

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

Director

July 31, 1969

BULLETIN 1869

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BULLETIN 1869

1. NEW LEGISLATION - AMENDMENT OF R.S. 33:1-10 (CLASS A - MANUFACTURER'S LICENSE) - PLENARY WINERY LICENSE.

On June 26, 1969 the Governor approved Senate No. 464 which thereupon became Chapter 100 of the Laws of 1969, effective immediately. The act amended Paragraph 2a of R.S. 33:1-10 to read as follows (underscoring new):

"Plenary Winery License. 2a. The holder of this license shall be entitled, subject to rules and regulations, to manufacture any fermented wines, and to blend, fortify and treat wines, and to sell and distribute his products to wholesalers and retailers licensed in accordance with this chapter and to churches for religious purposes, and to sell and distribute without this State to any persons pursuant to the laws of the places of such sale and distribution, and to maintain a warehouse. The fee for this license shall be \$650.00. Upon payment of an additional fee of \$100.00 for each but not in excess of 2 premises, in addition to the licensed premises of the winery, holder of this license shall have the right to sell such wine at retail for consumption on or off the premises as is manufactured, blended, fortified or treated by the licensee in his licensed premises and sold as the licensee's products under the label or labels of the licensee or in lieu of such additional fee of \$100.00 but upon payment of an additional fee of \$500.00 the holder of this license shall have the right to sell wines and other alcoholic beverages at retail on the licensed premises; provided, however, that such sales shall be made only for consumption off the licensed premises; and provided further, that such wines and other alcoholic beverages shall be manufactured or blended, fortified, distilled or treated by the licensee in his licensed premises or by the licensee's subsidiary corporation and sold only under the label or labels of the licensee. The combined total number of plenary winery licenses having retail privileges, shall not exceed one per each million of population in the State as shown by the last preceding Federal census. In the granting of such plenary winery licenses, the Director of the Division of Alcoholic Beverage Control may, in the exercise of his discretion and pursuant to such rules and regulations as he may adopt, give prior consideration to applicants engaged in growing and cultivating grapes upon land owned by the applicant, having an area not less than 3 acres. The containers of all wine sold at retail by such licensee shall have attached thereto a label setting forth such information as shall be required by the rules and regulations of the Director of Alcoholic Beverage Control."

JOSEPH M. KEEGAN  
DIRECTOR

Dated: July 24, 1969

2. APPELLATE DECISIONS - LINDENWOLD TAVERN CORP. OF N. J. v. LINDENWOLD.

LINDENWOLD TAVERN CORP. OF )  
 N. J., t/a WINDMILL, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 Mayor and Borough Council of )  
 the Borough of Lindenwold, )  
 )  
 Respondent. )

ON APPEAL  
ORDER

-----  
 Cobbin, Farr, Reifsteck & Wolf, Esqs., by Dennis J.  
 O'Brien, Esq., Attorneys for Appellant  
 Joseph A. Maressa, Esq., Attorney for Respondent

BY THE DIRECTOR:

Appellant appeals from an order of suspension of its plenary retail consumption license for premises 339 North Sixth Avenue, Lindenwold, for a period of fifteen days effective January 6, 1969, in accordance with resolution of the Mayor and Borough Council dated December 10, 1968.

Prior to hearing, the appellant's attorneys advised me (by copy of letter dated May 29, 1969, addressed to counsel for respondent) that, upon a rehearing of this matter before the respondent Mayor and Borough Council, a determination of acquittal was entered and the charges were dismissed.

No cause appearing to the contrary, it is, on this 3rd day of June 1969,

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

JOSEPH M. KEEGAN,  
DIRECTOR

3. APPELLATE DECISIONS - OLIVER TWIST PUB AND LOUNGE  
v. NORTH BERGEN

OLIVER TWIST PUB AND LOUNGE )  
(A CORPORATION), )

Appellant, )

v. )

Municipal Board of Alcoholic )  
Beverage Control of the )  
Township of North Bergen, )

Respondent. )  
----- )

ON APPEAL  
CONCLUSIONS  
AND ORDER

Joseph P. Palladino, Esq., Attorney for Appellant  
Robert W. Bazzani, Esq., Attorney for Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Appellant (holder of a plenary retail consumption license for premises 7126 Bergenline Avenue, North Bergen) was found guilty by respondent Municipal Board of Alcoholic Beverage Control of the Township of North Bergen (hereinafter Board) of a charge alleging that during the hours sales of alcoholic beverages are prohibited, on Monday, November 25, 1968 it failed to close its entire licensed premises, in violation of local ordinance; and by resolution dated February 19, 1969, its license was suspended for ten days, effective March 7, 1969.

Upon the filing of this appeal challenging the said action, an order was entered by the Director of this Division on March 5, 1969, staying the effect of the order of suspension until further order of the Director.

In its petition of appeal, appellant contends that the action of the Board was erroneous "in that: it was against the weight of the believable evidence."

In its answer, the Board denied the said allegation and defended that the evidence satisfied it that appellant was guilty of the charge brought against it and "that it failed to close the entire licensed premises and further suffered and permitted patrons to remain on the premises during the time prohibited."

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 subject ordinance, in so far as it is pertinent to the issue herein, reads as follows:

"During the hours sales of alcoholic beverages are hereinabove prohibited, the entire licensed premises shall also be closed and all persons, except licensee and regular employees of said licensee, shall forthwith leave the premises, and, if after 15 minutes there be anyone found on said premises other than the aforesaid, it shall be deemed a violation of this section of the ordinance...."

Cornelius Flannery (a police officer of North Bergen) gave the following account: He has been employed as a police officer in this municipality for twenty-four years and was on his regular routine patrol on the morning of November 25, 1968. As a foot-patrolman, he is equipped with a "walkie-talkie" device. As was customary, he received a signal on this device at three o'clock, signifying that it was the closing hour for taverns. At 3:18 a.m. on that morning, he called headquarters on the police signal box located a short distance from the licensed premises, and at 3:20 stopped at appellant's premises.

He noted that the blinds were closed and the lights were on inside the premises. He knocked on the door, tried to open it and found that it was locked. He proceeded to the side door and found it also locked. Returning to the front door, he again knocked; it was opened by a male and, upon entering, he noted that there were four males and two females, including the corporate officers. He had checked his watch and found that it was 3:20 a.m. He asked the occupants to display their ID cards which are required of employees (dispensing alcoholic beverages) under the aforementioned ordinance. None of them had these ID cards on them and, after speaking to Albert Santoniello (the principal officer of appellant), he ordered the persons out.

While leaving the premises, one of the patrons named Joseph Sinno followed him out and started an argument with him during which he "asked me was I the gestapo and like that, 'Go up the avenue and do your job.'" This person was immediately placed under arrest for interfering with a police officer and, on his walkie-talkie, he summoned a police car. Within a few minutes a police car arrived, Sinno was placed in the car and taken to police headquarters. As soon as this patron was placed in the police car, a call was made to headquarters at 3:28 a.m. notifying the dispatcher of that fact.

Police Officer William J. Knipp testified that he was on motor patrol on the morning of November 25 accompanied by Officer Van Der Werf. When the car was about seven or eight blocks from the licensed premises, he received a call from Officer Flannery and, within fifteen or twenty seconds, the car arrived at the licensed premises. After Sinno was placed in the police car, he made a call to the dispatcher at police headquarters and then proceeded to headquarters with Sinno.

On cross examination he stated that he was certain that the call from Officer Flannery to him was made on the walkie-talkie and not on the call box, and he was also certain that his call to headquarters was made at 3:28 a.m. Finally, this witness added that when he received the usual call from headquarters at 3:00 a.m., he together with his partner stopped at the licensed premises shortly after 3:00 a.m. to inform them that "it was time to close." Informing tavern owners of the closing hour was part of his responsibility.

Vincent Pergola (the police dispatcher on the morning of November 25) corroborated the fact of the police reports and produced the radio log of the Police Department which reflects the fact that a call was made as hereinabove stated at 3:28 a.m. on November 25. He also produced the log of the regular calls made by Officer Flannery which reflects the call placed by Officer Flannery on this morning at 3:18 a.m. Both these exhibits were introduced into evidence. This witness corroborated the fact that he received the calls and recorded the same.

Albert M. Santoniello (a corporate officer of appellant), testifying in its behalf, gave the following account: He closed the premises "that morning, about somewhere between 3:15 and 3:20, with the incident." He stated that Officer Flannery entered the premises about 3:05 to 3:10 and found four other persons there in addition to his wife and himself. The officer asked for identification of the persons on the premises and then told everyone to get out. He, Sinno and his wife left, and Sinno got into an argument with the officer, during which he heard his uncle (Sinno) use the word "gestapo." Thereupon the officer placed Sinno under arrest, went to a call box located about eight feet from the building and placed a call for a police car.

On cross examination, Santoniello admitted knowing that the officer carried a walkie-talkie with him, but insisted that, on this occasion, he did not use the walkie-talkie but, instead, went to the call box to make a call. He was then asked the following:

"Q Didn't you know every one had to leave the premises immediately at three o'clock?

A Three-fifteen.

Q The ordinance says they must leave forthwith. Did you tell everybody to get out?

A I didn't chase them out because they were all helping me clean up."

He explained that he had a "grand opening," and these friends of his were helping him that night. Since they were temporary help, they had no ID cards.

Joan Sweningsen (secretary of appellant) estimated that the police officer entered the premises at about 3:10 a.m. She and a friend of hers were there helping out. The officer was in the premises for about

four or five minutes before he left and, when he emerged from the premises, an argument ensued between Sinno and the officer. On cross examination, she admitted that at the time the officer approached the premises, the curtains were closed so that there was no clear view of the interior. Finally, she insisted that she checked a clock on the wall and "it was between 3:05 and 3:10."

Joseph Sinno (uncle of Santoniello) stated that he was helping his nephew clean up the premises after 3:00 a.m. on the date alleged herein, and estimated that the officer entered the premises between 3:05 and 3:10 a.m. He admitted that he followed the officer and engaged in an argument with him on the outside of the premises, as the result of which he was placed under arrest. He insisted that the officer made the call from the police box and not from his walkie-talkie. On cross examination, he acknowledged that while this argument took place, several persons, including a person whose name he does not know, remained inside the premises. Finally, he acknowledged that he was arrested at approximately 3:25 a.m.

Patrick Corless also testified that he was requested by Santoniello to assist him in cleaning up and, since he is a friend of his, volunteered to do so. He, of course, had no ID card since he was not a regular employee (dispensing alcoholic beverages) of appellant. He also insisted that the call by Flannery was not made on the walkie-talkie, but on the police box.

We are dealing here with a purely disciplinary measure and its alleged infractions; such measures are civil in nature and not criminal. In re Schneider, 12 N.J. Super. 449 (App. Div. 1951). Thus the proof must be supported by a fair preponderance of the credible evidence. Butler Oak Tavern v. Div. of Alcoholic Beverage Control, 20 N.J. 373 (1956).

I have had the opportunity to observe the demeanor of the witnesses as they testified at this plenary de novo hearing and to evaluate and assess such testimony. I am persuaded that the version given by Officer Flannery was factual and convincing. His testimony was not only corroborated in so far as the time was concerned, but was fully supported empirically by the police records as they related to the actual time that he made the call on his regular duty and the call made after the arrest of Sinno.

On the other hand, I was not satisfied with the testimony of appellant's witnesses as it related to the critical time factor because it was clear from their testimony that they were merely conjecturing. Further, none of appellant's witnesses made any written memorandum of the time at which any of these incidents took place.

When the ordinance set the time of closing at 3:00 a.m., it meant exactly what it said. The ordinance as quoted above required that if after fifteen minutes

there be anyone found on said premises, other than the licensee and regular employees, it shall be deemed a violation of the said ordinance. As used in this ordinance, the closing-of-premises provision means that all members of the public must be excluded. Cf. Mama Ventura, Inc. v. Voorhees, Bulletin 1498, Item 1. See Town House, Inc. v. Montclair, Bulletin 792, Item 3; Re Casarico, Bulletin 268, Item 1.

It is clear that, by the testimony of appellant's witnesses, at least four of the six persons on the premises were not regular employees. It thus became the duty and the responsibility of appellant to see to it that these persons left the premises, as required by the ordinance. Licensees are required to adhere strictly to the provisions of the local ordinance and to clear out the patrons and close the place on time (and this includes friends of the licensee). Patronage that is worthwhile will understand and will hold no grudge if told to leave at the closing hour. As the then Commissioner Burnett suggested in Re Four Hundred Social Club, Inc., Bulletin 242, Item 8: "The rest of the customers will have to be herded out willy nilly." The licensee should teach its customers the first lesson in parliamentary law - that a motion to adjourn is not debatable.

After reviewing the totality of the evidence, including the exhibits herein, I conclude that the guilt of appellant, as charged, was established by a fair preponderance of the credible evidence, indeed by substantial evidence. I therefore find that appellant has failed to meet the burden of establishing that the action of the Board was erroneous. Rule 6 of State Regulation No. 15.

It is, accordingly, recommended that an order be entered affirming the Board's action, dismissing the appeal, and fixing the effective dates of the suspension heretofore imposed by the Board.

#### Conclusions and Order

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

After carefully considering the evidence and exhibits in the matter, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 2d day of June 1969,

ORDERED that the action of respondent be and the same is hereby affirmed; and it is further

ORDERED that Plenary Retail Consumption License C-68, issued by the Municipal Board of Alcoholic Beverage Control of the Township of North Bergen to Oliver Twist Pub and Lounge (a corporation) for premises 7126 Bergenline Avenue, North Bergen, be and the same is hereby suspended

for ten (10) days, commencing at 3:00 a.m. Monday, June 9, 1969, and terminating at 3:00 a.m. Thursday, June 19, 1969.

JOSEPH M. KEEGAN  
DIRECTOR

4. APPELLATE DECISIONS - VANDER CORPORATION v. NEWARK.

VANDER CORPORATION, )

Appellant, )

v. )

ON APPEAL  
CONCLUSIONS  
AND ORDER

Municipal Board of Alcoholic )  
Beverage Control of the City )  
of Newark, )

Respondent. )

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Hyman Stern, Esq., Attorney for Appellant  
Philip E. Gordon, Esq., Attorney for Respondent

BY THE DIRECTOR:

The Hearer has filed the following report  
herein:

Hearer's Report

Appellant challenges the action of the Municipal Board of Alcoholic Beverage Control of the City of Newark (hereinafter Board) which, by resolution dated January 15, 1969, denied its application for plenary retail consumption license for premises 351 West Market Street, Newark, filed under the "hardship" provision of R.S. 33:1-12.18. The resolution set forth the following reasons for the denial:

"That the Board in this application for new Plenary Retail Consumption License, based upon 'Hardship', having considered and evaluated all of the evidence produced by all parties, and, in consideration of the general welfare of the neighborhood, does in the exercise of its sound judgment and discretion, as expressed in the Board's 'STATEMENT OF REASON' contained in the record, deny the application for new Plenary Retail Consumption license by a unanimous vote of 3-0."

In its petition of appeal, appellant contends that the Board's action was erroneous and should be reversed for reasons which may be summarized as follows:

(a) By letter dated September 20, 1968, the Director of the Division of Alcoholic Beverage Control

determined that the failure of appellant to file its renewal application for the current license year was due to circumstances beyond its control.

(b) Appellant was unable to file its application prior to July 1, 1968 because it lacked the license fee; and it desires to continue in business.

(c) No evidence was developed before the Board "disputing the facts proven by Appellant."

No answer was filed by the Board. However, it filed a notice that it intended to offer and rely upon the transcript of the proceedings before the Board in lieu of producing witnesses at the hearing on appeal herein, pursuant to Rule 8 of State Regulation No. 15.

This appeal was presented, by stipulation of counsel, solely upon the said stenographic transcript.

The facts, as reflected in the transcript and the pleadings herein, are as follows: Appellant operated its licensed business at the aforementioned premises under a plenary retail consumption license until June 30, 1968. Because of its lack of finances, which it alleges was due to the "disturbed conditions in the area," appellant was unable to pay the fee required for renewal of its license. Within the time limited by R.S. 33:1-12.18, it petitioned the Director for the right to apply for a license and the Director held that appellant's failure to file its application was due to circumstances beyond its control. It thereupon filed an application for a new license, pursuant to the said section, and deposited the license fee.

The matter was carried on the calendar of the Board from October 16, 1968 to January 8, 1969 and, after nine adjournments, was finally considered for determination. No evidence was presented to the Board on behalf of either appellant or the Board. On January 8, a statement by the secretary of the Board relating to three applications then pending (one of which was appellant's application) set forth that the Board found "there was no location ready for occupancy...and that there is ample opportunity for people to be served in their neighborhood and it couldn't serve any useful purpose in permitting these licenses to be issued, and accordingly, they unanimously vote to deny granting a new license to the three licensees."

The issuance, renewal or transfer of liquor licenses rests in the sound discretion of the issuing authority and such discretion will not be disturbed in the absence of a clear abuse. Blanck v. Magnolia, 38 N.J. 484 (1962). The test in the establishment and issuance of liquor licenses is whether the public good requires it. Blanck v. Magnolia, *supra*. It is well established that the issuance of a license is not an inherent or automatic right. The issuing authority may grant or deny the application in the exercise of its reasonable discretion. If denied on reasonable grounds, such action will be affirmed. Richmon, Inc. v. Trenton,

Bulletin 1560, Item 4; Hudson Bergen County Retail Liquor Stores Assn. v. Hoboken, 135 N.J.L. 502 (1947).

In this matter, the Board has determined that there was no need for a new license because the area had sufficient liquor licensed facilities and the public need and convenience did not require an additional license. The Board's action was understandable in view of the fact that as of July 1, 1968, it issued 821 plenary retail consumption licenses and 167 plenary retail distribution licenses and that State law limits the number of plenary retail consumption licenses to one for each 2,000 residents. In Newark, with a population according to the 1960 census of 405,220 persons, the number of licenses existing in the community far exceeds such limitation.

It is true that appellant's application was made under the exception to the limitation law, as hereinabove noted. However, the exception merely authorizes the Board to issue a new license if, in its reasonable discretion, it determines that such license will serve the public interest. There is nothing in the aforementioned section which makes it mandatory for the issuing authority to grant the application. There is no "must" in the Alcoholic Beverage Law. Each application must be considered on its own merits, based, among other factors, upon the needs of the area and the best interests of the municipality. The Board is invested with wide discretionary authority in making such determination. Biscamp v. Teaneck, 5 N.J. Super. 172 (1949); cf. Barresi v. Ridgefield, Bulletin 1770, Item 2; Zicherman v. Driscoll, 133 N.J.L. 586 (1946).

It was incumbent upon appellant at this plenary de novo hearing to produce evidence in support of its application, to justify the issuance of this license. It is not enough merely to set forth that because of financial circumstances beyond its control, it was permitted by the Director to file this application. Appellant must go further. It must show that there is a need and a convenience to be served by the grant of the application and that the public good requires the same. Blanck v. Magnolia, supra. This it failed to do.

