

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
NEWARK INTERNATIONAL PLAZA
U.S. Routes 1-9 (Southbound) Newark, N. J. 07114

BULLETIN 2311

February 15, 1979

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BULLETIN 2311

February 15, 1979

1. COURT DECISIONS - DE GENNARO - DIRECTOR AFFIRMED.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
A-1942-77

In the Matter of Disciplinary
Proceedings against

Anthony DeGennaro
t/a Tondia Lounge
468 - 14th Avenue
Newark, N. J.

Holder of Plenary Retail Consumption
License C-473 issued by the Municipal
Board of Alcoholic Beverage Control
for the City of Newark.

Argued January 16, 1979 - Decided January 26, 1979.

Before Judges Lora and Michels.

On appeal from the Order of the Director of the Division of
Alcoholic Beverage Control.

Mr. Allan M. Goldstein argued the cause for appellant (Messrs.
Sobel and Lyon, attorneys).

Mr. David Griffiths, Deputy Attorney General, argued the cause
for respondent (Mr. John J. Degnan, Attorney General of New Jersey,
attorney; Ms. Erminie L. Conley, Assistant Attorney General, of
counsel; Mr. Mart Vaarsi, Deputy Attorney Attorney General, on
the brief).

PER CURIAM

(Appeal from the Director's decision in Re: De Gennaro,
Bulletin 2285, Item 4. Director affirmed. Opinion
not approved for publication by Court Committee on
Opinions.

2. COURT DECISIONS - THE ROMANY LIQUOR SHOP, INC. - DIRECTOR AFFIRMED.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
A-3077-76

THE ROMANY LIQUOR SHOP, INC.,
t/a THE ROMANY LIQUOR SHOP,

Appellant

v.

DIVISION OF ALCOHOLIC BEVERAGE
CONTROL OF THE STATE OF NEW JERSEY,

Respondent

Argued January 16, 1979 - Decided January 26, 1979.

Before Judges Michels and Larner.

On appeal from the Division of Alcoholic Beverage Control.

Mr. Victor Librizzi, Jr., argued the cause for appellant.

Mr. Mart Vaarsi, Deputy Attorney General, argued the cause for respondent (Mr. John J. Degnan, Attorney General of New Jersey, attorney; Mrs. Erminie L. Conley, Deputy Attorney General, of counsel).

PER CURIAM

(Appeal from the Director's decision in Re The Romany Liquor Shop, Inc., Bulletin 2264, Item 1. Director affirmed. Opinion not approved for publication by the Court Committee on Opinions).

3. COURT DECISIONS - LARDON ASSOCIATES, INCORPORATED - DIRECTOR AFFIRMED.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
A-862-77

IN THE MATTER OF

LARDON ASSOCIATES, INCORPORATED,
t/a Charley's Brother
225 Pennington Road
Hopewell Township, N. J.

Submitted January 23, 1979 - Decided January 31, 1979.

Before Judges Halpern and Ard.

On appeal from final determination of the Division of Alcoholic Beverage Control.

Strauss, Wills & Baxendale, attorneys for the appellant
(Peter M. O'Neill, on the brief).

John J. Degnan, Attorney General, attorney for the respondent
Division of Alcoholic Beverage Control (Erminie Conley,
Assistant Attorney General, of counsel; Mart Vaarsi, Deputy
Attorney General, on the brief).

PER CURIAM

(Appeal from the Director's decision in Re Lardon Associates, Inc., Bulletin 2281, Item 4. Opinion not approved for publication by Court Committee on Opinions).

4. APPELLATE DECISIONS - NORMAN MESNIKOFF, RECEIVER FOR DANTE'S HIDEAWAY, INC. v. BRIELLE.

Norman Mesnikoff, Receiver for
 Dante's Hideaway, Inc., t/a
 Dante's Inferno,)

 Appellant,)

 v.)

 Mayor and Council of the Borough
 of Brielle,

 Receiver.)

CONCLUSIONS

AND

ORDER

 Mesnikoff & Feldman, Esqs., by Norman Mesnikoff, Esq., Attorneys
 for Appellant,
 Kennedy & Brennan, Esqs., by Brian T. Kennedy, Esq., Attorneys
 for Respondent.

BY THE DIRECTOR:

This is an appeal from the action of the Mayor and Council of the Borough of Brielle (hereafter Council) which, by Resolution dated July 20, 1978, suspended appellant's Seasonal Retail Consumption License No. 1308-34-003-002 for premises #1 Ocean Avenue, Brielle, for a period of eighteen days in consequence of a finding of guilt to charges alleging, in essence, that the licensee was not operating the licensed premises in the same manner and fashion as the prior owner, and that it conducted the premises as a public nuisance due to excessive noise and improper parking.

Appellant contends in his Petition of Appeal that the charges relate to a misunderstanding that originated when the license was issued to him as Receiver, which did not have any special conditions attached thereto. Further, at the hearing before the Council, no witnesses were called in support of the findings, and therefore, they were not established by any competent evidence. The Council responds in its Answer that there was a condition attached to the license by virtue of statements made orally to appellant by members of the Council when the license was issued in May, 1978.

Upon the filing of the within appeal, by Order dated July 21, 1978, the Director stayed the suspension pending determination of the appeal.

An appeal de novo was heard in this Division pursuant to N.J.-A.C. 13:2-17.6, with full opportunity afforded the parties to introduce evidence and cross-examine witnesses. However, in lieu of such presentment, counsel agreed to present this matter through oral argument only.

The facts presented were not substantially in dispute. The Council believed that appellant would continue the same type of operation as conducted by the prior licensee, i.e., a family-type restaurant. The appellant, however, remonstrated that, prior to his acceptance of duties as Receiver, the security holder of all of the kitchen equipment removed those items. This precluded the continuance of any further restaurant business. Thus, the character of the business changed from a restaurant to a "disco-type" operation. The license was not conditioned in any way by any specific written resolution.

At the termination of oral argument, both counsel waived the receipt of a Hearer's Report and requested the Director to issue Conclusions and Order as promptly as possible.

It is readily apparent and admitted that the charges preferred herein were not particularly specified, nor were proofs advanced before the Council in support thereof. In consequence, there is no alternative but to determine that the appellant has established that the action of the Council was erroneous and should be reversed pursuant to N.J.A.C. 13:2-17.6.

However, despite this conclusion which is mandated for the reasons aforesaid, the appellant should take little solace from such reversal. The license itself is a seasonal license which will expire November 14, 1978. If the appellant is to continue in business during 1979, this license would have to be renewed on or about May 1st of next year.

In view of the residents' complaints by the "disco-type" operation of the premises, which is also totally unacceptable to the Council, a reluctance has been vigorously expressed to any renewal of license for this type of operation. Thus, the greater burden of establishing that the license should be renewed shall rest with appellant if there is a denial of renewal. In addition, special conditions may be imposed at renewal, which will be sustained if reasonable and supported by competent proofs of nuisance activities during the prior license term.

Accordingly, it is, on this 27th day of November, 1978,

ORDERED that the action of the Council in finding appellant guilty of the charges aforesaid, be and the same is hereby reversed; and it is further

ORDERED that my Order of June 21, 1978, staying the imposition of the suspension by the Council pending determination of the appeal, be and the same is hereby vacated.

JOSEPH H. LERNER
DIRECTOR

5. APPELLATE DECISIONS - FERRARIE v. MONTVILLE, ET AL.

Thomas J. Ferrarie,

Appellant,

v.

Township Committee of the
Township of Montville and
Michael J's Hilltop Inn, Inc.,

Respondents.

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Kerby, Cooper, Schaul & Garvin, By Robert J. Schaul, Esq.,
Attorneys for Appellant.

BY THE DIRECTOR:

This is an appeal from the action of the Township Committee of the Township of Montville (hereafter Committee) which, by letter dated October 5, 1978, refused to entertain his application for a person-to-person transfer of Plenary Retail Consumption License 1421-33-009-001, issued to Michael J's Hilltop Inn, Inc., for premises at Gillens Road, Montville.

In his Petition of Appeal, the appellant contends that the Committee's action was based upon a mistaken view of the law and regulations pertaining to the statutory criminal disqualifications from holding alcoholic beverage licenses.

In the Answer filed by the Committee, it appears that appellant's application revealed convictions in 1968 and 1975 to "Disorderly Person" charges of "failing to give a good account of himself" "simple assault". The Answer further indicates that upon receipt of such information, the Committee, through its Assistant Township Clerk, made inquiry of this Division and received the "suggestion" that, under such circumstances, appellant should seek a disqualification removal.

