

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

BULLETIN 1760

November 9, 1967

TABLE OF CONTENTSITEM

1. APPELLATE DECISIONS - HOLLANDER v. NEWARK
2. APPELLATE DECISIONS - REKAWEK v. ASBURY PARK AND HOGAN AND TRYGAR
3. APPELLATE DECISIONS - SMITH v. GLOUCESTER CITY
4. MORAL TURPITUDE - UNLAWFUL POSSESSION OF MARIHUANA - CONVICTION HELD TO INVOLVE MORAL TURPITUDE UNDER CIRCUMSTANCES.
5. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Hoboken) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (Lodi) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
8. DISQUALIFICATION REMOVAL PROCEEDINGS - BOOKMAKING - ATTEMPTED ROBBERY - CONDUCT NOT LAW-ABIDING WITHIN PAST 5 YEARS - PETITION DENIED.
9. DISCIPLINARY PROCEEDINGS (North Wildwood) - FRONT - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Seaside Heights) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (Garfield) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
12. DISCIPLINARY PROCEEDINGS (Elizabeth) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
13. DISCIPLINARY PROCEEDINGS (Union City) - SALE OF DRINKS FOR OFF-PREMISES CONSUMPTION - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
14. DISCIPLINARY PROCEEDINGS (Pennsauken) - ORDER IMPOSING DEFERRED SUSPENSION.
15. DISCIPLINARY PROCEEDINGS (Neptune) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

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

BULLETIN 1760

November 9, 1967

1. APPELLATE DECISIONS - HOLLANDER v. NEWARK.

Ruth Hollander,

Appellant,

v.

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

Respondent.

On Appeal

CONCLUSIONS AND ORDER

Appellant, Pro se

Norman N. Schiff, Esq., by Anthony J. Iuliani, Esq., Attorney for
Respondent.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This is an appeal from the action of respondent whereby it suspended appellant's plenary retail consumption license for the 1966-67 licensing term for premises 41- 19th Avenue, Newark, for thirty days effective May 15, 1967, after finding appellant guilty in disciplinary proceedings of the following charges:

"1. She did on Saturday, October 2, 1965, allowed, permitted and suffered tickets and participation rights in a lottery, commonly known as the numbers game, to be sold and offered for sale in and upon her licensed premises; and she did possess, have custody of, or allowed, permitted and suffered any such ticket or participation right in or upon the licensed premises; in violation of Rule 6 of State Regulation No. 20.

"2. She did on Saturday, October 2, 1965, allowed, permitted and suffered gambling in and upon her licensed premises, viz: the making and accepting of bets in a lottery, commonly known as the numbers game, and the making and accepting of horse race bets on the above date; in violation of Rule 7 of State Regulation No. 20."

Upon the filing of the appeal an order dated May 12, 1967, was entered by the Director staying the effect of the suspension pending the determination of the appeal.

Appellant's petition of appeal alleges that the action of respondent was "erroneous, unreasonable, and contrary to the weight of the evidence, and without legal basis."

Respondent in its amended answer denies the aforesaid allegations and contends that "The grounds upon which the issuing authority made its decision were based upon the factual testimony before the Board from which it, in its sound discretion, concluded that the penalty imposed substantiated such action."

The hearing on appeal was de novo pursuant to Rule 6 of State Regulation No. 15.

At the hearing herein respondent, relying upon the stenographic transcript of the proceedings below, produced no witnesses. The appellant, in addition to testifying herself, produced a witness on her behalf. Also at the hearing appellant advised that she was no longer represented by counsel and wished to proceed with the matter pro se.

Detective David Toma testified that, while in appellant's licensed premises on Saturday, October 2, 1965, he observed a man come into the place, walk over to the bartender and hand "him something;" that he (Toma) identified himself to the bartender who gave him a slip of paper representing "a two-dollar horse bet" on a daily double at "Aqueduct;" that on the other side of the said slip of paper "was a number bet;" that, when he (Toma) searched behind the bar, he "found one lottery slip;" that Police Lieutenant Scriffiano walked in the appellant's premises while he (Toma) talked to the bartender.

