

Kremer

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd., Newark, N. J. 07102

BULLETIN 1692

September 21, 1966

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New Jersey State Library

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark, N.J. 07102

BULLETIN 1692

September 21, 1966

1. APPELLATE DECISIONS - LOU'S LIQUORS v. PLAINFIELD.

Lou's Liquors (a corporation),)	
t/a Lou's Liquors,)	
)	
Appellant,)	
)	On Appeal
v.)	
)	CONCLUSIONS
Common Council of the City of)	and
Plainfield,)	
)	ORDER
Respondent.)	

Wilentz, Goldman & Spitzer, Esqs., by Warren W. Wilentz, Esq.,
Attorneys for Appellant
Edward Sachar, Esq., by Wilfred P. Diana, Esq.,
Attorney for Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This is an appeal from a twenty-five-day suspension by respondent of appellant's plenary retail consumption license for premises 200-206 Muhlenberg Place, Plainfield, effective October 26, 1965, after appellant pleaded non vult to charges alleging that on December 11, 1964 at approximately 10:58 p.m., and on December 12, 1964 at approximately 11:50 p.m., it sold alcoholic beverages in original containers for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Upon filing of the appeal an order dated October 25, 1965 was entered by the Director staying respondent's order of suspension until further order herein. R.S. 33:1-31.

Appellant in its petition of appeal alleges that "the penalty imposed was overly severe and not in line with the charges and that the member of the Council whose vote was decided should have disqualified himself because of the conflict of interest, and that the charges made originated as a result of entrapment."

Respondent's answer denies said allegations.

At the hearing herein, no evidence of any entrapment was produced and consequently this ground of appeal is deemed abandoned.

With respect to the remaining grounds, Councilman MacConnell (hereinafter MacConnell), called by appellant, testified that the respondent Council consists of eleven members but, at the time the matter of appellant's proposed suspension was discussed at executive session, there were nine members present, Councilman Furino, interested in a liquor license in the municipality, having disqualified himself and not participating at any time or in any manner in the proceedings, and another member having resigned from the respondent

Council. MacConnell further testified that Councilman Norton remarked that for a long while "we have been trying to get this man these premises" and expressed the opinion that "Council would be derelict in its duty if it did not suspend this license or take it away for a long period of time." MacConnell further stated that sentiment was voiced "to suspend his license for good" and then a motion was made "to give 30 days and 5 off for pleading guilty, net 25 days." The vote on said motion was five in favor and four opposed. MacConnell said that the four members opposed had indicated that they favored "a lesser suspension, 15 and 5 off for pleading guilty."

Councilman Lattimore's testimony as to the discussion at the executive session was substantially similar to that given by MacConnell. In addition thereto the witness remarked concerning Councilman Furino, "To my knowledge, there was never any evidence of Mr. Furino exercising any influence on the council. I am a personal friend of Steve. I think if he would try to get to anybody he would try to get to me."

Both of the aforesaid Councilmen testified that, although they were members of the respondent Council for a number of years they never remembered a thirty-days suspension, less five for the confessional plea, being imposed on a first offender. Usually they stated that the suspension was ten or fifteen days, less five for the confessional plea. No case where two violations were involved was specified by the two Councilmen.

I am satisfied that each member of the respondent Council who voted either for or against the suspension now being considered was not influenced by anyone or in any manner improperly motivated, but cast his respective vote on the question of suspension in accordance with his best judgment.

In Benedetti v. Trenton, Bulletin 1040, Item 1 (cited in Ross v. Hoboken, Bulletin 1478, Item 1), the question of an issuing authority's power to impose penalties and the severity thereof was fully discussed by the Director, wherein he said:

"In the exercise of that power the legislature invested the issuing authority (respondent) with the power to suspend or revoke licenses, after hearing, for certain enumerated violations including violation of the law or of state or local regulation. R.S. 33:1-31. The extent of respondent's power and authority in this regard was reviewed in Porton v. Roselle, supra, as follows:

