

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

November 4, 1963

BULLETIN 1535

TABLE OF CONTENTS

ITEM

1. DISCIPLINARY PROCEEDINGS (East Rutherford) - LEWDNESS AND IMMORAL ACTIVITY (ROOM RENTING) - LICENSE SUSPENDED FOR 180 DAYS.
2. APPELLATE DECISIONS - HAWKES v. ROCKAWAY AND SLOVAK SOKOL CAMP, INC.
3. APPELLATE DECISIONS - PETE JACOBS, INC. v. WINSLOW.
4. DISCIPLINARY PROCEEDINGS (Newark) - ORDER IMPOSING DEFERRED SUSPENSION.
5. DISCIPLINARY PROCEEDINGS (Trenton) - FRONT - FALSE STATEMENTS IN APPLICATION FOR LICENSE - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO LIFT AFTER 25 DAYS UPON PROOF OF CORRECTION OF UNLAWFUL SITUATION.
6. DISCIPLINARY PROCEEDINGS (Long Branch) - GAMBLING (NUMBERS BETS) - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (Lindenwold) - GAMBLING (HORSE RACE BETS) - NO REMISSION FOR PLEA ENTERED AT HEARING - LICENSE SUSPENDED FOR 25 DAYS.
8. STATUTORY AUTOMATIC SUSPENSION (Paterson) - ORDER LIFTING SUSPENSION.
9. DISCIPLINARY PROCEEDINGS (Newark) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Elizabeth) - GAMBLING (POOL TICKETS) - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
11. STATE LICENSES - NEW APPLICATION FILED.

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

November 4, 1963

BULLETIN 1535

1. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITY
(ROOM RENTING) - LICENSE SUSPENDED FOR 180 DAYS.

In the Matter of Disciplinary)
Proceedings against)

JOSEPH MAZZA)

t/a TRAVELER'S HOTEL & RESTAURANT)
300 PATERSON PLANK ROAD)
EAST RUTHERFORD, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-10, issued by the Mayor and)
Council of the Borough of East Rutherford)

Chandless, Weller & Kramer, Esqs., by Ralph W. Chandless, Esq.,
Attorneys for Licensee.

Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE ACTING DIRECTOR:

At the hearing herein, licensee pleaded non vult to a
charge as follows:

"On April 26, May 4 and 5, 1963, you allowed,
permitted and suffered lewdness and immoral
activity in and upon your licensed premises,
viz., the making of arrangements for the
renting of rooms, the offering to rent and the
renting of rooms for the purpose of illicit sexual
intercourse; in violation of Rule 5 of State
Regulation No. 20."

A previous license held by this licensee for the same
premises was suspended by the Director for one hundred eighty
days, effective December 16, 1953, for similar violation.
Re Mazza, Bulletin 972, Item 1; Bulletin 997, Item 5. However,
the conviction was reversed by the Supreme Court (Mazza v.
Cavicchia, 15 N.J. 498, reprinted in Bulletin 1019, Item 1)
albeit the suspension was not stayed by the Supreme Court
pending its decision, which was rendered on May 24, 1954,
shortly prior to the expiration of the one-hundred-eighty-day
suspension which had been scheduled to terminate on June 14, 1954.

The prior record disregarded because of the reversal of
the conviction, the license will be suspended as for a first
offense for one hundred eighty days. Re Highlander Hotel Corp.,
Bulletin 1475, Item 1.

Accordingly, it is, on this 18th day of September, 1963,

ORDERED that Plenary Retail Consumption License C-10,
issued by the Mayor and Council of the Borough of East
Rutherford to Joseph Mazza, t/a Traveler's Hotel & Restaurant,
for premises 300 Paterson Plank Road, East Rutherford, be and

the same is hereby suspended for one hundred eighty (180) days, commencing at 2:00 a.m. Wednesday, September 25, 1963, and terminating at 2:00 a.m. Monday, March 23, 1964

EMERSON A. TSCHUPP
ACTING DIRECTOR

2. APPELLATE DECISIONS - HAWKES v. ROCKAWAY AND SLOVAK SOKOL CAMP, INC.

STUART Z. HAWKES,)	
Appellant,)	
v.)	ON APPEAL
)	CONCLUSIONS
TOWNSHIP COMMITTEE OF THE)	AND ORDER
TOWNSHIP OF ROCKAWAY AND)	
SLOVAK SOKOL CAMP, INC.,)	
Respondents.)	