It was agreed by the attorneys representing the respective parties at the hearing below that, if Lieutenant Paul Scriffiano were interrogated concerning the events which took place on the date in question, his testimony would be corroborative of the testimony given by Detective Toma.

Appellant testified that she was not present in the licensed premises when the occurrences took place and when she visited the licensed premises she "found another fellow behind the bar;" that on her arrival no one said anything to her so that she was unaware that anything had occurred until "I got a letter to appear before the ABC" Board.

Edward C. Dobosz testified that he was on duty as bartender on October 2, 1965, at which time he accepted a bet of \$2 on a horse to run at the Aqueduct tract, and also that the officers found a slip of paper on which was a numbers bet in a book at the end of the bar. However, Dobosz contended that, as a favor, he accepted the horse bet from a man who instructed him to give the bet to "George" because the latter had intended to visit the "Big A." Moreover, Dobosz asserted that he had no knowledge concerning the slip on which was the numbers bet found in a book on the bar.

I am not impressed with the explanation given by Dobosz concerning the incidents which had taken place and, based on the evidence adduced herein, I am fully convinced that he had actually participated in the illegal activities which resulted in the charges preferred against the appellant herein.

Although appellant was not present at the time in question, she is fully accountable for all violations committed or permitted on the licensed premises by an employee. Rule 33 of State Regulation No. 20; cf. In re Schneider, 12 N.J. Super. 449 (App.Div. 1951).

I am satisfied, after examination of the record herein, that appellant has failed to meet the burden of establishing that the action of respondent was erroneous. Rule 6 of State Regulation No. 15.

Under the circumstances appearing in this case, it is recommended that an order be entered affirming the respondent's action, dismissing the appeal and fixing the effective date of suspension which was stayed by the Director pending entry of an order herein.

Conclusions and Order

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

Having carefully considered the entire record herein, including the transcripts of testimony, the exhibits, and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 13th day of September, 1967,

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

ORDERED that Plenary Retail Consumption License C-440, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Ruth Hollander for premises 41 - 19th Avenue, Newark, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m. Wednesday, September 20, 1967, and terminating at 2:00 a.m. Friday, October 20, 1967.

JOSEPH P. LORDI,
Director.

2. APPELLATE DECISIONS - REKAWEK v. ASBURY PARK AND HOGAN AND TRYGAR.

Wlodzimierz Rekawek, t/a)
Windsor Hotel,)
Appellant,)
v.)

On Appeal

City Council of the City of)
Asbury Park and Margaret Hogan)
and Marilyn Trygar,)
Respondents.)
-----)

O R D E R

Allan L. Tumarkin, Esq., Attorney for Appellant
James M. Coleman, Jr., Esq., Attorney for Respondent
City Council
Friedland, Schneider & Friedland, Esqs., by Jacob
Friedland, Esq., Attorneys for Respondents
Hogan and Trygar

BY THE DIRECTOR:

Appellant (the proposed transferor of a plenary retail consumption license) appeals from the denial of an application by Margaret Hogan and Marilyn Trygar for transfer of the license by respondent City Council of the City of Asbury Park (hereinafter Council) for the period expiring June 30, 1967, for premises located at 308 Third Avenue, Asbury Park. The appeal was filed in his name "for the use and benefit of Margaret Hogan and Marilyn Trygar, partners."

Hogan and Trygar filed an answer herein in which they state that they "did not authorize the taking of an

appeal in this matter and, hence, "the appellant has no standing to take such appeal."

In an answer filed by the respondent Council, it sets forth, among other things, that the appellant herein is not the proper party to file the appeal. Accordingly, a special hearing was held on this challenge to the jurisdiction of this Division to entertain this appeal, and argument of counsel was heard.

The undisputed facts are as follows: Appellant (the holder of a plenary retail consumption license for premises located in his property, operated as the Windsor Hotel) entered into a contract for the sale of the said property to Hogan and Trygar. The contract contains the following provision:

"This contract is subject to and conditioned upon the purchasers making application for approval of the hotel liquor license, now issued and in the name of the said hotel, and the approval and transfer to the purchasers herein. Purchasers agree to forthwith make necessary application for the transfer of said liquor license at their own cost and expense."

