

MR. ZEMEL ✓

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

BULLETIN 1589

December 1, 1964

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New Jersey State Library

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

BULLETIN 1589

December 1, 1964

1. APPELLATE DECISIONS - PFEIFFER'S GROVE, INC. v. WOODBRIDGE.

PFEIFFER'S GROVE, INC.)	
Appellant,)	ON APPEAL
v.)	CONCLUSIONS
TOWNSHIP COUNCIL OF THE)	AND ORDER
TOWNSHIP OF WOODBRIDGE,)	
Respondent.)	

Wilentz, Goldman & Spitzer, Esqs., by Warren W. Wilentz, Esq.,
Attorneys for Appellant.
Norman Robbins, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This appeal challenges the action of the respondent whereby it suspended appellant's plenary retail consumption license for premises located at Coddington Ave. and Spa Spring Road, Hopelawn, Township of Woodbridge, on June 16, for a period of forty-five days effective July 2, 1964, after the appellant was adjudged guilty of selling alcoholic beverages to minors in violation of Rule 1 of State Regulation No. 20.

Upon the filing of the appeal an order was entered staying the aforesaid order of suspension pending further order of the Director, pursuant to R.S. 33:1-31.

Appellant in its petition of appeal charges substantially that the respondent's action was "arbitrary, capricious, unreasonable, unjustifiable and in violation of the statutory and constitutional rights of the appellant" and that no factual basis existed for said suspension. It also alleged that the penalty imposed was excessively harsh.

Attorneys for both parties agreed to submit this appeal upon the transcript taken in proceedings before respondent pursuant to Rule 8 of State Regulation No. 15.

The transcript of the proceedings reflects the following picture obtained through the testimony of the witnesses and the exhibits: Two minors (Frederick -- and Jeffrey ---), accompanied by one Ronald Ross, were involved in an accident which occurred on March 23, 1964. The minors were injured and were taken to a hospital for treatment.

Officer Francis J. Caro, of the Woodbridge Police Department, testified on behalf of the respondent that, while investigating this accident at the time of its occurrence, he detected an odor of alcohol emanating from the minors. He also

retrieved a quart cardboard beer container located about five or ten feet from the car. After determining that two of the occupants were minors, they were subsequently taken to headquarters after being treated for injuries at a local hospital, and in his presence they signed statements which were introduced into evidence.

In the statement signed by Frederick --- (20 years of age) he stated that he was twenty years of age, and that on March 23, 1964, he purchased whiskey in Staten Island; that he then returned to Hopelawn, entered the appellant's tavern and bought a quart container of beer which was sold to him without his being required to show any proof of age.

Jeffrey --- (18 years of age) also signed a statement in which he also admitted that he purchased one quart of Schaefer beer on the date in question and also was not required to show any proof of age.

Frederick ---, then called as a witness by the respondent, gave the following account: On the night of March 23, 1964, in the company of Jeffrey --- and Ronald Ross, he went to Staten Island, New York, and purchased beer and whiskey which he consumed. On his return to New Jersey he stopped off at the appellant's tavern, and purchased a glass of birch beer. He categorically denied purchasing any alcoholic beverages at that time.

On cross examination he was asked whether he recalled giving a statement to the Woodbridge Police and he denied that he had ever seen or made that statement, although he admitted that the signature was his. At this point the attorney for the respondent stated to the respondent Council that he was offering this statement because he was "surprised." Pressed further on cross examination the witness insisted that he had no recollection of having purchased any beer in the appellant's tavern on that night. He did recall that the birch beer was paid for by his companion Ross because he had to go to the bathroom and that in fact he did not drink the birch beer.

It was shortly after they left the appellant's tavern that the car in which they were riding hit a pole. His only recollection was that he was taken in an ambulance to the hospital. He suffered head injuries, back injuries and an appointment was made for him to take an encephalogram in order to determine the extent of the injuries to his head.

