

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

BULLETIN 1782

March 5, 1968

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1. COURT DECISIONS - MAPLE SHADE v. LORDI AND NOMAT, INC. -
DIRECTOR AFFIRMED.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
A 923-66

TOWNSHIP COMMITTEE OF THE)
TOWNSHIP OF MAPLE SHADE,)
)
Appellant,)
)
-vs-)
)
JOSEPH P. LORDI, DIRECTOR OF)
THE DIVISION OF ALCOHOLIC)
BEVERAGE CONTROL and NOMAT, INC.,)
a New Jersey corporation,)
)
Respondents.)
-----)

Argued January 8, 1968. Decided January 29, 1968.

Before Judges Gaulkin, Lewis and Kolovsky.

On appeal from the Division of Alcoholic
Beverage Control.

Mr. Grover C. Richman, Jr. argued the cause
for appellant (Messrs. Richman, Berry and
Ferren, attorneys).

Mr. Howard Kaplan, Deputy Attorney General,
argued the cause for respondent, Joseph P.
Lordi, (Mr. Arthur J. Sills, Attorney General,
attorney; Mr. Stephen Skillman, Deputy
Attorney General, on the brief).

Mr. A. Donald Bigley argued the cause for
respondent, Nomat, Inc.

PER CURIAM.

(Appeal from Director's decision in Nomat, Inc. v. Maple
Shade, Bulletin 1734, Item 2. Director affirmed. Opinion not
approved for publication by court committee on opinions.)

2. APPELLATE DECISIONS - TEOFILAK v. WILDWOOD AND JONIDA CORP.

JOSEPH TEOFILAK,)
Appellant,)

-vs-

BOARD OF COMMISSIONERS OF THE)
CITY OF WILDWOOD, and JONIDA)
CORP., t/a THE BARN,)
Respondents.)
-----)

ON APPEAL
CONCLUSIONS AND ORDER

Charles Henry James, Esq., Attorney for Appellant.
Nathan C. Staller, Esq., Attorney for Respondent Board of
Commissioners.
Morton I. Greenberg, Esq., Attorney for Respondent Jonida Corp.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This is an appeal from the unanimous action of respondent in approving a person-to-person and place-to-place transfer of a plenary retail consumption license (theretofore issued to Hurricane, Inc. for premises 3800-3808 Pacific Avenue) to respondent Jonida Corp. for premises 219-221 East Schellenger Avenue, Wildwood.

After written objections to the transfer had been filed, respondent Board of Commissioners (hereinafter Commissioners) held a public hearing on May 31, 1967, which hearing was continued until June 2. At the conclusion of the said hearing the Commissioners announced that their decision would be given at a subsequent date. On June 6 the Commissioners adopted the following resolution:

"WHEREAS, Jonida Corporation have made application to this Authority for the transfer to them of Plenary Retail Consumption License C-47, now held in the name of Hurricane, Inc., for premises located 3800-02-04-06-08 Pacific Avenue, Alley and S.W. 1/2 Lots of 29 and 30, Blk. 135, Holly Beach City, Wildwood, New Jersey, to premises located 219-221 East Schellenger Avenue and 216 East Cedar Avenue, Wildwood, New Jersey, and

"WHEREAS, the application was in good form, was accompanied by the proper fee, and other proofs required by law, and

"WHEREAS, three letters objecting to transfer from place to place were filed with the Clerk; one letter from Charles Henry James, Attorney; one letter from Joseph Teofilak; one letter from Wanda Nawlinski. A petition against said transfer was also filed with the Clerk. A hearing was held on May 31, 1967 and continued to June 2, 1967.

"NOW, THEREFORE BE IT RESOLVED, by the Alcoholic Beverage License Issuing Authority of the City of Wildwood

in the County of Cape May, New Jersey that Plenary Retail Consumption License C-47 be transferred to Jonida Corporation for premises located 219-221 East Schellenger Avenue and 216 East Cedar Avenue, Wildwood, New Jersey. The effective date of transfer being June 6, 1967, subject to completion of premises and issuance of a certificate of occupancy by the Building Inspector."

Appellant contends that the Commissioners' action in granting respondent licensee's application was erroneous for the following reasons:

"(a) The application which respondent, Jonida Corporation, lodged with the Municipal Clerk of respondent issuing authority, contained a misrepresentation and a false statement, and violated the provisions of N.J.S.A. 33:1-25.

