

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

December 13, 1967

BULLETIN 1767

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1. APPELLATE DECISIONS - HUDSON-BERGEN COUNTY RETAIL LIQUOR  
STORES ASSOCIATION v. CLIFFSIDE PARK AND NAJARIAN.

HUDSON-BERGEN COUNTY RETAIL LIQUOR )  
STORES ASSOCIATION, )

Appellant, )

v. )

MAYOR AND COUNCIL OF THE BOROUGH )  
OF CLIFFSIDE PARK, AND VAHAN )  
NAJARIAN, t/a VAY'S LIQUORS, )

Respondents. )

ON APPEAL  
CONCLUSIONS  
AND ORDER

----- )  
Samuel J. Davidson, Esq., Attorney for Appellant  
Paul L. Basile, Esq., Attorney for Respondent Mayor and Council  
Arthur Minuskin, Esq., Attorney for Respondent Najarian

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This is an appeal from the action of respondent Mayor and Council (hereinafter respondent) which, by a vote of four-to-two, approved an application for a place-to-place transfer of respondent licensee's (hereinafter licensee) plenary retail consumption license (with broad package privilege) from premises 785 Palisade Avenue to premises 494 Anderson Avenue, Cliffside Park.

A resolution approving the transfer by respondent, adopted on January 17, 1967, after a hearing on said application, concludes as follows:

"1. That it is in the best interest of the Borough of Cliffside Park to grant this transfer;

"2. That the transfer to the proposed location eliminating driveways on both the intersecting county roads and no parking in front of the premises, will not create any traffic hazards;

"3. That the area from which the license is being transferred is presently overcrowded with establishments serving alcoholic beverages to the general public, and that the proposed location would make for a better distribution of the licenses in the community."

Appellant's petition of appeal, among other things, alleges that the matter of transfer of the license to the proposed site had previously been denied; that no need exists for a license at the new location; that a disqualified councilman deliberated with the respondent and voted for the requested transfer, and that the respondent's action was arbitrary, capricious, illegal and constituted an abuse of discretion.

Respondent and licensee in their answers deny the allegations set forth in appellant's petition of appeal, and respondent reiterated the reasons given by it which have been recited in the resolution adopted in this matter. Furthermore, respondent contends that there was a change in membership of the Mayor and Council and in the circumstances since a former application for transfer of the license to the present location.

The parties herein agreed to submit the matter upon a stenographic transcript of the proceedings held before respondent, pursuant to Rule 8 of State Regulation No. 15. In addition thereto, at the hearing herein various exhibits were marked in evidence and statements were made by the attorneys representing the respective parties.

The record herein discloses that on November 3, 1965, a prior application made by Shop-Rite Liquors of Cliffside Park, Inc. for person-to-person and place-to-place transfer of the license in question to the proposed premises was denied by respondent. An appeal from said denial was affirmed by the Director. Shop-Rite Liquors of Cliffside Park, Inc. v. Cliffside Park, Bulletin 1681, Item 1.

It appears that in the prior appeal aforementioned, Councilman Joseph L. Firaldi disqualified himself from participation in the said hearing because his brother Fred Firaldi was an officer and shareholder of Shop-Rite Liquors of Cliffside Park, Inc., applicant for the transfer of the license and also owner of the proposed premises.

At the hearing held before respondent on December 20, 1966, the attorney for appellant requested that Councilman Firaldi disqualify himself from participation in the instant matter for the reason that the Councilman's brother was and still is an officer and stockholder of the landlord corporation (Shop-Rite Liquors of Cliffside Park, Inc.). Councilman Firaldi stated that since the application for transfer was made by Vahan Najarian (an individual), "I feel I can sit in judgment." Mayor Calabrese, chairman at the hearing, then ruled "that Mr. Firaldi can voice his opinion in this matter." Councilman Firaldi made the motion that the transfer of the license be approved and thereafter voted in favor thereof. It might be mentioned that the licensee is also an officer of and stockholder in the landlord corporation.

