

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
NEWARK INTERNATIONAL PLAZA
U.S. ROUTES 1-9 (Southbound) NEWARK, N. J. 07114

BULLETIN 2335

December 18, 1979

TABLE OF CONTENTS

ITEM

1. APPELLATE DECISIONS - FELDSTEIN'S BAR, INC. v. LAKEWOOD.
2. APPELLATE DECISIONS - NOVOA ENTERPRISES, INC. v. UNION CITY.
3. APPELLATE DECISIONS - JODO, INC. v. DUMONT.
4. APPELLATE DECISIONS - KURT'S KORNER TAVERN, INC. v. NEWARK.
5. STATE LICENSES - NEW APPLICATIONS FILED.

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BULLETIN 2335

December 18, 1979

1. APPELLATE DECISIONS - FELDSTEIN'S BAR, INC. v. LAKEWOOD.

#4253	:	
FELDSTEIN'S BAR, INC.,	:	
T/A FELDSTEIN'S BAR,	:	
	:	ON APPEAL
APPELLANT,	:	
	:	CONCLUSIONS
VS.	:	AND
	:	ORDER
TOWNSHIP COMMITTEE OF THE	:	
TOWNSHIP OF LAKEWOOD,	:	
	:	
RESPONDENT.	:	

.

Rothstein, Mandell & Strohm, Esq., by Charles H. Mandell,
 Esq., Attorney for Appellant.
 John F. Briscoe, 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 Township Committee of the Township of Lakewood (hereafter Committee) which, on June 8, 1978, renewed appellant's Plenary Retail Consumption License No. 1514-33-012-001, for premises 412-414 Clifton Avenue, Lakewood with special conditions imposed thereon as follows:

- (1) juke box to be played at moderate volume;
- (2) front door to be kept closed from 3:00 P.M. to closing; and
- (3) on Mondays through Thursdays from 4:00 P.M. to 10:00 P.M., another person in addition to the bartender shall be present to discourage outside loitering and such exterior activity as may be annoying to passersby or adjacent businesses.

Appellant voluntarily accepted conditions (1) and (2) above, however condition (3), requiring an additional person to be on the licensed premises during the hours indicated, was objected to and this appeal followed.

Appellant contends in its Petition of Appeal that the condition complained of would work such financial hardship that compliance would be next to impossible; and further, that the imposition of this condition is arbitrary and capricious in that the evidence before the Committee did not require the imposition of such terms. The Committee denies this contention in its Answer and avers that the testimony before it clearly indicated that such conditions should be imposed for the welfare of the community.

Following the filing of the appeal, the Director of this Division, by Order of July 6, 1978, did not stay the special conditions imposed pending determination of the appeal.

The appeal de novo was heard in this Division in accordance with N.J.A.C. 13:2-17.6, with full opportunity afforded the parties to introduce evidence and to cross-examine witnesses. Additionally, a copy of the minutes of the Township Committee meeting, at which the subject resolution was adopted, was accepted into evidence pursuant to N.J.A.C. 13:2-17.8.

The corporate stock of appellant corporation is owned by Jack Berger and his wife Joyce, each of whom testified in support of the appeal. Jack Berger stated that the subject premises have been in existence at that location for twenty-five or more years, during which time he has either worked there as an employee or been an owner. He described the building in which the license is housed and the business area in which it is located. In addition to his oral description, certain photographs of the premises were accepted into evidence.

Berger characterized the area in which his tavern is located as part of the central business district. The building where it is located has, adjacent to the tavern, a delicatessen that shares a common entranceway. He conceded that there were problems concerning the businesses there, but the subject premises consist of a ten stool bar in a small bar room which accommodates such a limited number of persons that the area problems bear no relationship to his operation.

He is open and on-duty from seven thirty o'clock in the morning until three o'clock in the afternoon when he is replaced by his bartender. His patronage consists of working people of the area. He closes at ten o'clock in the evening. Approximately one year ago the delicatessen adjoining his premises changed management and certain foodstuffs for immediate consumption became available. That change affected the type of patronage at the site, and numerous young people began congregating outside for short durations. Those who appear to be loitering in front of the premises are directed to move on by him or his bartender.

Loitering and the congregating of young people throughout the entire business area is a constant problem to the police. He believes that his premises is being treated as a scapegoat for such problems in his immediate area. Following the imposition of the third special condition, either he or his wife has been in the premises during the required hours. There have been no more than two or three instances when it was necessary to request loiterers to move.

