

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

BULLETIN 1664

March 21, 1966

TABLE OF CONTENTSITEM

1. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE BELOW FILED PRICE - PRIOR SIMILAR AND DISSIMILAR RECORD - LICENSE REVOKED.
2. COURT DECISIONS - HOLLYWOOD LIQUORS & GROCERIES, INC. v. MATAWAN, TOWNE and COUNTRY LIQUOR STORE, INC. and DIVISION OF ALCOHOLIC BEVERAGE CONTROL - DIRECTOR AFFIRMED.
3. APPELLATE DECISIONS - LEPPIG v. SAYREVILLE.
4. DISCIPLINARY PROCEEDINGS (Hoboken) - SALE BELOW FILED PRICE - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
5. DISQUALIFICATION REMOVAL PROCEEDINGS - BREAKING AND ENTERING - SUBSEQUENT NON-LAW-ABIDING CONDUCT - ORDER DISMISSING PETITION.
6. ACTIVITY REPORT FOR JANUARY, 1966.
7. STATUTORY AUTOMATIC SUSPENSION (Clifton) - ORDER STAYING SUSPENSION.
8. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (Monroe Township - Middlesex County) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Deal) - SALE TO MINORS - SALE TO INTOXICATED PERSON - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (Howell Township) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
12. STATE LICENSES - NEW APPLICATIONS FILED.

The licensees have unmistakably demonstrated their flagrant disregard of the regulation prohibiting the sale of alcoholic beverages at less than the established minimum price. Under all of the circumstances and particularly considering the prior record of three suspensions of license for similar violation, the license will be revoked. See Re Butler Oak Tavern, Bulletin 1055, Item 1, a comparable case wherein the then Director said:

"The practice, as here, of the indiscriminate sale of alcoholic beverages at 'cut rate' prices, has no place in the liquor business and will not be tolerated. It is extremely unfair to honest licensees who thus find themselves at a distinct economic disadvantage and, if persisted in long enough, it can only lead to the disruption of the present orderly market and the evils that result therefrom. The nature and extent of the offenses in this case, reflected against Dilzer's past history, necessitate the revocation of the license herein. Such will be the order."

That penalty of revocation was affirmed on appeal to the Appellate Division in Butler Oak Tavern v. Div. of Alcoholic Beverage Control, 36 N.J. Super. 512 (reprinted in Bulletin 1079, Item 1) wherein the Court, through Judge Mariano, stated (at p. 520):

"The flagrant disregard of the delicate balance of the price structure relating to alcoholic beverages requires stringent enforcement of the salutary regulations designed to insure stability in the sale of alcoholic beverages at retail. While isolated sales below minimum prices leave their limited mark upon the pricing system, and warrant license suspensions, the practice, as here, of the indiscriminate sale of alcoholic beverages at 'cut rate' prices, if persisted in long enough, can only lead to the disruption of an orderly market and the evils that result therefrom. Applicant's conduct established its unfitness to be entrusted with the privilege of a liquor license and it has exhibited a callous and deliberate disregard of lawful regulations and there exists no doubt that the revocation was the only appropriate penalty. The penalty imposed is within the lawful delegative authority of the agency and tends to serve the legitimate interest of society in connection with the regulations of a business attended with danger to the community."

On further appeal to the Supreme Court, the order of the Director was again affirmed in Butler Oak Tavern v. Div. of Alcoholic Beverage Control, 20 N.J. 373 (reprinted in Bulletin 1096, Item 1) wherein the Court, through Justice Burling, quoted the first three sentences of the foregoing statement of the Appellate Division and held (at p. 385):

"The statute as a whole is intended to be remedial of abuses inherent in liquor traffic, R.S. 33:1-73, and the discretion of the Director is sufficiently broad to accomplish the purpose intended. Grant Lunch Corporation v. Driscoll, 129 N.J.L. 408 (Sup. Ct. 1943), affirmed 130 N.J.L. 554 (E. & A. 1943), certiorari denied 320 U.S. 801, 64 S. Ct. 431, 88 L. Ed. 484 (1944); Benedetti v. Board of Commissioners of City of Trenton, 35 N.J. Super. 30 (App. Div. 1955), Mitchell v. Cavicchia, 29 N.J. Super. 11 (App. Div. 1953). Rule 5 of Regulation 30 of the Division of Alcoholic Beverage Control was promulgated pursuant to

R.S. 33:1-23.1 and R.S. 33:1-39. The appellant has thrice violated it in the present case. The Director had the authority to suspend or revoke its license, R.S. 33:1-31. The latter course was taken. Whether the administrative determination rests upon appellant's flagrant disregard in the subsequent violation of December 21 or in view of the prior record of violations coupled with a desire to bring about a more respectful adherence to the law and regulations, it is unassailable."

