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77th ANNUAL CONVENTION SEPTEMBER 29-30, 2009

For the second year in a row, the Convention Committee has chosen Resorts International in Atlantic City as the site for the 77th annual Association Convention on September 29-30, 2009. Resorts is providing a special Convention room rate of \$69 per night, single or double occupancy, plus tax and fees, the same room rate the Association members paid in 1995. New Jersey Liquor Store Alliance (NJLSA) will be co-hosting the Convention.

The Convention begins with a cocktail reception and buffet on Tuesday evening. If we can obtain the necessary sponsors, the buffet will be followed by a musical tribute to the '80's featuring live performances by the actual performers of that era. The Boogie Room at Resorts is the perfecting setting for the show.

After breakfast on Wednesday, the Association has scheduled the monthly business meeting and the election of officers for the upcoming year. Learn about the fights that face the industry from

the legislature and from regulators. Legislative Lobbyist, Barbara McConnell will provide insight as to the challenges that the on-premise licensees will face. Joe Vasil of the Division of Motor Vehicles will make an informative presentation on fake ID and how to detect them.

Director Fischer will lead the ever-popular ABC Seminar with staff participation. This program will educate you on the new administrative problems that you face as a business person and how to avoid them. A question and answer session will follow the seminar.

A tour of the Renault Winery in Egg Harbor is planned for Wednesday afternoon. The Convention concludes with a cocktail reception and dinner.

Make your registration for the Convention **today** by calling 609.394.6730 or use the registration form on page 3.

STEPPIN' OUT MAGAZINE

For 21 years, Steppin' Out Magazine has earned a reputation as the most informative and entertaining nightlife magazine in the New York/New Jersey Tri-State area. A weekly publication, Steppin' Out's well recognized glossy celebrity covers can be clearly seen in thousands of bars, nightclubs, restaurants, store fronts and street boxes. Along with a 150,000 readership, it's no wonder; advertisers continue to support this well respected magazine.

The main feature of each issue is its cover feature, an interview of a celebrity by editor Chaunce Hayden. The rest of the magazine consists of film reviews, entertainment industry gossip, sports coverage and regular columns by contributors Dan Lorenzo, Alan Tecchio, Krys Longan and Mike Morse. Also featured are the popular horoscopes, crossword puzzle, sudoku, solo listings, comedy listings and classified ads. It is without a doubt the broad scope of these features that keep people reading the magazine and website each and every week. There is literally something for everyone and Steppin' Out is the perfect companion for readers while they await friends at the bar or exercise on lifecycles at the gym.

Nationally, Steppin' Out has been mentioned numerous times on The Howard Stern Show, E! Network, Entertainment Tonight,

The Tonight Show, The Insider, TMZ, New York Post-Page Six, Daily News-Rush and Molloy plus dozens of other national and local media outlets.

Steppin' Out also maintains a very popular online presence at so-mag.com, where web surfers can view the entire issue page by page. At present the website receives in excess of 20,000 unique weekly visitors. While distribution is always growing even during the U.S. economic downturn, readers can get to the website faster than they can pick up a physical issue. Since every single Steppin' Out Magazine is free to the public, the value of the brand has increased dramatically since many people have put their extraneous purchases on hold while the economy recovers. The fact is, if you look for an issue a day or so before the next one is published, you will be hard pressed to find magazines at any of their thousands of distribution locations. Steppin' Out readers are simply that loyal and consistent.

If you want your business to capitalize on the proven success of Steppin' Out, just give their office a call at 201.703.0911 ext. 16 and ask for Alan Tecchio. The fifteen-year ad sales veteran can help you find an affordable web/print advertising strategy today.

COUNT ON US

by Ray Rosenholtz

As a bar or tavern owner, you need to place a lot of trust in your employees. Every week you purchase thousands of dollars worth of products, which you expect to sell to make a profit. In this process, employees are entrusted with handling thousands of dollars as sales are made. However, what if they are not trustworthy?

You anticipate through your training and staff professionalism that they will correctly record all food and liquor sales. But, you cannot be everywhere, and you cannot work twenty-four hours a day. **How do you know if you have dishonest employees and to what extent?** If things begin to fall apart, how long will it take before you find out?

