

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

BULLETIN 2012

November 22, 1971

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1. APPELLATE DECISIONS - HUDSON-BERGEN PACKAGE STORES ASSOCIATION,
et al., v. BAYONNE and BERNIE FELDMAN'S LIQUOR STORE, INC.

Hudson-Bergen Package Stores)	
Association, et al.,)	
Appellants,)	On Appeal
v.)	CONCLUSIONS
)	and
)	ORDER
Municipal Council of the City of)	
Bayonne, and Bernie Feldman's)	
Liquor Store, Inc., t/a Shop-Rite)	
Liquors of Bayonne,)	
Respondents.)	

Samuel J. Davidson, Esq., Attorney for Appellants
Nathan Zinader, Esq., Attorney for Respondent Council
Feinberg, Dee & Feinberg, Esq., by William M. Feinberg, Esq.,
Attorneys for Respondent Bernie Feldman

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This is an appeal from the action of respondent Municipal Council of the City of Bayonne (hereinafter Council) which granted the application of respondent Bernie Feldman's Liquor Store, Inc. (hereinafter Feldman's) for place-to-place transfer of its plenary retail distribution license from premises 454 Broadway to 440 Broadway, Bayonne.

Appellants allege that the action of the Council was erroneous for the following reasons:

"1. The Notice of application as published in the local press did not meet the requirements of Rules 2 and 4 of State Regulation No. 6, in that the proposed location of the licensed premises is not yet fully constructed and said notice did not contain statement 'Plans and Specifications of building may be examined at the office of the Municipal Clerk', nor was a copy of such Plans and Specifications filed with the application with the Municipal Clerk contrary to State Regulation No. 2, Rule 1.

2. The Notice which was published in the local press with respect to said application does not recite that the application is Bernie Feldman's Liquor Store, Inc., trading as 'Shop-Rite Liquors of Bayonne', and hence, the Notice does not truly set forth the manner in which the applicant is trading, even though, Item 4 of the application filed herein sets forth that the applicant's business is to be conducted 'trading as Shop-Rite Liquors of Bayonne'.

3. Public need and necessity does not mandate the issuance of a new license or a renewal of the temporary subject license to the location where it is sought

to be moved, and the granting of said transfer was an abuse of discretion.

4. The action of the Respondent, the Municipal Council of the City of Bayonne is capricious, arbitrary and contrary to law."

The Council, in its answer, denied the substantive allegations contained in the petition, asserted that it exercised proper discretion in granting the transfer, and that its action was in accordance with the State Alcoholic Beverage Law.

The respondent Feldman's filed a separate answer herein.

At the hearing de novo, held pursuant to Rule 6 of State Regulation No. 15, all parties stipulated to the admission of certain documents in evidence, made very brief statements and rested.

It is uncontroverted that the leasehold interest of Feldman's to premises 454 Broadway expired on April 30, 1971, and that it had received a written notice from its landlord that it expected Feldman's to vacate the said premises by that date.

In adjudicating matters of this nature, I observe that the burden of establishing that the action of the Council in granting the transfer was erroneous and should be reversed rests with appellant. Rule 6 of State Regulation No. 15. It has been consistently ruled that no one has a right to the issuance or transfer of a license to sell alcoholic beverages. Zicherman v. Driscoll, 133 N.J.L. 586 (Sup. Ct. 1946); Biscamp v. Teaneck, 5 N.J. Super. 172 (App. Div. 1949). The decision as to whether or not a license will be transferred to a particular locality rests in the first instance within the sound discretion of the local issuing authority. Hudson-Bergen County Retail Liquor Dealers Assn. v. North Bergen et al., Bulletin 997, Item 2. Where there is an honest difference of opinion in the exercise of discretion for or against the transfer of a liquor license, the action of the issuing authority in approving the transfer should not be disturbed. Paul v. Brass Rail Liquors, Inc., 31 N.J. Super. 211 (App. Div. 1954). A local issuing authority has been held to possess a wide discretion in the transfer of a liquor license subject, of course, to review by this Division in the event of any abuse thereof. Passarella v. Atlantic City et als., 1 N.J. Super. 313. In Fanwood v. Rocco, 33 N.J. 404 (1960), Justice Jacobs stated:

"Although New Jersey's system of liquor control contemplates that the municipality shall have the original power to pass on an application for ... license or the transfer thereof, the municipality's action is broadly subject to appeal to the Director of the Division of Alcoholic Beverage Control. The Director conducts a de novo hearing of the appeal and makes the necessary factual and legal determinations on the record before him.... Under his settled practice, the Director abides by the municipality's grant or denial of the application so long as its exercise of judgment and discretion was reasonable."