Quaere: Is the interest of Councilman Firaldi, as a member of the local issuing authority and brother of Fred Firaldi, such that he should have disqualified himself and refrained from participation in the hearing of the application for the transfer of the license in question?

The granting of a liquor license has been held to involve action judicial in nature. Dufford v. Nolan, 46 N.J.L. 87 (Sup. Ct. 1884). The standards of disqualifying interest here controlling can be no less exacting than in the case of purely judicial action. Tp. Committee of Freehold Tp. v. Gelber, 26 N.J. Super. 388 (App. Div. 1953). In that case

Judge Schettino ruled that, because of the relationship of brothers where an application was made for the issuance of a liquor license, the brother who was a member of the Township Committee should have disqualified himself with reference to the application for issuance of the license. In that case the Court also ruled that the action on the part of the member of the issuing authority infected the action of the whole body and rendered it voidable. Cf. Kuberski v. Haussermann, 113 N.J.L. 162 (Sup. Ct. 1934); Pyatt v. Mayor and Council of Dunellen, 9 N. J. 548 (1952). In State v. Deutsch, 34 N. J. 190, wherein the matter of Tp. Committee of Freehold v. Gelber, *supra*, was cited where a county judge refused to disqualify himself in a matter wherein his brother was the prosecutor and also the law partner of the assistant prosecutor handling the matter, Justice Jacobs remarked:

"It is vital that justice be administered not only with a balance that is clear and true but also with such eminently fair procedures that the litigants and the public will always have confidence that it is being so administered. See Frankfurter, J. in Offutt v. United States, 348 U.S. 11, 14, 75 S. Ct. 11, 13, 99 L. Ed. 11, 16 (1954): 'justice must satisfy the appearance of justice.' To that end judges must refrain from engaging in any conduct which may be hurtful to the judicial system or from sitting in any causes where their objectivity and impartiality may fairly be brought to question."

A public office is a public trust. A quasi-judicial action of a municipal body is rendered voidable by the voting participation of a member thereof who is at the time subject to a direct or indirect private interest which is at variance with the impartial performance of his public duty. Aldom v. Borough of Roseland, 42 N.J. Super. 495. See also McNamara v. Saddle River, 64 N.J. Super. 426 (App. Div. 1960).

Therefore Councilman Firaldi, being the brother of Fred Firaldi, an officer and stockholder of the landlord corporation, should have disqualified himself from participating in any manner whatsoever in the matter in question. I have no doubt that Councilman Firaldi was aware that Najarian, the licensee herein, was also an officer and stockholder in the corporation which owned the proposed premises sought for the liquor license. Under the circumstances, Councilman Firaldi should have withdrawn entirely from the proceedings. Thus the principle of disqualifying interest being applicable, I am satisfied that Councilman Firaldi's participation in the matter resulted in the action of respondent being tainted with illegality.

Pursuant thereto, and because of the aforesaid reason, it is recommended that an order be entered reversing the action of respondent herein.

In view of the aforesaid recommendation, it is unnecessary to consider any other points raised by the parties to this appeal.

### Conclusions and Order

Pursuant to the provisions of Rule 14 of State Regulation No. 15, exceptions to the Hearer's report with supportive argument, were filed with me by the attorney for respondent Vahan Najarian, and answers to the said exceptions with supportive argument, were filed by the appellant. Thereafter the matter was set down for oral argument and the same was presented before me.

I concur in the finding of the Hearer that Councilman Firaldi "should have withdrawn entirely from the proceedings" and his failure to do so invoked the "principle of disqualifying interest." As the court stated in Tp. Committee of Freehold Tp. v. Gelber, 26 N.J. Super. 388 at p. 392:

"His concurrence as an interested member infected the action of the whole body and rendered its action voidable."

Cf. Kuberski v. Haussermann, 113 N.J.L. 162, 169 (Sup.Ct. 1934); Pyatt v. Mayor and Council of Dunellen, 9 N.J. 548, 557 (1952).

The Hearer found such disqualifying interest which rendered the determination of the respondent Council voidable, and recommended reversal of the action of respondent herein without considering the factual merits of the said application. I am of the opinion that this matter should ultimately be decided upon the merits. Since the action of the respondent Council is voidable and not void, the Director is empowered to authorize such reconsideration under the proper circumstances.

We bear in mind the strong language of R.S. 33:1-73 that the basic legislative philosophy and intent of the Alcoholic Beverage Law is "remedial of abuses inherent in liquor traffic and shall be liberally construed" and of R.S. 33:1-23 that the Director shall "do, perform, take and adopt all other acts, procedures and methods designed to insure the fair, impartial, stringent and comprehensive" enforcement of the Alcoholic Beverage Law. Blanck v. Mayor and Borough Council of Magnolia, 38 N.J. 484.

In Blanck the facts were somewhat different from those in the matter sub judice. In that case an applicant who was a member of the local body was interested in obtaining a license; an ordinance creating and authorizing said license was issued and passed and thereafter the member resigned and the license was issued to him. The court there held that the Director should have taken the petitioner's appeal and molded it as if it were a direct application to the Director for a license. He would have made a determination as to whether public welfare or favoritism was the basis for enacting the ordinance. If he found public welfare, he would have then considered the relative merits of the two applications. If he found that the amendment was passed for a reason not permitted by the Legislature, he would not have granted a license to either applicant. Nevertheless, the power he would exercise would be in the nature of an issuing authority (such as he exercises under R.S. 33:1-20) rather than an appellate one.

In the matter under consideration and in the fac-

tual complex herein, I believe that fairness to all parties requires that the matter be remanded to the respondent Council to determine the same upon the merits, with the express condition that Councilman Firaldi be excluded from participation at the hearing and consideration of the said application. Such a procedure would save to the local body the first determination of the grant of the license and yet give to the Director the broad power of R.S. 33:1-26, 38, respecting appeals relating to actions on transfers. Fanwood v. Rocco, 33 N.J. 404, cf. Rajah Liquors v. Division of Alcoholic Beverage Control, 33 N.J. Super. 598, cert. den. 18 N.J. 204 (1955).

I shall therefore direct that this matter be remanded to the respondent Council for a full hearing, as herein above stated, and that all parties in interest be advised of the date of the hearing. Owl Field Club, Inc. v. Newark, Bulletin 1423, Item 2.

Accordingly, it is, on this 19th day of October 1967,

ORDERED that the matter be and the same is hereby remanded to the Mayor and Council of the Borough of Cliffside Park for a full hearing by all of its members with the exception of Councilman Firaldi; that the transcript of these proceedings be made available to the respondent Council so as to avoid the necessity of recalling those witnesses who have heretofore given their testimony under oath at the hearing held herein, and that all parties in interest be advised of the date of hearing.

JOSEPH P. LORDI  
DIRECTOR

2. APPELLATE DECISIONS - LOELEM ENTERPRISES, INC. v. OCEAN.

LOELEM ENTERPRISES, INC.,	)	
t/a THE LIGHT HOUSE,	)	
	)	
Appellant,	)	ON APPEAL
	)	
v.	)	ORDER
	)	
TOWNSHIP COMMITTEE OF THE TOWNSHIP	)	
OF OCEAN (OCEAN COUNTY),	)	
	)	
Respondent.	)	

-----  
Citta and Gasser, Esqs., by Joseph A. Citta, Esq., Attorneys  
for Appellant  
Roy G. Simmons, Esq., Attorney for Respondent

BY THE DIRECTOR:

Appellant appeals from respondent's action suspending its license for ten days effective July 10, 1967, for sale in violation of State Regulation No. 38. Upon filing of the appeal, I entered an order staying the suspension pending determination of the appeal.

Prior to the hearing on appeal, by letter of Octo-

ber 20, 1967, appellant's attorneys advised me that the appeal was withdrawn. No reason appearing to the contrary,

It is, on this 24th day of October, 1967,

ORDERED that the appeal herein be and the same is hereby dismissed; and it is further

ORDERED that the ten-day suspension be reinstated against Plenary Retail Consumption License C-2, issued by the Township Committee of the Township of Ocean, County of Ocean, to Loelem Enterprises, Inc., t/a The Light House, for premises on Route 9, Ocean Township, commencing at 2:00 a. m. Tuesday, October 31, 1967, and terminating at 2:00 a. m. Friday, November 10, 1967.

JOSEPH P. LORDI  
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - LICENSE  
SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

ANDREW J. SEMON )  
t/a Semon's Bar & Grill )  
46 Hoover Avenue )  
Passaic, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )  
License C-75, issued by the Board of )  
Commissioners of the City of Passaic. )

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Joseph M. Keegan, Esq., Attorney for Licensee  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic  
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on April 7, 21 and May 5, 1967 he permitted acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Callahan, Bulletin 1751, Item 2.

Accordingly, it is, on this 19th day of October 1967,

ORDERED that Plenary Retail Consumption License C-75, issued by the City Council of the City of Passaic to Andrew J. Semon, t/a Semon's Bar & Grill, for premises 46 Hoover Avenue, Passaic, be and the same is hereby suspended for fifty-five (55) days, commencing at 3 a. m. Thursday, October 26, 1967, and terminating at 3 a. m. Wednesday, December 20, 1967.

JOSEPH P. LORDI  
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - LOTTERY (POSSESSION OF NUMBERS SLIPS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Ann Brogel  
t/a Ann's Hut  
502 Lamberton Street  
Trenton, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-33 issued by the City Council of the City of Trenton

-----  
Licensee, Pro se.  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) and (2) on July 22, 25, August 3 and 4, 1967, she permitted acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20, and (3) on August 12, 1967, she permitted numbers slips on the licensed premises, in violation of Rule 6 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Callahan, Bulletin 1751, Item 2.

Accordingly, it is, on this 11th day of October, 1967,

ORDERED that Plenary Retail Consumption License C-33, issued by the City Council of the City of Trenton to Ann Brogel, t/a Ann's Hut, for premises 502 Lamberton Street, Trenton, be and the same is hereby suspended for fifty-five (55) days, commencing\* at 2:00 a. m. Wednesday, October 18, 1967, and terminating at 2:00 a. m. Tuesday, December 12, 1967.

JOSEPH P. LORDI  
DIRECTOR

\*By order dated October 17, 1967, the suspension was deferred to commence at 2:00 a. m. Tuesday, January 2, 1968, and to terminate at 2:00 a. m. Monday, February 26, 1968.



5. DISCIPLINARY PROCEEDINGS - PURCHASE FROM ANOTHER RETAILER - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

Bruno Hardcastle, Inc.  
138 Park Ave.  
Hoboken, New Jersey,

Holder of Plenary Retail Consumption  
License C-23, issued by the Municipal  
Board of Alcoholic Beverage Control  
of the City of Hoboken.

CONCLUSIONS  
AND ORDER

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Licensee, by Edward Freer, Secretary-Treasurer, Pro se  
David S. Piltzer, Esq., Appearing for Division of Alcoholic  
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on dates between September 12 and November 9, 1966 (when the licensee was on the Non-Delivery List), it purchased several bottles of alcoholic beverages from another retailer, in violation of Rule 15 of State Regulation No. 20.

Licensee has a previous chargeable record of suspension of license (1) by the municipal issuing authority for five days effective October 18, 1964 and (2) for five days effective August 4, 1965, both for sale during prohibited hours, and (3) by the Director for thirty-five days effective February 3, 1966, for sale to minors and false statement in the license application, and (4) for forty days effective August 17, 1966, for permitting foul language on the licensed premises. Re Bruno Hardcastle, Inc., Bulletin 1663, Item 9; Bulletin 1694, Item 8.

The license will be suspended for fifteen days (cf. Re Huze and MacKenzie, Bulletin 1624, Item 11), to which will be added twenty days by reason of the record of four suspensions of license for dissimilar violations occurring within the past five years (Re Valenti, Bulletin 1652, Item 8), or a total of thirty-five days, with remission of five days for the plea entered, leaving a net suspension of thirty days.

Accordingly, it is, on this 11th day of October, 1967,

ORDERED that Plenary Retail Consumption License C-23, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Bruno Hardcastle, Inc., for premises 138 Park Avenue, Hoboken, be and the same is hereby suspended for thirty (30) days, commencing at 2 a.m. Wednesday, October 18, 1967, and terminating at 2 a.m. Friday, November 17, 1967.

JOSEPH P. LORDI  
DIRECTOR

## 6. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #308	)	
In the Matter of a Petition to Lift	)	
the Automatic Suspension of Plenary	)	
Retail Distribution License D-23	)	ON PETITION
issued by the Board of Commissioners	)	
of the City of Passaic to	)	SUPPLEMENTAL
	)	ORDER
Bernard Slaff	)	
t/a Corner Liquor Store	)	
29 Monroe Street	)	
Passaic, N. J.	)	

-----

David Einhorn, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

On August 9, 1967, an order was entered herein temporarily staying the statutory automatic suspension of the licensee-petitioner pending the determination of disciplinary proceedings against him.

It now appears that in disciplinary proceedings conducted by the municipal issuing authority the license was suspended for fifteen days effective 10:00 a. m. October 5, 1967, and terminating at 10:00 a. m. October 20, 1967, on a charge alleging sale of alcoholic beverages to the same minor, which sale was the subject of the previous criminal conviction. Hence, I shall lift the automatic suspension in anticipation of the municipal suspension. Re Dopart, Bulletin 1743, Item 4.

Accordingly, it is, on this 11th day of October, 1967,

ORDERED that the statutory automatic suspension of said license D-23 be and the same is hereby lifted, effective 10:00 a. m. Friday, October 20, 1967.

JOSEPH P. LORDI  
DIRECTOR

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

In the Matter of Disciplinary	)	
Proceedings against	)	
Astrab-Mike's Bar (Corp.)	)	
t/a Mike's Bar	)	CONCLUSIONS
221 Fort Dix Street	)	AND ORDER
Wrightstown, N. J.	)	
Holder of Plenary Retail Consumption	)	
License C-5 issued by the Borough	)	
Council of the Borough of Wrightstown	)	

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Dimon, Haines and Bunting, Esqs., by John E. Dimon, Esq.,  
Attorneys for Licensee.

Leon Chorkavy, Jr., Esq., Appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 25, 1967, it possessed alcoholic beverages in two bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

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 Longview Corporation, Bulletin 1753, Item 5.

Accordingly, it is, on this 3d day of October, 1967,

ORDERED that Plenary Retail Consumption License C-5, issued by the Borough Council of the Borough of Wrightstown to Astrab-Mike's Bar (Corp.), t/a Mike's Bar, for premises 221 Fort Dix Street, Wrightstown, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a. m. Tuesday, October 10, 1967, and terminating at 2:00 a. m. Friday October 20, 1967.

JOSEPH P. LORDI  
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

Englewood Golf Club )  
Club House Road )  
Englewood, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Club License CB-7, )  
issued by the Common Council )  
of the City of Englewood. )

----- )  
Daniel Amster, Esq., Attorney for Licensee  
Leon Chorkavy, Jr., Esq., Appearing for Division of Alcoholic  
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on May 24, 1967 it possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for ninety days effective March 2, 1965, for undisclosed interest in the license and failure to keep true books of account. Re Englewood Golf Club, Bulletin 1609, Item 3.

The prior record of suspension of license for dissimilar violation within the past five years considered, 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 Fraser, Bulletin 1742, Item 6.

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

ORDERED that Club License CB-7, issued by the Common Council of the City of Englewood to Englewood Golf Club, for premises on Club House Road, Englewood, be and the same is hereby suspended for ten (10) days, commencing at 1 a. m. Monday, October 16, 1967, and terminating at 1 a. m. Thursday, October 26, 1967.

JOSEPH P. LORDI  
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Marie Lotito  
t/a Bridge Inn  
45 Bridge Street  
Paterson, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-21 issued by the Board of Alcoholic Beverage Control for the City of Paterson

Grabow, Verp & Rosenfelt, Esqs., by Donald A. Rosenfelt, Esq.,  
Attorneys for Licensee.  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on June 21, 1967, she sold a drink of beer to a minor, age 20, in violation of Rule 1 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for ten days effective April 17, 1967, for sale to a minor. Re Lotito, Bulletin 1732, Item 9.

The prior record of suspension of license for similar violation within the past five years considered, the license will be suspended for twenty days, with remission for five days for the plea entered, leaving a net suspension of fifteen days. Re Absecon Lanes, Inc., Bulletin 1751, Item 8.

Accordingly, it is, on this 16th day of October, 1967,

ORDERED that Plenary Retail Consumption License C-21, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Marie Lotito, t/a Bridge Inn, for premises 45 Bridge Street, Paterson be and the same is hereby suspended for fifteen (15) days, commencing at 3:00 a. m. Thursday, October 19, 1967, and terminating at 3:00 a. m. Friday, November 3, 1967.

JOSEPH P. LORDI  
DIRECTOR

10.

## ACTIVITY REPORT FOR OCTOBER 1967

## ARRESTS:

Total number of persons arrested - - - - -	13
Licenses and employees - - - - -	4
Bootleggers - - - - -	9

## SEIZURES:

Still - 50 gallons or under - - - - -	1
Mash - gallons - - - - -	320
Distilled alcoholic beverages - gallons - - - - -	1.80
Brewed malt alcoholic beverages - gallons - - - - -	36.64

## RETAIL LICENSEES:

Premises inspected - - - - -	731
Premises where alcoholic beverages were gauged - - - - -	602
Bottles gauged - - - - -	9,350
Premises where violations were found - - - - -	290
Violations found - - - - -	227
No Form E-141-A on premises - - - - - 180	Other mercantile business - - - - - 5
Unqualified employees - - - - - 54	Disposal permit necessary - - - - - 3
Application copy not available - - - - - 24	Other violations - - - - - 24

## STATE LICENSEES:

Premises inspected - - - - -	18
License applications investigated - - - - -	8

## COMPLAINTS:

Complaints assigned for investigation - - - - -	459
Investigations completed - - - - -	498
Investigations pending - - - - -	270

## LABORATORY:

Analyses made - - - - -	16
Refills from licensed premises - bottles - - - - -	6

## IDENTIFICATION:

Criminal fingerprint identifications made - - - - -	13
Persons fingerprinted for non-criminal purposes - - - - -	315
Identification contacts made with other enforcement agencies - - - - -	209

## DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities - - - - -	10
Violations involved - - - - -	11

Sale to minors - - - - - 5	
Sale during prohibited hours - - - - - 4	
Sale to non-members by club - - - - - 2	

Cases instituted at Division - - - - -	22
Violations involved - - - - -	24

Beverage Tax Law non-compliance - - - - - 6	Possessing liquor not truly labeled - - - - - 1
Permitting lottery acty. on premises - - - - - 6	Permitting bookmaking on premises - - - - - 1
Sale to minors - - - - - 3	Sale below filed price - - - - - 1
Permitting gambling on premises - - - - - 2	Hindering investigation - - - - - 1
Sale during prohibited hours - - - - - 2	Failure to close prem. during proh. hr. - - - - - 1

