

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

BULLETIN 1441

April 11, 1962

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STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

BULLETIN 1441

April 11, 1962

1. APPELLATE DECISIONS - ROBINSON, ET ALS. v. GLASSBORO  
AND GLASS BOWL, INC.

Dr. Thomas E. Robinson, Robert E.  
Zimmerman, Austin Cattell, Rev.  
Robert B. Howe, William Lowther,  
T. Milton Meadows, and other  
numerous objectors,

Appellants,

v.

Mayor and Council of the Borough of  
Glassboro, and Glass Bowl, Inc.,

Respondents.

)  
)  
) ON APPEAL

) CONCLUSIONS

) AND

) ORDER

-----  
Julius Sklar, Esq., Attorney for Appellants.  
Alfred T. Sanderson, Esq., Attorney for Respondent Mayor and Council.  
Granite and Granite, Esqs., by Alvin E. Granite, Esq., Attorneys  
for Respondent Glass Bowl, Inc.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the action of respondent Mayor and Council whereby on September 15, 1961, it granted a person-to-person and place-to-place transfer of plenary retail consumption license from Sadowski and Grillo, Inc., t/a 'Two G's' to Glass Bowl Inc., and from premises 354 Main Street to premises 500 Block N. Delsea Drive, Borough of Glassboro.

"The hearing on the application for the transfer in question before respondent Mayor and Council was held on September 12, 1961 at which time the Mayor and four members of the Council participated. Two of the members of the Council disqualified themselves from participation in any matter whatsoever because they had at previous times acted as the accountant and attorney, respectively, for the transferor. After the hearing ended, the Mayor announced that 'an opinion' would be given at 8:30 p.m. on September 15, 1961.

"On the latter date when the meeting was called to order by the Mayor, the solicitor for the Borough read a resolution wherein it was stated, among other things, that the existence of the bar at the proposed premises would not, per se, impair the morals of the community; that the problem of service to minors is one of law enforcement and general in nature and not properly brought before the issuing authority at the time in question, and the objections with reference to the general welfare of the community are 'conclusions of mind without any stated factual foundation'. The respondent issuing authority adopted the resolution granting the person-to-person and place-to-place transfer sought by a vote of three councilmen in favor and one against the transfer of the license.

"The petition of appeal filed herein sets forth many reasons advanced why the determination of the respondent Mayor and Council should be reversed, the main reason thereof being that the sale of alcoholic beverages at a bowling establishment would be detrimental to the youth of the community who might use the bowling facilities.

"The attendance at the hearing on this appeal consisted of 71 persons who stated that they reside in Glassboro and 26 persons who stated that they resided elsewhere, all of whom announced that they were opposed to the transfer of the license in question. Two persons stated that they favored the transfer and, in addition thereto, nine witnesses testified in opposition to the transfer and four in favor thereof. Other witnesses called were a police sergeant acting as chief and also a district manager employed by the pinspotter division of the American Machine and Foundry Co.

"Among the witnesses who testified on behalf of the appellants was a professor of education at Glassboro State College, a minister, two teachers, a former Mayor of Glassboro who served as Chief Probation Officer of Gloucester County for many years and also at one time as sheriff in the county for three years. All of these witnesses were in agreement that, in their opinions, the issuance of a liquor license to a recreational center where bowling was the main attraction would affect the morals, especially of minors who visited the premises.

"The witnesses who testified on behalf of respondents were of the opinion that the sale of alcoholic beverages restricted to the cocktail lounge and apart from the section of the premises where bowling took place would not, in any way, be detrimental or impair the morals of young people who used the bowling alleys for recreational purposes. Police Sergeant Coppolino testified that the proposed premises are '175 to 200 yards' distance from the site to which it had formerly been issued.

"The main objections to the transfer of the license under consideration to the proposed site appears as aforementioned that the objectors are apprehensive that the operation of a cocktail lounge wherein alcoholic beverages are sold would adversely affect the morals of the young people who had occasion to visit the establishment. The testimony of the professor of education at Glassboro State College, whose president is one of the appellants herein, disclosed that at the present time there are approximately 1800 part-time and extension students during each semester of the college year, and that many of them are under the age of 21 years and would be attracted to the place of recreation in question. In regard to the moral issue, which appears to be the main objection, it is readily understandable that if the licensed business is properly conducted, it should be no more objectionable than any other type of business which now is being operated in the area. If the licensed premises are permitted to be conducted in an improper manner, licensee will subject its license to suspension or revocation. General objections, in themselves, to the issuance or transfer of a liquor license for premises located in a section of the community where business establishments are not prohibited, do not justify a refusal. Carriell et al. v. Newark et als., Bulletin 1043. Item 2. At the hearing on appeal held at this Division, the three members who voted in favor of the transfer and the other member who was opposed, did not appear as witnesses to testify as to their reasons for their respective votes. It is apparent by the large number of persons who attended the within hearing that a great deal of interest has been aroused in the community, which might well have warranted the appearance as witnesses of the members of the Council who participated in the case.

"Be that as it may, I have examined the testimony presented in this matter, but find nothing pertaining to the paramount issue of public necessity and convenience which prompted the transfer of the license in question. In order to substantiate an issuance or a transfer of a liquor license, there must be some indication that the local issuing authority took into consideration the need, necessity or convenience to be served by the transfer of the license to the

proposed premises.

"In Mevoli et als. v. Camden et al., Bulletin 933, Item 1, it was ruled that:

'A decision of a local issuing authority totally disregarding the paramount issue of public necessity and convenience, such as is involved in connection with the discretionary function of transfer of a liquor license, cannot sustain the local action. Indeed, it is tantamount to a failure to discharge the responsibility which, under the provisions of the Alcoholic Beverage Law (R.S. 33:1-1 et seq.), is vested in each issuing authority in the first instance to determine within its sound discretion whether a license shall be issued or transferred. Passarella v. Board of Commissioners, 1 N.J. Super. 313 (App. Div. 1949); Haefliger v. Allamuchy, Bulletin 880, Item 2.'

"In view of the local issuing authority's disregard of the paramount issue of public necessity and convenience such as involved in connection with the discretionary function of transfer of a liquor license, I recommend that the matter be remanded to the respondent Mayor and Council with directions that reconsideration be given to the application and that consistent herewith, the issue of public necessity and convenience, as applied to the above location, be determined by each member of the respondent Council prior to voting upon such reconsideration. Mevoli et als. v. Camden et al, supra; Tranchito v. Elizabeth, Bulletin 1296, Item 1."

Pursuant to the provisions of Rule 14 of State Regulation No. 15, the attorneys for each of the respective respondents filed with me exceptions to the Hearer's Report and also written argument with reference thereto. The attorney for appellants advised that he was in accord with the recommendation submitted by the Hearer.

Having carefully considered the entire record herein, including the testimony taken, the exhibits introduced in evidence at the hearing of the appeal, the Hearer's Report and exceptions and argument thereto, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein. Hence, I shall enter an order as recommended.

Accordingly, it is on this 16th day of February, 1962,

ORDERED that the within application be and the same is hereby remanded to respondent Mayor and Council for its further action consistent with this opinion.

WILLIAM HOWE DAVIS  
DIRECTOR

2. APPELLATE DECISIONS - ROGOZA v. SECAUCUS AND GILMORE.

Joseph Rogoza, )  
 Appellant, )  
 v. )  
 Town Council of the Town of )  
 Secaucus, and Daniel F. )  
 Gilmore, Administrator of the )  
 Estate of Francis J. Schweizer, )  
 deceased, )  
 Respondents. )

ON APPEAL

CONCLUSIONS  
AND ORDER

-----  
 Fred P. Doyle, Esq., Attorney for Appellant  
 David Pollack, Esq., Attorney for Respondent Town Council  
 Daniel F. Gilmore, Administrator, pro se

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the action of respondent Town Council on October 10, 1961, whereby it denied an application by appellant for the transfer of a plenary retail consumption license to him and from premises at Foot of Farm Road to premises at 248 County Avenue, Secaucus.

"The respondent transferor of the license (Daniel F. Gilmore, Administrator) is neither a necessary nor a proper party to this appeal. Bartges v. Atlantic City et al., Bulletin 1372, Item 1.

"At the hearing herein it was stipulated that appellant's application was denied for the following stated reasons:

1. No proof was submitted at the public hearing which established the need for a license at this location;
2. The Governing Body determined that the present number of Plenary Retail Consumption Licenses on County Avenue, seven in number, were sufficient.

Appellant in his petition of appeal alleges that the action of respondent Town Council was erroneous because:

- (a) The decision is the result of political retaliation against the applicants and their attorney;
- (b) These exact premises were licensed as a tavern until August 1, 1960.
- (c) There is no restriction or limit on the number of taverns in any area in Secaucus nor any fixed distance between them.
- (d) The true reason for denial of the application is to force the licensee to sell to others who would keep the license at its present location.
- (e) The majority of the Town Council voted against the transfer at the instance and request of Councilman

Elwell who vowed the license would not leave the present premises in his ward.

- (f) The Council unreasonably delayed the hearing on the application to allow additional persons to object.
- (g) Objectors appeared at instance of another licensee in same area.
- (h) No valid objection to the transfer was made by any person.
- (i) The denial of the transfer was based upon the personal desires of members of the municipal government and not upon any legal grounds.
- (j) This matter came before the Town Council on August 22, 1961. At that time 9 men, 3 of whom were the owners of 2 taverns in the area filed a statement of objection without reason. The Council allowed the matter to be delayed needlessly.

"From the evidence given at the hearing herein it appears that appellant is the owner of the building at 248 County Avenue; that for many years said premises were continuously licensed for the sale of alcoholic beverages until July 1960 when a plenary retail consumption license then held by Wilenta (a tenant) was transferred to another person and to premises at 1544 Paterson Plank Road. Appellant's building has been vacant since July 1960. On July 28, 1961, appellant filed with the Town Council the application which is the subject of this appeal and which bore the consent of Daniel F. Gilmore, Administrator. Prior to the next regular meeting of the Town Council held on August 22, 1961, written objections to the granting of the application were filed with the Town Clerk and no action was taken at said meeting. A public hearing upon the written objections was held by the Licensing Committee of the Town Council on September 18, 1961. The transcript of the testimony taken at said hearing was introduced into evidence herein and it discloses that seven persons (including one person who holds a similar license at 234 County Avenue) testified in opposition to the granting of the application and that the attorney for appellant made a lengthy argument in favor of the granting of the application. At the hearing herein Alexander Schiesel, Town Clerk, presented a copy of an extract from the minutes of a meeting of the Town Council on October 10, 1961, and said copy was introduced into evidence. This exhibit discloses that a motion to deny appellant's application was adopted by the following vote:

Ayes: Mayor James F. Moore, Councilmen Nelson H. Elwell, Herman C. Pope, Henry J. Corradino, Raymond C. Walsh.

Nayes: Councilman Richard L. O'Connor.

Abstaining: Councilman George A. Zengel.

"Appellant did not testify at the hearing herein. The following witnesses were called to testify on behalf of appellant: Alexander Schiesel, Town Clerk; Daniel F. Gilmore; Edward Dubiel, a son-in-law of appellant; and Richard O'Connor, a member of the Town Council.

"The Town Clerk testified as to certain facts hereinabove

set forth and, in addition, testified that from 1946 to 1960 eight plenary retail consumption licenses had been issued for premises on County Avenue bearing, respectively, the following street numbers: 7, 51, 56, 163, 204, 234, 248 and 290, and that, since the Wilenta license for 248 was transferred elsewhere in 1960, similar licenses have been issued for the other seven premises. He testified that the distance between No. 7 and No. 290 is about one-half mile; that all of these premises are located in the First Ward and that the premises at the foot of Farm Road are in the Second Ward and about three miles from 248 County Avenue. He also testified that Councilman George A. Zengel has an interest in a retail liquor license and has abstained from voting on any matter concerning liquor licenses since he has been in office.

"Daniel F. Gilmore testified that Mr. Manzo and Mr. Herring had contacted him concerning the license prior to the time he consented to a transfer to appellant.

"Edward Dubiel testified that he supported Mayor Moore when he first ran for office but opposed him at the last election and that the Mayor and all the Councilmen, except Councilman O'Connor, belong to the same political party. He testified that, after the hearing held on September 18, Councilman Elwell would not answer any questions concerning the refusal to transfer the application. He further testified that Manzo and Herring have a boat concession opposite the premises at the foot of Farm Road.

"Richard O'Connor testified that he represents the Third Ward; that the Licensing Committee consists of himself, Councilman Corradino of the First Ward, and Councilman Elwell of the Second Ward. He further testified that, at a meeting of the Committee held after the public hearing on September 18, Councilman Elwell stated that 'as far as he was concerned that permit would not leave his ward.' On cross-examination he testified that thereafter the members of the Council held a caucus before the Council meeting on October 10, and that 'the only thing I can say is that I don't think any of the majority's minds were made up until after the caucus.' It appears from the extract from the minutes of the meeting on October 10 that Councilman O'Connor voted in favor of granting appellant's application because there was no ordinance prohibiting the transfer and because a license at one time had been on the premises.

"The transfer of a liquor license is not an inherent or automatic right. No place is entitled to a license merely because it had been previously licensed. Re Konesky, Bulletin 217, Item 7. The mere fact that the local ordinance would not prohibit the transfer does not require the issuing authority to transfer a license to premises located in another area which it reasonably concludes is already adequately served. Houman v. Trenton, Bulletin 1236, Item 2. I find no merit to appellant's allegations that the hearing was unduly delayed or that the denial was the result of political retaliation. The number of licenses which should be permitted in a certain area is a matter confided to the sound discretion of the issuing authority. Kalish v. Linden et al., Bulletin 71, Item 14. Considering the evidence herein, it is apparent that the grant of appellant's application would move the license a considerable distance to an entirely different section, in which there are seven similar licenses -- more than ample to serve the needs and convenience of the residents of that area. Larion, Inc. v. Atlantic City, Bulletin 1306, Item 1; Shop-Rite of Sterling, Inc. v. Township of Passaic, Bulletin 1408, Item 3. Hence, I conclude that appellant has failed to sustain the burden of establishing that the action of respondent was erroneous (Rule 6 of State Regulation No. 15) and recommend that an order be entered affirming the action of respondent and dismissing the appeal."

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

Having carefully considered the entire record, including the evidence and exhibits presented herein, I concur in the conclusions of the Hearer and adopt them as my conclusions herein. I shall enter an order in accordance with the recommendation.

Accordingly, it is on this 15th day of February, 1962,

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

WILLIAM HOWE DAVIS  
DIRECTOR

3. APPELLATE DECISIONS - SHAPIRO ET ALS. v. CAMDEN AND KOLIOUTAS.

William Shapiro, t/a Bill's Bar; )  
Benjamin Maseloff, t/a The Spot; )  
F. Lillian Bottura, t/a Bert's )  
Cafe; Triangle Corporation; South )  
Jersey Retail Liquor Stores )  
Association, ) On Appeal

Appellants, ) O R D E R

v. )

Municipal Board of Alcoholic )  
Beverage Control of the City of )  
Camden, and Donatos Kolioutas, )  
t/a American Restaurant, )  
Respondents. )

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Richman and Berry, Esqs., by Grover C. Richman, Esq., Attorneys  
for Appellants.

George E. Stransky, Jr., Esq., by Joseph M. Nardi, Esq.,  
Attorney for Respondent Municipal Board.

Joseph T. Sherman, Esq., Attorney for Respondent Donatos  
Kolioutas.

Cahill, Wilinski, Uliase and Mohrfeld, Esqs., by Robert Wilinski,  
Esq., Attorneys for Respondent Camden City Tavern  
Owners Association.

BY THE DIRECTOR:

The above appeal was taken from the action of the respondent Municipal Board of Alcoholic Beverage Control of the City of Camden whereby it granted a transfer of license C-38 from Lintonia Pure Food Shop, Inc. to respondent Donatos Kolioutas, t/a American Restaurant, and from premises 519-23 Taylor Avenue to premises 504-506 Kaighn Avenue, Camden.

At the hearing herein with reference to the above entitled matter, and after cross-examination of Donatos Kolioutas, respondent-licensee, the appellants' attorneys requested that they be given permission on behalf of appellants to withdraw, without prejudice, the appeal filed herein, and the attorneys appearing for the respondents and the attorneys appearing for the Camden City Tavern Owners Association stated that they had no objection thereto.

No reason appearing to the contrary, it is, on this 7th day of February, 1962,

ORDERED that the above appeal be and the same is hereby dismissed without prejudice.

WILLIAM HOWE DAVIS  
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - GAMBLING - PRIOR RECORD  
OF PREDECESSOR - LICENSE SUSPENDED FOR 50 DAYS.

In the Matter of Disciplinary Proceedings against	)	
	)	
Tessie DiTerlizzi	)	CONCLUSIONS
200 Grand Street	)	
Hoboken, New Jersey	)	AND
	)	
Holder of Plenary Retail Consumption License C-65, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken.	)	ORDER
	)	

-----  
Tessie DiTerlizzi, Defendant-licensee, Pro se.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on January 17 and 19, 1962, she permitted the acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Although the licensee has no prior record, Pantaleo DiTerlizzi, husband of the licensee, employed as bartender on the licensed premises, who accepted the bets and from whom the license was transferred to Tessie DiTerlizzi, has the following record of suspensions of license:

1. By the Hoboken Board of Commissioners for four days effective June 7, 1943, for sale to minors.
2. By the same Board for ten days effective August 9, 1945, for permitting gambling on the licensed premises.
3. By the Director for ten days following statutory automatic suspension resulting from his criminal conviction for sale to minors, effectuated December 28, 1954. Re DiTerlizzi, Bulletin 1049, Item 8.
4. By the Director for sixty-five days effective January 5, 1959, for sale to minors, sale during prohibited hours, and unqualified employees. Re DiTerlizzi, Bulletin 1255, Item 1; Bulletin 1257, Item 8.

The minimum penalty for a first offense involving numbers activity where the licensee's employee participates in the violation is suspension for twenty-five days. Re Masters, Bulletin 1432, Item 8. However, in view of the previous record of the licensee's husband-employee-predecessor in interest, who actively participated in the instant violations, the license will be suspended for fifty days.



"Agent J testified that at about 10:50 p.m. on the night in question, the four female impersonators and a 'straight female' were sitting at a table in the rear of the dining room; that he asked Mrs. Shaw, a waitress, 'Are they all girls at the table over there?'; that Mrs. Shaw replied, 'There is only one girl at the table and the rest are all boys, and you better believe it', and that Mrs. Shaw pointed out the normal female as the one wearing a blue dress.

"Agent G testified that at about 11:50 p.m. on the night in question, he, in the presence of the licensee, asked each of the four female impersonators whether he were a male or female and that each answered that he was a male.

"Agent G further testified that shortly thereafter he questioned Mrs. Shaw and Mrs. Wright, another waitress, in the kitchen of the licensed premises and in the presence of the licensee and the other agents; that he asked Mrs. Wright how she characterizes the alleged female impersonators; that Mrs. Wright replied, 'They look like males to me. All I can do is go by the way they dress'; that he then asked Mrs. Wright, 'How were they dressed?' and she replied, 'Like women'; that Mrs. Shaw admitted that Agent J had asked her if the alleged female impersonators were women; that her response to Agent J was, 'They look like women, have to figure it out yourself', and then Mrs. Shaw admitted that she had identified the alleged female impersonators as males to Agent J and that they had been visiting the licensed premises for a couple of weeks.

"Agent B was called to testify and it was stipulated by the parties that if examined, his testimony on direct would substantially corroborate the testimony of Agent G.

"Fred Ehrlich, the licensee, testified that he was unaware of the presence in the licensed premises of the alleged female impersonators; that he was a victim of circumstance; that he does not cater to this type of patronage; that, unlike the agents, he is not trained to detect males as such when they are attired as females and that he is unable to inspect each patron as he enters and licensed premises.

"On cross-examination, Mr. Ehrlich testified that until informed by the agents, he did not know of the presence in the licensed premises of the alleged female impersonators; that because of their female attire, 'I couldn't tell. I actually couldn't say that was a woman. I couldn't go up and say, "You are a man"', and that Mrs. Shaw and Mrs. Wright have been employed by him as waitresses for four or five months.

"I have set forth the pertinent testimony with reference to the charge herein. It is quite clear from the evidence that between 10:50 and 11:50 p.m. on September 30, 1961, there were four female impersonators in the defendant's licensed premises; that two of the defendant's employees were aware of this fact and that none of the female impersonators was ordered to leave the premises during their aforesaid visit to the same, despite the fact that an agent alerted the waitresses to their presence. Defendant contends that he did not know of the presence in the premises of the female impersonators and that he is unable to inspect each patron as he enters the licensed premises. Licensees, however, may not avoid their responsibility for the conduct of the licensed premises merely by closing their eyes and ears. On the contrary, licensees must use their eyes and ears, and use them effectively, to prevent improper use of the premises. Bilowith v. Passaic, Bulletin 537, Item 3. Moreover, a licensee is under a duty to exercise close supervision over his licensed premises and violations occurring therein cannot be excused because he had no

personal knowledge of them. Rule 33 of State Regulation No. 20; Stein v. Passaic, Bulletin 451, Item 5; Essex Holding Corp. v. Hock, 136 N.J.L. 28. Defendant's contention that he is unable to recognize males as such when attired in female garb is without merit.

"Under the circumstances, and from the testimony of the agents, I find as a fact that on the night of September 30, 1961, the licensee allowed, permitted and suffered female impersonators in his licensed premises.

"After reviewing the evidence and exhibits, I conclude that the Division has established the truth of the charge by a fair preponderance of the believable evidence and recommend that defendant be found guilty as charged.

"When the license for these premises was in the name of Morris Tollin and Fred Ehrlich, such license was suspended by the Township Committee for seven days, effective April 6, 1959 for sale during prohibited hours. Considering there was no immoral conduct or activity displayed by the 'males' in question and the fact that they represented a very small percentage of the total customers, it is further recommended that an order be entered suspending defendant's license for fifteen days on the charge herein, and for an additional five days for the prior dissimilar violation which occurred within the past five years (Re Rubino & Rubino, Bulletin 1421, Item 5), making a total suspension of twenty days."

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

Having carefully considered the entire record herein, the transcript of testimony and the Hearer's Report, I concur in the findings and conclusions of the Hearer and adopt his recommendation.

Accordingly, it is, on this 19th day of February, 1962,

ORDERED that Plenary Retail Consumption License C-2, issued by the Township Committee of Millstone Township to Fred Ehrlich, t/a Tollins' Bar, for premises on East side of Hightstown-Perrineville Road, Millstone Township, be and the same is hereby suspended for twenty (20) days, commencing at 1:00 a.m., Tuesday, February 27, 1962, and terminating at 1:00 a.m., Monday, March 19, 1962.

WILLIAM HOWE DAVIS  
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - VIOLATION OF STATE REGULATION NO. 38 - PRIOR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

John Gaggis & John Paskalis )  
t/a Paramount Restaurant )  
314-316 Market Street )  
Paterson 3, New Jersey )

CONCLUSIONS

AND

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Holders of Plenary Retail Consumption License C-77, issued by the Board of Alcoholic Beverage Control for the City of Paterson. )

ORDER

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Edward Rubinstein, Esq., Attorney for Defendant-licensees.  
Dora P. Rothschild, Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that at 8:45 a.m. on Wednesday, December 20, 1961, they sold a pint bottle of whiskey for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Considering licensees' prior dissimilar record of suspension of license for five days effective January 25, 1960, for possession of liquor in containers not truly labeled (Bulletin 1326, Item 11), the license will be suspended for the minimum period of twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Schwebel, Bulletin 1358, Item 4.

Accordingly, it is, on this 14th day of February, 1962,

ORDERED that Plenary Retail Consumption License C-77, issued by the Board of Alcoholic Beverage Control for the City of Paterson to John Gaggis & John Paskalis, t/a Paramount Restaurant, for premises 314-316 Market Street, Paterson, be and the same is hereby suspended for fifteen (15) days, commencing at 3:00 a.m., Monday, February 26, 1962, and terminating at 3:00 a.m., Tuesday, March 13, 1962.

WILLIAM HOWE DAVIS  
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - ORDER IMPOSING DEFERRED SUSPENSION.

In the Matter of Disciplinary Proceedings against )

Fountains of Long Branch Corp. )  
t/a Fountains of Long Branch Motel )  
160 Ocean Avenue )  
Long Branch, New Jersey )

O R D E R

Holder of Plenary Retail Consumption License C-66, issued by the Board of Commissioners of the City of Long Branch. )

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Green, Robinson & Deitz, Esqs., by Morton Deitz, Esq.,  
Attorneys for Defendant-licensee.  
David S. Piltzer, Esq., Appearing for the Division of  
Alcoholic Beverage Control.

BY THE DIRECTOR:

On January 23, 1962, I entered an order in the above matter deferring the license suspension of fifteen days because it appeared that the licensed business was conducted only on a limited basis.

I am now satisfied that the licensed business is now fully operating on a year-round basis and hence shall impose the suspension.

Accordingly, it is, on this 14th day of February, 1962,

ORDERED that plenary retail consumption license C-66, issued by the Board of Commissioners of the City of Long Branch to Fountains of Long Branch Corp., t/a Fountains of Long Branch Motel, for premises 160 Ocean Avenue, Long Branch, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m., Monday, February 26, 1962, and terminating at 2:00 a.m., Tuesday, March 13, 1962.

WILLIAM HOWE DAVIS  
DIRECTOR



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

In the Matter of Disciplinary Proceedings against	)	
	)	CONCLUSIONS
Lloyd's Liquors, Inc.	)	
t/a Lloyd's Liquors	)	AND
1721 Madison Avenue	)	
Lakewood, New Jersey	)	ORDER
Holder of Plenary Retail Distribution License D-10, issued by the Township Committee of the Township of Lakewood.	)	

-----  
Lloyd's Liquors, Inc., Defendant-licensee, by Leo Goldstein, President.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging sale on September 21, 1961 of a case of whiskey below filed price, in violation of Rule 5 of State Regulation No. 30.

Although the licensee has no prior record, the license of Irving Levine (a 33-1/3% stockholder of the corporate-licensee) for premises 56 Monmouth Road and West Park Avenue, Ocean Township, was suspended by the Ocean Township Committee for five days effective September 13, 1954 for violation of Rule 1 of State Regulation No. 38. However, since the violation occurred more than five years before the instant violation, it will not be considered in fixing the penalty to be imposed, viz., suspension of license for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Holtzman, Bulletin 1390, Item 9.

Accordingly, it is, on this 15th day of February, 1962,

ORDERED that Plenary Retail Distribution License D-10, issued by the Township Committee of the Township of Lakewood to Lloyd's Liquors, Inc., t/a Lloyd's Liquors, for premises 1721 Madison Avenue, Lakewood, be and the same is hereby suspended for five (5) days, commencing at 9:00 a.m., Monday, February 26, 1962, and terminating at 9:00 a.m., Saturday, March 3, 1962.

WILLIAM HOWE DAVIS  
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

Santina & Peter Berta, Inc. t/a Berta's Chateau 7 Grove Street Wanaque PO Midvale, New Jersey

CONCLUSIONS

AND

ORDER

Holder of Plenary Retail Consumption License C-6, issued by the Mayor and Council of the Borough of Wanaque.

Slingland, Houman, & Bernstein, Esqs., by Nathan Bernstein, Esq., Attorneys for Defendant-licensee. David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that it possessed on its licensed premises on September 27, 1961 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 previous record, the license will be suspended for ten days, the minimum period where one bottle is involved. Re North Jersey Hotel Corp., Bulletin 1432, Item 12. Five days will be remitted for the plea entered, leaving a net suspension of five days.

Accordingly, it is, on this 15th day of February, 1962,

ORDERED that Plenary Retail Consumption License C-6 issued by the Mayor and Council of the Borough of Wanaque to Santina & Peter Berta, Inc., t/a Berta's Chateau, for premises 7 Grove Street, Wanaque, be and the same is hereby suspended for five (5) days, commencing at 3:00 a.m., Monday, February 26, 1962, and terminating at 3:00 a.m., Saturday, March 3, 1962.

WILLIAM HOWE DAVIS DIRECTOR

11. STATE LICENSES - NEW APPLICATIONS FILED.

Paul Masson, Inc. 717 Market Street San Francisco, California Application filed April 2, 1962 for Plenary Wholesale License.

Sanford Kalb t/a Kalb Beverage Company R. D. #3, U. S. Highway #9 Howell Township, PO Farmingdale, New Jersey. Application filed April 3, 1962 for place-to-place transfer of State Beverage Distributor's License SBD-97 from R. D. #4, U. S. Highway #9, Howell Township, PO Farmingdale, New Jersey.

Gooderham & Worts Limited 8325 Jefferson East Detroit, Michigan Application filed April 10, 1962 for Plenary Wholesale License.