"(b) Respondent, Jonida Corporation, failed to meet the standards to be expected of licensees, in that the individual fitness of said respondent was found wanting because of the past record of another corporation composed of the same principals and the misrepresentation contained in the application of said respondent.

"(c) There was no right vested in the respondent issuing authority to allow respondent, Jonida Corporation, to amend said application and to proceed to conduct a hearing without requiring readvertisement of corrected and amended application.

"(d) Respondent, Jonida Corporation, did not insert in its advertisement the following statement as required by State Regulation No. 6, Rule 4:

'Plans and specifications of Building to be constructed may be examined at the office of the Municipal Clerk.'

"(e) There were no proper plans or specifications on file with the Municipal Clerk of the respondent issuing authority.

"(f) The attorney who represented respondent, Jonida Corporation, was in conflict of interest in that he is the Solicitor for the Municipal School Board of the City of Wildwood.

"(g) The Municipal Clerk of the respondent issuing authority refused to read into the record the names of some 39 objectors to this proposed transfer, although the same had been received by him more than 40 hours before the time at which the hearing was held.

"(h) The Municipal Clerk of respondent issuing authority, refused to read into the record two letters from objectors, which letters had been received weeks before the hearing in this matter was held.

"(i) There was no need or necessity for the transfer of this license, and the approval of its transfer was against the weight of the evidence produced at the transfer hearing, and the action taken by respondent issuing authority clearly constituted an abuse of discretion.

"(j) The issuing authority failed to establish and adhere to a formal order of proof, but, rather, required appellant to proceed primarily, allowing appellant to be interrupted by the witnesses of respondent, Jonida Corporation, which witnesses were interspersed between appellant's witnesses."

The answer filed on behalf of the Commissioners denies the allegations made by appellant and, in substantiation of their action, asserts that:

"In addition to the fact that the application was in good form, accompanied by the proper fee and other proofs required by law, other reasons for approving the transfer were that the premises being moved were within the same zone of retail commercial designated as C-2 of the revised Zoning Ordinance of the City; that the area to which transfer was sought was a central location for licensed premises and other recreation and entertainment and in keeping with the Master Plan and Urban Redevelopment Program contemplated by the City of Wildwood for the central business district of the City; that there was public need and necessity to keep such licensed premises within an area where the most people could avail themselves of the type of business carried on during the summer season in the City of Wildwood which is a summer resort to which huge crowds of persons come and it was considered in the best interest of the citizens and inhabitants of the City that the area of operations of consumption licensed premises be centrally located to more readily control the visitors and guests seeking such recreation and entertainment."

This matter 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.

The stenographic transcript of the hearing below was submitted herein and was supplemented at this hearing by testimony of witnesses on behalf of the respective parties to this appeal.

It appears that the application as originally filed for the transfer in question did not disclose that the officers of respondent licensee are the holders of a controlling interest in the plenary retail consumption license of John's Corner, Inc., which license had been suspended in 1964 by the Director for ten days for service of alcoholic beverages other than ordered. Re John's Corner, Inc., Bulletin 1585, Item 7. The testimony is undisputed that this fact was brought to the attention of the Commissioners by the appellant's attorney at the hearing held on May 31. The record also reflects that on June 2 the Commissioners permitted the licensee to amend its application to include the license suspension of John's Corner, Inc.

Apparently no one was prejudiced because of the false answer originally given. The failure to mention the prior license suspension, I am satisfied, resulted from inadvertence and, considering the fact that this was brought to the Commissioners' attention before their decision in the matter, I am satisfied that the Commissioners did not act improperly under the circumstances herein. See Vuono v. Belleville, Bulletin 163, Item 12.

I am not suggesting abandonment or abrogation of the principle inherent in the strict enforcement of the Alcoholic

Beverage Law. All questions contained in a liquor license application are material and must be answered fully and forthrightly, without any intent by the applicant to deceive the issuing authority.

Appellant contends that, because of the type of violation committed and omission to set it forth in the application, the officers are unfit to be associated in the liquor business. I am cognizant that proper liquor control dictates that an issuing authority should be free, within the confines of sound discretion, to determine whether or not a license should be issued or transferred to a corporation whose principal officers do not meet the necessary statutory requirements. However, the determination of unfitness must in every case be founded upon valid and substantial grounds. There has been no evidence presented to indicate that any of the officers of the licensee are not of good character and law-abiding persons. I might add that the officers herein have been officers of John's Corner, Inc. which has held a license for ten years.