Dunn and Ambrose, Esqs., by Anthony Ambrose, Jr., Esq.,
Attorneys for Appellant.
Joseph J. Maraziti, Esq., Attorney for Respondent Township
Committee
Egan, O'Donnell, Hanley & Clifford, Esqs., by Robert P. Hanley,
Esq., Attorneys for Respondent Slovak Sokol Camp, Inc.

BY THE ACTING DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the action of respondent Township Committee of the Township of Rockaway (hereinafter Committee) whereby it issued a renewal of a plenary retail consumption license to respondent Slovak Sokol Camp, Inc. (hereinafter Slovak) for the year commencing July 1, 1963, for premises located at Meriden and Beach Glen Roads, Rockaway Township.

"The original petition of appeal, dated June 25, 1963, was filed by the appellant pro se. However, a superseding petition of appeal, signed by the appellant and prepared by his attorney, was served on the respondents on July 3, 1963, and received at this Division on July 8, 1963. It was stipulated by counsel that this hearing would proceed under the superseding appeal, and the first petition was withdrawn.

"In his petition of appeal appellant alleges that the action of the Committee was erroneous for the following reasons:

- (a) Licensed premises are allowed to be conducted in a 'loud, raucous and noisy manner' which includes fights and 'other disorders';
- (b) Patrons of Slovak litter appellant's premises with 'cans, liquor bottles and general refuse', park their cars illegally, obstructing access to appellant's property;
- (c) Appellant was denied a public hearing on the merits of said application after having filed written objections to subject renewal with the Committee.

"In its answer the Committee admits the jurisdictional allegations of the appeal and denies the substantive allegations. In addition, it sets forth affirmatively the following:

- (1) A public hearing was granted to appellant;
- (2) The charges set forth in the petition do not constitute grounds for refusal to renew license to Slovak;
- (3) The appellant has not complied with the rules or regulations relating to such appeal;
- (4) The Committee acted reasonably after due and full consideration in the exercise of its discretion and responsibilities.

"Slovak, in its separate answer, similarly denies the substantive allegations of the petition of appeal and sets forth the following separate defenses:

- (1) The allegations of the petition are untrue and, even if true, are legally insufficient for a denial of said renewal;
- (2) The Committee acted reasonably and in the proper exercise of discretion in granting the said application for renewal;
- (3) Slovak has conducted its business and affairs in a proper manner, properly warranting the granting of a renewal of its license by the Committee.

"The hearing on appeal was heard de novo pursuant to Rule 6 of State Regulation No. 15, with full opportunity for counsel to present testimony under oath and cross examine witnesses. Low's Liquors, Inc. v. West New York, Bulletin 1497, Item 2.

"The essential facts required for the dispositive consideration of this appeal are as follows: Slovak has operated a camp and picnic facilities on the licensed premises for about thirty-five years. Appellant is the owner of the adjacent property consisting of approximately sixty-eight acres at which he has his year-round residence. These two properties have a common property line of about a half-mile.

"The appellant has owned his property since 1939 and has resided there continuously with his family since 1946.

"The Slovak property consists of several buildings, a swimming pool, a picnic grove and a substantial area of open woods and fields.

"Appellant complains that Slovak attracts thousands of people from all over the State to its picnic area during the summer and early fall, who are transported to these premises by buses and private autos. On one of these occasions, at a special Slovak athletic event, according to his estimate there were approximately 6,000 to 8,000 persons. He insists that the persons using these facilities either for picnics or other purposes make excessive noise, scatter refuse and litter on his

grounds, park illegally along Beach Glen Road creating a traffic hazard. They also frequently trespass upon his property.