"The penalty to be imposed in disciplinary proceedings instituted by a local issuing authority rests within its sound discretion, in the first instance, and the power of the Director to reduce it on appeal should be exercised only where such penalty is manifestly unreasonable and clearly excessive. Santore v. West New York, Bulletin 958, Item 2; Ebony Corporation et al. v. Trenton, Bulletin 958, Item 1; Dzieman v. Paterson, Bulletin 233, Item 10. The mere fact that the Director may have imposed a lesser penalty in a somewhat similar case instituted at the Division does not preclude the local issuing authority from imposing a more severe penalty, in a proceeding instituted locally, within the limits

of sound discretion. Ruoff v. Gloucester, Bulletin 749, Item 1. Penalties may vary in different municipalities and according to the circumstances surrounding the offenses. Pawelek v. Sayreville, Bulletin 456, Item 10. The fact that a penalty is severe does not, of itself, justify reduction on appeal. Ebony Corporation et al. v. Trenton, *supra*; Creston Holding Co. v. Belleville, Bulletin 544, Item 2. Neither does the fact that it is a licensee's first offense preclude revocation. Santore v. West New York, *supra*; McGuire v. Hoboken, Bulletin 550, Item 3; Wellens v. Passaic, Bulletin 134, Item 4."

In DeFebb v. Davis (App. Div. 1962), not officially reported, reprinted in Bulletin 1482, Item 1, in a *per curiam* decision it was stated that:

"In the nature of things penalties can only be identical by accident. The statute contemplates individual treatment of offenses and offenders and, in the absence of arbitrary, discriminatory, oppressive or otherwise palpably unjust treatment, the courts will not interfere with the discretion of the Director. Fanwood v. Rocco, 59 N.J. Super. 306, 317 (App. Div. 1960), affirmed 33 N.J. 404 (1960)."

Counsel for appellant contends that the matter under consideration was considered by the respondent as merely one offense, even though in fact two violations had taken place. I am satisfied that the respondent considered both violations when determining what the penalty should be in this case. The respondent, in fixing the suspension and being familiar with the facts in the case, apparently determined that under the circumstances the suspension imposed was warranted.

I find no evidence that Councilman Furino, who disqualified himself in the matter, participated in any manner in the case before respondent or that the penalty imposed was "overly severe" under the facts of the case.

Under the circumstances, and after a careful examination of the record herein, it is recommended that an order be entered affirming respondent's action, dismissing the appeal and fixing the effective dates for the twenty-five-day suspension stayed by the Director pending the entry of the order herein.

Conclusions and Order

Exceptions to the Hearer's report were filed by appellant's attorneys and oral argument was afforded pursuant to Rule 14 of State Regulation No. 15.

Having carefully considered the entire record, the Hearer's report and exceptions thereto, and the matters asserted at the oral argument, I concur in the findings and recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 18th day of July, 1966,

ORDERED that the appeal herein be and the same is hereby dismissed; and it is further

ORDERED that Plenary Retail Consumption License C-5, issued by the Common Council of the City of Plainfield to Lou's Liquors (a corporation), t/a Lou's Liquors, for premises 200-206 Muhlenberg Place, Plainfield, be and the same is hereby suspended for twenty-five (25) days, commencing at 8:00 a.m. Monday, July 25, 1966, and terminating at 8:00 a.m. Friday, August 19, 1966.

JOSEPH P. LORDI
DIRECTOR

2. APPELLATE DECISIONS - CHATHAMS v. CLIFTON.

RUTHIE K. CHATHAMS, t/a)	
RUTHIE'S TAVERN,)	
)	
Appellant,)	ON APPEAL
)	
v.)	CONCLUSIONS
)	
Municipal Board of Alcoholic)	and
Beverage Control of the City)	
of Clifton,)	ORDER
Respondent.)	

Saltzman, Swartz & Rosenberg, Esqs., by Robert P. Swartz, Esq.,
Attorneys for Appellant
Sam Monchak, Esq., by Victor Shorr, Esq., Attorney for
Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Appellant appeals from respondent's action denying her application for place-to-place transfer of 1965-66 plenary retail consumption license from 12 Highland Avenue to 421-423 Lakeview Avenue, Clifton.

