

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

BULLETIN 1678

June 9, 1966

TABLE OF CONTENTSITEM

1. APPELLATE DECISIONS - FORSTER v. HACKENSACK.
2. DISCIPLINARY PROCEEDINGS (EATONTOWN) - SALE TO A MINOR - FALSE STATEMENT IN LICENSE APPLICATION - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.
STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.
3. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN RESTAURANT - APPLICATION OF CLAIMANT FOR RETURN OF DEPOSIT POSTED IN LIEU OF RETAIL VALUE OF SEIZURE PERSONAL PROPERTY DENIED IN ABSENCE OF GOOD FAITH - DEPOSIT AND ALCOHOLIC BEVERAGES ORDERED FORFEITED.
4. DISCIPLINARY PROCEEDINGS (NORTHVALE) - SALE TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
5. STATUTORY AUTOMATIC SUSPENSION - ORDER STAYING SUSPENSION. (CLIFTON)
6. STATUTORY AUTOMATIC SUSPENSION (CLIFTON) - ORDER STAYING SUSPENSION.
7. DISCIPLINARY PROCEEDINGS (SOMERS POINT) - ORDER IMPOSING DEFERRED SUSPENSION.
8. DISCIPLINARY PROCEEDINGS (MIDDLETOWN) - SALE TO A MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (KEANSBURG) - SALE TO A MINOR - LICENSE SUSPENDED FOR 15 DAYS - NO REMISSION FOR PLEA ENTERED AT HEARING.
10. STATE LICENSE - NEW APPLICATION FILED.

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

BULLETIN 1678

June 9, 1966

1. APPELLATE DECISIONS - FORSTER v. HACKENSACK.

George & Evelyn Forster, t/a)	
George's Club 20,)	
Appellants,)	On Appeal
v.)	
City Council of the City of)	CONCLUSIONS
Hackensack,)	and
Respondent.)	ORDER

James R. Beattie, Esq., Attorney for Appellants
J. Noble Sellarole, Esq., Attorney for Respondent

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

Appellants appeal from suspension by respondent of their plenary retail consumption license for premises 20 Bridge Street, Hackensack, for fifteen days effective September 27, 1965, after finding them guilty of violating Rule 6 and Rule 7 of State Regulation No. 20.

Upon the filing of the appeal an order was entered by the Director on September 24, 1965, staying respondent's order of suspension until the entry of a further order herein. R.S. 33: 1-31.

The rules in question read as follows:

"Rule 6. No licensee shall allow, permit or suffer in or upon the licensed premises any lottery to be conducted, or any ticket or participation right in any lottery to be sold or offered for sale; nor shall any licensee possess, have custody of, or allow, permit or suffer any such ticket or participation right, in or upon the licensed premises; provided, however, that this Rule shall not apply to bingo or raffles, or tickets or participation rights therein, being conducted pursuant to appropriate license under the Bingo Licensing Law (R.S. 5:8-24) or the Raffles Licensing Law (R.S. 5:8-50); but in any such instance of bingo at licensed premises, the licensee, during the period between the commencement of the first and the conclusion of the last game, shall not sell, serve or deliver or allow, permit or suffer the sale, service, delivery or consumption of any alcoholic beverage in any room or outdoor area where the bingo or any part thereof is being conducted.

"Rule 7. No licensee shall engage in or allow, permit or suffer any pool-selling, book-making or any playing for money at faro, roulette, rouge et noir or any unlawful

game or gambling of any kind, or any device or apparatus designed for any such purpose, or any machine or device commonly known as a bagatelle or pin ball machine, in or upon the licensed premises; provided, however, that bingo and raffles may be permitted in or upon the licensed premises to the same extent as is set forth in Rule 6 hereof."