Accordingly, it is, on this 3d day of February, 1966,

ORDERED that Plenary Retail Distribution License D-78, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Vincent B. Sabbia and Nicholas Sabbia for premises 36-40 Dales Avenue, Jersey City, be and the same is hereby revoked, effective immediately.

JOSEPH P. LORDI
DIRECTOR

- 2. COURT DECISIONS - HOLLYWOOD LIQUORS & GROCERIES, INC. v. MATAWAN, TOWNE and COUNTRY LIQUOR STORE, INC. and DIVISION OF ALCOHOLIC BEVERAGE CONTROL - DIRECTOR AFFIRMED.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
Docket No. A-436-64

HOLLYWOOD LIQUORS & GROCERIES,)
INC., trading as BILL'S LIQUORS,)
Appellant,)
vs.)
MAYOR AND TOWNSHIP COMMITTEE)
OF MATAWAN TOWNSHIP, TOWNE)
AND COUNTRY LIQUOR STORE, INC.,)
t/a TOWNE AND COUNTRY BAR &)
LIQUORS, and DIVISION OF)
ALCOHOLIC BEVERAGE CONTROL,)
Respondents.)

Argued January 26, 1966 - Decided February 4, 1966.

Before Judges Gaulkin, Labrecque and Brown.

Mr. Frederic Baar argued the cause for the appellant.

Mr. Vincent C. DeMaio argued the cause for Towne and Country Liquor Store, Inc., t/a Towne and Country Bar & Liquors.

Mr. Jay Krivitsky argued the cause for Mayor and Township Committee of Matawan Township (Mr. Richard T. Schwartz, attorney).

Mr. Samuel B. Helfand, Deputy Attorney General, argued the cause for Division of Alcoholic Beverage Control (Mr. Arthur J. Sills, Attorney General, attorney).

PER CURIAM.

(Appeal from Director's decision in Hollywood Liquors & Groceries, Inc. v. Matawan and Towne and Country Liquor Store, Inc., Bulletin 1599, Item 2. Director's determination affirmed without opinion.)

3. APPELLATE DECISIONS - LEPPIG v. SAYREVILLE.

FRED G. LEPPIG and CAROLE A.)
 LEPPIG, t/a MALABU INN,)
)
 Appellants,)
)
 v.)
)
 BOROUGH COUNCIL OF THE BOROUGH)
 OF SAYREVILLE,)
)
 Respondent.)

ON APPEAL
CONCLUSIONS
AND ORDER

 Robert W. Wolfe, Esq., Attorney for Appellants.
 John R. Everitt, Esq., Attorney for Respondent.
 William An Ancier, Esq., Attorney for Objector.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This appeal is from the action of respondent in denying an application for place-to-place transfer of appellants' 1964-65 Plenary Retail Consumption License C-42, issued for premises 343 Washington Road, to premises to be constructed, according to plans and specification, on Ernston Road (part of Plot 1, Block 445 A), Sayreville.

Five of the members of respondent voted to deny the transfer and one member thereof refrained from voting in the matter.

Appellants allege in their petition of appeal that the action of respondent was erroneous for the following reasons:

- "a. The reasons stated for the action were not the true and only reasons for the denial.
- b. The action was improperly motivated.
- c. The action of the respondent was taken without basis in fact for the conclusions reached.
- d. The determination of said respondent was based on mistakes of fact and law.
- e. The determination of said respondent constituted a manifest abuse of discretion, was capricious, unreasonable, and arbitrary and was clearly against the logic and effect of the true facts."

Respondent in its answer denies the aforesaid allegations and as separate defenses contends:

"1. That the area is zoned M-1 (Light Industry) under and by virtue of the provisions of the Zoning Ordinance of the Borough of Sayreville.

2. A definite safety hazard would be created by the granting of this application as the area is already overburdened with vehicular traffic."

The appeal herein was heard de novo pursuant to Rule 6 of State Regulation No. 15.

