

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

BULLETIN 1944

December 16, 1970

TABLE OF CONTENTSITEM

1. COURT DECISIONS - PATERSON TAVERN & GRILL OWNERS ASSN., INC. v. HAWTHORNE (SUPREME COURT) APPELLATE DIVISION REVERSED.
2. NOTICE - RE ELECTRONIC DISPENSING SYSTEMS - USE PERMITTED PROVIDED ACCURATE BRAND LABELS ARE VISIBLE - RESTRICTIONS STATED.
3. DISCIPLINARY PROCEEDINGS (Jersey City) - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.
4. DISCIPLINARY PROCEEDINGS (South Amboy) - SALE OF DRINKS FOR OFF-PREMISES CONSUMPTION IN VIOLATION OF STATUTE - FOUL LANGUAGE - FALSE STATEMENT IN APPLICATION - PRIOR DISSIMILAR RECORD - AGGRAVATED CIRCUMSTANCES - LICENSE SUSPENDED FOR 65 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Atlantic City) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Bound Brook) - SUPPLEMENTAL ORDER.
7. DISCIPLINARY PROCEEDINGS (Plumsted Township) - SALE TO INTOXICATED PERSON - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (Union City) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (Long Branch) - SALE TO MINOR - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Linden) - ALCOHOLIC BEVERAGE NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (Paulsboro) - GAMBLING - NUMBERS BETS - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.
12. DISCIPLINARY PROCEEDINGS (Madison Borough) - ALCOHOLIC BEVERAGE NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
13. STATE LICENSES - NEW APPLICATION FILED.

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

BULLETIN 1944

December 16, 1970

1. COURT DECISIONS - PATERSON TAVERN & GRILL OWNERS ASSN., INC.  
v. HAWTHORNE (SUPREME COURT) APPELLATE DIVISION REVERSED.

SUPREME COURT OF NEW JERSEY  
No. A-4 - September Term 1970

PATERSON TAVERN & GRILL OWNERS )  
ASSN., INC., a non-profit )  
corporation of New Jersey, et al., )

Plaintiffs-Appellants, )

v. )

THE BOROUGH OF HAWTHORNE, a )  
municipal corporation, et al., )

Defendants-Respondents. )

Argued September 14, 1970. Decided November 9, 1970.

On appeal from the Appellate Division.

Mr. William J. Rosenberg argued the cause for the appellants (Mr. George L. Garrison and Mr. Harold Goldman, on the brief).

Mr. Douglas C. Borchard, Jr. argued the cause for the respondents (Messrs. Evans, Hand, Allabough & Amoresano, attorneys).

The opinion of the Court was delivered by

JACOBS, J.

The Appellate Division upheld a Hawthorne ordinance which prohibited licensed taverns in the Borough from employing female bartenders; the ordinance exempted female licensees tending their own bars as well as wives of male licensees. 108 N.J. Super. 433, 441 (1970). (Reprinted in Bulletin 1900, Item 1). Plaintiffs, the Paterson Tavern & Grill Owners Assn., Inc. and Harry Shortway, a licensed tavern keeper, appealed to this Court under R. 2:2-1(a) (1).

In 1968 the Borough of Hawthorne, acting in the exercise of police powers delegated by the Legislature (see N.J.S.A. 33:1-40; cf. N.J.S.A. 40:48-1, 2; N.J.S.A. 40:52-1), adopted an ordinance which embodied prohibitions of certain employments and activities in licensed premises. The Appellate Division struck some of the prohibitions while sustaining others. 108 N.J. Super. at 437-42. The Borough took no appeal and the plaintiffs have confined their appeal to that part of the judgment below which sustained the prohibition in the ordinance against the employment of female bartenders. We shall therefore confine ourselves to that single issue, passing any question as to the standing of the tavern owners' Association. See 108 N.J. Super. at 436-37; Elizabeth Federal S. & L. Assn. v. Howell, 24 N.J. 488, 499 (1957); Hudson Bergen, etc., Assn. v. Board of Comm'rs. of City of Hoboken, 135 N.J.L. 502, 510 (E. & A. 1947).

