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February 2010

Volume 32 Number 1

## A NEW EXECUTIVE DIRECTOR TO MEET THE CHALLENGES OF A NEW DECADE



*Diane M. Weiss*

The Executive Committee and Board of Directors of the New Jersey Licensed Beverage are pleased to announce that Diane M. Weiss has agreed to join the staff of the Association as Executive Director.

“The Association was indeed fortunate to have Diane join our staff,” remarked President Fred Barnes. “She has a wealth of knowledge that will benefit our membership. Her experience in state government and her understanding of the problems facing the hospitality industry bring

to the table a new direction for the NJLBA.”

After graduating from the College of New Jersey with a degree in Sociology, Diane began her career in Government in the Office of the Governor under Governor Tom Kean. After four years, she moved to the Office of the Attorney General.

Diane has fifteen years of experience in the licensed beverage industry. For the last eight years she has served as a member of the senior staff of the Director of the Division of Alcoholic Beverage Control. In that capacity, she was involved in all aspects of the regulations dealing with sale and servicing of alcoholic beverages. She also served as Bureau Chief of the Division’s licensing unit. Among her many responsibilities was working with every type of license and licensee in the industry and was charged with addressing and insuring that regulatory efforts were cognizant of modern and current economic models.

As grant manager, she became familiar with the significant problem of underage drinking.

“I am very grateful to the NJLBA leadership for this opportunity to serve the Association as its Executive Director. I am encouraging all of our members to call me with any problems, suggestions or advice they may have.” Said Diane.

## YOUR VOICE, YOUR OPINION MATTERS CONTRIBUTE TO NJLBA'S POLITICAL ACTION COMMITTEE

These are critical times in New Jersey, especially for our small businesses in the alcoholic beverage industry where an unceasing amount of regulations have over the years been placed on **your** licensed establishments.

Since the beginning, the New Jersey Licensed Beverage Association has been your advocate in Trenton, speaking out against onerous legislation and regulatory proposals; working to promote good relations between state and governmental officials and our industry sector. And, we have been able to win many battles in your favor that would not have happened if we hadn't been on "the ground" fighting on your behalf.

In order to continue our good work in Trenton, it is important, through our Political Action Committee, to channel contributions to those candidates who we believe will help achieve leg-

islative decisions consistent with the policies of the alcoholic beverage industry, and who will help create a favorable climate for the free enterprise system.

Legislators, opinion makers and political leaders cannot possibly evaluate the impact of every piece of legislation and regulations on our industry unless we share with them our views and our unique knowledge and expertise on the issues. This kind of communication and "political action" helps to promote NJLBA's agenda and to further a strong free enterprise system.

That's why we need your help! I know these are tough times, but please contribute what you can to NJLBA's Political Action Committee, in order that we can continue to be your advocate in Trenton -- and continue to be heard and recognized as a strong voice on your behalf.

# CHAMBER TRIP TO WASHINGTON

Every year, at the end of January, the New Jersey Chamber of Commerce sponsors the train trip to Washington for the movers and shakers of the state's business, association, and civic, non-profit and political circles. Called the Walk to Washington because few sit on the train and literally walk the train the whole way to DC, the trip has become the premier networking event for organizations that are looking to increase their visibility.

The tradition started 73 years ago when a group of top businessmen decided to travel to Washington to have dinner with their Congressional delegation. The train ride gave them an opportunity to discuss business and the events of the day. The dinner gave them a chance to express their opinions on pending and needed federal legislation.

The Amtrak train leaves Newark for the 4-5 hour trip to the nation's capital. After making stops in Metro Park, New Brunswick, Trenton, Philadelphia and Wilmington, the train finally arrives at Union Station. The next stop is the Marriott Wardman Park Hotel.

The cocktail reception is another chance to network, one on one, with leaders from the business and political world. Meeting and exchanging business cards make a valuable future connection. The NJLBA now has a name and a face.

