STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
25 Commerce Drive Cranford, N.J. 07016

BULLETIN 2154 August 20, 1974

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ITEM

STATE OF NEW JERSEY
Department of Law and Public Safety
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25 Commerce Drive Cranford, N.J. 07016

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1. APPELLATE DECISIONS - MONTVILLE INN v. MONTVILLE TOWNSHIP.

Montville Inn, a corporation,

Appellant,

v.

Township Committee of the Township of Montville,

Respondent.

On Appeal

CONCLUSIONS and ORDER

SKOLOFF & WOLFE, Esqs., by Saul A. Wolfe, Esq., Attorneys for Appellant
YOUNG and SEARS, Esqs., by Lawrence K. Eismeier, Esq., Attorneys for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Appellant has, since November 1971, operated a tavern and food service facility on premises which it had leased located on the corner of Route 202 and River Road, Montville.

The entire leasehold interest consists of a main building located on the front of the plot, a parking area to the side and rear thereof and a small building at the rear of the plot.

In July 1973, appellant applied to the respondent Township Committee (Committee) for a place-to-place transfer of its license so as to include thereunder the sale, service and storage of alcoholic beverages in the rear building and the area intervening between the buildings.

By resolution, the Committee approved the transfer to the rear building with the stipulation that the rear building be used for the storage of alcoholic beverages only.

Appellant in its petition of appeal, alleges that the Committee's action in limiting the usage of the rear building for storage purposes only was erroneous in that no objections were filed to the proposed transfer; that its action was arbitrary and an unreasonable exercise of discretion.

The Committee, in its answer, denied the allegations contained in the petition of appeal and affirmatively alleged that it would not be in the best interests of the community to permit an enlargement because of the ambiguities as to the proposed use, the absence of need and the grant thereof would set a precedent for other liquor licensed establishments.

The appeal was heard de novo pursuant to Rule 6 of State Regulation No. 15, with full opportunity for counsel to present testimony and cross-examine witnesses.

Rita M. Johnson, holder of all of the stock issued by the corporate appellant, testified that she was impelled to apply for the place-to-place transfer because, at the time that she applied for the renewal of the license for the current licensing period, a question was raised concerning the extent of the area constituting the licensed premises. She was informed by a Township Committeeman that the rear building was not licensed. At the time that the licensed premises were transferred to her by the prior licensee in 1971 and thereafter, she believed that the rear building was part of the licensed premises. The rear building had been used by the previous licensees and by the present licensee for the dispensing of alcoholic beverages.

Parenthetically, it is noted that, upon examining the license renewal applications admitted in evidence, I find that the licensed premises covers one building only, that is, the main building fronting on the highway.

Johnson testified that at each of the hearings held by the Committee to consider the application for the transfer, she offered to submit to a stipulation that the rear building would not be used for the sale of alcoholic beverages for off-premises consumption.

At the hearing held at the Division to consider the subject appeal, the witness testified that, she intended renting the back room to groups or individuals for private parties. The premises would be operated concurrently with the legal hours of sale.

Walter Klisiwecz, who operates an automobile body shop across the street from the licensed premises testified that the rear building had been used for the consumption of alcoholic beverages by patrons attending picnics for at least ten years past. In his opinion, the intersection where the premises are located is not a traffic hazard.

In behalf of respondent, Fred Eckhardt, chairman of the Township Committee, testified that he was in favor of the resolution permitting the usage of the rear building for the storage of alcoholic beverages only because of his concern for the occupants of residences located to the rear of the premises. In its deliberations, the Committee considered the fact that there are three other licenses located in the general area of the subject premises. In his opinion, it was not shown that the public need or convenience would be benefited by

the grant of the application. The proposed enlargement would constitute a substantial change in the premises. Mayor Eckhardt was mainly concerned with the effect that the premises enlargement would have upon the nearby residential area.

John J. Genoble, a Township Committeeman, testified that he was opposed to the extension of the license because there was no public need for it; the grant thereof may serve as a precedent for other licensees; and there are a number of residences in the immediate area of appellant's premises despite the fact that the area is otherwise zoned.

I find from all of the evidence adduced that the licensed premises is in an area that is surrounded by commercial, industrial buildings and one-family homes.

The crucial issue to be determined is whether the Committee acted reasonably and in the best interests of the community.

