

STATE OF NEW JERSEY
 Department of Law and Public Safety
 DIVISION OF ALCOHOLIC BEVERAGE CONTROL
 1100 Raymond Blvd. Newark 2, N. J.

BULLETIN 1482

November 15, 1962

TABLE OF CONTENTSITEM

1. COURT DECISIONS - DE FEBB v. DAVIS, DIRECTOR, DIVISION OF ALCOHOLIC BEVERAGE CONTROL - DIRECTOR AFFIRMED.
2. STATE REGULATIONS - REGULATION NO. 23, RULE 1(a) AMENDED CONTAINERS - MINIMUM SIZE FOR DISTILLED SPIRITS.
3. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1962 to SEPTEMBER 30, 1962 AS REPORTED TO THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19.
4. DISCIPLINARY PROCEEDINGS (Trenton) - GAMBLING (NUMBERS) - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Matawan Township) - GAMBLING (NUMBERS) - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Newark) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - SALE BELOW FILED PRICE - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
7. STATUTORY AUTOMATIC SUSPENSION (Wallington) - ORDER LIFTING SUSPENSION.
8. DISCIPLINARY PROCEEDINGS (Bayonne) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (Elizabeth) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Cliffside Park) - SALE TO MINORS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (Vineland) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
12. DISCIPLINARY PROCEEDINGS (Somers Point) - SALE TO MINORS - CHARGE NOLLE PROSSED.
13. DISCIPLINARY PROCEEDINGS (Lodi) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR RECORD DISREGARDED BECAUSE OF CHANGE IN OFFICERS AND STOCKHOLDERS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
14. DISCIPLINARY PROCEEDINGS (Wildwood) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
15. DISCIPLINARY PROCEEDINGS (Newark) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR SIMILAR OFFENSE WITHIN 5 YEARS - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

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BULLETIN 1482

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1. COURT DECISIONS - DE FEBB v. DAVIS, DIRECTOR, DIVISION OF
ALCOHOLIC BEVERAGE CONTROL - DIRECTOR AFFIRMED.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
Docket No. A-1104-61

GEORGE J. DE FEBB,)
)
Appellant,)
)
v.)
)
WILLIAM HOWE DAVIS, DIRECTOR,)
DIVISION OF ALCOHOLIC BEVERAGE)
CONTROL,)
)
Respondent.)

Argued October 15, 1962, -- Decided October 24, 1962

Before Judges Conford, Gaulkin and Kilkenny

Mr. Harvey L. Stern, argued the cause of appellant

Mr. Herbert S. Alterman, Deputy Attorney General,
argued the cause for respondent (Mr. Arthur J. Sills,
Attorney General of New Jersey, attorney).

PER CURIAM.

DeFebb appeals from a penalty of 150 days suspension of his solicitor's permit, imposed by the Director following DeFebb's plea of non vult to charges that he engaged in practices known in the liquor trade as "washed sales". (Re DeFebb, Bulletin 1476, Item 1; Bulletin 1479, Item 3). We find no merit in the appeal.

Defendant's first argument is that "the penalty as imposed by the Director was discriminatory and appellant was denied his right to equal protection..." of the laws. To support this argument he points out that Scola, the tavern keeper who permitted DeFebb to use his name to perpetrate the fraud upon DeFebb's employer and the statute, received only a 30-day suspension of his tavern license. Apparently Scola received no pecuniary benefit from the "washed sales", and permitted the use of his name as a favor to DeFebb. In any event, there are no facts before us which would forbid the Director from considering DeFebb morally more culpable than Scola. On the other hand, if the Director considered them equal in immorality, we know of no reason why he could not consider the 30-day suspension of the tavern license sufficient punishment for Scola. In short, we know of nothing in law or logic that would require the same number of days penalty upon DeFebb as upon Scola.

DeFebb's second argument is that "the penalty invoked in this matter is in excess of prior penalties invoked in other

cases of the same nature". In support of this argument DeFebb cites three cases involving "washed sales" in which the penalties were less than 150 days, and one case in which the penalty was only 180 days although the offense was, allegedly, much more serious. In fixing the penalty, the Director has the right to consider not only the offense and the offender but all of the surrounding circumstances, the deterrence of others, the impact on the liquor business, and the needs of the time. In the nature of things penalties can only be identical by accident. The statute contemplates individual treatment of offenses and offenders and, in the absence of arbitrary, discriminatory, oppressive or otherwise palpably unjust treatment, the courts will not interfere with the discretion of the Director. Fanwood v. Rocco, 59 N. J. Super. 306, 317 (App. Div. 1960), affirmed 33 N. J. 404 (1960). The few cases cited by DeFebb do not establish that the penalty here is arbitrary, discriminatory or abusive of the Director's discretion. F. & A. Distrib. Co. v. Div. of Alcoh. Bev. Contr., 36 N. J. 34, 38 (1961). Furthermore, the Director said he had decided to stiffen the penalties for this type of infraction. This he had the right to do. Cf. Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N. J. 373, 382 (1956).

Finally, DeFebb argues that "the penalty invoked in this case is confiscating (sic) in that it is tantamount to a revocation". We see no merit in this point. DeFebb carried out 93 fictitious transactions in a space of about a year involving \$6077.42 worth of liquors. The penalty seems to us to be well deserved.

Affirmed.

2. STATE REGULATIONS - REGULATION NO. 23, RULE 1(a) AMENDED
CONTAINERS - MINIMUM SIZE FOR DISTILLED SPIRITS.

TO ALL MANUFACTURERS AND WHOLESALERS OF DISTILLED SPIRITS:

Almost since Repeal, the minimum standard of fill for distilled spirits in New Jersey has been "one-tenth gallon" (sometimes known as a 4/5th pint or a 1/2 fifth). See Rule 1(a) of State Regulation No. 23.

However, until the federal distilled spirits regulations governing standards of fill were amended, effective September 1, 1962, such regulations limited the use of 4/5 pint containers to Scotch whisky, Irish whisky, Brandy and Rum. The amendment, aforementioned, now authorizes the packaging of all classes and types of distilled spirits in 4/5th pint containers.

Since the approval of the federal amended regulation, objections to the packaging of distilled spirits in 4/5 pints have been raised in many quarters and numerous states have declined to approve the 4/5th pint as a permissible size for the packaging of distilled spirits. Some of the objections are based upon the belief that the small difference (3.2 oz.) in the fluid content of the pint (16 oz.) and the 4/5th pint (12.8 oz.) readily lends itself to deceptive packaging to such an extent that consumers may not realize the difference in the sizes of the two containers. Other objections are based upon the various problems (such as shelf and storage space) which face the several branches of the industry.

Accordingly, for these reasons and to maintain the traditional sizes of containers of distilled spirits customarily available for sale in this state, I hereby amend Rule 1(a) of State Regulation No. 23 as follows:

In distilled spirits, except brandy or rum, distilled or blended in the United States or Canada, the minimum standard of fill shall be one pint. In all other distilled spirits, the minimum standard of fill shall be one-tenth gallon (sometimes known as a four-fifth pint or a half-fifth). "Distilled spirits" means ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, gin and other distilled spirits for beverage use, including all dilutions and mixtures thereof; but not including cordials, liqueurs, cocktails, gin fizzes and such similar alcoholic beverages as may be specified by the Director of the Division of Alcoholic Beverage Control from time to time. "Beverage use" means beverage, medicinal, culinary or any other use except for industrial purposes.

All price filers are placed on notice that prohibited items will not be accepted for filing to become effective January 1, 1963 or thereafter, since they may not be sold after that date.

WILLIAM HOWE DAVIS
DIRECTOR

Promulgated Friday, October 26, 1962.
Effective Tuesday, January 1, 1963.

Filed with the Secretary of State (N. J.) Friday, October 26, 1962.

3 NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1962 to SEPTEMBER 30, 1962 AS REPORTED TO THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19

CLASSIFICATION OF LICENSES

County	Plenary Retail Consumption		Plenary Retail Distribution		Club	Limited Retail Distribution		Seasonal Retail Consumption		Number Surrendered Revoked Expired	Number Licenses in Effect	Total Fees Paid
	No. Issued	Fees Paid	No. Issued	Fees Paid		No. Issued	Fees Paid	No. Issued	Fees Paid			
Atlantic	485	\$ 207,660.00	73	\$ 27,525.00	28	\$ 2,845.00					586	\$ 238,030.00
Bergen	821	323,402.00	291	85,163.80	133	12,340.00	49	\$ 2,309.50	5	\$ 1,398.75	1299	424,614.05
Burlington	187	83,970.00	40	12,700.00	48	6,900.00	1	50.00			276	103,620.00
Camden	453	223,599.31	84	36,195.00	78	7,650.82			1	450.00	616	267,895.13
Cape May	138	78,300.00	12	4,500.00	18	2,200.00					168	85,000.00
Cumberland	79	40,217.12	15	4,200.00	30	4,060.00					124	48,477.12
Essex	1334	758,330.00	350	211,100.00	103	14,375.00	27	1,350.00	1	750.00	1815	985,905.00
Gloucester	108	38,710.00	15	3,820.00	23	2,050.00					146	44,580.00
Hudson	1498	679,276.30	298	122,400.00	82	9,314.39	63	2,700.00			1941	813,690.69
Hunterdon	79	28,240.00	12	5,810.00	10	1,100.00					101	35,150.00
Mercer	421	261,900.00	51	22,510.00	56	8,250.00			1	116.64	529	292,776.64
Middlesex	631	315,545.00	81	26,455.00	110	9,660.00	4	200.00			826	351,860.00
Monmouth	552	291,325.00	125	44,560.00	58	6,341.25	8	385.00	23	11,207.91	766	353,819.16
Morris	355	139,095.00	104	38,480.00	61	5,777.23	15	750.00	5	1,425.00	540	185,527.23
Ocean	186	104,624.24	50	21,695.00	34	3,950.00					270	130,269.24
Passaic	854	354,751.00	170	52,700.00	42	5,125.00	7	350.00			1073	412,926.00
Salem	50	19,560.00	8	1,600.00	19	1,600.00					77	22,760.00
Somerset	188	87,915.00	41	12,925.00	32	3,800.00					261	104,640.00
Sussex	160	45,230.00	19	3,935.00	11	645.00	1	50.00	1	225.00	192	50,085.00
Union	546	312,346.00	144	71,464.00	82	9,050.00	29	1,425.00			801	394,285.00
Warren	147	44,260.00	21	5,270.00	28	3,125.00			2	375.00	198	53,030.00
Total	9272	\$4,438,255.97	2004	\$ 815,007.80	1086	\$ 120,158.69	204	\$ 9,569.50	39	15,948.30	12605	\$5,398,940.26

William Howe Davis
Director

October 15, 1962

4. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS) - LICENSE
SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 WILLIAM L. NEMETH AND CHARLOTTE E. NEMETH
 t/a BILL'S BAR
 502 Lamberton Street
 Trenton 10, N. J.
 Holders of Plenary Retail Consumption License C-15, issued by the City Council of the City of Trenton.

CONCLUSIONS
AND ORDER

 Edward A. Costigan, Esq., Attorney for Licensees.
 David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to charges alleging that on July 31 and August 4, 8 and 9, 1962, they permitted the 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 twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re Darrow & Dudek, Bulletin 1461, Item 5.

Accordingly, it is, on this 8th day of October 1962,

ORDERED that Plenary Retail Consumption License C-15, issued by the City Council of the City of Trenton to William L. Nemeth and Charlotte E. Nemeth, t/a Bill's Bar, for premises 502 Lamberton Street, Trenton, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Wednesday, October 10, 1962, and terminating at 2 a.m. Tuesday, October 30, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS) - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

FLORENCE MALINCONICO)
t/a FLO'S BAR & GRILL)
1 Central Avenue)
Matawan Township, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-12, issued by the Township Committee of Matawan Township.)

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

BY THE DIRECTOR:

Licensee pleads non vult to charges (1 and 2) alleging that on September 5 and 8, 1962, she permitted the acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for premises 50 Gerard Avenue, Matawan Township, for five days effective August 18, 1947, for permitting music on the licensed premises during hours prohibited by special condition.

The prior record disregarded because occurring more than five years ago, the license will be suspended for the minimum of twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re Darrow & Dudek, Bulletin 1461, Item 5.

Accordingly, it is, on this 2nd day of October 1962,

ORDERED that Plenary Retail Consumption License C-12, issued by the Township Committee of Matawan Township to Florence Malinconico, t/a Flo's Bar & Grill, for premises 1 Central Avenue, Matawan Township, be and the same is hereby suspended for twenty (20) days, commencing at 3 a.m., Tuesday, October 9, 1962, and terminating at 3 a.m. Monday, October 29, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - SALE BELOW FILED PRICE - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

PHILIP MC MANUS & MARTHA MC MANUS
t/a 19-19 TAVERN
713 So. 19th Street
Newark 3, New Jersey

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-550, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

Vincent J. Agresti, Esq., Attorney for Licensees.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to charges alleging that on September 13, 1962, at 1:05 a.m., they sold a 4/5 pint bottle of whiskey (1) for off-premises consumption, in violation of Rule 1 of State Regulation No. 38, and (2) below filed price, in violation of Rule 5 of State Regulation No. 30.

Absent prior record, the license will be suspended for the minimum of fifteen days on the first charge, and the minimum of ten days on the second charge, or a total of twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re Kachel, Bulletin 1434, Item 5.

Accordingly, it is, on this 2nd day of October 1962,

ORDERED that Plenary Retail Consumption License C-550, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Philip McManus & Martha McManus, t/a 19-19 Tavern, for premises 713 So. 19th Street, Newark, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Tuesday, October 9, 1962, and terminating at 2 a.m. Monday, October 29, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

7. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto.Susp.#218)
 In the Matter of a Petition to Lift)
 the Automatic Suspension of Plenary)
 Retail Consumption License C-22,)
 issued by the Mayor and Council of)
 the Borough of Wallington to)
) ON PETITION
) ORDER
)
 TEKLA DZIALO and THEODORE DZIALO)
 t/a TEDDY'S & TILLIE'S TAVERN)
 54 Lester Street)
 Wallington, N. J.)

Kenneth H. Brookman, Esq., Attorney for Petitioners.

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on September 6, 1962, Theodore Dzialo, one of the licensees-petitioners, was fined \$100 and \$5 costs in the Wallington Municipal Court after being found guilty of a charge of sale of alcoholic beverages to a minor on July 14, 1962, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of the license for the balance of its term. R.S. 33:1-31.1. The suspension has not been effectuated because of the pendency of this proceeding.

It further appears that the municipal issuing authority has suspended the license for thirty days, commencing October 1, 1962, after confessional plea to a charge in disciplinary proceedings alleging the same sale to the minor. It appearing that the suspension is adequate, I shall lift the automatic suspension in anticipation of the service of the municipal suspension.
Re DeSantis, Bulletin 1469, Item 7.

Accordingly, it is, on this 28th day of September, 1962,

ORDERED that the statutory automatic suspension of said license C-22 be and the same is hereby lifted, effective immediately.

WILLIAM HOWE DAVIS
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
Labeled - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)
)
CATHERINE DRISCOLL)
279 Broadway)
Bayonne, N. J.)
)
Holder of Plenary Retail Consumption)
License C-22, issued by the Board)
of Commissioners of the City of)
Bayonne.)

CONCLUSIONS
AND ORDER

Herbert L. Zeik, 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 July 26, 1962, she possessed alcoholic beverages in four bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for five days, effective May 10, 1954, for sale to a minor and sale in violation of State Regulation No. 38.

The prior dissimilar record disregarded because occurring more than five years ago, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Bozzone, Bulletin 1470, Item 12.

Accordingly, it is, on this 1st day of October, 1962,

ORDERED that Plenary Retail Consumption License C-22, issued by the Board of Commissioners of the City of Bayonne to Catherine Driscoll for premises 279 Broadway, Bayonne, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Monday, October 8, 1962, and terminating at 2:00 a.m. Tuesday, October 23, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)	
)	
MARGE CORBO)	
t/a LEO'S BAR & GRILL)	CONCLUSIONS
16 W. Grand Street)	AND ORDER
Elizabeth, N. J.)	
Holder of Plenary Retail Consumption License C-62, issued by the City Council of the City of Elizabeth.)	

Andrew V. Guarriello, Esq., Attorney for Licensee.
 David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 29, 1962, she possessed alcoholic beverages in two bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Baldyga, Bulletin 1469, Item 10.

Accordingly, it is, on this 2nd day of October 1962,

ORDERED that Plenary Retail Consumption License C-62, issued by the City Council of the City of Elizabeth to Marge Corbo, t/a Leo's Bar & Grill, for premises 16 W. Grand Street, Elizabeth, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Tuesday, October 9, 1962, and terminating at 2 a.m. Friday, October 19, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

MURIEL H. MULHEARN
t/a ALIBI LOUNGE
251 Palisade Avenue
Cliffside Park, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-33, issued by the Mayor and Council of the Borough of Cliffside Park.

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on September 24, 1962, she sold drinks of beer to three minors --- one age 18 and two age 19 --- in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty days (Re Freedman, Bulletin 1436, Item 4), with remission of five days for the plea entered, leaving a net suspension of fifteen days.

Accordingly, it is, on this 8th day of October 1962,

ORDERED that Plenary Retail Consumption License C-33, issued by the Mayor and Council of the Borough of Cliffside Park to Muriel H. Mulhearn, t/a Alibi Lounge, for premises 251 Palisade Avenue, Cliffside Park, be and the same is hereby suspended for fifteen (15) days, commencing at 3 a.m. Wednesday, October 10, 1962, and terminating at 3 a.m. Thursday, October 25, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

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

In the Matter of Disciplinary Proceedings against

Harlan F. Adams
t/a Broadway Inn
East Broad Street
Vineland
PO Millville, N. J.

Holder of Plenary Retail Consumption License C-26, issued by the City Council of the City of Vineland.

)
)
) CONCLUSIONS
) AND ORDER.
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)
)

Licensee, Pro se.
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 July 30, 1962, he 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.

