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March 2013

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New Jersey Licensed Beverage Association's 80th Annual Convention has been Rescheduled

The 80th Annual Convention of the New Jersey Licensed Beverage Association has been rescheduled for November 19-20, 2013 at the Golden Nugget Hotel and Casino in Atlantic City. Open to all members of the Alcoholic Beverage Industry, this year's convention promises to be packed with new information and tools to assist you with your on-premise retail license. Highlights of the convention will include Techniques of Alcohol Management Training (TAMS) and ServSafe Training which is mandatory for all "risk type 3 food establishments." Our Legislative Agent Jeffrey Warsh, Esq. will update you on current legislative issues, while Division of Alcoholic Beverage Control (ABC) Director Michael Halfacre and his staff will offer a seminar on ABC matters. In addition, we will have a presentation by Meryl Clement, Licensing Executive for BMI, who will provide information to you on music licenses.

A new seminar this year taught by New Jersey's top ABC lawyers will discuss, among other things, tips on handling ABC investigations, enforcement and licensing issues. They will also be available to answer any questions you might have.

One of the highlight of this year's convention will be a Craft Beer Festival. Scheduled for the afternoon of November 20th, the festival will offer a variety of craft beers from local breweries served On the Deck at the Golden Nugget.

The convention will kick-off with a welcome reception featuring Emmy award winning comedian Don Jamieson. A NJ native who hosts his own show on VH1, Mr. Jamieson will also perform at the dinner that evening.

Closing dinner speakers will include Senator Jeff Van Drew, Assemblyman David Rible, Assemblyman Joseph Cryan, Assemblyman Jason O'Donnell, Assemblyman Sean Kean, and Assemblyman Charles Mainor.

A complete agenda can be found on the NJLBA website at www.njlba.org. Room reservations can be made by calling the Golden Nugget at 1-800-777-8477, selecting option #3 and using group code ABEV13. Please note if you need to cancel your room reservation you must do so 48 hours in advance.

As you know, conventions are an excellent opportunity to meet and exchange ideas with fellow licensees and old friends. I encourage you to take this opportunity to take time to get away before the hectic holiday season and join us in Atlantic City to meet with legislative leaders, members of the NJLBA, ABC and industry leaders. If you have any questions feel free to contact the NJLBA at 609-394-6730.

We look forward to seeing everyone in November.

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NJLBA Grant From The Department Of Labor

Free Grant Classes Still Available

As you know, the NJLBA has applied for and received a grant from the Department of Labor to conduct free training programs for our members. The programs that we have been approved for are: Techniques of Alcohol Management (TAM), ServSafe, ServSafe Recertification, Social Networking to Enhance your Retail Business and New Business/Compliance Training.

The only requirement for the training is that you supply your Tax Id number to our office. However, you must be cleared by the Division of Taxation where they will check for tax clearance. If you are not cleared by Taxation you can not attend the class until you are. We must have your Tax Id number in our office at least 5 days prior to the training date. If you plan on taking any class at any time please contact the NJLBA so we can assist you with your training needs. In addition, if anyone is interested in hosting training at your location please contact Anastasia at anastasianjlba@aol.com. As training dates and locations become available they will be posted on our website at www.njlba.org. Please call us at 609-394-6730 should you have any questions or require any further information. This is an excellent opportunity to get your training requirements up to date and protect your business. Classes currently being offered are:

Techniques of Alcohol Management (TAM)

The course is structured to offer a variety of problem-solving techniques as they relate to businesses selling beverage alcohol for consumption on and off licensed premises. A TAM trained alcohol server is one who has learned to balance the responsible sale of beverage alcohol with the day-to-day service of his/her customers.

As a TAM participant you receive: comprehensive, professionally administered seminar, work book to take home, personalized certification card for everyone obtaining a passing grade on the final test, official TAM certificate for participating establishments, and possible discount on insurance offered by certain companies.

ServSafe and ServSafe Recertification

New Jersey retail food rules (chapter 24, Sanitation in Retail Food Establishments and Food and Beverage Vending Machines) require that if a food establishment is classified as a "Risk type 3 food establishments" there must be at least one certified food protection manager on site who is responsible for food safety operations. Through the ServSafe training program, food managers will become knowledgeable of the latest FDA Food Code and New Jersey's food safety regulations. This comprehensive course will cover all of the required

elements of safe food handling. The course will cover origins of food contamination, personal hygiene and overall employee involvement in safe food handling. Upon successful completion of the course, the managers will obtain food safety certification that is valid for five years. For those managers that have already taken the ServSafe class but need to be recertified we also have the ServSafe Recertification class available. ServSafe is also offered in Spanish. The new mandate for all Risk 3 establishments, that takes effect in January 2015, will require one person per SHIFT to be certified in an accredited program.

Social Networking to Enhance Retail Businesses

This class will educate the business owner and employees on how to capitalize on the use of technology to increase their business. In many instances, social networking technologies such as Facebook, Twitter, Groupon and texting are becoming the social norm for driving incremental businesses, especially for small businesses. This type of technology is replacing costly media advertising such as radio, print, etc. and can offer a fairly inexpensive means of communicating with the public. Various uses of technology can be a powerful tool in the hospitality industry. In this course participants will learn a variety of techniques to connect people to their business and learn to develop social media marketing plans that are designed to increase awareness of their establishment.

