

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

BULLETIN 1766

December 11, 1967

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STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
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BULLETIN 1766

December 11, 1967

1. APPELLATE DECISIONS - R.E.T. LIQUORS, INC. v. EGG
HARBOR TOWNSHIP AND BLACK HORSE BEVERAGE CENTER, INC.

R.E.T. Liquors Inc., et als.,)
Appellants,)
v.)
Township Committee of the) On Appeal
Township of Egg Harbor, and)
Black Horse Beverage Center,)
Inc.,) O R D E R
Respondents.)
-----)

Feinberg, Fishman & Ginsburg, Esqs., by Edward I. Feinberg,
Esq., Attorneys for Appellants
Irving A. Lilienfeld, Esq., Attorney for Respondent Township
Edwin H. Helfant, Esq., Attorney for Respondent Black
Horse Beverage Center, Inc.

BY THE DIRECTOR:

Appellants appeal from the action of respondent Township Committee granting on June 12, 1967, transfer of plenary retail consumption license of respondent Black Horse Beverage Center, Inc. from premises Fourth and Mulberry Avenue, Cardiff, to premises to be constructed at Searstown Shopping Center, Black Horse Pike and Tilton Road. Egg Harbor Township.

Prior to the hearing on appeal, the attorneys for the appellants advised me by letter of September 25, 1967, that the appeal was withdrawn. No reason appearing to the contrary,

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

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

JOSEPH P. LORDI,
DIRECTOR.

2. DISCIPLINARY PROCEEDINGS - SOLICITATION FOR PROSTITUTION -
HOSTESS ACTIVITY - PRIOR DISSIMILAR RECORD - LICENSE
SUSPENDED FOR 115 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)
Fantaco, Inc.)
t/a Jay's Bar & Grille)
35-37 N. Arkansas Avenue) CONCLUSIONS
Atlantic City, New Jersey,) and
Holder of Plenary Retail Consumption) ORDER
License C-134 for the 1966-67 licensing)
period and Plenary Retail Consumption)
License C-138 for the 1967-68 licensing)
period, issued by the Board of Commissioners)
of the City of Atlantic City.)
-----)

Edwin H. Helfant, Esq., Attorney for Licensee
Edward F. Ambrose, Esq., Appearing for Division of
Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on January 10-11 and 12, 1967, it permitted solicitation for prostitution on the licensed premises, in violation of Rule 5 of State Regulation No. 20, and (2) on the same dates and, in addition, on December 10, 1966, it permitted female entertainers to drink at the expense of male patrons, in violation of Rule 22 of State Regulation No. 20.

Licensee has a prior record of suspension of license by the Director for seventy-five days effective August 11, 1965, for undisclosed interest in the license and employing criminally disqualified persons. Re Fantaco, Inc., Bulletin 1637, Item 2.

The license will be suspended on the first charge for ninety days (Re Rocky Birch, Inc., Bulletin 1724, Item 2) and on the second charge for twenty days (Re Rodriguez, Bulletin 1739, Item 3), to which will be added five days by reason of the record of suspension of license for dissimilar violation occurring within the past five years (Re Gajewski, Bulletin 1742, Item 4), or a total of one hundred fifteen days, with remission of five days for the plea entered, leaving a net suspension of one hundred ten days.

Accordingly, it is, on this 27th day of September 1967,

ORDERED that Plenary Retail Consumption License C-138, issued by the Board of Commissioners of the City of Atlantic City to Fantaco, Inc., t/a Jay's Bar & Grille, for premises 35-37 N. Arkansas Avenue, Atlantic City, be and the same is hereby suspended for one hundred ten (110) days, commencing at 7 a.m. Wednesday, October 4, 1967, and terminating at 7 a.m. Monday, January 22, 1968.

JOSEPH P. LORDI,
DIRECTOR.

- 3. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - FALSE STATEMENT IN APPLICATION FOR LICENSE - PRIOR SIMILAR AND DISSIMILAR RECORD - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)
Boysen's Sunset Tavern, Inc.)
Sunset Avenue)
Madison Township)
PO Old Bridge, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption)
License C-2, issued by the Township)
Committee of the Township of Madison.)