Appellants in their petition of appeal allege that the action of respondent was erroneous for the following reasons:

- "(a) Said finding was contrary to the weight of evidence.
- (b) Said finding was arbitrary, unreasonable and capricious.
- (c) Said finding was the result of respondent's misinterpretation of Rule 6 of Regulation 20.
- (d) Said finding was based on hearsay evidence, erroneously permitted to be entered over objection of Appellant's counsel, contrary to the Rules of Evidence in our Courts."

Respondent's answer denies the aforesaid allegations contained in the petition of appeal.

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

Appellants offered the testimony of ABC Agent S and Prosecutor Detective Mancini in substantiation of the charges.

Agent S testified that at approximately 11:30 a.m. on June 11, 1964 he, another agent and other law enforcement officers entered appellants' licensed premises; that, while searching the premises, he "found two pieces of paper" on a landing leading to the basement, which to him "appeared to be number slips;" that he observed numerous books, "I believe so-called 'dream books'" containing various numbers, which books were found by members of the party in the attic of the premises.

On cross examination Agent S said that he found the two pieces of paper containing numerals written thereon about an hour after he arrived in appellants' premises; that the door to the basement was locked but was opened for him by George Forster (one of the appellants herein). When questioned as to his knowledge concerning number slips, Agent S stated that he knew "very little" but the pieces of paper found by him were "number slips" even though he had no idea of what the three numbers separated by a dash from three other numbers on Exhibit R-1 meant. He was nevertheless of the opinion that the series of numbers on Exhibit R-2 represented numbers bets.

Detective Mancini of the County Prosecutor's office testified that he was a member of the group of law enforcement officers who visited appellants' licensed premises on June 11, 1964, after a search warrant was obtained and while there had two occasions to answer the telephone. On one occasion a male voice said "Hello! George?" and when he (Mancini) said "Yes" the male voice said "Billy. 524 25 cents combination, and 524 25 cents box", to which he (Mancini) said "O.K." and hung up the receiver. On the other occasion when the phone rang, again a male voice asked for George and when he (Mancini) said "I'll take

it. He isn't here", the male said that he wanted to talk to George and then "hung up."

Detective Mancini further testified that he has been engaged during the past ten years in investigations concerning numbers writing and is an expert in the field. He expressed the opinion that the two pieces of paper with numbers written thereon are numbers slips, and the six paper-covered books referred to as "dream books" are used to select a number "as a result of a dream or superstition."

On cross examination Detective Mancini was questioned concerning the telephone request to place the number bet from a person who referred to himself as "Billy" and then was asked to explain what a "combination" and "box", respectively, meant. Detective Mancini stated that "'combination' is a play on a particular number wherein this number can come out at most six different ways. It is a method of recording. Instead of playing six different numbers recording six different ways you record one number with 'C', which would indicate 'combination'" and "'box' is basically the same except the pay-off is much smaller. It would be one-sixth the pay-off." When questioned concerning the attitude of George Forster during the investigation, Detective Mancini says that he caused no trouble.

George Forster (hereinafter George), an appellant herein, testified that the premises wherein the liquor business is conducted consists of three floors. In other words, "cellar, bar, living quarters, and attic." George further testified that, although the application for the license discloses that the entire building constitutes the licensed premises, he was told in 1952, when he was denied the right to install a twelve-foot bar on the second floor (now the location of the living quarters), after the license was transferred to the appellants, that the license to sell and serve alcoholic beverages only applied to the basement and first floor. Furthermore, he was directed to install separate doors leading to the barroom and upstairs living quarters respectively. George stated that, at the time the officers entered on the day in question, he waived reading of the search warrant and then, as directed, he placed the contents of his pockets on the bar and thereafter accompanied the officers while they searched the premises which included the basement, living quarters and attic. He further said that he was then told that "we finally found a number slip" which he then denied belonged to him. George also contended that only some of the "dream books" were his, as several years previous he found these books in the trunk of an old car which he had purchased and later stored the books in the attic.