"He specifically charges Slovak with poor control of its bar premises, permitting fights and other disorderly conduct. He admits that the period between September and May is reasonably quiet but in the summertime the loud-speakers on the premises transmit loud music and noise which disturbs the peace and quiet of appellant and his family. He complained several times to the manager of Slovak who promised to control the matters complained of. Notwithstanding that, trespassing and littering on his premises persisted.

"On June 11, 1963, he sent a letter to the Committee voicing these objections, and at the hearing on the application for renewal he was asked by the Mayor, 'Do you have anything else that you wish to put into evidence that is not in this letter?' to which he replied, 'No. It is all contained there.'

"At that point, no one else desiring to be heard, the meeting was adjourned; a private conference was had by the Committee; they then returned and resumed the meeting and thereupon voted to renew Slovak's license.

"On cross examination appellant admitted that the contents of his letter embodied all of his objections and this was communicated to the Committee at the meeting. He also stated that he saw a fight which occurred on the Slovak premises but had no knowledge of any other disorders. Another of his objections is to the fact that several patrons of Slovak trespassed on his property by fishing in his private pond; however, he did not report this to the manager of Slovak. The witness also admitted that, while he had made repeated complaints to the local Police Department, he had never made a formal complaint in the municipal court or to the Health Department.

"Police Chief Dewey Bott, of Boonton Township (a neighboring municipality), testifying on behalf of the appellant referred to several complaints that he had received about parking outside the Slovak camp. He stated that his Department did not have jurisdiction over Slovak because the property was located in Rockaway Township which is contiguous to Boonton. Accordingly he did not respond to calls for assistance. He noted that the calls that he received related to alleged traffic violations.

"On behalf of respondents, Miss Evelyn K. Moran, clerk of the Committee, testified that the appellant was the only one who appeared at the open meeting to object to the issuance of the license. The Mayor specifically asked him whether he had anything to say in addition to a letter which he submitted, and appellant assured him that all of his objections were embodied in that letter. There was then a recess called, at which time private conference took place among the members of the Committee. Upon resumption of the meeting, the subject resolution was passed.

"Mayor J. John Vandermark corroborated the prior witness' testimony with respect to the procedure undertaken at the public meeting. He stated that the Committee fully considered the objections set forth in the letter of the appellant, and insisted that the appellant was given every opportunity at the open meeting to elaborate upon his objections and to fully state his position with respect to the pending renewal application.

"On cross examination the Mayor detailed the reasons for the action of the Committee in approving the application for a renewal of this license. It was its conviction that Slovak had conducted an 'exceptionally good' operation and no one had ever complained about its conduct. He found no evidence of littering of the appellant's property nor was there any evidence adduced with respect to excessive noise. In fact, the Mayor made a personal inspection of the road and area in question and observed nothing that would 'suggest to me as much as the slightest infraction or littering in that area'.

"In addition, the Committee relied upon the reports of the local Police and Health Departments, both of which recommended approval based upon their inspection and investigation. The Police Department rated Slovak as 'very good.'

"Paul J. Viparina, manager of Slovak during the past year, generally denied the allegations of appellant with respect to the conditions complained of. He admitted that the appellant had complained to him on several occasions about parking conditions and about alleged littering. He testified that several times during July and August there are week-end picnics and affairs and he maintains special help to police these affairs and clean up the debris on his property and on the road. Once a year there is a large affair which attracts several thousand persons, but at no time has there ever been a crowd of 6,000 or 8,000 persons as testified to by the appellant.

"With respect to the noise complained of, the witness stated that a band is employed on week-ends from 5 to 9 p.m., and this music is transmitted over loud speakers. He insisted, however, that this is not a loud or raucous noise although the volume was adequate to enable all patrons to hear the music.