There is a very simple answer. **Take weekly audits.** Doing weekly audits is the **ONLY** true way of knowing what is occurring at your business. Losing a few hundred dollars of goods at cost, could mean you are losing thousands of dollars at the register. Simply put, if you lose \$100 worth of liquor due to theft or over-pouring, then your loss at the register is \$400 to \$500.

Employing an Inventory and Spotter service is an inexpensive way of keeping financial control. If you are not getting weekly infor-

mation, then you have no way of knowing if employees are honest. **No business can afford to wait for the monthly or quarterly P&L statement.**

Firing people is not the answer; it is disruptive and in most cases very preventable. Most employees are honest, and need to be kept that way.

It is management's job to build security and not give employees the opportunity to steal. The #1 deterrent to theft is when employees know that management is aware of what is happening. Accusing employees of stealing can backfire and cause an honest employee to steal. **"If they think I am stealing, I might as well steal!"** Taking weekly *financial* audits is the *only* solution.

Count On Us has been serving the bar and restaurant industry for over 21 years. They offer a Liquor Inventory, Spotting, and Consulting services. Please send correspondence to mail@ucountonus.com or call 856-486-4400 X102. Count On Us offers a no fee free consultation to prospective clients.

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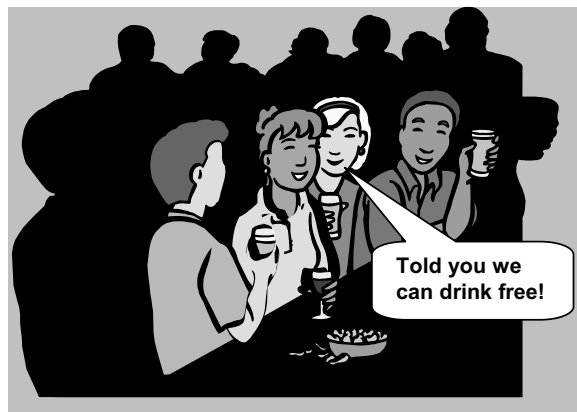
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New Jersey Licensed Beverage Association

September 29 and 30, 2009

Resorts International, Atlantic City, NJ

Call 1.800.322.1399 – Monday – Friday

Room Code VBEV9 – For Reservations \$69 a night

Tentative Convention Schedule

Tuesday, September 29, 2009

3 PM – 6 PM	Registration Desk Open
7 PM – 9 PM	Welcome Cocktail Reception and Buffet
9 PM – 12 AM	Revisiting the 80's - A Musical Salute*

Wednesday, September 30, 2009

8 AM – 10 AM	Continental Breakfast
10 AM – 5 PM	Registration Desk Open
10 AM – 11 AM	NJLBA Association Meeting and Election of Officers Presentation on how to detect false ID
11 AM – 12:15 PM	ABC Seminar by Director Jerry Fischer and Staff
12:15 PM – 2 PM	Luncheon
2 PM – 5 PM	Tour of Renault Winery, Little Egg Harbor, NJ**
7 PM – 10 PM	Cocktail Reception and Dinner

*Subject to availability of entertainers invited but not confirmed.

** Subject to availability not confirmed.

REGISTRATION FORM

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NO REGISTRATION REFUNDS

ABL ANNOUNCES 8TH ANNUAL ABL CONVENTION IN LOUISVILLE, KY

Beverage Retailers Will Be “On the Trail to Success” in Bourbon Country

Bethesda, MD – July 30, 2009 – American Beverage Licensees (ABL) announced plans today for its 8th Annual Convention on June 13-15, 2010 in downtown Louisville, Kentucky. The 2010 ABL Convention theme, “On the Trail to Success”, highlights the educational and social events that are planned for convention attendees, and the nearby Bourbon Trail, home to some of the world’s most recognizable bourbon distilleries.

“We’re expecting added interest because we’ve changed the venue which should provide some new opportunities for convention attendees,” said ABL’s Director of Operations and Trade Relations, Susan Day Duffy, who is also the convention organizer. “Part of the revamped convention program will include off-site events that take advantage of the Louisville area’s rich history and bourbon culture, as well as the large industry presence that thrives there today.

Kentucky is the birthplace of bourbon, which is considered to be America’s only native spirit. Today, the state produces about 95%

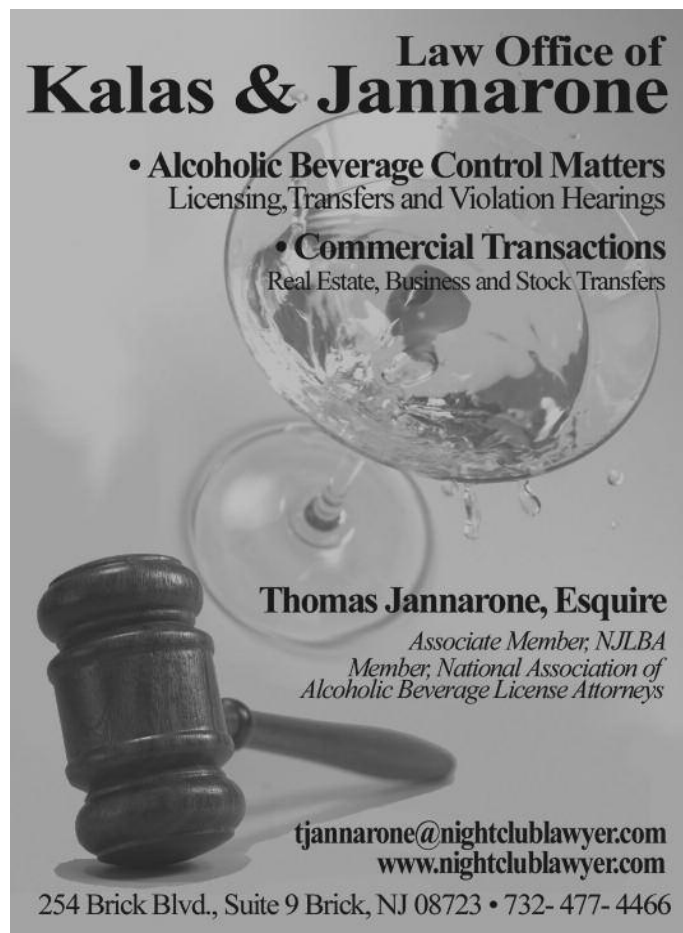
of the world’s supply at 12 operating distilleries. Eight of those distilleries - Jim Beam, Buffalo Trace, Four Roses, Heaven Hill, Maker’s Mark, Tom Moore, Wild Turkey and Woodford Reserve - are part of Kentucky’s Bourbon Trail and are open for tours. Each one practices the art, science and magic of making bourbon, in tandem with its own distinct traditions and heritage.

The other major attraction is Louisville’s resurgent downtown which boasts the Louisville Slugger Museum & Factory a scenic waterfront and “Fourth Street Live!” Fourth Street Live! is Louisville’s premier dining, entertainment and retail destination located in the heart of historic downtown Louisville, KY. It is just a short walk from the Louisville Marriott Downtown, ABL’s Convention hotel, as well as the waterfront park, Main Street, Slugger Field, and other major attractions. In addition, Churchill Downs, home to horse racing’s crown jewel, the Kentucky Derby, is only a few miles away.

As with previous ABL Conventions, the 2010 event will feature presentations by well-known industry speakers and educational seminars designed to give retailers a leg-up with their businesses and a better understanding of their industry. ABL will hold a handful of social events sponsored by and featuring products from beverage alcohol supporters. Confirmed sponsors include Beam Global Spirits & Wine, Brown-Forman, the Distilled Spirits Council, and the National Association of Beverage Importers.

ABL expects to confirm more speakers, sponsors and events in the coming months, but encourages everyone to mark their calendars in advance for the can’t-miss beverage alcohol event of the year.

Registration for the convention remains at \$250 per attendee for the third consecutive year and accommodations will be available at the Louisville Marriott Downtown at a discounted rate for convention guests. To stay up-to-date on 2010 ABL Convention news, make sure you visit ABL’s home on the web at www.ablusa.org.



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**REGISTER TODAY
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THE 77th ANNUAL
CONVENTION!**

COURT REVERSES LIABILITY VERDICT

by Joe Deal, Esquire

I reported to you last year on the New Jersey Appellate Division's unwarranted extension of the duty owed by a licensed alcoholic beverage server to its patrons in the case of Bauer v. Nesbitt, et al., 399 NJ Super. 71 (2008). In that case, the Appellate Division overturned a Cape May County judge's grant of summary judgment to the C-View Inn based upon the determination there was insufficient evidence that an under aged, intoxicated driver was served alcoholic beverages in violation of the New Jersey Licensed Alcoholic Beverage Server Liability Act (Dram Shop Act), *N.J.S.A. 2A:22A-1 to 7*, or otherwise acted negligently.

In reversing the trial court's ruling, the Appellate Division reached beyond the well-stated intentions of the Dram Shop Act, which was enacted to limit liability against licensed alcoholic beverage servers to instances where injury resulted from the negligent service of alcoholic beverages. The Appellate Division ruling expanded this limited liability by finding a common law duty of care on the part of tavern owners to supervise patrons who exhibit signs of visible intoxication, even if they drank elsewhere.

The case was ultimately appealed to the New Jersey Supreme Court, which reversed the decision of the Appellate Division. In doing so, the high court ruled that "although circumstances may dictate that a commercial establishment has a duty to ensure the safety of its guests from foreseeable danger, in this case we cannot find that the Dram Shop Act or common law principals of negligence imposed a duty on the C-View Inn to monitor the appearance of a person to whom it had not served alcohol."

In the Bauer case discovery showed that at approximately 5:30 p.m. defendant Frederick Nesbitt, III, who was 19 years old, picked up his friend James Hamby at Hamby's house and then drove to the Seaville Tavern. There, Hamby purchased a pint of rum and a 12 pack of beer. They then drove to the home of another friend, Kevin Smith. On the way to Smith's house Hamby drank beer while Nesbitt took a couple of swigs from the bottle of rum. The men were joined at Smith's house by two more friends, Jason Kleinschmidt and Wade Dickinson.

After spending some time at Smith's house, where they ate pizza and drank rum, they headed to the C-View Inn. On the way, Nesbitt and Hamby drank a beer, and Nesbitt "probably" had a swig of rum at the parking lot to the C-View Inn. By the time they entered the C-View at approximately 7:00 p.m., half of the 12 pack of beer Hamby had purchased earlier was gone. Hamby sneaked the bottle of rum into the C-View Inn in his pants pocket.

The men spent approximately 2 hours at the C-View. They sat at a table approximately 6 feet from the bar. All were served alcohol except for Nesbitt, as the tavern staff knew he was a minor and were watching him closely. It was estimated the men were served 3-4 pitchers of light beer along with glasses of vodka and orange juice. They ate chicken wings and french fries, and Nesbitt was served Coca Cola. On two occasions Hamby poured rum into Nesbitt's soda glass under the table.

During the course of the evening Hamby became loud and obnoxious. At one point he exposed himself to his friends and said that he wanted to get a smiley face tattoo on his penis. No one who observed Nesbitt believed he was intoxicated. There was no evidence of him falling down, stumbling, or exhibiting any other signs of intoxication at the bar. In fact, he was described as looking "the safest to drive."

The men left the C-View Inn between 9:00 and 9:30 p.m. At approximately 10:35 p.m. Nesbitt lost control of his car while driv-

ing on the Garden State Parkway. The car crashed into a guardrail and rolled over. Neither he nor Hamby were wearing a seat belts. As a result, Nesbitt suffered serious injuries and Hamby died. At the hospital blood was drawn from Nesbitt. His blood alcohol content was determined to be 0.199%-well above the legal limit. He was charged and ultimately pled guilty to second degree vehicular homicide and driving under the influence. In their civil action the plaintiffs retained Thomas Hand, a drug and alcohol expert, who opined that Nesbitt's BAC was definitely above a .10 while he was in the C-View Inn, and he therefore would have exhibited visible signs of intoxication while at the bar.

The case was subsequently reviewed by the Supreme Court. In reversing the Appellate Division and reinstating the dismissal of the claim against the C-View Inn, the Supreme Court took a close look at the issue of whether the Inn could be held liable for negligent supervision of Nesbitt in light of the evidence he had not been served any alcoholic beverages at the Inn. The plaintiff argued the C-View was not only bound by the Dram Shop Act but, as determined by the Appellate Division, it was also under a common law duty to monitor Nesbitt, who was a minor, and to take action to ensure his safety and the safety of others if he appeared visibly intoxicated. The plaintiff further argued that the Inn negligently allowed Nesbitt to leave its premises in an intoxicated condition, posing a perceivable risk of harm to himself and others.

The C-View Inn contended the Dram Shop Act preempted the any claimed right of recovery based upon common law principles, including the claim of negligent supervision, arguing the Act was intended to be the exclusive remedy against licensed alcoholic beverage servers in cases involving the negligent service of alcohol. The C-View maintained that, as the Dram Shop Act was intended to provide a licensed commercial establishment with immunity from liability except for those violations defined within the Act, permitting recovery under a common law cause of action, where there was no service of alcohol to a visibly intoxicated customer, or where the tavern did not otherwise cause the patron to become impaired, would defeat the purpose of the Act.

In coming to its ruling the Supreme Court looked at the language of the Act, and at its history, for guidance. It noted the statute provided it was to be "the exclusive civil remedy for personal injury or property damage resulting from the negligent service of alcoholic beverages by a licensed alcoholic beverage server." The Act further provided that a licensed alcoholic beverage server may be deemed negligent only "when the server served a visibly intoxicated person, or served a minor, under circumstances where the server knew or reasonably should have known, that the person served was a minor". Thus, the plaintiff must prove that the "injury or damage" alleged was "proximately caused by" and "a foreseeable consequence of the negligent service of alcoholic beverages." *N.J.S.A. 2A:22A-5(a) and (b)*.

In the Bauer decision, the Supreme Court placed much emphasis upon the specific facts of the case, particularly the fact no one had testified that Nesbitt appeared visibly intoxicated, and no one said they saw Hamby secretly pour rum into Nesbitt's soda glass under the table. While noting Nesbitt's BAC was 0.199%, the Court suggested that in the hour between the time he and Hamby left the C-View Inn and the time of the accident, they may have drunk the remaining six bottles of beer which they purchased earlier and/or more of the rum from Hamby's bottle. For these rea-

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GREEN FAIRY ORIGINAL CZECH ABSINTH AND ADMIRAL IMPORTS HOST CZECH ABSINTH COCKTAIL SEMINAR FOR THE TRADE

by Mark Tucker

The makers of Green Fairy, Djabel and Koruna Absinths and Admiral Imports hosted a trade seminar at Trinity restaurant in Keyport, NJ on July 14, 2009 to educate Allied Beverage as well as New Jersey retailers and restaurateurs on the versatility of Czech Absinth in cocktails. The seminar was lead by Green Fairy's Global Brand Ambassador, Manuel Terron.

From behind the long bar at Trinity, Mr. Terron enlightened the attendees on the rich history of Czech Absinth and what makes it different from Swiss and French Absinthes. "We use star anise to make our Absinth as opposed to the French and Swiss who use green anise. This results in a more herbal product with less licorice taste than our competitors. Our products mix well with fruit juices, soft drinks and energy drinks and are thus more appealing to mixologists. The use of these ordinary ingredients that can be found in any spirit shop or grocery store make them accessible to the home mixologist as well," explained Terron.

Mr. Terron went on to demonstrate several cocktails utilizing Green Fairy, Djabel or Koruna as the main ingredient in each of them. Samples of the cocktails were passed out so all attendees could taste first-hand the products' mixability. The cocktails were enjoyed with a spread of food provided by Trinity restaurant.

"I think bartenders cringe at the thought of doing the traditional Absinth service with a sugar cube and water drip. They end up with the same tip for five minutes of work that they get for shaking up one of Manny's Absinth cocktails in a fraction of the time," commented the Brand Principal Dave Higgins who was also present at the event.

Absinth, a highly alcoholic spirit derived from several herbs including wormwood, contains the chemical "Thujone" which has been surrounded by myths about its effects. Although Absinth production dates back hundreds of years, it gained popularity in the early 1900s when cheap industrial producers began artificially coloring it with toxic chemicals like copper and zinc making people sick. Poor testing incorrectly linked the thujone to these illnesses. As a result, it became almost universally banned with the exception of what is now the Czech Republic where production continued uninterrupted. In 2007, the ban on Absinth in the US was lifted.

Absinth is typically green from the natural herbs from which it is produced or from additives and became known by the moniker "la Fée Verte" or "Green Fairy" in English. Today, this name is the trademarked brand name of the Czech Absinth imported exclusively by Admiral Imports. Green Fairy is 60% alcohol by volume and retails for a suggested \$49.

Djabel, which translates to "Devil," is similar in nose and taste to Green Fairy and is bottled at 70% alcohol by volume with a suggested retail of \$59. Koruna which is molasses based exhibits different characteristics than Green Fairy and Djabel, contains herbal sediment including wormwood in the bottle and is 73% alcohol by volume with a suggested retail of \$69.

Admiral Imports is the exclusive importer for Green Fairy, Djabel and Koruna Czech Absinths. For more information visit www.admiralimports.com and www.originalgreenfairy.com.

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Court Reverse Liability Verdict

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sons, the Court was critical of plaintiff's expert, suggesting he engaged in "sheer speculation" by concluding Nesbitt would have been showing obvious signs of visible intoxication before he left the C-View.

The Court further opined that "to permit a negligent supervision action to go forward in this case would eviscerate the protections given to licensed alcoholic beverage servers in the Dram Shop Act." In conclusion, the Court determined that since the C-View Inn did not serve alcohol, or allow alcohol to be served, to Nesbitt, and since Nesbitt was not stumbling or falling down and did not give any indication he would be an imminent menace once he left the premises, there was no duty to monitor him under the Dram Shop Act to ensure that he was not intoxicated.

WHERE DOES THE MONEY GO FROM MUSIC LICENSING FEES?

When one ponders the mysteries of the universe, "Where does my music licensing fee go?" doesn't even make the top ten. Ask the owners of businesses using copyrighted music, however, and the question may earn an honorable mention.

It's a good question with a simple answer. After paying expenses, the remaining licensing revenue is distributed by BMI to affiliated songwriters and publishers. Currently, copyright owners receive approximately 86% of every revenue dollar collected. Songwriters pay nothing to join BMI.

"Many of our customers don't realize BMI operates on a non-profit basis," said Tom Annastas, Vice President, General Licensing. "We are firmly dedicated to giving the maximum amount of money possible to those whose rights we protect: the songwriters, composers and publishers. Our diligence in cost management has resulted in a substantial drop in the company's overhead rate in recent years.

"Some of our business customers are surprised to hear that BMI never earns a profit," said Annastas. "Since its founding in 1939, BMI has had a unique business model."

Like any organization, BMI does have bills: salaries, rent, office supplies and other necessary operating expenses. By decreasing those expenses, BMI is able to increase income for songwriters while keeping costs reasonable for businesses using music.

Some expense is incurred while determining what share of the revenue should be distributed to each of BMI's more than 375,000 songwriters and publishers. Offering the most comprehensive radio airplay measurement of any U.S. performing rights organization, BMI's combination of census and sampled performance data covers almost 4 million broadcast hours per year. A detailed explanation of BMI's royalty payment system is available on our website, bmi.com, at bmi.com/royalty.

Under U.S. Copyright Law, songwriters have the exclusive right to publicly play or authorize performances of their songs. Many songwriters from around the world give BMI permission to license performances of their works in the United States. BMI collects license fees on their behalf from businesses which use

their music, making the licensing process easier. Without the services of BMI, each business using music is required under law to obtain permission from each songwriter for each song -- an overwhelming task for everyone. BMI makes it simple for hundreds of thousands of American businesses to have lawful access to an enormous catalog of music (more than 6.5 million songs) from more than 350,000 copyright owners. BMI also licenses songs from songwriters in more than 60 countries around the world.

The average restaurant or bar pays about \$1.50 per day for BMI's services. "It has taken this organization 65 years to reach our current level of expertise," said Annastas. "What we do is not easy, but we try to make the process simple for our business customers as well as our affiliates."

Songwriters who have composed hit songs for themselves or others are obvious beneficiaries of BMI's work. Often, songwriting royalties help unknown composers survive long before they become known as recording artists. Barry Manilow said, "BMI got me through some very lean times when I was a struggling songwriter back in New York City. They supported and encouraged me back in the early days. They have been very important to me."

Another BMI affiliate, rock legend Bo Diddley said, "The only people that ever did me right, in the 1950s and all the way up through now, is BMI," he said. "I have no regrets in my 47 years with them; everything in the book was right."

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Legislative Affairs Report

NEW JERSEY LICENSED BEVERAGE ASSOCIATION
TRENTON, NEW JERSEY
by Barbara McConnell

State Budget

On June 25, 2009, almost a week before the constitutional deadline, the FY 2010 NJ State \$29 billion Budget was passed by both houses of the Legislature.

After “finding” an unexpected \$600 million windfall because of the overwhelming success of the Tax Amnesty Program, lawmakers revised the State Budget to include the windfall with a majority of the proceeds directed to property tax rebates.

The budget will cut spending by 12 percent, but it also raises a number of taxes. On the tax side, the Budget continues a 4 percent surcharge on corporate income taxes that was supposed to expire this year, costing employers \$80 million; raises tax rates on income above \$400,000; increases the cigarette tax by 12.5 cents per pack and hikes hard alcohol and wine taxes by 25%.

Despite the dire revenue picture, lawmakers included an important \$120 million appropriation to shore up the Unemployment Insurance fund to avoid another \$350 million payroll tax increase on employers (about 87 per employee). As it is, payroll taxes still will automatically rise by \$350 million on July 1, because the fund’s balance is too low to pay increased unemployment claims. Without the State’s action, New Jersey employers would have faced a total increase of \$700 million or 40 percent.

NJLBA vigorously opposed the alcohol and tobacco tax increase, and wrote to all 120 members of the State Legislature, pointing out that their actions continue to target the hospitality industry and drive them out of business.

NJ Taxpayers Organization Says There is Plenty of Money

Last week, the New Jersey Taxpayers Association announced results of their recent review of the NJ FY 2008 comprehensive Annual Finances Report. The report uncovers what appears to be a conscious attempt by state agencies and institutions to conceal huge sums of money in an ongoing basis.

Jerry Cantrell, President of NJTPA says, “*We are borrowing \$2 billion to cover short-term expenses, incurring minimum interest of \$18.2 million when there is plenty of money sitting in the state coffers already. NJ has a “cash fund” of \$19 billion as of June 30*”. NJTPA requested a formal legislative and media investigative inquiry into how and why these institutions have been allowed to increase taxpayer fees and tuition and produce “profits”, but more importantly, how many of these institutions now have unrestricted fund balances that are excessive for any public “rainy day” purpose.

Legislative Action

- A-2896 – Cryan – Caps bids municipalities may require for certain hotel liquor licenses. **Passed both Houses and signed by the Governor.**
- A-3916 – Rible/Cryan – Permits bars and restaurants to serve alcohol at bingo games on premises. **Passed in Assembly 77-0 and received in Senate without committee reference.** S-2418 – Van Drew and Kean – Reported out of the Senate Committee on May 4. Bill expected to become law during “lame duck”.
- A-4103 – Diegnan – Raises cigarette tax rate from \$2.57 to

\$2.70 per pack. Passed Assembly 45-33. Passed Senate 21-18. **Signed by Governor.**

- A-4104 – Wisniewski – Increased tax rate on liquor and wines. Passed Assembly 45-33 and Senate 21-18. **Signed by Governor.**
- A-3074/S-1926 – “Ricci’s Law”. Requires the use of ignition interlock devices for all drunk driving offenses. Bills were released from the Senate and Assembly committee with amendments. NJLBA strongly opposed these bills, especially for first time offenders. *We were able to have the bill amended to require that only those first time offenders with a BAC of 0.15 or higher would be required to install an ignition interlock device.*

Sports Betting in New Jersey

State Senator Ray Lesniak has filed a federal lawsuit to challenge the constitutionality of the Professional and Amateur Sports Protection Act. PASPA, signed into law in 1992, prohibits states or any person from offering or authorizing a lottery or other betting game based on the results of any competitive game in which amateur or professional athletes participate. If you read the law literally, this would outlaw a five-dollar bet at your local golf course. (Four states were implicitly exempted from PASPA: Nevada, Montana, Oregon and Delaware).

At first, Governor Corzine declined to join in the suit, saying he would “*wait for the federal law to be tested. . . before instituting any type of sports betting.*” However, on July 7, Governor Corzine filed a motion to join in the lawsuit. The Governor said, “today’s filing sends a clear message that we will not sit back and allow the selective prohibitions of this law to deprive New Jersey from the economic benefits sports betting can generate.”

In the Motion, the Governor argues that PASPA:

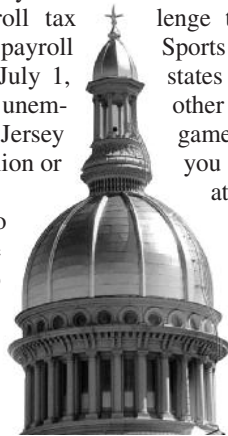
1. Economically disadvantages New Jerseyans, while allowing select States, including Delaware, to collect revenues from regulated sports betting;
2. Precludes the Governor from proposing as a revenue option, a form of regulated gambling freely allowed in other states.

Delaware recently took advantage of its exemption in the federal law to legalize sports betting and table games at its three horse racing facilities.

If PASPA is declared unconstitutional, NJ could move to authorize. Both the Assembly and Senate have passed measures indicating their support for sports betting.

Video Lottery

If the Governor wants to be *competitive* in the gaming business, there is nothing stopping New Jersey from enacting Video Lottery in bars and taverns and other facilities which would bring in millions in new revenue and could be used for property tax relief, or to balance the budget. Pennsylvania and Delaware have enacted such laws and they are drawing gaming dollars away from New Jersey and Atlantic City and the state coffers.



Behind the Bar

by David T. Kratt

JUST KNOWING WHAT IS HAPPENING HELPS



Things happen behind the bar. Things that, let's say, can give your good attitude a pretty good hit.

When these things happen, when you're in the moment, you may tend to react or respond on impulse. That's natural. But many times, putting some thought into what's happening may help you find a better and healthier way

to deal with a situation.

Here are a few examples:

The bad tipper –

On first impulse: A little bit of anger maybe. Take it personal. Complain to other co-workers about it. Recently, a guy at my bar put a big "x" in the tip section on his credit card slip. This wasn't simply about not tipping. He didn't forget to tip, either. He purposefully put that big "x" there.

I got the message.

We all have our own bad-tip stories.

On second thought: Assuming that you did give decent service, which I'm pretty sure I did, you must find a way to forget about it as soon as possible. Don't allow your good attitude to be deflated by bad tips from customers who probably don't tip very well ever; no matter how good the service was. Instead, reinforce

your good attitude by focusing on the good tips you received from customers who appreciated your attentiveness. While dealing with this, I remembered that my guy had asked what our cheapest beer was. This was after I had decided that he should have had no problem with the service. So that also helped me move on.

The never-ending shift –

On first impulse: It is non-stop busy. Fatigue sets in. This and that happened along the way so now you're being a little curt with customers and your wait staff. Working long shifts can beat you down pretty good.

On second thought: Wait, curt with customers and wait staff? You know that's a clue that you have hit that wall. So you dip into your deep well of good attitude to get through the night.

The not-my-favorite customer –

On first impulse: You think, "Not him again," before this customer has even pulled any of his shenanigans. His presence alone took a bite out of your good attitude.

On second thought: One consoling factor is that other co-workers probably feel the same way about this customer. But you need to worry about you. You decided that this customer's presence and behavior will not gnaw away at your good attitude.

The misery-loves-company coworker –

On first impulse: This coworker complains about the tips, hours scheduled, customers, the boss and other co-workers. It gets old. But, nonetheless, you get sucked down to that level because the complaining is coated with some truth and laced with legitimate gripes.

On second thought: You've been behind the bar long enough to know that there may very well be a lot to complain about in our line of business. But you decided that you will not allow the oozing of this toxic attitude to contaminate your good attitude because you know that your good attitude is one of your best qualities.

And that's worth protecting.

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