

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

BULLETIN 2004

October 21, 1971

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

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BULLETIN 2004

1. APPELLATE DECISIONS - MARINACCIO v. ASBURY PARK.

Francesco A. Marinaccio, t/a)	
Marino's Bar & Restaurant,)	
Appellant,)	On Appeal
v.)	CONCLUSIONS
City Council of the City of)	and
Asbury Park,)	ORDER
Respondent.)	

Louis R. Di Lieto, Esq., Attorney for Appellant
James M. Coleman, Jr., 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 respondent City Council of the City of Asbury Park (hereinafter Council) which imposed a suspension of appellant's plenary retail consumption license for forty-five days following a plea of guilty to a charge of selling alcoholic beverages to a minor, age twenty.

The appellant urged that the penalty was too harsh and no benefit was accorded in view of the guilty plea. The Council responded that the penalty imposed was in consideration of the prior record of suspensions which were imposed against the appellant for prior violations.

The matter was heard de novo pursuant to Rule 6 of State Regulation No. 15, with full opportunity given to both parties to present testimony; both parties limited themselves to oral argument.

Appellant urged that as voting rights had recently been accorded to persons eighteen years of age or older, such change having resulted from constitutional amendment, the twenty-one year old drinking rule could be unconstitutional. While this argument is patently spurious, it is axiomatic that constitutional arguments have no place before an administrative agency.

The appeal is limited to the crucial issue of whether the penalty imposed was so severe as to constitute an abuse of discretion. An examination of the prior record of the appellant reveals that the license was suspended for thirty days, effective June 28, 1966 for violation of Rule 1 of State Regulation No. 38, and for permitting gambling on the premises, in violation of Rule 7 of State Regulation No. 20. Two years later, effective August 5, 1968, the license was suspended for twenty-five days on a charge of permitting gambling on the premises, in violation of Rule 7 of State Regulation No. 20. On November 11, 1968 the license was again suspended for sixty-five days on a charge of permitting gambling on the licensed premises, and in October of that same

year, the appellant was found guilty of permitting acts of violence upon the premises, in violation of Rules 4 and 5 of State Regulation No. 20, although no penalty was imposed on this infraction.

Were the plea herein entertained by the Director, the penalty imposed would have been ten days for the sale to the minor (Re Mondello, Bulletin 1451, Item 10) to which would be added twenty days by reason of four dissimilar violations occurring within a period of five years (Re Bruno Hardcastle, Inc., Bulletin 1767, Item 5) and an additional thirty days by reason of the aggravating circumstances that this offense is the appellant's fifth violation. Re Jeanne's Enterprises, Inc., Bulletin 1766, Item 9, or a total of sixty days. With remission of twelve days for the plea entered, a net suspension of forty-eight days would thus result.

The power of the Director to reduce or modify a penalty must be sparingly exercised, and only with the greatest caution. Even the fact that a penalty may be considered relatively severe (which I find not to be so in the instant matter) does not of itself justify reduction on appeal. De Luccia v. Paterson, Bulletin 1781, Item 1.

The present penalty of forty-five days most adequately fits the circumstances and does not constitute an abuse of discretion by the Council.

It is recommended that the appeal be dismissed and an order be entered affirming the action of respondent and fixing the effective dates for suspension imposed by respondent and stayed pending the entry of a further order herein.

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 transcript of the testimony, the exhibits and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 24th day of August 1971,

ORDERED that Plenary Retail Consumption License C-68, issued by the City Council of the City of Asbury Park to Francesco A. Marinaccio, t/a Marino's Bar & Restaurant, for premises 807-809-811 Main Street, Asbury Park, be and the same is hereby suspended for forty-five (45) days, commencing at 3 a.m. Tuesday, September 7, 1971, and terminating at 3 a.m. Friday, October 22, 1971.

Richard C. Mc Donough,
Director.

2. DISCIPLINARY PROCEEDINGS - FALSE STATEMENT IN APPLICATION -
UNDISCLOSED INTEREST - PRIOR SIMILAR RECORD - LICENSE SUSPENDED
FOR BALANCE OF THE TERM WITH LEAVE TO LIFT AFTER 30 DAYS
UPON PROOF OF CORRECTION OF UNLAWFUL ACTIVITY.