Though the plaintiffs have sought to invoke provisions of the Federal and State Civil Rights Acts (42 U.S.C.A. § 2000e-2(a); N.J.S.A. 10:1-1) we find no occasion for doing so. The Federal Act applies to an employer engaged in an industry affecting interstate commerce and employing 25 or more employees (42 U.S.C.A. § 2000e(b)); there is nothing before us to indicate that any of the tavern keepers here involved is such an employer. The Act contains a provision that it shall not be an unlawful practice to employ any individual on the basis of sex where sex is a "bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise." 42 U.S.C.A. § 2000e-2(e). The pertinence of this clause in cases involving employers otherwise governed by the Act need not detain us here. Cf. Kanowitz, "Sex-Based Discrimination in American Law, I," 11 St. Louis University L.J. 293, 329 (1967); Miller, "Sex Discrimination and Title VII of the Civil Rights Act of 1964," 51 Minn.L.Rev. 877, 894 (1967); Kanowitz, "Sex-Based Discrimination in American Law, III," 20 Hastings L.J. 305, 320, 341 (1968); Notes 1968 Duke L.J. 671, 705; 42 So. Cal. L.Rev. 183, 200 (1969).

Our State Civil Rights Act provides that the right of citizens to hold office or employment "shall not be denied or abridged on account of sex or marital status" and that "there shall be no discrimination based on sex or marital status" in appointments or other matters pertaining "to such office or employment." N.J.S.A. 10:1-1. Though the intended scope of the statute is not entirely clear we assume, solely for present purposes, that it covers private as well as public employment and prohibits the wholly arbitrary refusal by an employer to engage a fully qualified woman only because she is a woman. But that has no relation to the matter before us since here none of the employers is seeking to exclude female bartenders; on the contrary, they are seeking to employ them but have been precluded from doing so by the terms of the ordinance. If that ordinance were deemed currently to represent a reasonable exercise of the police power without infringement on any constitutional principle, then N.J.S.A. 10:1-1 would present no obstacle, for that particular statutory enactment was never intended to bar reasonable police power discriminations (108 N.J. Super. at 441) or to nullify specific legislative discriminations such as those embodied in N.J.S.A. 34:2-24, 28, 30.

Our early cases displayed no hesitancy in sustaining prohibitions against female bartenders as reasonable and constitutional exercises of the police power. See Hoboken v. Goodman, 68 N.J.L. 217 (Sup.Ct. 1902); Hoboken v. Greiner, 68 N.J.L. 592 (Sup.Ct. 1902); Annot., 172 A.L.R. 620 (1948). But they arose in a different social and moral climate when judges, along with others, entertained Victorian ideas as to women and their proper place in the scheme of things. Justice Bradley voiced then common sentiments when he said that he thought woman's natural "timidity and delicacy" unfitted her for most civil occupations, that she properly belonged in the "domestic sphere," that her paramount mission was to fulfill "the noble and benign offices of wife and mother," that her pursuit of an independent career would be inimical to family harmony, and that the rules of law should be adapted accordingly. Bradwell v. Illinois, 16 Wall. 130, 141, 21 L.Ed. 442, 446 (1873).

Though by the mid-twentieth century, startling changes had occurred in the social and legal rights of women and in

society's overall treatment of sexuality, the judges were still unwilling to strike down continuing legislative restrictions against female bartenders. In Goesaert v. Cleary, 335 U.S. 464, 93 L.Ed. 163 (1948) a divided three-judge District Court had upheld a Michigan statute which provided for the licensing of bartenders but prohibited any woman (except the wife or daughter of the male tavern keeper) from obtaining a bartender's license. The Supreme Court, with three Justices dissenting, affirmed in an opinion which noted that although "women may now have achieved the virtues that men have long claimed as their prerogatives and now indulge in vices that men have long practiced," the States are not constitutionally precluded "from drawing a sharp line between the sexes, certainly in such matters as the regulation of the liquor traffic." 335 U.S. at 466, 93 L.Ed. at 165. The opinion did not elaborate on its position that legislatures are not constitutionally required to reflect sociological insights or shifting social standards (but cf. Brown v. Board of Education, 347 U.S. 483, 492-96, 98 L.Ed. 873, 879-81 (1954)) nor did it deal with the scope of women's ever-broadening rights to seek and obtain gainful employment. See Keeton, C.J., dissenting in State v. Burke, 79 Idaho 205, 312 P.2d 806, 808 (1957); Kanowitz, "Constitutional Aspects of Sex-Based Discrimination in American Law," 48 Neb.L.Rev. 131, 167 (1968). Goesaert was relied upon by this Court in Guill v. Mayor and Council of City of Hoboken, 21 N.J. 574, 585 (1956) which the Appellate Division, as an intermediate judicial tribunal, properly considered binding upon it in the case at hand. 108 N.J. Super. at 442; see Hargens v. Alcoholic Beverage Control Appeals Board, 263 Cal.App.2d 601, 69 Cal.Rptr.868 (Ct.App. 1968); Henson v. City of Chicago, 415 Ill. 564, 114 N.E.2d 778 (1953); but cf. Brown v. Foley, 158 Fla. 734, 29 So.2d 870, 871 (1947); Loring, C.J., dissenting in Anderson v. City of St. Paul, 226 Minn. 186, 32 N.W.2d 538, 548-52 (1948).

