

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

LICENSE NO. 0427-32-003-009  
AGENCY DKT. NO. S-17-38945; H-2019-50388

DIVISION OF ALCOHOLIC )  
BEVERAGE CONTROL, )  
Petitioner, )  
 )  
v. )  
 )  
ASHBURN CORP., )  
t/a ROGER WILCO )  
Respondent. )  
\_\_\_\_\_ )

**CONSENT ORDER**

Kevin Marc Schatz, Senior Deputy Attorney General  
Attorney for the Division of Alcoholic Beverage Control  
(Gurbir S. Grewal, Attorney General, attorney)

Richard D. Nasca, Esquire  
Attorney for Respondent

BY THE DIRECTOR:

This matter having been brought before the Division of Alcoholic Beverage Control, James B. Graziano, Acting Director of the Division of Alcoholic Beverage Control, by the Division of Alcoholic Beverage Control represented by Gurbir S. Grewal, Attorney General of New Jersey Kevin Marc Schatz, Senior Deputy Attorney General appearing) and with notice to Respondent, holder of License No. 0427-32-003-009, and this matter having been amicably settled prior to hearing:

IT IS on this 16 day of June, 2020, hereby ORDERED with consent of the parties that

1. Respondent hereby enters a plea of non-vult to the Charges issued under Agency Dkt. No. S-17-38945, thereby waiving the right to any hearing or appeal whatsoever in connection with these charges. The Notice of Charges is attached as **Exhibit A**.
2. In return for this non vult plea, the Director hereby dismisses Charge 7 and suspends license privileges for a total of 90 days as follows:

LICENSE NO. 0427-32-003-009  
AGENCY DKT. NO. S -17-38945; H-Division  
CONSENT ORDER

- a. Respondent has made an application to pay a monetary compromise in lieu of 90 suspension days in the amount of \$200,000, which the Director has accepted. Respondent will pay this monetary compromise offer in five (5) annual installments of \$40,000 due by the close of business on each of the following dates: August 15, 2020, August 15, 2021, August 15, 2022, August 15, 2023 and August 15, 2024.
  - b. Respondent shall complete corrective action regarding the subject matter of Charge 7, including any related issues pertaining to the shipment of product to consumers from either the licensed premises or public warehouse. Failure to implement the aforementioned corrective action within two years from the date of this Order will be considered a violation of this Consent Order and may also be considered by the Director to be a separate chargeable violation. During the two-year period, Respondent may request a meeting with ABC to discuss any issues that may arise related to implementation of the corrective action.
3. If the subject license does not actively engage in any additional trade practice violations within two years of the date of this Order, the Division will accept a reduced monetary offer in compromise in the amount of \$150,000. In which case the fourth payment, due by August 15, 2023, will be reduced to \$30,000 and the final payment will be vacated.

The monetary compromise offer is payable by certified check or attorney trust account check made payable to "Division of Alcoholic Beverage Control" bearing the numbers S-17-38945; H-2019-50388, and sent to:

Division of Alcoholic Beverage Control  
Attn: Denise Farfalla, Enforcement Bureau  
140 E. Front Street, P.O. Box 087  
Trenton, New Jersey 08625-0087

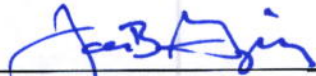
4. If Respondent fails to make any payment, the Division shall notify Respondent or its attorney and Respondent shall be given five (5) business days to submit the payment. Failure to timely cure non-payment shall, in the Director's discretion, result in: (a) the suspension of Respondent's license by ex parte Order of the Director in proportion to the amount of the compromise offer yet unpaid or (b) the indefinite suspension of Respondent's license by ex parte Order until such time as the entire unpaid balance is paid in full.
5. Respondent hereby waives all rights to further hearings and appeals and to the repossession or return of any alcoholic beverages or evidence, as well as any cash or any other personalty seized in connection with the investigation of this matter, excluding books and records of the licensed business, and Respondent consents to the forfeiture of same and disposition by the Director in accordance with the provisions of

N.J.S.A. 33:1-66 and/or N.J.S.A. 2C:64-1, et seq.