Appellant Evelyn Forster testified that she had never seen any person in the licensed premises engage in a lottery or did she ever do so. She further stated that, although the second floor is their living quarters, during the past year she has resided elsewhere for personal reasons. Mrs. Forster also said that each year after she and her husband obtained the license she filled in the application by merely copying from the prior application wherein it had been stated that the entire building constituted the licensed premises.

It is apparent from the record herein that the two pieces of paper containing numbers were found on the landing leading to the cellar, and that the "dream books" were found in the attic, both of which places constituted the licensed premises according to the current application.

The only defense to the gambling charges interposed by appellants is that they were unaware of the presence of the two slips of paper. George denied that all of the "dream books" were his, but admitted that he had knowledge that some of said books were in the attic.

In the opinion of both the agent and Detective Mancini, the two pieces of paper containing the numbers were numbers slips used in a lottery. Moreover, the Detective said the "dream books" were the type used by numbers players. With reference to the telephone call received by Detective Mancini from a person who called himself "Billy" and who asked for George but then requested him (Detective Mancini) to accept numbers bets from him, this indicates that George knew that unlawful activities were being carried on in the licensed premises.

In State v. Martinek, 12 N.J. Super. 320 (App.Div. 1951), Judge Eastwood stated:

"The admission of betting slips, racing forms and other gambling paraphernalia found on the premises in the possession of the accused has generally been recognized by our courts as evidence from which the jury might conclude the guilt or innocence of the accused on an indictment for bookmaking." Also see State v. Morehous, 97 N.J.L. 285 (E. & A. 1922); State v. Sage, 99 N.J.L. 229 (E. & A. 1923). Also State v. Fiorello, 36 N.J. 80 (N.J. Sup. Ct. 1961).

Accepting the testimony of George and Mrs. Forster relative to the contents of the application concerning what constituted the licensed premises, this in itself cannot be accepted as a defence in this matter. Cf. Re Cohen, Bulletin 295, Item 3.

Appellants attack the sufficiency of the search warrant in possession of the law enforcement officers at the time in question. It is not the function of an administrative agency to pass judgment concerning the lawfulness or bona fides of a search warrant issued by a court of competent jurisdiction. Re Steel, Bulletin 1669, Item 1. Aside from this, in a matter pertaining to liquor licensed premises, a search warrant permitting law enforcement officers to search said premises is unnecessary. In the application for a liquor license the licensee expressly agrees that the licensed premises and all portions of the building containing same, which includes in this case the basement and attic, may be inspected and searched without warrant at all hours by the Director and agents of the Division of Alcoholic Beverage Control and all other officers. See Alaburda v. Clifton, Bulletin 1502, Item 1. State v. Zurawski, 89 N.J. Super. 488, reprinted in Bulletin 1658, Item 3.

I am satisfied that the two pieces of paper found on the landing leading to the cellar by Agent S, and identified by both him and Detective Mancini, are in fact numbers slips. Furthermore, the so-called "dream-books" found by other officers are the kind of books used in connection with the type of gambling now under consideration. Moreover, the telephone call received by Detective Mancini from a male who asked to speak to George and, when told that George was not in at that time, placed two numbers bets is not a coincidence. The caller asked for George, which is the name of one of the appellants herein.

I shall accept as credible the testimony of Agent S and that of Detective Mancini rather than that of the appellants in considering the issue in this case. The choice of accepting or rejecting the testimony of witnesses rests with the administrative agency. Hornauer v. Division of Alcoholic Beverage Control, 40 N.J. Super. 501 (App.Div. 1956). I conclude from the evidence adduced herein that the appellants are guilty of violations of Rules 6 and 7 of State Regulation No. 20, as charged.

Under the circumstances, and after careful examination of the record herein, it is recommended that an order be entered affirming respondent's action, dismissing the appeal, and fixing the effective dates for the fifteen-day suspension stayed by the Director pending the entry of the 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 record herein, including the transcript of the testimony, the exhibits and the Hearer's report, I adopt the conclusions and recommendations of the Hearer as my conclusions herein.

Accordingly, it is, on this 26th day of April, 1966,

ORDERED that the action of the 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-2, issued by the City Council of the City of Hackensack to George & Evelyn Forster, t/a George's Club 20, for premises 20 Bridge Street, Hackensack, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Tuesday, May 3, 1966, and terminating at 2 a.m. Wednesday, May 18, 1966.

JOSEPH P. LORDI,
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - FALSE STATEMENT IN LICENSE APPLICATION - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

In the Matter of Disciplinary Proceedings against Rudolph & Evelyn Scheltz t/a Rudy & Evelyn's Shore Road Inn Route #35 Eatontown, New Jersey

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-1, issued by the Mayor and Council of the Borough of Eatontown

Auto.Susp. #279
In the Matter of the Automatic Suspension of License C-1, held by

ORDER

~~Rudolph & Evelyn Scheltz t/a Rudy & Evelyn's Shore Road Inn (same address)~~

Peter J. Edwardsen, Esq., Attorney for Licensees.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to charges alleging that (1) on March 11, 1966, they sold a drink and two quart containers of beer to a minor, age 17, in violation of Rule 1 of State Regulation No. 20, and (2) in their current application for license, concealed their record of prior suspension of license, in violation of R.S. 33:1-25.

On April 21, 1966, licensee Rudolph J. Scheltz was convicted in the Eatontown Municipal Court of sale of alcoholic beverages to the same minor, in violation of R.S. 33:1-77, and fined \$100 and \$10 costs. This conviction resulted in the statutory automatic suspension of license by virtue of the provisions of R.S. 33:1-31.1. However, because of the pendency of these proceedings, the statutory automatic suspension has not been effectuated.

Licensees have a previous record of suspension of license by the Director for fifteen days effective January 19, 1959, for sale to minors (Re Scheltz, Bulletin 1263, Item 4), concealment of which being the subject of the second charge herein.

The prior record of suspension of license for similar violation occurring more than five but less than ten years ago considered, the license will be suspended on the first charge for twenty-five days (Re Neuls, Bulletin 1533, Item 5) and on the second charge for ten days (Re Dugout, Inc., Bulletin 1669, Item 2) or a total of thirty-five days, with remission of five days for the plea entered, leaving a net suspension of thirty days.

Accordingly, it is, on this 2d day of May, 1966,

ORDERED that Plenary Retail Consumption License C-1, issued by the Mayor and Borough Council of the Borough of Eatontown to Rudolph and Evelyn Scheltz, t/a Rudy & Evelyn's Shore Road Inn, for premises on Route #35, Eatontown, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m. Monday, May 9, 1966, and terminating at 2:00 a.m. Wednesday, June 8, 1966; and it is further

ORDERED that in view of the penalty of suspension imposed herein, the statutory automatic suspension of said license, resulting from the conviction of Rudolph J. Scheltz, be and the same is hereby lifted effective 2:00 a.m. Wednesday, June 8, 1966.

JOSEPH P. LORDI,
DIRECTOR

3. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN RESTAURANT - APPLICATION OF CLAIMANT FOR RETURN OF DEPOSIT POSTED IN LIEU OF RETAIL VALUE OF SEIZED PERSONAL PROPERTY DENIED IN ABSENCE OF GOOD FAITH - DEPOSIT AND ALCOHOLIC BEVERAGES ORDERED FORFEITED.

In the Matter of the Seizure)	Case No. 11,466
on April 10, 1965 of a quantity)	On Hearing
of alcoholic beverages, various)	
fixtures, furnishings, and equip-)	CONCLUSIONS
ment in a restaurant known as the)	and
Pompeii Restaurant, located at)	ORDER
214 Bloomfield Avenue, in the)	
City of Newark, County of Essex)	
and State of New Jersey.)	