Jeffrey --- was also called by the respondent as its witness and he too repudiated the statement which he had allegedly given to the Woodbridge Police. He gave the following account: He was eighteen years of age at the time of this incident and accompanied his two friends to Staten Island where they purchased and consumed whiskey. When they returned to New Jersey they entered the appellant's tavern because he had to go to the bathroom. He denied, however, that he had made any purchase of alcoholic beverages in that tavern. He further stated that, after the accident, he couldn't remember anything that happened, and particularly does not remember the questions asked of him by the police as set forth in the alleged statement. On cross examination by counsel for the appellant he stated that Ronald Ross bought beer at the appellant's tavern although he did not see the actual purchase.

Ronald Ross, called by the appellant in its defense, stated that he was twenty-one years of age and was the driver in the automobile at the time of the accident and accompanied the two minors on the night in question. He stated that he was the one who purchased a container of beer at the appellant's tavern and that neither of the minors made any purchase of alcoholic beverages on the date in question. On cross examination he corroborated the accounts of the two minors as set forth hereinabove. He stated that he was injured in the accident and was thereafter taken to police headquarters but was not required to execute a statement.

Thus we have the primary testimony before the respondent by the two minors, called by it in support of these charges, who categorically denied that they purchased any alcoholic beverages as set forth in the said charges. Respondent's attorney seeks to challenge such testimony because he is "surprised" and offers prior statements in an attempt to contradict the testimony of his witnesses.

Appellant correctly advocates that, where a contradictory statement is offered, it may be "permitted for the sole purpose of neutralizing or of wiping the slate clean of the unexpected adverse testimony of the witness and is to be clearly distinguished from impeachment" or the use of the cross examination as substantive evidence. State v. Hogan, 137 N.J.L. 497 (Sup.Ct. 1948), aff'd 1 N.J. 375 (1949). See also State v. D'Adame, 84 N.J.L. 386, 397 (E. & A. 1912).

In the case of State v. Cooper, 10 N.J. 532 (1952) the Supreme Court said at page 560:

"The party calling the witness may, when surprised by his testimony, examine him as to previous contradictory statements, not to impair his credibility generally, but to show one or the other of the statements must be erroneous. Such evidence of contradiction 'neutralizes the statement on the stand, by showing that the witness cannot be correct in both statements and is as likely to be wrong in the latter as in the former.'"

This same principle was adopted by the Court in State v. Baechlor, 52 N.J. Super. 378, 389 as follows:

"[3] When a party is surprised by harmful adverse testimony given by his own witness in conflict with a prior statement which the witness has made, he may attempt to neutralize or discredit this evidence by showing by other witnesses a contradictory statement on a previous occasion. This is not to prove the truth of such contradictory statement, but to neutralize or withdraw the effect of the unexpected testimony. Since the prior statement is not used assertively in place of his statement on the witness stand, but merely to wipe the slate clean, it is not hearsay testimony. The court must instruct the jury that the receipt of such testimony is purely for the purpose of neutralizing the prior testimony and that they must disregard it as tending to prove the truth of the facts which it asserts."

Therefore, the sole effect of neutralization is to restore the status prevailing before the witnesses testified upon the particular point or points on the neutralization to the same extent as though he had never been called. His testimony, so neutralized, is out of the case completely, as a matter of law. State v. Caccavale, 58 N.J. Super. 560, at p. 572; Re Newman & Gitter, Bulletin 1575, Item 3.

Therefore there is no evidence supporting respondent's charge. The statements of the minors could only be used as supportive or corroborative evidence, and not as direct or affirmative evidence in and of itself. Cf. Cino v. Driscoll, 130 N.J.L. 535.

In his memorandum submitted on behalf of respondent, counsel admits that "contradictory statements are admissible only to impair credibility or to neutralize a witness's testimony and never to prove the truth of the facts which it asserts." However, he seeks to invoke the doctrine of Past Recollection Recorded as authorizing the admissibility of Jeffrey's statement as competent evidence. However, as counsel points out in this memorandum, Jeffrey testified that he did not see Frederick (the other minor) purchase beer; that he did not recall signing the statement, nor did he remember the questions asked of him. If, as he testified, he was not present at the time of the occurrence upon which the charge was based, then he could not have any personal knowledge of what transpired on the date alleged. Since that was his only recollection, not improved or aided by the statement, the statement cannot be used for that purpose.