Cases brought by municipalities on own initiative and reported to Division - - - - -	18
Violations involved - - - - -	25

Sale to minors - - - - - 11	Sale during prohibited hours - - - - - 1
Permitting brawl on premises - - - - - 7	Failure to close premises during prohibited hours - - - - - 1
Unqualified employees - - - - - 2	Failure to afford view into premises during prohibited hours - - - - - 1
Hindering investigation - - - - - 1	
Employee working while intoxicated - - - - - 1	

## HEARINGS HELD AT DIVISION:

Total number of hearings held - - - - -	40
Appeals - - - - - 5	Tax revocations - - - - - 4
Disciplinary proceedings - - - - - 21	Hearings on petitions - - - - - 3
Eligibility - - - - - 7	

## STATE LICENSES AND PERMITS:

Total number issued - - - - -	1,812
Licenses - - - - - 4	Wine permits - - - - - 380
Solicitors' permits - - - - - 38	Miscellaneous permits - - - - - 197
Employment permits - - - - - 316	Transit insignia - - - - - 288
Disposal permits - - - - - 19	Transit certificates - - - - - 37
Social affair permits - - - - - 538	

## OFFICE OF AMUSEMENT GAMES CONTROL:

Enforcement files established - - - - -	3
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JOSEPH P. LORDI  
 Director of Alcoholic Beverage Control  
 Commissioner of Amusement Games Control

Dated: November 8, 1967

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

In the Matter of Disciplinary )  
 Proceedings against )

Deal Golf and Country Club )  
 t/a Halfway House )  
 9th Green and 10th Tee on )  
 the Golf Course )  
 Ocean Township (Monmouth Co.) )  
 PO Box D, Deal, New Jersey, )

CONCLUSIONS  
 AND ORDER

Holder of Club License CB-3, )  
 issued by the Township Committee )  
 of the Township of Ocean. )

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 Raymond H. Leahy, Esq., Attorney for Licensee  
 Leon Chorkavy, Jr., Esq., Appearing for Division of Alcoholic  
 Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 17, 1967 it possessed alcoholic beverages in two bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

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 The 331 Broad Ave. Corporation, Bulletin 1755, Item 4.

Accordingly, it is, on this 16th day of October, 1967,

ORDERED that Club License CB-3, issued by the Township Committee of the Township of Ocean to Deal Golf and Country Club, t/a Halfway House, for premises 9th Green and 10th Tee on the Golf Course, Ocean Township, be and the same is hereby suspended for ten (10) days, commencing at 7 a. m. Monday, October 23, 1967, and terminating at 7 a. m. Thursday, November 2, 1967.

JOSEPH P. LORDI  
 DIRECTOR

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

In the Matter of Disciplinary  
Proceedings against )

Anderson Hotel Incorporated )  
t/a Anderson Hotel )  
Route #24, Anderson )  
Mansfield Township )  
PO Washington R.D. #2, New Jersey, )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption  
License C-1, issued by the Township  
Committee of the Township of  
Mansfield. )

DeMasi & Harbourt, Esqs., by Joseph V. DeMasi, Esq., Attorneys  
for Licensee  
Leon Chorkavy, Jr., Esq., Appearing for Division of Alcoholic  
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that  
on May 25, 1967 it possessed an alcoholic beverage in a bottle  
bearing a label which did not truly describe its contents, in  
violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended  
for ten days, with remission of five days for the plea entered,  
leaving a net suspension of five days. Re Elm Enterprises, Inc.,  
Bulletin 1756, Item 13.

Accordingly, it is, on this 23rd day of October, 1967,

ORDERED that Plenary Retail Consumption License C-1,  
issued by the Township Committee of the Township of Mansfield  
to Anderson Hotel Incorporated, t/a Anderson Hotel, for premises  
on Route #24, Mansfield, be and the same is hereby suspended  
for five (5) days, commencing at 3 a. m. Monday, October 30,  
1967, and terminating at 3 a. m. Saturday, November 4, 1967.