Benjamin Kleinberg, Esq., Attorney for Licensee
 Leon Chorkavy, Jr., Esq., Appearing for Division of
 Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on June 13, 1967, it possessed alcoholic beverages in three bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20, and (2) in its current application for license, failed fully to disclose its record of prior license suspensions, in violation of R.S. 33:1-25.

2 Licensee has a previous record of suspension of license (1) by the Director for forty-five days effective November 28, 1955, for permitting indecent conduct, foul language and hostess activity, and sale to an intoxicated person and to minors; (2) by the municipal issuing authority for thirty days effective September 3, 1957, for permitting a brawl and sale during prohibited hours; (3) by the Director for fifty-five days effective February 10, 1959, for sale to an intoxicated person, employing a minor and false statement in the license application; (4) by the Director for ten days effective July 20, 1959, for false statement in the license application (Re Boysen's Sunset Tavern, Inc., Bulletin 1090, Item 1; Bulletin 1266, Item 1; Bulletin 1292, Item 6); (and) (5) by the municipal issuing authority for ten days effective May 9, 1966, for sale to minors, (non-disclosure of the two suspensions in 1959 being the subject of the second charge.)

The prior record of suspensions of license for dissimilar violations in 1955 and 1957 occurring more than five years ago disregarded, the license will be suspended on the first charge for twenty days (Re Malakauskas, Bulletin 1749, Item 3) and on the second charge for ten days (Re John Stark, Inc., Bulletin 1750, Item 7), to which will be added ten days by reason of the record of two suspensions for similar violation in 1959 more than five but less than ten years ago (Re Horak, Bulletin 1684, Item 5) and five days by reason of the record of suspension for dissimilar violation in 1966 less than five years ago (Re Richard A. Deighan, Inc., Bulletin 1752, Item 4), or a total of forty-five days, with remission of five days for the plea entered, leaving a net suspension of forty days.

In addition, the licensee is pointedly warned that future similar violation, or any dissimilar substantial violation, may well result in outright revocation of the license.

Accordingly, it is, on this 21st day of September, 1967,

ORDERED that Plenary Retail Consumption License C-2, issued by the Township Committee of the Township of Madison to Boysen's Sunset Tavern, Inc., for premises on Sunset Avenue, Madison Township, be and the same is hereby suspended for forty (40) days, commencing* at 2:00

a.m. Thursday, September 28, 1967, and terminating at 2:00 a.m. Tuesday, November 7, 1967.

JOSEPH P. LORDI,
DIRECTOR.

*By order dated September 27, 1967, the suspension was deferred to commence at 2:00 a.m. Wednesday, October 4, 1967, and to terminate at 2:00 a.m. Monday, November 13, 1967.

4. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS.

In the Matter of Disciplinary Proceedings against

Alfred & Dorothy Kurland
t/a Al's Liquor Store
31-35 South Main Street
Phillipsburg, N. J.,

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Distribution License D-1018, issued by the Director of the Division of Alcoholic Beverage Control.

Schapira, Steiner & Walder, Esqs., by Justin P. Walder, Esq., Attorneys for Licensees
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensees pleaded not guilty to the following charge:

"On April 14, 1967, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., Marshall ---, age 18; in violation of Rule 1 of State Regulation No. 20."

The Division's case was established through the testimony of six witnesses and may be briefly summarized as follows:

Marshall ---, born on April 23, 1948, testified as follows: On Friday evening, April 14, 1967, in the company of his friend Donald Bartholomew, he entered the licensees' package liquor store and picked up a bottle of Tiger Rose wine from a shelf. Placing it upon the counter, he handed Alfred Kurland, co-licensee (hereinafter Kurland) fifty-two cents. Kurland placed the bottle in a bag, and Marshall took the bag and put it in his pants under his shirt. He was not asked to produce any representation as to his age, nor did he make any written representation at any time with respect thereto. He observed that there were three girls standing near the telephone, and he walked over and started to talk to them. Shortly after that, Kurland told him and the girls to

leave the premises. He and Donald thereupon left and walked up Main Street to Chambers Street located about eight blocks from the licensed premises. He drank more than half of the bottle of wine and threw it on the ground in a lot in the general area. Later that evening he was arrested by local police and, on April 18, prior to his release from police custody, executed a statement with reference to this alleged purchase.

