

DIRECTOR

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

BULLETIN 1873

August 26, 1969

TABLE OF CONTENTS

ITEM

1. COURT DECISIONS - VITIELLO v. KEEGAN - DIRECTOR REVERSED WITH REMAND FOR SUPPLEMENTAL HEARING.
2. APPELLATE DECISIONS - OLYMPIC PARK, INC. v. MAPLEWOOD.
3. DISCIPLINARY PROCEEDINGS (Harrison) - GAMBLING (NUMBERS BETS) - PRIOR SIMILAR AND DISSIMILAR RECORD - LICENSE SUSPENDED FOR 70 DAYS, LESS 5 FOR PLEA.
4. DISCIPLINARY PROCEEDINGS (Asbury Park) - POSSESSION OF INDECENT MATTER (PHOTOGRAPHS) - SERVICE OF ALCOHOLIC BEVERAGES OTHER THAN ORDERED - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 70 DAYS.
5. DISCIPLINARY PROCEEDINGS (Jersey City) - FALSE STATEMENT IN LICENSE APPLICATION - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
CANCELLATION PROCEEDINGS - ORDER TO SHOW CAUSE DISCHARGED UPON CORRECTION OF UNLAWFUL SITUATION.
6. DISCIPLINARY PROCEEDINGS (Camden) - GAMBLING (NUMBERS BETS AND WAGERING) - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 65 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (Harrison) - GAMBLING (HORSE RACE AND NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (Gloucester City) - GAMBLING (HORSE RACE AND NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (Union) - SALE TO MINORS - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Newark) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
11. STATE LICENSES - NEW APPLICATIONS FILED.

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

BULLETIN 1873

August 26, 1969

1. COURT DECISIONS - VITIELLO v. KEEGAN - DIRECTOR REVERSED
WITH REMAND FOR SUPPLEMENTAL HEARING.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
A-689-68

SALVATORE VITIELLO

Appellant,

v.

JOSEPH M. KEEGAN, DIRECTOR OF
ALCOHOLIC BEVERAGE CONTROL OF
NEW JERSEY,

Respondent.

Argued May 19, 1969 - Decided June 9, 1969

Before Judges Sullivan, Foley and Lewis

On appeal from a determination of the Director,
Division of Alcoholic Beverage Control.

Mr. Seymour Gelzer argued the cause for
appellant (Mr. Richard M. Glassner, attorney).

Mr. Michael T. Henchy, Deputy Attorney General,
argued the cause for respondent (Mr. Arthur J.
Sills, Attorney General of New Jersey, attorney;
Mr. Stephen Skillman, of counsel).

The opinion of the court was delivered by

FOLEY, J.A.D., SULLIVAN, S.J.A.D. dissenting.

(Appeal from the Director's determination in Re Eligibility
No. 746, Bulletin 1652, Item 7. Director reversed by divided
court with remand for supplemental hearing. Opinion not
approved for publication by the court committee on opinions.)

2. APPELLATE DECISIONS - OLYMPIC PARK, INC. v. MAPLEWOOD

OLYMPIC PARK, INC.,)

Appellant,)

v.)

ON APPEAL
ORDER

Township Committee of the)
Township of Maplewood,)

Respondent.)

-----)

Stickel, Kain and Stickel, Esqs., by Halsey W. Stickel,
Esq., Attorneys for Appellant
Mortimer Katz, Esq., Attorney for Respondent

BY THE DIRECTOR:

Appellant appeals from the denial by respondent on June 18, 1968 of its application for renewal for the year 1968-69 of its plenary retail consumption license for premises located at foot of 43d Street, Maplewood.

Prior to hearing, appellant's attorney advised that the appeal was withdrawn.