The motion denying the transfer of the license in question reads as follows:

"Upon motion regularly made and seconded, the application for transfer was denied on the grounds that the application does not comply with the local ordinance regulating distance between licensed premises as 800' in addition to other building and zoning violations as stipulated by the Building Inspector's report. By roll call vote, Commissioner Tiefenbacher, yes, Commissioner Bayeux, yes. Motion Carried."

Appellant's petition of appeal alleges that the action of respondent was erroneous and should be reversed for the following reasons:

"The appellant is forced to move from her present location due to proposed use of her present location to provide off-street parking pending approval of an Urban Renewal Plan, and suffers under this hardship as well as the fact that the present licensed premises is bordered by other municipalities."

Respondent's answer states that the members thereof were prohibited from granting the license because it would be in violation of the existing footage ordinance and, furthermore, there was a lack of off-street parking facilities and thus a traffic hazard would be created. Moreover, the site of the proposed premises is not zoned for the operation of a liquor establishment.

The amendment to the distance-between-premises ordinance passed November 15, 1965, provides as follows:

"1. Chapter 5, Article I, Section 5-2, paragraphs (a) of the Revised Ordinances of the City of Clifton, New Jersey, be and the same is hereby amended to read as follows:

'(a) No plenary retail consumption license shall be issued for, nor be transferred to, any premises being within a radius of 800 feet of any other plenary retail consumption licensed premises. The said distance shall be measured from the nearest front entrance of the existing licensed premises to the nearest front entrance of the premises sought to be licensed.'

"2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistency only."

Appellant testified that she has held a license to operate a tavern at 12 Highland Avenue for the past six years, the last four of which the license has been in her individual name; that the street whereon the present licensed premises is located is at the boundary immediately adjacent to the City of Passaic; that during the past two years her landlord has been the municipality, and that she was served with a notice to vacate because of an urban renewal development program in the area which includes her present premises; that on a previous occasion she made application for a place-to-place transfer of the license to another location but respondent denied that application. Appellant further stated that during the past two years she has retained a number of realtors to find an appropriate location for her, and that during that time she herself has been endeavoring to find a new location.

Appellant produced a survey prepared by a professional engineer showing the distance between the proposed entrance of the premises at 421-423 Lakeview Avenue and the nearest tavern operated by Hektor (Harry) Neim, t/a Steier's Tavern, at 363 Lakeview Avenue, Clifton, to be 758 feet. Thus, being less than 800 feet required by the ordinance, the transfer of appellant's license to the proposed site would be in violation thereof.

Helen Rene (employed by Krugman Realty, Inc., as a saleswoman) testified that she has endeavored to find a new location for appellant for a considerable period of time, and that the only suitable place available is the proposed location.

It is apparent from an examination of the footage ordinance that there is no exception therein concerning a place-to-place transfer of a liquor license to a new premises within 800 feet of another licensed premises. As was stated in Petrangeli v. Barrett, 33 N.J. Super. 378, 384:

"[4] It has long been established that a local governing body has no jurisdiction to grant or transfer a license in violation of the terms of a local ordinance. Bachman v. Inhabitants of Town of Phillipsburg, 68 N.J.L. 552 (Sup. Ct. 1902). The rule is aptly stated in Tube Bar, Inc., v. Commuters Bar, Inc., supra (18 N.J. Super. at page 354):

'When a commission, board, body or person is authorized by ordinance, passed under a delegation of legislative authority, to grant or deny a license or permit, the grant or denial thereof must be in conformity with the terms of the ordinance authorizing such grant or denial. 9 McQuillin, Municipal Corporations (3d ed. 1950), §26.73; Bohan v. Weehawken Tp., 65 N.J.L. 490, 493 (Sup. Ct. 1900). Nor can such commission, board or body or person set aside, disregard or suspend the terms of the ordinance, except in some manner prescribed by law. Public Service Ry. Co. v. Hackensack Imp. Comm., 6 N.J. Misc. 15 (Sup. Ct. 1927); 62 C.J.S., Municipal Corporations § 439.'