Upon such advice, the Committee refused to consider the application until such Disqualification Removal was obtained from the Director.

At the hearing in this Division, although full opportunity was afforded the parties to introduce evidence and to cross-examine witnesses pursuant to N.J.A.C. 13:2-17.6, the Committee

CONCLUSIONS

AND

ORDER

was not represented. Its counsel has advised the Division that it would rely upon the Director's Order determining the matter. Appellant waived receipt of a Hearer's Report and requested that the Director make an immediate determination of the matter at first opportunity.

Appellant, Thomas J. Ferrarie, testified in support of the appeal that he had made application for transfer to himself of the capital stock of the respondent licensee, Michael J's Hilltop Inn, Inc., and recited the consequences of such application, as had been described in this Petition of Appeal. He admitted that in 1968 he had been found guilty of being a disorderly person in not having been able to give a good account of himself, and was fined Two-Hundred Dollars and placed on probation for a year by the Morris County Court. In 1975 he was convicted of a disorderly person offense of simple assault and was fined fifty dollars. He has never been charged with nor convicted of any other offense.

Disorderly Persons' convictions are not crimes, and consequently, are not within the proscription of N.J.S.A. 33:1-25 establishing those circumstances which disqualify an individual from exercising an interest in a liquor license. A disqualification removal proceeding is not necessary.

However, it should be made pointedly clear to the parties hereto that the absence of a criminal disqualification to hold a license by appellant does not relieve the Committee from its duty to determine if it considers that the approval of such grant of transfer to appellant is in the best interests of the community.

Accordingly, it is, on this 11th day of December, 1978,

ORDERED that the action of the Township Committee of the Township of Montville, in refusing to consider application for transfer of Plenary Retail Consumption License #1421-33-009-001, to him from Michael J's Hilltop Inn, Inc., for premises at Gillens Road, Montville, be and the same is hereby reversed and the entire matter is remanded for hearing in accordance with the application filed therfor. Jurisdiction shall not be retained in this Division.

JOSEPH H. LERNER
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - LEWDNESS - INDECENT ENTERTAINMENT - LICENSE
SUSPENDED FOR 48 DAYS.

In the Matter of Disciplinary Proceedings against :

Jodal Corp. :
t/a My Wife's Place :
Route #35 :
South Amboy, N.J. 08879 :

CONCLUSIONS

Holder of Plenary Retail Consumption Lic. 1220-33-017-001, issued :
by the Common Council of the City of South Amboy. :

AND
ORDER

.....

Norman A. Cohen, Esq., Attorney for Licensee.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that, on April 29 and 30, 1978, it permitted lewdness and immoral activity in and upon its licensed premises, viz., it permitted female persons, while performing on its premises for the entertainment of its patrons to engage in conduct by themselves and in association with patrons, of a lewd and indecent nature, in violation of Rule 5 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days on the charge herein, with remission of twelve days for the plea entered, leaving a net suspension of forty-eight days.

Accordingly, it is, on this 13th day of October, 1978,

ORDERED, that Plenary Retail Consumption Lic. 1220-33-017-001, issued by the Common Council of the City of South Amboy to Jodal Corp., t/a My Wife's Place, for premises Route 35, South Amboy, be and the same is hereby suspended for forty-eight (48) days commencing 2:00 A.M. on Thursday, October 26, 1978 and terminating 2:00 A.M. on Wednesday, December 13, 1978.

JOSEPH H. LERNER
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - PERMITTING CONTROLLED DANGEROUS SUBSTANCES ON LICENSED PREMISES - LICENSE SUSPENDED FOR 60 DAYS.

In the Matter of Disciplinary Proceedings against Szabo Brother's, Inc. t/a Brother's Pub 12 Easton Avenue New Brunswick, N.J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption Lic. 1214-33-090-001, issued by the City of New Brunswick.

.....

Shamy, Tenerelli, Shamy & Ryan, Esqs., by George J. Shamy, Esq., Attorney for Licensee. Mart Vaarsi, Esq., Deputy Attorney General, Appearing for Division.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

HEARER'S REPORT

The licensee pleaded "not guilty" to charges alleging that, on August 12 and 14, 1977, it allowed, permitted and suffered on its licensed premises unlawful activity pertaining to controlled dangerous substances and permitted its licensed premises to be conducted in such a manner as to become a nuisance, by allowing the solicitation and arrangements for sale of controlled dangerous substances, to wit, heroin and marijuana; in violation of Rule 4 and 5 of State Regulation No. 20 (now N.J.A.C. 13:2-23.5 & .6).

ABC Agent P. testified on behalf of the Division that, in the company of ABC Agent W., she entered the licensee's premises on August 12, 1977 at about 8:10 P.M. In the course of her investigative duties she observed Steve Szabo, a corporate stockholder, behind the bar, as well as two barmaids. One Steve Skladany, known to Agent P., entered the establishment at 8:30, and took a seat near the agents. He offered Agent P. heroin at \$25.00 per "spoon".

At Skladany's suggestion they departed the premises and proceeded to his car parked on the street nearby. Skladany removed a tinfoil packet from a cache secreted behind the dashboard and gave it to Agent P. The agent gave him \$20.00

and stated that she'd have to change a larger bill at the bar in order to pay him the \$5.00 balance due.

Later that evening, observing Steven Szabo seated at the patrons side of the bar, she invited him to join them (Agents P. and W.). She told him of her purchase from Skladany and stated that she had an appointment to meet him at the Tavern the following evening, if the drug proved "good"; but if they weren't, "look out, because you know, I'm gonna be so mad I'm liable to hit him over the head with a chair." Szabo did not react in any way to the disclosure.

Agents P. and W. returned to the premises on the following evening. Szabo advised her that he had not seen Skladany that evening. She in turn advised him that the drugs she bought the previous evening were "good" and she'd wait for Skladany's arrival to purchase more. Once again, there was no discernible reaction from Szabo.

Skladany arrived after 10:00 P.M. and he and Agent P. left the Tavern for a private conversation. He suggested that P. make a purchase from someone he knew "out of town". For his efforts Skladany wanted to be rewarded with a free "bag" of drugs. She declined and returned to the barroom.

Upon re-entry, Agent P. complained to one Lisa, a friend of Skladany, about his efforts to promote a free "high" at her expense. Lisa stated her girlfriend had some marijuana for sale, and introduced her to Debbie, who, in turn, stated her boyfriend, Gary, had the marijuana, and if Agent P. gave her some rolling paper she'd obtain a sample for her to smoke.

When the sample "joint" was given to Agent P. she left the tavern with Agent W. They entered their car, lit the "joint" and determined that it contained marijuana. After extinguishing the "joint" and preserving it for laboratory analysis, they returned to the bar.

Agent P. offered Debbie \$45.00 for an ounce. Gary was called over and informed; he declined the offer demanding \$50.00. Agent P. turned to Liz, a barmaid who was standing on the other side of the bar in front of them, and asked the price of an ounce of marijuana in the area. A discussion then ensued related to the price of marijuana in New Jersey compared to other states. Finally it was agreed that Agent P. would pay the requested price.

Debbie stated that she wanted to see the money first and, in the view of the barmaid, Agent P. complied. Then together

they departed the premises, Debbie apparently satisfied that Agent P. had enough cash to pay for the merchandise. This entire conversation was held in the barmaid's presence.

Debbie opened her car trunk and removed a packet containing the alleged marijuana, and gave it to Agent P.

Upon their return to the bar, P. told Liz that the marijuana she just purchased from Debbie was clean and probably worth fifty dollars. Soon after, the agents departed.

The testimony of A.B.C. Agent W was largely corroborative of Agent P's, adding detail, but containing no additional information.

Sargeant Thomas Curran of the New Brunswick Police Department and at the time of this investigation head of the narcotics squad, testified as to the chain of possession of the controlled dangerous substances from the time they were turned over to him by Agent P, to the police laboratory for analysis, and back, etc.

On cross-examination, he stated that Steve Szabo was cooperative as well as helpful in the apprehension of Steve Skladany. Curran stated his first contact with Szabo was after the subject charges were served upon the licensee. The tavern, known as the Vienna Cafe under its prior ownership, was acknowledged to have been a troublesome one. Since the change in ownership, he has experienced no problems with the license, other than the subject violation.

Steve Szabo, one of the stockholders and eldest of the brothers, testified on behalf of the corporate licensee. He admitted remembering Agent P. and conversing with her, but denied the substantive allegations made by the agents as to the involvement of the corporate employees and management.

Elizabeth Vamos (Liz), girlfriend of one of the Szabo brothers, testified that she frequented the premises constantly and "helped out" as barmaid on a voluntary basis. She has no recollection of Agent P., other than seeing her at the two days of hearings. She too denied the allegations made by the agents relative to her behavior at the bar during the evenings mentioned in the charge. She stated, however, that she had no specific recollection of those evenings.

- I -

In adjudicating matters of this kind we are guided by the firmly established principle that disciplinary proceedings against liquor licensees are civil in nature and require proof

by a preponderance of the believable evidence only. Butler Oak Tavern v. Div. of Alcoholic Beverage Control, 20 N.J. 373 (1956); Freud v. Davis, 64 N.J. Super. 242 (App. Div. 1960).

In appraising the factual picture presented herein the credibility of witnesses must be weighed. Testimony, to be believed, must not only proceed from the mouth of a credible witness but must be credible in itself. It must be such as the common experience and observation of mankind can approve as probable in the circumstances. Spagnuolo v. Bonnett, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961).

The general rule in these cases is that the finding must be based on competent legal evidence and must be grounded on a reasonable certainty as to the probabilities arising from a fair consideration of the evidence. 32A C.J.S. Evidence, sec. 1042.

In arriving at a determination herein, I find convincing the testimony of the Division's witnesses regarding the facts and circumstances relative to the sale of controlled dangerous substances as stated in the charges. Further, it is my view that, the stockholder-bartender and barmaid had knowledge of the illegal activities taking place in the barroom from the comments made to them by the undercover agent, but took no action.

From the evidence presented it is manifest that the licensee, through its employee's acquiescence or lack of reasonable diligence, permitted and suffered the offer for sale of the drugs to take place on the licensed premises, as charged.

As the Supreme Court said in Essex Holding Corp. v. Hock, 136 N.J.L. 28, 31 (Sup. Ct. 1947):

Although the word "suffer" may require a different interpretation in the case of a trespasser, it imposed responsibility on a licensee, regardless of knowledge, where there is a failure to prevent the prohibited conduct by those occupying the premises with his authority.

It is a well established and fundamental principle that a licensee is responsible for the misconduct of its employees and is fully accountable for their activities during their

employment on licensed premises. Kravis v. Hock, 137 N.J.L. 252 (Sup. Ct. 1948); In re Schneider, 12 N.J. Super 449 (App. Div. 1951); N.J.A.C. 13:2-23.28 (formerly Rule 33 of State Regulation No. 20).

In Mazza v. Covicchia, 28 N.J. Super 280 (App. Div. 1953), rev'd on other grounds 15 N.J. 498 (1954) the Supreme Court held that the knowledge of the licensee is not necessary to sustain a conviction of the charge. Said the court (15 N.J. at 509):

The rule in question comes clearly within the delegated authority of the Director as a reasonable regulation in the field of alcoholic beverage control. The Director has the power to make the licensee responsible for the activities upon the licensed premises. In fact, it is difficult to see how the Division could properly maintain discipline in this field if in each case it had to show knowledge by the licensee of all the activities upon the premises. This would leave the door open to evasion of the Alcoholic Beverage Law and the many rules of the Director promulgated thereunder and would make the enforcement of the law an impossibility.

I conclude that a fair evaluation of the evidence, and the legal principles applicable thereto, clearly and reasonably preponderates in favor of a finding of guilt of the said charge for the reasons hereinabove set forth. I, therefore, recommend that the licensee be adjudged guilty of violation of Rules 4 and 5 of State Regulation No. 20 (now N.J.A.C. 13:23.5 &.6).

- II -

As the testimony developed, and in the summation by licensee's attorney, the hearing officer anticipated the so-called "Ishmael exception" (Ishmael v. Div. of Alcoholic Beverage Control, 58 N.J. 347 (1971)) being invoked. Although not specifically mentioned by name, sufficient elements were present for me to consider this hearing in light of the doctrine set forth in that case.