The Congressional dinner is the introduction to the people who represent New Jersey in the Congress. The remarks from our two Senators and the Dean of the House of Representatives are an insight to what is happening in Washington and how it affects your business and lives. The evening featured a roundtable discussion with members of Congress focusing on issues important to the business community.

This year represents the celebration of the 100th year of the founding of the Chamber. At the dinner, the rich history of the Chamber was emphasized and kicked off a yearlong celebration of events that will culminate at the 2011 dinner.

President Fred Barnes, Executive Director Diane Weiss, Freeholder and NJLBA Regional Director, Terry Duffy and Cape May Director Kim Gansert represented NJLBA at the "walk".

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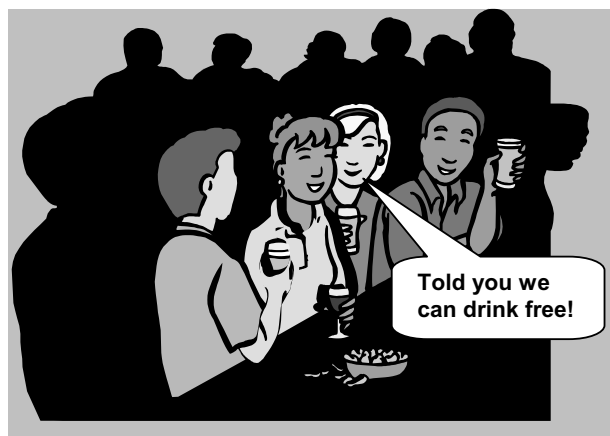
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# **SURVEY TO NJLBA MEMBERS**

## **REGARDING FIRE CODE REGULATIONS**

On February 5, 2007, the Department of Community Affairs adopted new Fire Code regulations which:

- Changed the definition of “Nightclub” which is so broad that it will apply to virtually all “eating and drinking” establishments with an occupancy load of 100;
- Require the installation of an automatic fire detection system which shall be tied to the performance sound system and house lights;
- Require the installation of an automatic sprinkler system;
- Change the egress requirements which might require structural changes;  
And
- Removes the “grandfather” provision applicable to buildings constructed under the 1977 Uniform Construction Code.

NJLBA spoke out strongly against many aspects of the new regulations and expressed grave concern over the costs that would be borne by our members who might fall under the requirements of these amendments.

**Please take a few minutes and let NJLBA know what your experience has been regarding these new Fire Code Regulations.**

1. Has your establishment been contacted by local fire code official?  
Yes \_\_\_\_ No \_\_\_\_
2. Were you told that your establishment would now fall under the definition of “Nightclub”?  
Yes \_\_\_\_ No \_\_\_\_
3. What changes have you had to make to comply with the regulations?
4. Approximately what costs have you incurred?
5. Do you know how the local fire code officials calculated “occupancy load”?
6. From your standpoint, what constitutes the greatest burden in complying with the Fire Code Regulations?
7. If you have been required to make any changes in your establishment, do you feel that they were necessary? Yes \_\_\_\_ No \_\_\_\_

**THANK YOU FOR HELPING US BETTER SERVE YOU.**

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Diversified Fixture is a superb millwork company, and they can help you design and build your bar from the floor up. Lacrosse Cooler is a noted supplier of undercounter ice bins, liquor displays, and bar sinks for your complete underbar equipment needs. Beverage Air's back bars and wine caves complete your beverage display and storage needs when they are combined with a Tafco walk-in coolers.

Chairs, Tables, Bar Stools and Banquets to meet your décor needs, can all be gotten from ATS, American Tables and Seating. Glasses, glass hangers and other bar accessories are Royal Industries specialty. Moyer Diebel is a leader in the field of glass washers, undercounter dishwashers and dishwashers for your smaller system needs.

Did you know that by increasing your ratio of food to liquor served you can lower your insurance rates? We have a number of products to offer your bar for late night menus. These food offerings all can be prepared from the bar after the kitchen is closed. You won't need an expensive chef or an extensive kitchen to prepare these types of foods.

