-2023 and 2023-2024 license terms and to consider granting or denying said application in a reasonable exercise of its discretion. If Murray Hodge has not reached the requisite number of members at the end of the 2023-2024 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 'J.B. Graziano', with a stylized flourish at the end.

JAMES B. GRAZIANO  
DIRECTOR

DATED: July 12, 2022

JBG/ABC