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

BULLETIN 2191 July 29, 1975

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ITEM

STATE OF NEW JERSEY
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1. DISCIPLINARY PROCEEDINGS - IMPROVIDENT TRANSFER BY BOARD - LICENSEE PERMITTED TO REMAIN IN NEW LOCATION - BOARD WARNED.

In the Matter of Disciplinary Proceedings against 808 South Orange Avenue Corp. 808 South Orange Avenue Newark, N.J., Holder of Plenary Retail Consumption License C-374, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.	)	CONCLUSIONS and ORDER

Skoloff & Wolfe, Esqs., by Saul A. Wolfe, 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

The licensee pleaded not guilty to a charge preferred against it on August 29, 1974 and as amended on December 9, 1974, as follows:

"TAKE NOTICE that, pursuant to N.J.S.A. 33:1-31, and in accordance with Division Regulation No. 16, you are hereby directed to show cause why Plenary Retail Consumption License C-374, heretofore issued to you by the Municipal Board of Alcoholic Beverage Control of the City of Newark, should not be suspended, revoked, cancelled and declared null and void, and the transfer thereof to premises 808 South Orange Avenue, Newark, set aside, for the following reason:

Said license on June 20, 1974 improvidently transferred by said Municipal Board to you from Sanford Silverman, Assignee for Treat Restaurant & Bar, and from premises 870-874 Broad Street, Newark to premises 808 South Orange Avenue, Newark, in violation of 4:2-17 of the Revised Ordinance of the City

of Newark, in that said latter premises was located within a distance of 1,000 feet from other premises then covered by other plenary retail consumption licenses and plenary retail distribution licenses."

The essential facts are not the subject of any substantial dispute. The licensee contracted to purchase from one Sanford Silverman, Assignee for Treat Restaurant & Bar, plenary retail consumption license C-374, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark (Board), which purchase was contingent upon the approval of the said Board of the person-to-person and place-to-place transfer of the said license from Mr. Silverman as Assignee, to the corporate licensee, and from premises 870-874 Broad Street, to premises 808 South Orange Avenue, Newark.

A hearing was held by the Board with respect to the application. Two objectors appeared, one of whom was Councilman Bottone, representative of the West Ward of Newark wherein the proposed transfer site is located. Bottone charged that the proposed transfer was in violation of the local City ordinance because the transfer site was within 1,000 feet of seven other liquor licenses. This corporate licensee was then represented by an attorney. The Board approved the said transfer and the licensee, soon thereafter, took possession of the premises at 808 South Orange Avenue.

No appeal was taken to this Division from the action of the Board. According to the testimony of Mrs. Felice Egeth, the secretary and treasurer of the corporate licensee, and the holder of fifty of the one hundred shares of outstanding stock thereof, the licensee expended about $10,000. in renovating these premises. Each partner invested $750. which was used to purchase the corporate shares, held by others, and $15,000. was loaned to the licensee by the Modern Music Corporation, a vending machine operator. Part of the borrowed money was used for "fixing, refrigeration, material, things that we need to open up. Electrical work had to be done. It was all for that and then to buy out the stockholders that withdrew. The money was to be used for that."

The resolution approving the said transfer was adopted on June 20, 1974, effective June 24, 1974. According to the testimony of Lester Kerry, the other principal stockholder, most of the renovations were made during the latter part of July and August. The premises have been operated since that time on a substantial, full-time basis.

I

At the outset of this hearing, an attorney in the Law Department of the City of Newark sought to intervene in these proceedings because the Board wanted to "defend those charges." He also argued that, since two Board members were under subpoena, he had the right to represent the City. The motion was denied because the only parties to these disciplinary proceedings are the Division of Alcoholic Beverage Control and the licensee; neither the City of Newark nor its Municipal Board of Alcoholic Beverage Control has any standing to intervene therein.

II

Licensee argues that the Division had no jurisdiction to initiate this type of proceeding. It maintains that, since there was no wrongdoing charged on the part of the licensee, it would be improper to apply the provisions of N.J.S.A. 33:1-31 to this type of proceeding.

I find this contention to be without merit. It is not necessary for the Division to show that there was wrongdoing on the part of the licensee. It is sufficient to establish, by a self-initiated proceeding in this Division that the said license was improvidently issued by the Board, regardless of whether there was wrongdoing on the part of the licensee.

