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SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
DOCKET NO. A-4500-14T4

GARDEN STATE CHECK CASHING  
SERVICE, INC.,

Appellant,

v.

STATE OF NEW JERSEY DEPARTMENT  
OF BANKING AND INSURANCE,

Respondent.

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LICENSE APPLICATIONS OF NEW  
LOAN CO. WM. S. RICH & SONS,  
INC., LICENSE APPLICATION NOS.  
15015599 X08, 1501600 X08,  
1501601 X08, 1501605,

Intervenor-Respondent.

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Argued March 21, 2017 – Decided April 4, 2018

Before Judges Ostrer and Leone.

On appeal from the Commissioner of Banking and  
Insurance.

Gregg S. Sodini argued the cause for  
appellant.

Garen Gazaryan, Deputy Attorney General,  
argued the cause for respondent New Jersey  
Department of Banking and Insurance

(Christopher S. Porrino, Attorney General, attorney; Melissa Dutton Schaffer, Assistant Attorney General, of counsel; Garen Gazaryan, on the brief).

Henry G. Klein argued the cause for respondent New Loan Co. WM S. Rich & Sons, Inc.

The opinion of the court was delivered by

LEONE, J.A.D.

Intervenor New Loan Co. Wm. S. Rich & Sons, Inc.'s (Rich) made check-cashing license applications before respondent the New Jersey Department of Banking and Insurance (the Department). Appellant Garden State Check Cashing Service, Inc. (Garden State) objected to the grant of licenses at the Irvington, Newark, and Union locations. We affirm as to the Union and Newark locations and reverse as to the Irvington location.

I.

Domenick Pucillo was the owner and president of two check-cashing businesses, Tri-State Check Cashing (Tri-State) in Newark and Union, and Rapid Check Cashing (Rapid) in Irvington. On October 21, 2014, Pucillo and others were arrested for criminal usury N.J.S.A. 2C:21-19(a)(1), racketeering conspiracy N.J.S.A. 2C:41-2(d), racketeering N.J.S.A. 2C:41-2(c), and possession of property from criminal activity N.J.S.A. 2C:21-25(a). On April 6, 2015, Pucillo filed a New Jersey License Surrender/Non-Renewal Form on behalf of Rapid and a separate form on behalf of Tri-

State. On both forms, Pucillo indicated the firm had ceased business on October 21, 2014, the date of his arrest.

Meanwhile, in March 2015, Rich, Tri-State, and Rapid executed an Asset Purchase Agreement in which Rich purchased the assets of Tri-State and Rapid. On April 1, 2015, Rich submitted applications for licenses to operate check-cashing businesses at the Irvington, Union, and Newark locations. On May 5, 2015, Garden State, which has a check-cashing location within 2500 feet of Rapid's Irvington location, submitted a letter memorandum to the Department in opposition to Rich's pending license applications. Nonetheless, the Department granted Rich's applications for check-cashing licenses at all three locations later in May 2015. The Department also granted Rich's application to operate a pawnbroker business at the Irvington location.

Garden State appealed the decision. In an August 26, 2015 letter, the Department denied Garden State's request for a hearing. We denied Garden State's application to stay the effectiveness of the licenses.

## II.

We must hew to our standards of review. "Appellate courts have 'a limited role' in the review of [administrative agency] decisions." In re Stallworth, 208 N.J. 182, 194 (2011) (citation omitted). "In order to reverse an agency's judgment, an appellate

court must find the agency's decision to be 'arbitrary, capricious, or unreasonable, or [] not supported by substantial credible evidence in the record as a whole.'" Ibid. (citation omitted) (alteration in original). To make that determination, we must examine

(1) whether the agency's action violates express or implied legislative policies, that is, did the agency follow the law; (2) whether the record contains substantial evidence to support the findings on which the agency based its action; and (3) whether in applying the legislative policies to the facts, the agency clearly erred in reaching a conclusion that could not reasonably have been made on a showing of the relevant factors.

[Ibid. (quoting In re Carter, 191 N.J. 474, 482-83 (2007)).]

