

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

BULLETIN 2150

June 19, 1974

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

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June 19, 1974

1. APPELLATE DECISIONS - BALDWIN v. ELIZABETH.

Nancy Lee Baldwin, t/a)	
Baldwin's Lounge,)	
)	
Appellant,)	On Appeal
v.)	
City Council of the City)	CONCLUSIONS and ORDER
of Elizabeth,)	
Respondent.)	

Emil H. Block, Esq., Attorney for Appellant
Frank P. Trocino, Esq., by Daniel J. O'Hara, Esq., Attorney
for Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This is an appeal from the action of the City Council of the City of Elizabeth (hereinafter Council) which suspended appellant's plenary retail consumption license for premises 214 Third Street, Elizabeth, for thirty-five days effective December 10, 1973, in consequence of a finding of guilt to a charge alleging that on June 24, 1973, she permitted a disturbance and brawl and violent assault upon a patron, in violation of Rule 5 of State Regulation No. 20 and Section 48-23 of the Code of the City of Elizabeth.

The effective date of said suspension was stayed by order of the Director on December 6, 1973, pending determination of this appeal.

Appellant contended in her petition of appeal that the act of violence which occurred was spontaneous and could not have been prevented by the licensee or her agent in charge of the premises. The Council in its answer defended that the evidence amply justified the finding.

A de novo hearing was held at this Division pursuant to Rule 6 of State Regulation No. 15, with full opportunity afforded the parties to introduce evidence and to cross-examine witnesses. By stipulation of counsel, a copy of the minutes of the Council meeting at which a hearing was held to consider the subject charge was made part of the record herein.

The minutes reveal that on the evening of June 24, 1973, police officers of the City of Elizabeth arrived at the

licensed premises in response to police radio summons and found a male lying on the sidewalk directly in front of the door. He was bleeding profusely from a wound on his neck; an ambulance was called, the male taken to the hospital where he died.

Interrogation of the bartender and patrons in the establishment at the time by the officers revealed the following uncontroverted details: The victim (later identified as William Daniel Bates) had been in the premises and there engaged in a discussion with another patron (later identified as Howard Pinkerton). This discussion led to an argument while both were standing near a pool table. The bartender Alexander Sampson succeeded in separating the participants and ordered Pinkerton to leave. A knife was observed to be in the possession of Pinkerton which impelled the bartender's demand that he remove himself.

Pinkerton began to leave and the bartender followed the departing patron although he was then on the other side of the bar. While enroute, the bartender stopped to serve another patron seated at the bar and, while the bartender's back was turned toward the register, Pinkerton stabbed Bates.

Pinkerton departed immediately, leaving Bates with a badly bleeding neck wound. Bates ran from one end of the interior of the premises to the other, cascading blood enroute, finally going outside the front door where he collapsed and was found by the police. The stabbing proved to be lethal.

At the hearing in this Division the bartender Sampson described the foregoing incident and asserted that he did not summon the police because it was his understanding that the silent alarm available to him may be used in the event of a "hold-up or robbery" only. He did attempt to stem the flow of blood from Bates by using a bar-towel.

At the hearing before the Council, members of the Elizabeth Police Department testified to their findings and to descriptions of the incident as related to them by patrons. Essentially, from all of those statements, the foregoing chronology of events emerged.

The critical issue in this matter is whether the act of violence which admittedly occurred could have been prevented by the licensee's employee. Did the licensee's agent take every prudent means to forestall the act of violence? After listening and observing the witnesses, as well as argument of counsel, the Council determined that the licensee's agent had not taken the necessary full measure of protection.

The Director's function on appeal is not to substitute

his personal judgment for that of the municipal issuing authority but merely to determine whether reasonable cause exists for its opinion and, if so, to affirm irrespective of his own personal view. Fanwood v. Rocco, 59 N.J. Super. 306 (App.Div. 1960).

As the court has stated:

"... Our penetrating review of all the evidence was engaged in by retreating to the fundamental issue in these cases: Did the decision of the local board represent a reasonable exercise of discretion on the basis of evidence presented? If it did that ends the matter of review both by the Director and by the courts...." Lyons Farms Tavern v. Mun.Bd. Alc. Bev., Newark, 55 N.J. 292, 307 (1970).

From all of the evidence presented before the Council and review of the supplementary testimony elicited in this Division, it is apparent, and I so find, that the Council properly determined that the act of violence resulted at least in part by the failure of the bartender to take necessary measures appropriate to the situation. Admittedly he directed the assailant to leave but, after ordering him to do so, diverted his attention to another patron for sufficient time to permit the wielding of the lethal blow. Additionally, his failure to summon the police because he was under the impression that the silent alarm was to be used solely for hold-up or robbery attempts is illogical and incredible. The victim was able to run from one entrance to the other, spurting his life-blood. Certainly such a situation called for immediate summoning of police and, while such later summons would not have avoided the stabbing, it would have revealed that degree of concern by the bartender to give credence to his story concerning the initiation of the quarrel.

I find that appellant has not met her burden imposed by Rule 6 of State Regulation No. 15 of establishing that the action of the Council was erroneous and should be reversed. Consequently I recommend that the action of the Council be affirmed and the appeal be dismissed.

Conclusions and Order

Written exceptions to the Hearer's report were filed by appellant, and written answer to the said exceptions were filed by the respondent, pursuant to Rule 14 of State Regulation No. 15.

I have carefully examined and analyzed the arguments set forth in the exceptions, and find that they have been either satisfactorily considered and resolved in the Hearer's report or are lacking in merit.

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

Accordingly, it is, on this 29th day of April 1974,

ORDERED that the action of the respondent in finding appellant guilty of the charge herein be and the same is hereby affirmed, and the appeal herein be and the same is hereby dismissed; and it is further

ORDERED that my order dated December 6, 1973, staying the respondent's action pending the determination of this appeal, be and the same is hereby vacated; and it is further

ORDERED that Plenary Retail Consumption License C-69, issued by the City Council of the City of Elizabeth to Nancy Lee Baldwin, t/a Baldwin's Lounge, for premises 214 Third Street, Elizabeth, be and the same is hereby suspended for thirty-five (35) days, commencing 2:00 a.m. on Thursday, May 9, 1974, and terminating 2:00 a.m. on Thursday, June 13, 1974.

Joseph H. Lerner
Acting Director

2. APPELLATE DECISIONS - HALJON, INC. v. JERSEY CITY.

Haljon, Inc.,)	
Appellant,)	On Appeal
v.)	CONCLUSIONS
)	and
Municipal Board of Alcoholic)	ORDER
Beverage Control of the City)	
of Jersey City,)	
Respondent.)	

William P. Conte, Esq., Attorney for Appellant
Dennis L. McGill, Esq., by Bernard Abrams, Esq., Attorney for Respondent

BY THE DIRECTOR:

Appellant entered a plea of non vult before respondent Municipal Board of Alcoholic Beverage Control of the City of Jersey City (hereinafter Board) to a charge alleging that appellant permitted and suffered a brawl or act of violence on the licensed premises, in violation of Rule 5 of State Regulation No. 10. In consequence of said plea, the license was suspended for fifty days. It is with respect to the said suspension that appellant appeals herein.

The effective date of the suspension, April 8, 1974, was stayed by the Director on April 1, 1974 pending the determination of the appeal.

A de novo hearing was held in this Division with full opportunity provided the parties to introduce evidence and to cross-examine witnesses. However, the parties decided to advance oral argument only in support of their contentions.

At the outset of the hearing, counsel for both parties stipulated that a formal Hearer's Report would be waived and the Director be requested to determine the matter directly.

From my examination of the pleadings filed in the matter and the argument of counsel, it appears that a fight broke out in appellant's premises between two patrons. The bartender ordered the participants to and they did leave the premises but continued fighting outside for a short period. But they then reentered the premises as combatants. The bartender reached for a pistol, fired and one of the battlers lay dead.

Appellant contends that while an act of violence did take place, that act being the spontaneous over-reacting by the bartender, it was essentially a sudden occurrence. Hence, a suspension for fifty days was unreasonable, excessive and arbitrary.

Counsel for respondent answered that the Board considered the amount of the penalty to be assessed and determined the penalty to be forty-five days for the charge, to which was added ten days by reason of a similar and a dissimilar violation occurring within the premises within the past five years, making a total suspension of fifty-five days, with remission of five days for the plea entered, leaving a net suspension of fifty days. In addition, the total circumstances giving rise to the act of violence was taken into consideration when the basic penalty was determined.

The sole issue to be resolved in this appeal is: was the fifty-day suspension imposed reasonable under the circumstances?

The power of the Director to reduce the suspension on appeal is sparingly exercised and is limited to cases where the suspension is manifestly unreasonable. Sventy & Wilson v. Point Pleasant Beach, Bulletin 1930, Item 1; Pom Bon v. Cliffside Park, Bulletin 1897, Item 1.

Moreover, in order to meet the burden required by Rule 6 of State Regulation No. 15, appellant must show manifest error and that the action of the Board was clearly against the logic and effect of the presented facts. Hudson-Bergen County Retail Liquor Stores Ass'n v. Hoboken et al, 135 N.J.L. 502 (1947); G.E.L.L. Inc. v. Newark, Bulletin 1911, Item 1.

Subject to law and to the Director's right to review, a municipality has the power to set its own reasonable standards for the conduct of the licensees. Tumulty v. Dunellen, Bulletin 1519, Item 1 (Aff'd App. Div. 1963).

Penalties imposed in similar cases, i.e., brawl or acts of violence on the licensed premises, have varied from outright revocation (Feldman v. Irvington, Bulletin 2143, Item 2) to one hundred-eighty days; (Grandview Cafe, Inc. v. Jersey City, Bulletin 2124, Item 1); (Causeway Inn, Inc. v. South River, Bulletin 2116, Item 1) to sixty days; (Nehoc Tavern Inc. v. Paterson, Bulletin 2115, Item 1) to thirty days; (Paiva v. Harrison, Bulletin 2134, Item 2).

In short, the penalty imposed by the municipal issuing authority must bear relevance to the offense itself. In the matter sub judice, the act of violence resulted in a loss of life, and although such manslaughter was unintended, it was an important factor which was thoughtfully considered by the Board upon the acceptance of appellant's non vult plea. I find that the penalty is not excessive in light of all of the facts and circumstances herein.

I therefore conclude that appellant has failed to meet the burden of establishing that the action of the Board was erroneous and should be reversed.

Accordingly, it is, on this 16th day of May 1974,

ORDERED that the action of respondent Municipal Board of Alcoholic Beverage Control of the City of Jersey City be and the same is hereby affirmed, and the appeal herein be and the same is hereby dismissed; and it is further

ORDERED that my order of April 1, 1974, staying the effective date of suspension pending the determination of the within appeal be and the same is hereby vacated; and it is further

ORDERED that Plenary Retail Consumption License C-317 issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Haljon, Inc., for premises 371 Johnson Avenue, Jersey City, be and the same is hereby suspended for the balance of its term, i.e., until midnight June 30, 1974, commencing 2:00 a.m. Wednesday, May 29, 1974; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2:00 a.m. Thursday, July 18, 1974.

Joseph H. Lerner
Acting Director

3. DISCIPLINARY PROCEEDINGS - GAMBLING (BETTING ON GAMES OF POOL) - LICENSE SUSPENDED FOR 20 DAYS.

In the Matter of Disciplinary Proceedings against
 130 Tavern, Inc.
 t/a Gloucester House
 54 Crescent Boulevard
 (Rt. 130 & Reading Rd.)
 Gloucester City, N. J.,
 Holder of Plenary Retail Consumption License C-27, issued by the Mayor and Common Council of the City of Gloucester City.

CONCLUSIONS
 and
 ORDER

Reiners and Davis, Esqs., by M. Jefferson Davis, Esq., Attorneys
 for Licensee
 Carl A. Wyhopen, Esq., Appearing for Division
 BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleads not guilty to a charge alleging that on October 19, 1973, it permitted gambling upon its licensed premises, viz., participant betting in games of table pool, in violation of Rule 7 of State Regulation No. 20.