6. Respondent shall have 30 days from the date of this Order in which to request the return of any original books or records of the licensed business which were produced to, or seized by, the Division of Alcoholic Beverage Control ("ABC"). Any such request shall be made in writing to:

Division of Alcoholic Beverage Control  
Attn: Kevin Barber, Investigations Bureau Chief  
140 E. Front Street, P.O. Box 087  
Trenton, New Jersey 08625-0087

7. This Consent Order, terms thereunder, and conditions imposed are hereby attached to this license. Hence, the existing licensee and any prospective or subsequent transferee of this license takes and are bound by the terms and conditions imposed herein.
8. Respondent reserves the right to apply for reconsideration of the terms of this Order should any government action, directive or order prohibit Respondent from operating its business pursuant to the privileges granted it under Title 33, regulations and/or ordinances of the issuing authority.



JAMES B. GRAZIANO  
ACTING DIRECTOR

We are authorized and do hereby consent to the entry,  
form and substance of the above Order.

GURBIR GREWAL  
ATTORNEY GENERAL OF NEW JERSEY

By: Kevin Marc Schatz  
Kevin Marc Schatz  
Senior Deputy Attorney General  
Chief, Enforcement Bureau  
On Behalf of Petitioner

Dated: 6/8/20

By: Richard D. Nasca, Esq.

Dated: 5/29/20

Richard D. Nasca, Esq.  
(print name and title)  
On Behalf of Respondent



## State of New Jersey

PHILIP D. MURPHY  
Governor

SHEILA OLIVER  
Lt. Governor

OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
P.O. BOX 087  
TRENTON, NJ 08625-0087  
Phone: (609) 984-2830 Fax: (609) 633-6078  
[HTTP://WWW.NJ.GOV/LPS/ABC](http://www.nj.gov/lps/abc)

GURBIR S. GREWAL  
Attorney General

JAMES B. GRAZIANO  
Acting Director

June 8, 2020

Ashburn Inc  
t/a Roger Wilco Liquor Store  
Rt 73 and Hylton Rd  
Pennsauken, NJ 08110

LICENSE NO.: 0427-32-003-003  
AGENCY DKT. NO.: S-17-38945, H-2019-50388;  
ISSUED BY: Township Committee of Pennsauken  
Township, Camden County

Attached hereto is a copy of the Notice of Charges wherein the Division of Alcoholic Beverage Control ("Division") has alleged that the holder of this license has committed the violations set forth therein and is seeking to suspend your license for 123 days. Upon receipt of this letter you must enter either a guilty, non-vult or not guilty plea to these charges within 30 days. Failure to enter a plea within the 30-day period shall be deemed to be a statement that you do not contest the charges, which are the subject of this matter. Consequently, if a plea is not entered within the 30-day period, a non-vult plea will be entered on your behalf unless the plea period has been extended by the Division. The Director upon certification from the Division may suspend or revoke your license without further opportunity for you to oppose the charges.

You are entitled to have an attorney advise you. However, consultation with an attorney will not toll or stop the time of the 30 days for you to enter your plea.

Please be advised if there is a determination of guilt to the charges, the Enforcement Bureau pursuant to N.J.S.A. 33:1-31 will seek a suspension and/or revocation of 123 days and will also seek the forfeiture and disposal of any cash, evidence, alcoholic beverages (or other prima facie contraband nature) seized in connection with these charges. If you enter a plea of guilty or non-vult (not contesting the charges) you have informed the Division that you do not dispute the charges in this matter and will accept the penalty as set forth. You do have the right to submit in writing mitigating circumstances and requesting the charges be reduced in penalty. In cases in which ABC seeks suspension, the Director may also consider reduction of the penalty by 20% in consideration of your guilty or non-vult plea. In cases in which ABC seeks revocation, the Director may accept a monetary offer and/or suspension in lieu of revocation.