Preliminarily, I observe that it is a firmly established principle that a transfer of a liquor license to other premises is not an inherent or automatic right. The issuing authority may grant or deny a transfer in the exercise of reasonable discretion. If denied on reasonable grounds, such action will be affirmed. Richmon, Inc. v. Trenton, Bulletin 1560, Item 4; Zicherman v. Driscoll, 133 N.J.L. 586 (Sup. Ct. 1946). As the court said in Fanwood v. Rocco, 59 N.J. Super. 306, 320 (App. Div. 1960), affd. 33 N.J. 404 (1960): "No person is entitled to the transfer of a license as a matter of law" and "If the motive of the governing body is pure, its reasons, whether based on morals, economics, or aesthetics, are immaterial."

In Fanwood, the court further articulated the principle that the Legislature has entrusted to municipal issuing authorities the initial authority in these matters and charged them with the duty to approve or disapprove place-to-place transfers. The action of the Council in either approving or denying an application for such transfer 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." See also Hudson Bergen County Retail Liquor Stores Ass'n v. Hoboken, 135 N.J.L. 502 (E. & A. 1947).

As was stated in Ward v. Scott, 16 N.J. 16, 23 (1954):

> "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..... 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)."

In the recent case of Lyons Farms Tavern, Inc. v. Newark, 55 N.J. 292, 303 (1970), the court stated:

> "The conclusion is inescapable that if the legislative purpose is to be effectuated the Director and the courts must place much reliance upon local action. Once the municipal board has decided to grant or withold approval of a premises-enlargement application of the type involved here, its exercise of discretion ought to be accepted on review in the absence of a clear abuse or unreasonable or arbitrary exercise of its discretion. Although the Director conducts a de novo hearing in the event of an appeal, the rule has long been established that he will not and should not substitute his judgment for that of the local board or reverse the ruling if reasonable support for it can be found in the record."

Appellant alleges that the Committee's action was arbitrary and unreasonable, and that appellant should be permitted to expand its premises in order to better accommodate the public.

In Fanwood, the Appellate Division further articulated (at p. 323):

> "The Director may not compel a municipality to transfer licensed premises to an area in which the municipality does not want them, because more people would be able to buy liquor more easily. Such 'convenience' may in a proper case be a reason for a municipality's granting a transfer but it is rarely, if ever, a valid basis upon which the Director may compel the municipality to do so." (Emphasis added.)

In conclusion, I observe that, in matters involving transfers of liquor licenses, the responsibility of the municipal issuing authority is "high", its discretion "wide" and its guide the public interest. Lubliner v. Paterson, 33 N.J. 428 (1960). As noted hereinabove, the Director, in these matters, is governed by the principle that where reasonable men, acting reasonably, have arrived at a determination in the issuance or transfer of a license, such determination should be sustained by the Director unless he finds that it was clearly against the logic and effect of the presented facts. Hudson Bergen County Retail Liquor Stores Ass'n v. Hoboken, supra; cf. Fanwood v. Rocco, supra; Lyons Farms Tavern v. Newark, supra.

The Committee has, in my opinion, understood its full responsibility, has acted circumspectly and in the reasonable exercise of its discretion in approving said transfer with the special condition that the rear building be used for storage purposes only.

Absent improper motivation, not established in this matter, the action of the Committee, based upon such bona fide use of its discretion, must be affirmed.

Therefore, upon consideration of all of the credible evidence herein, including the transcript of the testimony, exhibits and the argument of counsel, I conclude that appellant has failed to sustain the burden of establishing that the action Council was erroneous and should be reversed. (Rule 6 of State Regulation No. 15.) Hence, I recommend that an order be entered affirming the action of the Committee 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 them as my conclusions herein.

Accordingly, it is, on this 6th day of June 1974,

ORDERED that the action of the respondent Township Committee of the Township of Montville be and the same is hereby affirmed, and the appeal herein be and is hereby dismissed.