ABC agent W testified on behalf of the Division that on the date of the charge, about 9:40 p.m., he and ABC agent P entered the licensed premises and took seats at the bar a short distance away from a pool table at which some patrons were playing. He observed the playing at the table for twenty minutes and observed that the loser of each match either laid the money representing a bet loss on the edge of the table to be taken by the winner or handed the money, consisting of some bills, to the winner directly.

Thereafter agent W stated that he approached the table and began playing pool with other unidentified patrons for money, betting either \$5 or \$2 for the ten or so games that he played. He identified the last two players with whom he made bets on the game as one James Devereux and William Robert Heiser.

During the games a clerk-cook of the establishment, later identified as Vaskene Euksuzian, stood at the table several times for several minutes and watched the games and the money being handed from the loser to the winner. He described Euksuzian's view of the transactions as "he would have to be blind not to know that gambling was going on." On two or three

occasions Euksuzian had a direct view of the agent either receiving money from or giving money to another player. Additionally, Michael Bazigian (principal officer and holder of all of the corporate stock of the licensee corporation) also stood observing the games and should have observed money being passed.

Agent P testified that he accompanied agent W into the premises and, although he did not play at pool, observed the players place money on the table as winnings and further observed agent W enter into games with players and pass or receive money in open view. He stood at the edge of the playing area and further observed Euksuzian and Bazigian present as money in winnings was laid on the edge of the table. At one point he inquired of Euksuzian, "Do they always play for money here?", to which Euksuzian replied, "Yes, but ... it's bad for our reputation, but what are you going to do."

Thereafter, upon identifying themselves, the agents met with Euksuzian and Bazigian in the kitchen and Agent P asked Bazigian if he knew gambling was going on. He received the reply, "Yes, but what are you going to do?"

Agent P emphasized that at one point the bet pay-offs were made in the presence of Euksuzian and other pay-offs were made in the presence of Bazigian. He indicated that Euksuzian was in and out of the kitchen frequently, appearing behind the nearby package goods counter, and Bazigian was also in an area behind that counter most of the time. He admitted that Euksuzian spoke broken but intelligible English but insisted that Euksuzian could understand what the agent had said to him.

Michael Bazigian testified that he is the sole owner of all the stock of the licensee corporation which he has owned for a year and three months. The visit by the agents, he stated, was on a Friday which is the busiest day. He employs two barmaids and a cook (Euksuzian) and on Fridays does his bookkeeping and related chores at a desk behind the package goods counter. He stays there on busy nights because the package goods are too available to passing patrons and susceptible to pilferage. From his desk behind the counter he can observe the players but cannot see the top of the table. Save for a few minutes when he aids the cook in making sandwiches, he is constantly at his desk on busy evenings.

On the date of the charge he was so engaged and, while he saw players at pool, saw no gambling whatever. He denied that gambling in any form is permitted in his establishment; he had placed a sign in back of the bar which states that gambling is prohibited. When any of his patrons attempt to gamble, they are requested to leave and not return.

The licensee offered the testimony of the clerk-cook

Vaskene Euksuzian who, with an apparent language barrier, was assisted in responses by Bazigian. He is Bazigian's brother-in-law and works as a cook. He keeps the barmaids supplied with bottles from the package counter; hence he was on a few occasions at that counter when the agents were present. On occasion he stood at the doorway of the kitchen, which was about twelve feet away, and watched the pool-playing. At one point a patron told him that gambling was taking place, so he cautioned agent P against gambling. He played only one game of pool with one patron. He denied that any gambling took place.

A young patron, William Robert Heiser, testified that he was in the premises on that evening and approached the pool table when agent W invited him to play a game for money. Although he knew that gambling was not permitted in the premises and if he were discovered gambling he would have been asked to leave, he was afraid his friends present would consider his refusal to play as "chicken-out" and hence felt obliged to play for money. He recalled that, of the five games he played with the agent, he won them all. He described the method by which he received winnings as consisting of the loser placing the money in a lower portion of the table not readily visible. He admitted playing with Euksuzian but said he did so without any bet and that he had been challenged because he had won the prior game.

Agent W, recalled to testify in rebuttal, characterized the approach to the table by Euksuzian to play with the quotation of "I no gambling" which agent W accepted as meaning that he, Euksuzian, would not play for money.