In addition, you have the right to make application to the Director that he accept a monetary compromise offer in lieu of the days suspended pursuant to N.J.A.C. 13:2-19.12.

If you plead not guilty, this case will be sent to the Office of Administrative Law or be retained to be heard before the Director. You or your attorney will receive the necessary notice that the case has been forwarded and the time and place of the hearing.

To assist you in responding to the Division, you may use the "plea" page to advise us of your decision in this matter. If you do utilize this form, after you fill it out we suggest you make a copy and keep it for your records. Please send this reply to SDAG Kevin Marc Schatz.

Very truly yours,

GURBIR S. GREWAL  
ATTORNEY GENERAL OF NEW JERSEY

By:   
Kevin Marc Schatz  
SENIOR DEPUTY ATTORNEY GENERAL

Attachment



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

LIC. NO.: 0427-32-003-003  
AGENCY NO.: S-17-38945, H-2019-50388;

DIVISION OF ALCOHOLIC BEVERAGE )  
CONTROL, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
Ashburn Inc, )  
 )  
Respondent. )  
 )

NOTICE OF CHARGES

Take Notice that under the authority of the Director, as set forth in Alcoholic Beverage Control Act, N.J.S.A 33:1-1, et seq; and the regulations promulgated pursuant thereto, the New Jersey Division of Alcoholic Beverage Control (“Division”) will seek to suspend plenary retail license 0427-32-003-003 held by Ashburn Inc, issued by Township Committee of Pennsauken Township, Camden County, for premises located at Rt 73 and Hylton Rd, Pennsauken, NJ 08110, for violation of the aforementioned statute and/or regulations. The Division hereby prefers the following charges and will seek the noted penalty to wit:

- |    |  |                   |
|----|--|-------------------|
| 1. | On or about 2017-2019, you failed to keep or maintain books of account which were true, complete and accurate in all respects on your licensed premises or failed to produce same for inspection upon demand; in violation of N.J.A.C. 13:2-23.32.   | 2-day suspension  |
| 2. | On or about 2017-2019 you offered, gave and/or received an unlawful Retail Incentive Program rebate, viz. Received RIPs from Allied Beverage Group and/or Fedway Associates before it paid the invoice; in violation of N.J.A.C. 13:2-24.1.  | 15-day suspension |
| 3. | On or about 2017-2019 you offered, gave and/or received an unlawful Retail Incentive Program rebate, viz. Received RIPs payments from Allied Beverage Group and/or Fedway Associates in less than 30 days after paying the invoice; in violation of N.J.A.C. 13:2-24.1.                                      | 15-day suspension |
| 4. | On or about 2017-2019 you offered, gave and/or received an unlawful Retail Incentive Program rebate, viz. Received RIPs from Allied Beverage Group and/or Fedway Associates in excess of maximum allowed on purchase transactions; in violation of N.J.A.C. 13:2-24.1.                                       | 15-day suspension |
| 5. | On or about 2017-2019, you sold or accepted delivery of alcoholic beverages to/from Allied Beverage Group and/or Fedway Associates upon terms other than those set forth in the applicable Current Price List filed with the Division of Alcoholic Beverage Control; in violation of N.J.A.C. 13:2-24.6(a)6. | 15-day suspension |

6. In your license application or amendment to a license application filed on or about 2017-2018, you failed to show or disclose that Jamie Arking, a person not otherwise disqualified from having an interest in a liquor license or licensed business, had an interest, directly or indirectly, in the license applied for or in the business to be conducted under said license; in violation of N.J.S.A. 33:1-25. 30-day suspension
7. In your license application or amendment to a license application filed on or about 2017-2018, you failed to show or disclose that Wine Marketing Group, a person not otherwise disqualified from having an interest in a liquor license or licensed business, had an interest, directly or indirectly, in the license applied for or in the business to be conducted under said license; in violation of N.J.S.A. 33:1-25. 30-day suspension
8. On you conducted your licensed business without keeping on your licensed premises or having available for inspection upon demand an employee list complete in all respects in violation of N.J.A.C. 13:2-23.13(a)3. 1-day suspension

The total penalty sought by the Division is 123 days suspension of your license.