Though Goesaert has not been overruled (cf. McCrimmon v. Daley, 418 F.2d 366, 369 (7 Cir. 1969)) its holding has been the subject of academic criticism (Kanowitz, supra, 11 St. Louis University L.J. at 328-29; Oldham, "Sex Discrimination and State Protective Laws," 44 Denver L.J. 344, 373-74 (1967)) and its sweeping statement that the States are not constitutionally precluded from "drawing a sharp line between the sexes" (335 U.S. at 466, 93 L.Ed. at 165) has been the subject of increasing limitation. See Seidenberg v. McSorley's Old Ale House, Inc., 308 F.Supp. 1253, 1260 (S.D.N.Y. 1969); United States v. York, 281 F.Supp. 8, 16 (D.Conn. 1968); White v. Crook, 251 F.Supp. 401, 408 (M.D.Ala. 1966); cf. Karczewski v. Baltimore and Ohio Railroad Company, 274 F.Supp. 169, 178-80 (N.D.Ill. 1967); Owen v. Illinois Baking Corporation, 260 F.Supp. 820, 821-22 (W.D.Mich. 1966); Commonwealth v. Daniel, 430 Pa. 642, 243 A.2d 400, 404 (1968).

In White (251 F.Supp. 401) the court struck down an Alabama statute which prohibited women from serving as jurors; in Owen (260 F.Supp. 820) and Karczewski (274 F.Supp. 169) the courts declared unconstitutional the denial of consortium recoveries to wives where such recoveries were allowed to husbands; In York (281 F.Supp. 8) and Daniel (243 A.2d 400) the courts struck sex-based discriminatory sentencing practices, with the Daniel court distinguishing Goesaert on the ground that it dealt not with criminal sentencing but with the "difference between men and women in matters of employment" (243 A.2d at 404); and in Seidenberg (308 F.Supp. 1253) the court restrained a tavern keeper from excluding women patrons, distinguishing Goesaert on the ground that women bartending might, in the allowable legislative judgment,

"give rise to moral and social problems" whereas most taverns admittedly cater to both men and women without occasioning such problems. 308 F.Supp. at 1260. Oldham, supra, noting that the laws against women bartending "depend upon a social view of morality which does not appear relevant to the latter half of the twentieth century" (44 Denver L.J. at 372 fn. 130), has pointed out that the suggested "moral and social problems" have never materialized in communities where the employment of women bartenders has been lawful and frequent. 44 Denver L.J. at 364 fn. 104; see Loring, C.J., in Anderson v. City of St. Paul, supra, 32 N.W. 2d at 552. And Kanowitz, supra, has forcefully suggested that the cited cases upholding the various recent attacks on sex-based discrimination may well augur the impending demise of Goesaert itself. 48 Neb. L. Rev. at 156-57; see Gallagher, et al. v. City of Bayonne, 102 N.J. Super. 77, 81-82 (Ch. Div. 1968), aff'd 106 N.J. Super. 401 (App. Div. 1969), aff'd, 55 N.J. 159 (1969).

However, we need not pursue the constitutional issue dealt with in Goesaert for we are satisfied that, in the light of current customs and mores, the municipal restriction against female bartending may no longer fairly be viewed as a necessary and reasonable exercise of the police power; it must therefore be stricken. See One Eleven Wines & Liquors, Inc. v. Div. Alcoholic Bev. Cont., 50 N.J. 329, 341 (1967): "restrictions adopted in the exercise of police powers must be reasonable and not go beyond the public need"; see also Gallagher, et al. v. City of Bayonne, supra, 106 N.J. Super. at 404-05; Brown v. Foley, supra, 29 So. 2d at 871; Loring, C.J., in Anderson v. City of St. Paul, supra, 32 N.W. 2d at 549. In the One Eleven case this Court upset a regulation which prohibited homosexuals from congregating in taverns. In the course of its opinion it summarily rejected the suggestion that their mere presence was likely to lead to misconduct, pointing out that the licensee always has the "comprehensive capacity and responsibility, at the peril of its license, for precluding offensive conduct and for conducting its establishment in lawful and orderly fashion." 50 N.J. at 340. A similar response may readily be made to any suggestion that a tavern keeper's employment of a barmaid may lead to improprieties at the licensed premises.