ABC Licensee and Management Bootcamp

This is an essential seminar necessary to help a licensee navigate the strict and complex rules and regulations that govern the business of operating a liquor license. The comprehensive class will explain not only where the laws came from and define what they mean, but it will also educate you on how to avoid violations and teach you what to do if you receive one. The material will be presented by an experienced alcoholic beverage control defense attorney and a retired member of law enforcement. This pairing of instructors will offer diverse approaches to surviving in this highly regulated business

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Yet Another Target on Our Backs

by Jeffrey A. Warsh, Legislative Representative

Already facing a cruel torrent of legislation ranging from the creation of new wine and beer licenses, the addition of new on-premises and off-premises retail licenses for “smart growth zones,” the end of the two license limit, the ability to move pocket licenses around the State and numerous other pieces of destructive legislation, our industry now faces a new bill that is particularly onerous. S834, sponsored by Senator Joe Vitale (D-Middlesex) and Senator Jim Whelan (D-Atlantic) seeks to amend Title 33 to allow towns to impose new, extra “assessment” for “reasonable” attorney’s fees on a licensee in any case where:

1. The town issues charges and holds a disciplinary hearing and determines that the licensee has violated a statute, regulation or municipal ordinance OR
2. The town and the licensee enter into a settlement agreement after issuance of the charges and the licensee concedes liability.

According to the language of S834, the town shall determine the costs and fees and inform the licensee in writing of the amount assessed and the basis for the assessment.

The licensee would have the right to file any appeal of the assessment not more than ten (10) days after receiving a written explanation of the assessment. Following this, the town shall make a final determination within 30 days after receiving the licensee’s appeal in writing or on the date of its next regularly scheduled meeting if it is more than 30 days after the receipt of the appeal in writing. The licensee may appeal the final determination of the town to the ABC Director within 30 days after the personal service or mailing by registered mail of the written notice by the town of

the action taken against the licensee. If the town and the licensee resolve the charges against the licensee after the issuance of the charges, the town and the licensee may agree that the licensee shall pay a specific assessment for fees.

It is important to note that S834 specifies that any town assessment for costs and attorney’s fees shall be paid directly to the town and shall not be included in any monetary payment for an offer in compromise. This means that any settlement reached with the town for costs must be paid to the town and not to the NJABC and that any fines due the NJABC is a separate – and additional – matter and expense.

S834 is a dangerous and destructive bill because:

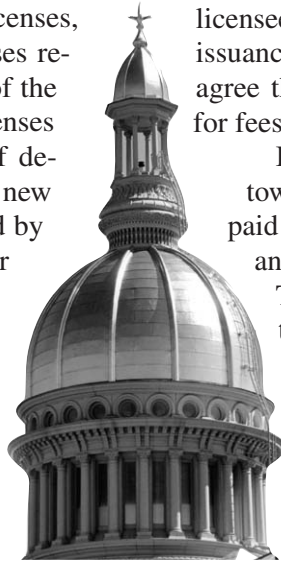
1. It creates an incentive for towns to investigate and discipline businesses to collect the bounty.

It also creates the opportunity for local politicians to carry out vendettas against local bar and tavern owners. S834 would turn towns into bounty hunters and put a target on the back of every retail licensee in New Jersey.

2. The standard of “reasonableness” has no parameters and does nothing to deter excessive fines.
3. This proposed new fine is in addition to the NJABC charges that the licensee will face and amounts to a double jeopardy situation that is unfair and excessive. New Jersey retail licensees will be on the hook for a local attorney, an ABC attorney to handle the NJABC matter AND the town attorney’s fees and costs.
4. In light of our marketplace being flooded with Chinese fake IDs, responsible licensees are already facing strict liability where they are being charged and found guilty of serving under-aged persons through no fault of their own. Placing additional fines on retail licensees is onerous and unfair.

At the Senate Law & Public Safety Committee hearing on S834 – held on February 21, 2013 – the bill was released – without recommendation (reflective of the bill’s numerous problems) by a vote of 3-2. Senator Vitale indicated that he is willing to meet with and work with the industry on our concerns. Senators Holzapfel (R-Ocean) and Bateman (R-Somerset) both voted “NO” and raised serious concerns about towns acting as judge, prosecutor, jury and revenue recipient. This is the very crux of the matter. S834 stacks the deck against New Jersey’s licensed retailers.

We thank Senators Bateman and Holzapfel and ask that NJLBA members contact Senators Vitale and Whalen to voice your concerns. During these particularly tough times, the last we need is a target on our backs.





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NJLBA Political Action Committee Needs Your Support Now!

As many of you know, these are critical times in New Jersey, and in particular for our industry, where it seems that recently more and more regulations have been placed on our licensed establishments. There are over 50 bills that have been introduced into the New Jersey legislature that could ultimately erode the foundation of our state's hospitality sector. If you would like to review the complete list of all 50 bills, please contact our office for a copy.