Thereupon, on April 17, Hogan and Trygar filed an application for transfer of the said license and, on May 23, 1967, Council denied the application. Hogan and Trygar refused to file an appeal challenging such action, and the appellant thereupon sought to file this appeal on their behalf, and without their consent.

It is well established that a proposed transferor of a license is not a proper party to an appeal from the action of the municipal issuing authority. Bartges et als. v. Atlantic City et als., Bulletin 1372, Item 1; Livingston Land Corp. v. Livingston et als., Bulletin 1136, Item 3.

R.S. 33:1-26, in so far as applicable, provides as follows:

"If the other issuing authority shall refuse to grant a transfer the applicant shall be notified forthwith of such refusal by a notice served personally upon the applicant, or sent to him by registered mail addressed to him at the address stated in the application, and such applicant may, within 30 days after the date of service or mailing of such notice, appeal to the director from the action of the issuing authority ..." (emphasis added)

Counsel for the appellant argues that, since the proposed transferor has a "vital economic interest in the transfer of the liquor license herein, [he] has the standing, as the transferor of said license, to appeal the denial of said transfer." Thus the word "applicant" should be construed to permit the transferor of a license to appeal a denial of such license "when he has a substantial interest in the transfer. The appellate powers of the Director of Alcoholic Beverage Control involve exercise of a species of supervision and control transcending those of a formal appellate tribunal, and are not to be shorn by technical rather

than substantial procedural limitations.' Board of Commissioners of Borough of Belmar vs. Division of Alcoholic Beverage Control, Dept. of Law and Public Safety, 50 N.J. Super. 423 ..."

This argument must be rejected. The word "applicant" is not susceptible of any but the specific meaning as expressed by the Legislature. In the interpretation of statutes, the legislative will is the all important or controlling factor. Indeed, it is frequently stated in effect that the intention of the Legislature constitutes the law. 50 Am. Jur. Statutes, sec. 223. A statute is not open to construction as a matter of course. It is open to construction only where the language used in the statute requires interpretation, that is, where the statute is ambiguous, or will bear two or more constructions, or is of such doubtful or obscure meaning that reasonable minds might be uncertain or disagree as to its meaning. Where the language of a statute is plain and unambiguous and conveys a clear and definite meaning, there is no occasion for resorting to the rules of statutory interpretation, and the court has no right to look or impose another meaning. 50 Am. Jur. Statutes, sec. 225.

It seems to me unarguable that the Legislature intended to invest only the applicant with the right of appeal from a denial. This is made abundantly manifest by the language in R.S. 33:1-26 with reference to the grant of a transfer. There the Legislature states:

"... If the other issuing authority shall grant a transfer any taxpayer or other aggrieved person opposing the grant of the transfer may, within 30 days after the grant of such transfer, appeal to the director from the action of the issuing authority." (emphasis added)

Cases are legion in New Jersey to the effect that a statute must be construed as written, and the court must enforce legislative will as written and not according to some unexpressed intention. Dacunzo v. Edgve, 19 N.J. 443; Petrangeli v. Barrett, 33 N.J. Super. 378. A statute should be given no broader construction or effect than its language justifies. If the Legislature intended to broaden the definition of the word "applicant" to include a proposed transferor or any aggrieved party, it would clearly have done so, as was evident by its intention to give such authority where a grant of the transfer was involved. In the absence of specific intent to the contrary, words in the statute are to be given their ordinary and primary meaning. Kingsley v. Hawthorne Fabrics, Inc., 41 N.J. 521.

It should be noted that the contract did not require that Hogan and Trygar institute an appeal, although it could have so specifically provided. It would be ludicrous to suggest that they should be compelled, in the event of a successful appeal, to accept the license where they have indicated an intention to the contrary. Of course, if the appellant feels that there was such contractual compulsion or obligation, he has a right to pursue his remedy at law. The argument that he is a trustee and can act in such capacity on this appeal appears to be palpably frivolous and is without merit. I therefore find that appellant is without standing to file this appeal.