On cross examination it was developed that in the statement to the police he stated that the only person in the store when he first entered it was a woman about thirty-two years of age, "she had kind of whitish hair and kind of heavy set but not too much." Pressed on this point, he explained that he had spent four days in jail and was not in a condition to recall the exact details when he gave the statement. He then stated that his recollection at the time of this hearing is that the only person who was in the store was this woman when he first entered the premises.

Linda ---, age 16, her sister Celia ---, age 21, and Jennie ---, age 13, gave substantially consistent testimony which may be briefly summarized as follows: On the date in question, between 8:30 and 9 p.m., they entered the said licensed premises because Celia wanted to cash a payroll check. Marshall was observed standing at the counter, and Jennie testified that there was a man standing with Marshall and Marshall was paying for a bottle which he had purchased and which was then in a bag. Jennie observed Marshall hand Kurland some money which he placed in the cash register. Marshall, after speaking to the girls for a short while, walked out of the store with the bag in his hand.

Celia states that she did not observe the alleged purchase transaction. However, Linda (age 16), the sister of Celia, corroborated Jennie's testimony to the effect that Marshall handed some money to Kurland and (she thinks) that he placed the money in the cash register. She also saw Marshall take the bag and eventually walk out of the store with it. She did not know what the bag contained.

The testimony further reveals that on Monday, April 17, Roland Beck, a clerk of the licensees, requested that the three girls come down to the licensed premises. When they appeared at the licensed premises, Kurland persuaded them to change their version and to state falsely that they entered the premises after Marshall, and that they did not observe any transaction between Marshall and Kurland involving the sale of alcoholic beverages. Kurland explained that he was faced with the possibility that he would be in trouble if they did not cooperate and his store would be closed for thirty days.

At Kurland's request they accompanied him on the following day to his lawyer's office and, while riding in Kurland's car, Kurland kept repeating the version which they were to give, namely, that Marshall entered the premises about five minutes after they did and that he made no purchase of any liquor. Kurland promised them that, if they had to go to court, he would see that they would not "starve."

A statement was taken from Celia --- and Linda ---

by Mrs. Irene Sweet (the secretary to Kurland's attorney) in the presence of Kurland who interrupted a number of times to articulate his version of what transpired on the night in question. Celia gave the statement and Mrs. Sweet asked Linda whether her version was substantially the same. Although the information obtained was in question-and-answer form from questioning Celia, Mrs. Sweet prepared the statements in narrative form and had the girls sign them.

Celia stated that Kurland knew that those statements which they signed were not the truth, and she signed the statement because, as she explained it, she didn't want to see anyone get into trouble.

Linda recalled that she signed her statement several days later and added that Kurland said "if we go to court he would see we would get our dinner and see we wouldn't starve."

Detective Robert J. Sharr, of the Phillipsburg Police Department, testified that four days after this incident he made a search of the alleyway in which the empty bottle was alleged to have been discarded but could not find it. He noted that the garbage cans were empty and presumably there had been a garbage collection during the four-day interval.

Viola Butler, testifying on behalf of the licensees, stated that she observed Marshall leave the licensed premises and that he did not have any package with him when she saw him.

Alfred Kurland, testifying in his own behalf, gave the following version: He is a member of the governing body of the Town of Phillipsburg and is a co-licensee of these premises. On the date in question he was acting as clerk, and his employee Roland Beck was in a back room putting away stock. Celia entered with the other two girls, ordered a bottle of soda, and asked him to cash a check. While this transaction was taking place, Marshall entered the premises and started talking to the girls. This boy had never entered his premises before this night and, in his opinion, he looked to be about sixteen years of age. After Marshall had been in the premises for about ten minutes, he thought that Marshall was acting "a little over-friendly, you know." Apparently Celia was having difficulty in phoning for a cab, and he went over to make the call for her. He then felt that their conversation was developing into a "noisy incident. I said, 'Everybody get the hell out!'" whereupon the three girls and Marshall left the premises. He denied that Marshall had made any purchases of alcoholic beverages at that time. He asserted that, during the entire time that Marshall was in the premises, he never asked him his reason for being in the store and stated that Marshall was in the premises for no more than about ten minutes. He explained that he was busy with other matters and this occupied him during that time. He admitted that he sells between three and five cases of Tiger Rose wine, and that it sells for fifty-two cents.

