

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

Deputy Director Saum

BULLETIN 1723

April 5, 1967

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

BULLETIN 1723

April 5, 1967

1. APPELLATE DECISIONS - GROWN v. FAIRVIEW and THE GREAT ATLANTIC AND PACIFIC TEA COMPANY, INC.

FRED W. GROWN,)
Appellant,) ON APPEAL
v.) CONCLUSIONS
MAYOR AND COUNCIL OF THE) AND ORDER
BOROUGH OF FAIRVIEW, AND THE)
GREAT ATLANTIC AND PACIFIC)
TEA COMPANY, INC.)
Respondents.

Fred W. Grown, Appellant, Pro se
Charles C. Schraier, Esq., Attorney for Respondent Mayor and
Council
Moser, Roveto & McGough, Esqs., by George P. Moser, Sr., Esq.,
Attorneys for Respondent The Great Atlantic and
Pacific Tea Company, Inc.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Appellant appeals from the action of the respondent Mayor and Council of the Borough of Fairview (hereinafter Council) whereby at a meeting held on June 28, 1966 it granted an application for renewal of plenary retail distribution license to the respondent The Great Atlantic and Pacific Tea Company, Inc. (hereinafter A & P) for premises at 289 Bergen Blvd., Fairview.

Appellant (publisher of the Fairview Star) alleges that the said action was erroneous because the A & P advertised its notice of application for such renewal in the Jersey Pictorial, a weekly newspaper circulated in the Borough of Fairview, Bergen County. Appellant asserts that this newspaper is actually published in North Bergen, Hudson County; that the A & P should have published the notice in the Fairview Star, owned by the appellant, which he asserts is "the only newspaper qualified under the provisions of ABC Regulation No. 2 Rule 5." The appellant, therefore, alleges that such publication was invalid and that Council lacked jurisdiction to consider the application. Appellant further petitions the Director to instruct the A & P to "readvertise its notice of application in the Fairview Star."

The answer of the respondent A & P denies that the Fairview Star is the only newspaper published in the Borough of Fairview; asserts that it published the notice of application in the Jersey Pictorial, Bergen Edition, upon its belief, based upon an affidavit filed by the Jersey Pictorial, Bergen Edition, that it was in fact published in the Borough of Fairview; and it believed that it had a right to rely upon said affidavit.

The applicable statute (R.S. 33:1-25) states in pertinent part as follows:

"Every applicant for a license shall cause a notice of the making of such application to be published in a form prescribed by rules and regulations, once a week for two weeks successively in a newspaper, printed in the English language, published and circulated in the municipality in which the licensed premises are located; but if there shall be no such newspaper, then such notice shall be published in a newspaper, printed in the English language, published and circulated in the county in which the licensed premises are located"

Rule 5 of State Regulation No. 2 governing publication of such notice of application uses the identical language with respect to such publication.

From the evidence presented herein I am persuaded that the Jersey Pictorial, Bergen Edition, is in fact published in the Borough of Fairview. It appears that the West New Yorker, Inc. publishes the Jersey Pictorial in North Bergen and also publishes a Bergen edition of that newspaper in the Borough of Fairview. These newspapers carry separate advertising, separate news stories, and in fact the size of the newspapers is different -- one usually containing twenty pages and the other sixteen pages. Both newspapers do publish some similar feature articles and columns.

David L. Cangl (secretary of the West New Yorker, Inc.) testified that the Bergen edition which carried the advertisements of A & P is actually printed, published and circulated in the Borough of Fairview. He stated that it is edited, and advertising is accepted for it, at an office which it maintains in Fairview; that its written material and photographs are printed at said premises; that, after printing, it is addressed in Fairview, packaged and mailed from the Fairview post office; and that, after publication, the newspaper first "hits the street" and is circulated in the Borough of Fairview. Although the postage therefor is paid under the second class mailing privilege of the Jersey Pictorial, the Bergen edition is actually delivered for mailing in the Fairview post office.