Appellant's attorney contends that the Commissioners should have directed the licensee to re-advertise because of the omission aforementioned. However, nothing would be accomplished by requiring respondent licensee to re-advertise its notice of intention to apply for the transfer, as no one, least of all the appellant, was misled. Meyers v. Plainfield et al., Bulletin 164, Item 2. In any event, the error was corrected. Tumminello v. Phillipsburg et al., Bulletin 852, Item 8.

The plot plan dated April 18, 1967, prepared by a civil engineer and land surveyor, showing the proposed building, which plan accompanied the application, appears substantially specific as to the contemplated structure. According to the record, the licensee remodeled and modernized a structure already on the site for which the application for transfer was filed and approval has been given by the proper authority therefor. I find that such plan was a sufficient compliance with the rule. Cf. North Central Counties Retail Liquor Stores Assn. v. Lopatcong et al., Bulletin 1555, Item 1; aff'd id nom (App. Div. 1964), not officially reported, reprinted in Bulletin 1583, Item 2.

Appellant further charges that the municipal clerk, although requested by appellant's attorney, refused to read the names of thirty-nine objectors to the transfer from a petition in his possession and also refused to read two letters from objectors. However, the record indicates that the said petition and letters were considered as part of the hearing and might have been examined by any interested person. Thus there appears to be no necessity for reading the contents of the petition and letters into the record at the time of the hearing below.

In so far as criticism of the conduct of the hearing below is concerned, especially with reference to the order and procedure permitted by the Commissioners for persons to express their views, those who spoke appeared to have been treated with the utmost courtesy.

Appellant testified that his objection to the transfer is that the licensed premises (now completed) are immediately adjacent to an apartment house owned by him. He and his tenants are annoyed at closing time when patrons of the licensee, upon

leaving the licensed premises at 3:30 a.m. or later, gather in front of his home. He testified that, although there are seven other licensed establishments on the street and a number in the area of his property, he has never been annoyed by their patrons. Moreover, he states that a band which plays "rock and roll" music on the licensee's premises causes excessive noise and disturbance. Appellant admitted that Schellenger Avenue is in the business section of the municipality.

Wanda Nawalinski testified that she owns property on Cedar Street adjacent to the licensed premises and is annoyed by persons who patronize the licensee's establishment and the loud music played in the premises.

Kathleen Teofilak (wife of appellant) objected to the music and noise from the licensee's premises and the gathering of patrons outside the premises in the early hours of the morning.

Neil Gordon (operator of a licensed premises diagonally across the street from the licensee's establishment) testified that in his opinion there was no need for another licensed premises on the street.

The licensee produced several witnesses who testified that they conduct businesses in the immediate area and have never received any complaints from anyone concerning that establishment.

A. Christopher Ors, who has an insurance and real estate business, and Galvin H. Kimble, a former officer of a bank with which the licensee had done business in the past, testified as to the good character of the corporate officers.

John Rizio (president of the licensee corporation) testified that the interior of the licensed premises has been fully insulated, is air-conditioned, and that the doors are kept closed pursuant to a city ordinance pertaining thereto; that, before the building was remodeled to become the licensed premises, it was a frame bungalow in very poor condition; that he signed the application for transfer which had been prepared by an attorney but was not aware of the incorrect answer to the question with reference to the license suspension; that the licensee's business is a "beef and beer" type of operation where roast beef and other kinds of sandwiches are served. In his opinion, the type of business fulfills a need at that location.

Anthony Fulginiti (Chief of Police of the municipality) testified that during the summer seventy-five to eighty policemen are employed who make up eight squads, about fifty of them in the mid-town squad; that the mid-town squad handles traffic and patrols the saloons and other businesses in the area of the licensee's establishment; that in his opinion policing is easier if the various licensed premises are concentrated in one area, otherwise it would be necessary for some of the officers now assigned to the area to cover the outlying businesses or saloons. Chief Fulginiti further testified that the present location of the licensed premises is about two-and-a-half blocks distant from its former location.

During cross-examination Chief Fulginiti testified that, when the liquor establishments close between 2:30 and 3:30 a.m., if the police are in the area there is less likelihood

of trouble. He also stated that on weekends during the summer season large crowds move up and down the street.

