

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

BULLETIN 1696

October 19, 1966

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DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION
NO. 38 - PRIOR SIMILAR RECORD OF PREDECESSOR IN INTEREST EMPLOYED
AS MANAGER - LICENSE SUSPENDED FOR 120 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

Loretta Coleman)
614 Communipaw Ave.,)
Jersey City, New Jersey,)

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption)
License C-162, issued by the Municipal)
Board of Alcoholic Beverage Control of)
the City of Jersey City.)

Louis R. Cerefice, 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
Sunday, May 22, 1966, she permitted the removal of an opened one-
half pint bottle of liqueur from the licensed premises, in viola-
tion of Rule 1 of State Regulation No. 38.

Although the licensee has no record of suspension of
license, the license of John E. Coleman (husband of the licensee
and manager of the licensed premises) then held for premises 545
Boulevard, Bayonne, was suspended (1) by the municipal issuing
authority for ten days effective July 26, 1954, for sale to
minors and permitting a brawl on the premises, and with respect to
the present licensed premises by the Director (2) for fifteen days
effective July 21, 1958, for sale in violation of State Regulation
No. 38, (3) for thirty days effective May 29, 1963, for sale in
violation of State Regulation No. 38 and municipal hours ordinance,
(4) for thirty days effective September 21, 1965, for sale in vio-
lation of State Regulation No. 38, and (5) for sixty days effec-
tive November 15, 1965, for sale in violation of State Regulation
No. 38. Re Coleman, Bulletin 1239, Item 10; Bulletin 1518, Item 4;
Bulletin 1641, Item 4; Bulletin 1651, Item 4.

The most recent Conclusions and Order dated November 8,
1965, wherein the sixty-day penalty was imposed on the license
then held by John E. Coleman (Bulletin 1651, Item 4, supra) stated
that, because of the number of previous similar violations,
"outright revocation of the license" might result from future
similar violation. Thereafter the license was transferred to
the present licensee but John E. Coleman, former licensee,
employed on the licensed premises, made the sale of the alcoholic
beverage as alleged.

Under the circumstances, and considering especially
the number of suspensions for similar violation in recent years
and the employment of the former licensee as manager who made

the sale (Re 1643 Atlantic Avenue Corporation, Bulletin 1652, Item 1), I shall suspend the license for one hundred twenty days, with remission of five days for the plea entered, leaving a net suspension of one hundred fifteen days.

Accordingly, it is, on this 30th day of August 1966,

ORDERED that Plenary Retail Consumption License C-162, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Loretta Coleman, for premises 614 Communipaw Ave., Jersey City, be and the same is hereby suspended for one hundred fifteen (115) days, commencing at 2 a.m. Tuesday, September 6, 1966, and terminating at 2 a.m. Friday, December 30, 1966.

JOSEPH P. LORDI,
DIRECTOR

2. APPELLATE DECISIONS - GOTTESMAN'S, INC. ET ALS. v. HADDON AND CARSON LIQUORS, INC.

Cases Nos. 1 and 2)
GOTTESMAN'S, INC., et als.,)
Appellants,)
v.)
BOARD OF COMMISSIONERS OF THE)
TOWNSHIP OF HADDON, AND CARSON)
LIQUORS, INC., t/a "FREDDY'S")
LIQUOR SHOP",)
Respondents.)
-----)

On Appeal

O R D E R

Richman, Berry and Ferren, Esqs., by Edwin T. Ferren, III, Esq.,
Attorneys for Appellants
Leon A. Wingate, Jr., Esq., Attorney for Respondent Board of
Commissioners
Archer, Greiner, Hunter & Read, Esqs., by Joseph H. Kenney, Esq.,
Attorneys for Respondent Carson Liquors, Inc

BY THE DIRECTOR:

Appellants appeal in Case No. 1 from grant by respondent Board of Commissioners of Haddon on June 20, 1966, of application of respondent Carson Liquors, Inc. for renewal for the licensing year 1966-67 of its plenary retail distribution license for premises 2912-16 Black Horse Pike, West Collingswood Extension, Haddon Township, and in Case No. 2 from grant by respondent Board of Commissioners on July 5, 1966 of application of respondent Carson Liquors, Inc. for transfer of its license from premises 2912-16 Black Horse Pike, West Collingswood Extention, to premises southeast side of Cuthbert Road, approximately 370 feet northeast of MacArthur Boulevard, Haddon Township.