Appellant argues that in its statement of ownership, management and circulation, which is required to be published by the Act of Congress 39 U.S.C.A. Sec. 4369, West New Yorker, Inc. lists as its office of publication 7101 Jackson Street, North Bergen, New Jersey. However, the statement also lists the general business office of the publishers as 155 Broad Avenue, Fairview, New Jersey.

The place of publication is where the newspaper is first issued to the public. 39 Am. Jur. Sec. 13, p. 9; Re Steiner, Bulletin 35, Item 2; 66 C.J.S. Sec. 7, p. 31; Re East Orange, Bulletin 79, Item 12; Re Dear, Bulletin 67, Item 15.

Although the place of printing is not controlling with respect to the determination as to where a newspaper is actually published, it should be observed that the printing of the Jersey Pictorial, Bergen Edition, is in Fairview and this newspaper is actually delivered to the post office and distributed to the subscribers in that community immediately upon being printed.

In Montesano v. Liberty Warehouse Co., 121 N.J.L. 124 (E. & A. 1938), the court considered the question of the place of publication:

"It appears, however, that within the meaning of such statutes as that upon which we are now passing, the place of publication of a newspaper is where the paper is first put into circulation, where it is first issued to be delivered or sent, by mail or otherwise, to its subscribers. People, ex rel. O'Connell v. Read (Ill.), 100 N.E. Rep. 230; State v. Bass (Me.), 54 Atl. Rep. 1113."

Cf. Bayer v. Hoboken, 44 N.J.L. 131, aff'd 45 N.J.L. 185 (E. & A. 1883).

In Wildwood, etc. Pub. Co. v. City of Wildwood, 35 N.J. Super. 543, the court considered the validity of publication by the City of legal notices in a certain newspaper. It held that "where newspaper in which city published legal notices had its offices within city, received its mail within city, and listed its address as address within city, and delivered newspapers to newsstands and newsdealers within city, newspaper was published in the city, although printing plant was located outside city." See also Lending v. Palisades Park and Weinstein, Bulletin 1329, Item 1; Re Soriano, Bulletin 323, Item 2.

Accordingly, therefore, I find that the Jersey Pictorial, Bergen Edition, meets the requirements of R.S. 33:1-25 so far as the instant publication is concerned, and that A & P properly and validly advertised its said notices of application in the said newspaper. Since this issue has been resolved, it is dispositive of this action, and it is unnecessary to consider any other matters raised in the petition of appeal.

Accordingly I recommend that an order be entered affirming the action of the Council and dismissing the said appeal.

Conclusions and Order

Exceptions to the Hearer's report and argument in support thereof were filed by appellant pursuant to Rule 14 of State Regulation No. 15.

Having carefully considered the entire record herein, including the transcript of the testimony, the exhibits, the arguments of both parties in summation, the Hearer's report and the exceptions thereto, which I find without merit, I concur in the conclusions and recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 20th day of January, 1967,

ORDERED that the action of respondent Mayor and Council of the Borough of Fairview in granting the application of respondent The Great Atlantic and Pacific Tea Company, Inc. for renewal of its plenary retail distribution license be and the same is hereby affirmed and that the appeal herein be and the same is hereby dismissed.

JOSEPH P. LORDI
DIRECTOR

2. SEIZURE - FORFEITURE PROCEEDINGS - UNLAWFUL SALES OF ALCOHOLIC BEVERAGES IN SPEAKEASY - CLAIM FOR RETURN OF CASH DEPOSIT POSTED ON STIPULATION DENIED FOR FAILURE TO ESTABLISH GOOD FAITH - CASH DEPOSIT, PERSONAL PROPERTY, CASH AND ALCOHOLIC BEVERAGES ORDERED FORFEITED.

| | | |
|---------------------------------------|---|-----------------|
| In the Matter of the Seizure |) | |
| on September 11, 1966 of a |) | |
| quantity of alcoholic beverages, |) | |
| \$38.75 in cash, various fixtures, |) | CASE NO. 11,771 |
| furnishings and equipment in the |) | |
| unlicensed premises of the Northern |) | ON HEARING |
| Social Club (listed as Normal Social |) | CONCLUSIONS |
| Club in the notice of seizure), 74-76 |) | AND ORDER |
| Sackett Street, rear building, in the |) | |
| City of Jersey City, County of Hudson |) | |
| and State of New Jersey. |) | |