In Gallagher the Appellate Division affirmed a judgment which invalidated a municipal restriction against the service of alcoholic beverages to women at public bars. Judge Colleser's opinion for the Appellate Division pointed out that while, during the early days of liquor control, "it may have been deemed prudent to limit the rights of women who patronized taverns, that time has long since passed." 106 N.J. Super. at 404. He noted that it is now common for women to be served at bars and that "in these enlightened days of the 1960's the fact that women congregate and are served at bars cannot be said to be a threat to the health, safety and welfare of the public." 106 N.J. Super. at 404-05. Citing the One Eleven case he concluded that, since police power restrictions must be reasonable and not go beyond the public need, the municipal restriction against service to females at public bars may not stand. 106 N.J. Super. at 405. This Court adopted Judge Colleser's opinion in its essential aspects. 55 N.J. 159.

In Brown v. Foley, supra, the Florida Supreme Court invalidated a municipal ordinance which prohibited female bartending. It pointed out that the municipality had power to enact only reasonable ordinances and it found no sound reason for the ordinance which recognized "that women may frequent bars and engage in every practice as men save and except that they shall not serve liquor by the drink over the bar. . . ." 29 So. 2d at 871. In Anderson v. City of St. Paul, supra, the Minnesota Supreme Court, by a vote of 4 to 3, sustained a municipal ordinance which prohibited female

bartending. Chief Justice Loring filed a persuasive dissenting opinion in which he elaborated on the view that the ordinance did not represent a reasonable exercise of the delegated police power. He noted that the precedents relied on by the majority were ancient ones with little current relevancy and, though the following remarks were made by him over two decades ago, they have clear pertinency today:

Formerly, barrooms catered only to men. Women of good character did not patronize the open saloon. To do so would have besmirched their reputations. Now, in many cases, as shown by the evidence herein, women form a major part of the patronage of the barroom. Hotels and clubs have women's cocktail lounges. Women of good character not only patronize bars, but are employed as waitresses, hostesses and bartenders. No one in this state has been heard to say that their employment in such establishments has been a hazard to public morals or health or to the regulation of the liquor business....

. . . . In my view, the ordinance unreasonably discriminates against women serving liquor from behind the bar in favor of men and of those women who are free to accept employment in any of the other capacities in which they are commonly employed in a barroom, including the mixing and serving of liquor. Certainly, women are as capable of mixing and serving drinks as men are. How they can be any more of a threat to morals when serving liquor from behind the bar than in front of it or elsewhere in the room is impossible to conceive. 32 N.W.2d at 550-51.

It must be borne in mind that we are not in this case concerned with the rights of licensees to confine their bartending entirely to males; we leave that for another day. Here the licensees are willing to employ women bartenders with full recognition of the tavern keeper's ever-present responsibility for conducting his establishment in lawful and orderly fashion. 50 N.J. at 340. The licensees want the freedom of selecting women bartenders whom they find to be fully qualified and the women want the freedom to seek and obtain bartending employments for which they consider themselves fully qualified. These freedoms should not be curbed unless the public interest so dictates. Although in earlier times, comparable restrictions in the liquor field were generally sustained, the recent opinions in One Eleven and Gallagher indicate that our courts will now direct their attention more pointedly to the controlling requirements of reasonableness and public need. One Eleven Wines & Liquors, Inc. v. Div. Alcoholic Bev. Control, supra, 50 N.J. at 341; Gallagher, et al. v. City of Bayonne, supra, 106 N.J. Super at 405.

We are satisfied that Hawthorne's prohibition of female bartenders is unreasonable and goes beyond any public need. It is blanket in nature and seeks to exclude female bartenders, no matter how individually qualified, from all licensed establishments, no matter how suitably conducted. While the law may look to the past for the lessons it teaches, it must be geared to the present and towards the future if it is to serve the people in just and proper fashion. In the current climate the law may not tolerate blanket municipal bartending exclusions grounded solely on sex. To the extent that Guill v. Mayor and Council of City of Hoboken, supra, 21 N.J. 574 embraced a contrary approach it is hereby overruled. The plaintiffs are entitled to summary relief and accordingly the Appellate Division's judgment on the issue dealt with in this opinion is:

Reversed.

2. NOTICE - RE ELECTRONIC DISPENSING SYSTEMS - USE PERMITTED PROVIDED ACCURATE BRAND LABELS ARE VISIBLE - RESTRICTIONS STATED.

December 4, 1970

**NOTICE TO ALL RETAIL LICENSEES:**

It has come to my attention that retail licensees have recently installed at their licensed premises electronic dispensing systems which at the press of a button automatically dispense drinks of alcoholic beverages at public bars. The systems dispense alcoholic beverages by pumping the beverage from inverted bottles in locked compartments through plastic hoses to bar spigots, similar to the method by which draft beer is dispensed at bars.