Joyce Berger, the co-stockholder of appellant corporation, testified that following the imposition of the third special condition, she had stayed in the premises and, during the required hours, there were no instances where her presence was required. Business is slow except for Friday evenings and the volume was so small that, if someone were paid to sit as she did, the business would operate at a loss. She admitted the presence of loiterers outside the premises one or two times a day at most, but denied that any of them were impelled to visit her premises upon the arrival of the police, as had been testified to at the hearing before the Committee.

The bartender, James A. Boykins testified on behalf of appellant that he has been employed in the subject premises for the past three years, and during that time, loitering by his patrons does not exist. On a few rare occasions, the patrons do stand in front of the building while saying goodbye or for similar reasons. Those people who do loiter patronize the adjacent delicatessen. When there are loiterers standing either in front of the building or leaning against parked cars, he will go out and ask them to move on, and, invariably they do so.

A regular patron of the appellant's establishment, Joseph Gleason, testified that he is a carpenter in the area and visits the premises about three times a week. He described the patronage as males of somewhat mature years who do not loiter in the area. He has observed loiterers up and down the block, but none that he saw were patrons of the tavern.

A newspaper editor, Sam A. Christopher, testified in behalf of appellant that he is extremely familiar with the exterior problems described by prior witnesses. At the time of the hearing before the Committee, he was present covering the meeting as a reporter. In consequence of the circumstances surrounding the imposition of the special conditions upon appellant's license, he made visits to and observations of the exterior area of appellant's premises.

Christopher characterized the loiterers as young adults

between fifteen and twenty-two years of age. He said that he "sees them all over", congregating almost anywhere in the vicinity. When asked if they ever become offensive or abusive, he replied:

Well, if you stare their way or if you look at them sometimes they---like last night I looked to my left. I guess I should have looked to the road but I looked to my left or glanced to my left and they saw me and yelled some things at me, what are you looking at me? Keep moving, so on and so forth. Believe me, I did. I wasn't going to stop anyway.

Testifying on behalf of the respondent, Chana England and Norman Lesser corroborated the testimony of objecting neighbors. Both described their observations of nuisance situations and of persons coming from appellant's premises with bottles, which were consumed at or near the front of that establishment.

The central issue posed by this appeal concerns the special condition requiring someone other than the bartender to be present in appellant's premises from four o'clock in the afternoon to ten o'clock in the evening on Mondays through Thursdays.

It is basic that the action of the municipality must be reasonable in equating the public's interests, which are paramount, with the interests of the licensee. Rajah Liquors v. Div. of Alcoholic Beverage Control, 33 N.J. Super. 598 (App. Div. 1955). A liquor license is a privilege and there is no inherent right to a citizen to sell intoxicating beverages at retail. No licensee has a vested right to the license or its renewal. Zicherman v. Driscoll, 133 N.J.L. 586 (Sup. Ct. 1946).

Special conditions attached to a license need only be reasonable to obtain approval by the Director of this Division. Belmar v. Div. of Alcoholic Beverage Control, 50 N.J. Super. 423 (App. Div. 1958); Marinaccio v. Asbury Park, Bulletin 2009, Item 2; Alanwood Holding Co. v. Atlantic City, Bulletin 1963, Item 1. Conversely, if no special conditions need be attached in the judgment of the local issuing authority but, in the alternative, revocation or non-renewal is warranted, and such judgment appears reasonable, the action will be affirmed. Gauntt v. Paulsboro, Bulletin 2187, Item 2; Alice G. Townsend, Inc. v. Orange, Bulletin 2186, Item 3.

In arriving at my factual findings, it is uncontroverted that groups of youths congregate in front of the many business

establishments along Clifton Avenue, including appellant's premises. From the testimony of Christopher, one of appellant's witnesses, these bands of youth cause trepidation to passersby, even those in vehicles. Appellant's other witnesses concede there is loitering in front of its establishment on occasion. Given the established nuisance situation the loiterers have created, and that some offensive activity does occur in front of appellant's premises, whether by its patrons or other persons is not critical, I find from all the evidence that the Council acted reasonably when it required that appellant's premises have someone present in addition to the bartender during required hours.

My examination of the facts and the applicable principles of law, leads me to the conclusions that the appellant has failed to meet the burden of establishing by a fair preponderance of the credible evidence that the action of the Committee was erroneous and should be reversed, as required by N.J.A.C. 13:2-17.6.

Therefore, it is recommended that the action of the Committee be affirmed and the appeal herein be dismissed.

CONCLUSIONS AND ORDER

No written Exceptions were filed to the Hearer's Report by the parties pursuant to N.J.A.C. 13:2-17.14.

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

Accordingly, it is, on this 6th day of June, 1979,

ORDERED that the action of the Township Committee of the Township of Lakewood be and the same is hereby affirmed, and the appeal herein be and is hereby dismissed.

JOSEPH H. LERNER
DIRECTOR

2. APPELLATE DECISIONS - NOVOA ENTERPRISES, INC. v. UNION CITY.

#4276

Novoa Enterprises, Inc.,
Appellant, }

ON APPEAL

v. }

CONCLUSIONS

Board of Commissioners of
the City of Union City,

AND

Respondent. }

ORDER

Nicholas J. Turco, Esq., Attorney for Appellant.
Edward J. Lynch, 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 Board of Commissioners of the City of Union City (hereafter Board) which, on August 17, 1978, suspended appellant's Plenary Retail Consumption License No. 0910-33-108-002 for thirty days for premises 3607 New York Avenue, Union City, upon a finding that appellant permitted a brawl or act of violence to occur on its licensed premises on May 20, 1978.

Appellant contends in its Petition of Appeal that there was no evidence, whatever, to establish that any brawl occurred in the licensed premises; hence, the action of the Board was erroneous and should be reversed. The Board, in its Answer, filed in the matter, denies this contention.

An appeal de novo was heard in this Division, pursuant to N.J.A.C. 13:2-17.6, with full opportunity afforded the parties to introduce evidence, and to cross-examine witnesses.

Union City Detective Arthur Reece, Detective Dennis Kohrherr and Patrolman Raul Cox testified on behalf of respondent.

From their testimony, it appears that the officers responded to a police radio call alleging a "fight" at

appellant's premises. As the officers arrived on the scene, they observed a group of persons standing on the sidewalk and street, and were advised that the participants of the fight had left the area. A search was commenced immediately by the police units.

A short distance away, the police located a white male, later identified as Pasco Garcia, who was bleeding profusely from cuts about the face. While being transported to the hospital, the victim identified two men as having been his assailants. One of the men was the manager of the appellant.

After receiving treatment at a local hospital, the victim was transported to police headquarters where he retracted his initial story, and refused to sign a complaint against the men who he had earlier identified as his assailants. He was held as a material witness.

When police attempted to capture one of the alleged assailants (who was not the manager of appellant's premises) a scuffle ensued and a pistol which the assailant was carrying dropped to the ground. That alleged assailant was, thereupon, arrested.

At no time did the police enter appellant's premises while investigating the brawl, nor did they testify that the brawl occurred in any location other than outside and in front of the premises. Further, there was no evidence that any portion of the brawl was precipitated or occurred within the appellant's premises.

The foregoing is the substance of the officers accounts of what transpired near to appellant's premises and which gave rise to the subject charge.

Appellant's manager, Manuel Alfonso, testified in support of the appeal that, on May 20, 1978, he was told by a patron that a fight was in progress out in the street. He went out of the tavern and saw such a fight then in progress and attempted to stop it. Failing that, he returned inside and gave instructions to a patron there to call police. After notifying the police, he returned to the outside of the premises to await their arrival, and assisted them by giving as much information as he had learned.

Later in the evening, he was brought to police headquarters, and there learned that the victim had identified him and another as the assailants. This he

vigorously denied, as did the victim when he had sobered up. He categorically denied that the fight had anything to do with appellant's premises or that he had participated in it in any way, except in an abortive attempt to stop it.

The pertinent regulation applicable, N.J.A.C. 13:2-23.6(a)2, provides that no licensee shall engage in or allow, permit or suffer in or upon the licensed premises any brawl, act of violence, disturbance or unnecessary noise.

No testimony whatsoever was elicited indicating any brawl, act of violence or disturbance having taken place in the licensed premises. The only reference to the subject premises came by way of the direction to the police by radio to respond to that location. However, it was uncontroverted that the call requesting aid came from appellant's premises. Additionally, the statement by the victim to the police indicating that the beating took place within the establishment was immediately recanted when the victim became sober. Similarly, his statement involving appellant's manager in the fight was recanted.

Hence, without any proof that the applicable regulatory provision was violated, I find that the appellant has sustained the burden of establishing that the action of the Board was erroneous and should be reversed, pursuant to N.J.A.C. 13:2-17.6. See Hernandez v. Union City, Bulletin 2225, Item 2.

Accordingly, I recommend that the action of the respondent Board be reversed, and the charge herein be dismissed.

CONCLUSIONS AND ORDER

No written Exceptions were filed to the Hearer's Report by the parties pursuant to N.J.A.C. 13:2-17.14.

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

Accordingly, it is, on this 6th day of June, 1979,

ORDERED that the action of the Board of Commissioners of the City of Union City be and the same is hereby reversed, and the charge preferred against the appellant herein be and the same is hereby dismissed.

Joseph H. Lerner
Director

3. APPELLATE DECISIONS - JODO, INC. v. DUMONT.

#4193
Jodo, Inc.,

Appellant,

v.

Mayor and Council of
the Borough of Dumont,

Respondent.

}
ON APPEAL
CONCLUSIONS

}
AND

}
ORDER

Stein, Steiger, Croland & Bornstein, Esqs., by Barry Croland, Esq.,
Attorneys for Appellant.
Breslin, Herten & LePore, Esqs., by Thomas J. Herten, Esq.,
Attorneys for Respondent.
Rosemary Higgins Cass, Esq., Attorney for Objectors.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

HEARER'S REPORT

This is an appeal from the action of the Mayor and Council of the Borough of Dumont (hereinafter Council) which, on January 10, 1978, denied appellant's application for a place-to-place and person-to-person transfer of Plenary Retail Distribution License No. 0210-44-012-001, from O'Brien's of Dumont, Inc. to appellant, and from premises at 102 Washington Avenue to 50 West Madison Avenue, Dumont.

Appellant contends in its Petition of Appeal that the Board acted erroneously in determining that the distance between the premises sought to be licensed and that of the nearest licensed premises was less than the minimum distance requirement of the local ordinance of 500 feet. The Council and an objector deny the contention and aver in their Answers that such distance limitation would be violated if the application were to have been granted.

The appeal was held de novo, pursuant to N.J.A.C. 13:2-17.6, with full opportunity afforded the parties to introduce evidence and to cross-examine witnesses. Additionally, a transcript of the proceedings held by the Council on January 10, 1978, was received in evidence in accordance with N.J.A.C. 13:2-17.8. This was supplemented by the receipt of a survey

of the proposed area, together with the testimony of the surveyor who prepared it.

The sole issue involved in this appeal is the determination of the mode of measurement between the proposed licensed premises and that of the nearest liquor license establishment, which must be more than five hundred feet to be legally permissible.

Testimony of Meno Nershi, Professional Engineer and Surveyor established that the exterior wall of the shopping center abutting Veteran's Plaza where appellant's proposed establishment will be constructed as an interior store is "in the order of" seven feet from the point of measurement on the sidewalk (point D on Exhibit O-1). From that point to an establishment called "Dumont Wines & Liquor Shop" located on West Madison Avenue is 468 feet, according to Mr. Nershi's survey.

This distance of 468 feet is measured along the respective sidewalks to the wall of the building. The additional distance from the wall of the shopping center to the proposed doorway to the appellant's establishment is at least 33 feet, giving a total distance of the Nershi survey of 501 feet. On a plan or survey provided appellant by John Zanetakos Associates, Inc. Engineers, which plan was submitted as A-3 in evidence before the Council, that distance was calculated as 509 feet. These latter distances in excess of 500 feet were submitted by appellant to constitute the proper distance computation.

Another licensed premises called the "Park Tavern" is located on West Madison Avenue opposite the parking lot of the shopping center in which the proposed premises are to be constructed. From a point on the sidewalk at the doorway of that tavern to the point of measurement ("D") on the sidewalk nearest to the wall of the building into which the proposed license is contemplated is 537 feet according to the Nershi survey (555 feet according to Zanetakos survey).

This 537 foot distance contemplates that a pedestrian would walk between those two points within sidewalk lines and not through the parking lot itself. If a pedestrian crossed the street leaving Park Tavern and continued straight through the parking lot to the wall of the subject building that distance would approximate 407 to 422 feet, certainly less than the 500 foot limitation.

It has long been established that a local

governing body has no jurisdiction to grant or transfer a license in violation of the terms of a local ordinance. Bachman v. Inhabitants of the Town of Phillipsburg, 68 N.J.L. 552 (Sup. Ct. 1902).

Petrangeli v. Barrett, 33 N.J. Super. 378, 384 (App. Div. 1954). Thus, the applicable ordinance must be strictly construed in terms of judicially approved precedent.

It is a well established principle that the accepted and proper method of measurement in a matter of this kind is not between building entrances but between points on the public way intersecting any walk which a person would use in entering the properties in question. Presbyterian Church, etc. v. Div. of Alcoholic Bev. Control, 53 N.J. Super. 271 (App. Div. 1958).

Distances are measured as "the normal way that a pedestrian would properly walk . . . to the nearest entrance of the premises sought to be licensed." N.J.S.A. 33:1-76.

Counsel for appellant vigorously contends that using the point on the survey, (marked "D") where the path from the proposed location intersects with nearest point on the adjacent sidewalk, is to ignore the proper method of calculation which should be to a point opposite the entrance door itself of the proposed establishment. Inasmuch as there is no sidewalk leading from Veteran's Plaza into the entrances of stores in the shopping center, I cannot add that distance in the computation. Clearly, any door entrance within the shopping center itself may be fixed solely to attempt to evade the 500 foot limit and be contra to the method of measurement approved in Presbyterian Church v. Div. of Alcoholic Bev. Control, supra.

Appellant also contends that the distance between the Park Tavern and the proposed new door to its premises is over 500 feet. However this contention is based upon the supposition that a person leaving the Park Tavern to go to the Foodtown market would not "normally walk" through the parking area. From an examination of the photographs in evidence it appears that the parking lot of the Foodtown market is typical of such parking lots. Cars are parked in diagonal rows and there appears to be no specific pedestrian walk. Hence, each motorist, parking his car with intention of entering the market would, of necessity, walk on the same path his car had just taken. This path would be the only way he could reach

the entrance of the Foodtown market.

Similarly, the apparent "normal" way in which a pedestrian would walk from the Park Tavern to the same entrance-way would be to cross the intersection where the Park Tavern is located and continue straight into and through the parking lot. Although I am cognizant of determinations that include measurements through a parking lot, under the specific factual matrix herein, it is normal, logical and realistic to assume that a patron would traverse the parking lot to obtain entrance. Hence, the measure of distance from Park Tavern to the walkway along the front of the Foodtown market across the parking lot is the normal path which is decidedly less than five hundred feet. See Hopkins v. Newark, 4 N.J. Super. 484 (App. Div. 1949).

Hence, it is patently clear that from either existing licensed premises to a measurable point adjacent to appellant's proposed location, the distance is less than five hundred feet and any transfer of license to appellant's proposed premises would be violative of the subject ordinance. The Council came to the same inescapable conclusion.

I, therefore, find that the appellant has failed to establish that the action of the respondent Council was erroneous and should be reversed as required by N.J.A.C. 13:2-17.6. Thus, it is recommended that the action of the Council denying appellant's application for a person-to-person and a place-to-place transfer of license be affirmed and the appeal be dismissed.

CONCLUSIONS AND ORDER

No written Exceptions to the Hearer's Report were filed by the parties pursuant to N.J.A.C. 13:2-17.14.

Except as hereinafter noted, I have fully considered the entire record herein, including the transcripts of the testimony, the exhibits, the legal memoranda of counsel and the Hearer's Report, and I concur in the findings and recommendations of the Hearer and adopt them as my conclusions herein.

I do not specifically adopt those findings of the Hearer which permit the computation of distance between licensed premises by use of a measurement through an adjacent parking lot. Such finding is not necessary to the adjudication herein. The distance computation from Dumont Wines & Liquor Shop to the wall of the proposed situs in the shopping center complex is the adjudicated and acceptable mode of measurement set forth in the Presbyterian Church case, supra and Karem, et al. v. Alcoholic Beverage Control, et al., 102 N.J. Super. 291 (App. Div. 1968).

This precludes a grant of the transfer as contrary to the local distance-between premises ordinance. I adopt this finding by the Hearer in his report.

While I have seriously considered the issue of measureme through a shopping center, within the purposes and context of the Alcoholic Beverage Law, it is not necessary in the determination of this matter to adjudicate that issue herein.

Accordingly, it is, on this 6th day of June, 1979,

ORDERED that the action of the Mayor and Council of the Borough of Dumont be and the same is hereby affirmed, and the appeal be and the same is hereby dismissed.