 Jacob L. Winograd, Esq., by E. Perry Rabbino, Esq., appearing
 for J. & M. Amusement Company,
 I. Edward Amada, Esq., appearing for the Division of Alcoholic
 Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This matter came on for hearing pursuant to R.S. 33:1-66 and State Regulation No. 28, and further pursuant to a stipulation dated September 26, 1966 signed by Jerry Bardin, agent for J. & M. Amusement Co. to determine whether 84 containers of alcoholic beverages, \$38.75 in cash, various fixtures, furnishings and equipment, more particularly set forth in an inventory attached hereto, made part hereof and marked Schedule "A", seized on September 11, 1966 in the unlicensed premises of Northern Social Club (listed as Normal Social Club in the notice of seizure), 74-76 Sackett Street, rear building, in Jersey City, constitute unlawful property and should be forfeited; and further, to determine whether the sum of \$1,000.00, representing the retail value of certain fixtures, furnishings and equipment paid under protest by J. & M. Amusement Co. should be forfeited or returned to it. The seizure was made by ABC agents because of alleged unlawful sales of alcoholic beverages at a speakeasy conducted at the said premises.

When the matter came on for hearing pursuant to R.S. 33:1-66, J. & M. Amusement Co., represented by counsel, appeared and entered a claim for the return of its deposit based upon the stipulation, covering two pool tables, one juke box and one cigarette machine as specifically itemized in Schedule "A".

No one else appeared to seek the return of the balance of the property herein seized.

The file of this Division which was admitted into evidence with the consent of the claimant herein contained the affidavit of mailing, the affidavit of publication, the inventory, the chemist's report, the original stipulation, the copy of the receipt, the recording of the monies, and two "marked" one-dollar bills.

The said file established the following facts:

Pursuant to a specific assignment to investigate an alleged speakeasy operation at the above address, ABC agents made two visits to the said premises. These premises are contained in a one-story cinder block building which has the appearance of a garage. On the face of the building is a large sign which bears the legend, "Community Auto Body". In front of the building is a parking lot which contained wrecked cars and motor vehicles of some patrons in the building.

On the first visit to the premises on August 13, 1966, at about 2:25 a.m., they observed a male who appeared to be a lookout man. The agents and three male patrons simultaneously approached the entrance to the premises. One of the patrons rang the front door bell, in response to which the agents observed a peephole on the door being uncovered, following which the agents and the three male patrons were admitted into the premises by a male. This doorman then led them through another door into a large room which had the appearance of a club room and which contained a large and small ell-shaped bars, a juke box, a pool table, a cigarette machine, a refrigerator and four large chairs. About 125 males and females were standing at and near the bar consuming beer and whiskey, which was served by two male and one female bartenders from behind the large bar and one male bartender behind the small bar.

ABC Agents B and J ordered and were served beer and whiskey from the barmaid, and in payment therefor, each agent gave her \$2.00 and each received 75¢ in change.

The final visit was made to the premises on September 11, 1966 at approximately 2:15 a.m. ABC agents, in possession of "marked" money, entered the premises, together with two males and two females. On this occasion there were about 85 male and female patrons consuming alcoholic beverages which was served to them from behind the large bar by two male bartenders (later identified as James Withers and William Allen), and an unidentified female barmaid. Another unidentified bartender was serving patrons behind the small bar. The agents observed that the bar contained assorted bottles of whiskey.

Agent J then purchased two bottles of beer from Allen and in payment therefor, gave him a "marked" \$1.00 bill. Allen placed the bill in a cigar box behind the bar. He then purchased a double shot of whiskey from Allen and paid him with two one-dollar "marked" bills which were also placed in the cigar box. At 2:45 a.m. other ABC agents, accompanied by local police officers, entered the premises and identified themselves to Allen and Withers. Withers stated that the premises were operated as a social club and that he owned all the stock.