Roland Beck (a clerk employed by the licensees) testified that he was in the stockroom putting away stock and saw Marshall enter the store. He observed Marshall during

the entire period that he was in the store and he did not make any purchase, "not while I could see, sir." He explained that the reason he made observation was that "we do have a little pilfering once in a while." However, he admitted that during the entire time that Marshall was in the store he never came out to ask him what his purpose was in being in the store and whether he wanted to make any purchase. He added that, while he kept these people under observation, "they didn't see me."

Irene Sweet testified that she is employed by Mr. Harold J. Curry, Kurlands' attorney who is also the attorney for the Police Department in Phillipsburg. She stated that Celia and Linda came into the office for the purpose of giving a statement and that Kurland, who was present, was cautioned not to say anything because she was taking the statements from the girls. The information was elicited in question-and-answer form and she thereafter prepared the statement in narrative form. The information was given to her by Celia, and she then asked Celia's younger sister Linda whether the information was true. She admitted that some of the words used in the statement were her own but that they expressed the essential answers given to her. She was then asked by her counsel:

"Q If the language is different, can you tell the Hearer that the essence is incorporated in keeping with what the girls said?

A Oh, yes. It is what they said regardless of the way I worded it. I worded it the best I could under the circumstances."

Celia, called in rebuttal, stated that she knew that the statement that was being given to Mrs. Sweet was untrue and she gave that statement because Kurland had discussed the matter with her and, as she told the police officer, "I don't like to see anybody in trouble, and I went along with what Mr. Kurland and my sister and I were talking about." She repeated that the reason she made the statement was that she was told by Kurland that, if she stated that there was no sale made, "his store wouldn't be closed then."

In evaluating the testimony produced herein and its legal impact, and as a backdrop to a determination of the facts herein, the following principles of law should be restated: We are dealing with a purely disciplinary measure and its alleged infraction. Such measures are civil in nature and not criminal. Thus the proof must be supported by a fair preponderance of the credible evidence only. Butler Oak Tavern v. Div. of Alcoholic Beverage Control, 20 N.J. 373 (1956); Hornauer v. Div. of Alcoholic Beverage Control, 40 N.J. Super. 501 (1956); Atkinson v. Parsekian, 37 N.J. 143 (1962).

The testimony, to be believed, must not only proceed from the mouths of credible witnesses but must be credible in itself, and must be such as common experience and observation of mankind can approve as probable in the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546.

The accepted standard of persuasion relating to testimony governing the trier of the facts is that the determination must be founded in truth. Riker v. John

Hancock Mutual Life Ins. Co., 129 N.J.L. 508. No testimony need be believed but, rather, so much or so little may be believed as the trier finds reliable. 7 Wigmore Evidence, sec. 2100 (1940); Greenleaf Evidence, sec. 201 (16th Ed. 1899).

Using these principles in mind, and having an opportunity, in addition, to observe the demeanor of the witnesses as they testified herein and to evaluate their credibility, I am persuaded that the truth lies in the version given by the Division's witnesses. In assessing the testimony of Marshall, I am fully mindful of the fact that, after this alleged purchase, he was arrested on a drunk and disorderly charge and, as counsel for the licensees advised me by letter after the hearing, he was also convicted of petty larceny in the municipal court. Nevertheless, and notwithstanding certain inconsistencies in his testimony, I am persuaded that the main and vital thrust of his testimony as it specifically relates to his purchase of wine has the ring of truth. It is clear to me, beyond peradventure of doubt, that he entered the licensed premises prior to the entry by the three girls; that he went there for a specific purpose, namely, to purchase a bottle of wine; that he did in fact purchase the wine which was sold to him by Kurland and he paid therefor. Since it is obvious that he was under the age of twenty-one (Kurland admits that he appeared to him to be about sixteen years of age), the complete defense available to a licensee under Rule 1 of State Regulation No. 20 and special note in Section 5 of Appendix to the 1957 Pamphlet of State Regulations is not available in these circumstances. Re Bonanno, Bulletin 1716, Item 1; R.S. 33:1-77.