See also Essex County Retail Liquor Stores Assn. v. Newark, et al., 77 N.J. Super. 70 (1962).

The Director's function on appeals of this kind is not to substitute his personal opinion for that of the issuing authority, but merely to determine whether reasonable cause exists for its opinion and, if so, to affirm irrespective of his personal views. Larijon, Inc. v. Atlantic City, Bulletin 1306, Item 1; Bertrip Liquors, Inc. v. Bloomfield, Bulletin 1334, Item 1. In other words, the action of the municipal issuing authority may not be reversed by the Director unless he finds the "act of the Board was clearly against the logic and effect of the presented facts." Hudson Bergen County Retail Liquor Stores Assn. v. Hoboken, 135 N.J.L. 502. Cf. Fanwood v. Rocco, supra.

In Fanwood, the case of Ward v. Scott, 16 N.J. 16 (1954) was cited, wherein the Supreme Court dealt with an appeal from a zoning ordinance and set forth the following general principle:

"Local officials who are thoroughly familiar with their community's characteristics and interests and are the proper representatives of its people, are undoubtedly the best equipped to pass initially on such applications for variance. And their determinations should not be approached with a general feeling of suspicion, for as Justice Holmes has properly admonished: 'Universal distrust creates universal incompetence.' Graham v. United States, 231 U.S. 474, 480, 34 S. Ct. 148, 151, 58 L. Ed. 319, 324 (1913)."

Additionally, I am mindful that the court in Lakewood v. Brandt, 38 N.J. 462 (App. Div. 1955) stated:

"An owner of a license or privilege acquires through his investment therein, an interest which is entitled to some measure of protection in connection with a transfer."

Appellants' contention that the notice of application for transfer published by respondent Feldman's failed to state that plans of building to be constructed may be examined at the office of the Municipal Clerk and was therefore violative of the requirements of Rules 2 and 4 of State Regulation No. 6 and of Rule 1 of State Regulation No. 2 is without substance. All of these rules deal with the necessity of filing plans for a building not yet constructed. [Emphasis supplied.] It is uncontradicted that the proposed transfer is to a building that is approximately fifty years old, that no structural changes were required and that all that was required was for the licensee to install shelving, carpeting, counters and stock in trade.

Appellants' contention that the notice published in the newspaper was defective in that licensee's name was not followed by "trading as Shop-Rite Liquors of Bayonne", although the application filed by it did set forth the trade name is without merit. It is my view that the notice was sufficient to notify the local issuing authority and the general public that a place-to-place transfer had been proposed by a properly named corporate licensee and no one was prejudiced thereby.

In considering appellants' remaining contentions, I find that inasmuch as the liquor licensed premises (present and proposed)

are in the same immediate neighborhood, it is apparent that the transfer of the license would not result in the creation of an additional license or increase the number of present licenses in the general area. Tagliaferro v. Newark, Bulletin 1710, Item 1; Jesswell, Inc. v. Newark, Bulletin 1847, Item 5.

Upon reviewing the stipulations, statements and exhibits, I find that the Council's action was neither arbitrary, unreasonable nor did it constitute an abuse of discretion. I conclude that appellants failed to sustain the burden of proof necessary to establish that the action of the Council was erroneous. Rule 6 of State Regulation No. 15. Hence, it is recommended that an order be entered affirming the Council's action and dismissing the appeal.

Conclusions and Order

No exceptions to the Hearer's report were filed pursuant to Rule 14 of State Regulation No. 15.

