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sistent with the express legislative purpose that the "various timelines for preparation of budgets and for school elections" be extended for one month. It is well established that in absence of ambiguity, intent of the Legislature is to be found in the statute itself, *Borough of Highlands v. Davis*, 124 N.J. Super. 217 (Law Div. 1973), and that any construction which would render part of a statute meaningless is to be avoided. *Reisin Lumber & Millwork Co. v. Simonelli*, 98 N.J. Super. 335 (Law Div. 1967).

Based upon the foregoing considerations, please be advised that:

(1) Local school districts, consistent with N.J.S.A. 18A:14-25 and 19:57-7, must publish notices for absentee and military ballots as near as possible to forty days prior to the school election and these notices must set forth the correct date of such election; and

(2) The date of the school election set forth in Laws of 1974, C. 191 is to be used for the calculations required by N.J.S.A. 18A:14-9; 14-13; and 14-12.1 and for any other statutory provision or departmental regulations which require computations based on the "date of the school election."

Very truly yours,

WILLIAM F. HYLAND

*Attorney General*

By: MARY ANN BURGESS

*Deputy Attorney General*

April 14, 1975

LEONARD D. RONCO, *Director*  
Division of Alcoholic Beverage Control  
25 Commerce Drive  
Cranford, New Jersey 07016

FORMAL OPINION NO. 4-1975

Dear Director Ronco:

You have requested an opinion as to whether Chapter 161 of the Laws of 1974, which amends and supplements Chapter 282 of the Laws of 1968 (titled "An Act relating to employment qualifications of rehabilitated convicted offenders"), applies to the Division of Alcoholic Beverage Control and municipal "other issuing authorities" as defined by N.J.S.A. 33:1-19. To place this inquiry in its proper perspective, some legislative background is in order.

The Alcoholic Beverage Law prohibits the issuance of any license of any class to any person who has been convicted of a crime involving moral turpitude, or to any partnership or corporation if any partner or any corporate officer or director or owner of more than 10% of the stock of the corporation is so criminally disqualified. N.J.S.A. 33:1-25; *Weinstein v. Div. of Alcoh. Bev. Control*, 70 N.J. Super. 164 (App. Div. 1961). Further, no person failing to qualify as a licensee personally may be

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"knowingly employed by or connected in any business capacity whatsoever" with a licensee. N.J.S.A. 33:1-26; N.J.A.C. 13:2-13.1; *Severini v. State, etc., Div. of Alcoh. Bev. Contr.*, 82 N.J. Super. 1 (App. Div. 1964). These provisions, with certain variations not here pertinent, have been in effect since enactment of the Alcoholic Beverage Law in 1933. Chapter 436 of the Laws of 1933.

The Alcoholic Beverage Law also provides for the removal of the disqualification to obtain or hold a license resulting from criminal conviction. Under N.J.S.A. 33:1-31.2, the Director of the Division of Alcoholic Beverage Control may, in his discretion, enter an order removing such disqualification upon a finding that at least five years have elapsed from the conviction date, that the disqualified person has conducted himself in a law-abiding manner during such period and that his association with the alcoholic beverage industry will not be contrary to the public interest. Upon entry of the order, the subject is no longer mandatorily disqualified from being a licensee or being employed by a licensee.

In 1968, Chapter 282 (N.J.S.A. 2A:168A-1 to 3) was enacted. It then provided that "notwithstanding the contrary provisions of any law, or rule or regulation issued pursuant to law, any state, county or municipal department, board, officer or agency, hereinafter referred to as 'licensing authority,'" may grant an application for a license or certificate of admission to a qualifying examination even though the applicant has been convicted of a crime, other than a high misdemeanor, if it appears that the applicant had achieved a degree of rehabilitation indicating that his engaging in the profession or business in question would not be incompatible with the welfare of society or the aims and objectives of the licensing authority. It also provided that evidence of a pardon or expungement of a criminal conviction, or a certificate of a parole board or chief probation officer that the applicant had achieved a degree of rehabilitation indicating that his engaging in the proposed employment would not be incompatible with the welfare of society, shall be sufficient evidence of the achievement by the applicant of a degree of rehabilitation compatible with the welfare of society. Whether the rehabilitation would also not be incompatible with the "aims and objectives of the licensing authority" was left to the licensing authority's independent determination.

In 1973, Chapter 285 of the Laws of 1973 was enacted amending N.J.S.A. 33:1-26 to authorize the Director to approve, pursuant to rules and regulations, the employment of criminally disqualified persons by liquor licensees. On February 15, 1974, the then Director implemented said Chapter 285 by the amendment of certain Division rules (N.J.A.C. 13:2-13.1, *et seq.* — see 6 N.J.R. 119(c) ) to provide for the issuance by the Director of employment permits to rehabilitated criminally disqualified persons notwithstanding their lack of the statutory five year law-abiding period set forth in the aforementioned N.J.S.A. 33:1-31.2. These permits are currently being issued to appropriate applicants.