The Director's function on appeal is not to substitute his opinion for that of the issuing authority but, rather, to determine whether proper cause exists for its opinion and, if so, to affirm irrespective of his personal views. Schujas v. Bridgeton, Bulletin 1791, Item 4; Rajah Liquors v. Div. of Alcoholic Beverage Control, 33 N.J. Super. 598 (1955).

As was stated in Ward v. Scott, 16 N.J. 16, 23 (1954):

"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...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)."

In the matter sub judice, the Board did not grant, but denied, the application. The action of the Board 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 Storcs Assn. v. Hoboken, supra (135 N.J.L. at p. 511); Fanwood v. Rocco, 59 N.J. Super. 306, aff'd 33 N.J. 404 (1960).

There is no suggestion that the Board was improperly motivated in denying this application for a new license. As the court pointed out in Fanwood v. Rocco, supra (59 N.J. Super at 320):

"No person is entitled to either [transfer of a license or issuance of an original 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."

While I am not unsympathetic to appellant's economic situation, nevertheless the welfare of the community must prevail over the private interests of appellant. Where, as here, the Board reasonably concluded that the area is adequately served, its determination to deny the application must be sustained. Cf. Houman v. Trenton, Bulletin 1236, Item 2; Fanwood v. Rocco, supra.

Appellant has failed to sustain the burden of establishing that the action of the Board in denying its application for plenary retail consumption license was unreasonable or constituted an abuse of its discretionary power. Rule 6 of State Regulation No. 15. It is, therefore, recommended that an order be entered affirming the Board's action 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, including the transcript of testimony 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 June, 1969,

ORDERED that the action of the respondent Municipal Board of Alcoholic Beverage Control of the City of Newark is affirmed and the appeal herein be and the same is hereby dismissed.

JOSEPH M. KEEGAN  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against )

ORDIKE CORPORATION )  
t/a The Colonial )  
1353 Ringwood Ave. )  
Wanaque, PO Haskell, New Jersey, )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-3, issued by the Borough Council of the Borough of Wanaque. )

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Saltzman and Swartz, Esqs., by Robert P. Swartz, Esq.,  
Attorneys for Licensee  
Louis F. Treole, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on January 24, 27, February 1, 14 and 19, 1969, it permitted the acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Tube Bar, Inc., Bulletin 1852, Item 2.

Accordingly, it is, on this 10th day of June 1969,

ORDERED that Plenary Retail Consumption License C-3, issued by the Borough Council of the Borough of Wanaque to Ordike Corporation, t/a The Colonial, for premises 1353 Ringwood Avenue, Wanaque, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1969, commencing at 3 a.m. Tuesday, June 17, 1969; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 3 a. m. Monday, August 11, 1969.

JOSEPH M. KEEGAN,  
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR SIMILAR AND DISSIMILAR VIOLATION - LICENSE SUSPENDED FOR 30 DAYS. LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

FRANK W. CICCONE )  
t/a Torch Lounge )  
535 Ridge Road )  
Lyndhurst, New Jersey )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-12 issued by the Board of Commissioners of the Township of Lyndhurst )

----- )  
Crummy, Gibbons & O'Neill, Esqs., by Frank J. Vecchione, Esq., Attorneys for Licensee  
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on November 13, 1968, he possessed alcoholic beverages in two bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for thirty-five days effective August 2, 1966, for a similar offense, and for twenty days effective July 2, 1968, for purchase from another retailer. Re Ciccone, Bulletin 1780, Item 6; Bulletin 1810, Item 2.

The prior record of suspensions for similar and dissimilar violations 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 Albion, Inc., Bulletin 1480, Item 3.