Having carefully considered the entire record herein, including the transcript of the testimony, the exhibits and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt his recommendation.

Accordingly, it is, on this 12th day of October 1971,

ORDERED that the action of respondent Municipal Council of the City of Bayonne be and the same is hereby affirmed, and the appeal herein be and the same is hereby dismissed.

Richard C. McDonough
Director

2. APPELLATE DECISIONS - CEDANO v. UNION CITY - ORDER DISMISSING APPEAL.

Antonio Cedeno,)
 Appellant,)
 v. On Appeal
)
Board of Commissioners of
the City of Union City,)
)
 Respondent.)

George J. Kaplan, Esq., Attorney for Appellant
Edward J. Lynch, Esq., Attorney for Respondent

BY THE DIRECTOR:

Appellant appeals from the action of respondent Board of Commissioners of the City of Union City which adopted a resolution on August 3, 1971 suspending appellant's license for sixty days after his plea of guilty to a charge alleging that he possessed lottery slips on his licensed premises on April 6, 1971, in violation of Rule 6 of State Regulation No. 20. The appeal was grounded primarily upon (a) the refusal to permit appellant to change his plea to not guilty because he alleged that he was represented by an "inexperienced" attorney at the hearing and (2) that the penalty of sixty days suspension was excessive.

On August 11, 1971, an order was entered by the Director staying the said suspension until the determination of the appeal.

At the de novo hearing the attorney for respondent stated that the respondent desired to reconsider the penalty in line with the precedent then established by this Division for such infraction, i.e., a sixty-day suspension with twenty per cent. off for entry of a guilty plea. It was further stipulated that the appeal hearing be adjourned until the matter be reconsidered by respondent.

On October 7, 1971 respondent reconsidered the matter and adopted a resolution suspending the subject license for forty-eight days commencing October 4, 1971 and terminating November 21, 1971.

Pursuant to the aforesaid action, the attorneys for both parties have consented to a dismissal of the appeal filed herein.

Accordingly, it is, on this 14th day of October 1971,

ORDERED that the appeal herein be and the same is hereby dismissed.

Richard C. McDonough,
Director.

3. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1970 TO JUNE 30, 1971 AS REPORTED TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19 (INCLUDING 44 ISSUED BY THE DIRECTOR PURSUANT TO R.S. 33:1-20)

CLASSIFICATION OF LICENSES													
County	Plenary Retail Consumption		Plenary Retail Distribution		Club		Limited Retail Distribution		Seasonal Retail Consumption		Licenses Surr. Revoked		Total Fees Paid
	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	Retired	Number Licenses In Effect	
Atlantic	485	\$210,160.00	74	\$ 28,075.00	30	\$ 2,640.00						589	\$ 240,875.00
Bergen	811	388,740.64	301	98,475.64	168	16,005.00	43	\$ 1,981.50	4	\$ 2,497.50		1327	507,700.28
Burlington	201	98,580.00	43	17,321.00	62	7,932.05	1	50.00				307	123,883.05
Camden	439	246,090.62	86	41,688.00	81	8,119.92			1	900.00	2	605	296,798.54
Cape May	141	82,300.00	13	4,920.00	20	3,700.00						174	90,920.00
Cumberland	81	47,400.00	15	5,200.00	35	4,725.20						131	57,325.20
Essex	1168	752,377.21	330	223,770.00	91	12,550.00	23	1,150.00			2	1610	989,847.21
Gloucester	110	42,990.00	16	4,540.00	28	2,685.00						154	50,215.00
Hudson	1352	627,065.00	296	123,200.00	71	8,217.65	57	2,475.00			27	1749	760,957.65
Hunterdon	80	37,017.40	17	13,035.00	19	2,380.00						116	52,432.40
Mercer	394	288,629.00	51	29,586.00	65	9,750.00					1	509	327,965.00
Middlesex	635	326,250.00	89	31,445.00	147	11,888.00	3	150.00				874	369,733.00
Monmouth	546	297,197.93	128	47,428.00	69	7,992.34	10	492.00	16	22,018.41		769	375,128.68
Morris	361	164,334.00	105	47,625.00	74	7,692.77	13	650.00	3	2,630.58	1	555	222,932.35
Ocean	195	120,490.14	52	25,194.80	53	6,039.86					1	299	151,724.80
Passaic	766	330,007.00	166	53,290.00	51	5,972.87	5	250.00				988	389,519.87
Salem	50	20,010.00	8	1,640.00	20	1,650.00						78	23,300.00
Somerset	190	97,580.00	41	14,415.00	41	5,015.00						272	117,010.00
Sussex	166	47,975.00	21	4,495.00	15	865.00	1	50.00	1	450.00		204	53,835.00
Union	546	349,782.68	145	77,549.00	97	10,786.16	25	1,250.00			4	809	439,367.84
Warren	146	45,682.00	22	6,014.75	33	3,486.50						201	55,408.25
Total	8893	\$4,620,658.62	2019	\$898,907.19	1270	\$140,093.32	181	\$8,498.50	25	\$28,721.49	38*	12320	\$5,696,879.12