On November 15, 1974, Governor Byrne signed into law Chapter 161 of the Laws of 1974, the subject of your inquiry. In pertinent part, this legislation amends N.J.S.A. 2A:168A-1 and 2 to provide that "a person shall not be disqualified or discriminated against by any licensing authority because of any conviction for a crime" unless N.J.S.A. 2A:93-5 (dealing with bribery offenses by legislators and public officials) is applicable or the conviction "relates adversely" to the occupation in question. Set forth in the legislation are eight specific criteria which a licensing authority must consider in determining such "adverse" relationship. Also, Chapter 161 amends N.J.S.A. 2A:168A-3 to provide that evidence of a pardon or expungement of a criminal conviction or a parole board's or chief probation officer's certifi-

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cates as heretofore described "shall preclude a licensing authority from disqualifying or discriminating against an applicant." In such instances, no rehabilitation finding is left to the agency's independent determination. Included in this legislation is Section 7, a new section (N.J.S.A. 2A:168A-6), which states that Chapter 161 shall not be applicable to any law enforcement agency.

Under the dual licensing system set up by the Alcoholic Beverage Law, retail alcoholic beverage licenses are issuable by municipal issuing authorities, except where a conflict of interest exists (N.J.S.A. 33:1-20), and all other licenses (manufacturers', wholesalers', etc.) as well as retail licenses where a conflict of interest exists, are issuable by the Director. N.J.S.A. 33:1-18 and 19. Consequently, question arises whether the Director and municipal issuing authorities are "licensing authorities" subject to the provisions of N.J.S.A. 2A:168A-1 to 3, as amended and supplemented by the said Chapter 161. If so, the power of such authorities to exclude persons with criminal records from the alcoholic beverage industry would be substantially constricted from that which is contained in the Alcoholic Beverage Control Law. For the reasons hereinafter stated, you are advised that these statutory provisions are inapplicable to the State's alcoholic beverage control system.

The question posed herein is one of statutory interpretation, *i.e.*, whether N.J.S.A. 2A:168A-1, *et seq.* supersedes N.J.S.A. 33:1-25, 33:1-26 and 33:1-31.2 to the extent that they may be inconsistent. In construing statutes, it is the legislative intent which controls. *Hoffman v. Hock*, 8 N.J. 397, 408 (1952). In order to ascertain such intent, statutes must be considered in their relation and interaction with other laws which relate to the same subject or thing; they must be construed together with these related sections in order to learn and give effect to the true meaning, intent and purpose of the legislation as a whole; they cannot be considered in a vacuum. *Appeal of N.Y. State Realty & Terminal Co.*, 21 N.J. 90, 98 (1956). Repeals by implication are not favored; in the absence, as here, of an express repealer, there must be a clear showing of legislative intent to effect a repealer. *Swede v. City of Clifton*, 22 N.J. 303, 317 (1956). Further, the Legislature is presumed to be thoroughly conversant with its previous enactments. *Eckert v. New Jersey State Highway Department*, 1 N.J. 474, 479 (1949).

The subject involved herein is the liquor business. "The liquor business is an exceptional one and courts have always dealt with it exceptionally." *Fanwood v. Rocco*, 33 N.J. 404, 411 (1960). "Because of its inherent evils, liquor has always been dealt with as a subject apart." *Grand Union v. Sills*, 43 N.J. 390, 398 (1964).

"From the earliest history of our State, the sale of intoxicating liquor has been dealt with by the Legislature in an exceptional way. Because of its *sui generis* nature and significance, it is a subject by itself, to the treatment of which all the analogies of the law appropriate to other administrative agencies, cannot be indiscriminately applied. *Paul v. Gloucester County*, 50 N.J.L. 585, 595 (E. & A. 1888). This field is peculiarly subject to strict governmental control. *Franklin Stores Co. v. Burnett*, 120 N.J.L. 596, 598 (Sup. Ct. 1938). Consistent therewith is the Legislature's mandate that 'This chapter is intended to be remedial of abuses inherent in liquor traffic and shall be liberally construed.' R.S. 33:1-73." *Blanck v. Mayor and Borough Council of Magnolia*, 38 N.J. 484, 490-491 (1962).

The Legislative has delegated to the Director the responsibility "to supervise

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the manufacture, distribution and sale of alcoholic beverages in such a manner as to promote temperance and eliminate the racketeer and bootlegger," N.J.S.A. 33:1-3, and "to do, perform, take and adopt all other acts, procedures, and methods designed to insure the full, impartial, stringent and comprehensive administration" of the Alcoholic Beverage Law, N.J.S.A. 33:1-23. The Director has been deemed to possess wide discretion to comply with the mandate that "the liquor business is one which must be carefully supervised and it should be conducted by reputable people in a reputable manner." *Zicherman v. Driscoll*, 133 N.J.L. 586, 588 (Sup. Ct. 1946). A liquor license may be denied to persons with a criminal record which does not absolutely disqualify them from holding a license. *Paul v. Brass Rail Liquors*, 31 N.J. Super. 211, 216 (App. Div. 1954).

