

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

BULLETIN 1912

June 25, 1970

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

BULLETIN 1912

June 25, 1970

NEW LEGISLATION - CHANGE IN CERTAIN LICENSE AND PERMIT FEES.

Assembly No. 1024 (1970) was approved by the Governor on May 29, 1970 and thereupon became Chapter 78 of the Laws of 1970. The Act amends the designated sections of our Alcoholic Beverage Law to change fees, with respect to licenses effective July 1, 1970, as follows:

R.S. 33:1-10(1a). Plenary brewery license -- increase from \$5,000.00 to \$7,500.00.

R.S. 33:1-10(1b). Limited brewery license.

To brew not more than 50,000 barrels -- increase from \$625.00 to \$1,000.00.

To brew between 50,000 and 100,000 barrels -- increase from \$1,250.00 to \$2,000.00.

To brew between 100,000 and 200,000 barrels -- increase from \$2,500.00 to \$4,000.00.

To brew between 200,000 and 300,000 barrels -- increase from \$3,750.00 to \$6,000.00.

R.S. 33:1-10(2a). Plenary winery license -- increase in the basic fee from \$650.00 to \$750.00, and in the two additional fees for retail privileges from \$100.00 to \$200.00 and from \$500.00 to \$600.00, respectively.

R.S. 33:1-10(2b). Limited winery license.

To manufacture between 2,500 and 5,000 gallons -- increase from \$200.00 to \$400.00.

To manufacture between 1,000 and 2,500 gallons -- increase from \$100.00 to \$200.00.

To manufacture less than 1,000 gallons -- increase from \$50.00 to \$100.00.

R.S. 33:1-10(3a). Plenary distillery license -- increase from \$5,000.00 to \$10,000.00.

R.S. 33:1-10(3b). Limited distillery license -- increase from \$2,000.00 to \$3,000.00.

R.S. 33:1-10(3c). Supplementary limited distillery license.

To bottle and rebottle not more than 5,000 wine gallons -- increase from \$100.00 to \$250.00.

To bottle and rebottle not more than 10,000 wine gallons -- increase from \$250.00 to \$500.00.

To bottle and rebottle more than 10,000 wine gallons -- increase from \$500.00 to \$1,000.00.

R.S. 33:1-10(4). Rectifier and blender license -- increase from \$2,500.00 to \$5,000.00.

R.S. 33:1-11(1). Plenary wholesale license -- increase from \$3,000.00 to \$6,000.00.

R.S. 33:1-11(2a). Limited wholesale license -- increase from \$900.00 to \$1,500.00.

R.S. 33:1-11(2b). Wine wholesale license -- increase from \$1,500.00 to \$2,500.00.

R.S. 33:1-11(2c). State beverage distributor's license -- increase from \$625.00 to \$750.00.

R.S. 33:1-13. Transportation license -- increase from \$200.00 to \$500.00.

R.S. 33:1-14(1). Public warehouse license -- increase from \$200.00 to \$400.00.

R.S. 33:1-14(2). Broker's license -- increase from \$200.00 to \$400.00.

R.S. 33:1-26. Place-to-Place transfer of all licenses -- changed from \$5.00 to 10% of the annual license fee.

R.S. 33:1-28. Transit insignia (for transportation of alcoholic beverages by licensees in their own vehicles) -- increase from \$8.00 to \$10.00.

R.S. 33:1-67. Solicitors' permits -- increase from \$10.00 to \$15.00 for permit to solicit sale of malt alcoholic beverages; increase from \$15.00 to \$25.00 for permit to solicit sale of other alcoholic beverages. A separate fee is now payable for each vendor designated in the permit.

R.S. 33:1-72. License for sale of warehouse receipts -- increase from \$200.00 to \$300.00.

Dated: June 1, 1970

2. RETAIL LICENSES - NOTICE TO RETAIL LICENSEES OF EFFECT OF AMENDMENT TO ALCOHOLIC BEVERAGE LAW - LICENSE APPLICATIONS - COPY OF APPLICATION TO BE FILED WITH DIRECTOR WITH \$25.00 FEE - CHANGES IN FACTS IN APPLICATIONS - NOTICE TO DIRECTOR REQUIRED - RETAIL LICENSES ISSUED BY DIRECTOR - FEE INCREASED.