Since 7/1/70*

6 Seasonals Not Renewed

31 "C" Retired

3 "C" Revoked

2 "C" Surrendered

1 "C" Cancelled

1 "CB" Retired

During period 4/1/71 - 6/30/71

New Licenses - 2 "C" - 3 "CB"

Vacated 1 "C" prev. operating under appeal

Oper. Under Appeal issued 2 "C"

Richard C. McDonough
Director

4. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF
STATE REGULATION NO. 38 - FILTHY AND OBSCENE LANGUAGE -
LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)	S-8684
Proceedings against)	X-45,938-B
)	
Seely Enterprises, A Corp.)	CONCLUSIONS
t/a Seely's Hudson House)	and
19 East 13th Street)	ORDER
Long Beach Township)	
PO North Beach Haven, N.J.,)	
)	
Holder of Plenary Retail Consumption)	
License C-5, issued by the Board of)	
Commissioners of the Township of)	
Long Beach.)	

Shackleton and Kelly, Esqs., by Richard J. Shackleton, Esq.,
Attorneys for Licensee
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to two charges alleging that (1) on February 27, 1971, it permitted the sale of alcoholic beverages for off-premises consumption in violation of Rule 1 of State Regulation No. 38, and (2) on February 28, 1971, it permitted foul and indecent language to be used in and during investigation of the licensed premises in violation of Rule 5 of State Regulation No. 20.

Absent prior record the license will be suspended on the first charge for fifteen days (Re Leshner, Bulletin 1983, Item 3), and on the second charge for fifteen days or a total of thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days. Re Cappy's Hideaway, Inc., Bulletin 1446, Item 11.

Accordingly, it is, on this 7th day of October 1971,

ORDERED that Plenary Retail Consumption License C-5, issued by the Board of Commissioners of the Township of Long Beach to Seely Enterprises, A Corp., t/a Seely's Hudson House, for premises 19 East 13th Street, Long Beach Township, be and the same is hereby suspended for twenty-five (25) days, commencing 2:00 a.m. on Monday, October 25, 1971, and terminating 2:00 a.m. on Friday, November 19, 1971.

Richard C. McDonough
Director

5. DISCIPLINARY PROCEEDINGS - SALES TO A MINOR - LICENSE
SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION FOR
FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary)	
Proceedings against)	
Saul's Liquor and Delicatessen)	
Store, Inc.)	
t/a Englishtown Liquors)	CONCLUSIONS
4 Tennent Avenue)	and
Englishtown, N.J.)	ORDER
Holder of Plenary Retail Distribution)	
License D-1 issued by the Borough)	
Council of the Borough of Englishtown.)	
-----)		

Shepherd Gerzberg, Esq., Attorney for the Licensee.
Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on
July 27, 1971 it sold alcoholic beverages to a minor, age 18,
in violation of Rule 1 of State Regulation No. 20.