In the Matter of Disciplinary Proceedings against Marie Bosco t/a 220 Club 220 Ferry Street Newark, N.J.,

S-8677
X-46,338-D

Holder of Plenary Retail Consumption License C-290 (for 1970-71 license period) issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark, presently holding Permit AI-414, expiring August 25, 1971.

CONCLUSIONS
and
ORDER

Goldberger, Siegel & Finn, Esqs., by Jerry M. Finn, Esq., Attorneys for Licensee
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleads not guilty to the following charges:

- "1. In your application dated July 13, 1970 filed with the Municipal Board of Alcoholic Beverage Control of the City of Newark and upon which you obtained your current plenary retail consumption license you falsely stated 'No' in answer to Question No. 29 which asks: 'Has any individual, partnership, corporation or association other than the applicant, any interest, directly or indirectly, in the license applied for or in the business to be conducted under said license?', whereas in truth and fact Fred Bosco had such an interest in that he was co-owner and partner with you in said license and in the business conducted thereunder; such false statement being in violation of R.S. 33:1-25.
- "2. From on or about October 1, 1969 until the present time you knowingly aided and abetted Fred Bosco to exercise contrary to R.S. 33:1-26, the rights and privileges of your plenary retail consumption license; in violation of R.S. 33:1-52."

The Division's case was established by the evidence of ABC agent H, who was assigned specifically to investigate an allegation that these premises were being operated as a front by Fred Bosco for his mother, the licensee herein.

He gave the following account: An investigation of the Division records disclosed that the subject license was transferred to the licensee on October 1, 1969. The records of the local

issuing authority indicate that the purchase price was \$13,000 of which the licensee, Marie Bosco reported that she personally advanced \$10,000. The \$10,000 she averred, came from the sale of her stock in several mutual funds. She also informed the Newark Board that she was the operator of a beauty shop and that her son Fred Bosco, was to assume the duties as a full time bartender and manager.

On March 20, 1970 the agent visited the licensed premises and spoke to Fred Bosco. Fred Bosco informed him that he was in fact the manager of the premises. An appointment was made to have the licensee present, and on March 23, 1970, she was questioned with respect to the said transaction. She stated that the purchase price for the premises was \$13,000; that \$10,300 was paid to Frank Zarello, the seller; and that the \$10,300 represented her life savings which she kept in a safe deposit box.

Further investigation disclosed that Fred Bosco had a personal checking account in his own name in the Fidelity Union Trust Company and checks made payable for purchases for the licensed business were drawn from that account.

The agent then visited Mr. Louis Asarnow, the attorney who represented the licensee at the time of the closing. An examination of the closing statement and the bill of sale disclosed that the purchase price was actually \$10,000; that \$250 was held in escrow by Asarnow; that \$7,000 was to be paid at the time of closing; the balance of \$2,750 was in the form of a promissory note to the seller.

A check with the Howard Savings Bank where Marie Bosco's safe deposit box was located, established that Mrs. Bosco last visited this bank on July 8, 1968, at least one year prior to the purchase of the said business. The agent then visited the Modern Music, Inc., a vendor supplying the juke box, pinball machine and cigarette machine to the licensed premises. He ascertained that, in fact, a loan in the sum of \$7,000 was made to Fred and Marie Bosco, under an agreement for the purchase of the said property.

The agent returned to the premises on March 26, 1970, at which time Fred Bosco informed him that the representations regarding the purchase given previously were false and that, in fact, \$7,000 advanced towards the purchase price was obtained from Modern Music, Inc.

Fred Bosco was summoned to the Division where he was examined with respect to the operation of these premises. An examination of the records brought with him were in variance with the Beverage Tax Reports, which indicated that during the first two months no liquor purchases were actually made. While Bosco insisted that the business was operated at a substantial loss the invoices reflected the disbursements showed a total of \$9,000 as against an income of \$11,000.

It was further learned that the Allstate Insurance Company had negotiated a theft insurance policy with Fred Bosco and had actually paid the sum of \$868.61 in settlement of a claim of an alleged theft at the said premises. The check was endorsed by Marie Bosco and Fred Bosco, cashed by Fred Bosco at a check cashing service and deposited in his personal account.