Fred G. Leppig (one of the appellants) testified that appellants assumed a five-year lease for the present premises from the former holder of the license, and that the landlord has given appellants verbal notice to vacate when the term of the lease expires on December 31, 1965; that he talked to owners of other properties but "we couldn't come to agreements and that's why I looked elsewhere;" that appellants were given an opportunity by the landlord to purchase the present licensed premises but "I couldn't meet the price;" that the site of the proposed premises is "approximately three miles" from the present premises; that within a mile of the latter premises there are twenty-five licenses, seven thereof being located within a half-mile; that within a mile of the proposed premises are five liquor licenses in Sayreville and two in Madison Township; that the traffic at the present location on Washington Road is "ten times greater" than that at the proposed location on Ernston Road; that the new premises will afford greater facilities for patrons and a larger parking area for cars than that provided at the present location.

Edwin C. Landis (an attorney who represented appellants when the application in question was considered by respondent on March 17, 1965) testified that he was not given an opportunity to be heard in the matter. However, since the appeal herein was heard de novo, with full opportunity for the attorneys to present testimony under oath and to examine and cross examine witnesses, it is unnecessary to consider this objection.

John Rupp testified that he is the owner of appellants' present licensed premises and does not intend to renew the existing lease. He further stated, "I have a buyer for the building. I have notified Mr. Leppig and told him so, and I have made the offer to him and which he feels as though it's a little bit out of range. And I told him I wanted to be fair and give him the first offer, and as long as he told me he wasn't interested in that offer, I have given it to the other party. As soon as I can have the place vacated, it is sold." Mr. Rupp also testified that he is familiar with appellants' proposed location and that traffic conditions there are not as great as where appellants are now.

John Nietubicc (a tavern owner whose establishment is "a football field-length away from Mr. Leppig") testified that traffic is much heavier at appellants' present location than at the location which they seek.

Councilman Walter T. Kross testified that he voted against the transfer of appellants' license to the proposed location. He stated as one of his reasons the heavy traffic and that the property is located "around the turn." He was of the

opinion that it would be unsafe to have appellants' license at the proposed location because "it's a blind alley, blind turn more or less, and the visibility is very poor coming from Route 9 into there. More or less, you run into the tavern. That's how sharp the bend is there, coming in from 9. Leaving Ernston Road going to 9, you are facing the same problem. The bend is right there." Councilman Kross also stated that, in his opinion, the transfer of the license to the new site would be in violation of the zoning ordinance, and he opposed the transfer because in Sayreville licensed premises are permitted to remain open until 3 a.m., thus attracting patrons of taverns in adjoining communities to visit appellants' proposed place of business after 2 a.m. Councilman Kross disputed the statement of appellant Fred Leppig that there are twenty-five liquor outlets within a mile of their present premises.

In so far as violation of the zoning ordinance is concerned, it was stated by Judge Gaulkin, in Lubliner et al v. Paterson et als., 59 N.J. Super. 419 (1960), that violation of a zoning ordinance would not in itself prevent a local issuing authority from granting a license to a particular premises but, before the liquor licensee could operate the establishment, he must comply with all applicable statutes and ordinances. On appeal to the New Jersey Supreme Court (33 N.J. 428, 435), Justice Jacobs, speaking for the court, with reference to an alleged zoning violation stated:

"In dealing with that contention the Appellate Division properly pointed out that the grant of Mr. Hutchins' application would in nowise permit him to operate in contravention of any applicable zoning provisions; if he ever attempts to so operate, relief is readily available. See Garrou v. Teaneck Tryon Co., 11 N.J. 294 (1953)."

With reference to patrons coming to appellants' proposed establishment after the closing hour in other municipalities, this is merely conjecture.

Mary E. Lester, rental agent for apartments known as Skytop Gardens situated in the area and close to the proposed location, objected to the transfer because the people living nearby would be affected by the increase of traffic and noise.

The burden of establishing that the action of respondent issuing authority was erroneous and should be reversed rests with appellants. Rule 6 of State Regulation No. 15. No one has a right to the issuance or transfer of a license to sell alcoholic beverages. Zicherman v. Driscoll, 133 N.J.L. 586; Biscamp v. Teaneck, 5 N.J. Super. 172 (App.Div. 1949).