Accordingly, it is, on this 30th day of June, 1969,

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

JOSEPH M. KEEGAN
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - PRIOR SIMILAR AND DISSIMILAR RECORD - LICENSE SUSPENDED FOR 70 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

FRANCIS BEESLEY & CATHERINE A. TUIITE) t/a Packy's Tavern) 203 So. 4th St.) Harrison, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-22 issued by the Town Council of the Town of Harrison)

Sarcone and Mascia, Esqs., by C. Robert Sarcone, Esq., Attorneys for Licensees Louis F. Treole, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensees plead non vult to charges (1) and (2) alleging that on divers dates between December 30, 1968 and February 24, 1969, they permitted acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Licensees have a previous record of suspension of license by the Director for fifty days effective June 4, 1962, for permitting acceptance of numbers bets on the licensed premises, and for five days effective July 29, 1968, for possessing an alcoholic beverage not truly labeled. Re Beesley & Tuite, Bulletin 1812, Item 10. In addition, the license then held by Francis Beesley was suspended by the Director for forty-five days effective March 30, 1959, for permitting acceptance of numbers bets, violation of State Regulation No. 38, and violation of municipal hours ordinance. Re Beesley, Bulletin 1274, Item 3.

The prior record of suspension in 1959 for similar violation disregarded because occurring more than ten years ago, but considering the prior record in 1962 for similar violation more than five but less than ten years ago and in 1968 for dissimilar violation within the past five years, the license will be suspended for seventy days, with remission of five days for the plea entered, leaving a net suspension of sixty-five days. Re Paula, Bulletin 1762, Item 2.

Accordingly, it is, on this 1st day of July, 1969,

ORDERED that Plenary Retail Consumption License C-22, issued by the Town Council of the Town of Harrison to Francis Beesley and Catherine A. Tuite, t/a Packy's Tavern, for premises 203 So. 4th Street, Harrison, be and the same is hereby suspended for sixty-five (65) days, commencing at 2:00 a.m. Tuesday, July 8, 1969, and terminating at 2:00 a.m. Thursday, September 11, 1969.

JOSEPH M. KEEGAN DIRECTOR

4. DISCIPLINARY PROCEEDINGS - POSSESSION OF INDECENT MATTER (PHOTOGRAPHS) - SERVICE OF ALCOHOLIC BEVERAGES OTHER THAN ORDERED - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 70 DAYS.

In the Matter of Disciplinary Proceedings against)

DELABU, INC.)
t/a Steve Brody's Bar)
1101-03-05-07-09 Ocean Avenue)
Asbury Park, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-10, issued by the City Council of the City of Asbury Park.)

Hanlon, Argeris & Amdur, Esqs., by Robert M. Hanlon, Esq., Attorneys for Licensee
Edward F. Ambrose, Esq., Appearing for the Division

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to charge (1), guilty to charge (2), and non vult to charge (3), as follows:

- "1. On Saturday night, December 14, 1968, you allowed, permitted and suffered in and upon your licensed premises and had in your possession matter containing obscene, indecent, filthy, lewd, lascivious and disgusting pictures and representations depicting male and female persons in obscene, indecent, filthy, lewd, lascivious and disgusting poses, acts, positions and practices; in violation of Rule 17 of State Regulation No. 20.
- "2. On Saturday night, December 14, 1968, you served and allowed, permitted and suffered the service of alcoholic beverages other than ordered; in violation of Rule 23 of State Regulation No. 20.
- "3. On Saturday night, December 14, 1968, you, directly or indirectly, through officers, directors and stockholders of your corporation, and agents, servants, persons employed on your licensed premises and other persons in your behalf, failed to facilitate, hindered, delayed, caused the hindrance and delay, and attempted to hinder, delay and cause the hindrance and delay of an investigation and inspection of your licensed business and premises then and there being conducted by Investigators of the

Division of Alcoholic Beverage Control of the Department of Law and Public Safety of the State of New Jersey; in violation of Rule 35 of State Regulation No. 20."

Prior to the hearing held herein, licensee had entered a plea of non vult to charge (1).

Thereafter, and prior to the effectuation of the order of suspension entered by the Director on February 10, 1969 (Bulletin 1846, Item 5), permission to withdraw the plea to the first charge was granted upon the representation by the licensee's attorneys that the confessional plea to the first charge was entered in error. Vide, Re Delabu, Inc., Bulletin 1846, Item 6.

Referring to the contested charge, Division Agent R testified that on December 14, 1968, accompanied by Agent B he entered the licensed premises, consisting of one large room, and sat at the "small side" of a rectangular-shaped bar with his back to the front entrance. Upon entering, the patronage at the bar consisted of approximately twenty-five males and females. Approximately thirty persons were seated at tables or were dancing. A male (identified as George A. DeNardo, president of the licensee corporation and a principal stockholder therein) was at the door collecting an admission fee.

