

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

AGENCY DKT. NOS. S-17-39138, S-18-38527
and S-11-35057
LICENSE NO. 3400-23-026-023

DIVISION OF ALCOHOLIC)
BEVERAGE CONTROL,)
)
Petitioner,)
)
v.)
)
FEDWAY ASSOCIATES,)
)
Respondent.)

AMENDMENT TO
CONSENT ORDER
DATED JULY 7, 2020

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

Frederick B. Polak, Esquire
POST POLAK, P.A.
Attorney for Respondent

BY THE ACTING DIRECTOR:

This matter having been brought before the Acting Director of the Division of Alcoholic Beverage Control by Respondent Fedway Associates ("Respondent") represented by Frederick B. Polak, Esquire, of Post Polak, P.A., and with notice to the Division of Alcoholic Beverage Control ("Division") represented by Gurbir S. Grewal, Attorney General of New Jersey (Kevin Marc Schatz, Senior Deputy Attorney General, appearing), and no objection having been filed,

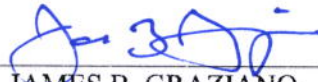
IT IS on this 25 day of August, 2020, hereby ORDERED with the consent of the parties:

1. The Consent Order dated July 7, 2020, entered into by the above-captioned parties ("Consent Order") is hereby amended nunc pro tunc as follows:
2. The first sentence of Paragraph 2 is changed to provide:

Respondent has made application to the Director to settle this matter and in order to avoid the uncertainty of continued litigation and to deter future similar conduct in the industry and in return for the non-vult plea, the Director agrees

to accept Respondent's offer to resolve the matter by paying to the Division: (a) a \$500,000 monetary offer in compromise in lieu of 72 days of suspension and (b) \$3,500,000 for restitution and to come into compliance with the provisions of Title 33.

3. The amendment is hereby incorporated into the Consent Order as though originally set forth therein.
4. Respondent has made the aforementioned payment.
5. Except as provided in Paragraph 2 above, the Consent Order remains in full force and effect. Both documents together shall comprise the settlement in this matter.



JAMES B. GRAZIANO
ACTING DIRECTOR

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

GIRBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

By: Kevin Marc Schatz
Kevin Marc Schatz
Senior Deputy Attorney General
On behalf of Petitioner

Date: 8/24/20

By: Frederick B. Polak / bah
Frederick B. Polak, Esquire
POST POLAK, P.A.
On behalf of Respondent

Date: 8/20/20

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

AGENCY DKT. NOS. S-17-39138; S-18-38527;
and S-11-35057
LICENSE NO. 3400-23-026-023

DIVISION OF ALCOHOLIC
BEVERAGE CONTROL,)

Petitioner,)

v.)

FEDWAY ASSOCIATES,)

Respondent.)

CONSENT ORDER

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

Frederick B. Polak, Esquire
POST POLAK, P.A.
Attorney for Respondent

BY THE DIRECTOR:

This matter having been brought before the Director of the Division of Alcoholic Beverage Control, by the Division of Alcoholic Beverage Control ("Division") represented by Gurbir S. Grewal, Attorney General of New Jersey (Kevin Marc Schatz, Senior Deputy Attorney General appearing) and with notice to Respondent, Fedway Associates ("Respondent"), represented by Frederick B. Polak, Esquire, of Post Polak, P.A., and this matter having been amicably settled prior to hearing,

IT IS on this 7 day of July, 2020, hereby ORDERED with the consent of the parties:

1. Respondent hereby enters a plea of “non vult” to the Charges under Agency Dkt. No. S-17-39138 (also known as the Trade Practice Investigation) (attached hereto as Exhibit A) and Agency Dkt. No. S-18-38527 (attached hereto as Exhibit B) thereby waiving the right to any hearing or appeal whatsoever in connection with these charges.
2. In return for the non-vult plea, Respondent has made application and the Director has agreed to accept: (a) \$500,000 monetary offer in compromise in lieu of 72 days of suspension and (b) \$3,500,000, which the Division may use for reimbursement of additional costs of enforcement of the provisions of Title 33 (i.e., the Alcoholic Beverage Control Act and its implementing regulations) in accordance with N.J.S.A. 33:1-4.1. The entire amounts to be paid pursuant to (a) and (b) (collectively, the “Payment”) shall be due on August 15, 2020, and is payable by certified check or attorney’s account check to “Division of Alcoholic Beverage Control” bearing the aforementioned docket numbers, sent to:

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

3. Failure to make the entire Payment in the manner and time set forth above will be considered a violation of this Consent Order that may, in the Director’s discretion, result in the suspension of Respondent’s license privilege for 72 days by ex parte Order of the Director. However, Respondent shall be given notice and at least 5 days to cure prior to the issuance of such Order.
4. For two years commencing 30 days after this Consent Order, or as soon thereafter as practical, Respondent shall hire a third-party certified public accounting firm (“CPA”) selected by the Division to audit Respondent’s business records (in whatever media in which they may be created, maintained and/or stored) as required by N.J.A.C. 13:2-23.32, invoices, billing, credit, trade practices, financial accounts, etc. as directed by the Enforcement Bureau to ensure compliance with Title 33. Respondent may request the Division to select another CPA within 30 days after notice is given of the CPA selected if it substantiates a compelling reason for the Division to do so.
 - (a) The CPA shall not unduly interfere with Respondent’s ability to carry on its normal business activities.
 - (b) Respondent shall cooperate with the CPA.
 - (c) The CPA shall report its findings to the Enforcement Bureau with a copy to Respondent or its attorneys. Upon the Division’s request, Respondent shall respond to any issue identified by the CPA either by complying therewith or by setting forth its basis for disagreement. If necessary, the Director will resolve the dispute, which resolution shall not be appealable.

- (d) Respondent shall be billed by, and shall pay, the CPA for these audits no more than \$150,000 per year for the two years. All such bills shall detail the hourly rate of each employee of the CPA, the time spent by each such employee and the services provided by same.
5. If and to the extent that Respondent's computer system is not Title 33 compliant, Respondent shall make reasonable and necessary upgrades to its computer system to become Title 33 compliant in accordance with the CPA's recommendations. If Respondent disagrees with the CPA's recommendation, it shall have the right to petition the Division to review the recommendation.
 6. Respondent's failure to comply with and/or implement the aforementioned corrective action may be considered a violation of this Consent Order, which may in the Director's discretion subject Respondent to a 10-day suspension. But, if the act constitutes a violation of a specific regulatory requirement, it may instead be considered by the Director to be a separate chargeable violation.
 7. Thomas Peters shall be placed on probation for one year commencing with the effective date of this consent order, during which period the CPA may recommend Respondent review any activity in which he has engaged.
 8. The employees involved in the violations have been disciplined to the Director's satisfaction, and any employee who has resigned, retired, been terminated or otherwise has left Fedway's employ, during the course of the trade practices investigation, will not be rehired and to do so will be deemed to be a violation of this Order.
 9. The Trade Practices Investigation did not adduce evidence that Respondent's owner/CEO had personal knowledge of, was on inquiry notice of, or participated in the conduct giving rise to the trade practice violations.
 10. This Consent Order, terms hereunder, and conditions imposed hereby, attach to this license and all other New Jersey alcoholic beverage licenses and/or permits held by Respondent, its subsidiaries and corporate affiliates and any prospective or subsequent transferee of same shall be bound by the terms and conditions imposed herein for two years commencing 30 days after the effective date of this consent order and ending two (2) years thereafter unless otherwise indicated.
 11. Except as may be necessary for the Division to complete any pending investigation of or sustain any pending case against any retailer who did business with Respondent during the time period set forth herein, Respondent shall not be required to provide any further documents and/or witnesses in connection with the Trade Practices Investigation.
 12. The entry of this Consent Order hereby concludes the Division's Trade Practices Investigation of Respondent (including its related entities, subsidiaries, affiliates, and its

and their respective officers, directors, partners, shareholders, members and employees) and constitutes a release of same as to any and all claims, causes of action, liabilities, and charges of any kind whatsoever that were or could have been investigated and/or charged as part of the Trade Practices Investigation, and, accordingly, the Division agrees that it will not initiate any further investigations or institute any further charges against same or its retail customers for activities that occurred between January 1, 2017 and the date hereof that were or could have been within the scope of the Trade Practices Investigation as it relates to Respondent. Nothing herein shall affect in any manner whatsoever any on-going matters involving those retailers.



JAMES B. GRAZIANO
ACTING DIRECTOR

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

GURBIR S. GREWAL
ATTORNEY GENERAL OF NEW JERSEY

By: *Kevin Marc Schatz*
Kevin Marc Schatz
Senior Deputy Attorney General
On Behalf of Petitioner

Date: *7/7/20*

By: */s/ Frederick B. Polak*
Frederick B. Polak, Esquire
POST POLAK, P.A.
On Behalf of Respondent

Date: *7/7/2020*



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) 633-8078
HTTP://WWW.NJ.GOV/LPS/ABC

GURBIR S. GREWAL
Attorney General

JAMES B. GRAZIANO
Acting Director

June 18, 2020

Fedway Associates Inc
t/a Fedway Imports Company
20 N Ave East
Elizabeth, NJ 07201