This very issue was resolved in Liptak v. Division of of Alcoholic Beverage Control, 44 N.J. Super. 140; cert. den. 24 N.J. 222 (1957), which involved a cancellation of the plenary retail consumption license by the Director in a self-initiated proceeding. The court held that the proceeding was one within the scope of the Director's legitimate scope of operations. In that case, the appellant contended that the Director had no original jurisdiction to institute or entertain a proceeding to cancel the license; that action by the Director is limited to the prosecution of an action for cancellation in the appropriate court.

Said the court (at p. 143):

> "Of course, if the attack came to him by way of the appeal process established by N.J.S.A. 33:1-22, there could be no question about his authority. Can it be said that if a taxpayer or other aggrieved person does not initiate an appeal under the statute, he is powerless to deal with the license as an original administrative problem? We think not. Ample legislatively delegated authority to act on his own may be found."

The court concluded that:

> "...the fact that no separate appeal had been taken was not regarded as an obstacle to the original agency action. And absence of any specific rule or regulation creating such procedure does not show want of authority to act. Cf. Greenspan v. Division of Alcoholic Beverage Control, 12 N.J. 456,461."

III

The Division has established that the subject transfer was not in conformity with the terms of the applicable ordinance. Section 4:2-17 of the said ordinance, in its pertinent part reads as follows:

"(a) No plenary retail consumption license, except renewals for the same premises and transfer of licenses from person to person within the same premises, shall be granted or transfer made to other premises within a distance of one thousand feet from any other premises then covered by any other plenary retail consumption license or any plenary retail distribution license; provided, however, that the local license issuing authority may, in its discretion, grant a transfer of an existing license to the same premises only, to other premises within 600 feet of the premises from which the transfer is made, notwithstanding that the premises to which the license is so transferred is within 1000 feet of premises for which there is an existing plenary retail consumption license or plenary retail distribution license; provided, however, that such transfer shall be made in good faith and shall inure solely for the benefit of the same licensee.

The foregoing provisions of paragraph '(a)' shall not apply to the grant or transfer of a plenary retail consumption license for premises operated as a bona fide hotel or motel containing at least 100 guest sleeping rooms, notwithstanding that such premises operated as a bona fide hotel or motel are within 1000 feet from any other premises then covered by any other plenary retail consumption license or any plenary retail distribution license. Nothing contained in this paragraph shall prevent the granting or transferring of a plenary retail license within a distance of 1000 feet from a bona fide licensed hotel or motel."

In considering this ordinance the then-Director, in Park West, Inc. v. Newark, Bulletin 2093, Item 1 (1973), determined that its language "is plain, simple, clear and unambiguous and allows for no discretion except for the exceptions as set forth therein," none of which the licensee frankly concedes applies with respect to the said transfer. Cf. Essex Co. Retail, etc. v. Newark, etc., Bev. Control, 77 N.J. Super. 70, 74 (App. Div. 1962); Petrangeli v. Barrett, 33 N.J. Super. 378 (App. Div. 1954). Since it is acknowledged that there are seven liquor licenses within the proscribed distance limitation as delineated in the ordinance, the Board lacked authority to approve the said transfer application.

IV

The licensee argues, however, that the Board properly acted in the exercise of its discretion in approving the said transfer application because (a) the premises at the transfer site had, at some time in the past, been operated as a liquor licensed facility, and that this, therefore, created a special

hardship situation; (b) the Board had on prior occasions, granted similar applications for transfers of liquor licenses within 1000 feet of other licenses where the premises had previously been operated under a liquor license; (c) this Division had on a prior occasion determined that a distance-between-premises ordinance was unreasonable and was not applicable with respect to the transfer sought; and (d) in any event, the licensee is an innocent victim and committed no culpable act in violation of the ordinance.