"[5, 6] As in the case of statutes, the guide in construing an ordinance is to learn and give effect to the legislative intention. Wright v. Vogt, 7 N.J. 1, 5 (1951). Ordinances are to receive a reasonable construction, and primarily the intention expressed in an ordinance is to be gleaned from the language employed. Where the language is unambiguous and clearly expresses the intent of the legislative body, there is no room for judicial construction. The rule is well settled and axiomatic. Preziosi v. Buonaccorsi, 16 N.J. Super. 15, 21 (App. Div. 1951)."

Inasmuch as the language of that section of the ordinance now being considered is clear and unambiguous, the rule of construction need not be impressed. Petrangeli v. Barrett, supra.

There being no provision pertaining to hardship in the ordinance in question, it is obvious that the respondent was prohibited from granting the place-to-place transfer of appellant's license to the proposed site. Cf. Karam et als. v. West Orange et al., Bulletin 1662, Item 3; Churm v. Jefferson (Case No. 1), Bulletin 1459, Item 2.

It is unnecessary, therefore, to consider other grounds of appeal set forth in the petition filed herein.

It is recommended that the action of the respondent in denying the transfer requested by appellant be affirmed, and the appeal filed herein be dismissed.

Conclusions and Order

No exceptions to the Hearer's report were filed within the time limited by Rule 14 of State Regulation No. 15.

Having carefully considered the record herein, including the exhibits and the argument of the attorneys for the respective parties, the Hearer's report and the recommendations included therein, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 26th day of July, 1966,

ORDERED that the action of respondent Municipal Board of Alcoholic Beverage Control be and the same is hereby affirmed, and that the appeal herein be and the same is hereby dismissed.

JOSEPH P. LORDI
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

THEODORE OTLOWSKI and
JULIANNE OTLOWSKI
t/a HALL AVENUE JOHN'S
228 Hall Avenue
Perth Amboy, N.J.,

Holder of Plenary Retail Consumption License C-8, issued by the Board of Commissioners of the City of Perth Amboy.

CONCLUSIONS

and

ORDER

Toolan, Haney & Romond, Esqs., by Arthur W. Burgess, Esq.,
Attorneys for Licensees

Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to charges (1) and (2) alleging that on divers dates between October 18, 1965 and January 27, 1966, they permitted acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days (Re Gatefern, Inc., Bulletin 1679, Item 5), with remission of five days for the plea entered, leaving a net suspension of fifty-five days.

Accordingly, it is, on this 14th day of July 1966,

ORDERED that Plenary Retail Consumption License C-8, issue by the Board of Commissioners of the City of Perth Amboy to Theodore Otlowski and Julianne Otlowski, t/a Hall Avenue John's,

for premises 228 Hall Avenue, Perth Amboy, be and the same is hereby suspended for fifty-five (55) days, commencing at 2 a.m. Thursday, July 21, 1966, and terminating at 2 a.m. Wednesday, September 14, 1966.

JOSEPH P. LORDI
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - ORDER LIFTING SUSPENSION FOR BALANCE OF TERM UPON PROOF OF CORRECTION OF UNLAWFUL SITUATION.

In the Matter of Disciplinary)
Proceedings against)

ELVEE CORPORATION)
t/a ANCHOR INN)
76 Palisade Avenue)
Cliffside Park, New Jersey)

Holder of Plenary Retail Consumption)
License C-1 for the year 1965-66,)
issued by the Mayor and Council of)
the Borough of Cliffside Park and)
extended during the pendency of)
these proceedings to)

Martin T. Durkin, Receiver)
of Elvee Corporation)

Licensee, Pro se.

David S. Piltzer, Esq., Appearing for Division of Alcoholic
Beverage Control.