Allen was thereupon placed under arrest, charged with sale of alcoholic beverages without a license in violation of R.S. 33:1-50(a). Withers was also arrested, charged with possession of alcoholic beverages with intent to sell the same without a license in violation of R.S. 33:1-50(b); both were released in bail pending arraignment in the Jersey City Municipal Court.

The property was seized and two of the "marked" bills were found together with other monies in the cigar box in the total sum of \$38.75.

The records of this Division do not disclose any license or permit authorizing the sale of alcoholic beverages to William Allen, James Withers, the Northern (or Normal) Social Club or for the premises where the violations took place.

The report of the Division chemist shows, in part, that a sample of a one-quart bottle containing eight ounces of Imported Seagram's V.O. Canadian Whisky 86.8 Proof, seized herein, is an alcoholic beverage fit for beverage purposes, with alcohol by volume of 43.75%.

Since there was no permit or license authorizing the sale of alcoholic beverages to any person at, or for the premises in question, they are illicit because they were intended for sale without a license. Such illicit alcoholic beverages, the personal property and cash as set forth in Schedule "A" herein constitute unlawful property and are subject to forfeiture. R.S. 33:1-2; R.S. 33:1-66; Seizure Case No. 11,431, Bulletin 1644, Item 3; Seizure Case No. 11,597, Bulletin 1679, Item 7. This applies with equal force to the cash which was commingled with the "marked" bills used by the agents in payment for their drinks. Seizure Case No. 11,182, Bulletin 1568, Item 5; Seizure Case No. 10,898, Bulletin 1500, Item 2.

The J. & M. Amusement Co., represented by counsel, presented a claim for the return of the deposit made under the stipulation hereinabove referred to, based upon its ownership of two pool tables, a juke box machine and a cigarette machine.

Jerry Bardin, testifying on behalf of this claimant, gave the following account: he is employed as a salesman for this claimant, and has been so employed for the past 2½ years. This claimant has been in business for over 20 years as a vending machine operator and distributes cigarette machines, pool tables and juke boxes on a lease basis. An individual whom he identified as Clarence Williams made arrangements on behalf of the Northern Social Club with an officer of this claimant to have these machines placed on these premises. Since this witness did not participate in the lease negotiations, he did not know whether it was, in fact, a person representing himself to be Clarence Williams or his alleged brother, George Williams, with whom these arrangements were made.

Bardin was not the regular collector of his company for these premises, but he was sent initially to inspect the premises for security purposes, i.e., "...for the purposes of protection. When we place our equipment in a location we like to have it protected -- windows, doors, etcetera." By this, he explained he meant from "...vandalism and theft."

When he first went to the premises, he did not see any peephole, but on a subsequent visit, he did observe that there was a peephold on the front door. However, he did not consider that unusual because "To my knowledge, it was for the purposes of a private social club and no one else but members were allowed."

He further testified that he saw bottles of whiskey on the premises and some of them contained slips of paper with names on the bottle. He assumed that they were the names of some of the club members. In fact, Mr. Williams offered him a drink of whiskey but he refused to have any.

Bardin asked Williams whether he had a license to sell alcoholic beverages. Williams replied that no permit or license was necessary since the liquor was for "personal use, we don't sell it." He added that each "member has his own bottle for social purposes."

No other witnesses were produced by the claimant in support of its claim.

Under Rule 4 of State Regulation No. 28 the Director has the discretionary authority to return property subject to forfeiture to a claimant who has established to his satisfaction that it has acted in good faith and had no knowledge of the unlawful use to which the property was put or of such acts as would have led a person of ordinary prudence to discover such use. R.S. 33:1-66(f).

Tested by the crucible of the statute and the applicable Rule, can it be resolved that this claimant acted in good faith and reasonably? I think not. The fact that this speakeasy operation was located in a garage which did not even have the name of the club on the outside of the premises; the fact that there was a peephole through which the doorman screened persons seeking to enter the premises; the fact that there were two bars and a complete speakeasy setup in the premises -- the concomitance of these circumstances should have alerted the claimant to the unlawful activities, and required that it ascertain whether or not the operators of this club had a license or permit authorizing them to sell alcoholic beverages.