Joseph H. Lerner
Acting Director

2. APPELLATE DECISIONS - SCHNEIDER v. NEWARK.

George & Jeanette Schneider, Appellants,	)	
v.	)	On Appeal
Municipal Board of Alcoholic Beverage Control of the City of Newark, Respondents.	)	CONCLUSIONS and ORDER

Maurer & Maurer, Esqs., by Barry D. Maurer, Esq., Attorneys for Appellants

Donald E. King, Esq., by John C. Pidgeon, Esq., Attorney for Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This is an appeal from action of the Municipal Board of Alcoholic Beverage Control of the City of Newark (hereinafter Board) which on August 25, 1971 found appellants guilty of having permitted gambling on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20. Thereupon, the appellants' license was suspended for sixty days, effective September 20, 1971. The aforesaid suspension was stayed by order of the Director on September 20, 1971 pending the determination of this appeal.

The appellants contended that the determination of the Board was capricious and arbitrary, and the evidence before it was insufficient to predicate such finding. The Board denied these contentions.

By stipulation of counsel, it was agreed that the appeal de novo in this Division would be based upon a transcript of the testimony of the proceedings held before the Board, which transcript was furnished to the Division pursuant to Rules 6 and 8 of State Regulation No. 15. Thus, no further evidence was presented nor formal hearing held in the matter.

A review of the record of the proceedings before the Board revealed that only two witnesses were heard; one witness in support of the charge, and the co-licensee.

Appearing on behalf of the Board, Detective Arthur Colatrella testified that on November 10, 1970 in the afternoon, he, in the company of Detectives Payne and Marorano and Policewoman Mason entered the premises, fortified with a search warrant. The warrant had been based upon an affidavit in which gambling activities were suspected to have taken place in the licensed premises. Upon entry, he observed Jeanette Schneider standing behind the bar and, moments later Detective Payne handed him a lottery slip which Payne stated had been at Mrs. Schneider's feet. The slip was not produced into evidence.

One of the doors in the premises leads to a hallway used in common with the upstairs tenants; in this hallway are stored cases of used bottles. Under one of these cases, he found a bag containing lottery slips. These slips were also not introduced into evidence.

None of the other officers appeared to corroborate the said testimony.

One of the co-licensees, Jeanette Schneider, testified that she recognized Detective Colatrella as having previously been in her premises. She had not been presented with any lottery slip either as described as having been found at her feet or those indicated had been found in the hallway. She described the hallway area as a means of egress for the four upstairs tenants and indicated its use by the licensee was restricted to placement of empty cases available for deliverymen. She denied that the hallway area was part of the licensed premise, or that the licensee had sole control of it.

It has long been held as a fundamental principle in appeals to this Division that the Director should affirm the determination of the Board unless he finds that "the act of the Board was clearly against the logic and effect of the presented facts". Hudson-Bergen County Retail Liquor Stores Association v. Hoboken 135 N.J.L. 502 (1947). Or to put it another way "The Director's function on appeal is not to substitute his personal judgment for that of the local issuing authority but merely to determine whether reasonable cause exists for its opinion and if so, to affirm irrespective of his own personal view." Fanwood v. Rocco 59 N.J. Super. 306 (App. Div. 1960).

It must be noted at the outset that the charge leveled against this licensee is a serious one, which must be supported by a preponderance of the credible evidence. The general rule in these cases is that the finding must be grounded on a reasonable certainty as to the probabilities arising from a fair consideration of the evidence. 32A C.J.S. Evidence, sec. 1042. Testimony, to be believed must not only proceed from the mouth of a credible witness but must be credible in itself. It must be such as common experience and observation of mankind can approve as probable under the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546 (1954).

We have here the uncorroborated testimony of one detective who relates that items properly belonging in evidence were discovered either by an associate or in an area not substantiated as part of the licensed premises. Other law enforcement officers who presumably could have been called to testify either directly to the charge or in corroboration of the testimony given, did not testify, and thus, could not be cross-examined. Generally, the failure of a party to produce before a trial tribunal available proof which, would serve to elucidate the facts in issue, raises a natural inference that the party so failing fears exposure of those facts would be unfavorable to him. 2 Wigmore, Evidence, sec. 285 (3rd Ed. 1940).

In order for the Board's finding to be upheld, it must be shown that it had presented to it a fair preponderance of the credible evidence; anything short of that should have resulted in dismissal of the charge. Proof was totally absent that the paper allegedly found by Detective Payne was, in fact, a lottery slip. The Board did not see this paper nor did licensee's counsel have the opportunity to cross-examine as to its authenticity. While it is true that "It makes no difference whether bets are committed to paper or to memory, and hence it is not necessary to prove a tangible record was made" (State v. DeStasio, 49 N.J. 247, 253 (1967)), in the absence of the testimony relating to the making of a bet to which the slip related, requires the supplementary production of the only evidence thus available. The same rule applies to the bag of lottery slips allegedly discovered in the hallway.