At approximately 11:25 p.m. Agent R observed DeNardo proceed behind the bar to an "island" (located inside the perimeter of the bar) used for the storage of beverages, reach down to a drawer at the bottom of the liquor island and withdraw therefrom a paper bag which he described as "printed or had print on it of maybe flowers or something." While behind the bar DeNardo approached some patrons seated approximately twelve feet distant from the agents. DeNardo withdrew from the bag "a book, appeared to be a book, bound in loose-leaf fashion, with rings, approximately ten by ten." The book contained cardboard pages. Pasted or taped on the pages he saw photographs. DeNardo held the book and turned the pages, allowing the patrons to view the pages. The book was lying flat on the bar and, as the pages were turned in an upright position, he was able to view the pictures. He described what he saw thusly:

"Well, a couple I particularly remember was -- looked like a woman lying on a bed in this fashion [indicating hands stretched out from shoulders], naked, [no clothes on ... Another picture appeared to be two naked persons on a bed embraced ... The rest seemed to be just human bodies entangled, all of which they appeared to be naked to me."

He could not tell whether the persons depicted were male or female.

At approximately 11:40 p.m. the agents identified themselves concerning an unrelated matter. Agent R went to the aforementioned bottom drawer in the liquor island and withdrew therefrom the bag that had contained the book. DeNardo grabbed the bag from the agent and ran out of the premises through an alley and across Ocean Avenue, pursued by the agent. Due to traffic, Agent R stopped at Ocean

Avenue. DeNardo continued to the boardwalk and disappeared from view. Agent R returned to the licensed premises; DeNardo returned "a while later." Upon request, DeNardo produced the license application. Concerning the book, the agent testified, "I asked Mr. DeNardo where the book was, and he said he threw it in the ocean. And I asked Mr. DeNardo what the book contained, and he said personal family items, such as pictures of his mother and personal things." Finally, the agent testified that in his opinion the pictures were indecent, they portrayed sexual acts, the persons portrayed were naked, he could not determine their sex.

On cross examination the agent testified that the lighting was dim, the book was viewed by five males -- three were seated at the bar and two were standing behind them. The viewing took approximately four minutes and, after the viewing, DeNardo placed the book in the paper bag and returned the bag to the drawer. The agent did not identify himself until twenty minutes later, nor did he attempt to confiscate the book while it was being viewed. All the pictures were approximately nine inches by nine inches.

On redirect examination, Agent R testified that the first photograph he saw depicted a female lying on her back in bed with her knees bent and spread out "a foot and a half apart at the knees", permitting a view of her private parts. Upon being questioned by the agent as to why he would want to throw the book away if it contained family pictures, DeNardo replied, "They were some personal family items in there; my mother's, my family's. I didn't want the names to get into the newspapers."

ABC Agent B testified that he was seated to the left of Agent R on the night in question. He observed DeNardo remove the book (referred to by R) from a drawer at the base of the liquor island and then hold the book on the bar and flip the pages so that the patrons could view the contents. When questioned as to how many pictures he saw with any degree of clarity, he replied, "I saw one with a good degree of clarity; the rest of them I couldn't testify to what was on them, only what they appeared to be to me." The picture that he saw clearly showed a nude woman lying on a bed, knees raised, private parts exposed. He then testified as follows:

"Q Was there any other picture you saw? Can you describe any others?

A Yes. I saw a picture with -- the one I saw it was like one arm bare flesh continuing down with what I believe myself to be the full side of the body, but I didn't get an exact look at that. Along with the first one, that appeared to be in the same content."

The agent expressed an opinion that the pictures were "lewd or indecent pictures ... French pictures." The remainder of the testimony offered by Agent B was corroborative of the testimony given by Agent R.

On cross examination Agent B asserted that the patrons exhibited no reaction while viewing the pictures.

When asked on redirect examination whether the lighting arrangement was of sufficient power for him to see in the manner he testified, Agent B replied, "Yes, it was."

A pencil sketch of the bar area, including the liquor island, and a photograph of an area of the bar showing where the viewing of pictures occurred were received in evidence as Exhibits D-1 and L-2, respectively.