Prior to the hearing of the appeals appellants' attorneys advised me by letter dated August 30, 1966 that the appeals were withdrawn. No reason appearing to the contrary,

It is, on this 1st day of September 1966,

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

JOSEPH P. LORDI,
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - PRIOR DIS-SIMILAR RECORD - LICENSE SUSPENDED FOR 65 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

James A. Callaghan & Patrick J. Callaghan, t/a Pat & Jim's 136 Farnsworth Avenue Bordentown, New Jersey,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-1, issued by the Board of Commissioners of the City of Bordentown.

James F. McGovern, Jr., Esq., Attorney for Licensees Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to charges (1) and (2) alleging that on divers dates between June 4 and July 28, 1965, they permitted acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Licensees have a previous record of suspension of license by the municipal issuing authority for five days effective July 17, 1961, for sale during prohibited hours.

The prior record of suspension of license for dissimilar violation within the past five years considered, the license will be suspended for sixty-five days, with remission of five days for the plea entered, leaving a net suspension of sixty days. Re Tomasetto, Bulletin 1617, Item 3.

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

ORDERED that Plenary Retail Consumption License C-1, issued by the Board of Commissioners of the City of Bordentown to James A. Callaghan & Patrick J. Callaghan, t/a Pat & Jim's, for premises 136 Farnsworth Avenue, Bordentown, be and the same is hereby suspended for sixty (60) days, commencing at 12:01 a.m. Monday, September 12, 1966, and terminating at 12:01 a.m. Friday, November 11, 1966.

JOSEPH P. LORDI, DIRECTOR

5. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - SALE OF ALCOHOLIC BEVERAGES BY MINOR EMPLOYEE - CHARGE OF SALE BY MINOR DISMISSED - LICENSE SUSPENDED FOR 25 DAYS.

In the Matter of Disciplinary Proceedings against 323 West Runyon Street Corp., t/a Whitey's 323 West Runyon Street Newark, N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-381, issued by the Municipal Board of Alcoholic Beverage Control of The City of Newark.

My lod and Feinberg, Esqs., by Julius A. Feinberg, Esq., Edward F. Ambrose, Esq., Attorneys for Licensee Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

The licensee pleaded not guilty to charges as follows:

- "1. On February 5, 1966, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years, viz., Shirley ---, age 16, Ruth ---, age 16, Ida ---, age 19 and Freddie ---, age 19, and allowed, permitted and suffered the consumption of alcoholic beverages by such persons in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.
"2. On February 5, 1966 and prior thereto, you allowed permitted and suffered a person under the age of twenty-one (21) years, viz., Norma ---, to sell, serve and solicit the sale of alcoholic beverages in and upon your licensed premises; in violation of Rule 2 of State Regulation No. 13."

During the course of this hearing counsel for the Division moved for a nolle pros on Charge 1 with respect to Ida ---, and Freddie ---, explaining that the Division had been unable to effect service of subpoenas upon these witnesses. Accordingly it is recommended that the motion to nolle pros as to these two individuals be granted.

The Division's case was based upon the testimony of two ABC agents who visited licensee's premises on two occasions pursuant to specific assignment to investigate alleged sales and service of alcoholic beverages to minors. The last visit, upon which the said charges are based, occurred on February 5, 1966 at 9 p.m.

Agent T and Agent M visited the premises at that time and noted that there were two bartenders serving approximately thirty patrons. At about 9:15 p.m. two additional bartenders began tending the second bar in the rear room, and the patronage then increased to approximately one hundred. Three waitresses were employed during the evening, one of whom was Norma ---.