"Courts afford an agency 'great deference' in reviewing its 'interpretation of statutes within its scope of authority[.]'" N.J. Ass'n of Sch. Adm'rs v. Schundler, 211 N.J. 535, 549 (2012) (citations omitted). Nonetheless, "when an agency's decision is based on the 'agency's interpretation of a statute or its determination of a strictly legal issue,' we are not bound by the agency's interpretation. Statutory interpretation involves the examination of legal issues and is, therefore, a question of law subject to de novo review." Saccone v. Bd. of Trs. of Police & Firemen's Ret. Sys., 219 N.J. 369, 380 (2014). "When construing a statute, our primary goal is to discern the meaning and intent

of the Legislature. In most instances, the best indicator of that intent is the plain language chosen by the Legislature." State v. Gandhi, 201 N.J. 161, 176 (2010) (citation omitted). "[W]ords and phrases shall be read and construed with their context, and shall, unless inconsistent with the manifest intent of the legislature or unless another or different meaning is expressly indicated, be given their generally accepted meaning, according to the approved usage of the language." N.J.S.A. 1:1-1. "If the Legislature's intent is clear from the statutory language and its context with related provisions, we apply the law as written." Shelton v. Restaurant.com, Inc., 214 N.J. 419, 429 (2013).

### III.

"In the New Jersey Check Cashers Regulatory Act of 1993, N.J.S.A. 17:15A-30 to -52 (the Act), the Legislature revised and expanded the regulatory framework for the business of cashing checks in this State." Roman Check Cashing v. N.J. Dep't of Banking & Ins., 169 N.J. 105, 108 (2001). The Act provides that "[n]o office or mobile office shall be located within 2,500 feet of an existing office." N.J.S.A. 17:15A-41(e). Based on concerns that "[g]eographic market saturation increases the pressure to raise the statutory rate to the detriment of both check cashers and consumers," our Legislature imposed the distance requirement to protect "the health and stability of the industry and to

maintain[] the statutory fee cap, a consumer protection measure."  
Roman, 169 N.J. at 115-16 & n.2.

Rich's Irvington location was within 2500 feet of Garden State's Irvington office. However, the Act grandfathered existing licensees, providing that "a licensee's current license shall continue in accordance with the provisions of [N.J.S.A. 17:15A-40(a)].<sup>[1]</sup> The licensee shall not be required to comply with subsection e. of section 12," namely the distance requirement in N.J.S.A. 17:15A-41(e). N.J.S.A. 17:15A-50(a). It is undisputed Rapid's Irvington location was grandfathered and exempt from the distance requirement.

The Act provides for the sale of assets of grandfathered check-cashing businesses in N.J.S.A. 17:15A-32.1. Subsection (a) states: "A person who is conducting business as a check casher pursuant to [the Act], whose license was continued pursuant to [N.J.S.A. 17:15A-50], and who is not the subject of any action by the commissioner pursuant to [N.J.S.A. 17:15A-48 or -49], shall be permitted to sell the assets of the business of cashing checks." N.J.S.A. 17:15A-32.1(a). Subsection (b) provides:

A person purchasing the assets of the business  
of cashing checks from a person permitted to

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<sup>1</sup> N.J.S.A. 17:15A-40(a) provides that "[a] license shall be valid until surrendered by the licensee, or unless revoked or suspended pursuant to this act."

sell those assets pursuant to subsection a. of this section shall be required to:

(1) qualify for a license pursuant to the provisions of [the Act], except that the person shall not be required to comply with the provisions of [N.J.S.A. 17:15A-41(e)] . . . ; and

(2) conduct the business of cashing checks from the location the address of which is listed on the license of the person from whom the assets of the business of cashing checks are being purchased.

[N.J.S.A. 17:15A-32.1(b).]

Thus, in an asset sale, if the seller meets the requirements of subsection (a), the purchaser may and must conduct the business at the same grandfathered location, even if it is within 2500 feet of another check-cashing business. However, Garden State argues Pucillo did not meet two requirements of subsection (a).

A.

First, Garden State argues that, at the time Pucillo sold to Rich the assets of Rapid at the Irvington location, Pucillo could not satisfy the requirement that he "is conducting business as a check casher pursuant to" the Act. N.J.S.A. 17:15A-32.1(a). Garden State cites Pucillo's New Jersey License Surrender/Non-Renewal Form on behalf of Rapid. The form instructed: "To surrender a license, file this form and the required attachments upon ceasing to conduct business or if the license expired on June

30th, file this form and the required attachments as soon as possible thereafter." Pucillo stated he sought "[s]urrender in NJ" as the entity "does not conduct business in any other jurisdiction." For the "[r]eason for [s]urrender," Pucillo selected: "Non-Renewal of License at year end."