I

"Appellant complains that he was deprived of a fair hearing on his objections to the issuance of this license at the open hearing conducted by the Committee. The facts appear to be to the contrary. Appellant presented a letter which embodied substantially all of his objections. He appeared at the meeting, was called upon by the Mayor and stated that all of his objections were contained in the letter. He did not call any witnesses nor was he deprived of any opportunity to submit such additional evidence as he may have desired to fortify his objections. After he stated his position the Mayor then closed the formal part of the open meeting and the Committee retired to conference to discuss the matter.

"It was after this conference that action was taken upon the application for renewal. The evidence clearly manifests that the Committee gave proper consideration to the objections raised and to the advisability of granting this renewal. There is nothing in the record to indicate that the members of the Committee were prejudiced or improperly motivated. Falduto v. Parsippany-Troy Hills, Bulletin 1318, Item 1.

"I am satisfied that in all respects proper consideration was given by the Committee before action was taken in the case. I conclude that appellant has failed to sustain the burden of establishing that the action of the respondent Committee was arbitrary, unreasonable or constituted abuse of discretion. Rule 6 of State Regulation No. 15. Ocean County Licensed

Beverage Association et als. v. Point Pleasant, Bulletin 1522, Item 3. In any event, the appellant has been given a full opportunity to be heard at this appeal de novo, with the right to call all witnesses in support of his petition.

II

"Appellant principally objects to the renewal of this license on the ground that the licensed business is improperly conducted and is conducted in such a manner as to become a public and a private nuisance. It has not been made clear whether the complaint arises from the operations under the liquor license or the operation of a children's camp, a picnic grove, or the combination of all of these. There is some evidence that there has been littering, loud noises, and trespassing upon the appellant's property.

"It should be pointed out, however, that the appellant did not call the Chief of Police of the jurisdiction in which Slovak is located to testify with respect to any infractions of the law or any complaints of alleged fights and brawls which he charges occurred. This is particularly significant in view of the fact that both the Police Department and Health Department have given Slovak a clean bill of health with respect to its operations.

"One additional factor should be mentioned. Slovak has been in operation as a camp for over thirty-five years. Appellant has been its neighbor since 1939. Yet there is nothing in the record to suggest that any complaint against the operation of Slovak has been made either in the municipal court or even to the Committee prior to the past year. It may very well be the incidents this year became 'the straw that broke the camel's back.' However, I am persuaded that the matters complained of can best be handled by the police and health authorities and are properly within their jurisdictions.

III

"The Director's function on appeals of this kind is not to substitute his personal opinion for that of the issuing authority, but merely to determine if reasonable cause exists for that opinion and, if so, to affirm irrespective of his view. Bertrip Liquors, Inc. v. Bloomfield, Bulletin 1334, Item 1; Larijon, Inc. v. Atlantic City, Bulletin 1306, Item 1. The action of the local board may not be reversed by the Director unless he finds the action of the board was clearly against the logic and effect of the presented facts. Hudson Bergen County Retail Liquor Stores Association v. Hoboken et al., 135 N.J.L. 502, at 511. Cf. Fanwood v. Rocco, 59 N.J. Super. 306, 317.

"After reviewing the facts and arguments of counsel, I conclude that appellant has failed to sustain the burden of proof in showing that the action of the Committee was erroneous, improper or constitutes an abuse of its discretionary powers. Rule 6 of State Regulation No. 15.

"However, I should like to make the following observation: It is unarguable that appellant is entitled to reasonable peace and quiet -- he should not be subject to unlawful trespass upon his property, unwarranted littering by patrons of Slovak, and unnecessary noise or disturbances emanating from Slovak premises. I have raised these questions with the Mayor during

his appearance on the stand and he agreed that an early conference will be arranged with Slovak officials and appellant in order to arrive at a satisfactory understanding with respect to the objections raised by appellant.

"It is hoped that, as a result of the hearing on this appeal, the complained of conditions will be eliminated. Slovak should be reminded that, if these conditions are not corrected, it may be subject to disciplinary proceedings by the Committee. Also, its conduct may be taken into consideration at the time of the application for renewal for the next licensing year.