After careful consideration, I have determined that the use by licensees of these automatic drink dispensing systems will be permitted, provided that access to the locked bottles of alcoholic beverages is afforded Division agents and other law enforcement officers at all times when the licensed premises are open either for business or official inspection, and further provided that an accurate label is visible to the public disclosing the brand of each alcoholic beverage being dispensed by each spigot of the system. Such access is necessary in order to ascertain whether the bottles of alcoholic beverages bear labels which do not truly describe their contents, in violation of Rule 27 of State Regulation No. 20, and the spigot labeling is necessary in order to prevent misleading advertising to the public, in violation of Rule 6(a) of State Regulation No. 21. Failure to provide such access also may be deemed hindering and failing to facilitate an official investigation, in violation of R.S. 33:1-35 and Rule 35 of State Regulation No. 20.

Accordingly, licensees who utilize these types of dispensing systems must comply with the above mentioned restrictions. Failure to do so will be cause for suspension or revocation of license.

RICHARD C. McDONOUGH  
DIRECTOR



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

In the Matter of Disciplinary  
Proceedings against

ROC-SUM TAVERN, INC.  
368 Summit Ave. and 38 Rock St.  
Jersey City, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption  
License C-311, issued by the Municipal  
Board of Alcoholic Beverage Control of  
Jersey City.

-----  
Thomas J. Kilcoyne, Esq., Attorney for Licensee  
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging (1) and  
(2) that on divers days between April 29 and June 11, 1969, it  
permitted the acceptance of numbers bets on the licensed premises  
in violation of Rules 6 and 7 of State Regulation No. 20.

Licensee has a previous record of suspension of license  
by the municipal issuing authority for five days, effective  
January 15, 1951, for sale of alcoholic beverages during hours  
prohibited by local regulation, and by the Director for thirty  
days, effective June 16, 1958, for sale of alcoholic beverages  
for off-premises consumption during prohibited hours and for  
possession of fight pool and Sweepstakes tickets, both in  
violation of state regulations. Re Roc-Sum Tavern, Inc.,  
Bulletin 1234, Item 2.

The previous record of suspensions of license for dis-  
similar violations occurring more than five years ago disregarded,  
the license will be suspended for sixty days, with remission of  
five days for the plea entered, leaving a net suspension of  
fifty-five days. Re Lorello and Schulkes, Bulletin 1919, Item 9.

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

ORDERED that Plenary Retail Consumption License C-311,  
issued by the Municipal Board of Alcoholic Beverage Control of  
the City of Jersey City to Roc-Sum Tavern, Inc., for premises 368  
Summit Ave. and 38 Rock St., Jersey City, be and the same is  
hereby suspended for fifty-five (55) days, commencing at 2:00 a.m.  
Tuesday, November 10, 1970, and terminating at 2:00 a.m. Monday,  
January 4, 1971.

RICHARD C. McDONOUGH  
DIRECTOR



4. DISCIPLINARY PROCEEDINGS - SALE OF DRINKS FOR OFF-PREMISES CONSUMPTION IN VIOLATION OF STATUTE - FOUL LANGUAGE - FALSE STATEMENT IN APPLICATION - PRIOR DISSIMILAR RECORD - AGGRAVATED CIRCUMSTANCES - LICENSE SUSPENDED FOR 65 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

HEIDE'S TAVERN, INC.  
t/a Martin & Millie  
506 Washington Avenue  
South Amboy, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption  
License C-23, issued by the Common  
Council of the City of South Amboy.

-----  
Carl Yagoda, Esq., Attorney for Licensee  
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that it (1) on June 30 and July 1, 1970 sold numerous drinks of various kinds of alcoholic beverages for off-premises consumption, in violation of R.S. 33:1-2, (2) on those same dates permitted foul, filthy and obscene language by patrons on the licensed premises in violation of Rule 5 of State Regulation No. 20, and (3) in its current license application failed to disclose full record of prior license suspensions, in violation of R.S. 33:1-25.

The licensee corporation has a record of two previous suspensions of license by the municipal issuing authority, both for sales to minors, one for thirty days effective February 1, 1966, and the other for twenty days effective January 2, 1968. In addition, licenses held in partnership by Martin and Mildred Mikulas, each a fifty per cent stockholder in the licensee corporation, were suspended as follows: (1) for premises 10 East Ocean Avenue, Sea Bright, t/a Swedish Hop, twice by the Director for sales to minors, one for twenty-five days effective January 27, 1958 and the other for twenty-five days effective January 29, 1959 (Re Mikulas, Bulletins 1210, Item 9 and 1265, Item 7), and (2) for premises 564 So. 11th Street, Newark, t/a Martin and Millie, by the municipal license issuing authority for thirty days effective January 1, 1964 for a brawl on the licensed premises and permitting alcoholic beverage activity on the licensed premises during hours prohibited by local regulation, the suspensions in 1964, 1966 and 1968 being the subject of the third charge herein.

The prior record of suspensions for dissimilar violations on 1958, 1959 and 1964 of licenses held by Martin and Mildred Mikulas, as partners as aforesaid, occurring more than five years ago disregarded in admeasuring the penalty, and the record of suspension of license of the licensee corporation, effective February 1, 1966, likewise disregarded for reason that none of the present stockholders was then a stockholder in the licensee corporation (Re James Place Corporation, Bulletin 1918, Item 4), the license will be suspended on the first charge for ten days (Re Triano, Bulletin 1760, Item 13), on the second charge for ten days (Re Brierhurst, Bulletin 1919, Item 6), and on the third charge for ten days (Re James Place Corporation, supra), to

which will be added five days by reason of the record of licensee corporation's suspension for dissimilar violation in 1968 as occurring within the past five years (Re Harrington & Burns, Inc., Bulletin 1882, Item 5), and thirty days by reason of the aggravating circumstance of the record of five previous chargeable suspensions against the licensee corporation for dissimilar violations (Re Stewart, Bulletin 1886, Item 3), or a total of sixty-five days, with remission of five days for the plea entered, leaving a net suspension of sixty days.

In addition, pointed warning is given that, in view of the number of suspensions chargeable against the licensee corporation and its stockholders, any future violation by the licensee corporation or by any of its corporate members, or by any other corporation with which they may be connected, directly or indirectly, may well result in outright revocation of the license.

Accordingly, it is, on this 23rd day of October 1970,

ORDERED that Plenary Retail Consumption License C-23, issued by the Common Council of the City of South Amboy to Heide's Tavern, Inc., t/a Martin & Millie, for premises 506 Washington Avenue, South Amboy, be and the same is hereby suspended for sixty (60) days, commencing at 2:00 a.m. Monday, October 26, 1970, and terminating at 2:00 a.m. Friday, December 25, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

1214 Absecon Boulevard Corp.  
t/a Sonny's Sidewalk Cafe  
1214 Absecon Boulevard  
Atlantic City, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption  
License C-231, issued by the Board  
of Commissioners of the City of  
Atlantic City.

-----  
Feinberg & Ginsberg, Esqs., by Edward I. Feinberg, Esq.,  
Attorneys for Licensee  
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on Friday, August 14, 1970, it (1) sold a bottle of Scotch liqueur for off-premises consumption during prohibited hours in violation of Rule 1 of State Regulation No. 38, and (2) hindered and failed to facilitate the investigation, in violation of Rule 35 of State Regulation No. 20.

Absent prior record, the license will be suspended on the first charge for fifteen days (Re McCarthy, Bulletin 1899, Item 16), and on the second charge for ten days (Re Getcliffe, Inc.,

Bulletin 1911, Item 9), 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 23rd day of October 1970,

ORDERED that Plenary Retail Consumption License C-231, issued by the Board of Commissioners of the City of Atlantic City to 1214 Absecon Boulevard Corp., t/a Sonny's Sidewalk Cafe, for premises 1214 Absecon Boulevard, Atlantic City, be and the same is hereby suspended for twenty (20) days, commencing at 7:00 a.m. Tuesday, November 10, 1970, and terminating at 7:00 a.m. Monday, November 30, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SUPPLEMENTAL ORDER.

In the Matter of Disciplinary  
Proceedings against

TOWN TAVERN OF BD. BROOK, INC.  
13 Hamilton St.  
Bound Brook, N. J.

SUPPLEMENTAL  
ORDER

Holder of Plenary Retail Consumption  
License C-16, issued by the Borough  
Council of the Borough of Bound Brook

-----  
Joseph C. Doren, Esq., Attorney for Licensee  
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

On April 30, 1970 I entered an order herein imposing a sixty-five days suspension commencing May 19, 1970. Re Town Tavern of Bd. Brook, Inc., Bulletin 1913, Item 2.

Prior to the effectuation of the order of suspension, on appeal filed the Appellate Division of the Superior Court stayed the operation of the suspension until the outcome of the appeal. The court on its own motion dismissed the said appeal on October 19, 1970. Thus the suspension may now be reinstated and reimposed.