Bardin forthrightly admits that he saw bottles of alcoholic beverages and, indeed, was even offered a drink. He expresses the feeling that some of the bottles had labels presumably containing the names of certain members, made the presence of such alcoholic beverages legitimate and valid.

In this connection, it must be emphasized that the storage by a member of a bottle of liquor on club premises as to which no liquor license has been issued may be deemed to constitute warehousing by the club of alcoholic beverages without a license in violation of R.S. 33:1-2, contrary to R.S. 33:1-50. Thus, it would subject the club to criminal prosecution as well as to seizure and forfeiture of all the personal property, pursuant to R.S. 33:1-66 in view of the provisions of R.S. 33:1-1(i and y).

One other fact requires comment. Bardin testified that all transactions were made with either Clarence or George Williams. However, this witness did not know the exact address of Williams and no such person was present at the time of the seizure. My examination of the certificate of incorporation of the Northern Social Club, which was produced, by stipulation of counsel, after the hearing herein, discloses that this person is not, in fact, a trustee of or is mentioned in any way in said Certificate.

I am persuaded that this claimant did not act reasonably in the full discharge of its statutory responsibility in the operation of its property in the said premises. In view of the fact that these premises were alleged to be operated as a social club, and under the unusual circumstances hereinbefore enumerated, it became claimant's clear obligation to make a background investigation or reasonable inquiry to determine whether or not its property would be used in unlawful liquor activity. Its failure to do so demonstrates a careless indifference to the use to which its property was being put. Since I find that there is an absence of good faith, as aforesaid, the Director is not authorized to return the said property. R.S. 33:1-66; Seizure Case No. 11,597, supra.

I therefore recommend that the application of the claimant, J. & M. Amusement Co. be denied and that an order be entered forfeiting the sum of \$1,000.00, paid under protest under the stipulation.

I further recommend that an order be entered directing the forfeiture of the sale of the personal property, including the alcoholic beverages and cash as set forth in the schedule annexed hereto.

Conclusions and Order

Exceptions to the Hearer's Report were filed by the claimant, J. & M. Amusement Co., pursuant to Rule 4 of State Regulation No. 28. Claimant asserts that it exercised good faith because "...the premises were licensed by the City of Jersey City in regard to these amusement machines. Was the City of Jersey and its officers and employees guilty of aiding and abetting an operation of illegal premises?"

This seems to be sophistic reasoning and inconsistent with the facts. The fact is that the machines were licensed for operation in accordance with the ordinance of Jersey City regulating operation of such machines. But it would be absurd to suggest that Jersey City authorized or sanctioned the operation of such machines in furtherance of illegal liquor activity or at premises where unlawful liquor sales took place. In any event, this argument is totally irrelevant to the controlling issue herein, and must be rejected.

The claimant further argues that the Division should be required to prove lack of good faith and that, instead, it has shifted the burden of proof thereof to the claimant.

However, R.S. 33:1-66(e) and Rule 3 (b & c) of State Regulation No. 28 placed the burden of proof upon the claimant to show affirmatively "...by (presenting) evidence at the hearing that such applicant has acted in good faith and had no knowledge of the unlawful use to which the property was put or of such facts as would have led a person of ordinary prudence to discover such use". Thus, the burden of proof in support of its claim is upon the claimant under the aforementioned provisions. The claimant has failed to meet that burden.

I have examined and evaluated the other exceptions contained in the said exceptions to the Hearer's Report and find them to be without substantive merit.

Having carefully considered the entire record herein, including the transcript of testimony, the exhibits, the argument of counsel in summation, the Hearer's Report and the exceptions thereto, I concur in the recommended conclusions in the Hearer's Report and I adopt them as my conclusions herein.