LICENSE NO.: 3400-23-026-003
AGENCY DKT. NO.: S-17-39138, H-DIVISION;
ISSUED BY: Director of the New Jersey Division of
ABC, 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 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.: 3400-23-026-003
AGENCY NO.: S-17-39138, H-DIVISION;

DIVISION OF ALCOHOLIC BEVERAGE)
CONTROL,)
)
 Petitioner,)
)
 v.)
)
 Fedway Associates 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 3400-23-026-003 held by Fedway Associates Inc, issued by Director of the New Jersey Division of ABC, Mercer County, for premises located at 20 N Ave East, Elizabeth, NJ 07201, 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 produce upon demand, and did not produce same within seven (7) days thereof, original or true, complete and accurate copies of delivery slips, invoices, manifests, waybills or similar documents at your licensed premises for a period of one (1) year from the date of delivery of alcoholic beverages to you; in violation of N.J.A.C. 13:2-20.4(b) or -23.32. | 30-day suspension |
| 2. | 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 and did not produce same within seven (7) days thereof; in violation of N.J.A.C. 13:2-23.32. | 30-day suspension |
| 3. | On or about 2017-2019, you offered, provided or accepted a retail incentive program payment (RIP); in violation of N.J.A.C. 13:2-24.1. | 15-day suspension |
| 4. | On or about 2017-2019, you sold or accepted delivery of alcoholic beverages not listed 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 |

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: 
Kevin Marc Schatz
SENIOR DEPUTY ATTORNEY GENERAL

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

LIC. NO.: 3400-23-026-003
AGENCY NO.: S-17-39138, H-DIVISION;

DIVISION OF ALCOHOLIC BEVERAGE)
CONTROL,)
)
Petitioner,)
)
v.)
)
Fedway Associates 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:



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

JAN 30 2020

Fedway Associates Inc
t/a Fedway Imports Company
20 N Ave East
Elizabeth, NJ 07201

LICENSE NO.: 3400-23-026-003
AGENCY DKT. NO.: S-18-38527, H-2018-51416;
ISSUED BY: Director of the New Jersey Division of
ABC, 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 16 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.

Before entering a plea you may request a copy of the Report of Investigation on which the charges were based and request an additional 14 days to examine the report before you enter a plea. As set forth on the "plea" page, the cost for the report is \$15.00. To receive such reports send a money order or check made payable to the New Jersey Division of Alcoholic Beverage Control. Send your request to Deputy Attorney General, Andrew R. Sapolnick and include the license number and "S" number on all letters and forms of payment.

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 16 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.: 3400-23-026-003
AGENCY NO.: S-18-38527, H-2018-51416;

DIVISION OF ALCOHOLIC BEVERAGE)
CONTROL,)
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 Petitioner,)
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 v.)
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Fedway Associates Inc,)
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 Respondent.)
_____)

NOTICE OF CHARGES

Take Notice that under the authority of the Director, as set forth in Division of 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 3400-23-026-003 held by Fedway Associates Inc, issued by Director of the New Jersey Division of ABC, Mercer County, for premises located at 20 N Ave East, Elizabeth, NJ 07201, 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 12/13/18, you transported alcoholic beverages within the State of New Jersey in a motor vehicle without a transit insignia affixed thereto or an inscription or a special transportation permit; in violation of N.J.A.C. 13:2-20.1 | 1-day suspension |
| 2. | On 12/13/18, you possessed, had custody of, or allowed, permitted or suffered on your licensed premises, alcoholic beverages in containers which bore no labels, which bore labels that did not truly describe their contents or which were contaminated with a foreign or harmful substance or with visible fruit flies or other insect matter, viz., Fourteen (14) bottles not labeled as "Samples"; in violation of N.J.A.C. 13:2-23.9, -23.15 or -23.23. | 5-day suspension |
| 3. | On 12/1/18, you transported alcoholic beverages without required documents, viz., Solicitor transported alcoholic beverage bottles with no invoice, manifest, waybill or similar document; in violation of N.J.A.C. 13:2-20.4(a). | 10-day suspension |

The total penalty sought by the Division is 16 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**

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

LIC. NO.: 3400-23-026-003
AGENCY NO.: S-18-38527, H-2018-51416;

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

PLEA

TO: Andrew R. Sapolnick
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. Please send me a copy of the Report of Investigation issued in this matter. I request you to extend my time to enter a plea by 14 days. Therefore, I enclose a money order or check in the amount of \$15.00 to cover the cost of the report.
2. (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.)
3. (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 license'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.)

- ___ 4. (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.
- ___ 5. 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: