

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

BULLETIN 1512

MAY 23, 1963

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

BULLETIN 1512

MAY 23, 1963

1. APPELLATE DECISIONS - DIEFFENBACH v. BLAIRSTOWN.

CARL F. DIEFFENBACH,)

Appellant,)

v.)

TOWNSHIP COMMITTEE OF THE)
TOWNSHIP OF BLAIRSTOWN,)

Respondent.)

ON APPEAL
CONCLUSIONS
AND ORDER

Silver & Smith Esqs., by Morris Silver, Esq., Attorneys for
Appellant.

Archie Roth, Esq., Attorney for Respondent.

BY THE ACTING DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the unanimous action of respondent in denying an application for person-to-person and place-to-place transfer of Plenary Retail Consumption License C-6 from Anne Gobright, t/a Cedar Lake Lodge, to Carl Frederick Dieffenbach and from premises on Cedar Lake Road to premises in the Dieffenbach Building, Route 94, Blairstown.

"Appellant alleged in his petition of appeal that the action of respondent denying the transfer in question was unjustified, arbitrary, capricious, unreasonable and detrimental to the rights of the appellant.

"Respondent, in its answer, denied the allegations set forth in the petition of appeal and contended that respondent used valid and reasonable discretion in denying the application for transfer which enured to the best interest and welfare of the community in that there are sufficient liquor outlets in the area to serve the public needs and convenience.

"The facts with reference to the matter of the appeal now under consideration disclose that Anne Gobright, present holder of the license, consented to transfer the license to appellant for premises owned by him on Route 94, Blairstown. The distance between the present location and the proposed location of the premises is approximately one and three-tenths miles.

"Petitions containing signatures in equal numbers for and against the transfer, respectively, were presented to the respondent and, at the hearing of the application on November 20, 1962, persons for and against the transfer were heard. At a special meeting on November 26, 1962, after consideration of the matter, the members of respondent Committee voted unanimously to deny the application 'on the grounds that the best public interest would be served by denial of the transfer.'

"Committeeman Cook, who conducted the hearing, testified that he announced at different times the purpose of the hearing and there were 'approximately 19 or 20 against it and 7 for it.' He further testified that he was of the opinion that there was no public need or necessity for another license on Route 94.

"Committeemen Jones and Meagher gave similar reasons for voting against the transfer as those expressed by Committeeman Cook.

"A transfer of a liquor license to other premises is not an inherent or automatic right. The issuing authority, in the exercise of reasonable discretion, may grant or deny the transfer of a license. If denied on a reasonable ground, such action will be affirmed. Fafalak v. Bayonne, Bulletin 95, Item 5; Van Schoick v. Howell, Bulletin 120, Item 6; Craig v. Orange, Bulletin 251, Item 4; D'Alessandro v. Parsippany-Troy Hills, Bulletin 1333, Item 1. See also Biscamp v. Teaneck, 5 N.J. Super. 172 (App. Div. 1949).

"It has long been held that the question of whether or not a license should be permitted at a particular location is one within the sound discretion of the issuing authority and that the Director's function on appeal is not to substitute his opinion for that of the issuing authority but, rather, to determine whether cause exists for its opinion and, if so, to affirm. Redfield v. Long Branch, et al., Bulletin 1027, Item 1. It is apparent by the unanimous vote of the respondent that appellant failed to satisfy the members thereof that the public interest would best be served by the transfer of the license and there is nothing in the record indicating or even suggesting that respondent's refusal to grant appellant's application was inspired by improper motives. See Fanwood v. Rocco and Division of Alcoholic Beverage Control, 59 N.J. Super. 306 (App. Div. 1960), aff'd 33 N.J. 404 (1960).

"After considering all the evidence herein, including the exhibits, I conclude that appellant has failed to sustain the burden of establishing that the action of the respondent was erroneous, arbitrary, capricious and unreasonable or constituted an abuse of its discretionary power. Rule 6 of State Regulation No. 15. It is recommended, therefore, that an order be entered affirming respondent's action and dismissing the appeal."

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

After carefully considering the evidence herein, I concur in the findings and conclusions of the Hearer and shall adopt his recommendation.

Accordingly, it is, on this 17th day of April 1963,

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

EMERSON A. TSCHUPP
ACTING DIRECTOR

3. DISCIPLINARY PROCEEDINGS - SALE FOR RESALE - AIDING AND ABETTING SALE WITHOUT LICENSE - PERMITTING SALE TO A MINOR - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JOSEPH S. STOLARZ)
 t/a STOLARZ TAVERN & CRYSTAL BALLROOM)
 83 Passaic Street)
 Passaic, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-123, issued by the Board of Commissioners of the City of Passaic.)

 Edwin J. Nyklewicz, Esq., Attorney for Licensee.
 Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to charges alleging that on January 18, 1963, he (1) sold alcoholic beverages to a social organization for resale by it, in violation of R.S. 33:1-2, (2) aided and abetted the organization, not the holder of any social affair permit, to sell alcoholic beverages, in violation of R.S. 33:1-52, and (3) permitted sale of a glass of beer to a minor, age 19, in violation of Rule 1 of State Regulation No. 20.

Reports of investigation disclose that the licensee agreed to furnish the Apollo's A. C., a social organization, with its requirements for beer at \$22 per half-barrel to serve persons attending the social affair of Apollo's A. C. conducted at the licensed premises, to which persons attending were charged \$1.75 admission, which charge included service of the beer to the attendants. One who was served the beer was the 19-year-old minor, the subject of the third charge.

Absent prior record, the license will be suspended on the first and second charges for five days (Re Uszenski, Bulletin 1334, Item 4) and on the third charge for fifteen days (Re D.E.L. Corp., Bulletin 1495, Item 3) or a total of twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days.

Accordingly, it is, on this 8th day of April, 1963,

ORDERED that Plenary Retail Consumption License C-123, issued by the Board of Commissioners of the City of Passaic to Joseph S. Stolarz, t/a Stolarz Tavern & Crystal Ballroom, for premises 83 Passaic Street, Passaic, be and the same is hereby suspended for fifteen (15) days, commencing at 3:00 a.m. Monday, April 15, 1963, and terminating at 3:00 a.m. Tuesday, April 30, 1963.

EMERSON A. TSCHUPP
 ACTING DIRECTOR

4. DISCIPLINARY PROCEEDINGS - ORDER LIFTING SUSPENSION FOR ONE DAY AND EXTENDING SUSPENSION FOR ONE DAY.

In the Matter of Disciplinary Proceedings against)

JOSEPH S. STOLARZ t/a STOLARZ TAVERN & CRYSTAL BALLROOM 83 Passaic Street Passaic, N. J.)

AMENDED ORDER

Holder of Plenary Retail Consumption License C-123, issued by the Board of Commissioners of the City of Passaic.)

Edwin J. Nyklewicz, Esq., Attorney for Licensee. Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

On April 8, 1963, I entered an order suspending the license herein for a period of fifteen days commencing on April 15, 1963, and terminating on April 30, 1963. Re Stolarz, Bulletin 1512, Item 3. The licensee has now filed a petition requesting that the effect of the suspension be lifted for one day, viz., Sunday, April 21, 1963, to permit the conduct of a previously arranged engagement party at which alcoholic beverages will be served on the licensed premises on that date. For good cause appearing, I shall grant the petition. Re The Ulster Club of New Jersey, Inc., Bulletin 1477, Item 12.

Accordingly, it is, on this 16th day of April, 1963,

ORDERED that the previous order of suspension herein be and the same is hereby amended in accordance herewith; and it is further

ORDERED that Plenary Retail Consumption License C-123, issued by the Board of Commissioners of the City of Passaic to Joseph S. Stolarz, t/a Stolarz Tavern & Crystal Ballroom, for premises 83 Passaic Street, Passaic, be and the same is hereby suspended for fifteen (15) days, commencing at 3:00 a.m. Monday, April 15, 1963, and terminating at 3:00 a.m. Sunday, April 21, 1963, and again commencing at 3:00 a.m. Monday, April 22, 1963, and terminating at 3:00 a.m. Wednesday, May 1, 1963.

EMERSON A. TSCHUPP ACTING DIRECTOR

5. STATUTORY AUTOMATIC SUSPENSION - SUPPLEMENTAL ORDER LIFTING SUSPENSION.

Auto.Susp.#223)
 In the Matter of a Petition to Lift)
 the Automatic Suspension of Plenary)
 Retail Consumption License C-25, issued)
 by the Borough Council of the Borough)
 of South River to)
 ALFRED HILLMAN)
 t/a HILLMAN'S BAR)
 18 Washington Street)
 South River, N. J.)

ON PETITION
SUPPLEMENTAL
ORDER

Robert W. Wolfe, Esq., Attorney for Petitioner.

BY THE ACTING DIRECTOR:

On March 6, 1963, an order was entered temporarily staying statutory automatic suspension of license of petitioner pending determination of disciplinary proceedings against the licensee.

It now appears from supplemental petition filed herein that in disciplinary proceedings conducted by the municipal issuing authority, the license was suspended for twenty-seven days, commencing April 1, 1963, after the licensee was found guilty on a charge alleging sale of alcoholic beverages to the same minor (plus related charges), which sale was the subject of the previous criminal conviction. It appearing that the suspension is adequate, I shall lift the automatic suspension in anticipation of the service of the municipal suspension.
Re Began, Bulletin 1492, Item 4.

Accordingly, it is, on this 9th day of April, 1963,

ORDERED that the statutory automatic suspension of said license C-25 be and the same is hereby lifted, effective immediately.

EMERSON A. TSCHUPP
ACTING DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE
SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

2 TONY'S, INC.)
t/a ANGEL LOUNGE)
501 Baldwin Avenue)
Lodi, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-33, issued by the Mayor)
and Council of the Borough of Lodi.)

Robert W. Wolfe, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for the Division of
Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on
March 23, 1963, it sold mixed drinks of alcoholic beverages to
two minors, one age 18 and one age 20, in violation of Rule 1
of State Regulation No. 20.

Although licensee has no previous record, the license
then held in partnership by Anthony Grasso and Anthony Perillo,
the principal stockholders of the licensee, was suspended by
the Director for ten days, effective January 21, 1957, for
permitting the playing of indecent phonograph records.
Re Perillo & Grasso, Bulletin 1157, Item 8.

The prior record of 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 Alaburda, Bulletin 1488, Item 8.

Accordingly, it is, on this 9th day of April, 1963,

ORDERED that Plenary Retail Consumption License C-33,
issued by the Mayor and Council of the Borough of Lodi to
2 Tony's, Inc., t/a Angel Lounge, for premises 501 Baldwin
Avenue, Lodi, be and the same is hereby suspended for ten (10)
days, commencing at 3:00 a.m. Tuesday, April 16, 1963, and
terminating at 3:00 a.m. Friday, April 26, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

7.

ACTIVITY REPORT FOR APRIL 1963

ARRESTS:

Total number of persons arrested - - - - -		16
Licensees and employees - - - - -	11	
Bootleggers - - - - -	5	

SEIZURES:

Stills - over 50 gallons - - - - -		2
Mash - gallons - - - - -		7,915
Distilled alcoholic beverages - gallons - - - - -		12,478
Wine - gallons - - - - -		1,468
Brewed malt alcoholic beverages - gallons - - - - -		2,156

RETAIL LICENSEES:

Premises inspected - - - - -		1,116
Premises where alcoholic beverages were gauged - - - - -		624
Bottles gauged - - - - -		9,326
Premises where violations were found - - - - -		150
Violations found - - - - -		192
Reg. #38 sign not posted - - - - -	56	Other mercantile business - - - - - 14
Unqualified employees - - - - -	31	Disposal permit necessary - - - - - 4
Application copy not available - - - - -	31	Other violations - - - - - 36
Prohibited signs - - - - -	20	

STATE LICENSEES:

Premises inspected - - - - -		29
License applications investigated - - - - -		14

COMPLAINTS:

Complaints assigned for investigation - - - - -		452
Investigations completed - - - - -		485
Investigations pending - - - - -		146

LABORATORY:

Analyses made - - - - -		115
Refills from licensed premises - bottles - - - - -		54
Bottles from unlicensed premises - - - - -		17

IDENTIFICATION:

Criminal fingerprint identifications made - - - - -		9
Persons fingerprinted for non-criminal purposes - - - - -		327
Identification contacts made with other enforcement agencies - - - - -		244
Motor vehicle identifications via N.J. State Police teletype - - - - -		1

DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities - - - - -		9
Violations involved - - - - -		10
Sale to minors - - - - -	5	Sale during prohibited hours - - - - - 2
Possessing chilled beer (DL. licensee) - - - - -	2	Sale outside scope of license - - - - - 1
Cases instituted at Division - - - - -		18
Violations involved - - - - -		27
Sale during prohibited hours - - - - -	4	Permitting bookmaking on premises - - - - - 1
Possessing liquor not truly labeled - - - - -	3	Permitting lottery activity (numbers) on premises - - - - - 1
Sale to minors - - - - -	2	Failure to close prem. dur. proh. hours - - - - - 1
Permitting immoral activity on premises - - - - -	2	Failure to afford view into premises during prohibited hours - - - - - 1
Sale below filed price - - - - -	2	Conducting business as a nuisance - - - - - 1
Fraud and front - - - - -	2	Permitting gambling ("Liar's Poker") on premises - - - - - 1
Unqualified employees - - - - -	2	Failure to file notice of chge in-appl. - - - - - 1
Serving beverage other than ordered - - - - -	1	
Sale to intoxicated person - - - - -	1	
Possessing indecent matter - - - - -	1	
Cases brought by municipalities on own initiative and reported to Division - - - - -		18
Violations involved - - - - -		20
Sale to minors - - - - -	13	Permitting hostesses on premises - - - - - 1
Sale during prohibited hours - - - - -	4	Permitting gambling (cards) on prem. - - - - - 1
Conducting business as a nuisance - - - - -	1	

HEARINGS HELD AT DIVISION:

Total number of hearings held - - - - -		35
Appeals - - - - -	3	Eligibility - - - - - 8
Disciplinary proceedings - - - - -	23	Tax revocations - - - - - 1

STATE LICENSES AND PERMITS ISSUED:

Total number issued - - - - -		3,040
Licenses - - - - -	6	Social affair permits - - - - - 401
Solicitors' permits - - - - -	52	Miscellaneous permits - - - - - 222
Employment permits - - - - -	2,298	Transit insignia - - - - - 30
Disposal permits - - - - -	28	Transit certificates - - - - - 3

OFFICE OF AMUSEMENT GAMES CONTROL:

Licenses issued - - - - -	125	Premises where violations were found - - - - - 1
Premises inspected - - - - -	48	Number of violations found - - - - - 2
Enforcement files established - - - - -	11	No Mun. or State license - - - - - 2

EMERSON A. TSCHUPP
 ACTING DIRECTOR OF ALCOHOLIC BEVERAGE CONTROL
 ACTING COMMISSIONER OF AMUSEMENT GAMES CONTROL

Dated: May 6, 1963

8. DISCIPLINARY PROCEEDINGS - GAMBLING (HORSE RACE BETS) -
LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

MORRIS A. DEUTSCH
t/a MORRIS'S BAR
577-C New Brunswick Ave.
Woodbridge Township
PO Fords, N. J.

)
)
) CONCLUSIONS
) AND ORDER
)
)

Holder of Plenary Retail Consumption License C-21, issued by the Township Committee of the Township of Woodbridge.

Warren W. Wilentz, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 8 and 13, 1963, he permitted the acceptance of horse race bets, in violation of Rule 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for the minimum period of twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re Seven Seas Cafe, Inc., Bulletin 1488, Item 9.

Accordingly, it is, on this 10th day of April, 1963,

ORDERED that Plenary Retail Consumption License C-21, issued by the Township Committee of the Township of Woodbridge to Morris A. Deutsch, t/a Morris's Bar, for premises 577-C New Brunswick Avenue, Woodbridge, be and the same is hereby suspended for twenty (20) days, commencing 2:00 a.m. Wednesday, April 17, 1963, and terminating at 2:00 a.m. Tuesday, May 7, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

9. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
Labeled - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

PETER McANDREW)
1615 Summit Avenue)
Union City, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-206, issued by the Board of Commissioners of the City of Union City.)

Licensee, Pro se.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 11, 1963, he possessed alcoholic beverages in five 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-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re Rubin, Bulletin 1494, Item 11.

Accordingly, it is, on this 10th day of April, 1963,

ORDERED that Plenary Retail Consumption License C-206, issued by the Board of Commissioners of the City of Union City to Peter McAndrew for premises 1615 Summit Avenue, Union City, be and the same is hereby suspended for twenty (20) days, commencing at 3:00 a.m. Wednesday, April 17, 1963, and terminating at 3:00 a.m. Tuesday, May 7, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

10. DISCIPLINARY PROCEEDINGS * SALE IN VIOLATION OF MUNICIPAL HOURS ORDINANCE - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against VINCENT A. MEEHAN t/a V. MEEHAN'S CAFE 401 Ocean Avenue Jersey City, N. J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-15, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

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

BY THE ACTING DIRECTOR:

Licensee pleads non vult to charges alleging that on Sunday, March 31, 1963, at 12:15 p.m., he sold one case and a six-pack of cans of beer (1) and (2) in violation of local hours regulation and (3) in violation of Rule 1 of State Regulation No. 38.

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 Auriemma, Bulletin 1444, Item 10.

Accordingly, it is, on this 10th day of April, 1963,

ORDERED that Plenary Retail Consumption License C-15, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Vincent A. Meehan, t/a V. Meehan's Cafe, for premises 401 Ocean Avenue, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Wednesday, April 17, 1963, and terminating at 2:00 a.m. Thursday, May 2, 1963.

EMERSON A. TSCHUPP ACTING DIRECTOR

11. DISCIPLINARY PROCEEDINGS - POSSESSION OF PIN BALL MACHINE - POSSESSION OF DEVICES IN NATURE OF SLOT MACHINE - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)	
)	
POLISH AMERICAN CITIZENS' CLUB)	
1038 Lowell Street)	CONCLUSIONS
Camden 4, N. J.)	AND ORDER
)	
Holder of Club License CB-24, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.)	
)	

 Raymond W. Uliase, Esq., Attorney for Licensee.
 Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to charges alleging that on January 30, 1963, it possessed (1) a pinball machine, in violation of Rule 7 of State Regulation No. 20, and (2) two devices in the nature of slot machines, in violation of Rule 8 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for five days, effective May 19, 1938, and again for five days, effective June 24, 1939, both for local hours violation, and by the then Commissioner for fifty-five days, effective February 9, 1943, for local hours violation, sale to non-members and minors, and false statement in the application for license. Re Polish American Citizens' Club, Bulletin 553, Item 8.

The prior record of dissimilar violations disregarded because occurring more than five years ago, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Cf. Re Court Lakewood #127, Foresters of America, Bulletin 1449, Item 4; Re Gold Corporation, Bulletin 1399, Item 9.