SUPPLEMENTAL
ORDER

BY THE DIRECTOR:

On October 21, 1965, Conclusions and Order were entered herein suspending the license for the balance of its term commencing on October 28, 1965, with leave to the licensee or any bona fide transferee of the license to file verified petition for lifting of the suspension after the license had been under suspension for at least sixty days. Re Elvee Corporation, Bulletin 1651, Item 5.

By order dated June 21, 1966, of the Superior Court of New Jersey (Chancery Division), Martin T. Durkin was appointed Receiver for the Elvee Corporation, t/a Anchor Inn.

On June 21, 1966, the license was extended by the local issuing authority to Martin T. Durkin, Receiver of the Elvee Corporation. The Receiver having now petitioned for lifting of the suspension so that he may be a transferor of the license to another person, and it appearing that no business has been conducted at the licensed premises since the imposition of the suspension, effective October 28, 1965, I shall grant the petition.

Accordingly, it is, on this 18th day of July, 1966,

ORDERED that the suspension heretofore imposed herein be and the same is hereby lifted, effective immediately.

JOSEPH P. LORDI
DIRECTOR

5.

ACTIVITY REPORT FOR JULY 1966

ARRESTS:

Total number of persons arrested - - - - -		18
Licensees and employees - - - - -	14	
Bootleggers - - - - -	4	

SEIZURES:

Stillis - 50 gallons or under - - - - -		1
Distilled alcoholic beverages - gallons - - - - -		1.25
Brewed malt alcoholic beverages - gallons - - - - -		7.47

RETAIL LICENSEES:

Premises inspected - - - - -		417
Premises where alcoholic beverages were gauged - - - - -		337
Bottles gauged - - - - -		5,757
Premises where violations were found - - - - -		77
Violations found - - - - -		116
Unqualified employees - - - - -	57	Prohibited signs - - - - - 3
Application copy not available - - - - -	16	Disposal permit necessary - - - - - 3
Reg. #38 sign not posted - - - - -	14	Improper beer taps - - - - - 1
Other mercantile business - - - - -	8	Other violations - - - - - 14

STATE LICENSEES:

Premises inspected - - - - -		21
License applications investigated - - - - -		19

COMPLAINTS:

Complaints assigned for investigation - - - - -		360
Investigations completed - - - - -		342
Investigations pending - - - - -		238

LABORATORY:

Analyses made - - - - -		84
Refills from licensed premises - bottles - - - - -		71
Bottles from unlicensed premises - - - - -		1

IDENTIFICATION:

Criminal fingerprint identifications made - - - - -		8
Persons fingerprinted for non-criminal purposes - - - - -		626
Identification contacts made with other enforcement agencies - - - - -		373

DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities - - - - -		9
Violations involved - - - - -		10
Sale during prohibited hours - - - - -	5	
Sale to minors - - - - -	5	
Cases instituted at Division - - - - -		22
Violations involved - - - - -		21
Possessing liquor not truly labeled - - - - -	6	Sale outside scope of license - - - - - 1
Sale to minors - - - - -	6	Permitting foul lang. on premises - - - - - 1
Permitting lottery on premises - - - - -	4	Permitting immoral activity on prem. - - - - - 1
Permitting bookmaking on premises - - - - -	2	
Cases brought by municipalities on own initiative and reported to Division - - - - -		20
Violations involved - - - - -		26
Sale to minors - - - - -	10	Permitting brawl, etc. on premises - - - - - 2
Failure to close prem. during prohibited hours - - - - -	3	Permitting gambling on premises - - - - - 1
Permitting persons of ill repute on premises - - - - -	3	Consumption on distribution premises - - - - - 1
Permitting immoral activity on prem. - - - - -	3	Opened container on distrib. prem. - - - - - 1
		Permitting foul lang. on premises - - - - - 1
		Sale during prohibited hours - - - - - 1

HEARINGS HELD AT DIVISION:

Total number of hearings held - - - - -		24
Appeals - - - - -	4	
Disciplinary proceedings - - - - -	18	
Eligibility - - - - -	2	

STATE LICENSES AND PERMITS ISSUED:

Total number issued - - - - -		2,442
Licensees - - - - -	668	Social affair permits - - - - - 400
Solicitors' permits - - - - -	61	Miscellaneous permits - - - - - 330
Employment permits - - - - -	613	Transit insignia - - - - - 281
Disposal permits - - - - -	60	Transit certificates - - - - - 24
Wine permits - - - - -	5	

OFFICE OF AMUSEMENT GAMES CONTROL:

Licenses issued - - - - -	16	Premises where violations were found - - - - - 64
State Fair Licenses issued - - - - -	50	Number of violations found - - - - - 72
Enforcement files established - - - - -	64	
Premises inspected - - - - -	509	

JOSEPH P. LORDI
Director of Alcoholic Beverage Control
Commissioner of Amusement Games Control

Dated: August 5, 1966

6. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR DISSIMILAR RECORD - AGGRAVATING CIRCUMSTANCE - LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

PETER G. McDERMOTT
807 Ocean Avenue
Jersey City, New Jersey

Holder of Plenary Retail Consumption
License C-179, issued by the Muni-
cipal Board of Alcoholic Beverage
Control of the City of Jersey City

CONCLUSIONS

and

ORDER

Eugene P. Kenny, Esq., Attorney for Licensee
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, May 8, 1966, he sold a one-half pint bottle of liqueur in its original container for consumption off the licensed premises, in violation of Rule 1 of State Regulation No. 38.

The aforesaid charge was dated May 27, 1966 and was received by the licensee on May 28, 1966.

Licensee also pleads non vult to a charge alleging that on Friday, June 10, 1966, after 10:00 p.m., and on Sunday, June 26, 1966, he sold on each occasion a pint bottle of whiskey in its original container for consumption off the licensed premises, in violation of Rule 1 of State Regulation No. 38.

It may be noted that the second violations occurred after the first charge had been served upon the licensee.

Licensee has a previous record of suspension of license then held in partnership with Thomas Corridon for premises 228 Old Bergen Road, Jersey City, by the Director for ten days effective April 30, 1963, for possession of alcoholic beverages not truly labeled. Re Corridon and McDermott, Bulletin 1514, Item 5.

The prior record of suspension of license for dissimilar violation within the past five years considered, the license will be suspended for thirty-five days, to which will be added fifteen days by reason of the aggravating circumstance of the occurrence of the similar violations on June 10 and 26, 1966, after service of the charge dated May 27, 1966 and during the pendency thereof. Five days will be remitted for the pleas entered herein, leaving a net suspension of forty-five days.

Accordingly, it is, on this 20th day of July, 1966,

ORDERED that Plenary Retail Consumption License C-179, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Peter G. McDermott for premises 807 Ocean Avenue, Jersey City, be and the same is hereby suspended for forty-five (45) days, commencing at 2:00 a.m. Tuesday, July 26, 1966, and terminating at 2:00 a.m. Friday, September 9, 1966.

JOSEPH P. LORDI
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITY (INDECENT ENTERTAINMENT) - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

TUBECK CORP.
677 Mt. Prospect Avenue
Newark, N.J.

Holder of Plenary Retail Consump-
tion License C-340, issued by the
Municipal Board of Alcoholic Beverage
Control of the City of Newark

CONCLUSIONS

and

ORDER

Samuel Raffaelo, Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on February 12, 1966, it permitted lewdness and immoral activity and foul, filthy and obscene language and conduct (indecent entertainment) on the licensed premises, in violation of Rule 5 of State Regulation No. 20.

Reports of investigation disclose that two female entertainers gave performances including bumps and grinds, suggestive bodily movements and posturings and gesturings, and that a male musician sang a lewd and vulgar song.

Absent prior record, the license will be suspended for forty-five days, with remission of five days for the plea entered, leaving a net suspension of forty days. Re Toth, Bulletin 1356, Item 4.

Accordingly, it is, on this 26th day of July, 1966,

ORDERED that Plenary Retail Consumption License C-340, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Tubeck Corp. for premises 677 Mt. Prospect Avenue, Newark, be and the same is hereby suspended for forty (40) days, commencing at 2:00 a.m. Monday, August 1, 1966, and terminating at 2:00 a.m. Saturday, September 10, 1966.