Thus, the failure to produce the tangible evidence or the testimony in support thereof gives rise to the conclusion that "Such failure of a party to testify may well invite the indulgence against it of every inference warranted by the evidence presented by its adversary." 31A C.J.S. 156 (4) Evidence p. 422. Hackensack Motel Corporation v. Little Ferry, Bulletin 1648, Item 1.

I find that the charge was not supported by a fair preponderence of the credible evidence. Thus appellants have met their burden of establishing that the action of respondent Board was erroneous, and should be reversed. Rule 6 of State Regulation No. 15. It is therefore, recommended that the action of the Board be reversed, and the charge herein be dismissed.

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 before the Board, and the Hearer's Report, I concur in the findings and conclusions of the Hearer and adopt his recommendations as my conclusions herein.

Accordingly, it is, on this 7th day of June 1974,

ORDERED that the action of respondent Municipal Board of Alcoholic Beverage Control of the City of Newark herein be and the same is hereby reversed, and the charge herein be and the same is hereby dismissed.

JOSEPH H. LERNER
ACTING DIRECTOR

3. DISCIPLINARY PROCEEDINGS - LEWDNESS ON LICENSED PREMISES - IMMORAL DANCE - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 126 DAYS.

In the Matter of Disciplinary Proceedings against Bradley Lanes, Inc. t/a Americana Lanes 309 N. Delsea Drive Deptford Township PO Deptford, N.J., Holder of Plenary Retail Consumption License C-10, issued by the Township Committee of the Township of Deptford.	CONCLUSIONS and ORDER

Hanlon,Amdur & Hanlon,Esqs., by Robert M. Hanlon,Esq., Attorneys for Licensee
David S. Piltzer,Esq., Appearing for Division

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charge:

"On January 10,1974 and on January 17, 1974, you allowed,permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., in that you allowed,permitted and suffered a female person to perform on your licensed premises for the entertainment of your customers and patrons in a lewd,indecent and immoral manner; in violation of Rule 5 of State Regulation No. 20."

Four ABC agents participated in the investigation which led to the preferment of the charge.

Agent D testified that on January 10, 1974 at about 10:45 p.m. on that date, accompanied by Agent W, he entered the licensed premises which contained a bar with stools, tables and chairs and a raised platform or stage. Three barmaids were tending bar. Approximately sixty

patrons were in the barroom.

Shortly after the entry of the agents, a female attired in a two-piece outfit commenced performing a routine "go-go" dance on the stage. Thereafter, the performer descended from the stage and continued her dance on the floor of the barroom. A male patron got up from his seat and commenced dancing with her.

Agent D described their actions, as follows:

> "...They performed in such a manner the male patron got down on his knees and put his face in her crotch area, and putting his hands on her buttocks pulled her crotch area into his face while she was dancing, and he was pulling onto her,you might say."

Further:

> "After this they switched positions, and he then stood up and she got down on her knees, and she put her face in his crotch area and simulated fellatio while he put his hands in back of her head."

The audience "...yelled for more,carried on hollering."

The "go-go" performer and the male patron remained in the above described positions for approximately a half-minute each. One of the barmaids,whose attention was drawn to the performance called to the pair to stop their performance and for the female to return to the stage. In response to her call,a male, later identified as Roger Sohl,the assistant manager, came through the door, separated the couple ordered the male to sit at the bar and the female to return to the stag

ABC Agent P testified that,accompanied by agents W and B, he entered the licensed premises on January 17, 1974 at approximately 11:30p.m. There were approximately sixty-five patrons in the barroom. Three barmaids and two waitresses were in attendance.

A female,identified as Vicky Canale,dressed in a two-piece bikini-type outfit was performing a regular "go-go" dance on the platform to the accompaniment of juke-box music. Later,during the playing of the first record, Vicky "... went in push-type position moving her torso in circular motion, like going up and down and around, and simulating intercourse." This performance was of approximately a minute's duration.

To the music of a second record, while in a limbo position with her feet tucked back into her back, she pushed her crotch area up and down for approximately a half-minute.