Accordingly, it is, on this 26th day of October 1970,

ORDERED that the sixty-five days suspension heretofore imposed and stayed during the pendency of proceedings on appeal be reinstated against Plenary Retail Consumption License C-16, issued by the Borough Council of the Borough of Bound Brook to Town Tavern of Bd. Brook, Inc., for premises 13 Hamilton Street, Bound Brook, commencing at 2 a.m. Tuesday, November 10, 1970, and terminating at 2 a.m. Thursday, January 14, 1971.

RICHARD C. McDONOUGH  
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - SALE TO INTOXICATED PERSON -  
 LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
 Proceedings against

SOFCHAK'S LAUREL HOUSE HOTEL, INC.  
 t/a Laurel House Hotel  
 46 Evergreen Road  
 Plumsted Township  
 PO New Egypt, N. J.

)  
 )  
 ) CONCLUSIONS  
 ) AND ORDER  
 )  
 )

Holder of Plenary Retail Consumption  
 License C-2, issued by the Township  
 Committee of Plumsted Township.

-----  
 Dimon, Haines and Bunting, Esqs., by John E. Dimon, Esq.,  
 Attorneys for Licensee  
 Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on  
 April 2, 1970, it sold drinks of alcoholic beverages to a person  
 actually or apparently intoxicated, in violation of Rule 1 of  
 State Regulation No. 20.

Absent prior record, the license will be suspended for  
 twenty days, with remission of five days for the plea entered,  
 leaving a net suspension of fifteen days. Re Augie's Tavern,  
Inc., Bulletin 1889, Item 4.

Accordingly, it is, on this 22nd day of October 1970,

ORDERED that Plenary Retail Consumption License C-2,  
 issued by the Township Committee of Plumsted Township to  
 Sofchak's Laurel House Hotel, Inc., t/a Laurel House Hotel,  
 for premises 46 Evergreen Road, Plumsted Township, be and the  
 same is hereby suspended for fifteen (15) days, commencing at  
 2:00 a.m. Monday, November 9, 1970, and terminating at 2:00 a.m.  
 Tuesday, November 24, 1970.

RICHARD C. McDONOUGH  
 DIRECTOR

8. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY  
 LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
 Proceedings against

WALTER McINDOE  
 3331 Palisade Ave.  
 Union City, N. J.

CONCLUSIONS  
 AND ORDER

Holder of Plenary Retail Consumption  
 License C-79, issued by the Board of  
 Commissioners of the City of Union City.

-----  
 Licensee, Pro se.

Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on  
 July 27, 1970, he possessed alcoholic beverages in two bottles  
 which did not truly describe their contents, in violation of  
 Rule 27 of State Regulation No. 20.

While licensee has no previous record of suspension of  
 license in his individual name, a license held by Walter & Marie  
 McIndoe, in which he was one of the partners, was suspended by  
 the municipal license issuing authority for ten days, effective  
 July 18, 1965, for sale of alcoholic beverages for off-premises  
 consumption during prohibited hours in violation of Rule 1 of  
 State Regulation No. 38.

This prior record of suspension of license for dissimilar  
 violation occurring more than five years ago disregarded, the  
 license will be suspended for fifteen days, with remission of  
 five days for the plea entered, leaving a net suspension of ten  
 days. Re The Willowbrook Inn, Inc., Bulletin 1919, Item 11.

Accordingly, it is, on this 22nd day of October 1970,

ORDERED that Plenary Retail Consumption License C-79,  
 issued by the Board of Commissioners of the City of Union City  
 to Walter McIndoe, for premises 3331 Palisade Ave., Union City,  
 be and the same is hereby suspended for ten (10) days, commencing  
 at 3:00 a.m. Monday, November 9, 1970, and terminating at 3:00  
 a.m. Thursday, November 19, 1970.

RICHARD C. McDONOUGH  
 DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED  
FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

FRAMARGIM, INC.

t/a Che Chee's Bar-Cocktail Lounge

29 Avenel Blvd.

Long Branch, N. J.

)  
)  
) CONCLUSIONS  
) AND ORDER  
)

Holder of Plenary Retail Consumption

License C-26, issued by the City

Council of the City of Long Branch.

-----  
Peter S. Falvo, Jr., Esq., Attorney for Licensee

Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on May 1, 1970, it sold a container of beer to a minor, age 20, in violation of Rule 1 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 Belco Liquor Store (A Corporation), Bulletin 1897, Item 4.