JOSEPH P. LORDI  
DIRECTOR

13. DISCIPLINARY PROCEEDINGS - GAMBLING (WAGERING) - PRIOR RECORD  
DISREGARDED BECAUSE OF CHANGE OF STOCKHOLDERS - LICENSE  
SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against )

Keller's Tavern & Grove, Inc. )  
94 Camptown Road )  
Berkeley Heights, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption  
License C-2 issued by the Township  
Committee of the Township of  
Berkeley Heights )

Frank A. Pizzi, Esq., Attorney for Licensee  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic  
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 21, 28-29, May 5 and June 22-23, 1967, it permitted gambling (wagering variously on pool games, shuffle alley games and a baseball game), in violation of Rule 7 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for ten days effective January 10, 1956 and for twenty-five days effective October 13, 1958, both for sale to minors (Re Keller's Tavern & Grove, Inc., Bulletin 1095, Item 11; Bulletin 1245, Item 4, Bulletin 1248, Item 12, Bulletin 1249, Item 9) and by the municipal issuing authority for ten days effective November 10, 1958, for sale in violation of State Regulation No. 38.

The prior record of suspensions of license for dissimilar violations disregarded because occurring more than five years ago and because of intervening change of stockholders of the licensee corporation (Re Fred Serra, Inc., Bulletin 1748, Item 4), 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 Jule's Bar, Inc., Bulletin 1752, Item 5; Re Remeth, Inc., Bulletin 1729, Item 4.

Accordingly, it is, on this 6th day of November, 1967,

ORDERED that Plenary Retail Consumption License C-2, issued by the Township Committee of the Township of Berkeley Heights to Keller's Tavern & Grove, Inc. for premises 94 Camp-town Road, Berkeley Heights, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a. m. Monday, November 13, 1967, and terminating at 2:00 a. m. Thursday, November 23, 1967.

JOSEPH P. LORDI  
DIRECTOR



## 14. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #312 )

In the Matter of a Petition to Lift  
the Automatic Suspension of Plenary  
Retail Consumption License C-65  
Issued by the Municipal Board of  
Alcoholic Beverage Control of the  
City of Clifton to )

ON PETITION  
ORDER

JOSEPH & HELEN M. RADACOVSKI )  
t/a Joe's Tavern )  
97 Ackerman Avenue )  
Clifton, N. J. )

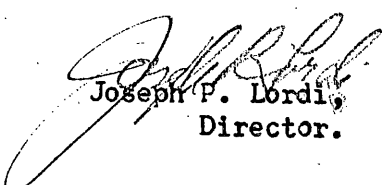
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BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on November 4, 1967, Joseph Radacovski, one of the licensees-petitioners, was fined \$50 and \$5 costs in the Clifton Municipal Court after pleading guilty to a charge of sale of alcoholic beverages to minors on September 29, 1967, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of petitioners' license for the balance of its term. R.S. 33:1-31.1. Because of the pendency of this proceeding, the statutory automatic suspension has not been effectuated.

It further appears that in disciplinary proceedings conducted by the municipal issuing authority, the license was suspended for five days effective 3:00 a.m. Monday, November 27, 1967 and terminating at 3:00 a.m. Saturday, December 2, 1967, on a charge alleging sale of alcoholic beverages to the same minors, which sale was the subject of the previous criminal conviction. Hence, I shall lift the automatic suspension in anticipation of the service of the municipal suspension. Re Giezen, Bulletin 1741, Item 4.

Accordingly, it is, on this 22d day of November, 1967,

ORDERED that the statutory automatic suspension of said license C-65 be and the same is hereby stayed in the meantime and is lifted effective 3:00 a.m. Saturday, December 2, 1967.



Joseph P. Lordi,  
Director.