Accordingly, it is, on this 14th day of September, 1967.

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

JOSEPH P. LORDI,
Director.

3. APPELLATE DECISIONS - SMITH v. GLOUCESTER CITY.

#3259, #3280)	
James J.A. Smith, t/a Smitty's)	
Tavern,)	
Appellant,)	
v.)	
Common Council of the City of)	On Appeal
Gloucester City,)	
Respondent.)	ORDER
-----)	

William D. Dilks, Esq., Attorney for Appellant
William E. Hughes, Esq., Attorney for Respondent

BY THE DIRECTOR:

Appellant appeals from denial by respondent on June 26, 1967 of his application for transfer of 1966-67 plenary retail consumption license for premises 309-311 South Broadway to a new building to be built at that address and from denial on August 3, 1967 of his application for renewal of the license for the year 1967-68.

Prior to the hearing of the appeals, appellant's attorney advised by letter dated September 11, 1967 that the appeals were withdrawn.

No reason appearing to the contrary, the appeals will be dismissed.

Accordingly, it is, on this 13th day of September 1967,

ORDERED that the appeals herein be and the same are hereby dismissed.

JOSEPH P. LORDI,
DIRECTOR.

4. MORAL TURPITUDE - UNLAWFUL POSSESSION OF MARIHUANA - CONVICTION HELD TO INVOLVE MORAL TURPITUDE UNDER CIRCUMSTANCES.

Re Eligibility No. 757.

Applicant seeks an advisory opinion as to whether or not he is eligible to be associated with the alcoholic beverage industry in this State in view of his conviction of a crime.

Applicant's criminal record discloses that he pleaded guilty in a criminal court of another State in 1964 to possession of a dangerous drug and in 1966 he pleaded guilty in the Monmouth County Court to unlawful possession of marihuana; that on his first conviction he was fined \$100 and on his last conviction he was sentenced to a reformatory (suspended), fined \$200 and placed on probation for two years.

In connection with his conviction in 1964, it appears that applicant admitted in a written statement that he had purchased the drug (Robitussin A C) on seven occasions from two drug stores; that the purchases were made in his own name and in four assumed names and that he drank the same to get "high."

The New Jersey State Police report applicant's conviction in 1966 resulted from a lawful search of his residence and garage; that they found a quantity of marihuana (4.7244 grams) under the front seat of a motor vehicle operated by the applicant and four orange tablets (dextro amphetamine sulphate tablets) under the floor mat.

Our investigation discloses that the tablets are available on prescription only, are habit forming and have the effect of giving a "pick up."

At the hearing held herein, applicant (23 years old) substantially verified aforesaid reports and further testified that in the summer of 1965 he became "involved" with a group of college students, users of marihuana; that he attended parties with this group; that at one of such gatherings he was given a marihuana cigarette and smoked it; that thereafter he bought seven packs of marihuana at \$5 a pack, part of which he used and some of which he gave to different members of the group when their supply was temporarily exhausted; that on occasions members of the group in turn would give him a cigarette when he had none and that this practice continued for a period of three months.

With reference to the tablets applicant testified that he purchased some from unauthorized sources, that some were given to him by members of the aforementioned group and that he had taken the tablets on occasions during the summer months of 1965 "to keep awake."

The crime of unlawful possession of marihuana may or may not involve moral turpitude. Where aggravating circumstances appear it has been held that such crime involves moral turpitude. Re Elig. No. 753, Bulletin 1717, Item 6.

Based on the charge, the guilty plea, the sentence of the court and all the background facts (including applicant's trafficking in marihuana) as testified by the applicant, it is my opinion the crime of which applicant was convicted in 1966 involves the element of moral turpitude.