Friedman & D'Alessandro, Esqs., by Edward G. D'Alessandro, Esq.,
appearing for Peter De Grazio.
I. Edward Amada, Esq., appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This matter came on for hearing pursuant to R.S. 33:1-66 and State Regulation No. 28, and further, pursuant to a stipulation dated December 3, 1965, signed by Peter De Grazio, to determine whether five containers of alcoholic beverages, fixtures, furnishings and equipment, more particularly described in an inventory hereinafter referred to and marked Schedule "A", attached hereto, seized on April 10, 1965 in a restaurant known as the Pompeii Restaurant, 214 Bloomfield Avenue, Newark, N.J. constitute unlawful property and should be forfeited; and further, to determine whether the sum of \$1,000.00, representing the retail value of the fixtures, furnishings and equipment, paid under protest by Peter De Grazio should be forfeited or returned to him.

At the said hearing, Edward G. D'Alessandro, Esq., appeared on behalf of Peter De Grazio, who was not in court, and stated that his client sought the return of the money deposited by him on the basis of the stipulation herein signed.

The established facts as reflected in the testimony of the ABC agents who participated in the said seizure are as follows: Acting upon a specific assignment to investigate alleged unlawful sale of alcoholic beverages at the above premises, ABC Agent M made two visits to the premises prior to the date on which the seizure was made and observed sales of alcoholic beverages made to patrons on those occasions.

On April 10, 1965 at about 1:45 a.m. this agent, accompanied by a female companion, entered the said premises and was seated in a booth. At 3:00 a.m. he ordered "two scotch on the rocks", (alcoholic beverages) which were served to him by a waitress, identified as Miss Anna Briante. Prior to being served, he noted that Agent R had entered the premises and was seated at a position of observation at a nearby table. Agent R's testimony corroborated the account given by Agent M.

The contents of the glasses were then put in two sample bottles by this agent who paid the check and left the premises. Immediately thereupon he re-entered the premises, accompanied by other ABC agents and placed Miss Briante and the other waitress, identified as Margaret Mazauskas, under arrest. A search of the premises disclosed a 4/5 bottle of Bol's Anisette in a storage room adjacent to the kitchen, and other alcoholic beverages were found "immediately outside the rear door" of the said restaurant.

The agents questioned one Peter De Grazio, the claimant herein, who informed the agent that "He was taking over this night", "because the owner wasn't there at the time." He denied knowing who the owner was and added, "He isn't here. He left a little while ago." He insisted, however, that he did not know the owner's name but was taking charge as a favor to him.

Margaret Mazauskas was thereupon charged with sale of alcoholic beverages without a license in violation of R. S. 33:1-50(a) and Anna Briante was charged with aiding and abetting in the sale of alcoholic beverages without a license in violation of R.S. 33:1-50(d). They were both held in bail for arraignment in the Municipal Court of the City of Newark.

It was stipulated that Peter De Grazio is a part owner of these premises, has an interest in the seized property and the money deposited by him was "in consideration and right due to the fact that he was part owner of the premises".

The affidavits of mailing, publication, the original stipulation signed by the claimant and the certificate that no license had been issued by the State or Local authority to De Grazio or any other person thereat, or for the premises herein authorizing the sale of alcoholic beverages were admitted into evidence. There was also admitted into evidence the sales slip identifying the purchases of alcoholic beverages made by the agent on this date.

An analysis of a six ounce bottle containing 3/4 ounce of alleged scotch whiskey by the Division chemist indicates

that it is an alcoholic beverage, fit for beverage purposes with an alcoholic content by volume of 33.2%. The Division chemist's analysis of another bottle containing 10 ounces labelled J & B Scotch Whisky, 86 Proof seized on the above date indicates that it is an alcoholic beverage fit for beverage purposes with alcoholic content by volume of 43.3%.

As stated hereinabove, the claimant, De Grazio, was not produced at this hearing nor were any witnesses produced in support of his said claim. Counsel argued that it was unnecessary for De Grazio to appear because there were merely legal issues to be resolved at this hearing; however, he requested an opportunity within two weeks from the date of the hearing to produce the claimant. Since the date of the hearing I have been advised by claimant's counsel that he does not intend to produce the claimant or any other witness in support of said claim.

The evidence herein clearly and convincingly supports the Division's contention that the claimant possessed alcoholic beverages, intended the same for unlawful sale and that they were, in fact, sold by his employees, in his presence, without the statutory requisites. Hence, such alcoholic beverages are illicit. R.S. 33:1-1(i).

De Grazio, is, of course, responsible for the acts of his agents, especially as, in this case, when they were permitted to sell alcoholic beverages at the time when he was in the premises, and presumably in his presence. Seizure Case No. 11,452, Bulletin 1642, Item 3; Seizure Case No. 11,095, Bulletin 1563, Item 1; Cf. Greenbrier, Inc. v. Hock, 14 N. J. Super. 39. There has been no denial of the fact that the witnesses served alcoholic beverages at the time alleged and in the presence of the claimant who, at that time, sought to deny that he was, in fact, the owner.

Therefore, such illicit alcoholic beverages, fixtures, furnishings and equipment constitute unlawful property and are subject to forfeiture. Seizure Case No. 10, 898, Bulletin 1500, Item 2, Seizure Case No. 10,985, Bulletin 1516, Item 6.

The Director has the discretionary authority to return property subject to forfeiture to a claimant who has established to his satisfaction, by affirmative proof, ownership of the property; that he has acted in good faith, and did not know or have any reason to believe that the property would be used in unlawful liquor activity. No such affirmative proof was offered by the claimant. By the claimant's failure to establish these essential elements, the Director has no authority to relieve the claimant of forfeiture. R.S. 33:1-66(e and f); Seizure Case No. 11,439, Bulletin 1641, Item 6; Seizure Case No. 11,059, Bulletin 1533, Item 8.

Since I am persuaded that De Grazio knew, or should have known, of such unlawful activity and has failed to satisfy the statutory requisites, I conclude that the preponderance of the credible evidence imperatively requires a recommended finding that the claimant's application for the return of the deposit be denied.

I further recommend that an order be entered forfeiting the alcoholic beverages; and that the sum of \$1,000.00,

deposited by this claimant under protest, upon stipulation, pursuant to R.S. 33:1-66, likewise be forfeited and disposed of in accordance with law. Seizure Case No. 11,452, supra; R.S. 33:1-1(y); R.S. 33:1-2; R.S. 33:1-66.

Conclusions and Order

No exceptions were taken to the Hearer's report within the time limited by Rule 4 of State Regulation No. 28.

After carefully considering the facts and circumstances herein, I concur in the recommended conclusions in the Hearer's report and I adopt them as my conclusions herein.

Accordingly, it is on this 2nd day of May, 1966,

DETERMINED and ORDERED that the seized property, more fully described in Schedule "A" attached hereto, constitutes unlawful property; and the sum of \$1,000.00 (representing the retail value of such fixtures, furnishings and equipment, exclusive of the alcoholic beverages as set forth herein which were returned to Peter De Grazio), paid under protest to the Director of the Division of Alcoholic Beverage Control by the said Peter De Grazio be and the same is hereby forfeited in accordance with law; and it is further

DETERMINED and ORDERED that the alcoholic beverages are hereby forfeited, and shall be retained for the use of hospitals and State, county and municipal institutions, or destroyed, in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

JOSEPH P. LORDI,
DIRECTOR

SCHEDULE "A"

- 5 - containers of alcoholic beverages
- 1 - cigarette machine; 1 cash register; 1 juke box
- 1 - coffee maker
- 4 - ice boxes
- 1 - meat slicer
- 1 - pizza oven
- 14 - tables, 34 chairs, 7 booth seats
- 2 - gas stoves

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

In the Matter of Disciplinary Proceedings against
 Rainbow Room, Inc.
 199 Paris Avenue
 Northvale, New Jersey
 Holder of Plenary Retail Consumption License C-2, issued by the Mayor and Council of the Borough of Northvale

CONCLUSIONS AND ORDER

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

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on March 23, 1966, it sold mixed drinks of alcoholic beverages to two minors, age 19 and 20, in violation of Rule 1 of State Regulation 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 Carl's Orchid Lounge, Inc., Bulletin 1649, Item 4.