During the playing of a third record, Vicky descended from the stage and threw her vagina area toward male patrons. Describing her actions thereafter, Agent P testified as follows:

> "Then she grabbed one male's arm and put it to her crotch area quickly and released his arm. Then she had--she went into the bikini-type bottom and pulled out what appeared to be a pubic hair and held it up to the guys, and she went back on the stage."

The patrons applauded. At this time, Agents P and B identified themselves to one of the barmaids, who summoned Sohl. Both were informed of the details of the performance.

It was stipulated that the testimony of Agent W, who had accompanied Agent D in the investigation on January 10, and who had accompanied Agent P in the investigation on January 17, would be substantially corrobative of the testimony elicited from each of those agents.

It was further stipulated that the testimony of Agent B, who had accompanied Agents P and W on January 17, would be corrobative of the testimony of Agent P.

In defense of the charge, Roger Sohl, employed by the licensee as an assistant manager, testified that, after he was apprised by the ABC Agents that Vicky's performance on January 17 was lewd, he circulated a petition which many of the patrons signed stating that Vicky's dance was not lewd, indecent or offensive.

On cross examination, Sohl asserted that Vicky was permitted to dance off the platform and among the patrons provided she did not touch any of the patrons. He did not see her reach inside the lower part of her bikini outfit and take out a hair. He heard the patrons whistling and shouting during Vicky's performance, but considered that such reactions were not uncommon.

Mary Daly, employed as a barmaid, testified that in her opinion, Vicky did not, at any time, perform in a lewd or indecent manner. The performer did not come in contact with any patron, nor did she reach inside any part of her costume.

Vicky Canale testified that she has taken lessons in belly-dancing for two years, and has danced professionally for seventeen months.

Vicky combined belly-dancing with her "go-go" routine. On January 17, as was customary, she did descend from the platform and danced among the patrons. However, she did not touch any male patron, nor did she allow any male patron to touch her. She did not reach into her costume. She does not consider any part of her performance lewd.

Gerald Jenkins testified that he had been in the barroom as a patron from 9:30 on the night of January 17 to early the next morning. He described Vicky's dance as being oriented more toward the belly-dance style than the customary go-go style. He did not view her performance as an attempt to simulate a sex act or as being lewd. He observed her performance on the floor level. He did not see her in contact with any patron, or touch any part of her body

underneath her costume.

Insofar as the date of January 10 is concerned, the licensee did not dispute its occurrence. However, it alleged that the occurrence was of very short duration, that as soon as one of the barmaids became aware of it, she immediately put an end to it. Thereafter, the female's employment was terminated.

I

In adjudicating the guilt or innocence of the licensee relative to the alleged occurrences of January 10, I am persuaded and find that the female who performed that night was an employee of the licensee; that her conduct on the licensed premises while thus performing, despite the brevity thereof, is the responsibility of the licensee.

It is a well established and fundamental principle that a licensee is responsible for the misconduct of his employees and is fully responsible for their activities during their employ on licensed premises. In re Olympic, Inc., 49 N.J. Super. 299 (App.Div. 1958); In re Schneider, 12 N.J. Super. 449 (App. Div. 1951); Rule 33 of State Regulation No. 20. Furthermore, the responsibility of the licensee does not depend upon his personal knowledge or participation. In fact, it has been held that a licensee is not relieved even if the employee violates his explicit instructions. Greenbrier, Inc. v. Hock, 14 N.J. Super. 39 (App. Div. 1951); F.& A. Distrib. Co. v. Division of Alcoholic Beverage Control, 36 N.J. 34 (1961).

On the basis of the overwhelming and uncontradicted testimony presented, I recommend that the licensee be found guilty of that part of the charge which relates to the date of January 10, 1974.

II

Concerning the occurrences which allegedly transpired on January 17, 1974, I observe that, in evaluating the testimony and its legal impact, we are guided by the firmly established principle that disciplinary proceedings against liquor licensees are civil in nature and, therefore require proof by a preponderance of the believable evidence only. Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373 (1956).

Testimony to be believed must not only proceed from the mouth of a credible witness but must be credible in itself. It must be such as common experience and observations of mankind can approve as probable in the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546 (1954). The finding must be based on competent legal evidence and must be grounded on a reasonable certainty as to the probabilities arising from a fair consideration of the evidence. 32A C.J.S. Evidence, sec 1042.