Preliminary to the consideration of these contentions of the licensee, it is well to set forth the general principles with respect to jurisdiction of a local issuing authority vis-a-vis its ordinances. The court in Petrangeli v. Barrett, supra (33 N.J. Super. 384) set forth the imperative applicable thereto:

> "It has long been established that a local governing body has no jurisdiction to grant or transfer a license in violation of the terms of a local ordinance. Bachman v. Inhabitants of Town of Phillipsburg, 69 N.J.L. 552 (Sup. Ct. 1902). The rule is aptly stated in Tube Bar, Inc., v. Commuters Bar, Inc., (18 N.J. Super. at p.354):
>
> > 'When a commission, board, body or person is authorized by ordinance, passed under a delegation of legislative authority, to grant or deny a license or permit, the grant or denial thereof must be in conformity with the terms of the ordinance authorizing such grant or denial. 9 McQuillin, Municipal Corporations (3d ed. 1950), § 26.73; Bohan v. Weehawken Tp., 65 N.J.L. 490, 493 (Sup. Ct. 1900). Nor can such commission, board, body or person set aside, disregard or suspend the terms of the ordinance, except in some manner prescribed by law. Public Service Ry. Co. v. Hackensack Imp. Comm., 6 N.J. Misc. 15 (Sup. Ct. 1927); 62 C.J.S. Municipal Corporations § 439.'

As in the case of statutes, the guide in construing an ordinance is to learn and give effect to the legislative intention. Wright v. Vogt, 7 N.J. 1, 5 (1951). Ordinances are to receive reasonable construction, and primarily the intention expressed in an ordinance is to be gleaned from the language employed. Where the language is unambiguous and clearly expresses the intent of the legislative body, there is no room for judicial construction. The rule is well settled and axiomatic. Preziosi v. Buonaccorsi, 16 N.J. Super. 15, 21 (App. Div. 1951).

> The clear and unequivocal language of the present ordinance permits of only one meaning -- that no plenary retail consumption license can be transferred to premises within 1,000 feet of any other premises licensed as specified. The ordinance expressly prohibited the transfers attempted to be effected here. Where there is no ambiguity, we cannot impress the rule of construction."

With respect to (a): the licensee argues that the Board had the right to consider this application for transfer as a special hardship case because the premises to which the license was transferred had previously been operated as a tavern. Board Chairman Peterson testified that he did not know how long ago that facility had been so operated, but he believed it was about a year ago.

I find no evidence in the record which would indicate that there was any such hardship. Nor was there any evidence presented to the effect that the present transfer site was the only available location for this license in the City of Newark, or that there would be difficulty on the part of the licensee in finding a suitable location which would not be incompatible with the provisions of the ordinance.

Moreover, it is quite apparent that any such alleged hardship would have been suffered by the transferor rather than this transferee. Consequently, this licensee cannot claim such hardship.

I find that this transfer did not come within any of the exceptions set forth in the subject ordinance and the Board did not have the discretion based upon the reason ascribed by it for such action. I, further, find that there is nothing in the ordinance which permits as an exception the transfer of a license to premises which, at some time in the past, was operated under a liquor license. Such an interpretation would create an unexpressed grandfather clause in the ordinance and render the ordinance totally unworkable.

Thousands of local cases in the City of Newark would thus acquire special rights, whereby licenses could be transferred through these local cases in disregard of the distance-between-premises ordinance. No time limitation would be applied to the acquisition of such grandfather clause statute. Obviously, such interpretation of the ordinance is unreasonable and invalid.

In Karam et al v. West Orange et al, 102 N.J. Super. 291 (App. Div. 1968), reprinted in Bulletin 1827, Item 1, the court, in disapproving a denial which "was a fundamentally improper evasion of the letter and spirit of (its 500 feet distance-between-premises) ordinance", made this pertinent observation:

"On countless occasions our courts have emphasized the sensitive nature of liquor control legislation. Local ordinances attuned to the public policy involved in this area should be fairly enforced, not regarded as nuisance hurdles to be sidestepped or evaded in the interest of a municipal policy, not reflected in any ordinance, of a contrary import. The obvious purpose of the 500 foot ordinance is the salutary one to prevent an undue concentration of licensed premises in any area. It should be administered in the spirit of its policy, not grudgingly."

Significantly, it should be noted that, at the hearing before the Board at which this application for transfer was considered, an objection was raised to the grant of such application for the stated reason that such transfer would be violative of the said ordinance. The Board did not, at that time, seek an opinion from its own Law Department or from this Division. The reason for that is quite obvious. The Board Chairman testified that he felt that the Board had the discretionary right to make an exception under the factual complex here; and he apparently still persists in that belief, although he could not cite any regulation or legal precedent in support thereof.