Pucillo certified that the "[d]ate firm ceased or intends to cease business or date of Non-Renewal of its license(s)/registration(s) in New Jersey" was October 21, 2014. Because Pucillo executed the form on April 6, 2015, and because Rapid's license would not expire until June 30, 2015, the form must be read as Pucillo's certification that October 21, 2014, was the date Rapid "ceased . . . business" as its Irvington location. That is corroborated by the fact October 21, 2014, was the date of Pucillo's arrest, and thus a logical date for him to cease business. Pucillo made the same certification on his surrender form for Tri-State's Newark and Union locations.

Thus, when Pucillo entered into the asset sale, he was not "conducting business as a check casher" as required by N.J.S.A. 17:15A-32.1(a). Therefore, he was not "a person permitted to sell those assets pursuant to subsection a.," and as a result Rich had to "comply with the provisions of [N.J.S.A. 17:15A-41(e)]." N.J.S.A. 17:15A-32.1(b), (b)(1). Rich could not comply with the requirement that "[n]o office or mobile office shall be located



within 2,500 feet of an existing office," because the Irvington location was within 2500 feet of Garden State's existing office. N.J.S.A. 17:15A-41(e). Accordingly, no license could be granted to the Irvington location under N.J.S.A. 17:15A-41(e). Thus, the Department's grant of such a license violated the plain language requirements of N.J.S.A. 17:15A-32.1(a) and -41(e).

The Department argues the Irvington location was grandfathered because the exemption runs with the location not the licensee. However, it is the "person" and not the location which is determinative under N.J.S.A. 17:15A-32.1. Subsection (a) states the "person who is conducting business as a check casher . . . shall be permitted to sell the assets of the business of cashing checks." N.J.S.A. 17:15A-32.1(a). Subsection (b) permits the exemption if the assets are purchased "from a person permitted to sell those assets pursuant to subsection a." N.J.S.A. 17:15A-32.1(b).

The Department argues that the Irvington location was continuously licensed through the asset sale, and that Pucillo did not surrender his license until after the asset sale. However, subsection (a) requires the seller not merely to be licensed but

also to be "conducting business," which Pucillo was not doing. N.J.S.A. 17:15A-32.1(a).<sup>2</sup>

The only reference to a license in subsection (a) is the requirement that the person's "license was continued pursuant to [N.J.S.A. 17:15A-50]." Ibid. This refers to the grandfathering granted to a "person holding a license in good standing" when the Act was passed in 1993 "who wishes to continue to engage in the business of cashing checks"; such a "licensee shall not be required to comply with [N.J.S.A. 17:15A-41(e)]." N.J.S.A. 17:15A-50(a). That is confirmed by the legislative history of the 1998 passage of N.J.S.A. 17:15A-32.1:

This bill, as amended, provides that for those check cashing businesses that were in operation at the time 'The Check Cashers Regulatory Act of 1993' was signed into law, certain restrictions do not apply when the person sells [the assets of] the business to another person. Specifically, the prohibition on the location of an office within 2,500 feet of an existing office . . . shall not apply, as is already the case with businesses in operation when the 1993 law was enacted.

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<sup>2</sup> Because that requirement was not met, we need not consider whether Rapid violated the requirement that it "[r]eturn all license(s) or other credential(s) issued by the Department no later than 30 days after ceasing business." N.J.A.C. 3:5-4.4(d)(4). We also need not address Garden State's contention that the license must be deemed surrendered on October 21, 2014.

[Assemb. Banking & Ins. Comm. Statement to A. 754, 208th Leg., at 1 (Jan. 29, 1998).]<sup>3</sup>

Subsection (a) indicates that grandfathering ceases once the licensee stops "conducting business." N.J.S.A. 17:15A-32.1(a). "Grandfather clauses operate to exempt from the requirements of legislative enactments certain defined individuals or entities that, at the time the requirements become effective, meet specific defined criteria." Paul Kimball Hosp. v. Brick Twp. Hosp., 86 N.J. 429, 440 (1981); accord City of Linden v. Benedict Motel Corp., 370 N.J. Super. 372, 391 (App. Div. 2004). Once the licensee ceases to comply with the required criteria, grandfathering ceases to apply. See, e.g., Twp. of Holmdel v. N.J. Highway Auth., 190 N.J. 74, 94-95 (2007).