JOSEPH P. LORDI
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
 LABELED - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
 Proceedings against)

FRANK W. CICCONE)
 t/a TORCH LOUNGE)
 535 Ridge Road)
 Lyndhurst, New Jersey,)

CONCLUSIONS

and

Holder of Plenary Retail Consumption)
 License C-12, issued by the Board of)
 Commissioners of the Township of)
 Lyndhurst.)

ORDER

- - - - -)
 Lustbader & Lustbader, Esqs., by Monroe Jay Lustbader, Esq.,
 Attorneys for Licensee
 David S. Piltzer, Esq., Appearing for Division of Alcoholic
 Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on
 May 20, 1966 he possessed alcoholic beverages in eleven bottles
 bearing labels which did not truly describe their contents, in
 violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for
 forty days, with remission of five days for the plea entered,
 leaving a net suspension of thirty-five days. Re John-Tom, Inc.,
 Bulletin 1540, Item 2.

Accordingly, it is, on this 19th day of July 1966,

ORDERED that Plenary Retail Consumption License C-12,
 issued by the Board of Commissioners of the Township of Lyndhurst
 to Frank W. Ciccone, t/a Torch Lounge, for premises 535 Ridge Road,
 Lyndhurst, be and the same is hereby suspended for thirty-five (35)
 days, commencing * at 2 a.m. Tuesday, July 26, 1966, and terminatir
 at 2 a.m. Tuesday, August 30, 1966.

JOSEPH P. LORDI
 DIRECTOR

* By order dated July 21, 1966, the suspension was deferred to
 commence at 2 a.m. Tuesday, August 2, 1966 and to terminate at
 2 a.m. Tuesday, September 6, 1966.

9. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

In the Matter of Disciplinary Proceedings against

T-J'S Hideaway, Inc.
t/a T-J's Hideaway
605 Tompkins Avenue
South Plainfield, New Jersey

Holder of Plenary Retail Consumption License C-7, issued by the Mayor and Council of the Borough of South Plainfield

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Auto. Susp. #287
In the Matter of the Automatic Suspension of License C-7, held by

T-J's Hideaway, Inc.
t/a T-J's Hideaway
(same address)

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John T. Keefe, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on June 23, 1966, it sold drinks of beer to two minors, ages 17 and 18, in violation of Rule 1 of State Regulation No. 20.

On July 12, 1966, Joseph Borremo Stavish, secretary-treasurer of the licensee-corporation, was convicted in the South Plainfield Municipal Court of sale of alcoholic beverages to the same minors, in violation of R.S. 33:1-77, and fined \$50 and \$5 costs. This conviction resulted in the statutory automatic suspension of license by virtue of the provisions of R.S. 33:1-31.1. However, because of the pendency of these proceedings, the statutory automatic suspension has not been effectuated. Re Scheltz, Bulletin 1678, Item 2.

Absent prior record, and considering the matters alleged in mitigation by the attorney for the licensee, the license will be suspended for the minimum period of twenty days where sale to 17 and 18-year-old minors is involved (Re The Strike Out, Inc., Bulletin 1670, Item 6), with remission of five days for the plea entered, leaving a net suspension of fifteen days.

Accordingly, it is, on this 18th day of July, 1966,

ORDERED that Plenary Retail Consumption License C-7, issued by the Mayor and Council of the Borough of South Plainfield to T-J's Hideaway, Inc., t/a T-J's Hideaway, for premises 605 Tompkins Avenue, South Plainfield, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Monday, July 25, 1966, and terminating at 2:00 a.m. Tuesday, August 9, 1966; and it is further

CONCLUSIONS

and

ORDER

ORDER

ORDERED that in view of the penalty of suspension imposed herein, the statutory automatic suspension of said license, resulting from the conviction of Joseph Borremo Stavish, be and the same is hereby lifted effective 2:00 a.m. Tuesday, August 9, 1966.