"It is certain that the witness must in some form verify the memorandum as a correct statement of the matter it purports to record." Morgan, The Relation between Hearsay and Preserved Memory, 30 Harvard Law Review, 712, 718, note 5 (1927); see Cottentin v. Meyer, 80 N.J.L. 48, 55 (Sup. Ct. 1910). As stated in 3 Wigmore on Evidence, Sec. 747, p. 81 (3rd Edition 1940):

"The witness must be able now to assert that the record accurately represented his knowledge and recollection at the time. The usual phrase requires the witness to affirm that he 'knew it to be true at the time.'"

Obviously this witness could not, according to his testimony, verify the subject statement as a correct statement.

I therefore conclude that, in the factual situation herein, this rule has no functional validity and is inapplicable. Thus this contention is rejected.

The comparative degree of proof by which a case must be established is the same in an administrative proceeding as in a judicial proceeding, i.e., by a preponderance of the evidence. 42 Am. Jur., Public Administrative Law, sec. 132, p. 467, and cases cited therein. The charges must be established by affirmatively satisfactory evidence. A guilty finding may not be based upon mere suspicion, no matter how reasonably inferable such suspicions may be. Re Doyle, Bulletin 469, Item 2.

Findings 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. See 32 C.J.S. Evidence, § 1042, p. 1116.

"By a preponderance of evidence is meant simply evidence which is of greater weight, or more convincing, than that which is offered in opposition to it." 32 C.J.S. Evidence, § 1021, p. 1051, and cases cited therein.

I cannot say that the evidence produced by the respondent supports the charges in any manner. On the contrary, I find in fact that, in its present posture, there is no direct evidence to support the contention of the respondent. I further find that there is no competent proof that the appellant sold alcoholic beverages to the said minors on the date in question.

Accordingly I recommend that the action of the respondent be reversed, and that the charge preferred against appellant be dismissed.

Conclusions and Order

No exceptions were taken to the Hearer's Report within the time limited by Rule 14 of State Regulation No. 15.

Having carefully considered the entire record herein, including the transcript of the testimony, the briefs filed by the attorneys for the respective parties herein, and the Hearer's Report, I concur in the findings and conclusions of the Hearer and adopt his recommendation, except for the statement of the Hearer that "The statements of the minors could only be used as supportive or corroborative evidence", which question I leave open, since it is not necessary for the determination of this issue.

Accordingly, it is, on this 7th day of October, 1964,

ORDERED that the action of the respondent be and the same is hereby reversed.

JOSEPH P. LORDI
DIRECTOR

2. APPELLATE DECISIONS - GLYNN v. FRANKLIN TOWNSHIP and
SOMERSET LANES, INC.

ELMER T. GLYNN,)

Appellant,)

v.)

ON APPEAL
ORDER

TOWNSHIP COUNCIL OF THE TOWNSHIP)

OF FRANKLIN (COUNTY OF SOMERSET))

and SOMERSET LANES, INC.,)

Respondents.)

Elmer T. Glynn, Appellant, Pro se.

Stanley Cutler, Esq., Attorney for Respondent Township Council
SomerSet Lanes, Inc., by Harvey Huff, Vice President, Pro se.

BY THE DIRECTOR:

Appellant appeals from the grant on July 14, 1964,
by respondent Township Council, of application for transfer
of plenary retail consumption license from Max Rubenstein,
t/a Pine Tree Hotel, for premises at State Highway No. 27,
to respondent Somerset Lanes, Inc., for premises 700
Hamilton Street, Franklin Township.

Prior to the hearing on appeal, by telegram of
October 2, 1964, appellant advised me, in effect, that he
was withdrawing his appeal. No reason appearing to the
contrary,

It is, on this 5th day of October 1964,

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

JOSEPH P. LORDI
DIRECTOR

3. APPELLATE DECISIONS - SMITH v. FRANKLIN TOWNSHIP and
SOMERSET LANES, INC.

GEORGE SMITH,

Appellant,

v.

TOWNSHIP COUNCIL OF THE
TOWNSHIP OF FRANKLIN (COUNTY
OF SOMERSET) and SOMERSET
LANES, INC.,

Respondents.