A further check was made to verify the addresses of certain alleged entertainers who were presumably paid for services at the licensed premises. None of the addresses given appeared to be accurate and none of the alleged entertainers were located.

On May 21, 1970 Fred Bosco gave a voluntary written statement to this agent in which he admitted that the \$250 deposit on account of the purchase price was not his mother's money but was, in fact, his own money. He further admitted that there are six or seven judgments, as well as other unpaid debts (not related to this tavern operation) outstanding against him, but could not give the exact dates with respect to them. He also admitted that he had been separated from his wife for a long period of time.

Further, he admitted that at the time of the purchase he had been arrested by the East Newark Police Department charged with maintaining a gambling establishment. This charge was still pending at the time of the purchase, although it was thereafter dismissed by the Hudson County grand jury.

Several creditors of Fred Bosco were visited by the agent and verified the fact that there were judgments outstanding against him.

During the several visits made to the premises, Fred was present, but Marie Bosco was neither present nor available.

Marie Bosco was questioned by this agent and agent W on April 20, 1970 and in her statement she was asked the following:

"Q What connection do you have with the 220 Club, 220 Ferry St., Newark, N.J.?

A I am the so-called owner.

Q When did you purchase the 220 Club?

A Some time in 1969.

Q From whom and what was the purchase price?

A Frank Zarillo, for \$13,000, see Freddy for that.

Q What was the source of the money?
[for the purchase of the premises]

A I am not really sure, please ask, Freddy.

Q Isn't it true, Mrs. Bosco, that on March 23, 1970, when I interviewed you at your tavern you informed me that \$10,000 dollars, was put into this business (towards purchase price) from cash money you had kept in a safe deposit box at the Howard Savings & Loan Association, at Bloomfield and Clifton Aves., Newark, N.J.?

A I told you that white lie because Freddy told me that he thought the Vending machine company would object to us telling the ABC about the loan.

Q What did you personally put in to this tavern in the way of cash?

A None.

Q Did you personally arrange for any loans or notes concerning this business?

- A I signed the note for the vending machine company, other notes I am not sure of.
- Q Have you personally received any money from this business?
- A I have received no money to date, all money made has been put back in the business to pay bills, etc.
- Q Do you personally operate this business?
- A No, my son has all to do with it."

It should be noted at this point that the testimony of the agent was taken ex parte because of the failure of the licensee to appear at the scheduled hearing, after due notice. However, a continued hearing was scheduled at the request of a newly retained attorney for the licensee and an opportunity was granted to cross-examine the witness for the Division and produce testimony on behalf of the licensee.

Marie Bosco, the licensee, testified that she decided to purchase a tavern because the beauty shop which she operated was not a successful operation and that in fact, shortly after the purchase of this business, she discontinued the operation thereof. However, she soon obtained employment with a geriatric facility in Belleville. She stated that she had invested about \$200 or \$250 in cash on account of the purchase price and that a loan was obtained for the balance of the purchase price from Modern Music, Inc. She admitted that she did not obtain any money from her safe deposit box and the information she gave to the ABC agent with respect thereto was untrue.

On cross examination, she asserted that when the business was first purchased she visited the premises three or four times a week but her poor health prevented her from continuing, and she discontinued any visits to the premises.

Fred Bosco testified that his mother is the true owner and that he is the manager of these premises. He explained that his mother was not making a success of her beauty shop business and it was mutually decided that she should purchase this tavern. He is engaged in the construction business and operates this facility for her.

He emphasized that the \$250 deposit on account of the purchase price was advanced by his mother and that the arrangement for the loan with Modern Music, Inc., was made by his mother. "I more or less handled the particulars, trying to set it up, and once the appointment was set I took her over, and she herself made the arrangements with the Modern Music loan made to her." His mother co-signed the note and the business was set up. Since he was in the construction business he took care of all the alterations in the premises. He would open the tavern at about six or seven o'clock in the evening and remain there until closing. Business was so bad, however, and his mother's health deteriorated so that it was unnecessary for her to be in attendance on the premises. During the last year his mother visited the premises on four or five occasions.