"It should be pointed out that a liquor license is a privilege. A renewal license is in the same category as an original license. There is no inherent right of the applicant to sell intoxicating liquor at retail. No licensee has a vested right to the renewal of a license. Whether a license should be renewed rests in the sound discretion of the issuing authority. Under the statutory duty imposed upon it, an issuing authority is required to consider an applicant's past record as a licensee, which will include the determination of whether the licensed business has been conducted in a reputable manner. Cf. Zicherman v. Driscoll, 133 N.J.L. 586, 587 (Sup.Ct. 1946).

"For the reasons aforesaid, it is recommended that an order be entered affirming the action of the respondent Committee and dismissing the appeal."

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

Having carefully considered all the facts and circumstances herein, including the entire record and exhibits introduced into evidence at the hearing of this appeal, I concur in the Hearer's findings and conclusions and adopt his recommendation.

Accordingly, it is on this 17th day of September, 1963,

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

EMERSON A. TSCHUPP
ACTING DIRECTOR

3. APPELLATE DECISIONS - PETE JACOBS, INC. v. WINSLOW.

PETE JACOBS, INC., t/a MAPLE INN,)	
)	
Appellant,)	ON APPEAL
)	ORDER
v.)	
)	
TOWNSHIP COMMITTEE OF THE)	
TOWNSHIP OF WINSLOW,)	
)	
Respondent.)	

 Nicholas A. Iacovara, Esq., and Joseph A. Maressa, Esq.,
 Attorneys for Appellant.
 Samuel L. Supnick, Esq., Attorney for Respondent.

BY THE ACTING DIRECTOR:

Appellant appeals from suspension of its license for premises Egg Harbor Road & 7th Street, Blue Anchor, Winslow, by respondent for fifteen days, effective August 8, 1963.

Prior to the hearing of the appeal, by letter of September 17, 1963, one of appellant's attorneys advised me that the appeal was withdrawn in anticipation of reconsideration of the extent of the penalty to be reimposed by respondent.

No reason appearing to the contrary, it is, on this 19th day of September 1963,

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

ORDERED that the order heretofore entered herein staying the effect of respondent's order of suspension pending determination of the appeal is hereby vacated.

EMERSON A. TSCHUPP
ACTING DIRECTOR

4. DISCIPLINARY PROCEEDINGS - ORDER IMPOSING DEFERRED SUSPENSION.

In the Matter of Disciplinary Proceedings against)
)
 CURLEY'S, INC.)
 t/a CURLEY'S TAVERN) ORDER
 78-80 Wilson Ave. & 438 Lafayette St.)
 Newark 5, N. J.)
 Holder of Plenary Retail Consumption License C-646, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

Sarcone and Mascia, Esqs., by Emil E. Mascia, Esq., Attorneys for Licensee.

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

BY THE ACTING DIRECTOR:

On May 23, 1963, I entered an order in this matter deferring the license suspension of fifty-five days (for possession on February 5, 1963 of alcoholic beverages not truly labeled) because it appeared that the licensed business was not then being conducted. Re Curley's, Inc., Bulletin 1518, Item 3.

Report of recent inspection discloses that the licensed business is now being conducted. Consequently, I am satisfied that the deferred suspension may now be imposed.

Accordingly, it is, on this 25th day of September, 1963,

ORDERED that Plenary Retail Consumption License C-646, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Curley's, Inc., t/a Curley's Tavern, for premises 78-80 Wilson Avenue and 438 Lafayette Street, Newark, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. Wednesday, October 2, 1963, and terminating at 2:00 a.m. Tuesday, November 26, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

5. DISCIPLINARY PROCEEDINGS - FRONT - FALSE STATEMENTS IN APPLICATION FOR LICENSE - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO LIFT AFTER 25 DAYS UPON PROOF OF CORRECTION OF UNLAWFUL SITUATION.