Whether or not a license should be transferred to a particular section of a municipality rests in the sound discretion of the local issuing authority in the first instance. Hudson-Bergen County Retail Liquor Stores Ass'n v. North Bergen et al., Bulletin 997, Item 2. Each municipal issuing authority has wide discretion with reference to a transfer of a liquor license which, of course, is subject to review by the Director in event of abuse of its authority. Passarella v. Atlantic City et al., 1 N.J. Super. 313. Its action will not be disturbed in the absence of a clear abuse of discretion. Blanck v. Magnolia, 38 N.J. 484.

The Director's function on appeals of the kind now under

consideration is not to substitute his personal opinion for that of the issuing authority, but merely to determine whether reasonable cause exists for its opinion and, if so, to affirm irrespective of his personal views. Larijon, Inc. v. Atlantic City, Bulletin 1306, Item 1; Bertrip Liquors, Inc. v. Bloomfield, Bulletin 1334, Item 1.

In Fanwood v. Rocco, 59 N.J. Super. 306, 323 (App.Div. 1960), aff'd 33 N.J. 404 (1960), Judge Gaulkin, among other things, stated:

"The Director may not compel a municipality to transfer licensed premises to an area in which the municipality does not want them, because there more people would be able to buy liquor more easily. Such 'convenience' may in a proper case be a reason for a municipality's granting a transfer but it is rarely, if ever, a valid basis upon which the Director may compel the municipality to do so."

Moreover, it was stated in said case (Fanwood v. Rocco, supra) that "No person is entitled to [the transfer of a license] as a matter of law," and "If the motive of the governing body is pure, its reasons, whether based on morals, economics, or aesthetics, are immaterial."

If the site for which the transfer of license is sought were in the same area as its present location, the reasonableness of the action of respondent in denying the transfer might be questionable. However, in view of the fact that the distance between the present premises and the proposed location for the new premises is approximately three miles, the proposed premises may be properly considered to be situated in a different section of the municipality.

There has been no proof that the members of respondent Council were in anywise improperly motivated.

After consideration of the evidence herein, I conclude that the action of respondent in denying the transfer in question was neither unreasonable nor an abuse of discretion.

Therefore it is recommended that the said action of respondent in denying the transfer of appellants' license be affirmed and that the appeal herein be dismissed.

Conclusions and Order

Pursuant to Rule 14 of State Regulation No. 15, exceptions to the Hearer's report and argument in support thereof were filed by the attorney for appellants. Answer to the exceptions was filed by the attorney for respondent.

The second paragraph in the argument in support of the exceptions to the Hearer's report reads as follows:

"The Hearer in his report concluded that there was no legal merit to the stated reasons of Respondent for the denial of the transfer except as to the reason it 'would create a traffic hazard!'"

In his report the Hearer did not so conclude.

In further support of the exceptions, the argument quotes from a resolution adopted by the Borough's Board of Adjustment,

which resolution, accompanied by findings of facts, recommended (Re: the Borough's zoning ordinance) that, subject to specified conditions, appellants' application to the Board for permission to construct a building at the location sought be approved by the Borough Council.

I find that respondent's not following the recommendation and not approving the indicated application was not unreasonable and did not constitute an abuse of discretion.

I agree with the following paragraph in the Hearer's report:

"With reference to patrons coming to appellants' proposed establishment after the closing hour in other (bordering or nearby) municipalities, this is merely conjecture."

In a different posture, I might have found the stated objection by Councilman Kross in this regard not merely conjectural but meritorious for gravitation to a late-closing oasis is one of the facts of nocturnal drinking life. Here, however, appellant Fred G. Leppig testified that despite the Borough's 3 a.m. closing hour ordinance, his regular closing hour was 10 p.m. and that, if the license transfer were granted, he would close at approximately midnight.

After careful consideration of the record herein, including the transcript of the testimony, the exhibits, the exceptions and supporting argument, and the answer to the exceptions, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein. I find, specifically, that there was not evidence of improper motivation on the part of any member of respondent Council, and that appellants have failed to sustain the burden (Rule 6, State Regulation No. 15) of establishing that respondent's action was erroneous and should be reversed.

Accordingly, it is, on this 27th day of January, 1966,

ORDERED that the action of respondent Borough Council be and the same is hereby affirmed and that the appeal herein be and the same is hereby dismissed.