Mr. John Pidgeon, Assistant Corporation Counsel of the City of Newark, who was then assigned to Alcoholic Beverage Control matters rendered an opinion at the request of City Councilman Bottone, to the effect that the action of the Board was contrary to the provisions of the ordinance. The Board, however, apparently disregarded that opinion; in any event, it took no steps to rescind its action.

As to (b): licensee, through the testimony of Board Chairman Peterson, argues that the Board had, on prior occasions authorized the transfer of other licenses within the 1000 foot limit where the transfer site had previously been operated as a liquor licensed facility. No affirmative proof was presented in support of this contention. In any event, it would be totally irrelevant in the instant matter, since the Board had no jurisdiction to transfer the subject license in violation and disregard of the said ordinance. Petrangeli v. Barrett, supra at p. 384; Tube Bar, Inc. v. Commuters Bar, Inc., supra.

The same contention was advanced in Biscamp v. Teaneck, 5 N.J. Super. 172, 175 (App. Div. 1949). The appellants argued that they"cannot legally be denied a right which has been granted by the municipal authorities to others under substantially similar circumstances." The court replied:

"Assuming, but not conceding, that other licenses were granted under somewhat similar circumstances, it does not follow that the governing body should further perpetuate earlier unwise action."

In the case of Potts v. Board of Adjustment of Borough of Princeton, 133 N.J.L. 230 (Sup. Ct. 1945), Mr. Justice Heher, speaking for the Supreme Court, stated:

> "...Ill-advised or illegal variances do not furnish grounds for a repetition of a wrong. If that were not so, one variation would sustain if it did not compel others, and thus the general regulation eventually would be nullified."

This contention is devoid of merit.

As to (c): the licensee then notes that a prior Director of the Division, in the matter of Shenise v. Jefferson Township, Bulletin 1155, Item 2, had found the ordinance to be unreasonable and inapplicable with respect to the transfer sought in that matter. In Shenise, the ordinance prohibited place-to-place transfers of liquor licenses within one mile of other licensed premises. In holding that such distance-between-premises requirement was discriminatory and unreasonable, he pointed out that most minimal distance provisions, while varying, are defined in feet - such as those in Jersey City and Newark ordinances. Thus, the one-mile minimal distance "might effect a virtual freeze as to presently licensed premises."

Said the Director:

> "The recognized proper purpose of distance-between-premises ordinances is not to protect licensees against too-close competition but, in the public good, to prevent too great a concentration of licensed places in one neighborhood. Re The Great Atlantic & Pacific Tea Company, Bulletin 1092, Item 1."

In Shenise, it was clear that the size of that municipality was such that the distance-between-licensed premises requirement of the ordinance would have, in effect, destroyed the transferability of the licenses.

There is nothing in the record here to show any such unreasonableness with respect to the subject ordinance. Nor has it been suggested that the thousand feet distance-between-premises provision in the Newark ordinance is unreasonable. Accordingly, the Shenise case, decided in 1957, is clearly inapplicable.

Finally, it is a well established principle that the validity of an ordinance is not justiciable in administrative proceedings, but can only be challenged by a judicial ruling through an action in a civil court of competent jurisdiction.

Klein & Tucker v. Fairlawn, Bulletin 1175, Item 3; Seip v. Frenchtown, 79 N.J. Super. 521 (App. Div. 1963); Park West, Inc. v. Newark, supra.

As to (d): The licensee argues that in any event, it is an innocent victim in these circumstances and committed no wrongdoing, and therefore, the transfer should not be declared null and void. The fact is, and I so find, that this was an improvident transfer, and the jurisdiction of this Division differs with respect to the licensee than with respect to the Municipal Board. The Division may point out to local issuing authorities where they have erred and advise them to conform to the correct interpretation of ordinances in the future. However, the Division mostly deals with licensing actions, and its action is limited to the specific case that comes before it.

Nevertheless, the record shows that the licensee was represented by an attorney at the hearing before the Board, at which the specific objection was made that the proposed transfer would be violative of the local ordinance. The licensee's witness, in fact, testified at the hearing in this Division that he was somewhat troubled by this objection because he didn't want to become involved in the situation where a transfer might be declared null and void. It was the licensee's responsibility, through his attorney, to examine the legal precedents, to consult with the City's legal staff, and even in an abundance of caution, check with this Division before the said application was acted upon. Obviously, this was not done. I, therefore, find little substance in the assertion that the licensee is an innocent victim.