At the outset of the hearing, and again at its conclusion, counsel for the licensee urged the defense of entrapment. Such argument is untenable. Entrapment is concerned only with the manufacturing of crime by law-enforcement officials or their agents. State v. Dennis, 43 N.J. 418 (1964). It occurs only when the criminal conduct was the product of the creative activity of law-enforcement officials. State v. Dolce, 41 N.J. 422, 430 (1964).

"Where police officer acting in good faith in pursuit of his duty merely furnishes opportunities or facilities for, or aids or encourages accused in commission of the offense, there is no entrapment."
State v. Rosenberg, 37 N.J. Super. 197 (App.Div. 1955).

Further, in the instant matter the testimony of both agents indicated that gambling occurred prior to their participation which was done merely to ascertain if the licensee or his agents allowed the gambling to continue.

The crucial issue in the matter is: did the licensee allow, permit or suffer the prohibited acts charged to take place. In evaluating the factual picture presented in this proceeding, the credibility of witnesses must be weighed.

Testimony to be believed 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.

"... Every fact or circumstance tending to show the ... witness' relation to the case or the parties is admissible to the end of determining the weight to be given to his evidence." State v. Spruill, 16 N.J. 73, 78 (1954).

I have had an opportunity to observe the demeanor of the witnesses as they testified and have made a careful analysis and evaluation of their testimony. After carefully considering all the evidence adduced herein, I conclude that the Division has established the truth of the charge herein by a fair preponderance of the believable evidence.

The testimony of the agents was forthright and credible; their descriptions were vivid of the pool-playing and the means of making and receiving bets. As agent P related in his testimony, playing continued until the attention of the licensee's employees was directed to the gambling activity.

The rule cited in State v. Spruill, supra, is pertinent. Of the three witnesses who appeared for the licensee, two are directly concerned with the license and the third is a well-known patron who admitted gambling. While it does not necessarily follow that such persons in such position would designedly color or exaggerate their testimony, there is none the less the personal interest which serves as the basis for the above cited rule. On the other hand, I am satisfied that the agents acted in good faith and in pursuit of their duties.

Moreover, the testimony of licensee's witness Euksuzian, despite his language difficulty, was marked by an apparent hollowness. He stated that he was advised by a patron (witness Heiser) that gambling was going on and, in consequence of that notice, approached agent P, who was not playing pool, and admonished against gambling. Then he, Euksuzian, challenged the patron Heiser to play. The corporate owner Bazigian was not notified of the gambling by his employee despite his avowed policy to evict gamblers.

Counsel for licensee laid great stress upon the improvement in management and reputation of the licensed premises following its acquisition by Bazigian. While such efforts are laudable,

they bear little relationship with or to the effect of gambling activity charged herein. Common experience teaches that competitive sporting games often give rise to gambling activity against which a licensee must be constantly on guard. "A licensee who acts in a vacillatory or irresolute manner in failing to exclude an undesirable type of patronage does so at his peril." Re Reminsky, Bulletin 1885, Item 4.

I conclude that a fair evaluation of the evidence clearly preponderates in favor of a finding of guilt of the charge alleged, which I recommend.

Absent prior record, it is further recommended that the license be suspended for twenty days.

Conclusions and Order

Written exceptions to the Hearer's report were filed on behalf of the licensee, and written answers to said exceptions were filed on behalf of the Division, within time as permitted by Rule 14 of State Regulation No. 15.

The exceptions embrace twenty-five items.

The majority of items of exception refer to variances of interpretation of the testimony of several witnesses, which I find are not in substantial conflict, and are lacking in merit.

One of the exceptions contends that as the charge is quasi-criminal or disciplinary, a higher standard of proof than a fair preponderance of the credible evidence is required. The established and guiding legal principle is to the contrary. We are dealing here with a purely disciplinary measure and its alleged infraction. Such measures are civil in nature, and not criminal. Kravis v. Hock, 137 N.J.L. 252 (1948). Thus the Division need establish its case by a fair preponderance of the credible evidence only. Butler Oak Tavern v. Div. of Alc. Bev. Control, 20 N.J. 373 (1956). It should be added that there is substantial evidence present in the record herein to support the charge.

