

2. In return for this non vult plea, the Director hereby suspends license privileges in lieu of revocation as follows:
 - a. Respondent will serve a total of 10 suspension days over five years, with two consecutive days served annually as set forth in **Exhibit B** attached hereto.

Respondent has made an application to pay a monetary compromise in lieu of the remaining 80 suspension days in the amount of \$375,000, which the Director has accepted. Respondent will pay this monetary compromise offer in five (5) annual installments of \$75,000 due by the close of business on each of the following dates: September 15, 2020, September 15, 2021, September 15, 2022, September 15, 2023 and September 15, 2024, or the first business day thereafter if any of the foregoing dates falls on a weekend. If the subject license is sold or transferred to new principals, either via person to person transfer or corporate structure change, during this five-year payment period, the entire unpaid balance of the monetary compromise will be due upon said sale or transfer.

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-17-38946; 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

- b. If the subject license does not incur any additional trade practice violations within two years of the date of this Order and complies with the other terms of the settlement set forth below, the final payment (\$75,000) and two suspension days will be automatically vacated.
3. 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.
4. Saul Leighton shall begin a phased-in retirement as follows:
 - a. From the date of this Order, Fred Leighton, and not Saul Leighton, shall be in charge of all operations of the licensed business;

LICENSE NO. 2004-32-133-004
AGENCY DKT. NO. S-17-38946; H-Division
CONSENT ORDER

- b. From the date of this Order until December 31, 2020, Saul Leighton shall work no more than three days (not exceeding three hours per day) per week;
 - c. From January 1, 2021 to June 30, 2021, Saul Leighton shall work no more than two days (not exceeding three hours per day) per week;
 - d. From July 1, 2021 to March 15, 2022, Saul Leighton shall work no more than one day (not exceeding three hours per day) per week; and
 - e. Beginning March 15, 2022, Saul Leighton shall be permanently retired and thereafter shall have no involvement whatsoever in the licensed business (except as provided in Paragraph 5).
5. As of the date of this Order, Fred Leighton and/or Andrea Wedeen (or an entity solely owned by either or both of them and disclosed on the license application) shall pay off the entire past due principle on the loan from Saul Leighton from the acquisition of the subject license so that all loan payments are current as of the date of this Order. The remaining principle balance shall be paid off entirely in no more than 10 years, with payments being made on or before the dates set forth on the Payment Schedule attached as **Exhibit C** hereto.
 6. 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.
 7. 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

8. 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: /s/ Kevin Marc Schatz
Kevin Marc Schatz
Senior Deputy Attorney General
Chief, Enforcement Bureau
On Behalf of Petitioner

Dated: 6/30/20

By: _____

Dated: _____

(print name and title)
On Behalf of Respondent

8. 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: _____

By: _____
Frederic K. Leighton, President
(print name and title)
On Behalf of Respondent

Dated: 06/21/2020

The undersigned hereby certifies that he has reviewed the above Consent Order and reviewed its contents with legal counsel and other professional advisors of his choice and acknowledges that he understands the restrictions set forth therein and agrees to comply with the terms thereof.


Saul Leighton



Witness

Date:
06/21/2020

EXHIBIT B

**Bayway Liquor
Shut Down Days**

2021 Sun Jan 3 & Mon Jan 4
2022 Sun Jan 2 & Mon Jan 3
2023 Mon Jan 2 & Tue Jan 3
2024 Tue Jan 2 & Wed Jan 3

2025 Thu Jan 2 & Fri Jan 3

World of Liquor

Compound Period Monthly

Nominal Annual Rate 2 920 %

CASH FLOW DATA

Event	Date	Amount	Number	Period	End Date
1 Loan	07/01/2020	2,300,000.00	1		
2 Payment	08/01/2020	14,350.00	120	Monthly	07/01/2030
3 Payment	08/01/2030	1,084,499.01	1		

AMORTIZATION SCHEDULE - Normal Amortization

	Date	Payment	Interest	Prncipal	Balance
Loan	07/01/2020				2,300,000.00
1	08/01/2020	14,350.00	5,596.67	8,753.33	2,291,246.67
2	09/01/2020	14,350.00	5,575.37	8,774.63	2,282,472.04
3	10/01/2020	14,350.00	5,554.02	8,795.98	2,273,676.06
4	11/01/2020	14,350.00	5,532.61	8,817.39	2,264,858.67
5	12/01/2020	14,350.00	5,511.16	8,838.84	2,256,019.83
2020 Totals		71,750.00	27,769.83	43,980.17	
6	01/01/2021	14,350.00	5,489.65	8,860.35	2,247,159.48
7	02/01/2021	14,350.00	5,468.09	8,881.91	2,238,277.57
8	03/01/2021	14,350.00	5,446.48	8,903.52	2,229,374.05
9	04/01/2021	14,350.00	5,424.81	8,925.19	2,220,448.86
10	05/01/2021	14,350.00	5,403.09	8,946.91	2,211,501.95
11	06/01/2021	14,350.00	5,381.32	8,968.68	2,202,533.27
12	07/01/2021	14,350.00	5,359.50	8,990.50	2,193,542.77
13	08/01/2021	14,350.00	5,337.62	9,012.38	2,184,530.39
14	09/01/2021	14,350.00	5,315.69	9,034.31	2,175,496.08
15	10/01/2021	14,350.00	5,293.71	9,056.29	2,166,439.79
16	11/01/2021	14,350.00	5,271.67	9,078.33	2,157,361.46
17	12/01/2021	14,350.00	5,249.58	9,100.42	2,148,261.04
2021 Totals		172,200.00	64,441.21	107,758.79	
18	01/01/2022	14,350.00	5,227.44	9,122.56	2,139,138.48
19	02/01/2022	14,350.00	5,205.24	9,144.76	2,129,993.72
20	03/01/2022	14,350.00	5,182.98	9,167.02	2,120,826.70
21	04/01/2022	14,350.00	5,160.68	9,189.32	2,111,637.38
22	05/01/2022	14,350.00	5,138.32	9,211.68	2,102,425.70
23	06/01/2022	14,350.00	5,115.90	9,234.10	2,093,191.60
24	07/01/2022	14,350.00	5,093.43	9,256.57	2,083,935.03
25	08/01/2022	14,350.00	5,070.91	9,279.09	2,074,655.94
26	09/01/2022	14,350.00	5,048.33	9,301.67	2,065,354.27
27	10/01/2022	14,350.00	5,025.70	9,324.30	2,056,029.97
28	11/01/2022	14,350.00	5,003.01	9,346.99	2,046,682.98
29	12/01/2022	14,350.00	4,980.26	9,369.74	2,037,313.24
2022 Totals		172,200.00	61,252.20	110,947.80	

World of Liquor

	Date	Payment	Interest	Principal	Balance
	30 01/01/2023	14,350.00	4,957.46	9,392.54	2,027,920.70
	31 02/01/2023	14,350.00	4,934.61	9,415.39	2,018,505.31
	32 03/01/2023	14,350.00	4,911.70	9,438.30	2,009,067.01
	33 04/01/2023	14,350.00	4,888.73	9,461.27	1,999,605.74
	34 05/01/2023	14,350.00	4,865.71	9,484.29	1,990,121.45
	35 06/01/2023	14,350.00	4,842.63	9,507.37	1,980,614.08
	36 07/01/2023	14,350.00	4,819.49	9,530.51	1,971,083.57
	37 08/01/2023	14,350.00	4,796.30	9,553.70	1,961,529.87
	38 09/01/2023	14,350.00	4,773.06	9,576.94	1,951,952.93
	39 10/01/2023	14,350.00	4,749.75	9,600.25	1,942,352.68
	40 11/01/2023	14,350.00	4,726.39	9,623.61	1,932,729.07
	41 12/01/2023	14,350.00	4,702.97	9,647.03	1,923,082.04
	2023 Totals	172,200.00	57,968.80	114,231.20	
	42 01/01/2024	14,350.00	4,679.50	9,670.50	1,913,411.54
	43 02/01/2024	14,350.00	4,655.97	9,694.03	1,903,717.51
	44 03/01/2024	14,350.00	4,632.38	9,717.62	1,893,999.89
	45 04/01/2024	14,350.00	4,608.73	9,741.27	1,884,258.62
	46 05/01/2024	14,350.00	4,585.03	9,764.97	1,874,493.65
	47 06/01/2024	14,350.00	4,561.27	9,788.73	1,864,704.92
	48 07/01/2024	14,350.00	4,537.45	9,812.55	1,854,892.37
	49 08/01/2024	14,350.00	4,513.57	9,836.43	1,845,055.94
	50 09/01/2024	14,350.00	4,489.64	9,860.36	1,835,195.58
	51 10/01/2024	14,350.00	4,465.64	9,884.36	1,825,311.22
	52 11/01/2024	14,350.00	4,441.59	9,908.41	1,815,402.81
	53 12/01/2024	14,350.00	4,417.48	9,932.52	1,805,470.29
	2024 Totals	172,200.00	54,588.25	117,611.75	
	54 01/01/2025	14,350.00	4,393.31	9,956.69	1,795,513.60
	55 02/01/2025	14,350.00	4,369.08	9,980.92	1,785,532.68
	56 03/01/2025	14,350.00	4,344.80	10,005.20	1,775,527.48
	57 04/01/2025	14,350.00	4,320.45	10,029.55	1,765,497.93
	58 05/01/2025	14,350.00	4,296.04	10,053.96	1,755,443.97
	59 06/01/2025	14,350.00	4,271.58	10,078.42	1,745,365.55
	60 07/01/2025	14,350.00	4,247.06	10,102.94	1,735,262.61
	61 08/01/2025	14,350.00	4,222.47	10,127.53	1,725,135.08
	62 09/01/2025	14,350.00	4,197.83	10,152.17	1,714,982.91
	63 10/01/2025	14,350.00	4,173.13	10,176.87	1,704,806.04
	64 11/01/2025	14,350.00	4,148.36	10,201.64	1,694,604.40
	65 12/01/2025	14,350.00	4,123.54	10,226.46	1,684,377.94
	2025 Totals	172,200.00	51,107.65	121,092.35	
	66 01/01/2026	14,350.00	4,098.65	10,251.35	1,674,126.59
	67 02/01/2026	14,350.00	4,073.71	10,276.29	1,663,850.30
	68 03/01/2026	14,350.00	4,048.70	10,301.30	1,653,549.00
	69 04/01/2026	14,350.00	4,023.64	10,326.36	1,643,222.64
	70 05/01/2026	14,350.00	3,998.51	10,351.49	1,632,871.15
	71 06/01/2026	14,350.00	3,973.32	10,376.68	1,622,494.47
	72 07/01/2026	14,350.00	3,948.07	10,401.93	1,612,092.54

World of Liquor

Date	Payment	Interest	Principal	Balance
73 08/01/2026	14,350.00	3,922.76	10,427.24	1,601,665.30
74 09/01/2026	14,350.00	3,897.39	10,452.61	1,591,212.69
75 10/01/2026	14,350.00	3,871.95	10,478.05	1,580,734.64
76 11/01/2026	14,350.00	3,846.45	10,503.55	1,570,231.09
77 12/01/2026	14,350.00	3,820.90	10,529.10	1,559,701.99
2026 Totals	172,200.00	47,524.05	124,675.95	
78 01/01/2027	14,350.00	3,795.27	10,554.73	1,549,147.26
79 02/01/2027	14,350.00	3,769.59	10,580.41	1,538,566.85
80 03/01/2027	14,350.00	3,743.85	10,606.15	1,527,960.70
81 04/01/2027	14,350.00	3,718.04	10,631.96	1,517,328.74
82 05/01/2027	14,350.00	3,692.17	10,657.83	1,506,670.91
83 06/01/2027	14,350.00	3,666.23	10,683.77	1,495,987.14
84 07/01/2027	14,350.00	3,640.24	10,709.76	1,485,277.38
85 08/01/2027	14,350.00	3,614.17	10,735.83	1,474,541.55
86 09/01/2027	14,350.00	3,588.05	10,761.95	1,463,779.60
87 10/01/2027	14,350.00	3,561.86	10,788.14	1,452,991.46
88 11/01/2027	14,350.00	3,535.61	10,814.39	1,442,177.07
89 12/01/2027	14,350.00	3,509.30	10,840.70	1,431,336.37
2027 Totals	172,200.00	43,834.38	128,365.62	
90 01/01/2028	14,350.00	3,482.92	10,867.08	1,420,469.29
91 02/01/2028	14,350.00	3,456.48	10,893.52	1,409,575.77
92 03/01/2028	14,350.00	3,429.97	10,920.03	1,398,655.74
93 04/01/2028	14,350.00	3,403.40	10,946.60	1,387,709.14
94 05/01/2028	14,350.00	3,376.76	10,973.24	1,376,735.90
95 06/01/2028	14,350.00	3,350.06	10,999.94	1,365,735.96
96 07/01/2028	14,350.00	3,323.29	11,026.71	1,354,709.25
97 08/01/2028	14,350.00	3,296.46	11,053.54	1,343,655.71
98 09/01/2028	14,350.00	3,269.56	11,080.44	1,332,575.27
99 10/01/2028	14,350.00	3,242.60	11,107.40	1,321,467.87
100 11/01/2028	14,350.00	3,215.57	11,134.43	1,310,333.44
101 12/01/2028	14,350.00	3,188.48	11,161.52	1,299,171.92
2028 Totals	172,200.00	40,035.55	132,164.45	
102 01/01/2029	14,350.00	3,161.32	11,188.68	1,287,983.24
103 02/01/2029	14,350.00	3,134.09	11,215.91	1,276,767.33
104 03/01/2029	14,350.00	3,106.80	11,243.20	1,265,524.13
105 04/01/2029	14,350.00	3,079.44	11,270.56	1,254,253.57
106 05/01/2029	14,350.00	3,052.02	11,297.98	1,242,955.59
107 06/01/2029	14,350.00	3,024.53	11,325.47	1,231,630.12
108 07/01/2029	14,350.00	2,996.97	11,353.03	1,220,277.09
109 08/01/2029	14,350.00	2,969.34	11,380.66	1,208,896.43
110 09/01/2029	14,350.00	2,941.65	11,408.35	1,197,488.08
111 10/01/2029	14,350.00	2,913.89	11,436.11	1,186,051.97
112 11/01/2029	14,350.00	2,886.06	11,463.94	1,174,588.03
113 12/01/2029	14,350.00	2,858.16	11,491.84	1,163,096.19
2029 Totals	172,200.00	36,124.27	136,075.73	

World of Liquor

Date	Payment	Interest	Principal	Balance
114 01/01/2030	14,350.00	2,830.20	11,519.80	1,151,576.39
115 02/01/2030	14,350.00	2,802.17	11,547.83	1,140,028.56
116 03/01/2030	14,350.00	2,774.07	11,575.93	1,128,452.63
117 04/01/2030	14,350.00	2,745.90	11,604.10	1,116,848.53
118 05/01/2030	14,350.00	2,717.66	11,632.34	1,105,216.19
119 06/01/2030	14,350.00	2,689.36	11,660.64	1,093,555.55
120 07/01/2030	14,350.00	2,660.99	11,689.01	1,081,866.54
121 08/01/2030	1,084,499.01	2,632.47	1,081,866.54	0.00
2030 Totals	1,184,949.01	21,852.82	1,163,096.19	
Grand Totals	2,806,499.01	506,499.01	2,300,000.00	

World of Liquor

Last interest amount decreased by 0 07 due to rounding.



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

March 13, 2020

Leiham Inc
t/a Bayway Liquors
639 649 Bayway Avenue
Elizabeth, NJ 07202

LICENSE NO.: 2004-32-133-002
AGENCY DKT. NO.: S-17-38946, H-DIVISION;
ISSUED BY: City Council of Elizabeth City, Union
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 revoke your license. 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 revocation 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: *K M Schatz*
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.: 2004-32-133-002
AGENCY NO.: S-17-38946, H-DIVISION;

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

**NOTICE OF CHARGES
SEEKING REVOCATION**

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 revoke plenary retail license 2004-32-133-002 held by Leiham Inc, t/a Bayway Liquors, issued by City Council of Elizabeth City, Union County, for premises located at 639 649 Bayway Avenue, Elizabeth, NJ 07202, for violation of the aforementioned statute and/or regulations. The Division hereby prefers the following charges and will seek the noted penalty to wit:

<u>CHARGE</u>	<u>PRESUMPTIVE PENALTY</u>
1. On or about 2017-2018, you accepted a loan from a licensed wholesaler so that you would not be placed on COD.	15-day suspension
2. On or about 2017-2018, you violated N.J.S.A. 33:1-43 by accepting a loan(s) from a licensed wholesaler to pay invoice.	15-day suspension
3. 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
4. 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

However due to the aggravating circumstances in this case, the Division will seek revocation of the license based upon the total circumstances.

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
Kevin Marc Schatz
SENIOR DEPUTY ATTORNEY GENERAL



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

March 13, 2020

Leiham Inc
t/a Bayway Liquors
639 649 Bayway Avenue
Elizabeth, NJ 07202

LICENSE NO.: 2004-32-133-002
AGENCY DKT. NO.: S-17-38946, H-DIVISION;
ISSUED BY: City Council of Elizabeth City, Union
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 revoke your license. 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 revocation 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: *K M Schatz*
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.: 2004-32-133-002
AGENCY NO.: S-17-38946, H-DIVISION;

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

**NOTICE OF CHARGES
SEEKING REVOCATION**

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 revoke plenary retail license 2004-32-133-002 held by Leiham Inc, t/a Bayway Liquors, issued by City Council of Elizabeth City, Union County, for premises located at 639 649 Bayway Avenue, Elizabeth, NJ 07202, for violation of the aforementioned statute and/or regulations. The Division hereby prefers the following charges and will seek the noted penalty to wit:

<u>CHARGE</u>	<u>PRESUMPTIVE PENALTY</u>
1. On or about 2017-2018, you accepted a loan from a licensed wholesaler so that you would not be placed on COD.	15-day suspension
2. On or about 2017-2018, you violated N.J.S.A. 33:1-43 by accepting a loan(s) from a licensed wholesaler to pay invoice.	15-day suspension
3. 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
4. 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

However due to the aggravating circumstances in this case, the Division will seek revocation of the license based upon the total circumstances.

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