The licensee must enter a plea to the charges within 30 days of its receipt. Failure to do so will result, pursuant to N.J.A.C. 13:2-19.3(c), in the entry of a non-vult plea on your behalf and the Director upon certification by the Division may impose the penalty stated in this Notice of Charges without further notice.

GURBIR S. GREWAL  
ATTORNEY GENERAL OF NEW JERSEY

By: \_\_\_\_\_

 | jmc  
Kevin Marc Schatz

SENIOR DEPUTY ATTORNEY GENERAL

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

LIC. NO.: 0427-32-003-003  
AGENCY NO.: S-17-38945, H-2019-50388;

DIVISION OF ALCOHOLIC BEVERAGE )  
CONTROL, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
Ashburn Inc, )  
 )  
Respondent. )  
\_\_\_\_\_ )

PLEA

TO: Kevin Marc Schatz  
SENIOR DEPUTY ATTORNEY GENERAL  
ENFORCEMENT BUREAU

CIRCLE THE APPROPRIATE TERM CONTAINED IN THE PARENTHESES "( )"

I am the (owner) (partner) (member) (president/vice-president) (attorney) of this license duly authorized to enter the decision(s) in this matter as checked below:

- \_\_\_ 1. (For cases in which license suspension is sought and suspension is accepted by licensee): I am pleading non-vult to all of the charges listed in the Notice of Charges and accept the suspension of the subject license to be imposed thereon. I understand that by doing so I will not formally contest the charges and that they will be administratively concluded without a hearing. I am giving up my rights to a hearing and/or to repossess or have returned any cash, evidence, alcoholic beverages, or other property seized in connection with these proceedings. I request that the Director reduce the proposed suspension by 20% in consideration of my plea. I request that the Division consider the following mitigation prior to determining the ultimate penalty. (You may write on the back of this page or use additional separate pages, if necessary.)
- \_\_\_ 2. (For cases in which license suspension is sought and licensee requests to make a monetary compromise in lieu of suspension): I am pleading non-vult to all of the charges listed in the Notice of Charges. I understand that by doing so I will not formally contest the charges and that they will be administratively concluded without a hearing. I am giving up my rights to a hearing and/or to repossess or have returned any cash, evidence, alcoholic beverages, or other property seized in connection with these proceedings. I request that the Director reduce the proposed penalty by 20% in consideration of my plea. Additionally, I petition the Director, pursuant to



N.J.A.C.13:2-19.12, to accept a monetary compromise offer in lieu of suspension. I am enclosing the licensee's Federal Tax Return for the most recent year and/or a letter from the licensee's accountant showing the total sales of alcohol and the total costs of alcohol in the most recent year. I request the opportunity to offer a monetary penalty in lieu of having my license suspended. I understand that if the Director grants my request, the Division will compute the penalty amount which must be offered and provide me with a petition to sign and return for the Director's consideration. I request that the Division consider the following mitigation prior to determining the ultimate penalty. (You may write on the back of this page or use additional separate pages, if necessary.)

- \_\_\_ 3. (For cases in which license revocation is sought): I am pleading non-vult to all the charges listed in the Notice of Charges. I request the opportunity to divest the license in lieu of revocation. Therefore, I am requesting that the Division contact me to schedule a conference to discuss the options for settlement. In the event that no settlement is reached, I understand that I must surrender my license to the issuing authority.
- \_\_\_ 4. I wish to plead not guilty to all of the charges listed in the Notice of Charges and request that this matter be forwarded for a hearing.
- \_\_\_ a. I am requesting a hearing.
- \_\_\_ b. I am requesting a meeting to discuss settlement. If no settlement is reached, I request the matter be forwarded for a hearing.

\_\_\_\_\_  
LICENSEE'S SIGNATURE

\_\_\_\_\_  
TYPED OR PRINTED NAME

DATED: