Ambrose Esq.

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

BULLETIN 1995

August 19, 1971

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ITEM

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

August 19, 1971.

BULLETIN 1995

1. APPELLATE DECISIONS - CAMBAR v. CAMDEN.

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

Plone, Tomar, Park & Seliger, Esqs., by Samuel Mandel, Esq., Attorneys for Appellant
No appearance on behalf of Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This is an appeal from the action of respondent Municipal Board of Alcoholic Beverage Control of the City of Camden (Board) whereby it denied appellant's application for renewal of the plenary retail consumption license for the 1970-71 licensing period, for premises 202-South 5th Street, Camden.

In its petition of appeal, appellant alleges that the action of the Board was erroneous in that "it arbitrarily and capriciously refused to extend to appellant additional time to either obtain new premises or sell said license despite the fact that said respondent knew that an agreement had been entered for new premises on May 13, 1970, which agreement subsequently fell through."

The Board, in its answer, admitted the jurisdictional facts and denied the substantive allegation of the petition. It further asserted that its grounds for the denial for renewal herein were justified because the licensed premises were severely damaged by fire in February 1967, and neither the appellant nor the landlord took any steps whatever to restore the premises to operable condition.

Further, the license was renewed for the 1968-69 licensing period to permit a transfer of the license. No action having been taken the Board renewed the license for sixty days of the 1969-70 licensing period, on the express condition that the appellant herein make immediate application for transfer of the license. The landlord thereafter informed the Board that the lease of appellant had expired, the premises having been sold. Another license was transferred thereto and since appellant had no premises to be licensed, the Board had no authority to renew the license.

The appeal was heard de novo pursuant to Rule 6 of State Regulation No. 15.

At the hearing herein, the appellant, represented by counsel, appeared through its agent, Gene Locks. The Board advised me on the date of hearing, by telephone, that it would not appear but would rely on matters set forth in its resolution dated September 16, 1970:

> "WHEREAS, application has been made by Cambar, Inc. for 1970-71 renewal of Plenary Retail Consumption License for premises 202 South Fifth Street, Camden, New Jersey, and
>
> WHEREAS, in February, 1967, the licensed premises was badly damaged by fire and neither the owner or licensee repaired it, and since that time the building has been sold and the licensee has not sought to transfer,
>
> WHEREAS, Cambar, Inc. has been unable to secure a lease for such premises and therefore unable to advertise notice of application as provided by law, and
>
> WHEREAS, 1969-70 application was accepted and approved subject to immediate application for place to place transfer, which licensee has failed to effect;
>
> NOW, THEREFORE the Municipal Board of Alcoholic Beverage Control does determine that sufficient time has expired for applicant to transfer such license and it is further determined that this application for 1970-71 renewal of Plenary Retail Consumption License at the premises 202 South Fifth Street, Camden, New Jersey, be and it is hereby denied."

Gene Locks testified that he resides in Cherry Hill, and appears on behalf of the sole stockholder of appellant, Rose Swersky, who is his grandmother seventy-five years of age, and is physically unable to appear.

Locks stated that he supervised the management of the licensed premises, and was regularly in attendance therein.

He continued that the premises were leased from Stanley Laurence Associates, Inc., and that in February 1967, a fire caused almost complete destruction of the premises. Licensee was not insured and was financially unable to restore the premises. In August 1968, in a proceeding in Camden County Court it was adjudged that the landlord owed no legal obligation to restore the premises, and the lease was therefore terminated. The license in the meantime had been renewed for the 1967-68 licensing period. The license was again renewed for the 1968-69 licensing period and, shortly thereafter, in August or September 1968, the above judgment was rendered. Thereafter, efforts to conclude a transfer of the license proved unsuccessful.

Upon application for renewal for the 1969-70 licensing period an objection to the renewal was lodged on the grounds that no leasehold for the premises existed. The Board granted an initial sixty day renewal and thereafter renewed for the balance of the term. Locks characterized this as a "Conditional Renewal".

The annual license fee of $600.00 was accepted by the Board. Further attempts to transfer were unsuccessful.

During the calendar year of 1970, the Board established a policy of retiring certain licenses. Appellant communicated with the Board indicating its desire to be considered for retirement of its license.

Locks further testified that another license was transferred to the premises in September 1968.

Mrs. Swersky could not restore the premises to an operable condition since she no longer had access thereto nor was she financially able. It was her wish to recoup, in some small part, her substantial financial loss through the policy of retirement of the license as promulgated by the Board.

Locks concluded that he attended the Board meeting at which time the sixty day period to transfer was granted. Appellant was there represented by counsel. Shortly thereafter he was advised by the attorney that appellant now had "...a whole year, but you have to transfer within the year."

The decision as to whether or not a license shall be issued or renewed rests within the sound discretion of the local issuing authority in the first instance. Blanck v. Magnolia, 38 N.J. 484 (1962); Re Fiory v. Ridgewood, Bulletin 1932, Item 1.

The Director's function on an appeal of this kind is not to substitute his personal opinion for that of the issuing authority but merely to determine whether reasonable cause exists for its action and if so, to affirm irrespective of his personal views. Broadley v. Clinton and Klingler, Bulletin 1245, Item 1.

It appears that the Board has sought to apply a more compassionate policy with respect to the renewal of licenses notwithstanding the absence of legal or equitable interest in the premises. But see Re Czubak v. Franklin, et al., Bulletin 1808, Item 3. The Director has recently questioned the harshness of such a holding in hardship circumstances. See Re Hudson Bergen Package Stores Association v. Garfield et al., Bulletin 1976, Item 3.

Here, however, no circumstances exist to reasonably warrant a reversal of the Board's action. The appellant was timely advised by the resolution, however inarticulately drawn, that the renewal for 1969-70 licensing period was approved subject to immediate application (emphasis mine) for a place-to-place transfer. Further, Locks candidly admits that counsel advised appellant that at the time of the 1969-70 renewal, that it had to effect a transfer within a year.

The Board did not grant to appellant the benefit of its policy of retiring certain licenses, because it apparently did not consider such action to be in the public interest. See N.J.S.A. 40:48-2.39. In any event this statute permits the local issuing authority to retire licenses at its discretion. While considerate treatment should be accorded applicants in hardship cases, each case must be decided upon its own merits. It could never be convincingly argued that, merely because a hardship exists, the local issuing authority is prevented from using its reasonable

discretion. Snyder v. Newark, Bulletin 1593, Item 2. See also Nordco v. Newark, 43 N.J. Super. 277 (App. Div. 1957), wherein it was held that the failure of the applicant to establish intentional discrimination or other arbitrary action was, among other reasons, fatal to the appeal.

In the instant matter the Board offered appellant a substantial period of time in which to transfer the license and made it clear that the renewal for the 1969-70 period was to be the last one granted.

Under the circumstances, I conclude that the appellant has failed to establish that the action of the Board was erroneous as required by Rule 6 of State Regulation No. 15. I, therefore, recommend that the action of the Board be affirmed and the appeal herein be dismissed.

Conclusions and Order

No exceptions to the Hearer's report were filed pursuant to Rule 14 of State Regulation No. 15.

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

Accordingly, it is, on this 6th day of July 1971,

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

Richard C. McDonough
Director

2. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITY (INDECENT ENTERTAINMENT) - LICENSE SUSPENDED FOR 30 DAYS.

In the Matter of Disciplinary Proceedings against

Thomas A. Yamouny
t/a Tom Yamouny 7 Gables
1005 South Stiles Street
Linden, N.J.,

Holder of Plenary Retail Consumption License C-63, issued by the Municipal Board of Alcoholic Beverage Control of the City of Linden.

CONCLUSIONS and ORDER

Forman, Forman & Cardonsky, Esqs., by Louis L. Forman, Esq., Attorneys for Licensee
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charge:

"On November 24, 1970 and January 7, 1971, you allowed, permitted and suffered in and upon your licensed premises, lewdness, immoral activity and foul, filthy, indecent and obscene language and conduct viz., in that you allowed, permitted and suffered a female dancer, commonly known as a 'Go Go Girl', while performing on your licensed premises for the ostensible entertainment of your customers and patrons, to use foul, filthy, indecent and obscene language and engage in conduct by herself and in association with you and with male patrons and customers on your licensed premises, in obscene, indecent, filthy, lewd, lascivious, disgusting and immoral manner and commit and engage in acts, gestures and movements of and with her hands, legs and other parts of her body, by herself and in association with you and with male patrons and customers in manner and form having obscene, indecent, filthy, lewd, lascivious, disgusting, immoral and suggestive import and meaning; in violation of Rule 5 of State Regulation No. 20."

Pursuant to specific assignment to investigate an allegation of a lewd show on the licensed premises, ABC agents B, D and Br participated in the investigation which resulted in the preferment of the charge.

Agent B testified that on January 7, 1971 he and agent Br entered the licensed premises at approximately 5:15 p.m. Agent B described the premises as containing a rectangular-shaped bar and to the left rear is a dining area between which was a raised go-go platform, a telephone booth, and along side this is a rear entrance. There were two bartenders on duty who were later identified as John Munley and John Brek.

He noted that there were approximately twenty-two male patrons present, some at the bar and some at tables facing the go-go platform. A waitress attended the tables. The agent was so seated at the bar that his vision was unobstructed. At 5:30 p.m. a go-go dancer (later identified as Annabelle Cappascio) began her dance. She was attired "in a normal two piece go-go outfit." The agent described the dance as consisting of bumps and grinds, later amplified by the inclusion of a small towel that she inserted between her legs, a portion of which extended in front of her for several inches. The remainder of the towel she wrapped about two Christmas ornament balls, the total effect of all of which was the simulation of male genital organs. So adorned, she would move her body in a manner suggestive of sexual intercourse. Her comments to the male audience called attention to this attire and the audience promptly responded with slapping, shouting and comments, one of which was "Let's move your ass around, baby." She rubbed her hands on and around her private parts and rubbed her pelvic area against the telephone booth in which a patron was telephoning, all to the glee and merriment of the audience. In the course of her dance she bent over, bringing her hand under her legs so that her thumb was even with her anus and in that position wriggled her fingers at the audience. The dance, with interruptions, continued until 7:00 p.m. when the agents identified themselves.

The description of the dance by agent Br was substantially the same, and the remainder of agent B's testimony was fully corroborated by agent Br.

Agent D testified that on November 24, 1970 he visited the premises alone and observed the performance of the go-go girl. He described her dance as containing exaggerated bumps and grinds and, on one occasion when the brother of the licensee crossed the platform, she grabbed him and performed bumps against him in simulation of sexual intercourse.

In defense of the charge the licensee offered the testimony of Carl Mickls who said he was a patron of the premises but also performed painting work there from time to time. He was present on January 7 and saw the performance of the go-go girl. He stated that her dance was a "normal go-go dance." However on cross examination he was asked:

> "Q Tell us what you did see.
> A I seen like he described it, you know, bumping. Normal thing to me, all the go-go girls do.
> Q Like getting down like a baseball catcher and throwing the vagina out or didn't you see that?
> A I imagine I saw. They all bend down and get up and shake."

Mary Hoyle (a waitress employed at the licensed premises) testified that she saw the dance performed on January 7 and that it was not abnormal. She admitted, however, that the dancer did throw Christmas balls to one of the customers from her platform, and was using a towel in her act. She denied that the use of these props was lewd or immoral.

John Brek testified that he was a part-time bartender in the licensed premises, was present on the afternoon of January 7 and saw Anne do her dance. While he observed it only on occasion, as he was busy during her performance, he saw nothing unusual in her dance, and the bumps she did were normal for that type of dance.

The licensee (Thomas Yamouny) testified that he was in the premises part of the time described, but his presence was confined to

a room off the kitchen where he cashes checks. He appeared at the door only once and saw that the dancer was Anne. He was emphatic that he does not hire the dancers; his chef does. He expressed indignation that Anne was present in his establishment because he had given the chef instructions, following her former appearance, that she was not to be rehired again. He stated that at her last appearance he had stopped her performance because he did not want that kind of performance. On January 7, when he saw her, he returned and inquired of the chef why the girl had been rehired against his instructions, to which the chef had no answer. He described the prior dance of Anne as being a little off-color. On cross examination he emphasized that twice before he had told the chef not to permit her to perform again on the premises.

In matters of this nature 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, 378 (1956).

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 common experience and observation of mankind can approve as probable in the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546 (1954).

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.

Upon evaluating the testimony of the agents, I am persuaded that the conduct of the dancer was designed to pander to the prurient taste of the male patrons. See Commonwealth v. Gordon, 66 Pa. Dist. & Co. 101, 132 (1949); Adams Theatre Co. v. Keenan, 12 N.J. 267 (1953). The agents' account was precise and detailed; they carefully recounted not only the actions of the dancer but the reactions of the patrons and the bartenders. At one point, in an intermission period, agent B asked the bartender John Munley, "Does she always dance this dirty", to which the response was "Yes. She is something. She is always this dirty."

Historically, "strip-tease" performances have not been countenanced in liquor licensed premises by the Division of Alcoholic Beverage Control. See Re DiAngelo, Bulletin 753, Item 4; Re Sharpe, Bulletin 1112, Item 5; Re Agron, Inc., Bulletin 1840, Item 3.

While there is no charge here that the performance constituted a strip-tease as such, the actions of the performer were directed toward the same response. In a business as highly sensitive as the traffic of liquor, the Director is charged with the exercise of constant vigilance in the enforcement of various statutes and the rules and regulations pertaining thereto. A relaxation from the requirements of the provisions contained in the Alcoholic Beverage Law and the rules and regulations of this Division would be contrary to their intendment and the dictates of sound public policy. Re Garden House, Inc., Bulletin 1920, Item 3.

Counsel for the licensee in summation emphasized the repugnance of the licensee to the type of conduct charged herein. The unblemished record for thirty years past of the licensee in this and prior locations bespeaks a desire to adhere to the regulations as well. However, in his own testimony, indicating that the dancer was

off-color and should not be rehired for renewed performances, merely substantiates the testimony of the agents. While his admonition not to hire the offending dancer was not adhered to, he himself did nothing to terminate her performance on January 7. Had his indignation as to what he saw been strong enough to impel him into the room to the platform, there to bring abrupt halt to the performance, the charge would undoubtedly not have been made, as the licensee could not then have been said to have permitted the acts. This he did not do.

"Even in the absence of actual knowledge, a licensee cannot escape the consequences of the occurrence of incidents, such as are hereinabove related, on his licensed premises. He cannot hide behind his employees." Re Hodes Corporation v. Newark, Bulletin 1730, Item 1.

The licensee is fully responsible for the actions of his employees during their employment on the licensed premises. Kravis v. Hock, 137 N.J.L. 252 (1948); In re Schneider, 12 N.J. Super. 449 (App. Div. 1951).

A public convenience should not be allowed to degenerate into a social evil. "Conduct of those who have been granted special privilege of vending alcoholic beverages at designated location may lawfully be tightly restricted to limit to utmost evils of trade." Jeanne's Enterprises, Inc. v. State of N.J., etc., 93 N.J. Super 230 (App. Div. 1966), citing McFadden's Lounge v. Div. of Alcoholic Bev. Control, 33 N.J. Super. 61, 68 (App. Div. 1954).

Accordingly, after considering the entire record and the applicable legal principles, I am persuaded by the clear and convincing proof in this case that the charge has been sustained by a fair preponderance of the credible evidence. It is therefore recommended that this licensee be found guilty of the charge.

Absent prior record, it is further recommended that the license be suspended for thirty days. Re Lafayette Peanut Bar, Inc., Bulletin 1961, Item 4; Re The Garden House, Inc., Bulletin 1920, Item 3; Re Agron, supra.

Conclusions and Order

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

Having carefully considered the entire record herein, including the transcript of the testimony, the exhibit and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt his recommendations. As a result the license would normally be suspended for thirty (30) days.

However, the licensee has made application to me for the imposition of a fine in lieu of the suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of $1,200. in lieu of the suspension.

Accordingly, it is, on this 29th day of June, 1971,

ORDERED that the payment of $1,200. fine by the licensee is hereby accepted in lieu of a suspension of license for thirty days.

Richard C. McDonough
Director

3. DISCIPLINARY PROCEEDINGS - GAMBLING (FOOTBALL POOL) - LICENSE SUSPENDED FOR 60 DAYS, LESS 12 FOR PLEA.

In the Matter of Disciplinary Proceedings against Joseph Poniatowski Beneficial Association, Inc. t/a White Eagle Bar & Grill 41 Broughton Avenue Bloomfield, N. J., Holder of Plenary Retail Consumption License C-1039, issued by the Director of the Division of Alcoholic Beverage Control.	CONCLUSIONS and ORDER

Charles K. Kurebanas, Esq., Attorney for Licensee
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on October 16, 1970 it permitted gambling, including the acceptance of football pool bets, and possessed tickets in such football pools, in violation of Rules 6 and 7 of State Regulation No. 20.

Licensee has a record of two suspensions of license by the then issuing authority (Town Council of the Town of Bloomfield) for (1) five days effective January 21, 1959, and (2) for fifteen days effective July 15, 1963, both suspensions resulting from sales to minors.

The prior record of suspensions for dissimilar offenses occurring more than five years ago disregarded, the license will be suspended for sixty days, with remission of twelve days for the plea entered, leaving a net suspension of forty-eight days. Re Demsky, Bulletin 1971, Item 4.

Accordingly, it is, on this 29th day of June 1971,

ORDERED that any renewal of Plenary Retail Consumption License C-1039 that shall be issued by the Director of the Division of Alcoholic Beverage Control to Joseph Poniatowski Beneficial Association, Inc., t/a White Eagle Bar & Grill, for premises 41 Broughton Avenue, Bloomfield, be and the same is hereby suspended for forty-eight (48) days,* commencing at 2 a.m. Thursday, July 1, 1971, and terminating at 2 a.m. Wednesday, August 18, 1971.

Richard C. McDonough,
Director.

4. DISCIPLINARY PROCEEDINGS - AMENDED ORDER.

In the Matter of Disciplinary Proceedings against

Joseph Poniatowski Beneficial Association, Inc.
t/a White Eagle Bar & Grill
41 Broughton Avenue
Bloomfield, N. J.,

Holder of Plenary Retail Consumption License C-1039, issued by the Director of the Division of Alcoholic Beverage Control.

Amended Order

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Charles K. Kurebanas, Esq., Attorney for Licensee
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

On June 29, 1971, I entered an order suspending the license herein for a period of forty-eight days, commencing at 2 a.m. on Thursday, July 1, 1971, and terminating at 2 a.m. Wednesday, August 18, 1971. Re Joseph Poniatowski Beneficial Association, Inc., Bulletin 1995, Item 3.

The licensee has now filed a petition supported by photocopies of executed contracts requesting that the effect of the suspension be lifted for three days, viz., July 3, August 7 and August 14, to permit the conduct of previously arranged wedding parties at which alcoholic beverages will be served on the licensed premises on those dates. Good cause appearing, I shall grant the petition. Re Stolarz, Bulletin 1512, Item 4.

Accordingly, it is, on this 1st day of July 1971,

ORDERED that the previous order of suspension herein be and the same is hereby amended in accordance herewith, as follows:

ORDERED that any renewal that may be granted by the Director of the Division of Alcoholic Beverage Control of Plenary Retail Consumption License C-1039 to Joseph Poniatowski Beneficial Association, Inc., t/a White Eagle Bar & Grill, for premises 41 Broughton Avenue, Bloomfield, be and the same is hereby suspended for forty-eight (48) days, commencing at 2 a.m. Thursday, July 1, 1971, and terminating at 2 a.m. Saturday, July 3, 1971; again commencing at 2 a.m. Sunday, July 4, 1971, and terminating at 2 a.m. Saturday, August 7, 1971; and commencing at 2 a.m. Sunday, August 8, 1971, and terminating at 2 a.m. Saturday, August 14, 1971; and again commencing at 2 a.m. Sunday, August 15, 1971, and terminating at 2 a.m. Saturday, August 21, 1971.

Richard C. McDonough
Director

5. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS - SALE TO NON-MEMBERS - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Ye Olde Tymers Club of Camden and Philadelphia (A Corporation)
924 South 5th Street
Camden, N. J.,

Holder of Club License CB-33, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.

CONCLUSIONS and ORDER

Licensee, Pro se.
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that (1) on Saturday, March 27, 1971, between the hours of 2:20 a.m. and 2:45 a.m. it sold and permitted consumption of alcoholic beverages on the licensed premises, in violation of local ordinance, and (2) it sold alcoholic beverages to non-members, in violation of Rule 8 of State Regulation No. 7.

Absent prior record, the license will be suspended on the first charge for fifteen days (Re Charley's Friendly Corner Bar, Bulletin 1977, Item 7) and for fifteen days on the second charge (Re Progressive Democratic Club, Bulletin 1911, Item 7), making 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 29th day of June 1971,

ORDERED that any renewal of Club License CB-33, that shall be issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Ye Olde Tymers Club of Camden and Philadelphia (A Corporation) for premises 924 South 5th Street, Camden, be and the same is hereby suspended for twenty-five (25) days, commencing 2:00 a.m. on Thursday, July 15, 1971, and terminating 2:00 a.m. on Monday, August 9, 1971.

Richard C. McDonough
Director

6. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against	)	
Charles A. Donnarumma 2706 Central Avenue Union City, N. J.,	)	CONCLUSIONS and ORDER
Holder of Plenary Retail Consumption License C-156, issued by the Board of Commissioners of the City of Union City.	)	

Mario M. Polcari, Esq., Attorney for Licensee
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, February 28, 1971 he sold alcoholic beverages, viz., twelve 12-ounce cans of beer, for off-premises consumption in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Harbor Casino, Inc., Bulletin 1970, Item 6.

Accordingly, it is, on this 29th day of June 1971,

ORDERED that any renewal of Plenary Retail Consumption License C-156, that may be granted by the Board of Commissioners of the City of Union City to Charles A. Donnarumma for premises 2706 Central Avenue, Union City, be and the same is hereby suspended for ten (10), days, commencing 3:00 a.m. on Monday, July 19, 1971, and terminating 3:00 a.m. on Thursday, July 29, 1971.

Richard C. McDonough
Director

7. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF LOCAL ORDINANCE (HOURS) - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against	)	
SAMUEL VUONO t/a Vuono's Tavern 190 Passaic Avenue Belleville, N. J.	)	CONCLUSIONS AND ORDER
Holder of Plenary Retail Consumption License C-39 issued by the Board of Commissioners of the Town of Belleville.	)	

Smoller & Montefusco, Esqs., by John J. Montefusco, Esq., Attorneys for Licensee.
Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on February 28, 1971 he (1) permitted the sale of alcoholic beverages and (2) permitted premises to be open, in violation of local ordinance.

Absent prior record the license would normally be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Sena, Bulletin 1953, Item 5. However, the licensee has made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of $400 in lieu of suspension.

Accordingly, it is, on this 2nd day of July 1971,

ORDERED that the payment of a $400 fine by the licensee is hereby accepted in lieu of a suspension of license for ten days.

Richard C. McDonough
Director

8. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against	)
IRWIN GREEN t/a GREEN'S LIQUOR STORE 3418-3420 Pacific & 153 E. Cedar Ave. Wildwood, N. J.	) CONCLUSIONS AND ORDER
Holder of Plenary Retail Distribution License D-2 issued by the Board of Commissioners of the City of Wildwood.	)

Licensee, Pro Se.
Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 6, 1971 he sold an alcoholic beverage consisting of a bottle of whiskey to a minor, age 19, in violation of Rule 1 of State Regulation No. 20.

Absent prior record the license would normally be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Feola, Bulletin 1958, Item 12. However, the licensee has made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of $450 in lieu of suspension.

Accordingly, it is, on this 2nd day of July 1971,

ORDERED that the payment of a $450 fine by the licensee is hereby accepted in lieu of a suspension of license for ten days.

Richard C. McDonough
Director

9. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against	)	
AUGUST A. LUONGO t/a Washington Park Bar & Grill 551 Central Avenue Jersey City, N. J.	)	CONCLUSIONS AND ORDER
Holder of Plenary Retail Consumption License C-58 issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.	)	

Licensee, Pro Se.
Edward F. Ambrose, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on February 19, 1971 he did sell alcoholic beverages to two minors, both age 19, in violation of Rule 1 of State Regulation No. 20.

Absent prior record the license would normally be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Jodi Inn, Inc., Bulletin 1959, Item 7. However, the licensee has made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of $400 in lieu of suspension.

Accordingly, it is, on this 2nd day of July 1971,

ORDERED that the payment of a $400 fine by the licensee is hereby accepted in lieu of a suspension of license for ten days.

Richard C. McDonough
Director

10. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against	)	
COMMUNITY BAR & GRILL, INC. 1093 Stuyvesant Avenue Irvington, N. J.	)	CONCLUSIONS AND ORDER
Holder of Plenary Retail Consumption License C-54 issued by the Municipal Council of the Town of Irvington.	)	

Licensee, Pro Se.
Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on February 27, 1971 it sold alcoholic beverages to two minors, both age 19, in violation of Rule 1 of State Regulation No. 20.

Absent prior record the license would normally be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Jodi Inn, Inc., Bulletin 1959, Item 7. However, the licensee has made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of $400.00 in lieu of suspension.

Accordingly, it is, on this 2nd day of July 1971,

ORDERED that the payment of a $400.00 fine by the licensee is hereby accepted in lieu of a suspension of license for ten days.

Richard C. McDonough
Director