JOSEPH P. LORDI
DIRECTOR

DISCIPLINARY PROCEEDINGS - SALE BELOW FILED PRICE - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
)
 John Lensi)
 700 Park Avenue)
 Hoboken, New Jersey,)
)
 Holder of Plenary Retail Distribution License D-19, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken.)

CONCLUSIONS and ORDER

 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 December 4, 1965, he sold a pint bottle of whiskey below filed price, in violation of Rule 5 of State Regulation No. 30.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re City Hall Wines & Liquors, Inc., Bulletin 1615, Item 7.

Accordingly, it is, on this 17th day of January, 1966,

ORDERED that Plenary Retail Distribution License D-19, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to John Lensi, for premises 700 Park Avenue, Hoboken, be and the same is hereby suspended for five (5) days, commencing at 9 a.m. Monday, January 24, 1966, and terminating at 9 a.m. Saturday, January 29, 1966.

JOSEPH P. LORDI,
DIRECTOR

5. DISQUALIFICATION REMOVAL PROCEEDINGS - BREAKING AND ENTERING -
SUBSEQUENT NON-LAW-ABIDING CONDUCT - ORDER DISMISSING PETITION.

In the Matter of an Application)
to Remove Disqualification) CONCLUSIONS
because of a Conviction, Pursuant) AND ORDER
to R.S. 33:1-31.2.)

Case No. 1974

Falcone & Falcone, Esqs., by Michael Falcone, Esq., Attorneys
for Petitioner.

BY THE DIRECTOR:

Petitioner's criminal record discloses that on May 4, 1956 he was convicted in the Mercer County Court for breaking and entering, as a result thereof was sentenced to serve twelve months in the county workhouse (suspended) and placed on probation for one year.

It further appears that petitioner was convicted in a local magistrate's court on September 6, 1959 for being drunk and disorderly (fined \$25.00), on October 6, 1959 for drunken driving (fined \$315.00), on September 19, 1960 for fighting in a tavern (fined \$100.00), and on December 6, 1962 under the Disorderly Persons Act (possession of a dangerous weapon (revolver) with intent to assault and was given a suspended sentence of one year in the county workhouse and placed on probation for one year. On May 17, 1965 he was charged with fighting in a bar, posted bail of \$100.00, failed to appear and the bail was forfeited.

Since the crime of which petitioner was convicted in 1956 involves the element of moral turpitude, he was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this State. R.S. 33:1-25, 26.

Petitioner's convictions in the magistrate's court are not convictions of crime.

To afford petitioner the relief requested, it is necessary that I find that he has been conducting himself in a law-abiding manner for five years last past and that his association with the alcoholic beverage industry will not be contrary to the public interest. See R.S. 33:1-31.2.

In view of his conviction on December 6, 1962 and his involvement with the law on May 17, 1965, I conclude that the petitioner has not so conducted himself and, therefore, will deny his petition. Re Case No. 904, Bulletin 914, Item 13; Re Case No. 1606, Bulletin 1396, Item 7.

Petitioner, however, may reapply to remove his disqualification on or after May 17, 1970 (five years from May 17, 1965, the date of his last involvement with the law), provided, however, that he has been law-abiding during said five years and has proven to be a fit person to become engaged in the alcoholic beverage industry in this State.

Accordingly, it is, on this 19th day of January 1966,

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

JOSEPH P. LORDI
DIRECTOR

6.

ACTIVITY REPORT FOR JANUARY, 1966

ARRESTS:

Total number of persons arrested	-----	22
Licensees and employees	15	
Bootleggers	7	

SEIZURES:

Stills - 50 gallons or under	-----	1
Mash - gallons	-----	250
Distilled alcoholic beverages - gallons	-----	3.94
Wine - gallons	-----	.40
Brewed malt alcoholic beverages - gallons	-----	4.50

RETAIL LICENSEES:

Premises inspected	-----	670	
Premises where alcoholic beverages were gauged	-----	523	
Bottles gauged	-----	7,673	
Premises where violations were found	-----	66	
Violations found	-----	99	
Unqualified employees	51	Reg. #38 sign not posted	2
Application copy not available	21	Improper beer taps	1
Other mercantile business	4	Other violations	17
Prohibited signs	3		

STATE LICENSEES:

Premises inspected	-----	29
License applications investigated	-----	4

COMPLAINTS:

Complaints assigned for investigation	-----	310
Investigations completed	-----	386
Investigations pending	-----	252

LABORATORY:

Analyses made	-----	58
Refills from licensed premises - bottles	-----	1
Bottles from unlicensed premises	-----	7

IDENTIFICATION:

Criminal fingerprint identifications made	-----	3
Persons fingerprinted for non-criminal purposes	-----	303
Identification contacts made with other enforcement agencies	-----	173

DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities	-----	11	
Violations involved	-----	12	
Sale to minors	7	Failure to close prem. during prohibited hours	1
Sale during prohibited hours	4		
Cases instituted at Division	-----	27*	
Violations involved	-----	44	
Sale to minors	11	Possessing liquor not truly labeled	1
Sale during prohibited hours	5	Failure to close prem. during prohibited hours	1
Permitting hostesses on premises	4		
Sale below filed price	3	Sale to intoxicated person	1
Hindering investigation	3	Conducting business as a nuisance	1
Permitting lottery on premises	2	Fraud in application	1
Permitting gambling on premises	2	Permitting immoral activity on prem.	1
Furnishing gift with retail sale	2	Fraud and front	1
Permitting foul lang. on premises	2	Unqualified employee	1
Permitting bookmaking on premises	1	Sale to non-members by club	1
Cases brought by municipalities on own initiative and reported to Division	-----	26	
Violations involved	-----	31	
Sale to minors	19	Permitting loitering by minors unaccomp. by adults (local reg.)	2
Sale during prohibited hours	3	Unqualified employees	1
Failure to close prem. during prohibited hours	3	Failure to afford view into prem. during prohibited hours	1
Permitting brawl on premises	2		

HEARINGS HELD AT DIVISION:

Total number of hearings held	-----	39	
Appeals	1	Eligibility	6
Disciplinary proceedings	31	Seizures	1

STATE LICENSES AND PERMITS ISSUED:

Total number issued	-----	1,110	
Licenses	1	Social affair permits	306
Solicitors' permits	35	Miscellaneous permits	183
Employment permits	291	Transit insignia	166
Disposal permits	91	Transit certificates	31
Wine permits	6		

OFFICE OF AMUSEMENT GAMES CONTROL:

Licenses issued	-----	92
Enforcement files established	-----	13

JOSEPH P. LORDI
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

Dated: February 8, 1966

*Includes one cancellation proceeding - license improvidently issued in that licensee not bona fide club at time of issuance of license.

7. STATUTORY AUTOMATIC SUSPENSION - ORDER STAYING SUSPENSION.

Auto.Susp. #272)
 In the Matter of a Petition to Lift)
 the Automatic Suspension of Plenary)
 Retail Distribution License D-23,)
 Issued by the Municipal Board of)
 Alcoholic Beverage Control of the)
 City of Clifton to)

 TESSIE KLARA)
 t/a EDDIE'S WINES & LIQUORS)
 110 Knapp Avenue)
 Clifton, New Jersey)

ON PETITION
ORDER

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on January 11, 1966, the licensee-petitioner was fined \$50 and \$5 costs in the Clifton Municipal Court after being found guilty of a charge of sale of alcoholic beverages to a minor on December 18, 1965, 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 disciplinary proceedings are presently pending before the municipal issuing authority against the licensee because of said sale of alcoholic beverages to the minor. A supplemental petition to lift the automatic suspension may be filed with me by petitioner after the disciplinary proceedings have been decided. In fairness to petitioner, I conclude that at this time the effect of the automatic suspension should be temporarily stayed. Re Stein's Cafe, Inc., Bulletin 1614, Item 7.

Accordingly, it is, on this 19th day of January, 1966,

ORDERED that the aforesaid automatic suspension be stayed pending the entry of a further order herein.

JOSEPH P. LORDI
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

PETER J. NAPOLI)
t/a STEGMAN TAVERN)
167 Jackson Avenue)
Jersey City, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-286, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

Licensee, Pro se.
Morton B. Zemel, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on November 24, 1965, he sold twelve cans of beer for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No.38.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Cavaluzzi, Bulletin 1650, Item 8.

Accordingly, it is, on this 1st day of February, 1966,

ORDERED that Plenary Retail Consumption License C-286, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Peter J. Napoli, t/a Stegman Tavern, for premises 167 Jackson Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Tuesday, February 8, 1966, and terminating at 2:00 a.m. Friday, February 18, 1966.