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# EDDIE BLOCK TO RECEIVE 2010 ABL TOP SHELF AWARD

American Beverage Licensees (ABL) announced today that Eddie Block has been selected as the 2010 ABL Top Shelf Award honoree. Mr. Block is a Partner of Republic National Distributing Company, the second largest distributor of premium wine and spirits in the United States.

The ABL Top Shelf Award recognizes those who have demonstrated excellence over their careers in the beverage alcohol industry and have a successful history of positive influence on their communities. It is the highest honor given by ABL and will be presented to Mr. Block at the Top Shelf Award Banquet at the 8th Annual ABL Convention on June 15, 2010 in Louisville, Kentucky.

“In the traditionally flamboyant beverage business, ‘modest’ and ‘mild mannered’ aren’t words typically assigned to top brass.” Said ABL President David Jabour. “Eddie Block is an industry pillar that is humble and forever caring for everybody in the industry.”

Mr. Block traces his routes in the beverage alcohol industry back to 1939 when his father, Ed. J. Block, started the original family business, Block Distributing Company in Texas. He entered the industry professionally in 1964, going to work for Block Distributing two years later. In 1975 he became President of Block Distributing and as consolidation in the industry accelerated, he was named Chairman of Republic Beverage Company in 1996. In 2007, Republic merged with National Distributing Company to form Republic National Distributing Company, and Mr. Block joined the other principal owners as a Partner. Today,

Republic National Distributing Company is the second largest distributor of premium wine and spirits in the United States with operations in nineteen states and 6,000 employees nationwide.

“Eddie Block is a truly revered member of our great industry,” said ABL executive director Harry Wiles. “His reputation among those who have had the good fortune to cross his path makes his selection as Top Shelf Recipient the perfect choice. ABL is honored by his acceptance of this award.”

In addition to his achievements in the beverage alcohol industry, Mr. Block has been a longtime supporter of a variety of charitable organizations that remain important parts of his life. He is active with the United Way, the McNay Art Museum, the University of Texas Health Science Center, the Cancer Therapy and Research Center of San Antonio, the Southwest Foundation for Biomedical Research, the San Antonio Food Bank, and Meals on Wheels, among others.

Mr. Block also currently serves on the Board of Directors of the Jewish Federation of San Antonio and on the Investment Committee of the Jewish Federation. He has previously served on the Board of Directors of Wine and Spirits Wholesalers of America several times.

For those who wish to join in honoring Mr. Block and for more information about the ABL Top Shelf Award Banquet and 2010 ABL Convention, which will be held June 13-15, 2010 at the Marriott Louisville Downtown in Louisville, Kentucky, please visit [www.ablusa.org](http://www.ablusa.org).

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# DIGITAL MUSIC PLAYERS LURE CUSTOMERS BUT NEED BMI LICENSE WHEN PLAYED FOR THE PUBLIC

With digital music players becoming mainstream around the world, it's only natural that many American bar, nightclub, and restaurant owners are welcoming MP3 players into their establishments as an edgy, easy form of entertainment.

Since the iPod's introduction in October 2001, Apple has sold more than 100 million of the devices, and the iPod now commands more than a 70percent share of the U.S. market for digital music players, also known as MP3 players. The device has become a standard accessory for young adults. Many clubs now feature iPod nights, letting customers take turns as DJ. Those wishing to participate add their name to a list and wait their turn. When it comes, each is given 15 minutes or so of fame to play whatever they want. Some patrons enjoy hearing songs they won't find anywhere else, or sampling other peoples' taste in music. More conservative proprietors require customers to choose songs from a play list of approved tunes selected by the house.

iPod nights have become a digital form of karaoke. Sometimes, customers are permitted to play narratives or even videos from their personal collection. Some customers enjoy hearing sounds they won't find on radio or sampling unusual musical preferences of others. Of course, there's no guarantee that one customer's musical taste will appeal to anybody else, but at least one person will be happy.

Playing music from iPods in a business or other public place requires the permission of the songwriters, regardless of who owns the playback device, said Tom Annastas, BMI Vice President, General Licensing.