I am especially impressed with the testimony of thirteen-year-old Jennie who appeared to be forthright, frank and direct. As noted above, she stated that, when she entered the premises, the transaction with Marshall was being completed and she observed that Marshall handed money to Kurland and that he received a paper bag with contents. This was also corroborated by sixteen-year-old Linda.

On the other hand, I am singularly unimpressed with the testimony of Kurland who suggested that this young boy came into the premises without any purpose except perhaps to socialize with somebody and remained there for about ten minutes until he was finally ordered to leave. This does violence to common experience and the realities of the situation. I also disbelieve his testimony that this boy entered his store after the three girls were in there for some period of time. I am equally unimpressed with the testimony of his clerk Beck to the effect that, although he was busy putting away stock in a back room, he kept the front store under constant surveillance and was certain that there was no transaction consummated between Marshall and Kurland.

The credibility of Kurland is further brought into question and, in my opinion, effectively assailed by the episodes which transpired after the date in question. Pleading that a conviction of a sale to a minor would result in economic hardship to him because of a likely suspension of his license, and promising that no harm would befall the signers and that in fact they would not "starve" if they were required to go to court, he helped prepare the statements which were ultimately signed. Obviously, since these

witnesses repudiated these statements, they cannot be given any evidential moment in these proceedings.

It is proper to show at the hearing herein, as bearing on the credibility of a witness, that he has sought to induce another to sign a false statement or testify falsely. 98 C.J.S. Witnesses, sec. 464, p. 322. If there is reason to suppose that the perjury or prevarication of one witness is the result of subornation, the attempt of the witness to suborn the testimony of other witnesses affects the credit of the witness guilty of such attempt. 98 C.J.S. Witnesses, p. 339, and cases cited therein. Accordingly, the action of Kurland in this regard is considered together with his other testimony in evaluating his credibility and veracity. Furthermore, his conduct in this respect would convey an inference that he had a consciousness of guilt. His efforts to frustrate the truth seriously impede effective law enforcement and cannot be condoned. It is to the credit of the two female witnesses that they fearlessly and candidly repudiated the statements and gave the testimony as reported hereinabove.

I am convinced, on the basis of the entire record herein, that the violation as charged took place on the date herein and that such sale was in violation of Rule 1 of State Regulation No. 20. Accordingly I conclude that this Division has established the truth of the charge by a fair preponderance of the believable evidence. Freud and Pittala v. Davis, 64 N.J. Super. 242 (App.Div. 1960).

It is therefore recommended that the licensees be found guilty of sale and service of alcoholic beverages to the minor Marshall, as alleged.

Licensees have a prior record of suspension of license by the Director for ten days effective July 23, 1956 for sale below minimum price, and for ten days effective January 16, 1967 for sale to minors. Re Kurland, Bulletin 1127, Item 6; Bulletin 1719, Item 6. The prior record of suspension for dissimilar violation occurring more than five years ago disregarded but the prior record for a similar violation within the past five years considered, it is further recommended that the license be suspended for twenty-five days. Re Bilow, Inc., Bulletin 1695, Item 11.

Conclusions and Order

Pursuant to the provisions of Rule 6 of State Regulation No. 16, exceptions to the Hearer's report were filed by the attorney for the licensees.

I find that the matters contained in the exceptions are essentially factual in nature and have been considered in detail by the Hearer. In his exceptions the licensees' attorney argues that "the Hearing Officer merely extracted portions of the testimony, which were in keeping with the conclusions reached without fully disclosing all of the relevant facts testified to by the respective witnesses." A synopsis by the Hearer need not and, for good and practical reasons, should not set forth in full the testimony of witnesses for either side. My examination of the report satisfies me that the synopsis was not prejudicial, but objective and fair, and substantially set forth the essential and relevant testimony adduced at this hearing. The Hearer had the opportunity to observe the witnesses as they testified

and was in the best position to evaluate their testimony and assess the credibility of these witnesses.

From his consideration of the totality of the evidence, he was persuaded that the crucial issue herein was established, namely, a sale of alcoholic beverages to a minor was indeed made by the licensees, as charged.