Grandfathering statutes are similar to "provisions in zoning ordinances that permit continuance of a nonconforming use." Paul Kimball Hosp., 86 N.J. at 442 (citing Belleville v. Parrillo's, Inc., 83 N.J. 309 (1980)). However, "nonconforming uses are disfavored," and "courts have required that consistent with the property rights of those affected and with substantial justice, they should be reduced to conformity as quickly as is compatible with justice." Parrillo's, 83 N.J. at 315, 318. "In that regard

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<sup>3</sup> See A. 754, 208th Leg., at 1 (pre-filed for 1998) (Sponsor's Statement); S. State Government, Banking & Financial Institutions Comm. Statement to A. 754, 208th Leg., at 1 (June 11, 1998).

the courts have permitted municipalities to impose limitations upon nonconforming uses," including "limits on the duration of nonconforming uses through abandonment or discontinuance." Id. at 315. Subsection (a) imposes such a limitation by requiring that the licensee still be "conducting business" in order to transfer the exemption to an asset purchaser. N.J.S.A. 17:15A-32.1(a).

The Department also references N.J.S.A. 17:15A-42, which requires that "[a]ny sale or transfer of a controlling interest in a licensee's or applicant's check cashing business shall be approved by the commissioner prior to the transfer or sale." However, sale of a controlling interest in a business refers to a stock sale, not an asset sale. N.J.S.A. 17:15A-31 ("'Controlling interest' means ownership, control or interest in 25% or more of the outstanding and issued voting stock of the check cashing business"). This case is not controlled by N.J.S.A. 17:15A-42, a 1993 provision governing stock sales, but by N.J.S.A. 17:15A-32.1, a provision added in 1998 to authorize and regulate asset sales.

Thus, the Department's decision in issuing a license to the Irvington location was contrary to the plain language of N.J.S.A. 17:15A-32.1(a) and -41(e). Because the decision violated express legislative policies and did not follow the law, it was arbitrary,

capricious, and unreasonable. Therefore, we reverse the issuance of the license to the Irvington location.<sup>4</sup>

B.

Second, Garden State argues that, at the time Pucillo sold to Rich the assets of Tri-State and Rapid, Pucillo was "the subject of any action by the commissioner pursuant to [N.J.S.A. 17:15A-48 or N.J.S.A. 17:15A-49]." N.J.S.A. 17:15A-32.1(a). However, the Department had not initiated any action against Pucillo, Tri-State, or Rapid under N.J.S.A. 17:15A-48 or -49 at the time of the asset sale.

N.J.S.A. 17:15A-48(a), provides:

the commissioner may revoke or suspend a license if, after notice and hearing, the commissioner determines that the licensee:

- (1) Has violated any provision of this act or any order, rule, or regulation made or issued pursuant to this act or has violated any other law in connection with the

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<sup>4</sup> At oral argument before us, the Department for the first time raised N.J.S.A. 17:15A-40(d), which permits the commissioner to revoke a license "[i]f a licensee has not provided check cashing services during normal business hours at the location specified in the license for a period of 180 consecutive days or more." However, nothing in that provision addresses the sale of assets and the exemption from the 2500-foot limit. Moreover, the provision addressing asset sales conditions the preservation of the exemption not on the terms of N.J.S.A. 17:15A-40(d) but on "conducting business as a check casher." N.J.S.A. 17:15A-32.1(a). In any event, Rich certified it has been operating at the Irvington location since July 1, 2015, more than 180 days after October 21, 2014.

operation of the check cashing business;

. . . .

(4) Has been convicted of an offense involving breach of trust, moral turpitude or fraudulent or dishonest dealing, or has had a final judgment entered against him in a civil action upon grounds of fraud, misrepresentation or deceit;

(5) Is associating with, or has associated with, any person who has been convicted of an offense involving breach of trust, moral turpitude or fraudulent or dishonest dealing, or who has had a final judgment entered against him in a civil action upon grounds of fraud, misrepresentation or deceit;

(6) Has become insolvent or has acted in a way that indicates the licensee's check cashing business would not be operated in a financially responsible manner;

(7) Has demonstrated unworthiness, incompetence, bad faith or dishonesty in transacting business or otherwise; or

(8) Has engaged in any other conduct which would be deemed by the commissioner to be grounds to deny, revoke or suspend a license.