Accordingly, it is, on this 25th day of April, 1966,

ORDERED that Plenary Retail Consumption License C-2, issued by the Mayor and Council of the Borough of Northvale to Rainbow Room, Inc. for premises 199 Paris Avenue, Northvale, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, May 2, 1966, and terminating at 2:00 a.m. Thursday, May 12, 1966.

JOSEPH P. LORDI,
DIRECTOR

5. STATUTORY AUTOMATIC SUSPENSION - ORDER STAYING SUSPENSION.

Auto. Susp. #281)
 In the Matter of a Petition to Lift)
 the Automatic Suspension of Limited)
 Retail Distribution License DL-6,)
 Issued by the Municipal Board of)
 Alcoholic Beverage Control of the)
 City of Clifton to)
)
 Reginald Pardey)
 t/a Pardey's Market)
 23 Mt. Washington Drive)
 Clifton, N. J.)
 -----)

On Petition
O R D E R

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on April 12, 1966, licensee-petitioner was fined \$50 and \$5 costs in the Clifton Municipal Court after being found guilty of a charge of sale of alcoholic beverages to a minor on April 8, 1966, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of petitioner's license for the balance of its term. R.S. 33:1-31.1. Because of the pendency of this proceeding, the statutory automatic suspension has not been effectuated.

It further appears that disciplinary proceedings are in contemplation but have not yet been instituted by the municipal issuing authority against the licensee because of said sale of alcoholic beverages to the minor. In fairness to petitioner, I conclude that at this time the effect of the automatic suspension should be temporarily stayed. Re Kornblau, Bulletin 1662, Item 7.

Accordingly, it is, on this 3d day of May, 1966,

ORDERED that the aforesaid automatic suspension of license DL-6 be stayed pending the entry of a further order herein.

JOSEPH P. LORDI,
DIRECTOR

6. STATUTORY AUTOMATIC SUSPENSION - ORDER STAYING SUSPENSION.

Auto. Susp. #280)	
In the Matter of a Petition to Lift)	
the Automatic Suspension of Plenary)	
Retail Consumption License C-29,)	On Petition
Issued by the Municipal Board of)	
Alcoholic Beverage Control of the)	O R D E R
City of Clifton to)	
 James Shipula & Helen A. Shipula)	
t/a Shipula's Tavern)	
623 Van Houten Ave.)	
Clifton, N. J.)	
-----)	

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on April 12, 1966, James Shipula, one of the licensees-petitioners, was fined \$50 and \$5 costs in the Clifton Municipal Court after plea of guilty to a charge of sale of alcoholic beverages to a minor on April 8, 1966, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of petitioners' license for the balance of its term. R.S. 33:1-31.1. Because of the pendency of this proceeding, the statutory automatic suspension has not been effectuated.

It further appears that disciplinary proceedings are in contemplation but have not yet been instituted by the municipal issuing authority against the licensees because of said sale of alcoholic beverages to the minor. In fairness to petitioners, I conclude that at this time the effect of the automatic suspension should be temporarily stayed. Re Kornblau, Bulletin 1662, Item 7.

Accordingly, it is, on this 3d day of May, 1966,

ORDERED that the aforesaid automatic suspension of license C-29 be stayed pending the entry of a further order herein.

JOSEPH P. LORDI,
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - ORDER IMPOSING DEFERRED SUSPENSION.