ON APPEAL
ORDER

Robert S. Johnson, Esq., Attorney for Appellant.
Stanley Cutler, Esq., Attorney for Respondent Township Council.
Somerset Lanes, Inc., by Harvey Huff, Vice President, Pro se.

BY THE DIRECTOR:

Appellant appeals from the grant on July 14, 1964, by respondent Township Council of application for transfer of plenary retail consumption license from Max Rubinstein, t/a Pine Tree Hotel, for premises at State Highway No. 27, to respondent Somerset Lanes, Inc., for premises 700 Hamilton Street, Franklin Township.

Prior to the hearing on appeal, by letter of October 1, 1964, appellant advised me that the appeal was withdrawn. No reason appearing to the contrary,

It is, on this 5th day of October 1964,

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

JOSEPH P. LORDI
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - NUISANCE (IMMORAL ACTIVITY, FOUL LANGUAGE, SALE TO INTOXICATED PERSONS, EMPLOYEE WORKING WHILE INTOXICATED, SOLICITATION FOR DRINKS, APPARENT HOMOSEXUALS) - LICENSE SUSPENDED FOR 75 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

GEORGE F. DAVIS, INC.
t/a SHORE TAVERN
1813 Atlantic Avenue
Atlantic City, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-109 for the 1963-64 period,
and C-142 for the 1964-65 period,
issued by the Board of Commissioners of the
City of Atlantic City.

John W. Parsons, Jr., 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 as follows:

"On Sunday, April 5, Sunday April 12, Sunday April 26, and Saturday night May 16 into Sunday morning May 17, 1964, you allowed, permitted and suffered your licensed place of business to be conducted in such manner as to become a nuisance, viz., in that on all or on some of said dates you allowed, permitted and suffered lewdness immoral activity and foul, filthy and obscene language in and upon your licensed premises; allowed, permitted and suffered the sale and service to and the consumption of alcoholic beverages by persons actually or apparently intoxicated in and upon your licensed premises; allowed, permitted and suffered actually or apparently intoxicated persons to work in and upon the licensed premises; allowed permitted and suffered unescorted females frequenting your licensed premises to make overtures to and to solicit male customers and patrons for prostitution and to purchase numerous drinks of alcoholic beverages for consumption by them and others; allowed, permitted and suffered persons who appeared to be homosexuals to frequent and congregate in and upon your licensed premises and otherwise conducted your licensed place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulation No. 20."

Although licensee has no previous record, the license then held by George F. Davis, principal stockholder of the licensee, for the same premises, was suspended by the municipal issuing authority for ten days effective October 22, 1957, for sale to a minor, and by the Director for thirty days effective October 27, 1958, for sale to minors. Re Davis, Bulletin 1250, Item 4.

The record of prior dissimilar violations disregarded because occurring more than five years ago but considering the

totality of the various elements of the violation charged, the license will be suspended for seventy-five days, with remission of five days for the plea entered, leaving a net suspension of seventy days.

Accordingly, it is, on this 6th day of October 1964,

ORDERED that Plenary Retail Consumption License C-142, issued by the Board of Commissioners of the City of Atlantic City to George F. Davis, Inc., t/a Shore Tavern, for premises 1813 Atlantic Avenue, Atlantic City, be and the same is hereby suspended for seventy (70) days, commencing at 7 a.m. Tuesday, October 13, 1964, and terminating at 7 a.m. Tuesday, December 22, 1964.

JOSEPH P. LORDI
DIRECTOR

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

In the Matter of Disciplinary)
Proceedings against)

MILDRED & JOSEPH LONGSON)
t/a NEW CLUB CARAVAN)
8 Bedford Street)
Newark, N. J.)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption)
License C-756, issued by the Municipal)
Board of Alcoholic Beverage Control of)
the City of Newark.)

Licensees, by Mildred Longson, Pro se.
Edward F. Ambrose, Esq., Appearing for the Division of
Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to charges (1) and (2) alleging that on July 13 and 15, 1964, they 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 My Place, Inc., Bulletin 1577, Item 3.