Another exception maintains that the evidence established that certain actions by the agents constitute entrapment. Such contention similarly lacks legal support.

"Mere solicitations by officers posing as private citizens and resulting in ordinary sales as between buyers and sellers have repeatedly been held not to give rise to any entrapment issues."

State v. Dennis, 43 N.J. 418, 425 (1964).

The attorney for the licensee cites State v. Dolce, 41 N.J. 422 (1964). The holding in this matter is contra, as the court stated at p.431:

"Judicial abhorrence of entrapment does not mean that police officials cannot afford opportunities or facilities for the commission of criminal offenses. Artifice and stratagem, traps, decoys and deceptions may be used to obtain evidence of commission of crime or to catch those engaged in criminal enterprises."

Cf. Rodrigues v. United States, 227 Fed. 2d 912 (1912); State v. Rosenberg, 37 N.J. Super. 197 (App. Div. 1955); Masciale v. United States, 356 U.S. 386, 78 S. Ct. 827, 2 L. Ed. 2d 859 (1958).

Furthermore, it has been well established that the defense of entrapment, is only available in criminal matters, and is inapplicable in administrative proceedings. State v. Dolce, supra (at p.432-433); Cf. Carmazino v. Bower, Bulletin 2096, Item 1 aff'd App. Div. (A-2047-71).

A further challenge to the good faith and pursuit of the duties by the agents is unpersuasive. No evidence was offered to support this contention; the agents acted in the performance of their duties, and there is no suggestion in the record that they were personally motivated. On the contrary, the testimony of the licensee and its employee, is by its very nature, consciously or unconsciously, self-serving. Hence, licensee's contention with respect thereto must be rejected.

An overall contention in the exceptions is addressed to the subject of credibility. The Hearer has the opportunity to observe the demeanor of the witnesses and to evaluate their credibility. In that evaluation, his estimate of the credibility of the agents was clear and positive. He was unimpressed as to the credibility of the licensee's witnesses.

Lastly, the extent of the penalty, i.e., suspension of license of twenty days recommended by the Hearer was challenged as being excessive. Such penalty is the minimum penalty prece-
dentially imposed for such infractions.

In view of the thorough and detailed exceptions with supportive argument submitted herein, licensee's request for oral argument is unwarranted, and is, accordingly, denied.

Having carefully considered the entire record herein, including the transcript of the testimony, the exhibits, the Hearer's report, the exceptions filed with respect thereto, and to the said exceptions, I concur in the findings and recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 29th day of April 1974,

ORDERED that Plenary Retail Consumption License C-27, issued by the Mayor and Common Council of the City of Gloucester City to 130 Tavern, Inc., t/a Gloucester House, for premises 54 Crescent Boulevard (Rt. 130 & Reading Road) Gloucester City, be and the same is hereby suspended for twenty (20) days, commencing 2:00 a.m. on Thursday, May 9, 1974, and terminating 2:00 a.m. on Wednesday, May 29, 1974.

JOSEPH H. LERNER
ACTING DIRECTOR

- 4. DISCIPLINARY PROCEEDINGS - FAILURE TO KEEP EMPLOYMENT LIST ON LICENSED PREMISES - VIOLATION OF RULE 16(c), STATE REGULATION NO. 20 - HEARING EX PARTE - LICENSE SUSPENDED FOR 10 DAYS.

In the Matter of Disciplinary Proceedings against)

Patricia Morrison)
t/a Cobra's Den)
174 - 3rd Street)
Passaic, N.J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-77, issued by the Municipal Board of Alcoholic Beverage Control of the City of Passaic.)

-----)
David S. Piltzer, Esq., Appearing for Division

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to a charge alleging that on July 22, 1972 she conducted her licensed premises without keeping thereon a list in the form as prescribed by the Director of current employees, in violation of Rule 16 (c) of State Regulation No. 20.

The not guilty plea was entered automatically in the absence of any response by the licensee to the charges preferred herein. Thereafter, and upon due notice given to the licensee, the matter was set down for hearing in this Division on March 24, 1974 at 2:00 p.m.

Upon the failure of the licensee or anyone in her behalf to communicate with the Division or appear in response to the charge or give any reason for her failure to appear, the matter was heard ex parte.