It is on this 27th day of January, 1967,

DETERMINED and ORDERED that the seized property, more fully described in Schedule "A" attached hereto, constitutes unlawful property; and the sum of \$1,000.00 (representing the retail value of certain fixtures, furnishings and equipment owned by J. & M. Amusement Co., claimant herein which were returned to the said J. & M. Amusement Co.) paid under protest to the Director of the Division of Alcoholic Beverage Control by J. & M. Amusement Co. be and the same is hereby forfeited in accordance with law; and it is further

DETERMINED and ORDERED that the balance of the personal property, the cash in the sum of \$38.75 and the alcoholic beverages be and the same are hereby forfeited, and retained for

the use of hospitals and State, county and municipal institutions or destroyed, in whole, or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

JOSEPH P. LORDI
DIRECTOR

SCHEDULE "A"

- 21 - containers of alcoholic beverages
- 63 - cans of beer
- 1 - refrigerator; 1 juke box; 1 cigarette machine; tables; bar stools; couches; miscellaneous personal property
- \$38.75 in cash

3. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Ervel Powers)
t/a Club Ervel)
Route #35)
Eatontown, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-6, issued by the Mayor and Council of the Borough of Eatontown)

Ascenzio R. Albarelli, Esq., Attorney for Licensee.
Philip Margulies, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 21, 1966, she possessed alcoholic beverages in fifteen 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 Director for five days effective October 10, 1949, for sale to a minor (Re Powers, Bulletin 855, Item 8) and by the municipal issuing authority for ten days effective March 27, 1959, for sale during prohibited hours.

The prior record of suspensions of license for dissimilar violation occurring more than five years ago disregarded, the license will be suspended for fifty days (Cf. Re Novelty Inn, Bulletin 1473, Item 3), with remission of five days for the plea entered, leaving a net suspension of forty-five days.

Accordingly, it is, on this 2d day of February, 1967,

ORDERED that Plenary Retail Consumption License C-6, issued by the Mayor and Council of the Borough of Eatontown to Ervel Powers, t/a Club Ervel, for premises on Route #35, Eatontown, be and the same is hereby suspended for forty-five (45) days, commencing at 2:00 a.m. Monday, February 6, 1967, and terminating at 2:00 a.m. Thursday, March 23, 1967.

JOSEPH P. LORDI
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE
SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

JOSEPH MROZEK and VERA MROZEK
t/a Town Tavern
21 Ferry Street
South River, N. J.

)
)
) CONCLUSIONS
) AND ORDER
)
)

Holders of Plenary Retail Consumption License C-7, issued by the Mayor and Council of the Borough of South River.

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

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on January 7, 1967 they sold two quart containers of beer to a minor, age 18, in violation of Rule 1 of State Regulation No. 20.

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 Aldano's Inc. Bulletin 1691, Item 5.

Accordingly, it is, on this 25th day of January 1967,

ORDERED that Plenary Retail Consumption License C-7, issued by the Mayor and Council of the Borough of South River to Joseph Mrozek and Vera Mrozek, t/a Town Tavern, for premises 21 Ferry Street, South River, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Tuesday, January 31, 1967 and terminating at 2 a.m. Friday, February 10, 1967.

JOSEPH P. LORDI
DIRECTOR

6. STATUTORY AUTOMATIC SUSPENSION -- ORDER LIFTING SUSPENSION.

Auto.Susp.#298)
 In the Matter of a Petition to lift)
 the Automatic Suspension of Plenary)
 Retail Consumption License C-9,)
 issued by the Mayor and Council of) ON PETITION
 the City of Garfield to) ORDER
)
 RICHARD SCHWEITZER)
 t/a Dick Schweitzer's)
 515 Midland Avenue)
 Garfield, N. J.)

John D. Vasilyk, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on December 8, 1966, licensee-petitioner was fined \$50 and \$5 costs in the Garfield Municipal Court after being found guilty of a charge of sale of alcoholic beverages to a minor on November 4, 1966, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of the license for the balance of its term. R.S. 33:1-31.1. Because of the pendency of this proceeding, the statutory automatic suspension has not been effectuated.