In sum, I find that the Division has established by a fair preponderance of the credible evidence that the said transfer of the license by the Board was not made in conformity, and is, indeed, in violation of the aforesaid ordinance.

V

In view of my recommended finding that the said transfer is null and void, remedy should be considered in the context of the guiding principle that fairness is the hallmark of the administrative process.

Thus, it must be emphasized that the said remedy is not intended to punish the licensee for the erroneous action of the Board, but, rather, to correct an unlawful situation. And, as clearly indicated in Liptak v. Division of Alcoholic Beverage Control, supra, there is no time limit to a self-initiated action by the Director by which he must act after the expiration of the thirty-day appeal period.

With respect to the financial circumstances herein, it appears that, although the sum of $3,500. representing the cost of the license could probably be recouped upon a re-transfer

of the license, there is some evidence that there may be a financial loss with respect to the improvement expenditures by the licensee. Licensee presented testimony that these improvements were made during the months of July and August prior to the institution of this charge by the Division.

It would have been an appropriate, and responsible act on the part of the licensee to obtain a clarification of the law under all of the circumstances herein, before it expended thousands of dollars for improving the licensed premises, especially because there was only a two-month period from the date of the grant of the transfer to the date that the Division instituted this proceeding.

I am also mindful of the fact that the licensee has been operating at these premises presumably on a profitable basis during the pendency of this action.

On the other hand, the mere fact that the licensee will now suffer some economic hardship constitutes no valid reason for permitting such transfer in violation of the local ordinance. Cf. Smith v. Bosco, 66 N.J. Super. 165; Nordco, Inc. v. State, 43 N.J. Super. 277 (App. Div. 1957). The true determinant is whether or not it is in the public interest. See Lubliner v. Paterson, 33 N.J. 428 (1960).

The fact is that seven other licenses will be adversely affected by the said transfer, and can legitimately claim that the distance-between-premises ordinance has served as no protection to them. Moreover, the very ordinance itself becomes meaningless, and, indeed, sterile if such transfers are permitted in disregard of its clear and unambiguous provisions. Karam et al v. West Orange et al, supra.

It is, therefore, recommended that an order be entered to the following effect:

(1) A determination that the said transfer is null and void;

(2) The licensee shall be given an opportunity to perfect an application to the Board for a place-to-place transfer to other premises in the City of Newark within three months from the effective date of the Director's order, and which would be consistent with the provisions of the subject ordinance; and

(3) In the event that such transfer is not effected within three months from the date of the Director's said order or any extension thereof which may be granted by the Director of this Division, the said license shall be cancelled.

Conclusions and Order

Pursuant to Rule 6 of State Regulation No. 16, written exceptions to the Hearer's report and argument in support thereof, were filed by the licensee. Answering argument to the said exceptions were filed on behalf of the Division.

The Hearer's report recommends a finding that the license was improvidently issued because its transfer to a new location is not in conformity with the local ordinance. The recommendation further urges that the licensee be required to perfect an application for a place-to-place transfer of its license to another location within three months.

Licensee advances argument accompanying its exceptions that the Hearer has erred in his conclusion that the grant of the subject transfer violates the distance limitation of the existing ordinance. However, I cannot accept any of the interpretations of the ordinances projected by the licensee to bring this transfer within the permissible scope of the ordinance. Rather, for the reasons stated in the Hearer's report, I accept the construction of the ordinance recommended by the Hearer.

The other arguments of the licensee deal with the reliance of the licensee upon the apparently final action of the Board. The licensee argues that it expended many thousands of dollars upon the improvement of the licensed premises in reliance upon such Board action prior to the institution of these proceedings. This, it is claimed, is a hardship to be ameliorated by the Director.

Here the Municipal Board acted improperly. By its erroneous transfer of the subject license, it failed to apply the controlling ordinance and caused the situation which gave rise to the instant proceeding. This action of the Board placed the licensee in a precarious position. It has expended a large sum of money in refurbishing the premises, as well as the time and energy required to establish its licensed business in the new location. All of this could have been avoided by the proper action of the Board.