In defense of the charge, George A. DeNardo (who was the full-time manager of the business conducted by the corporate licensee) testified that at approximately 10:30 on the night in question he was supervising the operation of the business, walking around the barroom and table area and talking with customers. He observed a patron at the far side of the bar near the pool table showing a magazine "to this fellow." The patron called to him, "George, I want you to see something." Upon going to the patron's position, he noted that the patron had a "lewd magazine." After remonstrating with the patron, DeNardo confiscated the magazine and put it in a paper bag. DeNardo's testimony continued as follows:

"At the entrance of my bar was my band leader and my sax man there. I said, 'Johnny, look what this character brought in.' I said it in this way, 'Look what this character brought in.' I put it back in the bag and put it in my drawer where the liquor counter is. I was going to destroy it. A quarter to three I was going to take it out to the back yard. At that time I was busy, and the band was going back on, and I didn't have a chance to go in the back yard and destroy it."

Twenty minutes later DeNardo was confronted by the ABC agents. Agent R received permission to go behind the bar and he took out the paper bag and placed it on the bar. DeNardo panicked, picked up the paper bag and ran out of the licensed premises to the boardwalk. Upon returning to the premises he expressed sorrow for his action and said he didn't want the magazine identified with him because of his good reputation. He had nothing to do with it. He had seen the patron who showed him the magazine only once prior to this occasion; he was not acquainted with this patron. He evicted him after confiscating the magazine. The picture he saw was that of a woman nude from the waist up. He saw a price of \$1.25 on the magazine; however, he did not recall the name of the magazine. He did not show the magazine to anyone else but the band leader. He did not have the magazine on the premises prior to December 14. He did not have any magazine with pictures of nude women on the premises. Some time prior to December 14 he received mail (unsolicited) containing indecent pictures; he destroyed it immediately.

On cross examination DeNardo testified that, when confronted by the agents, he did not mention to them that

he had confiscated the magazine from a patron. He did not "even think of it." He did not tell the agents that they were family pictures but informed them that they were "personal property." He had no explanation as to why he did not tear up the magazine and throw it in the trash can except that he was too busy.

John Coltrane testified that he patronized the licensed premises on the night in question and, after shooting pool, he sat at the bar. There was a "little commotion;" he paid no attention to it. He did not observe DeNardo or anyone else showing a book to any of the patrons or to him. He was not approached by the agents for identification.

On cross examination this witness testified that he was positioned all night at the back end of the bar, near the pool table, and he did not know what happened at the front end of the bar between 10 p.m. and 11:30 p.m.

It was stipulated that the testimony of David Cavanaugh (also a patron) would be the same as that offered by the previous witness.

Additionally, the licensee produced as witnesses D. Philip Gerind (a Commissioner of the Borough of Bradley Beach who is self-employed in the television sales and service business) and Leonard W. Riley (a retired Deputy Police Chief and presently a Commissioner of the Borough of Bradley Beach). DeNardo was described by them as a person who enjoyed a good reputation for honesty and veracity, an active church and service club member, a good family man and a person who is active in various community and civic affairs.

A letter from Eugene B. Lowenstein, Mayor of Bradley Beach (the municipality wherein DeNardo resides) and a letter from Irving E. Keith, a former member of the New Jersey Legislature, attesting to DeNardo's good reputation, were received in evidence. Additionally, a letter dated March 12, 1969, from the Chief of Police of Asbury Park, indicating that the local police were involved in only one investigation from June 1, 1966 to May 31, 1968, was received in evidence.

At the conclusion of the Division's case the attorney for the licensee made a motion for dismissal of the charge on the ground that the Division failed to prove that any obscene or indecent material was exhibited by the licensee. At that time I took the motion under advisement and recommended that the licensee proceed with its defense. I now recommend that the motion be denied.

Rule 17 of State Regulation No. 20 reads as follows:

"No licensee shall allow, permit or suffer in or upon the licensed premises or have in his possession or distribute or cause to be distributed any obscene, indecent, filthy, lewd, lascivious or disgusting recording, printing, writing, picture or other matter."