Accordingly, it is, on this 6th day of October, 1964,

ORDERED that Plenary Retail Consumption License C-756, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Mildred and Joseph Longson, t/a New Club Caravan, for premises 8 Bedford Street, Newark, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. Tuesday, October 13, 1964, and terminating at 2:00 a.m. Monday, December 7, 1964.

JOSEPH P. LORDI
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - FALSE STATEMENT IN APPLICATION FOR LICENSE - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

CANCELLATION PROCEEDINGS - LICENSEE CONVICTED OF CRIME INVOLVING MORAL TURPITUDE - ORDER TO SHOW CAUSE DISCHARGED UPON CORRECTION OF UNLAWFUL SITUATION.

In the Matter of Disciplinary
Proceedings against

ANNA SAJDIK
t/a CLINTON TAVERN
233 Clinton Street
Hoboken, New Jersey

Holder of Plenary Retail Consumption
License C-157, issued by the Municipal
Board of Alcoholic Beverage Control of
the City of Hoboken and transferred
during the pendency of these proceedings
to

FRED SAJDIK

for the same premises.

CONCLUSIONS
AND ORDER

Maurice Gottlieb, Esq., Attorney for Licensee.
David S. Piltzer, Esq., Appearing for the Division of
Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to the following charge:

"In your application dated June 4, 1964, filed with the Hoboken Municipal Board of Alcoholic Beverage Control, upon which you obtained your current plenary retail consumption license, you falsely stated 'No' in answer to Question No. 34, which asks: 'Have you or has any person mentioned in this application ever been convicted of any crime?', whereas in truth and fact you were convicted on October 25, 1963 in the Hudson County Court of possessing lottery slips, in violation of N.J.S. 2A:121-3(b), and permitting premises to be used for the business of lottery, in violation of N.J.S. 2A:121-3(c); said false statement being in violation of R.S. 33:1-25."

In addition to the above charge, licensee was ordered to show cause why her license should not be cancelled and declared null and void for the following reason:

"The license was issued in violation of R.S. 33:1-25 in that on October 25, 1963, you had been convicted in the Hudson County Court of crimes involving moral turpitude, viz., possessing lottery slips in violation of N.J.S. 2A:121-3(b), and permitting premises to be used for the business of lottery, in violation of N.J.S. 2A:121-3(c)."

The facts sufficiently appear from the recited charge and order to show cause. Records of the Division indicate that effective September 23, 1964, the license was transferred from Anna Sajdik to Fred Sajdik for the same premises.

Licensee Anna Sajdik has a previous record of suspension of license by the Director for twenty days effective August 7, 1963, for permitting the acceptance of horse race and numbers bets and the conduct of a baseball pool. Re Sajdik, Bulletin 1527, Item 5.

In my opinion, conviction of the crime of possessing lottery slips and permitting premises to be used for the business of a lottery involves moral turpitude. Hence, the license will be suspended for twenty days (Re Nykun, Bulletin 1023, Item 6; Re Hillcrest Tavern, Inc., Bulletin 1000, Item 3), to which will be added five days by reason of the prior record of suspension of license for dissimilar violation occurring within the past five years (Re My Place, Inc., Bulletin 1577, Item 3), or a total of twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days.

In view of the correction of the unlawful situation by transfer of the license, the order to show cause why the license should not be cancelled and declared null and void is discharged. Cf. Re Kessler, Bulletin 1283, Item 10.

Accordingly, it is, on this 30th day of September, 1964,

ORDERED that Plenary Retail Consumption License C-157, transferred by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Fred Sajdik for premises 233 Clinton Street, Hoboken, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. Wednesday, October 7, 1964, and terminating at 2:00 a.m. Tuesday, October 27, 1964.

JOSEPH P. LORDI
DIRECTOR

7. CANCELLATION PROCEEDINGS - OFFICER, DIRECTOR AND STOCKHOLDER
 CONVICTED OF CRIME INVOLVING MORAL TURPITUDE - ORDER TO
 SHOW CAUSE DISCHARGED UPON CORRECTION OF UNLAWFUL SITUATION.

In the Matter of Disciplinary)
 Proceedings against)

SEA STAR CORP.
 233 Clinton Street)
 Hoboken, N. J.)