JOSEPH H. LERNER
DIRECTOR

4. APPELLATE DECISIONS - KURT'S KORNER TAVERN, INC. v. NEWARK.

#4302	:	
Kurt's Korner Tavern, Inc.,	:	
	:	ON APPEAL
Appellant,	:	
vs.	:	CONCLUSIONS
	:	AND
Municipal Board of Alcoholic	:	
Beverage Control of the City	:	ORDER
of Newark,	:	
	:	
Respondent.	:	
.....	:	

John W. Yengo, Esq., Attorney for Appellant.
 Salvatore Perillo, Esq., Corporation Counsel, By: John C.
 Pidgeon, Esq., Assistant Corporation Counsel.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

HEARER'S REPORT

This is an appeal from the action of the respondent, Municipal Board of Alcoholic Beverage Control of the City of Newark (Board), which, on November 6, 1978, revoked appellant's Plenary Retail Consumption Lic. No. 0714-33-410-001, issued to it for the 1978-79 licensing year for premises 349 West Kinney Street, Newark, New Jersey, following a finding of guilty to two charges preferred against it alleging: (1) being open after hours and (2) hindered an investigation on February 19, 1977.

In its Petition of Appeal, the appellant alleges that the action was arbitrary, unreasonable, not substantiated by testimony and, lastly, the punishment excessive under the circumstances.

At the hearing, the appellant ceased to contest the Board's finding of guilty on the two charges, but maintained its opposition to the penalty imposed as being excessive.

Both sides waived a de novo hearing and submitted the matter upon the pleadings and summations of counsel.

The Board explained its seemingly severe penalty was due to the callous disregard by the appellant of its many notices to appear for a hearing, at least eight scheduled occasions

during 1977 and 1978, which ultimately culminated in an ex parte hearing on the final date in October 1978.

The Board's wrath was, in part, due to its own action in repeatedly rescheduling the matter after appellant failed to appear, even when the notices were personally served upon the corporate licensee. Due process and fairness would not have been violated had the Board proceeded to an ex parte hearing on the second or third scheduled date.

However, there is no precedent in this Division to warrant revocation of license predicated upon the subject offenses. The disregard of appellant of regulatory procedure is not condoned in any way, but the penalty imposed was excessive.

Thus, I find that the appellant has sustained the burden imposed upon it under N.J.A.C. 13:2-17.6 of establishing that, in part, the action of the Board was erroneous, to wit, the penalty imposed was excessive and should be modified.

It is, therefore, recommended that an order be entered affirming the Board's finding of guilty of the two charges herein subject to a modification of the penalty from revocation of license to a thirty (30) days suspension of license to commence forthwith.

CONCLUSIONS AND ORDER

No written Exceptions were filed to the Hearer's Report by the parties pursuant to N.J.A.C. 13:2-17.14.

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

Accordingly, it is, on this 30th day of May, 1979,

ORDERED that the action of the Municipal Board of Alcoholic Beverage Control of the City of Newark be and the same is hereby affirmed as to the findings of guilt, but reversed as to the penalty of revocation imposed thereon, which penalty be and the same is hereby modified to a thirty (30) days license suspension; and it is further

ORDERED that my Order of November 21, 1978, staying the revocation pending determination of the appeal be and the same is hereby vacated; and it is further

ORDERED that Plenary Retail Consumption License No. 0714-33-410-001 issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Kurt's Korner Tavern, Inc., for premises 349 West Kinney Street, Newark be and the same is hereby suspended for the balance of its term, to wit, midnite, June 30, 1979, commencing 2:00 a.m., Wednesday, June 13, 1979; and it is further


ORDERED that upon any renewal of said license which may be granted for the 1979-80 license term, said license be and the same is hereby suspended until 3:00 a.m., Friday, July 13, 1979.

JOSEPH H. LERNER
DIRECTOR

5. STATE LICENSES - NEW APPLICATIONS FILED.

Longwood Distributors, Inc.
Longwood Valley Road, Jefferson Twp.
PO Oak Ridge, New Jersey
Application filed December 5, 1979
for person-to-person transfer of
State Beverage Distributor's License
3400-19-216-001 from Anthony Esposito,
t/a Longwood Valley Distributors.

Herbert M. Kallmann
t/a Original Beer Importing & Distributing Co.
50 Rockefeller Plaza
New York, New York
Application filed December 17, 1979 for
person-to-person transfer of Limited
Wholesale License 3400-25-113-001 from
Original Beer Importing & Distributing Co., Inc.


Joseph H. Lerner
Director