While the Hearer frankly stated that there were some discrepancies, the fact is that the charge was proved by a preponderance of the evidence, not only through the testimony of the minor but through adequate corroborative support. It is apparent that he found incredible and lacking in candor the testimony of Alfred Kurland, co-licensee. In this connection it might be well to point out that, although the sharp accusatory finger was pointed at Kurland with respect to his attempt to suborn the testimony of several of the witnesses after the date of the sale, as delineated in the Hearer's report, Kurland failed to specifically deny or refute such testimony. Thus the Hearer found Kurland's testimony critically tainted, unreliable and not founded in truth. 7 Wigmore Evidence, sec. 2100 (1940).

I have examined each of the exceptions herein and find them lacking in merit. I further find that oral argument is not warranted, and the request therefor is denied.

Having considered the entire record herein, including the transcript of the testimony, the Hearer's report and the exceptions thereto, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 9th day of October 1967,

ORDERED that Plenary Retail Distribution License D-1018, issued by the Director of the Division of Alcoholic Beverage Control to Alfred & Dorothy Kurland, t/a Al's Liquor Store, for premises 31-35 South Main Street, Phillipsburg, be and the same is hereby suspended for twenty-five (25) days, commencing at 9 a.m. Monday, October 16, 1967, and terminating at 9 a.m. Friday, November 10, 1967.

JOSEPH P. LORDI,
DIRECTOR.

- 5. DISQUALIFICATION REMOVAL PROCEEDINGS - BREAKING, ENTERING AND LARCENY - ROBBERY - ILLICIT ALCOHOLIC BEVERAGE ACTIVITY - REMOVAL OF DISQUALIFICATION DEEMED CONTRARY TO PUBLIC INTEREST - PETITION DENIED.

In the Matter of an Application to)
Remove Disqualification because of)
a Conviction, Pursuant to R.S. 33:)
1-31.2.)
Case No. 2147)
-----)

CONCLUSIONS
and
ORDER

BY THE DIRECTOR:

Petitioner requests the entry of an order removing his statutory disqualification resulting from seven convictions of crime involving moral turpitude.

The following is a summary of petitioner's record of convictions of crime

- 1931 Breaking, entering and larceny -
sentenced to Annandale (suspended)
- 1934 Breaking, entering and larceny -
sentenced to three to four years in
New Jersey State Prison
- 1937 Robbery -- sentenced to five to seven
years in New Jersey State Prison --
carrying concealed weapons -- suspended
sentence
- 1949 Conspiracy to violate Federal Internal
Revenue laws (operator of still) -
sentenced in Federal Court in Newark to
serve one year in Danbury
- 1950 Operating illicit still - fined \$200 in
Passaic County Court
- 1952 Conspiracy to violate Federal Internal
Revenue laws - sentenced in Concord, New
Hampshire to serve two years in Atlanta
and fined \$2,500
- 1956 Illicit transportation of distilled spirits -
sentenced in Federal Court in Newark to six
months
- 1958 Conspiracy to violate Federal Internal
Revenue laws (distilling spirits without
giving bond etc.) sentenced in Federal
Court in Newark to serve eighteen months
in Lewisburg and paroled in 1960.

At the hearing held herein, petitioner (53 years old) testified that he is married and living with his wife and two minor children; that he has lived at his present address for eighteen years; that he had been self-employed as an electrician for many years and since his parole in 1960 he has been doing such work under sub-contracts given to him by his brother-in-law.

Petitioner further testified he is asking for the removal of his disqualification to be free to engage in the alcoholic beverage industry in this State and that, ever since his parole in 1960, he has not been convicted of any crime or arrested.

Petitioner produced three character witnesses (the owner of a dry cleaning business, an insurance broker and a milk distributor who is also the president of a corporate licensee) who testified that they have known petitioner for more than five years last past and that in their opinion he is now an honest, law-abiding person with a good reputation.

The Police Department of the municipality wherein the petitioner resides reports that there are no complaints or investigations presently pending against petitioner.

To afford petitioner the relief requested, it is

necessary that I find that he has been conducting himself in a law-abiding manner for five years last past and that his association with the alcoholic beverage industry will not be contrary to the public interest. See R.S. 33:1-31.2.