In the Matter of Disciplinary Proceedings against JUNE KATHRYN CARLTON t/a CARLTON'S INN 1292 E. State St. Trenton 9, N. J. Holder of Plenary Retail Consumption License C-2, issued by the City Council of the City of Trenton.

CONCLUSIONS AND ORDER

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

BY THE ACTING DIRECTOR:

The Hearer has filed the following Report herein:

"Licensee pleads not guilty to the following charges:

'1. In your application dated June 4, 1962, filed with the City Council of the City of Trenton, upon which you obtained your current plenary retail consumption license, you falsely stated "No" in answer to Question No. 30, which asks: "Has any individual, partnership, corporation or association, other than the applicant, any interest, directly or indirectly, in the license applied for or in the business to be conducted under said license?", whereas in truth and fact George Carlton had such an interest in that he was the real and beneficial owner of your licensed business; said false statement being in violation of R.S. 33:1-25.

'2. In your aforesaid license application, you falsely stated "No" in answer to Question No. 31, which asks: "Have you agreed to pay (by way of rent, salary or otherwise) to any employee, or other person, any portion or percentage of the gross or net profits or income derived from the business to be conducted under the license applied for?", whereas in truth and fact you had agreed to permit George Carlton to retain all the profits and income derived from your licensed business; said false statement being in violation of R.S. 33:1-25.

'3. From June 30, 1962 to date, you knowingly aided and abetted George Carlton to exercise, contrary to R.S. 33:1-26, the rights and privileges of your current plenary retail consumption license; in violation of R.S. 33:1-52.'

"To substantiate the charges the Division's attorney produced two ABC agents who testified in substance that they interviewed the licensee who admitted that her husband, George Carlton, owns and operates the licensed business, and that she applied for the license because there was then an indictment for bookmaking pending against her husband. The indictment had been dismissed prior to the interview. The attorney then

submitted in evidence the following documents: a certified copy of the licensee's current license application, verifying the fact that Questions 30 and 31 therein were answered falsely; eleven cancelled checks drawn on the account of George Carlton respecting payment for beer and liquor delivered to the licensed premises and a statement of the income of the business for the last half of the year 1962.

"Mrs. June Carlton, the licensee, appeared on her own behalf and admitted the aforesaid facts. However, she denied that she intended any wrongdoing, stating that:

'When I put my name on this license, as was said, this indictment was pending. We wanted the bar, and we were afraid if we had put his name on the license and he was indicted (convicted) we would lose everything, where this way if my name was on the license we, of course, would be in plenty of trouble because he wouldn't be able to operate the bar but we felt that if worst came to worst we would still have the business and maybe make it go even to have somebody work it and pay a bartender to work it...'

"Respecting the false statements in her application, she testified:

'I answered these questions "No" because I misinterpreted these questions. I thought that when they asked me if there was any outsider getting any profits from this business, it meant some one outside of our family, another party who had maybe a piece of this business but yet their name wasn't on it, which wasn't true. I mean I answered "No" because I thought that "No" was the answer I was supposed to give because there was no one else, there was only my husband and myself and our family and my children, no other relatives.'

"Considering the evidence adduced herein, it is apparent that the licensee, while admitting the facts established by the Division, seeks dismissal of the charges because of her alleged unintentional wrongdoing which she contends resulted from her inexperience. One would have to be naive to give credence to such pretensions, more especially since the Division's records disclose that she, not her husband as she falsely testified, held a liquor license in partnership with John Theodore Solarski for premises 618-620 North Olden Avenue, Trenton, from October 4, 1958, to June 7, 1962, when she withdrew from the partnership to apply for the license in question.

"I find from all the facts and circumstances appearing herein that the licensee fraudulently held the license as a 'front' for her husband who, it appears was eligible to hold the license individually or in partnership with his wife. I conclude, therefore, that the Division has established the charges by a preponderance of the believable evidence, and I recommend that the licensee be found guilty thereof.