"From a copyright perspective, playing music and video from a pocket digital player is no different from using other playback technology," Annastas said. "Regardless of who owns the player or the contents of the device, when it is played for a group other than a family and its social acquaintances, it becomes a public performance. Such a performance requires a BMI licensee for the works owned by BMI songwriters."

Business owners who are licensed by BMI to play recorded copyrighted music will face no additional cost with the use of iPods or other digital devices, said Annastas.

Now celebrating more than 65 years in business, BMI is an American performing right organization that represents more than 375,000 songwriters, composers and publishers in all genres of music. With a repertoire of more than 6.5 million musical works from around the world, the non-profit making performing right organization collects license fees from businesses that use music, which it then distributes as royalties to the musical creators and copyright owners it represents.

## PRIDE OF NEW JERSEY

Everyone has heard the jokes about New Jersey on late night television and about how bad our state is. No one ever stops to realize the invaluable contributions that New Jersey citizens have made to society and the world beyond.

The New Jersey Hall of Fame was established in 2005 and at present exists as a virtual museum on the web. By presenting significant and powerful role models, the Hall has become a source of learning, inspiration and hope.

The honorees were chosen by New Jerseyians who voted online for their favorites in the fields of sports, entertainment, science and the arts. The Hall's voting academy, made up of 100 state organizations also cast their votes.

The class of 2010 is made up of musicians, Count Basie and Les Paul, entertainers Danny DeVito, Jack Nicholson, Susan

Sarandon and Frankie Vallie, sports legends, Larry Dobby and Carl Lewis, authors, Judy Blume and Philip Roth, architect, Michael Graves, women's rights advocate, Alice Paul, astronaut Wally Schirra, President Woodrow Wilson and Justice William Brennan. All of the honorees were born in New Jersey.

Previous inductees include Frank Sinatra, Albert Einstein, Thomas Edison, Bruce Springsteen, Yogi Berra, Jerry Lewis, Jon Bon Jovi, Shaquille O'Neal just to name a few of the first two classes of inductees.

The induction ceremony will be held May 2 at the New Jersey Performing Arts Center in Newark.

# SERVERS BEWARE

by Thomas Jannarone, Esquire  
Kalas & Jannarone

I love getting a free drink as much as the next guy. In fact, many establishments have “buy back” policies for servers.

However, this practice becomes illegal if a server gives away drinks without proper authorization.

Server “stealing” comes in many forms and can violate ABC regulations as well as criminal laws.

For the purposes of this column, we’ll only address a licensee’s criminal remedy against the dishonest server; a situation when a server is giving away (or undercharging) drinks.

Servers can be prosecuted for Shoplifting under the New Jersey Code of Criminal Justice, 2C:20-11 if he or she decides to give away or undercharge customers without permission to do so.

In pertinent part, 2C:20-11 defines “Shoplifting” as follows: “Shoplifting shall consist of any one or more of the following acts: (5) For any person purposely to under-ring with the intention of depriving the merchant of the full retail value thereof.”

As you can see, this definition fits squarely into the prohibit-server conduct discussed above.

The penalties associated with a violation of Shoplifting can be severe and become increasingly so as the value and or number of the goods given away increases.

Shoplifting is a disorderly persons offense under subsection b. of 2C:20-11 “if the full retail value of the merchandise is less than \$200.00. Additionally, notwithstanding the term of imprisonment provided in N.J.S.2C:43-6 or 2C:43-8, any person convicted of a shoplifting offense shall be sentenced to perform community service as follows: for a first offense, at least ten days of community service; for a second offense, at least 15 days of community service; and for a third or subsequent offense, a maximum of 25 days of community service and any person convicted of a third or subsequent shoplifting offense shall serve a minimum term of imprisonment of not less than 90 days.”

Further, “Shoplifting constitutes a crime of the fourth degree under subsection b. of this section if the full retail value of the merchandise is at least \$200.00 but does not exceed \$500.00.”