JOSEPH P. LORDI
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)
)
 HUBBY'S INN, INC.)
 t/a "HUBBY'S INN")
 Kasenby's Lane-Spotswood Rd.)
 Monroe Township)
 PO Jamesburg, N. J.)
)
 Holder of Plenary Retail Consumption License C-7, issued by the Township Committee of the Township of Monroe, County of Middlesex.)

CONCLUSIONS AND ORDER

 John A. Lynch, Jr., Esq., Attorney for Licensee.
 Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on December 10, 1965, it permitted removal of an opened pint bottle of whiskey from its licensed premises during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Willow Cafe & Restaurant, Inc., Bulletin 1631, Item 10.

Accordingly, it is, on this 24th day of January, 1966,

ORDERED that Plenary Retail Consumption License C-7, issued by the Township Committee of the Township of Monroe, County of Middlesex, to Hubby's Inn, Inc., t/a Hubby's Inn, for premises Kasenby's Lane-Spotswood Road, Monroe Township, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Monday, January 31, 1966, and terminating at 3:00 a.m. Thursday, February 10, 1966.

JOSEPH P. LORDI
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - SALE TO INTOXICATED PERSON - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
)
 MAURIE'S, INC.)
 t/a NORWOOD INN)
 118 Norwood Avenue)
 Deal, N. J.)
 Holder of Plenary Retail Consumption License C-2, issued by the Board of Commissioners of the Borough of Deal)

CONCLUSIONS AND ORDER

 Licensee, by Maurice J. Boyle, President, Pro se.
 Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads guilty to charges alleging that on January 8, 1966, it (1) sold mixed drinks of alcoholic beverages and seven quart containers of beer to two minors, ages 18 and 20, in violation of Rule 1 of State Regulation No. 20, and (2) sold a mixed drink of alcoholic beverages to an intoxicated adult patron, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended on the first charge for fifteen days (Re McAlister, Bulletin 1526, Item 2) and on the second charge for twenty days (Re Valenti, Bulletin 1652, Item 8), or a total of thirty-five days, with remission of five days for the plea entered, leaving a net suspension of thirty days.

Accordingly, it is, on this 7th day of February 1966,

ORDERED that Plenary Retail Consumption License C-2, issued by the Board of Commissioners of the Borough of Deal to Maurie's, Inc., t/a Norwood Inn, for premises 118 Norwood Avenue, Deal, be and the same is hereby suspended for thirty (30) days, commencing at 2 a.m. Monday, February 14, 1966, and terminating at 2 a.m. Wednesday, March 16, 1966.

JOSEPH P. LORDI
 DIRECTOR

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

In the Matter of Disciplinary Proceedings against

SLUZENSKI'S, INC.
t/a PINE TREE INN
w/s U.S. Route #9
Howell Township
PO RD #4, Freehold, N. J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Howell.

Edwin J. Fox, Esq., Attorney for Licensee.
Morton B. Zemel, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on November 8, 1965, 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.

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 Bolten, Bulletin 1644, Item 6.

Accordingly, it is, on this 7th day of February 1966,

ORDERED that Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Howell to Sluzenski's, Inc., t/a Pine Tree Inn, for premises w/s U. S. Route #9, Howell Township, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Monday, February 14, 1966, and terminating at 2 a.m. Thursday, February 24, 1966.

JOSEPH P. LORDI
DIRECTOR

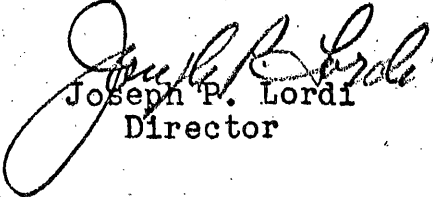
12. STATE LICENSES - NEW APPLICATIONS FILED.

Arthur R. Minck
t/a Minck Beverage Co.
300 Route 17
Paramus, N. J.

Application filed March 11, 1966 for place-to-place transfer of State Beverage Distributor's License SBD-94 from E. 90 East Ridgewood Avenue, Paramus, N. J.

J & J Distributing Co.
312 Main Street
Millburn, N. J.

Application filed March 16, 1966 for place-to-place transfer of Plenary Wholesale License W-30 from 312 Frelinghuysen Ave. Newark, N. J.


Joseph P. Lordi
Director