TO ALL RETAIL LICENSEES:

On May 29, 1970, Governor Cahill signed into law P.L. 1970, Ch. 77, effective immediately, amending the State Alcoholic Beverage Law to require that every person who files with a municipal license issuing authority an application for retail license, including renewal or transfer thereof, shall, within 10 days of such filing, file with the Director of Alcoholic Beverage Control a copy of such application together with a filing fee of \$25.00. Changes in facts set forth in such application, such as the transfer of shares of stock of a corporate licensee, also must now within 10 days of such change be communicated in writing to the Director, as well as to the municipal issuing authority as in the past. Additionally, the new law has raised from \$10.00 to \$35.00 the supplemental fee payable to the Director by applicants who file application for retail license with the Director, rather than the municipal issuing authority, because they are a member of such issuing authority or they are a corporation, organization or association in which any such member is interested.

Accordingly, all retail licensees who are about to file, or have already filed, with their municipal issuing authority application for renewal of their current licenses, must within 10 days of such filing, or within 10 days of receipt of this notice if they have already filed the application, forward to this office a copy of such renewal application together with payment of \$25.00 to the order of the Division of Alcoholic Beverage Control. Upon receiving the application copy and such payment, the Division will forward to the licensee a receipt thereof and a copy of this receipt will be forwarded to the municipal issuing authority. Each municipal issuing authority has been instructed not to issue any license unless and until a copy of such receipt pertaining to the applicant licensee has been received from this Division or the applicant. Also, non-compliance with the new law is cause for suspension or revocation of license.

Additionally, all retail licensees are notified that all future filing of applications with a municipal issuing authority for a new license or transfer of existing licenses person-to-person, place-to-place, or both, must likewise be followed, within 10 days of such filing, by the filing by the applicant with this Division of a copy of such application together with payment of a \$25.00 filing fee. The above described receipt procedure will likewise be employed in connection with such applications.

Your cooperation is requested to ensure prompt and full compliance with the new law.

RICHARD C. McDONOUGH
DIRECTOR

Dated: June 1, 1970

3. NOTICE TO MUNICIPAL LICENSE ISSUING AUTHORITIES - EFFECT OF AMENDMENT TO ALCOHOLIC BEVERAGE LAW UPON RENEWAL OR ISSUANCE OF RETAIL LICENSES.

TO ALL MUNICIPAL LICENSE ISSUING AUTHORITIES:

On May 29, 1970, Governor Cahill signed into law P.L. 1970, Ch. 77, effective immediately, amending the State Alcoholic Beverage Law to require every person who files with a municipal license issuing authority an application for retail license, including renewal or transfer thereof, shall, within 10 days of such filing, file with the Director of Alcoholic Beverage Control a copy of such application together with a filing fee of \$25.00. Changes in facts set forth in such application, such as the transfer of shares of stock of a corporate licensee, also must now within 10 days of such change be communicated in writing to the Director, as well as to the municipal issuing authority as in the past. Additionally, the new law has raised from \$10.00 to \$35.00 the supplemental fee payable to the Director by applicants who file application for retail license with the Director, rather than the municipal issuing authority, because they are a member of such issuing authority or they are a corporation, organization or association in which any such member is interested.

Accordingly, a notice has this day been forwarded to each retail licensee in the State advising them of the requirements of the new law. Copy of this notice is attached and is self-explanatory.

Your issuing authority should cooperate with the implementation of the new law by supplying to each applicant for renewal or other license an extra application form and by not issuing any renewal or other license unless and until you receive from this office or the applicant a copy of the Division receipt to the applicant signifying that the license application has been filed with and the \$25.00 filing fee paid to this Division. If you should have any question concerning the procedures under the new law, please contact this office.

Thank you for your cooperation.

RICHARD C. McDONOUGH
DIRECTOR

Dated: June 1, 1970

4. NEW LEGISLATION - AMENDMENT TO SECTIONS OF ALCOHOLIC BEVERAGE LAW - AMENDMENT TO R.S. 33:1-20 - LICENSE TO MEMBER OF MUNICIPAL ISSUING AUTHORITY. AMENDMENT TO R.S. 33:1-25 - APPLICANTS FOR MUNICIPAL LICENSE TO FILE WITH STATE DIRECTOR COPY OF LICENSE APPLICATION TOGETHER WITH \$25.00 FILING FEE. AMENDMENT TO R.S. 33:1-34 - NOTICE OF CHANGE IN FACTS IN APPLICATION TO BE FILED WITH DIRECTOR.

On May 29, 1970, the Governor signed into law Assembly No. 953, which thereupon became Chapter 77 of the Laws of 1970, effective immediately. The act amended R.S. 33:1-20, 25 and 34 as follows (underscoring new, deleted matter bracketed):

R.S. 33:1-20. "No license other than a club license shall be issued under this chapter by any issuing authority to any member thereof or to any corporation, organization or association in which any member thereof is interested directly or indirectly; but in any such case application for such license may be made by such member, corporation, organization or association directly to the [commissioner] director who is hereby authorized to issue such license, subject to rules and regulations, upon the same terms and conditions and for the same fee as other licenses of the same class are issued or are issuable by the said governing board or body. In addition to the fee for such license, which shall be payable to the municipality, a fee of [\$10.00] \$35.00 shall be payable to the [commissioner] director to be accounted for by him as are license fees."

R.S. 33:1-25. The following paragraph was added prior to the last paragraph of this section:

"Every person filing an application for license, renewal of license or transfer of license with a municipal issuing authority, shall, within 10 days of such filing, file with the director a copy of such application together with a nonreturnable filing fee of \$25.00."

R.S. 33:1-34. "Whenever any change shall occur in the facts as set forth in any application for license, the licensee shall file with the [commissioner or] director and the other issuing authority, [as the case may be] where applicable, a notice in writing of such change within 10 days after the occurrence thereof; said change, when so notified, shall thereupon become part of said application for license to the end that subsequent changes must likewise be so notified; but no notice need be given by corporate licensees of changes in stockholdings therein unless and until the aggregate of such changes, if made before the time of said application, would have prevented the issuance of the license."

5. ELECTION DAY SALES - NOTICE OF INTENTION TO AMEND REGULATION NO. 20, RULE 2 - PUBLIC HEARING SCHEDULED.

Richard C. McDonough, Director of the Division of Alcoholic Beverage Control, pursuant to authority delegated in N.J.S.A. 33:1-39, proposes to amend N.J.A.C. 13:2-215 (Rule 2 of Division Regulation No. 20) of the rules of the Division of Alcoholic Beverage Control concerning alcoholic beverage activity during elections as follows (additions indicated in bold face thus, deletions indicated within brackets [thus]):

13:2-215 (Rule 2 of Division Regulation No. 20). Elections.

No licensee shall sell or offer for sale at retail or deliver to any consumer any alcoholic beverage, or allow, permit or suffer the consumption of any alcoholic beverage in or upon the licensed premises while the polls are open for voting in any municipality in which [any of the following elections] an election is being held [(1) general election, (2) primary election, (3) any special election pursuant to the Election Law (Title 19 of the Revised Statutes), (4) any election for municipal officials, (5) any election for adoption of or change in the form of municipal government, (6) any other election during which sales] and the sale of alcoholic beverages [are] is prohibited during such election by municipal ordinance [in the particular municipality].

Interested persons may present statements or comments concerning the proposed action at a public hearing to be held on Thursday, June 25, 1970 at 10:00 A.M. at the Division of Alcoholic Beverage Control, Room 101, 1100 Raymond Boulevard, Newark, New Jersey, 07102 or may present or mail statements in writing relative to the proposed amendment on or before June 25, 1970 to the Director, Division of Alcoholic Beverage Control, 1100 Raymond Boulevard, Newark, New Jersey 07102.

After full consideration of all matters respecting the proposed amendment, the Division of Alcoholic Beverage Control, upon its own motion, or at the instance of any interested party, may thereafter adopt the proposed amendment substantially as set forth without any further notice.

Richard C. McDonough, Director

Dated: June 1, 1970

6. APPELLATE DECISIONS - PARKWAY HOUSE, INC. v. TOWNSHIP OF NEPTUNE.

Parkway House, Inc.,)	
Appellant,)	
v.)	On Appeal
Township Committee of the)	CONCLUSIONS AND
Township of Neptune,)	ORDER
Respondent.)	

Abraham R. Klitzman, Esq., by Franklin A. Goldstein, Esq.,
Attorney for Appellant.
Stout, O'Hagan, DeVito & Hertz, Esqs., by Sidney Hertz, Esq.,
Attorneys for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

On June 17, 1969 respondent Township Committee of the Township of Neptune (hereinafter Committee) denied appellant's application for a plenary retail consumption license for the balance of the 1968-69 licensing period for motel premises 3500 Route #33, Neptune Township. In its adoptive resolution the Committee gave as its reasons for the denial that (a) the motel operated by appellant contained less than one hundred guest sleeping rooms; (b) there is no public necessity for the said issuance and that grant of the application would be "detrimental to the best interests of said Township;" and (c) "there are various objectors to the issuance of the license."

In its petition of appeal appellant alleges that there is a need for an additional license at the Sun Motel operated by appellant at these premises and that appellant requested grant of the license "on condition that Appellant would construct additional units to meet the requisite 100 guest sleeping rooms ..."

The answer of the Committee admits the jurisdictional allegations and denies the substantive allegations of the petition. It sets up as a separate defense that the appeal was not taken within the time permitted under Rule 3 of State Regulation No. 15 and therefore moves to dismiss the said petition.

The appeal was heard de novo pursuant to Rule 6 of State Regulation No. 15, with full opportunity for counsel to present testimony under oath and cross-examine witnesses.

I

Preliminary to discussion of the substantive issue upon which I have determined to base my findings, certain jurisdictional matters raised require disposition.

Respondent moved to dismiss the petition of appeal on the ground that it was not filed within the time required by Rule 3 of State Regulation No. 15. The record reflects the fact that, although the resolution was adopted on June 17, 1969, notice of the Committee's action was mailed to appellant on October 3, 1969. Since the appeal was filed at this office on October 31, 1969, such filing was timely made.

Appellant filed its application for a plenary retail consumption license for a motel of one hundred sleeping rooms or more. R.S. 33:1-12.20, as amended, effective January 1, 1969, states:

"Nothing in this act shall prevent the issuance, in a municipality, of a new license to a person who operates a hotel or motel containing 100 guest sleeping rooms or who may hereafter construct and establish a new hotel or motel containing at least 100 guest sleeping rooms."

Appellant admits that its motel presently contains ninety-four sleeping rooms and this was supported by inspection and report by the Township Clerk. Thus the question arises whether the stated intention of appellant to construct additional sleeping rooms to the present existing motel in order to bring the number within the provisions of the aforementioned statute would constitute its motel as a new motel. This matter need not be resolved at this time in view of the other issues determined infra.

In any event, appellant admits that no plans and specifications were filed with the Committee at the time of the filing of the application, as required by Rule 1 of State Regulation No. 2, which states in pertinent part:

"... If the application is for a building not yet constructed, plans of the proposed building shall accompany the application. The plans shall show the appearance and design of the proposed building, the type or types of exterior building material and the over-all and room dimensions."

The failure to file plans with the application and to insert notice of such filing when advertising the notice of application in cases where the building is not yet constructed or completed deprives the local issuing authority of jurisdiction to act upon the application. Birdsall v. Mullica, Bulletin 1320, Item 3; Lang v. Clifton, Bulletin 1367, Item 6; Sussex Bar and Grill (corp.) v. Wood-Ridge, Bulletin 1154, Item 3.

II

Notwithstanding the aforementioned, proofs were adduced at this plenary de novo hearing on the substantive issue which are persuasive that the appeal be dismissed. A brief history of prior applications by appellant would be helpful.

On August 20, 1963 the Committee denied appellant's application for a plenary retail consumption license for the same motel premises (appellant then operating under the name Sun Motel, Inc.) and based its determination upon the fact that

there were sufficient liquor outlets to supply public need within the vicinity of appellant's premises and that the proximity of appellant's motel to three churches made approval inimical to the public interests. This denial was affirmed by the Director on January 7, 1964. Sun Motel, Inc. v. Neptune Township, Bulletin 1548, Item 3. On May 19, 1964 appellant again filed an application for such license at the same location and its application was denied for substantially the same reasons. Denial was thereupon affirmed by the Director on February 3, 1965. Sun Motel, Inc. v. Neptune Township, Bulletin 1606, Item 1.

The evidence in this case indicates that the Committee has not changed its policy. The same situation with respect to the existence and proximity of the churches appears in the record before me. Three clergymen appeared at this plenary de novo hearing and voiced objections to the issuance of a license for these premises. It was pointed out that Neptune Township has issued twenty consumption licenses, five distribution licenses and six club licenses, and has a population of 21,487 according to the 1960 Federal census. The last estimate made by the Monmouth County Planning Board put the present population at approximately 26,000. The objections of the clergymen may be summarized as follows: The premises are located in a residential area and are in close proximity to three churches -- Holy Innocents Roman Catholic Church, directly across the highway from appellant's property, operates a grammar school having a matriculation of 345 students. All these churches have expanded their facilities. The clergymen said that they and their parishioners are opposed to the introduction of a liquor license because of the activities of the churches involving children and young people every day of the week. The Lutheran Church caters also to adults and young people numbering about 1,200. They asserted that the license would not be in the best interests of the community and would have an adverse effect upon the congregants and the residents of the municipality.

Five residents of the community who appeared at this hearing as objectors to the issuance of the license stated that their testimony would be the same as that of Edward J. Logal (an objector). Mr. Logal testified that the issuance of said license would create traffic hazards to children and other people traveling on the very busy highway on which the premises are located. The issuance of a license would increase the patronage at the motel and cause an overflow of automobiles at that location.

Joseph Wardell (Mayor of the Township and a member of the Committee) testified that he voted to deny the application because he felt there were adequate liquor facilities in the municipality and the grant of this license would be a detriment to the community. He also considered the objections of residents, the proximity to the churches, the lack of public need and the available liquor outlets in that Township.

Herman S. Johnson (a member of the Committee) reiterated the reasons set forth by the Mayor and stated that he voted to deny the application for those reasons.

It is clear that the same facts existed at the time of this appeal as existed at the time of the prior appeals.

The only difference appears to be the change in the law authorizing a municipality to issue a new license, in its discretion, if the motel contained one hundred or more guest sleeping rooms. Both the Mayor and the committeeman who testified were members of the Township Committee when the prior applications were considered and determined. Thus it is crystal clear that there has been neither a change of membership nor a change of policy. Cf. 50 Route 46 Corp. v. East Paterson, Bulletin 1854, Item 2.

From the testimony adduced before me I am persuaded that the Committee based its determination on the grounds that adequate liquor facilities were available and that there was no public need or necessity for the issuance of this license. It also took into consideration the apprehension of the objectors that the grant of the application would increase traffic hazards and would be inimical to the interests of the children and adults who attend the nearby schools and churches. There was a decided public sentiment opposed to the grant of this license. Therefore, the Committee, in the exercise of its discretion, denied the application. Such discretion of the local issuing authority will not be disturbed unless unreasonably exercised. Fanwood v. Rocco, 59 N.J. Super. 306 (App. Div. 1960). As the court stated in Fanwood (p. 320):

"... If the motive of the governing body is pure, its reasons, whether based on morals, economics, or aesthetics, are immaterial."

And further:

"The primary purpose of the act is to promote temperance (R.S. 33:1-3) and 'to be remedial of abuses inherent in liquor traffic and shall be liberally construed' to effect those purposes. R.S. 33:1-73; Hudson Bergen County Retail Liquor Stores Ass'n, Inc. v. Board of Com'rs. of City of Hoboken [135 N.J.L. 502]. Because these are the purposes there is a sharp and fundamental distinction between the power of the Director when a license is denied by the municipality and when one is granted, because refusing a license cannot lead to intemperance or to any of the other evils the act is intended to prevent."

It is well settled that the issuing authority is vested with a sound discretion in the grant or refusal to grant licenses for the sale of intoxicating beverages. Bumball v. Burnett, 115 N.J.L. 254; Zicherman v. Driscoll, 133 N.J.L. 586. Such discretion will not be disturbed in the absence of a showing of clear abuse thereof. Blanck v. Magnolia, 38 N.J. 484. There is no "must" in the Alcoholic Beverage Law. The municipal issuing authority may not be compelled to issue a license even if the municipality has none at all, or to issue a new license where the municipality had several but in good faith wants no more. Bumball v. Burnett, supra.

The Director's function on appeal is not to substitute his personal judgment for that of the local issuing authority but merely to determine whether reasonable cause exists for its opinion and, if so, to affirm irrespective of his own personal view. Fanwood v. Rocco, supra; Hudson Bergen

County Retail Liquor Stores Assn. v. Hoboken, 135 N.J.L. 502;
Lyons Farms Tavern v. Newark et als., 55 N.J. 292 (1970).

In view of the aforesaid, I conclude that appellant has failed to establish that the action of the Committee was unreasonable and an improper use of its discretion. Rule 6 of State Regulation No. 15. It is therefore recommended that an order be entered affirming the said action and dismissing the appeal.

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 transcript of the testimony, the exhibits and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt his recommendation.

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

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

RICHARD C. McDONOUGH
DIRECTOR

7. APPELLATE DECISIONS - BOWLOCHEER, INC. v. BRADLEY BEACH.

Bowlocheer, Inc., t/a Spare Room Lounge,)

Appellant,)

v.)

Board of Commissioners of the Borough of Bradley Beach,)

Respondent.)

On Appeal

O R D E R

Frank A. Palmieri, Esq., Attorney for Appellant
Irving E. Keith, Esq., Attorney for Respondent

BY THE DIRECTOR:

Appellant appeals from the denial on September 8, 1969 by respondent Board of Commissioners of the Borough of Bradley Beach of its application for transfer of its plenary retail consumption license for the year 1969-70 from premises 1217 Main Street to premises 11 Main Street, Bradley Beach.

Prior to the hearing on appeal, the attorney for respondent advised me by letter dated April 23, 1970 that he has been advised by appellant's attorney that the appeal will not be prosecuted and requests that it be dismissed. No reason appearing to the contrary,

It is, on this 29th day of April 1970,

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

RICHARD C. McDONOUGH
DIRECTOR

8. APPELLATE DECISIONS - REMETH INC. v. BELMAR

Remeth Inc., t/a Surf Bar,)	
)	
Appellant,)	On Appeal
v.)	
Board of Commissioners of the)	O R D E R
Borough of Belmar,)	
)	
Respondent.)	

Wilentz, Goldman & Spitzer, Esqs., by Warren W. Wilentz, Esq.,
Attorneys for Appellant
Harold Feinberg, Esq., Attorney for Respondent

BY THE DIRECTOR:

Appellant appeals from denial by respondent on September 23, 1969 of its application for transfer of its seasonal retail consumption license from premises 1000 Ocean Avenue to premises 1201 Ocean Avenue, Belmar.

Prior to hearing, appellant's attorneys advised me by letter dated April 25, 1970 that appellant desires to withdraw its appeal. No cause appearing to the contrary,

It is, on this 29th day of April 1970,

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

RICHARD C. McDONOUGH
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SUPPLEMENTAL ORDER - SUSPENSION REIMPOSED.