The term of imprisonment provided by N.J.S.2C:43-6 or 2C:43-8 for a first offense of shoplifting an amount less than \$500 is a term that “shall not exceed 18 months.”


The judge will look at the circumstances surrounding the shoplifting and weigh the aggravating versus mitigating circumstances when deciding any term of imprisonment that is left to his discretion pursuant to the statute.

Since during the course of a dishonest server’s shift he or she has the ability to give away much more than \$500 worth of drinks, it bears looking further into the statute and the penalties associated therewith.

Shoplifting constitutes a crime of the third degree “if the full retail value of the merchandise exceeds \$500.00 but is less than \$75,000.00.” In the case of a crime of a third degree, the court can sentence a server to three to five years imprisonment.

Let your servers know that getting fired is NOT the worst that can happen for undercharging drinks.

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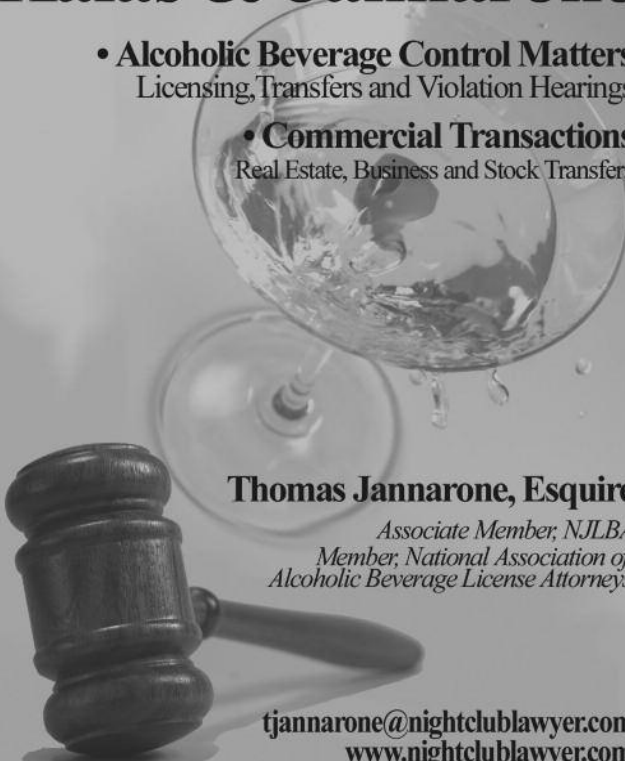
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# Legislative Affairs Report

NEW JERSEY LICENSED BEVERAGE ASSOCIATION

TRENTON, NEW JERSEY

by Barbara McConnell

## New Jersey – “A Fiscal State of Emergency”

On February 11, 2010, Governor Christie declared a “fiscal state of emergency” in a speech to a Joint Session of the Legislature, and laid out about \$1.5 billion in spending cuts, including freezing \$475 million in aid to school districts, \$62.1 million in support for public colleges and \$12.6 million in hospital aid. And, he told New Jersey Transit that the state could not continue to fund them at the same level – and, that they essentially needed to “clean up their act and take a look at their rich labor contracts”. He also said, *“the budget passed less than eight months ago, in June of last year, contained all the same worn out tricks of the trade that have become common place in Trenton, that have driven our citizens to anger and frustration and our state to the edge of bankruptcy.”* The Governor estimated that anticipated revenues for this fiscal year were \$2.2 billion short. Take a look at this:

Sales Tax Revenue down 5.5%

Unemployment over 10%;

Corporation Business Tax down 8 percent; and

\$800 million in additional spending was done by the previous administration on “their way out the door”.

As expected, Democrats and special interest groups are upset and disagree with the Governor’s plan, but the business community is very supportive that the Governor is doing what they believe it takes to get New Jersey’s fiscal house in order.