In order to sustain the charge it is not necessary to find that the licensee exhibited the pictures or other matter. It need only be determined that the material was obscene and that the licensee possessed such obscene matter in the licensed premises or that the licensee allowed, permitted or suffered the same in or upon the licensed premises. Vide, Re Craner & Pilon, Bulletin 1825, Item 6; Re Rubbinaccio, Bulletin 1774, Item 2.

Prior to making a factual finding 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 require proof by a preponderance of the believable evidence only. Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373 (1956); Freud v. Davis, 64 N.J. Super. 242 (App.Div. 1960); Howard Tavern, Inc. v. Division of Alcoholic Beverage Control (App.Div. 1962), not officially reported, reprinted in Bulletin 1491, Item 1.

In appraising the factual picture presented herein, the credibility of witnesses must be weighed. 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 the common experience and observation of mankind can approve as probable in the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App.Div. 1961).

The general rule in these cases is that 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.

I am firmly persuaded that the testimony of the agents wherein they asserted that they observed DeNardo remove a paper bag from a drawer in the liquor island, that DeNardo removed a book from the bag and exhibited the book to a group of patrons at the bar by flipping the pages thereof and, further, that DeNardo put the book back in the paper bag after the viewing and returned the bag containing the book to the drawer was not a fabrication but was factual and credible.

Additionally, the testimony of the agents, that they observed a picture of a nude female in a pose as described in their testimony, was equally credible. I am of the opinion, and I so find, that the poses contained in the book were indecent and in violation of the rule as charged. My opinion that the book contained indecent matter is buttressed by the uncontroverted fact that DeNardo suddenly "took off" with the book and did not return to the licensed premises until he had disposed of it.

It is my impression that DeNardo's assertion that he confiscated a magazine from a patron earlier that night, intending to dispose of it later, was an after-thought, with the transparent desire to exculpate himself.

Unquestionably DeNardo took an active part in various community functions and possessed a good reputation.

I am of the impression that fear of adverse publicity, attendant upon a finding of guilt, guided his actions. As a matter of fact, DeNardo admitted on direct examination that, because of his reputation, he was fearful of being identified with the magazine which he asserted he had confiscated from a patron.

It is a basic principle that in disciplinary proceedings a licensee is fully accountable for all violations committed or permitted by his servants, agents or employees. Rule 33 of State Regulation No. 20. Cf. In Re Schneider, 12 N.J. Super. 449 (App.Div. 1951).

After carefully considering and evaluating all of the evidence adduced herein and the legal principles applicable thereto, I conclude that the Division has proved its case by clear and convincing testimony and by a fair preponderance of the credible evidence. I therefore recommend that the licensee be found guilty of the first charge. As heretofore indicated, licensee has pleaded guilty to the second charge and non vult to the third charge.

Licensee has no prior adjudicated record of suspension of license. It is further recommended that the license be suspended on the first charge for forty-five days (Re Craner & Pilon, Bulletin 1825, Item 6, on the second charge for fifteen days (Re Bonanno, Bulletin 1716, Item 1), and on the third charge for ten days (Re LaBruno, Bulletin 1759, Item 2), or a total of seventy days, without remission for the confessional plea to the second and third charges in view of the contest to the first charge. Re Collbern, Inc., Bulletin 1735, Item 4.

Conclusions and Order

Written exceptions to the Hearer's report and argument thereto were filed by the licensee, pursuant to Rule 6 of State Regulation No. 16.

I find that the matters contained in the exceptions have either been considered in detail by the Hearer in his report or are without merit.

Consequently, having considered the entire record herein, including the transcript of the testimony, the exhibits, the Hearer's report and the exceptions and argument filed with reference thereto, I concur in the findings and recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 8th day of July, 1969,

ORDERED that Plenary Retail Consumption License C-10, issued by the City Council of the City of Asbury Park to Delabu, Inc., t/a Steve Brody's Bar, for premises 1101-03-05-07-09 Ocean Avenue, Asbury Park, be and the same is hereby suspended for seventy (70) days, commencing at 3:00 a.m. Tuesday, July 15, 1969, and terminating at 3:00 a.m. Tuesday, September 23, 1969.

JOSEPH M. KEEGAN
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - FALSE STATEMENT IN LICENSE APPLICATION - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

CANCELLATION PROCEEDINGS - ORDER TO SHOW CAUSE DISCHARGED UPON CORRECTION OF UNLAWFUL SITUATION.