Absent prior record the license would normally be
suspended for fifteen days, with remission of five days for the
plea entered, leaving a net suspension of ten days. Re Ridge,
Bulletin 1990, Item 12. However, the licensee has made applica-
tion for the imposition of a fine in lieu of suspension in
accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question,
I have determined to accept an offer in compromise by the licensee
to pay a fine of \$400 in lieu of suspension.

Accordingly, it is, on this 7th day of October, 1971,

ORDERED that the payment of a \$400 fine by the licensee
is hereby accepted in lieu of a suspension of license for ten days.

Richard C. McDonough
Director

6. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED
FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Archie Mason, Jr.
t/a Ott Mason's Tavern
23 Clementon Road
Berlin Borough, N. J.,

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption
License C-2, issued by the Mayor and
Council of the Borough of Berlin.

Licensee, Pro se
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on
September 17, he sold alcoholic beverages to a minor, age 17, in
violation of Rule 1 of State Regulation No. 20.

Absent prior record, 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 Bembas, Bulletin
1984, Item 10.

Accordingly, it is, on this 7th day of October 1971,

ORDERED that Plenary Retail Consumption License C-2,
issued by the Mayor and Council of the Borough of Berlin to
Archie Mason, Jr., t/a Ott Mason's Tavern for premises 23 Clementon
Road, Berlin Borough, be and the same is hereby suspended for
fifteen (15) days, commencing at 2:00 a.m. on Monday, October 25,
1971, and terminating at 2:00 a.m. on Tuesday, November 9, 1971.

Richard C. McDonough
Director

7. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE
SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)	
Proceedings against)	
Mario Marranzini and Italia)	
Marranzini)	CONCLUSIONS
t/a Melrose Hotel & Restaurant)	and
144 E. Garfield Avenue)	ORDER
Wildwood, N.J.,)	
Holder of Plenary Retail Consumption)	
License C-21, issued by the Board of)	
Commissioners of the City of Wildwood.)	
-----)		
Cafiero and Balliette, Esqs., by William M. Balliette, Jr., Esq.		
Attorneys for Licensee		
Walter H. Cleaver, Esq., Appearing for Division		

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 15, 1971, they sold alcoholic beverages to a minor, age 17, in violation of Rule 1 of State Regulation No. 20.

Absent prior record 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 Bambas, Bulletin 1984, Item 10.

Accordingly, it is, on this 7th day of October 1971,

ORDERED that Plenary Retail Consumption License C-21, issued by the Board of Commissioners of the City of Wildwood to Mario Marranzini and Italia Marranzini, t/a Melrose Hotel & Restaurant for premises 144 E. Garfield Avenue, Wildwood, be and the same is hereby suspended for fifteen (15) days, commencing 3:00 a.m. on Monday, October 25, 1971, and terminating 3:00 a.m. on Tuesday, November 9, 1971.

Richard C. McDonough
Director

8. DISCIPLINARY PROCEEDINGS - ORDER TERMINATING SUSPENSION.

In the Matter of Disciplinary)
 Proceedings against)

Scholnan, Inc.)
 t/a Oasis)
 400 Lamberton Street)
 Trenton, N. J.,)

O R D E R

Holder of Plenary Retail Consumption)
 License C-212, issued by the City
 Council of the City of Trenton.)

 Sills, Beck, Cummis, Radin & Tischman, Esqs., by Arthur
 J. Sills, Esq., Attorneys for Licensee
 Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

On August 25, 1971, Conclusions and Order were entered herein suspending the license for the balance of its term effective September 14, 1971, with leave granted to the licensee or any bona fide transferee of the license to file a verified petition with the Director establishing correction of the unlawful situation (undisclosed interest of non-resident stockholder), for lifting of the suspension on or after twenty days from the commencement of said suspension. Re T.L.M. & Associates, Inc., Bulletin 1948, Item 3.

It appearing from the verified petition submitted by the licensee that the unlawful situation has been corrected, I shall grant the petition requesting termination of the suspension, effective immediately.

Accordingly, it is, on this 8th day of October 1971,

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

Richard C. McDonough,
 Director.