JOSEPH P. LORDI
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED
LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Leonard Stanley Jakubczak
t/a Lenny's Inn
1247 Woodbridge Avenue
Edison Township
PO Fords, N. J.

Holder of Plenary Retail Consumption
License C-29, issued by the Municipal
Council of the Township of Edison

Licensee, Pro se.

Morton B. Zemel, Esq., Appearing for Division of Alcoholic
Beverage Control.

CONCLUSIONS

and

ORDER

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 11, 1966, he possessed alcoholic beverages in two bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days effective March 18, 1962, for sale in violation of State Regulation No. 38.

The prior record of suspension of license for dissimilar violation within the past five years considered; the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Drezgal Bulletin 1605, Item 7.

Accordingly, it is, on this 25th day of July, 1966,

ORDERED that Plenary Retail Consumption License C-29, issued by the Municipal Council of the Township of Edison to Leonard Stanley Jakubczak, t/a Lenny's Inn, for premises 1247 Woodbridge Avenue, Edison, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Monday, August 1, 1966, and terminating at 2:00 a.m. Tuesday, August 16, 1966.

JOSEPH P. LORDI
DIRECTOR

11. DISCIPLINARY PROCEEDINGS-- SALE IN VIOLATION OF STATE REGULATION
NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Nik-Ro, Inc.
t/a Gina's Bar
400 Kaighns Avenue
Camden, N.J.

Holder of Plenary Retail Consumption
License C-122, issued by the Municipal
Board of Alcoholic Beverage Control
of the City of Camden

CONCLUSIONS

and

ORDER

Licensee, by Jean Aiello, Secretary-Treasurer, Pro se.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on June 21, 1966, it sold a pint bottle of whiskey for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Barrett, Bulletin 1679, Item 6.

Accordingly, it is, on this 18th day of July, 1966,

ORDERED that Plenary Retail Consumption License C-122, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Nik-Ro, Inc., t/a Gina's Bar, for premises 400 Kaighns Avenue, Camden, be and the same is hereby suspended for ten (10) days, commencing at 7:00 a.m. Monday, July 25, 1966, and terminating at 7:00 a.m. Thursday, August 4, 1966.

JOSEPH P. LORDI
DIRECTOR

12. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION
NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Rubin's Tavern, A Corporation
42 Paterson Street
Paterson, New Jersey

CONCLUSIONS

and

ORDER

Holder of Plenary Retail Consumption
License C-112, issued by the Board
of Alcoholic Beverage Control for
the City of Paterson

Licensee, by Jack Glass, President, Pro se.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on June 22, 1966, it permitted removal from its licensed premises of an opened half-pint bottle of liqueur during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Nate Kates, Inc., Bulletin 1672, Item 4.

Accordingly, it is, on this 18th day of July, 1966,

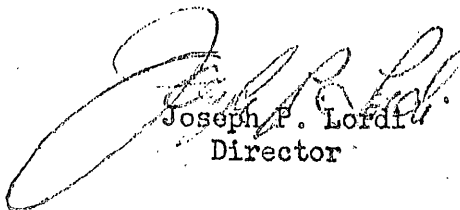
ORDERED that Plenary Retail Consumption License C-112, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Rubin's Tavern, A Corporation, for premises 42 Paterson Street, Paterson, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Monday, July 25, 1966, and termination at 3:00 a.m. Thursday, August 4, 1966.

JOSEPH P. LORDI
DIRECTOR

13. STATE LICENSES - NEW APPLICATION FILED.

Kasser Distillers Products Corp.
t/a Oxford Liquor Company and
Kasser Liquor Company
Third & Luzerne Streets
Philadelphia, Pennsylvania

Application filed September 20, 1966 for place-to-place transfer of licensed warehouse premises from 161 Frelinghuysen Avenue, Newark, New Jersey to 1835 Burnet Avenue, Union, New Jersey and transfer of licensed premises and salesroom from Third & Luzerne Streets, Philadelphia, Pennsylvania, to 1835 Burnet Avenue, Union, New Jersey.


Joseph P. Lordi
Director