In the Matter of Disciplinary and Cancellation Proceedings against)

JAMES ROMANO & JOHN P. BRESCIA)
t/a Colgate Tavern)
100-102 Colgate St. and)
381 Third Street)
Jersey City, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-260 issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City)

Licensees, by James Romano, Pro se
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that in their current application for license, they falsely denied that James Romano had been convicted of crime, whereas he had been convicted on March 25, 1949 of the crime of bookmaking, such false statement being in violation of R. S. 33:1-25.

In addition, the licensees do not contest an order to show cause why their license should not be cancelled because its issuance was improvident, in violation of R.S. 33:1-25, since Romano's conviction involved moral turpitude.

During the pendency of these proceedings, I entered an order on June 24, 1969, removing the statutory disqualification of James Romano, in accordance with the provisions of R.S. 33:1-31.2.

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; and in view of the correction of the unlawful licensing situation, the order to show cause why the license should not be cancelled is discharged. Re National East Brunswick Motor Inn, Inc., Bulletin 1849, Item 3.

Accordingly, it is, on this 26th day of June, 1969,

ORDERED that Plenary Retail Consumption License C-260, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to James Romano and John P. Brescia, t/a Colgate Tavern, for premises 100-102 Colgate Street and 381 Third Street, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Wednesday, July 2, 1969, and terminating at 2:00 a.m. Thursday, July 17, 1969.

JOSEPH M. KEEGAN
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS AND WAGERING) - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 65 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

STELIOS SAFFOS
t/a S. S. Cafe
1250 Kaighn Avenue
Camden, N.J.,

)
)
) CONCLUSIONS
) AND ORDER
)

Holder of Plenary Retail Consumption License C-154, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.

-----)
Piarulli and Vittori, Esqs., by Frank E. Vittori, Esq.,
Attorneys for Licensee.
Louis F. Treole, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on divers dates between March 1 and April 22, 1969 he permitted acceptance of numbers bets, wagering on pool game and playing of dice game on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for fifteen days effective August 13, 1962 for possession of alcoholic beverages not truly labeled, and for twenty-five days effective April 26, 1965 for sale of alcoholic beverages to minors. Re Saffos, Bulletin 1616, Item 5.

The prior record of suspension for dissimilar violation in 1962 occurring more than five years ago disregarded, but the record of suspension for dissimilar violation in 1965 within the past five years considered, the license will be suspended for sixty-five days, with remission of five days for the plea entered, leaving a net suspension of sixty days. Re Yale Tavern, Inc., Bulletin 1778, Item 3.

Accordingly, it is, on this 30th day of June 1969,

ORDERED that Plenary Retail Consumption License C-154, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Stelios Saffos, t/a S. S. Cafe, for premises 1250 Kaighn Avenue, Camden, be and the same is hereby suspended for sixty (60) days, commencing at 7 a.m. Monday, July 7, 1969, and terminating at 7 a.m. Friday, September 5, 1969.

JOSEPH M. KEEGAN
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - GAMBLING (HORSE RACE AND NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)	
)	
CHARLES M. RILEY, HELGA RILEY AND MARIE RILEY)	CONCLUSIONS AND ORDER
301 North Third Street)	
Harrison, N. J.)	

Holders of Plenary Retail Consumption License C-6 issued by the Mayor and Council of the Town of Harrison)

Joseph F. McCarthy, Esq., Attorney for Licensees
Louis F. Treole, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensees plead non vult to charges (1) and (2) alleging that on divers dates between January 9 and February 19, 1969, they permitted acceptance of horse race and numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Joseph & Martha Fiasco, Sr., Inc., Bulletin 1863, Item 14.

Accordingly, it is, on this 1st day of July, 1969,

ORDERED that Plenary Retail Consumption License C-6, issued by the Mayor and Council of the Town of Harrison to Charles M. Riley, Helga Riley and Marie Riley for premises 301 North Third Street, Harrison, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. Tuesday, July 8, 1969, and terminating at 2:00 a.m. Monday, September 1, 1969.