He admitted that he had marital difficulties but stated that was the reason that he had free evenings to devote to the

operation of the business. With respect to the entertainers that were noted on the invoices he insisted that those were the names and addresses that were given to him by the entertainers and he could not understand why they could not be located at the addresses set forth therein.

On cross examination the witness admitted that he had a number of judgments and debts outstanding at the time of the purchase. He also asserted that his mother gave him full power of attorney to operate the business and he ran the entire operation.

The business was carried on on a cash and carry basis, although some of the bills were paid through his personal checking account. He also admitted that at the time of the purchase, he had been charged by the East Newark Police of maintaining a gambling establishment.

He was then shown the voluntary signed statement which he executed in the Division offices, wherein he admitted that the deposit of \$250 paid on account of the purchase price was his own money. He said that that was an error and he did not recall making the statement. However, he was asked, "Did you read the statement? A I glanced at it. I looked it over." He was then asked the following questions:

"Question Other than the deposit of \$250 do you personally have any money invested into this business?" and the answer is 'No'.

Question At this time does the business owe you any money?

Answer Only the \$250 which really I gave to my mother as a gift."

* * *

"Q Was that question asked of you and did you answer it in that way?

A I guess I did, yes, sir.

Q Are you saying that is not the truth?

A I did give my mother some money.

Q Are you saying the question put and the answer are not the truth?

A I think I answered at the time a little incorrectly. I believe I did.

Q Did [the agent] take down the answer correctly you gave him?

A Only not the part I said it was my money. The fact is that I gave my mother a couple of hundred dollars as a gift was true, but not that it was my money that went directly from my hands to Zarillo's or whoever represented him as a deposit."

I have carefully examined and evaluated the testimony and exhibits presented in evidence herein. I have also observed the

demeanor of the witnesses as they testified before me. Testimony, to be believed, must not only proceed from the mouths of credible witnesses but must be credible in itself and must be such as common experience and observation of mankind can approve as probable in the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546; Gallo v. Gallo, 66 N.J. Super. 1.

We are dealing here with a purely disciplinary matter and its alleged infraction. Such action is civil in nature and not criminal. Kravis v. Hock, 135 N.J.L. 259 (Sup. Ct. 1947). Thus the proof must be supported by a fair preponderance of the credible evidence. Butler Oak Tavern v. Div. of Alcoholic Beverage Control, 20 N.J. 373 (1956).

I find that the testimony of the licensee and her son, Fred Bosco, is contradictory, contain admitted untruths. Nevertheless, inexplicably woven in their testimony and the statements given to Division agents is the clear pattern of the classic front, reflected in the admissions and inferences to be drawn therefrom.

It is evident that Marie Bosco had neither the resources nor any semblance of experience required for the operation of the licensed premises. It is quite clear that Fred Bosco used his mother as a front and as a partner because of personal problems which he had at the time of the contemplated purchase. He was separated from his wife and undoubtedly feared that his ownership of these premises might subject him to possible court action for her support or maintenance. Furthermore, he additionally had numerous judgments outstanding against him as well as debts owing to creditors. Additionally, he was facing a criminal charge (of maintaining a gambling establishment which was ultimately dismissed by the Grand Jury sometime after the purchase of the said tavern). All of these factors most likely contributed to his action in using his mother as a front in this operation. I conclude from the credible evidence presented that the licensee answered Question No. 29 in her application falsely because she failed to reveal that in truth and fact her son was a co-owner and partner with her in the said license and in the business conducted thereunder.

I further find that from on or about October 1, 1969, until the present time, the licensee knowingly aided and abetted her son, Fred Bosco, to exercise contrary to R.S. 33:1-26 the rights and privileges of her plenary retail consumption license; in violation of R.S. 33:1-52.

It is accordingly recommended, therefore, that the licensee be found guilty of both charges preferred herein.

Licensee has a previous record of suspension by the local issuing authority for twenty days, effective June 28, 1971 for an "hours" violation.

It now appears that this license has not been renewed for 1971-72 license period, but her application for renewal is presently pending before the local issuing authority; she is now operating under an AI-414 Permit.