Under the circumstances, I recommend that applicant be advised that (1) in the opinion of the Director he has been convicted of a crime involving moral turpitude; (2) the Alcoholic Beverage Law of this State (R.S. 33:1-25) provides that no license of any class shall be issued to a person convicted of a crime involving moral turpitude, and (3) R.S. 33:1-26 and Rule 1 of State Regulation No. 13 provide that no licensee shall employ or have connected with him in any business

capacity whatsoever, a person to disqualified.

I. Edward Amada,
Attorney

Approved:

JOSEPH P. LORDI,
DIRECTOR.

Dated: September 12, 1967.

5. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE
REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS,
LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

William J. Culver and Robert Culver)
t/a Chestnut Bar)
523 Newark Avenue)
Jersey City, N. J.)

CONCLUSIONS
and
ORDER

Holders of Plenary Retail Consumption)
License C-75 issued by the Municipal)
Board of Alcoholic Beverage Control)
of the City of Jersey City.)
-----)

Licensees, by Robert Culver, Pro se
Edward F. Ambrose, Esq., Appearing for Division of
Alcoholic Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that
on July 19, 1967, they sold six cans of beer for off-
premises consumption during hours prohibited by Rule 1
of State Regulation No. 38.

Absent prior record, the license will be suspended
for fifteen days, with remission of five days for the plea
entered, leaving a net suspension of ten days. Re Gural,
Bulletin 1738, Item 8.

Accordingly, it is, on this 12th day of September,
1967,

ORDERED that Plenary Retail Consumption License
C-75, issued by the Municipal Board of Alcoholic Beverage
Control of the City of Jersey City to William J. Culver
and Robert Culver, t/a Chestnut Bar, for premises 523
Newark Avenue, Jersey City, be and the same is hereby sus-
pended for ten (10) days, commencing at 2:00 a.m. Tuesday,
September 19, 1967, and terminating at 2:00 a.m. Friday,
September 29, 1967.

JOSEPH P. LORDI,
DIRECTOR.

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

In the Matter of Disciplinary
Proceedings against

Florence DeVincenzo and
Marilyn DeVincenzo
457 Fifth Street
Hoboken, N. J.

Holders of Plenary Retail Consumption
License C-47 issued by the Municipal
Board of Alcoholic Beverage Control of
the City of Hoboken.

CONCLUSIONS
and
ORDER

Julia F. Sedvydis-Hanrahan, Esq., Attorney for Licensees
Leon Chorkavy, Jr., Esq., Appearing for Division of
Alcoholic Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging
that on May 5, 1967, they possessed alcoholic beverages
in two bottles bearing labels which did not truly describe
their contents, in violation of Rule 27 of State Regula-
tion No. 20.

Absent prior record, the license will be suspended
for fifteen days, with remission of five days for the plea
entered, leaving a net suspension of ten days. Re
Causeway Inn, Inc., Bulletin 1744, Item 6.

Accordingly, it is, on this 12th day of September,
1967,

ORDERED that Plenary Retail Consumption License
C-47, issued by the Municipal Board of Alcoholic Beverage
Control of the City of Hoboken to Florence DeVincenzo and
Marilyn DeVincenzo for premises 457 Fifth Street, Hoboken,
be and the same is hereby suspended for ten (10) days,
commencing at 2:00 a.m. Tuesday, September 19, 1967, and
terminating at 2:00 a.m. Friday, September 29, 1967.

JOSEPH P. LORDI,
DIRECTOR.

7. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE
REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS,
LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Peter Della Rodolfa and Joseph
Della Rodolfa
t/a Rodolfa's
10-12 Nicholson Street
Lodi, N. J.

CONCLUSIONS
and
ORDER

Holders of Plenary Retail Consumption
License C-9 issued by the Mayor and
Council of the Borough of Lodi.

Licensees, Pro se
Edward J. Sheils, Esq., Appearing for Division of
Alcoholic Beverage Control

BY THE DIRECTOR:

Licensees plead guilty to a charge alleging that on August 11, 1967, they sold twelve cans of beer for off-premises consumption during hours prohibited by Rule 1 of State Regulation No. 38.