Accordingly, it is, on this 16th day of June, 1969,

ORDERED that Plenary Retail Consumption License C-12, issued by the Board of Commissioners of the Township of Lyndhurst to Frank W. Ciccone, t/a Torch Lounge, for premises 535 Ridge Road, Lyndhurst, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1969, commencing at 2:00 a. m. Monday, June 23, 1969; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2:00 a. m. Friday, July 18, 1969.

JOSEPH M. KEEGAN  
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS - FALSE STATEMENT IN LICENSE APPLICATION - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

SAMUEL T. LAMBERT POST #3020 V. F. W. of U. S. 100 Norman Avenue Box 42, Delran Township PO Riverside, New Jersey )

CONCLUSIONS AND ORDER

Holder of Club License CB-2 issued by the Township Committee of the Township of Delran )

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Licensee, by Albert Rinaldi, Commander, Pro se Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on Sunday, April 13, 1969, it sold alcoholic beverages during prohibited hours, in violation of local ordinance, and (2) in its current application for license failed to disclose its record of prior license suspension, in violation of R.S. 33:1-25.

Licensee has a previous record of suspension of license by the municipal issuing authority for five days effective November 24, 1950, for sale of alcoholic beverages to non-members, the subject of the second charge herein.

The prior record of suspension of license for dissimilar violation occurring more than five years ago disregarded in admeasuring penalty, the license will be suspended on the first charge for fifteen days (Re The American Legion, Matawan Post #176, Bulletin 1850, Item 5) and on the second charge for ten days (Re Grande, Bulletin 1850, Item 10), or a total of twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days.

Accordingly, it is, on this 19th day of June, 1969,

ORDERED that Club License CB-2, issued by the Township Committee of the Township of Delran to Samuel T. Lambert Post #3020 V. F. W. of U. S. for premises 100 Norman Avenue, Delran, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1969, commencing at 1:00 a.m. Tuesday, June 24, 1969; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 1:00 a. m. Monday, July 14, 1969.

JOSEPH M. KEEGAN DIRECTOR

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

In the Matter of Disciplinary Proceedings against	)	
	)	
MARY I. CHUDYK	)	CONCLUSIONS
9 Fleming Avenue	)	AND ORDER
Newark, N. J.	)	
	)	
Holder of Plenary Retail Consumption License C-176 issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark	)	

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Kleinberg, Moroney, Masterson & Schachter, Esqs., by Martin D. Moroney, Esq., Attorneys for Licensee Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 11, 1969, she 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 Miele, Bulletin 1849, Item 6.

Accordingly, it is, on this 16th day of June, 1969,

ORDERED that Plenary Retail Consumption License C-176, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Mary I. Chudyk for premises 9 Fleming Avenue, Newark, be and the same is hereby suspended for five (5) days, commencing at 2:00 a. m. Monday, June 23, 1969, and terminating at 2:00 a. m. Saturday, June 28, 1969.

JOSEPH M. KEEGAN  
DIRECTOR

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

In the Matter of Disciplinary )  
Proceedings against )

E. J. K., INC. )  
t/a Corner Tavern )  
247 Washington Ave. )  
Carteret, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )  
License C-4 issued by the Borough )  
Council of the Borough of Carteret )

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Benedict W. Harrington, Esq., Attorney for Licensee  
Louis F. Treole, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging  
that on divers dates between October 18, 1968 and  
March 7, 1969, it permitted 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 Samra, Bulletin 1823, Item 2.

Accordingly, it is, on this 10th day of June,  
1969,

ORDERED that Plenary Retail Consumption License  
C-4, issued by the Borough Council of the Borough of  
Carteret to E. J. K., Inc., t/a Corner Tavern, for pre-  
mises 247 Washington Avenue, Carteret, be and the same  
is hereby suspended for the balance of its term, viz.,  
until midnight June 30, 1969, commencing at 2:00 a. m.  
Tuesday, June 17, 1969; and it is further

ORDERED that any renewal license that may be  
granted shall be and the same is hereby suspended until  
2:00 a. m. Monday, August 11, 1969.

  
Joseph M. Keegan  
Director