While more than five years have elapsed since his parole in 1960, I am not satisfied by reason of petitioner's long criminal record and in particular his repeated violations of the liquor laws that his association with the alcoholic beverage industry will not be contrary to the public interest.

Accordingly, it is, on this 4th day of October, 1967,

ORDERED that the petition herein be and the same is hereby denied.

JOSEPH P. LORDI,
DIRECTOR.

6. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)	
)	
Horse Shoe Bar, Inc.)	
t/a Horse Shoe Bar Inc.)	CONCLUSIONS
328 Henderson Street)	and
Jersey City, N. J.,)	ORDER
Holder of Plenary Retail Consumption License C-474, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)	
-----)	

Licensee, by Julius Schwartz, President, Pro se Edward J. Sheils, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, August 27, 1967, it sold a pint bottle of whiskey for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Licensee has a previous record of suspension of license by the Director for twenty days effective January 10, 1956, for similar violation and sale below minimum price, and for twenty-five days effective August 1, 1960, for similar violation. Re Horse Shoe Bar, Inc., Bulletin 1094, Item 10; Bulletin 1351, Item 11.

The prior record of suspension for similar violation occurring in 1956 more than ten years ago disregarded, but considering the prior record of suspension for similar violation in 1960 more than five but less than ten years ago, 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 Rodilloso, Bulletin 1750, Item 6.

Accordingly, it is, on this 28th day of September, 1967,

ORDERED that Plenary Retail Consumption License C-474, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Horse Shoe Bar, Inc., for premises 328 Henderson Street, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Thursday, October 5, 1967, and terminating at 2:00 a.m. Friday, October 20, 1967.

JOSEPH P. LORDI,
DIRECTOR.

7. 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)	
)	
Stanley Urbanowski t/a Gold Arrow Cafe 142 Passaic Street Passaic, New Jersey,)	CONCLUSIONS and ORDER

Holder of Plenary Retail Consumption License C-56, issued by the Board of Commissioners of the City of Passaic.)

Licensee, 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 August 30, 1967, he sold two bottles of beer 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 Big Red's, Inc., Bulletin 1751, Item 14.

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

ORDERED that Plenary Retail Consumption License C-56, issued by the Board of Commissioners of the City of Passaic to Stanley Urbanowski, t/a Gold Arrow Cafe, for premises 142 Passaic Street, Passaic, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Monday, October 9, 1967, and terminating at 3:00 a.m. Thursday, October 19, 1967.

JOSEPH P. LORDI,
DIRECTOR.

8. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - FALSE STATEMENT IN LICENSE APPLICATION - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
)
 Midtown Tavern, Inc.)
 117 Chestnut Street)
 Roselle Park, New Jersey,)
)
 Holder of Plenary Retail Consumption License C-12, issued by the Borough Council of the Borough of Roselle Park.)

CONCLUSIONS
 and
 ORDER

 Licensee, by Louis Reefer, President, Pro se
 Leon Chorkavy, Jr., Esq., Appearing for Division of
 Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on May 17, 1967 it possessed alcoholic beverages in two bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20, and (2) in its current application for license failed to disclose its prior record of license suspension, in violation of R.S. 33:1-25.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days effective September 27, 1959, for sale to minors, non-disclosure of which being the subject of the second charge.

The prior record of suspension of license for dissimilar violation occurring more than five years ago disregarded for penalty purposes, the license will be suspended on the first charge for fifteen days (Re The 331 Broad Ave. Corp., Bulletin 1755, Item 4) and on the second charge for ten days (Re John Stark, Inc., Bulletin 1750, Item 6), or a total of twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days.

Accordingly, it is, on this 24th day of October 1967,

ORDERED that Plenary Retail Consumption License C-12, issued by the Borough Council of the Borough of Roselle Park to Midtown Tavern, Inc., for premises 117 Chestnut Street, Roselle Park, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Tuesday, October 31, 1967, and terminating at 2 a.m. Monday, November 20, 1967.

JOSEPH P. LORDI,
 DIRECTOR.