Accordingly, it is, on this 22nd day of October 1970,

ORDERED that Plenary Retail Consumption License C-26, issued by the City Council of the City of Long Branch to Framargim, Inc., t/a Che Chee's Bar-Cocktail Lounge, for premises 29 Avenel Blvd., Long Branch, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, November 9, 1970, and terminating at 2:00 a.m. Saturday, November 14, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

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

In the Matter of Disciplinary  
 Proceedings against

LESLIE JOSEPH FARRELL, SR. &  
 FRANCES FARRELL  
 t/a Farrell's Tavern  
 10 E. Edgar Rd.  
 Linden, N. J.

CONCLUSIONS  
 AND ORDER

Holder of Plenary Retail Consumption  
 License C-17, issued by the Municipal  
 Board of Alcoholic Beverage Control  
 of the City of Linden.

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

BY THE DIRECTOR:

Licensees plead guilty to a charge alleging that on  
 July 14, 1970, they possessed an alcoholic beverage in a bottle  
 bearing a label which did not truly describe its contents, in  
 violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for  
 ten days, with remission of five days for the plea entered,  
 leaving a net suspension of five days. Re Charcoal Hearth, Inc.,  
 Bulletin 1908, Item 9.

Accordingly, it is, on this 22nd day of October, 1970,

ORDERED that Plenary Retail Consumption License C-17,  
 issued by the Municipal Board of Alcoholic Beverage Control of the  
 City of Linden to Leslie Joseph Farrell, Sr. & Frances Farrell,  
 t/a Farrell's Tavern, for premises 10 E. Edgar Rd., Linden, be  
 and the same is hereby suspended for five (5) days, commencing at  
 2:00 a.m. Monday, November 9, 1970, and terminating at 2:00 a.m.  
 Saturday, November 14, 1970.

RICHARD C. McDONOUGH  
 DIRECTOR



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

In the Matter of Disciplinary  
 Proceedings against

GEORGE KUENZLER  
 t/a Hotel Paulsboro  
 1321 Commerce Street  
 Paulsboro, N. J.

CONCLUSIONS  
 AND ORDER

Holder of Plenary Retail Consumption  
 License C-1, issued by the Borough  
 Council of the Borough of Paulsboro.

-----  
 Licensee, Pro se.

Francis P. Meehan, Jr., Esq., Appearing for the Division.

BY THE DIRECTOR:

Licensee pleads non vult to Charges (1) and (2) alleging that on September 14, 15, 16, 17, 21 and 22, 1970 he permitted the acceptance of numbers bets and on September 22, 1970 the conduct of a raffle, 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 Roizen, Bulletin 1791, Item 5.

Accordingly, it is, on this 26th day of October, 1970,

ORDERED that Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Paulsboro to George Kuenzler, t/a Hotel Paulsboro, for premises 1321 Commerce Street, Paulsboro, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. Tuesday, November 10, 1970 and terminating at 2:00 a.m. Monday, January 4, 1971.

RICHARD C. McDONOUGH  
 DIRECTOR

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

In the Matter of Disciplinary  
 Proceedings against

ABRAHAM NATOVITZ  
 A/E of Karl Hammer  
 28 Main Street  
 Madison, New Jersey

CONCLUSIONS  
 AND ORDER

Holder of Plenary Retail Consumption  
 License C-1, issued by the Borough  
 Council of the Borough of Madison.

-----  
 Licensee, Pro se.

Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that  
 on July 27, 1970, he possessed an alcoholic beverage in a bottle  
 bearing a label which did not truly describe its contents, in  
 violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for  
 ten days, with remission of five days for the plea entered,  
 leaving a net suspension of five days. Re Charcoal Hearth, Inc.,  
 Bulletin 1908, Item 9.

Accordingly, it is, on this 23rd day of October 1970,

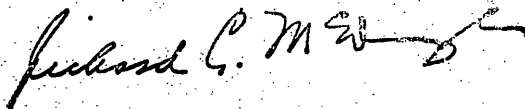
ORDERED that Plenary Retail Consumption License C-1,  
 issued by the Borough Council of the Borough of Madison to  
 Abraham Natovitz, A/E of Karl Hammer, for premises 28 Main Street,  
 Madison, be and the same is hereby suspended for five (5) days,  
 commencing at 1:00 a.m. Monday, November 9, 1970, and terminating  
 at 1:00 a.m. Saturday, November 14, 1970.

RICHARD C. McDONOUGH  
 DIRECTOR

13. STATE LICENSES - NEW APPLICATION FILED.

Trentacoste Bros., Inc.  
 320-328 Stokes Avenue, Ewing Township  
 PO Trenton, New Jersey

Application filed December 14, 1970 for additional warehouse  
 license in connection with Limited Wholesale License WL-14,  
 for premises located at 926 Haddonfield Road, Cherry Hill, N. J.



Richard C. McDonough  
 Director