

RESOLUTION OF THE WEST ORANGE TOWNSHIP ABC BOARD

**RESOLUTION RENEWING LICENSE # 0722-33-067-010, FAN & JADE, INC.,
(INACTIVE/POCKET LICENSE), FOR THE 2021-2022 LICENSE TERM FOLLOWING
A SPECIAL RULING FOR 12.39 RELIEF *NUNC PRO TUNC* TO AUGUST 4, 2022.**

WHEREAS, in June of 2021, the Clerk of the West Orange ABC Board, believing that NJ ABC Licensee #0722-33-067-010, Fan & Jade, Inc., t/a China Gourmet (Inactive/Pocket License), was qualified for renewal of said Licenses for the 2021-2022 License Term, according to her records having applied and paid all fees due for renewal of those Licenses and believing all other requirements to have been met as well; and

WHEREAS, that Licensee was therefore included with others on West Orange Township ABC Board Resolution No. 659-21, adopted by the ABC Board at its regular meeting on June 22, 2021, renewing as an Inactive/Pocket License for the 2021-2022 License Term; and

WHEREAS, the Clerk having been notified on or about October 8, 2021, by the New Jersey Attorney General's Office on behalf of the State Division of Alcoholic Beverage Control and its Licensing Bureau of that Licensee's failure in fact to qualify for renewal in that it required a Special Ruling pursuant to 12.39, such requirement being jurisdictional and the failure to meet it rendering any renewal ineffective; and

WHEREAS, the renewal for the 2021-2022 License Term for Licensee Fan & Jade, Inc., was therefore rescinded by West Orange ABC Board Resolution #673-21, adopted on October 26, 2021; and

WHEREAS, the State ABC Division issued its Special Ruling granting 12.39 relief to said Licensee effective August 4, 2022, permitting its renewal *nunc pro tunc* for that date and said License was then renewed for the 2022-2023 License Term in West Orange ABC Resolution #701-22, adopted on August 9, 2022, but was never renewed for the 2021-2022 License term;

NOW, THEREFORE, BE IT AND IT HEREBY IS RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, SITTING IN ITS CAPACITY AS THE WEST ORANGE TOWNSHIP ABC BOARD, that Licensee #0722-33-067-010, Fan & Jade, Inc., (Inactive/Pocket License), having received a Special Ruling granting 12.39 relief on August 4, 2022, and all other requirements for issuance of its ABC License having been previously met, is hereby granted renewal of its License as an Inactive/Pocket License for the 2021-2022 License Term *nunc pro tunc* to August 4, 2022.

Karen J. Carnevale, R.M.C.
Municipal Clerk/ABC Board Secretary

Tammy Williams
Council President/ABC Board Chair

Adopted: February 21, 2023

Effective Date: February 21, 2023