I cannot agree that this matter falls within the afore-cited exception. In Ishmael, the licensee had made continual

efforts to eradicate a drug problem which pervaded the establishment, including close, continued cooperation with the police prior to the filing of charges by this Division. Nevertheless, the problem remained solely because of endemic conditions that existed in the area surrounding the tavern. On these facts, it was held that licensee did not "allow, permit or suffer" the drug problem at the tavern, to warrant revocation of license. Instead the licensee was afforded the opportunity to relocate the licensed premises. The record here indicates that the initial contact of the licensee was made by the police after the charges were filed against licensee. On these facts I must hold that the Ishmael exception is inapplicable herein.

Absent prior record, I recommend that the license be suspended for sixty days.

CONCLUSIONS AND ORDER

No written Exceptions were filed to the Hearer's Report pursuant to N.J.A.C. 13:2-19.6.

Having carefully considered the entire record herein, including the transcripts of testimony, the exhibits and the Hearer's Report, I concur in the findings and recommendations of the Hearer and adopt them as my conclusions herein. I find the licensee guilty of the subject charges.

Accordingly, it is, on this 30th day of November, 1978,

ORDERED that Plenary Retail Consumption License No. 1214-33-090-001 issued by the City Council of the City of New Brunswick to Szabo Brother's, Inc., t/a Brother's Pub, for premises 12 Easton Avenue, New Brunswick, be and the same is hereby suspended for sixty (60) days commencing 2:00 a.m., Monday, December 11, 1978 and terminating 2:00 a.m., Friday, February 9, 1979.

JOSEPH H. LERNER
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - PERMITTING CONTROLLED DANGEROUS SUBSTANCES WITHIN LICENSED PREMISES - POSSESSION OF LOTTERY SLIPS - EMPLOYMENT OF A DISQUALIFIED PERSON - CHARGES PREVIOUSLY HEARD BY THE LOCAL ISSUING AUTHORITY - CHARGES HEREIN NOLLE PROSSED.

In the Matter of Disciplinary Proceedings against	:	
	:	
W.E. Corp.	:	
t/a Ridgewood Bar	:	
120 Avon Avenue	:	CONCLUSIONS
Newark, N.J. 07108	:	AND
	:	ORDER
Holder of Plenary Retail Consumption Lic. #0714-33-643-001, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.	:	
.....	:	

Schechner and Targan, Esqs., by Edward Weisslitz, Esq., Attorney for Licensee.

BY THE DIRECTOR:

Licensee was served with charges alleging that: (1) on or about, during and between March, 1976 and March, 1977, it allowed unlawful activity pertaining to narcotic and other drugs, and controlled dangerous substances, viz., heroin and cocaine, in and upon its licensed premises, in violation of Rule 4 of State Regulation No. 20 (now, N.J.A.C. 13:2-23.5); (2) on or about March 4, 1977, it allowed in and upon its licensed premises slips, tickets, and other writings pertaining to unlawful gambling activity, in violation of Rule 7 of State Regulation No. 20 (now, N.J.A.C. 13:2-23.7); and (3) on or about March 4, 1977, it employed a person who had been convicted of a crime involving moral turpitude, and whose disqualification resulting from said conviction had not been removed by the Director, in violation of Rule 1 of State Regulation No. 13 (now, N.J.A.C. 13:2-14.1).

During the pendency of the disciplinary proceedings, it was established that the Municipal Board of Alcoholic Beverage Control of the City of Newark had filed charges against the licensee substantially identical to the charges herein, and that the licensee was adjudged guilty of said charges. As a result of the said finding, an appropriate Order was entered by the Municipal Board on April 24, 1978, thus disposing of the within charges.

Having considered the aforementioned facts and circumstances, and good cause appearing, I have determined to enter and Order dismissing the charges preferred by the Division against the licensee.


Accordingly, it is, on this 6th day of November, 1978,
ORDERED, that the charges herein be and the same are
hereby nolle prossed.

JOSEPH H. LERNER
DIRECTOR

9. STATE LICENSES - NEW APPLICATIONS FILED.

Malt Beverages Unlimited Corp.
Foot of Lexington Avenue
Trenton, New Jersey
Application filed February 6, 1979
for person-to-person transfer of
State Beverage Distributor's License
3400-19-245-001 from National Beer
Distributors.

Los Andes Import Inc.
543 59th Street
West New York, New Jersey
Application filed February 6, 1979
for limited wholesale license.



Joseph H. Lerner
Director