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

In the Matter of Disciplinary)
Proceedings against)

Gateway Inn, Inc.)
215 West 8th Street)
Ship Bottom, N. J.)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption)
License C-3, issued by the Borough)
Council of the Borough of)
Ship Bottom.)

Licensee, Pro se
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on
August 29, 1971 it sold alcoholic beverages to three minors,
ages 18, 18 and 19, in violation of Rule 1 of State Regulation
No. 20.

Absent prior violations 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 Fanucci, Bulletin
1791, Item 13.

Accordingly, it is, on this 13th day of October 1971,

ORDERED that Plenary Retail Consumption License C-3,
issued by the Borough Council of the Borough of Ship Bottom to
Gateway Inn, Inc., for premises 215 West 8th Street, Ship Bottom,
be and the same is hereby suspended for fifteen (15) days,
commencing at 2:00 a.m. on Monday, October 18, 1971, and termi-
nating at 2:00 a.m. on Tuesday, November 2, 1971.

Richard C. McDonough
Director

10. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - PRIOR DISSIMILAR
RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

Joseph Lazarow, Receiver in Bankruptcy)
t/a Saratoga Bar & Ceil's Palace)
203-205 South New York Ave. &)
142-144-146 St. James Place)
Atlantic City, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption)
License C-196, issued by the Board of)
Commissioners of the City of Atlantic)
City.)

Licensee, Pro se
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on May 20, 1971 the licensee sold alcoholic beverages to two minors, ages 19 and 20, in violation of Rule 1 of State Regulation No. 20.

Prior to the appointment of the Receiver in Bankruptcy, the license, then held by Ceil's Ltd., t/a Ceil's Saratoga, had a previous record of suspensions: (1) by the Director for forty-five days effective August 25, 1970 for immoral activity (Re Ceil's Ltd., Bulletin 1916, Item 7), and (2) by the Director for fifteen days effective November 27, 1970 for possession of liquor not truly labeled (Re Ceil's Ltd., Bulletin 1946, Item 4).

The prior record of two suspensions of license for dissimilar violations occurring within the past five years considered, the license will be suspended for twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re Pop Joe's Rainbow Room, Bulletin 1929, Item 4.

Accordingly, it is, on this 14th day of October 1971,

ORDERED that Plenary Retail Consumption License C-196, issued by the Board of Commissioners of the City of Atlantic City to Joseph Lazarow, Receiver in Bankruptcy, t/a Saratoga Bar & Ceil's Palace, for premises 203-205 South New York Ave. & 142-144-146 St. James Place, Atlantic City, be and the same is hereby suspended for twenty (20) days, commencing at 7 a.m. Tuesday, November 2, 1971, and terminating at 2 a.m. Monday, November 22, 1971.

Richard C. McDonough,
Director.

11. DISCIPLINARY PROCEEDINGS - VIOLATION OF RULE 1 OF STATE
REGULATION NO. 38 - PRIOR SIMILAR RECORD - LICENSE
SUSPENDED FOR 45 DAYS, LESS 9 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)
Promell Corporation)
596½ Grove Street)
Jersey City, N. J.,)
Holder of Plenary Retail Consumption)
License C-201, issued by the Municipal)
Board of Alcoholic Beverage Control of)
the City of Jersey City.)

CONCLUSIONS
and
ORDER

Samuel J. Davidson, Esq., Attorney for Licensee
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that
on Saturday, July 31, 1971 it sold a bottle of whiskey for off-
premises consumption during prohibited hours, in violation of
Rule 1 of State Regulation No. 38.

Licensee has a previous record of three suspensions
of license: (1) by the municipal issuing authority for five
days effective September 20, 1952 for similar violation, (2)
by the Director for ten days effective February 16, 1970 for
similar violation (Re Promell Corporation, Bulletin 1902, Item
4) and (3) by the Director for twenty-five days effective
August 5, 1971 for similar violation (Re Promell Corporation,
Bulletin 1998, Item 7).