Mayor Ralph James testified that he voted to grant the transfer because the area where the licensed premises are presently located is one of the largest entertainment areas in Wildwood and "naturally, we had quite a few bars." He also took into consideration the fact that the Parking Authority contemplated converting into parking facilities the land on which the former licensed premises were located. Mayor James further stated that he is in charge of the department of "Public Safety, Public Affairs" which includes the Police Department, and was of the same opinion as Chief Fulginiti with respect to the operation of the mid-town squad of police. This was one of the factors which prompted his vote in favor of the transfer in question.

The burden of establishing that the action of the Commissioners in granting the transfer was erroneous and should be reversed rests with appellant. Rule 6 of State Regulation No. 15. It has been consistently ruled that 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). The decision as to whether or not a license will be transferred to a particular locality rests in the first instance within the sound discretion of the local issuing authority. Hudson-Bergen County Retail Liquor Dealers Assn. v. North Bergen et al., Bulletin 997, Item 2. Where there is an honest difference of opinion in the exercise of discretion for or against the transfer of a liquor license, the action of the issuing authority in approving the transfer should not be disturbed. Paul v. Brass Rail Liquors, 31 N.J. Super. 211 (App. Div. 1954). A local issuing authority has been held to possess wide discretion in the transfer of a liquor license, subject, of course, to review by this Division in the event of any abuse thereof. Passarella v. Atlantic City et als., 1 N. J. Super. 313. In Fanwood v. Rocco, 33 N. J. 404, 414, Justice Jacobs stated:

"Although New Jersey's system of liquor control contemplates that the municipality shall have the original power to pass on an application for ... license or the transfer thereof, the municipality's action is broadly subject to appeal to the Director of the Division of Alcoholic Beverage Control. The Director conducts a de novo hearing of the appeal and makes the necessary factual and legal determinations on the record before him...Under his settled practice, the Director abides by the municipality's grant or denial of the application so long as its exercise of judgment and discretion was reasonable."

See also Essex County Retail Liquor Stores Assn. v. Newark et al., 77 N. J. Super. 70 (1962).

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 whether reasonable cause exists for its opinion and, if so, to affirm irrespective of his personal views. Larion, Inc. v. Atlantic City, Bulletin 1306, Item 1; Bertrip Liquors, Inc. v. Bloomfield, Bulletin 1334, Item 1. In other words, the action of the municipal issuing authority may not be reversed by the Director unless he finds the "act of the board was clearly against the logic

and effect of the presented facts." Hudson Bergen County Retail Liquor Stores Assn. v. Hoboken, 135 N.J.L. 502. Cf. Fanwood v. Rocco, supra.

In Fanwood, the case of Ward v. Scott, 16 N.J. 16 (1954) was cited, wherein the Supreme Court dealt with an appeal from a zoning ordinance and set forth the following general principle:

"Local officials who are thoroughly familiar with their community's characteristics and interests and are the proper representatives of its people, are undoubtedly the best equipped to pass initially on such applications for variance. And their determinations should not be approached with a general feeling of suspicion, for as Justice Holmes has properly admonished: 'Universal distrust creates universal incompetence.' Graham v. United States, 231 U.S. 474, 480, 34 S. Ct. 148, 151, 58 L. Ed. 319, 324 (1913)."

There is no dispute that the area in which the licensed premises are now situated is used mainly for business purposes. Appellant and other property owners rent apartments to summer visitors for periods of time during the summer season.

It must be borne in mind that there are other licensed premises on the particular street, some of which are in close proximity to property owned by appellant, and in all probability add to noise in the area when patrons leave at the closing hour.

I am satisfied from the record that the Commissioners were not improperly motivated and acted in accordance with their best judgment in the interest of the community.

The appellant contends as a reason for reversal of the Commissioners' action that the attorney who originally represented the licensee held a position as attorney for a local government agency and thus there arose a conflict of interest. I might add the record discloses that on May 31 the said attorney, upon being accused that his representation of the licensee might appear to be incompatible under the circumstances, immediately withdrew from the case and the licensee retained another legal representative. However, this contention has no bearing on the matter herein and is not within the jurisdiction of the Director.

For the reasons aforesaid, I recommend that an order be entered affirming the action of the Commissioners and dismissing the appeal.

Conclusions and Order

No exceptions to the Hearer's report were filed pursuant to Rule 14 of State Regulation No. 15.

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

Accordingly, it is, on this 9th day of January, 1968,

ORDERED that the action of the Board of Commissioners of the City of Wildwood be and the same is hereby affirmed and that the appeal herein be and the same is hereby dismissed.