JOSEPH M. KEEGAN
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - GAMBLING (HORSE RACE AND NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

MAX WATERSTRADT, INC.)
t/a Max's Cafe)
34 No. Burlington Street)
Gloucester City, New Jersey)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-8 for the 1968-69 license)
year and C-15 for the 1969-70 license)
year issued by the Common Council of)
the City of Gloucester City)

Licensee, by Florence Waterstradt, President, Pro se
Louis F. Treole, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on divers dates between February 13 and April 25, 1969, it permitted acceptance of horse race and numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Joseph & Martha Fiasco, Sr., Inc., Bulletin 1863, Item 14.

Accordingly, it is, on this 1st day of July, 1969,

ORDERED that Plenary Retail Consumption License C-15, issued by the Common Council of the City of Gloucester City to Max Waterstradt, Inc., t/a Max's Cafe, for premises 34 No. Burlington Street, Gloucester City, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. Tuesday, July 8, 1969, and terminating at 2:00 a.m. Monday, September 1, 1969.

JOSEPH M. KEEGAN
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

THOMAS MALONE)
t/a Eddie Malone's Lounge)
1131 Magie Avenue)
Union, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-34, issued by the Township Committee of the Township of Union (Union County).)

-----)

Richard R. O'Connor, Esq., Attorney for Licensee
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 29, 1969 he sold drinks of beer to three minors, one age 19 and two age 20, in violation of Rule 1 of State Regulation No. 20.

Licensee has a previous record of suspension of license for premises 65-67 Orchard Street, Elizabeth, by the Commissioner for ten days effective June 29, 1942, for front violation, and by the Director for twenty days effective February 18, 1969, for possession of alcoholic beverages not truly labeled. Re Malone, Bulletin 1848, Item 6. In addition, his license for the above premises was suspended by the municipal issuing authority for three days effective March 22, 1969, for sale during prohibited hours.

The prior record of suspension for dissimilar violation in 1942 occurring more than five years ago disregarded, the license will be suspended for twenty days (Re Gallia, Bulletin 1811, Item 8), to which will be added ten days by reason of the two suspensions for dissimilar violations within the past five years (Re Sovat Corporation, Bulletin 1697, Item 7), or a total of thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 7th day of July 1969,

ORDERED that Plenary Retail Consumption License C-34, issued by the Township Committee of the Township of Union (Union County) to Thomas Malone, t/a Eddie Malone's Lounge, for premises 1131 Magie Avenue, Union, be and the same is hereby suspended for twenty-five (25) days, commencing at 2 a.m. Monday, July 14, 1969, and terminating at 2 a.m. Friday, August 8, 1969.

JOSEPH M. KEEGAN
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
)
 C & B TAVERN, INC.) CONCLUSIONS
 257 Sherman Avenue) AND ORDER
 Newark, New Jersey)
)
 Holder of Plenary Retail Consumption License C-579 issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark)

 Anthony J. Iuliani, Esq., Attorney for Licensee
 Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 25, 1969, 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.

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 Lipski, Bulletin 1855, Item 8.

Accordingly, it is, on this 7th day of July, 1969,

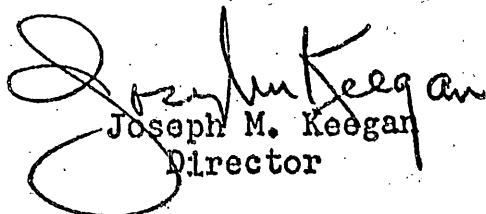
ORDERED that Plenary Retail Consumption License C-579, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to C & B Tavern, Inc. for premises 257 Sherman Avenue, Newark, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, July 14, 1969 and terminating at 2:00 a.m. Thursday, July 24, 1969.

JOSEPH M. KEEGAN
DIRECTOR

11. STATE LICENSES - NEW APPLICATIONS FILED.

Party Tyme Products, Inc., Glass Street, Bridgeton, N. J.
Application filed August 22, 1969 for place-to-place transfer of Rectifier and Blender License R-3 to maintain warehouse at South East & Pamphylia Avenues, Bridgeton, N. J.

Wellington Importers, Ltd., t/a Diplomat Importing Company, Windsor Importers, Ltd. and Signet Importers, Ltd.
340 Kennedy Drive, Hauppauge, New York
Application filed August 25, 1969 for plenary wholesale license.



Joseph M. Keegan
Director