Since it further appears that the unlawful situation continues to exist, it is further recommended that an order be entered suspending any renewal or extension of the said license that may be granted for the 1971-72 license period, for the balance of its term, with leave to the licensee or any bona fide transferee of the license to apply to the Director for the lifting of the suspension, upon filing a verified petition establishing correction

of the unlawful situation; said suspension to be lifted thereupon after the expiration of twenty-five days (Re Carlton, Bulletin 1535, Item 5), to which should be added five days by reason of the record of dissimilar violation occurring within the past five years, or a total of thirty days after the commencement of the suspension.

Conclusions and Order

No exceptions to the Hearer's report were filed within the time limited by Rule 6 of State Regulation No. 16.

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

Accordingly, it is on this 25th day of August, 1971

ORDERED that any renewal of Plenary Retail Consumption License C-290 which may be granted for the 1971-72 license period by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Marie Bosco t/a 220 Club for premises 220 Ferry Street, Newark, New Jersey (said licensee presently holds Permit AI-414, expiring August 25, 1971) be and the same is hereby suspended for the balance of its term, effective as of and on the said renewal date, with leave to the licensee or any bona fide transferee of the license to file a verified petition establishing correction of the unlawful situation for lifting of the suspension of the license, but in no event sooner than thirty days from the date of commencement of the said suspension.

Richard C. McDonough
Director

3. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF MUNICIPAL HOURS REGULATION - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against)

Nicholas Vangelas t/a Jerry's Bar 1139 Main Street Paterson, N. J. 07503)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License G-288 (for 1970-71 and 1971-72 license periods), issued by the Board of Alcoholic Beverage Control of the City of Paterson.)

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

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on Sunday, April 4, 1971 (1) he sold alcoholic beverages and (2) permitted the licensed premises to be open, both in violation of local ordinance and (3) he sold alcoholic beverages for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Licensee has a previous record of suspension for ten days by the local issuing authority effective July 27, 1970 for permitting a brawl on licensed premises and sales to a minor.

The license will be suspended for twenty days (Re Alois, Bulletin 1977, Item 8) to which will be added five days by reason of record of suspension of license for dissimilar violation within the past five years (Re Rivelli, Bulletin 1909, Item 8) making a total of twenty five days with remission of five days for the plea entered leaving a net suspension of twenty days. 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 \$800 in lieu of suspension.

Accordingly, it is, on this 19th day of August 1971,

ORDERED that the payment of a \$800 fine by the licensee is hereby accepted in lieu of a suspension of license for twenty days.

Richard C. McDonough
Director

4. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
)
 Keegan's Pleasant Valley Inn, Inc.)
 t/a Keegan's Pleasant Valley Inn)
 North Delsea Drive)
 Franklin Township (Gloucester Co.))
 PO Franklinville, N. J.,)
)
 Holder of Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Franklin.)
 -----)

CONCLUSIONS and ORDER

Licensee, by Edward Keegan, Secretary, Pro se
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on July 5, 1971 it sold alcoholic beverages to a minor, age 20, in violation of Rule 1 of State Regulation No. 20.

Although this licensee corporation has no previous record of suspension of license, a license held by Mary Riper (one of the stockholders of the corporate licensee) was suspended by the Director for the balance of its term effective April 29, 1965, with leave to lift after twenty days, for failure to disclose true ownership (Re Riper, Bulletin 1618, Item 7). License held by said Mary Riper (which license was transferred during pendency of those proceedings to Edward and Stella Keegan) was suspended by the Director for twenty days effective June 17, 1965 for sale to minors (Re Keegan, Bulletin 1628, Item 4). The license then held by Edward and Stella Keegan (also stockholders of the corporate licensee) was suspended by the municipal issuing authority for five days effective November 3, 1968, for sale to minors.

The suspension against Riper for dissimilar offense occurring more than five years ago disregarded for penalty purposes, but the suspensions against Edward and Stella Keegan for similar offense occurring more than five but less than ten years ago considered, and the suspension against the Keegans for similar violation occurring within the past five years considered, the license will be suspended for ten days on this charge (Re M & M Tavern (A Corp.), Bulletin 1989, Item 9), to which will be added fifteen days by reason of the record of two suspensions for similar violations (Re Costello, Bulletin 1971, Item 5), or a total of twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days.