JOSEPH P. LORDI
Director.

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

In the Matter of Disciplinary)
Proceedings against)

THE GLOBE HOTEL COMPANY, INC.)
t/a Globe Bar & Grill)
20 East Front Street)
Red Bank, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-17 issued by the)
Borough Council of the Borough of)
Red Bank.)

-----)
Evan William Jahos, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on
divers days between June 20 and September 27, 1966, it permit-
ted 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
sixty days, with remission of five days for the plea entered,
leaving a net suspension of fifty-five days. Re Highlands
Marina, Inc., Bulletin 1768, Item 3.

Accordingly, it is, on this 16th day of January, 1968,

ORDERED that Plenary Retail Consumption License C-17,
issued by the Borough Council of the Borough of Red Bank to
The Globe Hotel Company, Inc., t/a Globe Bar & Grill, for
premises 20 East Front Street, Red Bank, be and the same is
hereby suspended for fifty-five (55) days, commencing at 2:00
a.m. Tuesday, January 23, 1968, and terminating at 2:00 a.m.
Monday, March 18, 1968.

EMERSON A. TSCHUPP
Acting Director.

4. 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)

DOYLE'S TAVERN, INC.)
60 Ocean Avenue)
Jersey City, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-307, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

-----)
Licensee, by William J. Doyle, President, pro se.
Walter H. Cleaver, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, November 12, 1967, it sold six cans of beer for off-premises consumption, 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 Highlands Marina, Inc., Bulletin 1768, Item 3.

Accordingly, it is, on this 17th day of January, 1968,

ORDERED that Plenary Retail Consumption License C-307, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Doyle's Tavern, Inc., for premises 60 Ocean Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Tuesday, January 23, 1968, and terminating at 2:00 a.m. Friday, February 2, 1968.

EMERSON A. TSCHUPP
Acting Director.

5. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

FRANK ROSENBAUER)
354 West Side Avenue)
Jersey City, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-468 issued by the)
Municipal Board of Alcoholic Beverage Control of the City of)
Jersey City.)

-----)
Licensee, pro se.

Walter H. Cleaver, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads guilty to a charge alleging that on Sunday, November 12, 1967, he sold six cans of beer for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Licensee has a previous record of suspension of license by the Director for ten days effective October 20, 1964, for similar violation. Re Rosenbauer, Bulletin 1590, Item 10.

The prior record of suspension of license for similar violation within the past five years considered, 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 Cavalluzzi, Bulletin 1759, Item 6.

Accordingly, it is, on this 15th day of January, 1968,

ORDERED that Plenary Retail Consumption License C-468, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Frank Rosenbauer for premises 354 West Side Avenue, Jersey City, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m. Monday, January 22, 1968, and terminating at 2:00 a.m. Friday, February 16, 1968.

EMERSON A. TSCHUPP
Acting Director.

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

In the Matter of Disciplinary)
Proceedings against)

LOUIS E. MAZURCZYK)
t/a Lutz 's Bar)
1905 Willow Avenue)
Weehawken, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-10 issued by the)
Township Committee of the Township)
of Weehawken.)

-----)
Licensee, pro se.
Walter H. Cleaver, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on
September 13, 1967, he possessed alcoholic beverages in five
bottles bearing labels which did not truly describe their
contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for
twenty-five days, with remission of five days for the plea
entered, leaving a net suspension of twenty days. Re McGin,
Inc., Bulletin 1764, Item 4.

Accordingly, it is, on this 23d day of January, 1968,

ORDERED that Plenary Retail Consumption License C-10,
issued by the Township Committee of the Township of Weehawken
to Louis E. Mazurczyk, t/a Lutz 's Bar, for premises 1905 Willow
Avenue, Weehawken, be and the same is hereby suspended for
twenty (20) days, commencing at 2:00 a.m. Tuesday, January 30,
1968, and terminating at 2:00 a.m. Monday, February 19, 1968.

JOSEPH M. KEEGAN
Director.

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

In the Matter of Disciplinary Proceedings against)

IRWIN FRIED)
254 - 14th Street and)
1401 Willow Avenue)
Hoboken, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-186, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken.)

Samuel Parnes, Esq., Attorney for licensee.
Walter H. Cleaver, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 11, 1967, he possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Anderson Hotel Incorporated, Bulletin 1767, Item 12.