## Study Shows Exodus of Wealth from New Jersey

A Boston College study released last week showed that from 2004 through 2008, \$70 billion in wealth left New Jersey, while the state’s charitable capacity declined by \$1.13 billion. Dennis Bone, Chairman of the New Jersey Chamber of Commerce said, “This study makes it crystal clear that New Jersey’s tax policies are resulting in a significant decline in the state’s wealth.”

## 214th Legislature Acts on numerous Alcohol Beverage Related Bills

**Direct Wine Shipments to NJ Consumers** – Legislation sponsored by Senate President Stephen Sweeney and Senator Brian Stack would allow New Jersey consumers to receive direct shipments from wineries was released by the Senate Law and Public Safety Committee. NJLBA testified against the legislation as *“another legislative measure that would drive a nail in existing licensee’s coffin; and create unfair competition.”* NJLBA also pointed out the potential loss of sales tax, excise tax, and difficulty of keeping mail order alcohol out of the hands of underage

drinkers. It is interesting to note that the N. J. Package Store Association and New Jersey Restaurant Association remained “neutral” on the bill. The Department of Agriculture; and BYOB’s were in favor of the bill!

**Serving of Alcohol at Bingo Games** – Legislation to permit bars and restaurants to serve alcohol at Bingo Games on premises was reported out of the Assembly Law and Public Safety Committee. NJLBA appeared before the Committee and expressed their strong support.

**SCR49 – Lesniak/Van Drew** – Proposes constitutional amendment authorizing the Legislature to allow in-person wagering and account wagering on sports events at Atlantic City casinos and at racetracks. Reported out of committee and now goes to the Senate. Trenton hopes that sports betting will help New Jersey’s racetracks, and help the casinos to recover some of the 18% decrease in revenues they are experiencing.

## NJLBA Promotes Video Lottery on Train to DC

– During the annual train trip to Washington, DC, sponsored by the New Jersey Chamber of Commerce, representatives of NJLBA spoke to several legislators about the need to legalize Video Lottery in New Jersey’s bars, and taverns as a way to boost business in these establishments, as well as bring in new and additional revenue to the state for Property Tax Relief.

## Assemblyman Burzichelli Invited to Speak to Licensees in Gloucester and Camden Counties

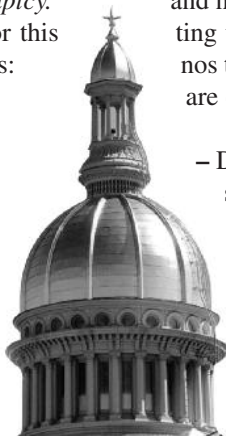
Assemblyman Burzichelli, Deputy Speaker of the Assembly, has been invited to speak to on-premises consumption licensees on February 24 at the Valley Brook Country Club – owned by Ron Jaworski - in Blackwood, New Jersey

## NJLBA Invited to Appear Before the Assembly Regulatory Oversight Committee

NJLBA received an e-mail from Majority Leader Joe Cryan saying that he would welcome input from NJLBA on regulatory issues that have impacted the small bars and taverns. **REMINDER:** Please provide NJLBA with two or three regulatory issues that you feel should be changed, or that are over-burdensome.

## Fire Code Reminder

If you have not responded to an inquiry sent to you or posted on NJLBA’s Website regarding the New Jersey Fire Code and it’s impact on you, please do so in order that we can present these findings to the Regulatory Oversight Committee, and the Committee that is looking into the Department of Community Affairs.





# Behind the Bar

by David T. Kratt

## SOME WINE INFORMATION FOR A BARTENDER



We don't sell much wine where I work.

In fact, I have a regular joke when asked what kind of wine we have. I say, "We got red wine and we got white wine." The customer will usually say, "Well, what kind, though?" Then I'll say, "That's it; red and white," but I'll add, "Oh, and we also have a lovely white zinfandel!"

Okay, it's not that bad, but, my point is that what I needed to learn about wine behind the bar didn't come from working with wine day-to-day in high-end establishment with wine cellars. Over the years, my knowledge came in bits and pieces from working in restaurants that were somewhere between high-end establishments with wine cellars and joints that sell only jug wine by the glass.