Accordingly, it is, on this 23rd day of August 1971,

ORDERED that Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Franklin to Keegan's Pleasant Valley Inn, Inc., t/a Keegan's Pleasant Valley Inn, for premises on North Delsea Drive, Franklin Township, be and the same is hereby suspended for twenty (20) days, commencing at 4 a.m. Tuesday, September 7, 1971, and terminating at 4 a.m. Monday, September 27, 1971.

Richard C. McDonough,
Director.

5. DISCIPLINARY PROCEEDINGS - FRONT - NON-RESIDENT STOCKHOLDER - UNDISCLOSED STOCKHOLDER - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO LIFT AFTER 20 DAYS UPON PROOF OF CORRECTION OF UNLAWFUL CONDITION.

In the Matter of Disciplinary Proceedings against)

Scholnan, Inc.)
t/a Oasis)
400 Lambertson Street)
Trenton, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-212, issued by the City Council of the City of Trenton.)

Sills, Beck, Cummis, Radin & Tischman, Esqs., by Arthur J. Sills, Esq., Attorneys for Licensee
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to five charges alleging that in connection with the filing of an application for license it (1) failed to disclose a person other than the listed stockholders had beneficial ownership of the stock; (2) that such undisclosed stockholder was, in fact, a resident of the State of New York, hence ineligible to hold a license in this state; (3) that all of the stock in the applicant corporation was in fact being held for the unnamed stockholder by the principal stockholder listed; (4) that there was no disclosure that the unnamed beneficiary of the stock was, in fact, to be recipient of all of the profits and income from the licensed business; and (5) applicant aided and abetted the beneficiary stockholder to exercise all of the rights and privileges of the license; charges (1) through (4) above being in violation of N.J.S. 33:1-25 and charge (5) being in violation of N.J.S. 33:1-52.

Licensee has a record of suspension of license by the Director for thirty five days effective July 13, 1965 on two charges, viz., (1) it possessed six bottles of alcoholic beverages, the labels of which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20 and (2) it possessed indecent photographs in violation of Rule 17 of State Regulation No. 20. (Re Scholnan, Inc., Bulletin 1631, Item 4). To date, no correction of the unlawful situation has been accomplished.

The record of suspension for dissimilar violations occurring more than five years ago disregarded in admeasuring the penalty for the charges herein, the license will be suspended for the balance of its term, with leave granted the licensee or any bona fide transferee of the license to apply for the lifting of the suspension whenever the unlawful situation has been corrected, but in no event sooner than twenty days from the date of commencement of the suspension herein. Re Paddock Lounge, Inc., Bulletin 1929, Item 3.

Accordingly, it is, on this 25th day of August 1971,

ORDERED that Plenary Retail Consumption License C-212, issued by the City Council of the City of Trenton to Scholnan, Inc., t/a

Oasis for premises 400 Lamberton Street, Trenton be and the same is suspended for the balance of its term effective 2:00 a.m. Tuesday, September 14, 1971 with leave to licensee or any bona fide transferee of the license to apply to the Director by verified petition for the lifting of the suspension whenever the unlawful situation has been corrected, but in no event, sooner than twenty days from the commencement of the suspension herein.

Richard C. McDonough
Director

6. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

STECKMAN CORPORATION)
t/a Ferry Wine & Liquor)
158 Ferry Street)
Newark, N. J. 07105)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distribution License D-55 issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

Liebman & Rauschberg, Esqs., by Anson Rauschberg, Esq., Attorneys for Licensee.
Edward F. Ambrose, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on June 26, 1971 it sold an alcoholic beverage to a minor, age 20, in violation of Rule 1 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 M & M Tavern, Bulletin 1989, Item 9.

Accordingly, it is, on this 19th day of August 1971,

ORDERED that Plenary Retail Distribution License D-55 issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Steckman Corporation, t/a Ferry Wine & Liquor for premises 158 Ferry Street, Newark, be and the same is hereby suspended for five (5) days commencing 2:00 a.m. Thursday, September 2, 1971 and terminating 2:00 a.m. Tuesday, September 7, 1971.

Richard C. McDonough
Director

*By Amended Order dated August 23, 1971, the period of suspension was advanced to commence at 9:00 A.M. Monday, August 30, 1971 and terminated at 9:00 A.M. Saturday, September 4, 1971.

