

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

LICENSE NO. 1107-44-028-003
AGENCY DKT. NO. S-19-38925; H-2019-50132

DIVISION OF ALCOHOLIC)
BEVERAGE CONTROL,)
 Petitioner,)
))
 v.)
))
BIRCHFIELD VENTURES LLC)
t/a JOE CANALS DISCOUNT LIQUOR)
OUTLET,)
 Respondent.)
_____)

CONSENT ORDER

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

Richard J. Van Wagner, Esquire
Attorney for Respondent

BY THE ACTING 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. 1107-44-028-003, and this matter having been amicably settled prior to hearing:

IT IS on this 27 day of April, 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-19-38925, thereby waiving the right to any hearing or appeal whatsoever in connection with these charges. The Notice of Charges is attached as **Exhibit A**.

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2. In return for this non vult plea, the Director hereby suspends license privileges for a total of 90 days as follows:
 - a. Respondent has made an application to pay a monetary compromise in lieu of 90 suspension days in the amount of \$160,000, which the Director has accepted. Respondent will pay this monetary compromise offer in five (5) annual installments of \$ 32,000.
 - b. Respondent's payments shall be 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. Respondent may pay any outstanding annual installment prior to the year it is due if the license is sold and transferred and the new licensee consists of entirely new members/shareholders.

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-19-38925; H-Division, 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

- c. If the subject license does not incur any future violations of N.J.A.C. 13:2-24.1 or N.J.A.C. 13:2-24.6(a)6 within two years of the date of this Order the final payment of \$32,000, due on August 15, 2024, will be automatically vacated.
3. If Respondent fails to make any payment, the Division shall notify Respondent and 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.
4. 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.
5. 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

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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


6. 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.




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
Senior Deputy Attorney General
Chief, Enforcement Bureau
On Behalf of Petitioner

Dated: 4/27/20

By: 
Mark Hutchinson Managing Member
(print name and title)
On Behalf of Respondent

Dated: 4/8/2020

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GURBIR GREWAL
ATTORNEY GENERAL OF NEW JERSEY

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

Dated: _____

By: _____

Dated: _____

(print name and title)
On Behalf of Respondent

EXHIBIT A



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

GURBIR S. GREWAL
Attorney General

JAMES B. GRAZIANO
Acting Director

March 13, 2020

Birchfield Ventures LLC
t/a Joe Canals Discount Liquor Outlet
3375 US Rt 1 South Bldg 16
Lawrenceville, NJ 08648

LICENSE NO.: 1107-44-028-003
AGENCY DKT. NO.: S-17-38925, H-2019-50132;
ISSUED BY: Township Committee of Lawrence
Township, Mercer 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 90 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 of 90 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.

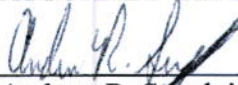
If you plead not guilty, this case will be sent to the Office of Administrative Law or be retained to be heard before the Director. You or your attorney will receive the necessary notice that the case has been forwarded and the time and place of the hearing.

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 DAG Andrew R. Sapolnick.

Very truly yours,

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

By:



Andrew R. Sapolnick
DEPUTY ATTORNEY GENERAL

Attachment



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

LIC. NO.: 1107-44-028-003
AGENCY NO.: S-17-38925, H-2019-50132;

DIVISION OF ALCOHOLIC BEVERAGE)
CONTROL,)
)
Petitioner,)
)
v.)
)
Birchfield Ventures LLC,)
)
Respondent.)

NOTICE OF CHARGES

Take Notice that under the authority of the Director, as set forth in the 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 1107-44-028-003 held by Birchfield Ventures LLC, t/a Joe Canals Discount Liquor Outlet, issued by Township Committee of Lawrence Township, Mercer County, for premises located at 3375 US Rt 1 South Bldg 16, Lawrenceville, NJ 08648, for violation of the aforementioned statute and/or regulations. The Division hereby prefers the following charges and will seek the noted penalty to wit:

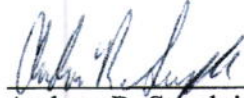
1. On 2017-2019, , you sold or accepted delivery of alcoholic beverages to/from Allied Beverage Group and/or Fedway Associates, upon terms other than those set forth in the applicable Current Price List filed with the Division of Alcoholic Beverage Control in violation of N.J.A.C. 13:2-24.6(a)6. 15-day suspension
2. On or about 2017-2019 , you offered, provided or accepted a retail incentive program payment (RIP) viz., Receiving a RIP before you paid the invoice, received a RIP in less than 30 days after payment of invoice and/or received a RIP in excess of the allowed maximum on a product ; in violation of N.J.A.C. 13:2-24.1. 15-day suspension

The total penalty sought by the Division is 30 days suspension of your license. The Division will seek an additional 60 days suspension based upon aggravating circumstances, therefore the total penalty sought by the Division is 90 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:



Andrew R. Sapolnick

DEPUTY ATTORNEY GENERAL