9. DISCIPLINARY PROCEEDINGS - HOSTESS ACTIVITY - PRIOR SIMILAR RECORD - AGGRAVATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 65 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
)
 Jeanne's Enterprises, Inc.)
 t/a Le Bistro)
 2201 Pacific Avenue)
 Atlantic City, N. J.,)

CONCLUSIONS
 and
 ORDER

Holder of Plenary Retail Consumption License C-150, issued by the Board of Commissioners of the City of Atlantic City.)

Roy Baylinson, Esq., Attorney for Licensee
Edward F. Ambrose, Esq., Appearing for Division of
Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on June 18-19, 1967, it permitted a female entertainer and a waitress to accept drinks at the expense of male patrons, in violation of Rule 22 of State Regulation No. 20.

Reports of investigation disclose that on the dates alleged a female entertainer drank at the expense of male patrons splits (6.4 ounces) of the cheapest domestic champagne (retailing at 59¢) at a charge of \$5 each, the waitress drinking regular drinks at \$1.50 each.

Licensee has a previous record of suspension of license by the Director for fifty-five days effective October 18, 1961, for permitting indecent entertainment on the licensed premises (Re Jeanne's Enterprises, Inc., Bulletin 1422, Item 2); by the municipal issuing authority for ten days effective April 19, 1962, for hostess activity, and for ten days effective December 13, 1963, for sale to minors; and by the Director for one hundred thirty days effective January 16, 1967, for permitting indecent entertainment on the licensed premises (Re Jeanne's Enterprises, Inc., Bulletin 1621, Item 1; Bulletin 1714, Items 1, 2 and 3).

Deeming the violation aggravated and considering the prior suspension of license for similar violation in April 1962, more than five but less than ten years ago, the license will be suspended for thirty-five days (Re Sabar, Inc., Bulletin 1729, Item 3; Re Scheltz, Bulletin 1690, Item 4), to which will be added thirty days by reason of the aggravating circumstance of four prior license suspensions (cf. Re Scangarello, Bulletin 1751, Item 13), or a total of sixty-five days, with remission of five days for the plea entered, leaving a net suspension of sixty days.

Accordingly, it is, on this 13th day of November 1967,

ORDERED that Plenary Retail Consumption License C-150, issued by the Board of Commissioners of the City of Atlantic City to Jeanne's Enterprises, Inc., t/a Le Bistro, for premises 2201 Pacific Avenue, Atlantic City, be and the same is hereby suspended for sixty (60) days, commencing at 7 a.m. Monday, November 20, 1967, and terminating at 7 a.m. Friday, January 19, 1968.

JOSEPH P. LORDI,
DIRECTOR.

10. STATE REGULATIONS - REGULATION NO. 20, RULES 6 AND 7 - INTERPRETATION TO EXCLUDE TICKETS IN NEW YORK STATE LOTTERY FROM PROHIBITION OF RULES.

LOTTERIES - TICKETS IN NEW YORK STATE LOTTERY MAY BE POSSESSED ON LICENSED PREMISES IF PURCHASED IN NEW YORK BY POSSESSOR.

November 17, 1967

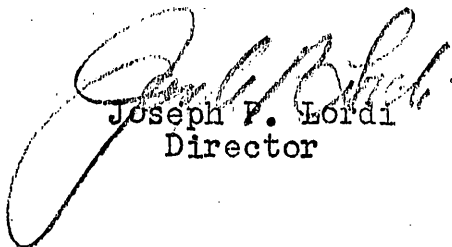
Williams Paper & Products
Washington, N. J.

Gentlemen:

This acknowledges your letter of November 14th inquiring whether New York State lottery tickets may be possessed on licensed premises in New Jersey.

P.L. 1967, c. 88, effective June 1, 1967, amends N.J.S. 2A:121-3 and 170-18 to make lawful the "possession or custody (of) any paper, document, slip or memorandum of a lottery which is authorized, sponsored and operated by any State of the United States, provided that the paper, document, slip, or memorandum was purchased by the holder thereof in the State wherein such lottery was authorized, sponsored and operated."

In view of this amendment of the criminal law, I shall interpret Rules 6 and 7 of State Regulation No. 20, which prohibit, among other things, the possession of lottery tickets on licensed premises, to be not applicable to the possession of New York State lottery tickets provided the ticket was purchased by the holder in the State of New York.



Joseph P. Lordi
Director