You may be learning about wine the same way.

So, I solicited the help of a friend who has worked for a wine distributor for many years to see what bits and pieces we could pass on to you:

First: I told him that I've uncorked a few wine bottles in my day and have noticed that some corks can be quite brittle so are hard to pull out in one piece. He said that cork is an organic material so there will be variations in quality; but the wine should be good as long as the seal remained intact. He went on to say that synthetic cork seals out the air really good but people haven't got use to them yet. The same thing goes for screw caps. Unfortunately, customers feel like you're opening them a bottle of lambrusco; not a decent bottle of wine. But, he said, screw caps seal out air better than any cork, natural or synthetic, and there's no leaking. Even high-end wines are switching over to screw caps.

I also learned something new. I found out that smelling the cork is an old wine' – I mean – wives' tale. My friend says that you can't tell whether a bottle of wine is past its prime by smelling the cork. If a customer said the cork doesn't smell good, he said, put the cork back in the bottle and send it back to the distributor for a credit.

In the wine cellar at my bar –

Wait, we don't have a wine cellar at my bar. Our wine is stored in the liquor room on a lower shelf below the liquor bottles next to the gallon jars of olives and cherries.

My friend said that over the short-term, storing wine upright, like you would liquor bottles, probably won't hurt the cork. But, ideally, you want to store wine on its side so that the wine stays in contact with the cork. A moist and expanded cork prevents an air passage from forming. Wine will oxidize when exposed to air. And that's bad. So why take the chance? With relatively simple modifications to your shelves you can store wine on its side.

It's a given, you want to offer a selection of wine that satisfies the tastes of your clientele. But, my wine distributor friend, said that wine does require a higher degree of care than beer and

liquor. One example, is modifying your storage shelving so that wine can be stored on its side instead of upright like you would with liquor bottles.

Under less-than adequate storage conditions, I asked him, how long would it take for a bottle of wine to degrade? He said there is no way of telling; there are just too many variables. But, he said, one thing a restaurant can do is follow a first-in first-out rule. That is, rotate your stock so that the first bottle of wine in inventory is always the first bottle out.

He said that the environment in which wine is stored should be a dark and cool place about 55 degrees. Heat, humidity (too much or too little) and light (including florescent lighting) is not good for wine. The environment should also remain constant. Any variations in temperature and humidity, especially daily variations, could reduce the shelf life of the wine.

I asked for some guidelines on the serving temperatures for wine.

He said that white wine should not be served ice cold like beer, which is around 35 degrees Fahrenheit. The serving temperature for less expensive or lighter white wine can be from the upper-40s to mid-50s but premium whites should be served in the mid-50s. I told him that the white wine at my bar is kept in the same cooler as the import beer. If that's the case, he suggested letting the wine set a room temperature for a while before serving it. He said red wine should be served at room temperature. Unfortunately, he defined room temperature as 55-60 degrees F; not 70 degrees – or 80 degrees which is about the temperature my bar gets when it's busy.

If a restaurant offers a decent selection of wine, my friend suggested investing in a small wine cooler and setting the temperature – for both white and red wine – at 55 degrees F. This will solve the serving temperature problems.

But, my big question was about serving wine by the glass. Once a bottle of wine is opened, how long before that wine is only good for cooking? In other words, we could unknowingly be serving wine to a customer that is past its prime. The customer either sends the wine back or, worse yet; she thinks she just doesn't like it. He said, once opened, wine begins to degrade immediately. As a general rule forty-eight hours is about how long you want an open bottle of red wine to sit and about five days for white wine because it's refrigerated. Like any other perishable product, he suggested dating the wine bottle when opened.

I asked if he had any final words of advice.

He said, "Don't hesitate to call on your wine distributor for help."

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- June 13-15, 2010** American Beverage Licensees  
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- June 23, 2010** Welhofer/Wilinski Scholarship Picnic  
Oak Tree Lodge, Wall Township
- September 2010** 78th Annual Convention, Atlantic City, NJ
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