The suspension for similar violation in 1952 occur-
ring more than ten years ago disregarded in admeasuring the
penalty, the minimum penalty for an unaggravated first offense
herein is fifteen days (Re Holst, Bulletin 1982, Item 7).
However, the prior record of two suspensions of license for
similar violations within the past five years considered, the
minimum penalty for that offense is trebeled (cf. Re Subar,
Inc., Bulletin 1746, Item 3).

Hence the license will be suspended for forty-five
days, with remission of nine days for the plea entered, leaving
a net suspension of thirty-six days.

Accordingly, it is, on this 14th day of October 1971,

ORDERED that Plenary Retail Consumption License C-201,
issued by the Municipal Board of Alcoholic Beverage Control of
the City of Jersey City to Promell Corporation, for premises 596½
Grove Street, Jersey City, be and the same is hereby suspended
for thirty-six (36) days, commencing at 2 a.m. Monday,
November 1, 1971, and terminating at 2 a.m. Tuesday,
December 7, 1971.

Richard C. McDonough,
Director.

12. DISCIPLINARY PROCEEDINGS - SALES TO MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

100 Bar, Inc.)
t/a Marie's 100 Bar)
100 South King Street)
Gloucester City, N.J.)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption)
License C-22, issued by the Common)
Council of the City of Gloucester City.)

Licensee, Pro se.
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on June 4, 1971, it sold alcoholic beverages to a minor, age 18, in violation of State Regulation No. 20.

Licensee has a record of two prior suspensions: (1) by the Director for ten days, effective October 20, 1958 for (a) similar violation, and (b) for sale during prohibited hours. Re 100 Bar, Inc., Bulletin 1249, Item 8; and (2) by the local issuing authority for thirty-five days, effective September 6, 1960, for similar violation. Re 100 Bar Corporation, Bulletin 1358, Item 1.

Prior suspensions for similar and dissimilar violations occurring prior to ten years ago disregarded for penalty purposes, 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 Falk's Bar & Liquors, Inc., Bulletin 1993, Item 8.

Accordingly, it is, on this 14th day of October 1971,

ORDERED that Plenary Retail Consumption License C-22, issued by the Common Council of the City of Gloucester City to 100 Bar, Inc., t/a Marie's 100 Bar for premises 100 South King Street, Gloucester City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. on Tuesday, November 2, 1971, and terminating at 2:00 a.m. on Friday, November 12, 1971.

Richard C. McDonough
Director

13. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR SIMILAR VIOLATION - LICENSE SUSPENDED FOR 60 DAYS, LESS 12 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Louise Valle)
t/a Andover Cork-N-Bottle)
269 Newton-Sparta Road)
Andover Township)
PO Newton, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-7, issued by the Township Committee of the Township of Andover.)
- - - - -)

Licensee, Pro se
Walter H. Cleaver, Esq., Appearing for Division

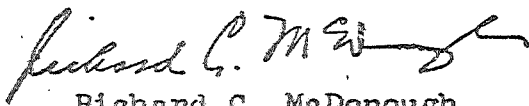
BY THE DIRECTOR:

Licensee pleads non vult to two charges alleging that on (1) July 16, 1971, she permitted the sale of alcoholic beverages to a minor, age 16, in violation of Rule 1 of State Regulation No. 20; and (2) July 17, 1971, she permitted the sale of alcoholic beverages to a minor, age 16, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended on the first charge for twenty-five days (Re J.B.T. Inc., Bulletin 1996, Item 7), and on the second charge (considered as a second similar violation within the past five years), (Delray's Melody Inn, Inc., Bulletin 2002, Item 4) for thirty-five days, making a total of sixty days, with remission of twelve days for the plea entered, leaving a net suspension of forty-eight days.

Accordingly, it is, on this 15th day of October 1971,

ORDERED that Plenary Retail Consumption License C-7, issued by the Township Committee of the Township of Andover to Louise Valle, t/a Andover Cork-N-Bottle for premises 269 Newton-Sparta Road, Andover Township, be and the same is hereby suspended for forty-eight (48) days, commencing at 7:00 a.m. on Tuesday, November 2, 1971, and terminating at 7:00 a.m. on Monday, December 20, 1971.


Richard C. McDonough
Director