"The licensee has no prior adjudicated record. Because it appears that the unlawful situation continues to exist, I further recommend that an order be entered suspending the license in question for the balance of its term, with leave given to the licensee, or any bona fide transferee of the

license, to apply to the Director to lift the suspension no sooner than twenty-five days from the date of its commencement upon filing a verified petition showing that the unlawful situation has been corrected. Cf. Re Solariski, Bulletin 1528, Item 11."

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

Having carefully considered the record herein, including the transcript of the testimony, the exhibits and the Hearer's Report, I concur in the findings and conclusion of the Hearer and adopt his recommendations.

Accordingly, it is, on this 23d day of September, 1963,

ORDERED that Plenary Retail Consumption License C-2, issued by the City Council of the City of Trenton to June Kathryn Carlton, t/a Carlton's Inn, for premises 1292 E. State Street, Trenton, be and the same is hereby suspended for the balance of its term, effective 2:00 a.m. Monday, September 30, 1963, with leave to the licensee or any bona fide transferee of the license to file verified petition establishing correction of the unlawful situation for lifting of the suspension of the license on or after 2:00 a.m. Friday, October 25, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

6. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)	
)	
CLUB 45, INC.)	
t/a CLUB 45)	CONCLUSIONS
45 Liberty Street)	AND ORDER
Long Branch, N. J.)	
Holder of Plenary Retail Consumption License C-9, issued by the City Council of the City of Long Branch.)	

James F. McGovern, Jr., Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on May 21 and 28, 1963, it 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 ten days, effective October 1, 1962, for "hours" violation. In addition, licenses then held for the same premises by John J. Schibell and Joseph F. Schibell, principal stockholders of the licensee-corporation, were suspended as follows: (1) by the then Commissioner for ten days, effective May 15, 1944, on "front" charges (Re Schibell, Bulletin 619, Item 4) and by the municipal issuing authority

(2) for ten days, effective February 6, 1956, for "hours" violation, and (3) for twenty-five days, effective November 4, 1956, for "hours" violation.

The prior dissimilar record of the Schibells individually disregarded because occurring more than five years ago but considering the record of suspension for dissimilar violation occurring within the past five years, the license will be suspended for thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days. Re Waldron, Inc., Bulletin 1434, Item 4.

Accordingly, it is, on this 23d day of September, 1963,

ORDERED that Plenary Retail Consumption License C-9, issued by the City Council of the City of Long Branch to Club 45, Inc., t/a Club 45, for premises 45 Liberty Street, Long Branch, be and the same is hereby suspended for twenty-five (25) days, commencing at 3:00 a.m. Monday, September 30, 1963, and terminating at 3:00 a.m. Friday, October 25, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

7. DISCIPLINARY PROCEEDINGS - GAMBLING (HORSE RACE BETS) - NO REMISSION FOR PLEA ENTERED AT HEARING - LICENSE SUSPENDED FOR 25 DAYS.

In the Matter of Disciplinary Proceedings against

TEN ACRES, INC.
t/a TEN ACRES TAVERN
Berlin and Glendale Road
Lindenwold, N. J.

Holder of Plenary Retail Consumption License C-11, issued by the Mayor and Borough Council of the Borough of Lindenwold.

)
)
) CONCLUSIONS
) AND ORDER
)
)
)

Benjamin Asbell, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

After partial hearing herein, licensee pleaded non vult to a charge alleging that on May 7, 14, 16 and 20, 1963, it permitted the acceptance of horse race bets on the licensed premises, in violation of Rule 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty-five days (Re Deutsch, Bulletin 1512, Item 8), without remission for the plea entered at the hearing. Cf. Re Curley's, Inc., Bulletin 1518, Item 3.

Accordingly, it is, on this 23rd day of September 1963,

ORDERED that Plenary Retail Consumption License C-11, issued by the Mayor and Borough Council of the Borough of Lindenwold to Ten Acres, Inc., t/a Ten Acres Tavern, for premises at Berlin and Glendale Road, Lindenwold, be and the same is hereby suspended for twenty-five (25) days, commencing at 3 a.m. Monday, September 30, 1963, and terminating at 3 a.m. Friday, October 25, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

8. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #232)
In the Matter of a Petition to Lift)
the Automatic Suspension of Plenary)
Retail Consumption License C-18,)
issued by the Board of Alcoholic)
Beverage Control for the City of)
Paterson to)

WILLIAM F. NIXON)
t/a R & N GRILL)
991 Madison Ave.)
Paterson, N. J.)

