

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

BULLETIN 1943

December 10, 1970

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

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December 10, 1970

1. APPELLATE DECISIONS - POLINY, MESZAROS AND MASSINEK v.
SAYREVILLE.

ANDREW R. POLINY, JOHN MESZAROS)
AND JULIA MASSINEK,)

Appellants,)

v.)

MAYOR AND COUNCIL OF THE BOROUGH)
OF SAYREVILLE, AND VICTOR O'BRIEN,)

Respondents.)

ON APPEAL
ORDER

Frederick J. Fox, Esq., Attorney for Appellants.
Alfred D. Antonio, Esq., Attorney for Respondent Borough.
Herbert B. Bierman, Esq., Attorney for Respondent O'Brien.

BY THE DIRECTOR:

It appearing that the attorney for appellants had
filed an appeal in case entitled Poliny et als. v. Sayreville and
V & B Liguors, Inc.; and

It further appearing that the attorney for the appellants,
in addition thereto, inadvertently filed an appeal (involving
the identical appellants) in the instant appeal and that there
was a misnomer with respect to Victor O'Brien, respondent herein;
and

It further appearing that the appeal filed in case
entitled Poliny et als. v. Sayreville and V & B Liguors, Inc.,
has been heard and disposed of on the merits;

It is, on this 20th day of October 1970,

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

RICHARD C. McDONOUGH
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - FRONT - FALSE STATEMENTS IN APPLICATION - FALSE BEVERAGE TAX BUREAU REPORTS - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 75 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

MONTMARTRE NIGHT CLUB, INC.
2522 Bergenline Avenue
Union City, N. J.

Holder of Plenary Retail Consumption License C-59, issued by the Board of Commissioners of the City of Union City for 1969-70 license period; transferred during the pendency of these proceedings, effective June 30, 1970, to

MARIO GONZALEZ,

and thereafter renewed by him for the 1970-71 license period, for the same premises.

CONCLUSIONS AND ORDER

Robert H. Muller, Esq., Attorney for Licensee
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to the following charges:

"1. In your application filed June 16, 1969 with the Board of Commissioners of the City of Union City and upon which you obtained your current plenary retail consumption license, in answer to Question No. 21, you listed Eduardo Chavez, Mario Gonzalez, Bartolo Garcia and Candelaria Gonzalez as holders of 94%, 2%, 2% and 2%, respectively, of your issued and outstanding stock, and falsely stated 'No' in answer to Question No. 23 which asks: 'Has any stockholder of the applicant corporation any beneficial interest, directly or indirectly, in the stock of any other stockholder of the applicant corporation?', whereas in truth and fact said Eduardo Chavez and Candelaria Gonzalez did not have any beneficial interest, directly or indirectly, in the shares of stock listed in their names and Mario Gonzalez was the real and beneficial owner of all of the shares of stock listed in their names; said false statements, misrepresentation, evasion and suppression of material facts being in violation of R.S. 33:1-25.

"2. In your aforesaid application you falsely stated 'No' in answer to Question No. 30, which asks: 'Has the applicant agreed to permit any person to receive, or agreed to pay to any employee or other person (by way of rent, salary, or otherwise), all or 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 Jose Suarez, the manager of the licensed business and premises, to retain ten percent (10%) of the profits derived from your licensed business; said false statement, misrepresentation, evasion and suppression of a material fact being in violation of R.S. 33:1-25.

"3. On divers days from on or about February 10, 1969 to on or about August 12, 1969, you, the holder of a plenary retail consumption license, purchased or obtained numerous bottles of various kinds and brands of alcoholic beverages, except from the holder of a New Jersey manufacturer's or wholesaler's license or pursuant to special permit first obtained from the Director of the Division of Alcoholic Beverage Control; in violation of Rule 15 of State Regulation No. 20.

"4. You failed to file with the State of New Jersey, Department of the Treasury, Division of Taxation, Beverage Tax Bureau, requisite reports disclosing the alcoholic beverages distributed, transported, imported, purchased and sold by you during the months of March, April, May, June and July 1969, in that you filed for these months reports which did not accurately and truthfully disclose your purchases of alcoholic beverages during those months; in violation of R.S. 54:45-1 and R.S. 54:47-3."

The facts are sufficiently set forth in the quoted charges when there is added the fact to charge (1) that Mario Gonzalez was a national of Cuba (with which country the United States has no reciprocal trade treaty) and hence was ineligible to hold a license by reason of his non-citizenship.

Correction of the unlawful situation set forth in charge (1) has been accomplished by transfer by Montmartre Night Club, Inc. of its license for the 1969-70 period to Mario Gonzalez (alleged undisclosed owner) and the renewal thereof by Mario Gonzalez for the 1970-71 period.

Licensee corporation Montmartre Night Club, Inc. had a previous record of two suspensions of license by the Director (1) for twenty-five days effective October 21, 1968 for permitting gambling (playing a dice game for money stakes) and sales to minors, and (2) for fifteen days effective June 2, 1969 for possessing alcoholic beverages in bottles not truly labeled. Re Montmartre Night Club, Inc., Bulletins 1826, Item 7, and 1868, Item 7.

The license will be suspended on the first charge for thirty days (Re Tarrant's Log Cabin, Inc., Bulletin 1909, Item 5), on the second charge for ten days (cf. Re De Orio, Bulletin 1859, Item 5), and on the third and fourth charges for twenty-five days (Re The Little Doll, Inc., Bulletin 1886, Item 6), to which will be added ten days by reason of the prior record of the two suspensions of license of Montmartre Night Club, Inc. for dissimilar violations occurring within the past five years (Re Tunnel Hill Corporation, Bulletin 1877, Item 4), for a total of seventy-five days, with remission of five days for the plea entered, leaving a net suspension of seventy days.

Accordingly, it is, on this 15th day of October 1970,

ORDERED that Plenary Retail Consumption License C-59, issued by the Board of Commissioners of the City of Union City for the 1969-70 license period to Montmartre Night Club, Inc., for premises 2522 Bergenline Avenue, Union City, and transferred during the pendency of these proceedings to Mario Gonzalez and thereafter renewed by him for the 1970-71 license period for the same premises, be and the same is hereby suspended for seventy (70) days, commencing at 3 a.m. Thursday, October 29, 1970, and terminating at 3 a.m. Thursday, January 7, 1971.

RICHARD C. McDONOUGH
DIRECTOR

3.

ACTIVITY REPORT FOR OCTOBER 1970

ARRESTS:			
Total number of persons arrested	-----	-----	10
Licensees and employees	----- 6	-----	
Bootleggers	----- 4	-----	
SEIZURES:			
Alcohol - gallons	-----	-----	3.0
Distilled alcoholic beverages - gallons	-----	-----	2.172
Wine - gallons	-----	-----	4.250
Brewed malt alcoholic beverages - gallons	-----	-----	11.764
RETAIL LICENSEES:			
Premises inspected	-----	-----	816
Premises where alcoholic beverages were gauged	-----	-----	659
Bottles gauged	-----	-----	11,212
Premises where violations were found	-----	-----	220
Violations found	-----	-----	359
No Form E-141-A on premises	----- 88	No disposal permit	----- 8
Form E-141-A incomplete	----- 50	Prohibited signs & practice	----- 1
Unqualified employees	----- 69	Other violations	----- 74
Application copy not available	----- 49		
STATE LICENSEES:			
Premises inspected	-----	-----	7
License applications investigated	-----	-----	3
COMPLAINTS:			
Complaints assigned for investigation	-----	-----	495
Investigations completed	-----	-----	548
Investigations pending	-----	-----	283
LABORATORY:			
Analyses made	-----	-----	118
Refills from licensed premises - bottles	-----	-----	76
Bottles from unlicensed premises	-----	-----	11
IDENTIFICATION:			
Criminal fingerprint identifications made	-----	-----	5
Persons fingerprinted for non-criminal purposes	-----	-----	410
Identification contacts made with other enforcement agencies	-----	-----	343
DISCIPLINARY PROCEEDINGS:			
Cases transmitted to municipalities	-----	-----	7
Violations involved	-----	-----	8
Sale during prohibited hours	----- 6	Failure to close premises during	-----
Sale to minors	----- 1	prohibited hours	----- 1
Cases instituted at Division	-----	-----	37*
Violations involved	-----	-----	45
Beverage Tax Law non-compliance	----- 9	Permitting lottery activity on prem.	----- 1
Sale during prohibited hours	----- 7	Permitting lottery & bookmaking	----- 1
Possessing liquor not truly labeled	----- 6	Sale outside scope of license	----- 1
Sale to minors	----- 4	No Form E-141-A on premises	----- 1
Purchase from improper source	----- 3	Permitting bkmg. & raffle on prem.	----- 1
Hindering investigation	----- 2	Sale of item not price filed	----- 1
Possessing indecent matter	----- 2	Fraud in application	----- 1
Permitting immoral activity on prem.	----- 2	Aiding & abetting unauthorized	-----
Permitting foul language on prem.	----- 2	transportation	----- 1
Cases brought by municipalities on own initiative and reported to Division	-----	-----	14
Violations involved	-----	-----	18
Sale to minors	----- 5	Hindering investigation	----- 1
Permitting gambling on prem.	----- 3	Permitting brawl on premises	----- 1
Conducting business as a nuisance	----- 2	Employee working while intoxicated	----- 1
Sale during prohibited hours	----- 2	Perm. loitering by minors unaccomp.	-----
Failure to close premises during	-----	by adults (local reg.)	----- 1
prohibited hours	----- 2		
HEARINGS HELD AT DIVISION:			
Total number of hearings held	-----	-----	46
Appeals	----- 8	Seizures	----- 3
Disciplinary proceedings	----- 27	Tax revocations	----- 3
Eligibility	----- 5		
STATE LICENSES AND PERMITS:			
Total number issued	-----	-----	1,863
Solicitors' permits	----- 52	Wine permits	----- 326
Employment permits	----- 378	Miscellaneous permits	----- 283
Disposal permits	----- 74	Transit insignia	----- 145
Social affair permits	----- 582	Transit certificates	----- 23
OFFICE OF AMUSEMENT GAMES CONTROL:			
Enforcement files established	-----	-----	36

RICHARD C. McDONOUGH
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

Dated: November 12, 1970

*Includes one cancellation proceeding - license improvidently issued in that it was the latest renewal for a new license originally issued in 1967.

4. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 MAC & MAC, INC.
 t/a Mac & Mac
 809 Grand Avenue
 Ridgefield, N. J.
 Holder of Plenary Retail Consumption License C-13, issued by the Mayor and Council of the Borough of Ridgefield.

CONCLUSIONS AND ORDER

 Skoloff and Wolfe, Esqs., by Saul A. Wolfe, Esq., Attorneys
 for Licensee
 Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on divers dates between November 17, 1969 and February 6, 1970, it permitted the acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Although this licensee corporation has no previous record of suspension, license held by John W. McCullough, one of its officers, directors and stockholders, was twice suspended by the municipal issuing authority (1) for seven days, effective February 11, 1951, for sales during prohibited hours in violation of Rule 1 of State Regulation No. 38, and (2) for seven days, effective April 22, 1955, for sales during hours prohibited by municipal regulation.

These suspensions for dissimilar violations occurring more than five years ago disregarded, 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 Lorello and Schulkes, Bulletin 1919, Item 9.

Accordingly, it is, on this 20th day of October 1970,

ORDERED that Plenary Retail Consumption License C-13, issued by the Mayor and Council of the Borough of Ridgefield to Mac & Mac, Inc., t/a Mac & Mac, for premises 809 Grand Avenue, Ridgefield, be and the same is hereby suspended for fifty-five (55) days, commencing at 3:00 a.m. Tuesday, November 10, 1970, and terminating at 3:00 a.m. Monday, January 4, 1971.

RICHARD C. McDONOUGH
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

HUGH TUMULTY)
160 Pavonia Avenue)
Jersey City, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-322, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

Malcolm J. Robbins, Esq., Attorney for Licensee Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on divers days between June 18 and July 18, 1969, he variously permitted the acceptance of numbers and horse race bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Huneke, Bulletin 1899, Item 11.

Accordingly, it is, on this 19th day of October 1970,

ORDERED that Plenary Retail Consumption License C-322, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Hugh Tumulty, for premises 160 Pavonia Avenue, Jersey City, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. Tuesday, November 3, 1970, and terminating at 2:00 a.m. Monday, December 28, 1970.

RICHARD C. McDONOUGH
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - HOLDER OF SOLICITOR'S PERMIT - AIDING AND ABETTING ILLEGAL TRANSPORTATION AND SALE OF ALCOHOLIC BEVERAGES - PERMIT SUSPENDED FOR 30 DAYS.

In the Matter of Disciplinary Proceedings against)

SIDNEY RATNER)
716 Black Horse Pike - Lot 92)
Pleasantville, N. J.)

CONCLUSIONS AND ORDER

Holder of Unlimited Solicitor's Permit No. 2779, issued by the Director of the Division of Alcoholic Beverage Control.)

Nathan Goldberg, Esq., Attorney for Permittee
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Permittee pleads guilty to charges alleging that on or about January 12, February 25, March 16 and March 30, 1970, while employed as a solicitor for a plenary wholesale licensee, he (1) aided and abetted unwitting sales of alcoholic beverages by his plenary wholesale licensee employer, contrary to the terms of its license, in violation of R.S. 33:1-52, and (2) transported said alcoholic beverages in a vehicle bearing a transportation insignia issued to said plenary wholesale licensee to transport alcoholic beverages within the terms of its license, in violation of R.S. 33:1-50(a).

Reports of the investigation disclose that on the occasions in question solicitor-permittee purchased four orders of alcoholic beverages for his personal use from his employer by falsely representing that said alcoholic beverages had been ordered from him by the holders of plenary retail consumption licenses and then transported said alcoholic beverages from his employer's licensed premises in a vehicle bearing an insignia issued to his employer authorizing transportation of alcoholic beverages by it within the terms of its license, and not by the solicitor-permittee for his personal use, as herein.

Solicitor-permittee's action cannot be condoned. The illegal activities indulged in by him indicate a total disregard of the conditions and restrictions of his solicitor's permit, warranting a severe penalty. However, taking into account that he has no prior record, together with all other facts and circumstances including the confessional plea entered, I shall suspend his solicitor's permit for thirty days. Cf. Re Freedman, Bulletin 889, Item 5.

Accordingly, it is, on this 16th day of October 1970,

ORDERED that Unlimited Solicitor's Permit No. 2779, issued by the Director of the Division of Alcoholic Beverage Control to Sidney Ratner, 716 Black Horse Pike - Lot 92, Pleasantville, N. J., be and the same is hereby suspended for thirty (30) days, commencing at 9 a.m. Monday, October 26, 1970, and terminating at 9 a.m. Wednesday, November 25, 1970.

RICHARD C. McDONOUGH
DIRECTOR

7. 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

MRS. ANNA ELEANOR BARON
t/a Baron's Tavern
96-98 Third Street
Passaic, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-4, issued by the Municipal Board of Alcoholic Beverage Control of the City of Passaic.

Licensee, Pro se
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Wednesday, July 15, 1970, she sold six twelve-ounce cans of beer for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

Licensee has a previous record of suspension of license by the Director for thirty-five days, effective January 12, 1967, for a sale of a bottle of whiskey for off-premises consumption before 1:00 p.m. on a Sunday in violation of local hours regulation and Rule 1 of State Regulation No. 38. Re Baron, Bulletin 1718, Item 6.

The prior record of suspension of license for similar violation occurring 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 W. K., Inc., Bulletin 1824, Item 10.

Accordingly, it is, on this 20th day of October 1970,

ORDERED that Plenary Retail Consumption License C-4, issued by the Municipal Board of Alcoholic Beverage Control of the City of Passaic to Mrs. Anna Eleanor Baron, t/a Baron's Tavern, for premises 96-98 Third Street, Passaic, be and the same is hereby suspended for twenty-five (25) days, commencing at 3:00 a.m. Monday, November 9, 1970, and terminating at 3:00 a.m. Friday, December 4, 1970.

RICHARD C. McDONOUGH
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS.

In the Matter of Disciplinary Proceedings against)

THE CHATEAU CORPORATION)
t/a The Chalet)
120 West Passaic Street)
Rochelle Park, New Jersey)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-1, issued by the Township Committee of the Township of Rochelle Park.)

Heller & Laiks, Esqs., by Murray A. Laiks, Esq., Attorneys for Licensee
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charge:

"On July 25, 1969, you possessed, had custody of and allowed, permitted and suffered in and upon your licensed premises, alcoholic beverages in bottles which bore labels which did not truly describe their contents, viz.,

One 4/5 quart bottle labeled "Schenley Reserve Blended Whiskey, 86 Proof", and

One 4/5 quart bottle labeled "Canadian Club Blended Canadian Whisky, 86.8 Proof";

in violation of Rule 27 of State Regulation No. 20."

Pursuant to a specific assignment to investigate a complaint with respect to the said licensed premises, ABC Agent S visited the licensed premises on July 25, 1969 and tested one hundred and sixty bottles of the open stock of liquor. He seized the two bottles mentioned in the charge, after his preliminary tests disclosed that the contents of the said bottles were low in proof, and thus, did not correspond with their labels. These bottles were thereupon sealed in the presence of the president of the corporate licensee and were transmitted to the Division's chemist for further chemical analysis.

John P. Brady, a chemist, with a long and impressive background in chemistry, analyzed the said bottles on behalf of the Division. His analysis verified that a bottle of Schenley Reserve Blended Whiskey marked 43 percent of alcohol by volume reflected a 40.35 percent of alcohol by volume upon analysis giving a proof of 80. This was below the proof set forth on the label and in the opinion of this witness the contents were "not genuine. The proof was low." He maintained that, in his opinion, the said contents had been diluted. Furthermore, the acids and the solids are "not indicative of the progressive

features that occur from evaporation." His opinion was based upon the comparison of this bottle with seventy-nine samples of sealed, original bottles delivered to the laboratory over the years.

He also analyzed the sealed bottle of Canadian Club Blended Canadian Whisky which contained a label stating that the proof was 86.8. His analysis disclosed that it had an alcohol volume of 42.4 percent and had a proof of 84.8; thus, the contents of that bottle were low in proof and were not genuine. He used as a comparison the background of ninety-eight samples of sealed bottles of Canadian Club Blended Whisky which he had in the laboratory. He also concluded that the characteristics of the acids, the solids and the colors were of such a nature "that it would indicate that it had been diluted rather than evaporated."

On cross examination, he detailed the four basic tests which he stated were run on each bottle submitted to the laboratory and his conclusions were drawn upon the complete chemical analysis of each bottle.

Ovidio C. Vigilante, an analytical chemist engaged by the licensee, testified that he analyzed samples of the contents of the two seized bottles. After analysis of the bottle marked Schenley Reserve Blended Whiskey he concluded that the proof was 79.2. He also found that his reading with respect to the solids and the color signified to him that the contents of this bottle were not diluted, but that the difference in proof was due to evaporation. He applied the same test to the bottle labeled Canadian Club Blended Canadian Whisky and found that the alcohol proof was 84.2 as compared to the label which reads 86.8. Here, too, he felt that "there may have been some evaporation in that bottle." (emphasis supplied)

He concluded that the bottles had not been tampered with and that the low proof may have been due to evaporation.

He was asked, on cross examination, whether he could definitely state that the variance in proof was due to evaporation, his answer: "I can't make a definite statement. That's my opinion. That's as far as I can go."

The licensee produced a chemical assistant of Mr. Brady, who described the activity at the Division laboratory. He stated that his participation in the analysis of the contents of the said seized bottles was supervised by Brady.

Salvatore Celentano, the chief bartender employed by the licensee, stated that he instructed the employees working under his direction to observe all ABC regulations on pain of being dismissed. He explained that the premises contain a regular bar, and a service bar which is used for banquets and other parties. The bulk of the liquor is kept at the public bar; the seized bottles came from the party bar.

Vicinio P. Carnecchia, the president of the corporate licensee, testified that the licensee employs two or three bartenders and that the party bar is used in connection with "affairs".

He was not present at the time of the inspection by the ABC agent but was called to the premises after the agent

determined that the two seized bottles appeared to be low in proof.

He asserted that he fully policed operations, "published directives", and held meetings with the bartenders. Previously, he had occasion to "fire two entire crews of bartenders ... for shoddy business practices. They were cheating not only me, which was bad, but cheating the customers." He denied knowledge of tampering with any bottles.

The firmly established rule in these matters is that the licensee is responsible for any alcoholic beverages not truly labeled found upon his licensed premises. As the court stated in Cedar Restaurant & Cafe Co. v. Hock, 135 N.J.L. 156, at p. 159:

"*** We find nothing within the Alcoholic Beverage Control Act, R.S. 33:1-1, et seq., to indicate an intent that the holder of a retail consumption license must have knowledge that he possesses illicit beverages in order to make him amenable to disciplinary action. Our courts have consistently held that such knowledge is not an essential ingredient to conviction for possession under statutes similar to the one under consideration." See also Panda v. Driscoll, 135 N.J.L. 164. (E. & A.).

The testimony manifests that both the Division chemist and the chemist engaged by the licensee agreed that the chemical analysis of samples of the seized bottles fully establishes that the proofs were low and did not accurately reflect the proof as noted on the labels of said bottles.

Although the licensee's principal officer appeared to be sincere when he testified that he did not know why the contents of the two bottles were not genuine as labeled, our courts have consistently held that knowledge on the part of the licensee is not a prerequisite to a finding of guilt.

After careful consideration and examination of the testimony, I conclude that the charge herein has been established by a fair preponderance of the credible evidence. It is, accordingly, recommended that the licensee be found guilty thereof. Re Sussex Lanes, Inc., Bulletin 1915, Item 5.

Licensee has no prior adjudicated record. It is further recommended that the license be suspended on this charge for fifteen days. Re The Willowbrook Inn, Inc., Bulletin 1919, Item 11.

Conclusions and Order

Written exceptions to the Hearer's report were filed pursuant to Rule 6 of State Regulation No. 16.

I have carefully considered the matters contained in the exceptions and find that these matters have either been considered by the Hearer in his report or are without merit.

Therefore, having carefully considered the entire record herein, including the transcript of the testimony, the exhibits, the Hearer's report and the exceptions with supportive argument filed with reference thereto, I concur in the findings and

recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 21st day of October 1970,

ORDERED that Plenary Retail Consumption License C-1, issued by the Township Committee of the Township of Rochelle Park to The Chateau Corporation, t/a The Chalet, for premises 120 West Passaic Street, Rochelle Park, be and the same is hereby suspended for fifteen (15) days, commencing at 3 a.m. Monday, November 9, 1970, and terminating at 3 a.m. Tuesday, November 24, 1970.

RICHARD C. McDONOUGH
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)	
)	
RIO GRANDE CAFE, INC.)	CONCLUSIONS
t/a Rio Grande Cafe)	AND ORDER
447 W. Rio Grande Avenue)	
Wildwood, N. J.)	
Holder of Plenary Retail Consumption License C-8, issued by the Board of Commissioners of the City of Wildwood.)	

Licensee, by Michael J. Gallo, Sr., President, Pro se Francis P. Meehan, Jr., Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on August 7, 1970 it sold drinks of alcoholic beverages to two minors, ages 19 and 20, in violation of Rule 1 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 Banjo Palace, Inc., Bulletin 1875, Item 9.

Accordingly, it is, on this 9th day of October 1970,

ORDERED that Plenary Retail Consumption License C-8, issued by the Board of Commissioners of the City of Wildwood to Rio Grande Cafe, Inc., t/a Rio Grande Cafe, for premises 447 W. Rio Grande Avenue, Wildwood, be and the same is hereby suspended for ten (10) days, commencing at 3 a.m. Monday, October 26, 1970, and terminating at 3 a.m. Thursday, November 5, 1970.

RICHARD C. McDONOUGH
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - AMENDED ORDER.

In the Matter of Disciplinary Proceedings against)

RIO GRANDE CAFE, INC.)
t/a Rio Grande Cafe)
447 W. Rio Grande Avenue)
Wildwood, N. J.)

AMENDED
ORDER

Holder of Plenary Retail Consumption License C-8, issued by the Board of Commissioners of the City of Wildwood.)

Licensee, by Michael J. Gallo, Sr., President, Pro se.
Francis P. Meehan, Esq., Appearing for Division.

BY THE DIRECTOR:

On October 9, 1970, Conclusions and Order were entered herein suspending the said license for ten days upon the plea of non vult to a charge of sale to minors, commencing on October 26, 1970 and terminating on November 5, 1970.

It now appears from a letter dated October 14, 1970 addressed to the Director by Michael J. Gallo, president of the corporate licensee, that the premises are presently closed and that the operation of the said business will not be resumed until March 1971. Thus no effective penalty can be imposed at this time. Hence, the effective dates for the suspension set forth in the October 9, 1970 order will be vacated, and effective dates for the suspension will be fixed by the entry of a further order herein after the operation of the licensed premises has been fully resumed on a substantial basis by the licensee or any transferee of the said license. Re Ernie's Nest, Inc., Bulletin 1911, Item 6.

Accordingly, it is, on this 19th day of October 1970,

ORDERED that the order entered herein on October 9, 1970 be and the same is hereby amended as follows:

ORDERED that Plenary Retail Consumption License C-8, issued by the Board of Commissioners of the City of Wildwood to Rio Grande Cafe, Inc., t/a Rio Grande Cafe, for premises 447 W. Rio Grande Avenue, Wildwood, be and the same is hereby suspended for ten days, the effective dates of such suspension to be fixed by further order as aforesaid.

RICHARD C. McDONOUGH
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - PRIOR DIS-SIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

BONDI BAR, INC.
t/a Bondi Bar, Inc.
Route #22 State Highway
Greenwich Township (Warren Co.)
PO Box 508, Stewartsville, N. J.

)
)
) CONCLUSIONS
) AND ORDER
)
)
)

Holder of Plenary Retail Consumption License C-5, issued by the Township Committee of the Township of Greenwich.

Donald W. Morrow, Esq., Attorney for Licensee
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 6, 1970 it sold a drink of beer to a minor, age 19, in violation of Rule 1 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal license issuing authority for five days effective July 7, 1969 for failure to have the licensed premises closed on a Sunday during hours as fixed by and in violation of a local regulation.

The prior record of suspension of license for dissimilar violation occurring within the past five years considered, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Paul's Shore Liquors, Inc., Bulletin 1899, Item 13.

Accordingly, it is, on this 14th day of October 1970,

ORDERED that Plenary Retail Consumption License C-5, issued by the Township Committee of the Township of Greenwich to Bondi Bar, Inc., t/a Bondi Bar, Inc., for premises Route #22 State Highway, Greenwich Township (Warren Co.), be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Thursday, October 29, 1970, and terminating at 2 a.m. Friday, November 13, 1970.

RICHARD C. McDONOUGH
DIRECTOR

12. 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

ALOYSIUS C. PIERCE and EMELIA A. PIERCE t/a Colonial Restaurant 646 1/2 Newark Ave. Jersey City, N. J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-92, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

Licensees, Pro se. Walter H. Cleaver, Esq., Appearing for the Division.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that, on Wednesday, July 15, 1970, they sold six bottles 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 Promell Corp., Bulletin 1902, Item 4.

Accordingly, it is, on this 20th day of October, 1970,

ORDERED that Plenary Retail Consumption License C-92, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Aloysius C. Pierce and Emelia A. Pierce, t/a Colonial Restaurant, for premises 646 1/2 Newark Ave., Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, November 9, 1970 and terminating at 2:00 a.m. Thursday, November 19, 1970.

RICHARD C. McDONOUGH DIRECTOR

13. DISCIPLINARY PROCEEDINGS - CRIMINALLY DISQUALIFIED EMPLOYEE - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

WILLOW PARK TAVERNS, INC.
801 Willow Ave.
Hoboken, N. J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-147, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken.

Maurice Gottlieb, Esq., Attorney for Licensee
Walter H. Cleaver, Esq., Appearing for Division

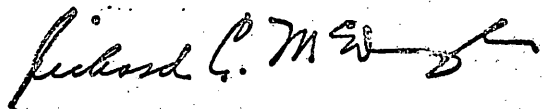
BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on July 25, 1969 and on divers other dates between July 25, 1969 and July 9, 1970, it employed and had connected with it in a business capacity a person who had been convicted of a crime involving moral turpitude (uttering worthless checks), in violation of Rule 1 of State Regulation No. 13.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Hall-Will Inc., Bulletin 1909, Item 10.

Accordingly, it is, on this 21st day of October 1970,

ORDERED that Plenary Retail Consumption License C-147, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Willow Park Taverns, Inc., for premises 801 Willow Ave., Hoboken, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Tuesday, November 10, 1970, and terminating at 2:00 a.m. Wednesday, November 25, 1970.



Richard C. McDonough
Director