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

In the Matter of Disciplinary)
Proceedings against)

Cora-John Corp.)
1084-1086 River Road)
Edgewater, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-9 (for the 1970-71 and)
1971-72 license periods), issued by)
the Mayor and Council of the Borough of)
Edgewater.)

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on
April 20, 1971 it possessed two bottles of alcoholic beverages,
the labels of 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 fifteen days, with remission of five days for the plea entered,
leaving a net suspension of ten days. Re Piez, Bulletin 1975,
Item 6.

Accordingly, it is, on this 27th day of August 1971,

ORDERED that Plenary Retail Consumption License C-9 issued
by the Mayor and Council of the Borough of Edgewater to Cora-
John Corp., for premises 1084-1086 River Road, Edgewater, be
and the same is hereby suspended for ten (10) days commencing
3:00 a.m. Wednesday, September 8, 1971 and terminating 3:00 a.m.
Saturday, September 18, 1971.

Richard C. McDonough
Director

8. DISCIPLINARY PROCEEDINGS - CRIMINALLY DISQUALIFIED EMPLOYEE - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

MICHAEL F. WALL AND SHELIA P. CODY t/a Wall's Triangle Tavern 4218 Bergen Turnpike North Bergen, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-53 (for 1970-71 and 1971-72 license periods), issued by the Municipal Board of Alcoholic Beverage Control of the Township of North Bergen.)

Krivit & Krivit, Esqs., by Maurice M. Krivit, Esq., Attorneys for Licensee Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensees plead: non vult to a charge alleging that on March 17, 1971 they employed a person on the licensed premises who had been convicted of a crime involving moral turpitude, in violation of Rule 1 of State Regulation No. 13.

Licensees have a previous record of suspension of license for (1) by the local issuing authority for ten days effective August 21, 1966 for failure to close in violation of local ordinance and (2) by the Director for 60 days effective January 3, 1969 for permitting gambling in violation of Rules 6 and 7 of State Regulation No. 20, (Re Michael F. Wall, Bulletin 1837, Item 5).

The license will be suspended for twenty days (Re 2705 Pacific Corporation, Bulletin 1936, Item 4) to which will be added ten days by reason of two suspensions of license occurring within the past five years for dissimilar violations, 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 25th day of August 1971,

ORDERED that Plenary Retail Consumption License C-53 issued by the Municipal Board of Alcoholic Beverage Control of the Township of North Bergen to Michael F. Wall and Shelia P. Cody, t/a Wall's Triangle Tavern for premises 4218 Bergen Turnpike, North Bergen be and the same is hereby suspended for twenty-five (25) days commencing 3:00 a.m. Friday, August 27, 1971 and terminating 3:00 a.m. Tuesday, September 21, 1971.

Richard C. McDonough Director

9. 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)

Si-Be Corp.)
t/a "Tavern on the Mall")
280 Cherry Hill Mall)
Cherry Hill, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-18 (for the 1970-71 and 1971-72 license periods) issued by the Township Committee of Cherry Hill Township.)

Novack & Trobman, Esqs., by David Novack, Esq., Attorneys for Licensee.
Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 27, 1971 it sold alcoholic beverages 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 J & N Inc., Bulletin 1982, Item 3. 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 \$1,300. in lieu of suspension.

Accordingly, it is, on this 27th day of August 1971,

ORDERED that the payment of a \$1,300. fine by the licensee is hereby accepted in lieu of a suspension of license for ten days.

Richard C. McDonough
Director

10. STATE LICENSES - NEW APPLICATIONS FILED.

Hazlet Beverage Corp., t/a White Eagle Bottling
177-181 South St., Newark, N. J.
Application filed October 14, 1971 for person-to-person transfer of State Beverage Distributor's License SBD-5 from Edward C. Walkiewicz & Joseph R. Walkiewicz, t/a White Eagle Bottling Co.

Renfield Corporation, 2401 Morris Avenue, Union, N. J.
Application filed October 20, 1971 for place-to-place transfer of Plenary Wholesale License W-99 from 591-629 Rahway Ave., Union, N. J.


Richard C. McDonough
Director