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Transit)
 License M-51, issued by the)
 Director of the Division of)
 Alcoholic Beverage Control.)

 Maurice Gottlieb, Esq., Attorney for Licensee.
 David S. Piltzer, Esq., Appearing for the Division of Alcoholic
 Beverage Control.

BY THE DIRECTOR:

Licensee pleads no contest to an order to show cause
 why its license should not be cancelled and declared null and
 void for the following reason:

"The license was improvidently issued in violation of
 R.S. 33:1-25 in that on October 25, 1963, Anna Sajdik,
 one of your officers, a member of your board of
 directors and the owner of more than 10% of your stock,
 had been convicted in the Hudson County Court of crimes
 involving moral turpitude, viz., possessing lottery
 slips in violation of N.J.S. 2A:121-3(b), and
 permitting premises to be used for the business of
 lottery, in violation of N.J.S. 2A:121-3(c)."

Division records indicate that effective September 21,
 1964, Anna Sajdik sold and transferred to Fred Sajdik her shares
 of stock in the licensee corporation and resigned as president
 and director of the corporation, Fred Sajdik being elected as
 president and director in her stead. Hence, the unlawful
 situation no longer exists and the order to show cause will be
 discharged. Cf. Re Kessler, Bulletin 1283, Item 10.

Accordingly, it is, on this 30th day of September, 1964,

ORDERED that the order to show cause herein be and the
 same is hereby discharged.

JOSEPH P. LORDI
 DIRECTOR

8. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
 LABELED - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA -
 DEFERRED EFFECTIVE DATE OF SUSPENSION.

In the Matter of Disciplinary)	
Proceedings against)	
AMERICAN RESORT AND RECREATION, INC.)	
t/a PINE HILL LODGE)	CONCLUSIONS
Brookside Road)	AND ORDER
Randolph Township)	
PO Mt. Freedom, N. J.)	
Holder of Seasonal Retail Consumption)	
License CS-1, issued by the Township)	
Committee of the Township of Randolph.)	

 Licensee, by Melvin Greenblatt, President, Pro se.
 Morton B. Zemel, Esq., Appearing for the Division of Alcoholic
 Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 25, 1964, it possessed alcoholic beverages in five 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 twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re McAndrew, Bulletin 1512, Item 9.

Report of recent investigation by agents of this Division discloses that the licensed business has been discontinued for the balance of the summer season May 1-November 1, 1964, and thus no effective penalty can be imposed at this time. The effective dates for the suspension will be fixed by the entry of a further order herein after operation of the licensed business for the summer season May 1-November 1, 1965 is fully resumed on a substantial basis.

Accordingly, it is, on this 5th day of October, 1964,

ORDERED that any renewal for the 1965 summer season of Seasonal Retail Consumption License CS-1, issued by the Township Committee of the Township of Randolph to American Resort and Recreation, Inc., t/a Pine Hill Lodge, for premises on Brookside Road, Randolph Township, be and the same is hereby suspended for twenty (20) days, the effective dates of such suspension to be fixed by further order as aforesaid.

JOSEPH P. LORDI
 DIRECTOR

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

In the Matter of Disciplinary
Proceedings against

HELEN SINGER
t/a STEINER'S WINES & LIQUORS
950 Main Avenue
Passaic, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distribution
License D-28, issued by the Board of
Commissioners of the City of Passaic.

Sellinger & Chester, Esqs., by Robert H. Chester, Esq., Attorneys
for licensee.

David S. Piltzer, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on August 22, 1964, she sold four quart bottles of beer for off-premises consumption during prohibited hours, 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 Jersey Bar, Inc., Bulletin 1574, Item 11.

Accordingly, it is, on this 29th day of September, 1964,

ORDERED that Plenary Retail Distribution License D-28, issued by the Board of Commissioners of the City of Passaic to Helen Singer, t/a Steiner's Wines & Liquors, for premises 950 Main Avenue, Passaic, be and the same is hereby suspended for ten (10) days, commencing at 9:00 a.m. Tuesday, October 6, 1964, and terminating at 9:00 a.m. Friday, October 16, 1964.