Accordingly, it is, on this 15th day of April, 1963,

ORDERED that Club License CB-24, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Polish American Citizens' Club for premises 1038 Lowell Street, Camden, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, April 22, 1963, and terminating at 2:00 a.m. Saturday, April 27, 1963.

EMERSON L. TSCHUPP
ACTING DIRECTOR

12. DISCIPLINARY PROCEEDINGS - SALE BELOW FILED PRICE -
LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

SAMUEL BOOKBINDER)
t/a BOOKBINDER'S LIQUOR STORE)
316 High Street)
Burlington, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distribution License D-7, issued by the Common Council of the City of Burlington.)

Sidney W. Bookbinder, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for the Division of
Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 30, 1963, he sold a four-fifth quart bottle of whiskey below filed price, in violation of Rule 5 of State Regulation No. 30.

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 Ginsburg, Bulletin 1498, Item 8.

Accordingly, it is, on this 15th day of April, 1963,

ORDERED that Plenary Retail Distribution License D-7, issued by the Common Council of the City of Burlington to Samuel Bookbinder, t/a Bookbinder's Liquor Store, for premises 316 High Street, Burlington, be and the same is hereby suspended for five (5) days, commencing at 9:00 a.m. Monday, April 22, 1963, and terminating at 9:00 a.m. Saturday, April 27, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

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

In the Matter of Disciplinary)
Proceedings against)

ANNA LEMONGELLI)
t/a Club Carmen)
28 Columbia Street)
Newark 2, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-771, issued by the Municipal)
Board of Alcoholic Beverage Control)
of the City of Newark.)

Foley and Manzione, Esqs., by Joseph A. Manzione, Attorneys
for Licensee.
David S. Piltzer, Esq., Appearing for the Division of
Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on
February 27, 1963, she possessed an alcoholic beverage in one
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 Guadagno, Bulletin
1501, Item 9.

Accordingly, it is, on this 15th day of April, 1963,

ORDERED that Plenary Retail Consumption License C-771,
issued by the Municipal Board of Alcoholic Beverage Control of
the City of Newark to Anna Lemongelli, t/a Club Carmen, for
premises 28 Columbia Street, Newark, be and the same is
suspended for five (5) days, commencing at 2:00 a.m. Monday,
April 22, 1963, and terminating at 2:00 a.m. Saturday, April 27,
1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

14. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto.Susp.#226)
 In the Matter of a Petition to Lift)
 the Automatic Suspension of Plenary)
 Retail Distribution License D-8,)
 issued by the Board of Commissioners) ON PETITION
 of the Town of West New York to) ORDER
)
 EDWIN & ELIZABETH KONRAD)
 t/a KONRAD'S WINE & LIQUOR)
 6057 Palisade Avenue)
 West New York, N. J.)

Victor P. Mullica, Esq., Attorney for Licensees.

BY THE ACTING DIRECTOR:

It appears from the petition filed herein and the records of this Division that on January 3, 1963, Edwin Konrad, one of the licensees-petitioners, was fined \$25 in the West New York Municipal Court after pleading guilty to a charge of sale of alcoholic beverages to a minor on October 19, 1962, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of the license for the balance of its term. R.S. 33:1-31.1. The suspension has not been effectuated because of the pendency of this proceeding.

It further appears that the municipal issuing authority has suspended the license for twenty-five days (excluding Sundays) from March 18 to April 16, 1963, after plea of guilty to a charge in disciplinary proceedings alleging the same sale to the minor. It appearing that the suspension has been served, I shall lift the automatic suspension. Re Rusin, Bulletin 1499, Item 7.

Accordingly, it is, on this 16th day of April, 1963,

ORDERED that the statutory automatic suspension of said license D-8 be and the same is hereby lifted, effective immediately.

EMERSON A. TSCHUPP
ACTING DIRECTOR