Licensee has a previous record of suspension of license by the municipal issuing authority for five days, effective April 2, 1962, for sale to a minor.

The prior record considered, the license will be suspended for the minimum period of fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Liquor Towne Bar, Inc., Bulletin 1470, Item 11.

Accordingly, it is, on this 8th day of October, 1962,

ORDERED that Plenary Retail Consumption License C-26, issued by the City Council of the City of Vineland to Harlan F. Adams, t/a Broadway Inn, for premises on East Broad Street, Vineland, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, October 15, 1962, and terminating at 2:00 a.m. Thursday, October 25, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

12. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - CHARGE NOLLE
PROSSED.

In the Matter of Disciplinary Proceedings against

RICHARD K. MCCLAIN and RUTH M. MCCANN,
t/a BAY SHORES CAFE
998 Bay Avenue
Somers Point, N. J.

)
)
) CONCLUSIONS
) AND ORDER
)
)

) Holders of Plenary Retail Consumption License C-13, issued by the Common Council of the City of Somers Point.
)

Frank J. Ferry, Esq., Attorney for Licensees.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

On September 13, 1962, the Division preferred a charge against the licensees alleging that on August 31, 1962, they sold, served and delivered alcoholic beverages to two minors, 18 and 19 years of age, in violation of Rule 1 of State Regulation No. 20.

When the matter came on for hearing on September 25, 1962, Richard McClain (one of the licensees) appeared and, by his attorney, entered a plea of not guilty to the charge.

It appearing that the minors (who reside in Pennsylvania) failed to appear, although every effort had been made to produce them, and that their identities and ages could not be established, the Division's attorney moved to nolle pros the charge.

Good cause having been shown why the motion should be granted, as recommended by the Hearer,

It is, on this 9th day of October 1962,

ORDERED that the charge herein be and the same is hereby nolle prossed.

WILLIAM HOWE DAVIS
DIRECTOR

14. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
Labeled - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

THE ARCTIC CORPORATION)
t/a CLUB ESQUIRE)
n/w Cor. Arctic & Spicer Aves.)
Wildwood, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-28, issued by the Board of)
Commissioners of the City of)
Wildwood.)

Perskie & Perskie, Esqs., by Marvin D. Perskie, Esq., Attorneys
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 July
16, 1962, it possessed alcoholic beverages in three bottles
bearing labels which did not truly describe their contents, in
violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license
by the municipal issuing authority for five days, effective
May 22, 1954, for an "hours" violation, and for five days,
effective September 22, 1958, for sale to minors.

The record of suspension for dissimilar violation in
1954 disregarded because occurring more than five years ago but
the prior record of dissimilar violation occurring in 1958
considered, 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 Kicey, Bulletin 1461, Item 3.

Recent inspection of the licensed premises by an agent
of this Division discloses that the licensed business is not
presently being conducted, apparently having been discontinued
at the end of the summer season, 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 is resumed.

Accordingly, it is, on this 15th day of October, 1962,

ORDERED that Plenary Retail Consumption License C-28,
issued by the Board of Commissioners of the City of Wildwood to
The Arctic Corporation, t/a Club Esquire, for premises northwest
corner Arctic and Spicer Avenues, Wildwood, be and the same is
hereby suspended for twenty (20) days, the effective dates thereof
to be fixed by further order as aforesaid.

WILLIAM HOWE DAVIS
DIRECTOR

15. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR SIMILAR OFFENSE WITHIN 5 YEARS - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against CHARLES FACCIPONTE t/a LITTLE CHARLIE'S 579-581 Central Avenue Newark 7, N. J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-43, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

Licensee, Pro se. Davis S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on September 10, 1962, he possessed alcoholic beverages in two bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for twenty-five days, effective February 8, 1960, for a similar offense. Re Facciponte, Bulletin 1329, Item 9.

The minimum penalty imposed in cases unaggravated by prior suspension involving two bottles is suspension of license for fifteen days. Re Gem Tavern, Inc., Bulletin 1476, Item 10. However, because of the similar violation occurring within the past five years, I shall suspend the license for twenty-five days (cf. Re Hittner & Hodes, Bulletin 1420, Item 6), with remission of five days for the plea entered, leaving a net suspension of twenty days.

Accordingly, it is, on this 16th day of October 1962,

ORDERED that Plenary Retail Consumption License C-43, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Charles Facciponte, t/a Little Charlie's, for premises 579-581 Central Avenue, Newark, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Tuesday, October 23, 1962, and terminating at 2 a.m. Monday, November 12, 1962.

[Handwritten signature of William Howe Davis]

William Howe Davis Director