In the Matter of Disciplinary Proceedings against)

New Glass Bar, Inc.)
t/a Frank's Club)
197 Paterson Street)
Paterson, New Jersey)

SUPPLEMENTAL ORDER

Holder of Plenary Retail Consumption License C-176, issued by the Board of Alcoholic Beverage Control for the City of Paterson.)
-----)

Diamond & Diamond, Esqs., by Michael K. Diamond, Esq., Attorneys for Licensee.
Edward F. Ambrose, Esq., Appearing for the Division.

BY THE DIRECTOR:

On October 16, 1969 Conclusions and Order were entered by this Division suspending licensee's license for two hundred ten days for permitting lewdness and immoral activity on its licensed premises. Re New Glass Bar, Inc., Bulletin 1888, Item 3. Prior to the effectuation of the suspension, upon appeal filed the Appellate Division of the Superior Court stayed the operation of the suspension until the outcome of the appeal.

The appeal was dismissed upon application of the attorney for the licensee by order of the Superior Court of New Jersey, Appellate Division, dated March 19, 1970.

Accordingly, it is, on this 27th day of April 1970,

ORDERED that the two hundred ten day suspension heretofore imposed and stayed during the pendency of proceedings on appeal be reinstated against Plenary Retail Consumption License C-176, issued by the Board of Alcoholic Beverage Control for the City of Paterson to New Glass Bar, Inc., t/a Frank's Club, for premises 197 Paterson Street, Paterson, commencing at 3 a.m. Tuesday, May 12, 1970, for the balance of its term, viz., until midnight June 30, 1970; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 3 a.m. Tuesday, December 8, 1970.

RICHARD C. McDONOUGH
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

William G. Mirault)
78 Stuyvesant Avenue)
Jersey City, N. J.)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-119, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)
-----)

Licensee, Pro se.
Edward F. Ambrose, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that, on March 26, 1970, he sold drinks and cartons of beer to two minors, ages 18 and 20, in violation of Rule 1 of State Regulation No. 20.

Licensee has a prior record of suspension of license by the Director for ten days, effective September 2, 1965, for sale of cans of beer for off-premises consumption during prohibited hours in violation of Rule 1 of State Regulation No. 38. Re Mirault, Bulletin 1640, Item 5.

The license will be suspended for fifteen days (Re R.H. & H., Inc., Bulletin 1896, Item 16), to which will be added five days by reason of prior record of suspension of license for dissimilar violation within the past five years (Re Club 339, Inc., Bulletin 1881, Item 11), 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 4th day of May 1970,

ORDERED that Plenary Retail Consumption License C-119, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to William G. Mirault, for premises 78 Stuyvesant Avenue, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Wednesday, May 20, 1970, and terminating at 2:00 a.m. Thursday, June 4, 1970.

RICHARD C. McDONOUGH
DIRECTOR

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

In the Matter of Disciplinary Proceedings against Elwood W. & Mary Jacobus t/a Jacobus Bar & Grill 10 Orange Street Bloomfield, N. J.

CONCLUSIONS and ORDER

Holder of Plenary Retail Consumption License C-11, issued by the Town Council of the Town of Bloomfield.

Sheldon and Freda, Esqs., Attorneys for Licensee Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensees plead non vult to charge alleging that on February 3, 1970, 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 Charcoal Hearth, Inc., Bulletin 1908, Item 9.

Accordingly, it is, on this 27th day of May 1970,

ORDERED that Plenary Retail Consumption License C-11, issued by the Town Council of the Town of Bloomfield to Elwood W. & Mary Jacobus, t/a Jacobus Bar & Grill, for premises 10 Orange Street, Bloomfield, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, June 1, 1970, and terminating at 2:00 a.m. Saturday, June 6, 1970.

RICHARD C. McDONOUGH DIRECTOR

12. STATE LICENSES - NEW APPLICATION FILED.

Austin, Nichols & Co., Incorporated 58th Street & 55th Drive Maspeth, New York

Application filed June 24, 1970 for wine wholesale license.

Handwritten signature of Richard C. McDonough

Richard C. McDonough Director