Pucillo's arrest was not itself an automatic basis for revocation or suspension. Although his arrest suggested there might be grounds for revocation or suspension under some or all

of the quoted provisions, that would have to be determined after "notice and [a] hearing" in an action initiated by the Commissioner of Banking. Ibid.; see N.J.S.A. 17:15A-31. In any event, the commissioner had not made Pucillo, Tri-State, or Rapid "the subject of any action" at the time of the asset sale. N.J.S.A. 17:15A-32.1(a).

N.J.S.A. 17:15A-48(b) provides: "Pending an investigation or a hearing for the suspension or revocation of any license issued pursuant to this act, the commissioner may temporarily suspend such license for a period not to exceed 90 days, if the commissioner finds that such suspension is in the public interest." However, the commissioner had not made Pucillo or his companies "the subject of any [such] action" at the time of the asset sale. N.J.S.A. 17:15A-32.1(a).

N.J.S.A. 17:15A-48(c) also provides:

The commissioner shall revoke a license if, after notice and a hearing, the commissioner determines that the licensee was convicted of a crime pursuant to the provisions of P.L. 1994, c. 121 (C. 2C:21-23 et seq.) or any other crime defined in chapter 20 or chapter 21 of Title 2C of the New Jersey Statutes.

This provision was wholly inapplicable because Pucillo had not been convicted of such crimes at the time of the asset sale.

N.J.S.A. 17:15A-49 provides for the criminal prosecution for certain offenses, but it does not include the offenses charged

against Pucillo. The section also provides that "[t]he commissioner may issue an order to any licensee who violates any provision of this act or regulation promulgated thereunder, ordering payment of the penalties provided in this act and corrective action concerning the violation." N.J.S.A. 17:15A-49(c). Again, the commissioner had not made Pucillo or his companies "the subject of any [such] action" at the time of the asset sale. N.J.S.A. 17:15A-32.1(a).

Garden State argues the commissioner should have brought an action against Pucillo, under N.J.S.A. 17:15A-48 or -49. However, the Legislature provided the commissioner "may" institute an action under N.J.S.A. 17:15A-48(a), -48(b), and -49(c), making the decision discretionary. See Aponte-Correa v. Allstate Ins. Co., 162 N.J. 318, 325 (2000). In any event, the issue was merely whether the seller "is not the subject of any action by the commissioner pursuant to [N.J.S.A. 17:15A-48 or -49]," not whether there should have been such an action. N.J.S.A. 17:15A-32.1(a) (emphasis added).

Garden State next argues that, because a check-cashing "license shall not be transferable or assignable," N.J.S.A. 17:15A-32, the only way to transfer a license is to transfer or sell a controlling interest under N.J.S.A. 17:15A-42, which provides "[t]he commissioner shall approve the transfer or sale



unless he determines, following an opportunity for a hearing, that sufficient grounds exist to deny, revoke, or suspend the license." As a result, Garden State contends the commissioner was required to determine whether there were sufficient grounds to deny a new license under N.J.S.A. 17:15A-34 or to "revoke or suspend a license" under N.J.S.A. 17:15A-48.

Garden State's argument fails because this was an asset sale, not a sale of a controlling interest of the stock. Thus, as discussed above, N.J.S.A. 17:15A-42 was inapplicable. Moreover, N.J.S.A. 17:15A-32 was inapplicable because there was no transfer of Pucillo's licenses to Rich. Instead, Rich was required to "qualify for a license," N.J.S.A. 17:15A-32.1(b)(1), "as if it were a new license," Assemb. Banking & Ins. Comm. Statement to A. 754, 208th Leg., at 1 (Jan. 29, 1998).<sup>5</sup>

A new licensee must comply with the requirements of N.J.S.A. 17:15A-34, which provides:

The commissioner shall approve an application for a license if:

- a. The applicant has complied with the requirements of section 4 of this act;
- b. The commissioner finds that the financial responsibility, experience, character, and general fitness of the

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<sup>5</sup> As set forth above, Rich could not obtain a license for the Irvington location because it could not meet the 2500-foot requirement of N.J.S.A. 17:15A-41(e).

applicant support the belief that the business will be operated honestly and fairly; and

c. The commissioner finds that none of the grounds for revoking or suspending a license set forth in section 19 of this act exist.