Licensees have a previous record of suspension of license by the Director for ten days effective September 10, 1951 and again for twenty-five days effective January 4, 1954, both for similar violation. Re Della Rodolfa, Bulletin 916, Item 16; Bulletin 997, Item 6.

The prior record of suspension of license for similar violation occurring more than ten 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 Gural, Bulletin 1738, Item 8.

Accordingly, it is, on this 12th day of September, 1967,

ORDERED that Plenary Retail Consumption License C-9, issued by the Mayor and Council of the Borough of Lodi to Peter Della Rodolfa and Joseph Della Rodolfa, t/a Rodolfa's, for premises 10-12 Nicholson Street, Lodi, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Tuesday, September 19, 1967, and terminating at 3:00 a.m. Friday, September 29, 1967.

JOSEPH P. LORDI,
DIRECTOR.

8. DISQUALIFICATION REMOVAL PROCEEDINGS - BOOKMAKING - ATTEMPTED ROBBERY - CONDUCT NOT LAW-ABIDING WITHIN PAST 5 YEARS - PETITION DENIED.

In the Matter of an Application to)
Remove Disqualification because of)
a Conviction, Pursuant to R.S. 33:)
1-31.2)

CONCLUSIONS
and
ORDER

Case No. 2143)
-----)

BY THE DIRECTOR:

Petitioner's criminal record discloses that on March 25, 1948, he was convicted in another State for bookmaking and on October 18, 1948 for attempted robbery; on his first conviction he was fined \$25.00 (or five days in jail) and on his last conviction he was sentenced to serve two and one-half to five years in a State prison and paroled in 1951.

It further appears that on February 25, 1966, petitioner was arrested for failing to comply with an order of the Hudson County Domestic Relations Court to support his wife and three minor children.

Since the crimes of which petitioner was convicted in 1948 involve the element of moral turpitude (Re Elig. No. 752, Bulletin 1714, Item 6; Re Case No. 1706, Bulletin 1477, Item 6) he was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this State. R.S. 33:1-25, 26.

At the hearing held herein petitioner (45 years old) admitted that for five years last past and at the present time, he has been living with a woman who is not his legal wife and that two children were born of the relationship.

Although more than five years have elapsed since his parole in 1951, I cannot consider that petitioner has been law-abiding during that period of time because of his unlawful cohabitation. Re Case No. 1391, Bulletin 1216, Item 3; Re Case No. 1989, Bulletin 1675, Item 7.

Accordingly, it is, on this 15th day of September, 1967,

ORDERED that petition herein be and the same is hereby denied.

JOSEPH P. LORDI,
Director.

9. DISCIPLINARY PROCEEDINGS - FRONT - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)	
)	
S. S. M. Corporation)	
t/a Thunderbird Motel)	
Between 23rd & 24th Avenue on)	CONCLUSIONS
Surf Avenue)	and
North Wildwood, N. J.,)	ORDER
)	
Holder of Plenary Retail Consumption License C-19, issued by the Mayor and Council of the City of North Wildwood.)	

Milton M. and Adrian M. Unger, Esqs., by Adrian M. Unger, Esq., Attorneys for Licensee
David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that from November 6, 1965 to October 26, 1966 it farmed out its license to one John Nero and permitted him to retain all of the profits of the licensed business upon payment of a stipulated rental fee, in violation of R.S. 33:1-25 and 52.

The unlawful situation having been corrected, 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 Through Corp., Bulletin 1732, Item 3.

Accordingly, it is, on this 14th day of September 1967,

ORDERED that Plenary Retail Consumption License C-19, issued by the Mayor and Council of the City of North Wildwood to S.S.M. Corporation, t/a Thunderbird Motel, for premises Between 23rd and 24th Avenue on Surf Avenue, North Wildwood, be and the same is hereby suspended for fifteen (15) days, commencing at 3 a.m. Saturday, September 16, 1967, and terminating at 2 a.m. Sunday,

October 1, 1967.

JOSEPH P. LORDI,
DIRECTOR.10. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT
TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS
5 FOR PLEA.In the Matter of Disciplinary)
Proceedings against)Frederick A. Hatrak & Theresa M.
Hatrak)t/a Hatrak's Musical Bar & Hotel)
407-409 Boulevard)
Seaside Heights, N. J.)CONCLUSIONS
and
ORDERHolders of Plenary Retail Consumption)
License C-17 issued by the Mayor and)
Borough Council of the Borough of)
Seaside Heights.)-----
Licensees, Pro se
Leon Chorkavy, Jr., Esq., Appearing for Division of
Alcoholic Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on April 10, 1967, they possessed alcoholic beverages in three bottles bearing labels which did not truly describe their contents, in violation of Rule 27 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 Malakauskas, Bulletin 1749, Item 3.

Accordingly, it is, on this 13th day of September, 1967,

ORDERED that Plenary Retail Consumption License C-17, issued by the Mayor and Borough Council of the Borough of Seaside Heights to Frederick A. Hatrak and Theresa M. Hatrak, t/a Hatrak's Musical Bar & Hotel, for premises 407-409 Boulevard, Seaside Heights, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Wednesday, September 20, 1967, and terminating at 2:00 a.m. Thursday, October 5, 1967.

JOSEPH P. LORDI,
DIRECTOR.11. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE
REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS,
LESS 5 FOR PLEA.In the Matter of Disciplinary)
Proceedings against)Walter Sannick)
245 Outwater Lane)
Garfield, N. J.)CONCLUSIONS
and
ORDERHolder of Plenary Retail Consumption)
License C-42, issued by the Mayor and)
Council of the City of Garfield.)

Licensee, Pro se
Edward F. Ambrose, Esq., Appearing for Division
of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, May 28, 1967, he sold two cans of beer for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Gural, Bulletin 1738, Item 8.

Accordingly, it is, on this 12th day of September, 1967,

ORDERED that Plenary Retail Consumption License C-42, issued by the Mayor and Council of the City of Garfield to Walter Sannick for premises 245 Outwater Lane, Garfield, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Tuesday, September 19, 1967, and terminating at 3:00 a.m. Friday, September 29, 1967.

JOSEPH P. LORDI,
DIRECTOR.

12. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

William F. Miller, Jr.
t/a Four-Thirty Club
432 North Broad Street
Elizabeth, New Jersey,

)
)
) CONCLUSIONS
and
) ORDER

Holder of Plenary Retail Consumption)
License C-148, issued by the City
Council of the City of Elizabeth.)

Licensee, Pro se
Leon Chorkavy, Jr., Esq., Appearing for Division of
Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on July 13, 1967, he possessed alcoholic beverages in three bottles bearing labels which did not truly describe their contents, in violation of Rule 27 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 Mahon, Bulletin 1739, Item 8.

Accordingly, it is, on this 13th day of September, 1967,

ORDERED that Plenary Retail Consumption License

C-148, issued by the City Council of the City of Elizabeth to William F. Miller, Jr., t/a Four-Thirty Club, for premises 432 North Broad Street, Elizabeth, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Wednesday, September 20, 1967, and terminating at 2:00 a.m. Thursday, October 5, 1967.

JOSEPH P. LORDI,
DIRECTOR.

13. DISCIPLINARY PROCEEDINGS - SALE OF DRINKS FOR OFF-PREMISES CONSUMPTION - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Gustave, James, Rose Triano
429- 4th Street
Union City, N. J.

CONCLUSIONS
and
ORDER

Holders of Plenary Retail Consumption License C-24, issued by the Board of Commissioners of the City of Union City.

Max & Koenig, Esqs., by Jacob E. Max, Esq., Attorneys
for Licensees
David S. Piltzer, Esq., Appearing for Division of
Alcoholic Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on August 5, 1967, they sold mixed drinks of alcoholic beverages for off-premises consumption, in violation of R.S. 33:1-2.

Reports of investigation disclose that the bartender making the sale was aware that one of the drinks was intended for consumption by a minor.

Licensees have a previous record of suspension of license by the municipal issuing authority for ten days effective June 26, 1967, for sale to minors.