In the Matter of Disciplinary Proceedings against)

Anchorage Tavern, Inc.)
t/a Anchorage Tavern, Inc.)
823 Bay Avenue)
Somers Point, New Jersey)

SUPPLEMENTAL ORDER

Holder of Plenary Retail Consumption License C-5, issued by the Common Council of the City of Somers Point)

Augustus S. Goetz, Esq., Attorney for Licensee.
Morton B. Zemel, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

On September 15, 1965, I entered an order herein deferring the license suspension of ten days for possession of alcoholic beverages not truly labeled because it appeared that the licensed business was about to be discontinued for the season. Re Anchorage Tavern, Inc., Bulletin 1642, Item 4.

Report of recent investigation discloses that the licensed business has now been resumed for the current season. Consequently, I am satisfied that the deferred suspension may now be imposed.

Accordingly, it is, on this 25th day of April, 1966,

ORDERED that Plenary Retail Consumption License C-5, issued by the Common Council of the City of Somers Point, to Anchorage Tavern, Inc. for premises 823 Bay Avenue, Somers Point, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Monday, May 2, 1966, and terminating at 3:00 a.m. Thursday, May 12, 1966.

JOSEPH P. LORDI,
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Enkoch, Inc.)
t/a Louis' Restaurant)
N/E side Route 35)
Middletown, N. J.)

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption License C-8, issued by the Township Committee of the Township of Middletown)

-----)

Ezra W. Karkus, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 2, 1966, it sold a case of 12-ounce cans of beer to a minor, age 18, in violation of Rule 1 of State Regulation 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 Arthur Pauls, Inc., Bulletin 1666, Item 9.

Accordingly, it is, on this 25th day of April, 1966,

ORDERED that Plenary Retail Consumption License C-8, issued by the Township Committee of the Township of Middletown to Enkoch, Inc., t/a Louis' Restaurant, for premises northeast side Route 35, Middletown, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, May 2, 1966, and terminating at 2:00 a.m. Thursday, May 12, 1966.

JOSEPH P. LORDI,
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE SUSPENDED FOR 15 DAYS - NO REMISSION FOR PLEA ENTERED AT HEARING.

In the Matter of Disciplinary Proceedings against)
 F. & W. Beverage Service)
 24 Port Monmouth Road)
 Keansburg, New Jersey,)
 Holder of State Beverage Distributor's License No. SBD-47, issued by the Director of the Division of Alcoholic Beverage Control.)

CONCLUSIONS AND ORDER

 Licensee, by William C. Wagner, President, Pro se
 Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

At the hearing herein, licensee pleaded guilty to a charge alleging that on April 1, 1966, it sold two six-packs of cans of beer to a minor, age 18, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for fifteen days (Re Arthur Pauls, Inc., Bulletin 1666, Item 9) without remission for the confessional plea untimely entered at the hearing (Re Arahill, Bulletin 1646, Item 1).

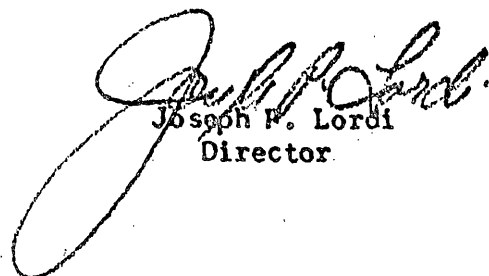
Accordingly, it is, on this 2nd day of May 1966,

ORDERED that State Beverage Distributor's License SBD-47, issued by the Director of the Division of Alcoholic Beverage Control to F. & W. Beverage Service, for premises 24 Port Monmouth Road, Keansburg, be and the same is hereby suspended for fifteen (15) days, commencing at 9 a.m. Monday, May 9, 1966, and terminating at 9 a.m. Tuesday, May 24, 1966.

Joseph P. Lordi,
Director

10. STATE LICENSE - NEW APPLICATION FILED.

The Guinness Harp Corporation
 605 Third Avenue
 New York, New York
 Application filed June 8, 1966 for
 Limited Wholesale License for 1966-1967.


 Joseph P. Lordi
 Director