The various alcoholic beverage enactments of the Legislature "must be treated together 'for they represent a unified state policy'." *Grand Union v. Sills, supra*, 43 N.J. at 402. The Alcoholic Beverage Law, N.J.S.A. 33:1-1, *et seq.*, "is a comprehensive revision of the law relating to alcoholic beverages. It covers the entire industry from manufacturing, blending and storage to transportation and sale at both wholesale and retail," *Hudson, Bergen, & C., Assn. v. Hoboken*, 135 N.J.L. 502, 511 (E. & A. 1947).

Applying these principles herein, it is apparent that the Legislature has intended to treat the regulation of the alcoholic beverage industry separate and apart from those occupations and professions encompassed by the provisions of N.J.S.A. 2A:168A-1, *et seq.* The Alcoholic Beverage Law contains a comprehensive design covering the exclusionary criterion applicable to persons convicted of crime and the mechanism whereby the Director may, in the exercise of his discretionary authority, remove any resulting disqualification *in toto*, or with respect to employment only. The enactment by the Legislature of Chapter 285 of the Laws of 1973, expressly giving the Director such latter power, while it was presumably aware of its prior enactment of Chapter 282 of the Laws of 1968, constitutes significant evidence of the Legislature's intention that the Director be deemed to be excluded from the provisions of said Chapter 282. If Chapter 282 had been intended to be applicable to the alcoholic beverage industry, there would have been no need for the passage of Chapter 285 five years later since the Director could have acted under Chapter 282, rather than Chapter 285. It is assumed that the Legislature, in enacting Chapter 285, did not intend "something which it knew in practice would mean nothing." *Gualano v. Bd. of Estimate of Elizabeth School Dist.*, 39 N.J. 300, 313 (1963). And once it is determined that Chapter 282 is inapplicable to liquor control, it follows that its amendment and supplementation by Chapter 161, being one of degree and not application, effected no change in this respect.

This interpretation is consonant with, and in reinforcement of, the Legislature's longstanding *sui generis* treatment of the liquor business. It is also in accord with the rule of statutory construction that there must be a clear showing of legislative intent before Chapter 282 would be deemed to have impliedly repealed the aforementioned provisions of the Alcoholic Beverage Law.

Additionally, even if said Chapter 282 should be considered applicable to liquor control, the enactment of Chapter 161 must be deemed to have eliminated such status because of its express exclusion of "any law enforcement agency" in Section 7 thereof. The Director, his deputies and Division inspectors and investigators "have authority to arrest, without warrant, for violations of this chapter committed in their presence, and shall have all the authority and powers of peace officers to enforce this chapter." N.J.S.A. 33:1-4. Violation of any provisions of the Alcoholic Bev-

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erage Law constitutes a misdemeanor, unless otherwise specified. N.J.S.A. 33:1-51. It is the duty of Division inspectors and investigators to arrest all persons whom they shall have reasonable ground to believe are committing or have committed a misdemeanor under said chapter and to make complaint against such persons as in other cases of misdemeanors. N.J.S.A. 33:1-66(a). The Director, his deputies and Division inspectors and investigators are exempt from the prohibitions of the concealed weapons act. N.J.S.A. 2A:151-43(p).

From the foregoing, it is apparent that the Division of Alcoholic Beverage Control is a "law enforcement agency" within the intendment of Chapter 161. With respect to the municipal authorities which issue retail licenses, it is unreasonable to believe that the Legislature intended to impose different standards of eligibility upon those whose licenses are issuable by municipal agencies, rather than by the Director. Indeed, in some instances, the selfsame type of license is issuable by both the Director and municipal issuing authorities. N.J.S.A. 33:1-20. Also, the Director is responsible for the overall supervision of the liquor control system, including the activities of the municipal authorities. In these circumstances, it is assumed that the Legislature intended to provide uniformity in the alcoholic beverage field and that, accordingly, the exemption in Section 7 inuring to the Division is equally applicable to other alcoholic beverage issuing authorities.

In sum, you are advised that neither Chapter 282 of the Laws of 1968 nor Chapter 161 of the Laws of 1974 is applicable to the determination of whether persons convicted of crime are eligible to be associated with the alcoholic beverage industry. Such eligibility continues to be governed by the provisions of the Alcoholic Beverage Law and the Division's rules and regulations adopted pursuant thereto.

Very truly yours,

WILLIAM F. HYLAND

*Attorney General of New Jersey*

BY: DAVID S. PILTZER

*Deputy Attorney General*

April 16, 1975

RICHARD C. LEONE, *State Treasurer*  
Department of the Treasury  
State House  
Trenton, New Jersey 08625

FORMAL OPINION NO. 5 - 1975

Dear Treasurer Leone:

You have inquired as to the maximum interest payable on bonds issued pursuant to the New Jersey Green Acres and Recreation Opportunities Bond Act of 1974, P.L. 1974, c. 102 (hereinafter referred to as the "Bonds"). You have also inquired as to whether the State can be classified as a corporation for purposes of this Act, so