It further appears that the municipal issuing authority has suspended the license for ten days effective January 8, 1967, after the licensee's plea of non vult to a charge in disciplinary proceedings alleging the same sale to the minor. It appearing that the municipal suspension has been served, I shall lift the statutory automatic suspension. Re Ruffino, Bulletin 1712, Item 11.

Accordingly, it is, on this 25th day of January, 1967,

ORDERED that the statutory automatic suspension of said license C-9 be and the same is hereby lifted, effective immediately.

JOSEPH P. LORDI
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

JOHN C. PISAREWICH AND EDWARD SCHMITT t/a E-J's Tap Room 114-116-118 Kennedy Boulevard Bayonne, N. J.)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-115, issued by the Municipal Council of the City of Bayonne)

Licensees, Pro se.
Philip Margulies, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on November 21, 1966, they possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Daddario and Toguville, Bulletin 1710, Item 6.

Accordingly, it is, on this 30th day of January, 1967,

ORDERED that Plenary Retail Consumption License C-115, issued by the Municipal Council of the City of Bayonne to John C. Pisarewich and Edward Schmitt, t/a E-J's Tap Room, for premises 114-116-118 Kennedy Boulevard, Bayonne, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, February 6, 1967, and terminating at 3:00 a.m. Saturday, February 11, 1967.

JOSEPH P. LORDI
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

THE EBRON CORPORATION)
587 Ocean Avenue)
Jersey City, N.J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-56, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

Licensee, by Otis Duncan, President, Pro se.
Philip Margulies, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 28, 1966 it possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Daddario and Toguville, Bulletin 1710, Item 6.

Accordingly, it is, on this 30th day of January 1967,

ORDERED that Plenary Retail Consumption License C-56, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to The Ebron Corporation, for premises 587 Ocean Avenue, Jersey City, be and the same is hereby suspended for five (5) days, commencing at 2 a.m. Monday, February 6, 1967, and terminating at 2 a.m. Saturday, February 11, 1967.

JOSEPH P. LORDI
DIRECTOR

9. 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

AMBASSADOR TAVERN, INC.
370 Fifth Street
Jersey City, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-225, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

Licensee, by Elvira Antinoro, 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 December 16, 1966, it sold six cans of beer and a half pint bottle of liqueur, and on December 21, 1966, six cans of beer, both sales being for off-premises consumption during hours prohibited by 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 Finan, Bulletin 1711, Item 6.

Accordingly, it is, on this 31st day of January, 1967,

ORDERED that Plenary Retail Consumption License C-225, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Ambassador Tavern, Inc. for premises 370 Fifth Street, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Tuesday, February 7, 1967, and terminating at 2:00 a.m. Friday, February 17, 1967.

JOSEPH P. LORDI
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS -
LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

EMILIO'S, INC.)
t/a Emilio's Bar)
1058 Kaighn Avenue)
Camden, New Jersey)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-202, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.)

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

BY THE DIRECTOR:

Licensee pleads guilty to charges (1) and (2) alleging that on January 7, 1967, it sold alcoholic beverages after 2:00 a.m., in violation of local regulation.

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 Corinthian Square Club, Bulletin 1681, Item 3.

Accordingly, it is, on this 31st day of January, 1967,

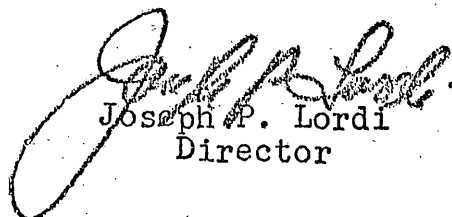
ORDERED that Plenary Retail Consumption License C-202, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Emilio's, Inc., t/a Emilio's Bar, for premises 1058 Kaighn Avenue, Camden, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Tuesday, February 7, 1967, and terminating at 2:00 a.m. Friday, February 17, 1967.

JOSEPH P. LORDI
DIRECTOR

11. STATE LICENSES - NEW APPLICATION FILED.

National Beer Distributors
Foot of Lexington Avenue
Ewing Township, New Jersey

Application filed March 30, 1967 for place-to-place transfer of State Beverage Distributor's License SBD-21 to include additional space.


Joseph P. Lordi
Director