JOSEPH P. LORDI
DIRECTOR

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

In the Matter of Disciplinary
 Proceedings against

DOUGHERTY'S TAVERN, INC.
 t/a JIMMIE PENNESE'S
 500 Jersey Avenue
 Gloucester City, N. J.

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Consumption
 License C-33, issued by the Common
 Council of the City of Gloucester City.

 Licensee, by James V. Pennese, President, Pro se.
 Morton B. Zemel, Esq., Appearing for the Division of Alcoholic
 Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on
 August 11, 1964, it possessed an alcoholic beverage in one
 bottle bearing a label which did not truly describe its
 contents, in violation of Rule 27 of State Regulation No. 20.

Although the licensee has no previous record of
 suspension, the license of its president and 98% stockholder,
 James V. Pennese, then t/a Jim's Cafe, for premises at Blue
 Bell and Oak Streets, Monroe Township (Gloucester County),
 was suspended by the municipal issuing authority (1) for five
 days effective October 16, 1944, (2) for forty days effective
 September 20, 1948, and (3) for twenty days effective December
 8, 1952, all for "hours" violations, and by the Director
 (4) for twenty days effective May 26, 1948, for sale to minors,
 mislabeling a beer tap and false statement in license
 application. Re Pennese, Bulletin 816, Item 3.

The prior record of suspension of license for
 dissimilar violations occurring more than five years ago
 disregarded, 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 Six Steps Down, Inc., Bulletin
1572, Item 5.

Accordingly, it is, on this 6th day of October, 1964,

ORDERED that Plenary Retail Consumption License C-33,
 issued by the Common Council of the City of Gloucester City to
 Dougherty's Tavern, Inc., t/a Jimmie Pennese's, for premises
 500 Jersey Avenue, Gloucester City, be and the same is hereby
 suspended for five (5) days, commencing at 7:00 a.m. Monday,
 October 12, 1964, and terminating at 2:00 a.m. Saturday,
 October 17, 1964.

JOSEPH P. LORDI
 DIRECTOR

11. DISCIPLINARY PROCEEDINGS - PIN BALL MACHINES - LICENSE
SUSPENDED 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

ARNOLD GROON)
t/a BLACK EAGLE CAFE)
3601 Third Avenue)
Avalon, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-4, issued by the Board of)
Commissioners of the Borough of)
Avalon.)

Robert W. Wolfe, Esq., Attorney for Licensee.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on
August 11, 1964, he permitted two pin ball machines on his
licensed premises, in violation of Rule 7 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 & B Cocktail
Lounge, Inc., Bulletin 1574, Item 12.

Accordingly, it is, on this 6th day of October, 1964,

ORDERED that Plenary Retail Consumption License C-4,
issued by the Board of Commissioners of the Borough of Avalon
to Arnold Groon, t/a Black Eagle Cafe, for premises 3601
Third Avenue, Avalon, be and the same is hereby suspended for
five (5) days, commencing at 2:00 a.m. Monday, October 12, 1964,
and terminating at 2:00 a.m. Saturday, October 17, 1964.

JOSEPH P. LORDI
DIRECTOR

12. STATE LICENSES - NEW APPLICATIONS FILED.

Reitman Industries
300 Frelinghuysen Ave.
Newark, New Jersey

Application filed November 18,
1964 for place-to-place transfer
of Plenary Wholesale License W-42 to
include a warehouse at 300 Freling-
huysen Avenue, Newark, New Jersey.

Eastern Wine Corporation
Bronx Terminal Market
151st and Exterior Streets
Bronx, New York

Application filed November 19,
1964 for place-to-place transfer
of Wine Wholesale License WW-8 to
include a warehouse at 114 Grand
Avenue, (Rear), Englewood, New Jersey.

Banner Liquor Co.
384 Dorsey Street
Perth Amboy, New Jersey
Application filed Novem-
ber 30, 1964 for Plenary
Wholesale License.

Fine Wines Unlimited (A Corp)
1089 Hudson Street
Union, New Jersey
Application filed Novem-
ber 30, 1964 for place-to-
place transfer of Wine
Wholesale License WW-12 to
include a warehouse at
1089 Hudson Street, Union
New Jersey.

Joseph P. Lordi
Joseph P. Lordi
Director