Based upon the foregoing principles, I find that the believable evidence preponderates in favor of the Division. I find it impossible

to believe that the acts described by the agents could all have been contrived. The testimony of Agent P was in no way adversely affected by vigorous cross examination. It was thereafter corroborated by the testimony of Agents W and B.

Since the description of the alleged incidents as presented first by the Division agents and then by the licensee are diametrically opposed, the credibility of the evidence presented became the critical issue. Indeed, the able counsel for the licensee pointed out in argument that the sole issue is one of credibility.

I am convinced that the complete denial of any lewd acts by the licensee's witnesses is incredible and I accept the agents' version of the performance by the female dancer which was presented in a graphic and detailed manner as being credible and factual.

Accordingly, after considering the entire record and the various precedents cited, I am persuaded by the proofs in this case that the charge insofar as it pertains to the date of January 17, 1974 has been sustained by a fair preponderance of the credible evidence, indeed, by substantial evidence, I therefore recommend that this licensee be found guilty of that part of the charge which pertains to the date of January 17, 1974.

III

Licensee has a prior record of suspension of license by the Director for forty-four days, effective August 21, 1973 for similar violation. Re Bradley Lanes, S-9701. I recommend that the license be suspended for sixty days on the charge as an entirety in consequence of the audience participation to which should be added sixty days by reason of the prior record for similar violation within the past five years, or a total of one hundred-twenty days.

Conclusions and Order

No exceptions to the Hearer's report were filed pursuant to Rule 6 of State Regulation No. 16.

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 them as my conclusions herein.

Accordingly, it is, on this 5th day of June 1974,

ORDERED that Plenary Retail Consumption License C-10, issued by the Township Committee of the Township of Deptford to Bradley Lanes, Inc., t/a Americana Lanes, for premises 309 N. Delsea Drive, Deptford Township, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1974,

commencing at 2:00 a.m. on Tuesday, June 11, 1974; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2:00 a.m. on Wednesday, October 9, 1974.

JOSEPH H. LERNER
ACTING DIRECTOR

4. DISCIPLINARY PROCEEDINGS - AMENDED ORDER.

In the Matter of Disciplinary Proceedings against

Five Points Liquor Store, Inc.
5 Pennington Avenue
Trenton, N.J.,

Holder of Plenary Retail Distribution License D-5, issued by the City Council of the City of Trenton.

AMENDED ORDER

Teich, Groh and Robinson, Esqs., by Leon M. Robinson, Esq., Attorneys for Licensee
David S. Piltzer, Esq., Appearing for Division

BY THE DIRECTOR:

On April 26, 1974, Conclusions and Order were entered herein suspending the license for the balance of its term commencing Tuesday, May 7, 1974 with leave to the licensee or any bona fide transferee of the license to file a verified petition establishing correction of the unlawful situation (undisclosed interest of person criminally disqualified from holding interest in license relative to alcoholic beverage industry) for lifting of the suspension, but, in no event sooner than thirty days, from the date of the said commencement date. Re Five Points Liquor Store, Inc., Bulletin 2149 Item 5.

It appearing from a verified petition of Frances B. Ventigli, principal officer and stockholder of Five Points Liquor Store, Inc. (bona fide purchaser of all of the stock and assets of the corporate licensee which were owned by the disqualified person), submitted on behalf of the above licensee that the unlawful situation has been corrected, I shall grant the petition requesting termination of the suspension.

Accordingly, it is, on this 6th day of June, 1974

ORDERED that the suspension heretofore imposed herein be and the same is hereby terminated, effective 2:00 a.m. on June 6, 1974.

JOSEPH H. LERNER
ACTING DIRECTOR

5. STATE LICENSES - NEW APPLICATIONS FILED.

Ernest Del Guercio
t/a D & F Beverage Company
958 Chancellor Avenue
Irvington, New Jersey
Application filed August 7, 1974
for place-to-place transfer of
State Beverage Distributor's License
SBD-137 from 195 N. Munn Avenue,
East Orange, New Jersey.

Austrian Food Center Corp.
99 Hook Road
Bayonne, New Jersey
Application filed August 9, 1974
for limited wholesale license.

Leonard D. Ronco

Leonard D. Ronco
Director