Accordingly, it is, on this 15th day of January, 1968,

ORDERED that Plenary Retail Consumption License C-186, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Irwin Fried for premises 254 - 14th Street and 1401 Willow Avenue, Hoboken, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, January 22, 1968, and terminating 2:00 a.m. Saturday, January 27, 1968.

EMERSON A. TSCHUPP
Acting Director.

8. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto.Susp. #310

In the Matter of a Petition to)
Lift the Automatic Suspension of)
Plenary Retail Consumption License)
C-4 issued by the Common Council)
of the City of South Amboy to)

On Petition

SUPPLEMENTAL
ORDER

ROBERT DORAN, INC)
t/a Corner Pub)
117 No. Broadway)
South Amboy, N. J.)

-----)
Friedland, Schneider & Friedland, Esqs., by David Friedland, Esq.,
Attorney for Petitioner.

BY THE ACTING DIRECTOR:

On September 22, 1967, an order was entered herein temporarily staying the statutory automatic suspension of license of the licensee-petitioner pending determination of disciplinary proceedings against it. Re Robert Doran, Inc., Bulletin 1762, Item 4.

It now appears that in disciplinary proceedings conducted by the municipal issuing authority, the license was suspended for twenty days effective 2:00 a.m. January 15, 1968, and terminating at 2:00 a.m. February 4, 1968, on a charge alleging sale of alcoholic beverages to the same minor which sale was the subject of the previous criminal conviction. Hence, I shall lift the automatic suspension in anticipation of the service of the municipal suspension. Re Radacovski, Bulletin 1767, Item 14.

Accordingly, it is, on this 12th day of January, 1968,

ORDERED that the statutory automatic suspension of said License C-4 be and the same is hereby stayed in the meantime and lifted effective 2:00 a.m. Sunday, February 4, 1968.

EMERSON A. TSCHUPP
Acting Director.

9. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto.Susp. #309

In the Matter of a Petition to)
Lift the Automatic Suspension of)
Plenary Retail Consumption License)
C-6 issued by the Mayor and Council)
of the Borough of East Rutherford)
to)

On Petition

SUPPLEMENTAL
ORDER

FRANK FARRON)
t/a Farron's Tavern)
354-356 Paterson Avenue)
East Rutherford, N. J.)

BY THE ACTING DIRECTOR:

On August 11, 1967, an order was entered herein temporarily staying the statutory automatic suspension of license of the licensee-petitioner pending determination of disciplinary proceedings against him. Re Farron, Bulletin 1756, Item 12.

It now appears that in disciplinary proceedings conducted by the municipal issuing authority, the license was suspended for twenty days effective 12:01 p.m. January 9, 1968, and terminating at 12:01 p.m. January 29, 1968, on a charge alleging sale of alcoholic beverages to the same minors which sale was the subject of the previous criminal conviction. Hence, I shall lift the automatic suspension in anticipation of the service of the municipal suspension. Re Radacovski, Bulletin 1767, Item 14.

Accordingly, it is, on this 11th day of January, 1968,

ORDERED that the statutory automatic suspension of said License C-6 be and the same is hereby stayed in the meantime and lifted effective 12:01 p.m. Monday, January 29, 1968.

EMERSON A. TSCHUPP
Acting Director.

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

In the Matter of Disciplinary Proceedings against)

ALFRED O. & KATHERINE R. DE BALFO t/a Wonder Bar 227 Park Avenue East Rutherford, N. J.)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-1, issued by the Mayor and Council of the Borough of East Rutherford.)

Joseph P. Winberry, Esq., Attorney for Licensee.
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

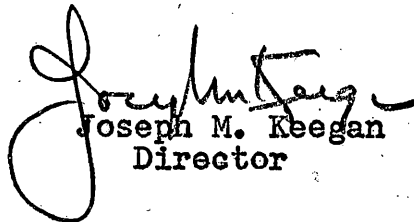
BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on September 7, 1967, they possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Anderson Hotel Incorporated, Bulletin 1767, Item 12.

Accordingly, it is, on this 24th day of January 1968,

ORDERED that Plenary Retail Consumption License C-1, issued by the Mayor and Council of the Borough of East Rutherford to Alfred O. & Katherine R. DeBolfo, t/a Wonder Bar, for premises 227 Park Avenue, East Rutherford, be and the same is hereby suspended for five (5) days, commencing at 6:00 a.m. Monday, January 29, 1968, and terminating at 6:00 a.m. Saturday, February 3, 1968.


Joseph M. Keegan
Director