Garden State argues subsection (c)'s requirement that "[t]he commissioner find[] that none of the grounds for revoking or suspending a license set forth in [N.J.S.A. 17:15A-48] exist," N.J.S.A. 17:15A-34(c), refers to Pucillo's licenses. However, nothing in N.J.S.A. 17:15A-34 refers to a seller or sales transaction. Instead, we read subsection (c), like the other subsections, as referring to the "applicant" who has submitted "an application for a license." N.J.S.A. 17:15A-34. Garden State failed to show any misconduct by Rich, let alone any "grounds for revoking or suspending a license" that it was seeking or that it possessed for other locations. N.J.S.A. 17:15A-34(c); see Triffin v. Bank of Am., 391 N.J. Super. 83, 87 (App. Div. 2007) (finding N.J.S.A. 17:15A-48(a)(5) does not "address whether a licensee may contract with, or otherwise conduct lawful business with," a person who has been convicted or had a civil fraud judgment against him).

Garden State contends allowing an asset sale would create a loophole enabling prospective sellers to evade the commissioner's pre-approval scrutiny by structuring their transaction not as a

sale of a controlling interest in the business, but as a sale of the business's assets. However, in enacting N.J.S.A. 17:15A-32.1 to allow asset sales, our Legislature did not use language authorizing, let alone requiring, a pre-sale determination "that sufficient grounds exist to deny, revoke, or suspend the license" as in N.J.S.A. 17:15A-42. Rather, it merely required that the seller "is not the subject of any action by the commissioner pursuant to [N.J.S.A. 17:15A-48 or -49]." N.J.S.A. 17:15A-32.1(a).

The Legislature intentionally differentiated the requirements for sales of assets from sales of the business itself, amending the bill to exclude the latter. Assemb. Banking & Ins. Comm. Statement to A. 754, 208th Leg., at 1 (Jan. 29, 1998). That is understandable, as an asset sale transfers only assets, not the license or the business entity itself. Even if Pucillo is ultimately proven to have engaged in illegality, the assets of Rapid and Tri-State may still be sold under N.J.S.A. 17:15A-32.1.

Garden State argues Pucillo will profit from his alleged wrongdoing unless some limitation is imposed on asset sales.<sup>6</sup>

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<sup>6</sup> Garden State notes the asset sale agreement stated "[t]he Purchase Price shall be 50% of all fees for Tri-State Check Cashing, Inc.," which "sum shall be paid to seller [Tri-State and Rapid] on the 1st day of the twenty-fifth (25th) month following Banking Department approval." Garden State has not shown that violated the Act.

However, if convicted, Pucillo will be subject to imprisonment, fines, and forfeiture of his illegally-obtained property and of his interest in any illegally-used businesses. See, e.g., N.J.S.A. 2C:21-27; N.J.S.A. 2C:41-3; N.J.S.A. 2C:43-3. He may also be subject to penalties under the Act. N.J.S.A. 17:15A-49(b)(2), (c).

In any event, "[t]he Legislature chose to impose no [such] limitation, and we are without power to include a provision that the Legislature omitted." See Klumb v. Bd. of Educ. of Manalapan-Englishtown Reg'l High Sch. Dist., 199 N.J. 14, 34 (2009). Garden State's "policy argument[] is one for the Legislature." Ibid.

Accordingly, Garden State has not shown the Department's grant of the licenses to Rich for the Union and Newark locations was arbitrary, capricious, or unreasonable. We affirm the grant of those licenses.

As the Department could not issue Rich a license for the Irvington location, that license is void. Thus, we need not address Garden State's argument that Rich's check-cashing license for the Irvington location was improperly issued because the Irvington location allegedly was not "in compliance with all applicable . . . municipal laws [and] ordinances." N.J.A.C. 3:24-3.1. Although that regulation applies only to check-cashing licenses, N.J.A.C. 3:24-1.2, Garden State argued Rich was not in

compliance regarding its separate pawnbroker license.<sup>7</sup> Garden State's appellate brief also argued that the pawnbroker license for that location should be revoked, but Garden State's counsel at oral argument informed us he was no longer arguing that issue, and agreed with Rich's counsel that the issue was moot. Accordingly, we express no opinion on the validity of the pawnbroker license.

Affirmed in part and reversed in part. We do not retain jurisdiction. We stay the voiding of the Irvington license for twenty days. See R. 2:12-3(a).

I hereby certify that the foregoing  
is a true copy of the original on  
file in my office.

  
CLERK OF THE APPELLATE DIVISION

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<sup>7</sup> The Township of Irvington municipal code § 197-24(E)(1) provides that one of the "[u]ses not permitted in the [central business district]" is "[p]awnbrokers." Rich was issued a zoning permit in error, and applied for a variance, but the issue is apparently on appeal.