The license will be suspended for ten days (cf. Re Mac's Bar & Grill, Inc., Bulletin 1721, Item 6), to which will be added five days by reason of the record of suspension of license for dissimilar violation occurring within the past five years (Re John Stark, Inc., Bulletin 1750, Item 7), or a total of fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days.

Accordingly, it is, on this 19th day of September, 1967,

ORDERED that Plenary Retail Consumption License C-24, issued by the Board of Commissioners of the City of Union City to Gustave, James, Rose Triano for premises 429- 4th Street, Union City, be and the same is hereby suspended for ten (10) days, commencing

at 3:00 a.m. Tuesday, September 26, 1967, and terminating at 3:00 a.m. Friday, October 6, 1967.

JOSEPH P. LORDI,
DIRECTOR.

14. DISCIPLINARY PROCEEDINGS - ORDER IMPOSING DEFERRED
SUSPENSION.

In the Matter of Disciplinary)
Proceedings against)

7921, Inc.)
t/a Red Hill Inn)
7921 River Road)
Pennsauken Township)
PO Delair, N. J.)

Holder of Plenary Retail Consumption)
License C-30 issued by the Township)
Committee of the Township of)
Pennsauken and transferred during)
the pendency of these proceedings to)

SUPPLEMENTAL
ORDER

George A. Skordos, George Glinos,)
Peter Anerousis and Aristotelis)
Lavdas,)
t/a Pennsauken Diner)
8700 Route 130)
Pennsauken, N. J.)

Daniel B. Toll, Esq., Attorney for Licensee
Robert T. Healey, Esq., Attorney for Transferee
David S. Piltzer, Esq., Appearing for Division of
Alcoholic Beverage Control

BY THE DIRECTOR:

On July 1, 1965, I entered an order herein suspending the license of 7921, Inc. for thirty days for undisclosed interest in the license and deferring the effective date of the suspension because the licensed business was not then being conducted by reason of destruction of the licensed premises by fire. Re 7921, Inc., Bulletin 1631, Item 3.

In the meantime, the license has been transferred to George A. Skordos, George Glinos, Peter Anerousis and Aristotelis Lavdas, thus correcting the unlawful situation.

Report of recent inspection discloses that the licensed business is now being conducted. Consequently, I am satisfied that the deferred suspension may now be imposed.

Accordingly, it is, on this 20th day of September, 1967,

ORDERED that Plenary Retail Consumption License C-30, issued by the Township Committee of the Township of Pennsauken to 7921, Inc., t/a Red Hill Inn, for premises 7921 River Road, Pennsauken, and transferred during the pendency of these proceedings to George A. Skordos, George Glinos, Peter Anerousis and Aristotelis Lavdas, t/a Pennsauken Diner, for premises

8700 Route 130, Pennsauken, be and the same is hereby suspended for thirty (30) days, commencing at 3:00 a.m. Wednesday, September 27, 1967, and terminating at 3:00 a.m. Friday, October 27, 1967.

JOSEPH P. LORDI,
DIRECTOR.

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

In the Matter of Disciplinary Proceedings against

Pethan's, Inc.

t/a "Howard Johnson's Restaurant"

Route #35, Asbury Avenue Traffic

Circle, Neptune Township

PO Box 706, Neptune, N. J.

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-18 issued by the Township Committee of the Township of Neptune.

Pappa, Yaccarino & Widman, Esqs., by Donald J. Pappa, Esq., Attorneys for Licensee
Leon Chorkavy, Jr., Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on December 27, 1966, it 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 Botto, Bulletin 1748, Item 3.

Accordingly, it is, on this 25th day of September, 1967,

ORDERED that Plenary Retail Consumption License C-18, issued by the Township Committee of the Township of Neptune to Pethan's, Inc., t/a "Howard Johnson's Restaurant", for premises on Route #35, Asbury Avenue Traffic Circle, Neptune Township, be and the same is hereby suspended for five (5) days, commencing at 3:00 a.m. Monday, October 2, 1967, and terminating at 3:00 a.m. Saturday, October 7, 1967.

Joseph P. Lordi
Director