ON PETITION
ORDER

Petitioner, Pro se.

BY THE ACTING DIRECTOR:

It appears from the petition filed herein and the records of this Division that on August 28, 1963, the licensee-petitioner herein was fined \$50 and \$5 costs in the Paterson Municipal Court after he pleaded guilty to a charge alleging that he sold alcoholic beverages to seven minors on August 24, 1963, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of petitioner's license for the balance of its term. R.S. 33:1-31.1. Because of the pendency of this proceeding, the statutory automatic suspension has not been effectuated.

It further appears that the municipal issuing authority has suspended the license for twenty-five days, effective September 29, 1963, after confessional plea to a charge in disciplinary proceedings alleging the same sales to the minors. Hence, I shall lift the automatic suspension in anticipation of the service of the municipal suspension. Re Cresta and Krupinski, Bulletin 1526, Item 6.

Accordingly, it is, on this 25th day of September, 1963,

ORDERED that the statutory automatic suspension of said license C-18 be and the same is hereby lifted, effective immediately.

EMERSON A. TSCHUPP
ACTING 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)

LITTMAN'S TAVERN, INC.)
37-39 South Street)
Newark, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-128, issued by the Municipal)
Board of Alcoholic Beverage Control of)
the City of Newark.)

Licensee, by Joseph Littman, President, Pro se.
David S. Piltzer, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on
August 12, 1963, it possessed alcoholic beverages in two
bottles bearing labels which did not truly describe their
contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license
by the municipal issuing authority for four days, effective
June 14, 1937, for pool-selling and bookmaking.

The prior record of dissimilar violation disregarded
because occurring more than five years ago, 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
Zebrowski, Bulletin 1527, Item 7.

Accordingly, it is, on this 24th day of September 1963,

ORDERED that Plenary Retail Consumption License C-128,
issued by the Municipal Board of Alcoholic Beverage Control
of the City of Newark to Littman's Tavern, Inc., for premises
37-39 South Street, Newark, be and the same is hereby suspended
for ten (10) days, commencing at 2 a.m. Tuesday, October 1, 1963,
and terminating at 2 a.m. Friday, October 11, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

10. DISCIPLINARY PROCEEDINGS - GAMBLING (POOL TICKETS) -
LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

MICKEY'S TAVERN, INC.
t/a MICKEY'S TAVERN
657 Jackson Ave.
Elizabeth 4, N. J.

)
)
) CONCLUSIONS
) AND ORDER
)

Holder of Plenary Retail Consumption License C-243, issued by the City Council of the City of Elizabeth.

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

BY THE ACTING DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on August 12 and 19, 1963, it permitted sale of pool tickets ("Daily Double" pool), in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days (cf. Re Recreation Club, Bulletin 1491, Item 7) with remission of five days for the plea entered, leaving a net suspension of five days.

Accordingly, it is, on this 30th day of September, 1963,


ORDERED that Plenary Retail Consumption License C-243, issued by the City Council of the City of Elizabeth to Mickey's Tavern, Inc., t/a Mickey's Tavern, for premises 657 Jackson Avenue, Elizabeth, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, October 7, 1963, and terminating at 3:00 a.m. Saturday, October 12, 1963.

Emerson A. Tschupp,
Acting Director.

11. STATE LICENSES - NEW APPLICATION FILED.

National Beer Distributors
Foot of Lexington Avenue
Ewing Township, New Jersey

Application filed November 1, 1963 for place-to-place transfer of State Beverage Distributor's License SBD-21 from 18-20 Mellon Street, Trenton, New Jersey


Emerson A. Tschupp,
Acting Director.