In that connection and upon being urged to consider the financial plight of the licensee who relied upon the action of the

Board, the Hearer states "it was the licensee's responsibility, through his attorney, to examine legal precedents, to consult with the City's legal staff, and even in an abundance of caution, check with this Division before the said application was acted upon." This admonition applies with even greater force to the Board upon whose shoulders such duty properly lies.

Under the mistaken belief that the transfer was properly granted, the licensee relied upon the determination of the Board, and, thereafter, as no timely appeal was taken from its action, proceeded ahead on the natural assumption of legitimacy. I find that such action was taken in good faith on the part of the licensee.

In view of these circumstances, I consider it inappropriate to penalize the innocent licensee by requiring it to relocate its license with the consequent loss of a substantial part of its expenditures. If the premises improved by the licensee are ineligible under the applicable ordinance to house any license, these improvements will be of little value to the licensee, and it will be unable to recoup them. In order to avoid this hardship, I have decided that the proper course of action is to dismiss the charge.

Nevertheless, I am putting all parties on notice that now that this ordinance has been construed by this Division in this proceeding, any future transfers of license in violation of it will be strictly enforced by this agency. No future claims of good faith reliance upon the erroneous action of the Board will be accepted in view of the within public notice to all concerned. And this admonition applies to future prospective license transferees, as well as the Board and existing Newark licensees, since all will be charged with notice of this decision.

Accordingly, it is, on this 27th day of May 1975,

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

Leonard D. Ronco
Director

2. DISCIPLINARY PROCEEDINGS - FAILURE TO KEEP TRUE BOOKS OF ACCOUNT - HINDERED INVESTIGATION - EX PARTE HEARING - LICENSE SUSPENDED FOR BALANCE OF TERM - NOT LESS THAN 50 DAYS.

In the Matter of Disciplinary Proceedings against)

Har-Sim Bar, Inc. t/a Har-Sim Bar 277 Broad Street Newark, N.J.,)

Holder of Plenary Retail Consumption License C-46, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

CONCLUSIONS AND ORDER

Paul E. Parker, Esq., Attorney for Licensee
David S. Piltzer, Esq., Appearing for Division

BY THE DIRECTOR:

The licensee pleaded "not guilty" to two charges alleging that: (1) on or about January 1, 1973 to September 25, 1974, it failed to keep true books of account of its licensed business in violation of Rule 36 of State Regulation No. 20; and (2) from February 15, 1974 to September 25, 1974, it hindered and delayed an investigation of the licensed business, in violation of Rule 35 of State Regulation No. 20.

The attorney for the licensee was duly served with Notice of Hearing which included a statement that, upon a failure of appearance by or on behalf of the licensee, the matter would proceed ex parte.

At the fixed date and time of hearing, neither the licensee nor counsel appeared or offered an explanation therefor. The matter was accordingly, proceeded to hearing ex parte. The Division file and reports of its investigators were introduced into evidence. Such file and reports established the truth of the charges herein. Therefore, I find the licensee guilty of the said charges.

The subject license was suspended by the Director for forty-five days, effective March 14, 1975 following a finding that the licensee was guilty of permitting gambling upon the licensed premises, in violation of Rule 6 of State Regulation No. 20. Har-Sim Bar, Inc. v. Newark, Bulletin 2179, Items 2 and 3. In view of the fact that the above violation postdated the charges herein, the penalty therein imposed will not be considered in admeasuring the penalty to be imposed herein.

The license will be suspended for twenty days on the first charge and for thirty days on the second charge herein, making a total suspension of fifty days.

Accordingly, it is, on this 22nd day of May 1975,

ORDERED that Plenary Retail Consumption License C-46, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Har-Sim Bar, Inc., t/a Har-Sim Bar for premises 277 Broad Street, Newark, be and the same is hereby suspended for the balance of its term, viz., midnight, June 30, 1975, commencing at 2:00 a.m. on Wednesday, June 4, 1975; 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. Thursday, July 24, 1975.

Leonard D. Ronco
Director

3. STATE LICENSES - NEW APPLICATION FILED.

Barmar, Inc.
t/a Brewers Outlet
95 Washington Avenue
Dumont, New Jersey

Application filed July 28, 1975 for person-to-person and place-to place transfer of State Beverage Distributors License SBD-137 from Ernest Del Guercio, t/a D & F Beverage Company, 958 Chancellor Avenue, Irvington, New Jersey.

Leonard D. Ronco
Director