As you know, the New Jersey Licensed Beverage Association has been your advocate in Trenton, speaking out against legislation and regulatory proposals and working to foster positive relationships between government and the industry. We have been able to win many battles and keep potentially damaging legislation in abeyance. That would not have been possible, had we not been on the ground fighting on behalf of the members of the NJLBA.

In order to continue this good work it's important that, through our Political Action Committee, we support

legislators who we believe will help make decisions consistent with the policies of the alcoholic beverage industry and who will help create a favorable climate for the free enterprise system.

We understand that political leaders cannot possibly evaluate the impact of every piece of legislation and regulation concerning our industry. Therefore, we must continue to share with them our views, unique knowledge and expertise on these issues. We must continue to have an active voice in Trenton. If we do not have an active voice to communicate our needs then our industry will flounder!

That is why we need your help! You will be receiving a PAC letter from our office soon. We are asking you to please contribute generously to NJLBA's Political Action Committee today, so we can continue to advocate for the hospitality industry in Trenton. Thank you for your continued support.

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Governor Christie Signs Executive Order

Extending Seasonal Licenses

WHEREAS, beginning on October 28, 2012, and continuing through October 30, 2012, Hurricane Sandy (“Sandy”) struck the State of New Jersey; and

WHEREAS, it is necessary to take action to minimize and mitigate additional hardships, loss, or suffering as the State continues rebuilding and recovering from Sandy; and

WHEREAS, thanks to the efforts of first responders, private businesses, State and local governmental leaders, and all citizens of New Jersey, our State continues to recover and rebuild, by, among other things, reopening businesses at the Jersey Shore as well as throughout the State; and

WHEREAS, N.J.S.A. 33:1-12 allows seasonal alcoholic beverage consumption licensees to sell alcoholic beverages for consumption during only a limited timeframe from May 1, until November 14, inclusive; and

WHEREAS, all seasonal alcoholic beverage consumption licensees are located along the New Jersey coast in Monmouth County; and

WHEREAS, in the wake of Sandy, due to mandatory evacuation, power outages, and the declared State of Emergency, all seasonal alcoholic beverage consumption licensees were adversely affected, as they were unable to remain open for business to the full extent allowed by N.J.S.A. 33:1-12, thereby resulting in the loss of significant business activity; and

WHEREAS, on October 27, 2012, in light of the dangers posed by Sandy, and pursuant to the authority provided under the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A: 9-33, et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2-4, and all amendments and supplements thereto, I declared a State of Emergency; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and –51, I reserved the right to utilize and employ all available resources of the State government to protect against the emergency created by Sandy; and

WHEREAS, in accordance with N.J.S.A. App. A:9-40, I declared that, due to the State of Emergency, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution that will or might in any way conflict with any of the provisions of my Executive Orders, or that will in any way interfere with or impede their achievement;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. For calendar year 2013, the date on which seasonal alcoholic beverage consumption licensees shall be permitted to commence serving alcoholic beverages shall be advanced from May 1, 2013 to March 1, 2013 and shall end on November 14, 2013, inclusive.

2. No municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution that will or might in any way conflict with the provisions of this Executive Order, or that will or might in any way interfere with or impede its achievement.

3. This Order shall take effect immediately.

GIVEN, under my hand and seal this
27th day of February,
Two Thousand and Thirteen, and
of the Independence of the
United States, the Two Hundred
and Thirty-Seventh.

{seal}

/s/ Chris Christie
Governor

Attest:

/s/Charles B. McKenna

Chief Counsel to the Governor



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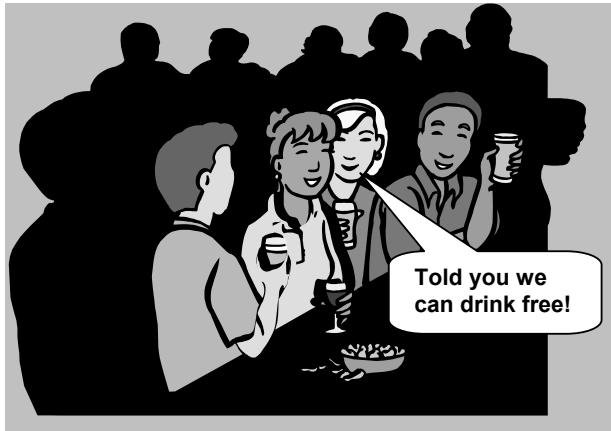
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LOOKING AHEAD TO UPCOMING EVENTS

- June 10, 2013** Bar Anticipation/NJLBA
17th Annual Golf Outing
The Pine Barrens Golf Club, Jackson, NJ
To reserve a foursome call 732-7422 Ext. 0
- June 26, 2013** Wellhofer/Wilinski Scholarship Picnic
2-7 pm Oak Tree Lodge, Wall Township
- October 4, 2013** NJLBA Cape May County Golf Tournament
Shore Gate Golf Club
35 School House Lane, Ocean View,
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Or online at lacosta-seaisle.com
- November 19-20 2013** NJLBA 80th Annual Convention
Golden Nugget Casino
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