It was stipulated by counsel for the licensee that Norma was employed by the licensee and served alcoholic beverages. The agents noted that Ida and Freddie (two patrons) were served alcoholic beverages, and they admitted to the agents that they were minors. However, as noted before, they did not appear in these proceedings because the Division was unable to effect service upon them.

The agents further observed that at about 10:25 p.m. three females, who appeared to be minors, entered the premises and seated themselves at the front of the rear bar. The minors (later identified as Shirley ---, age 16, and Ruth ---, age 16) both ordered soda and gin which was served them by one of the waitresses. After they consumed part of the drink, Agent M identified himself, ascertained that they were minors and thereupon emptied the remainder of their drinks in sample bottles, which were thereafter submitted to the Division chemist.

The agent then questioned the waitress (Miss Daisy Frazier) who stated that she had ascertained upon inquiry that these minors had had their ages checked at the door and, therefore, she did not feel it necessary to make any further check.

On cross examination Agent M admitted that the bartender John Hargett knew before that evening that he was employed by this Division and further admitted that, when Shirley --- and Ruth --- were confronted, they produced birth certificates which indicated that they were at least twenty-one years of age. However, the certificate produced by Shirley had as its first name "Ernestine" and this is the name given to the agents by Shirley. The agent further explained that the last digit on the year of the birth certificates "was visibly tampered with. You could easily see it was tampered with." This applied to both certificates.

Agent T substantially corroborated the testimony of Agent M with respect to the sale and service to Shirley and Ruth. He further testified that he questioned Norma (a waitress) because she appeared to him to be a minor, and she insisted that she was over twenty-one years of age, but did not have any proof thereof. The agent told her that, unless she could produce proof of her age, it would be necessary for him to detain her until such evidence of proof was presented. At that time she orally admitted that she was nineteen years of age and that she was born on December 19, 1946. As stated hereinabove, it was stipulated by counsel that she was employed and served alcoholic beverages.

Ruth testified that she is sixteen years of age and was born in Newark on May 29, 1949. Shirley testified that she was (then) seventeen years of age and was born in Orange, New Jersey, on March 9, 1949 (being age sixteen on the date of the alleged sale, viz., February 5, 1966).

There was received in evidence a certified copy of the Division chemist's report, which established that the samples of the alcoholic beverages impounded by the agents from the minors on the date herein were alcoholic beverages fit for beverage purposes.

Norma (called as a witness on behalf of the licensee) testified under oath that she is twenty-one years of age and was born on December 19, 1944. She produced at this hearing a certified copy of an age certificate (which was never offered in evidence and is presumably a school record). She denied that she ever admitted to the ABC agents that she was under statutory age and insisted that he never asked her when she was born. She also denied telling him that she was born on December 19 and added that he must have gotten that information from some other person. She was then asked whether she ever had a birth certificate. She stated that she had one for the past six or seven years, but was unable to locate it at the present time. She added that she has been employed by the licensee since December 1965 as a waitress, serving alcoholic beverages. She stated on cross examination that she did tell the agent once that she was twenty-one years of age, but that she never admitted that she was nineteen years of age.

This matter was set down for a continued hearing date in order to afford counsel for the licensee an opportunity to produce testimony which was unavailable to him at the time of the first hearing. In the meantime the attorney for the Division obtained certified copies of the birth certificate of Norma from the Bureau of Vital Statistics, State Board of Health, Columbia, South Carolina, and from the Charleston County Health Center, Charleston, South Carolina, which corroborate and support the Division's contention that Norma was actually born on December 19, 1946. Thus she was only nineteen years of age on the date as charged herein. Said certificates were entered, without objection, in evidence.

Monroe Geltzeiler (president and major stockholder of the corporate licensee) testified that, before employing Norma, he questioned her as to her age and she insisted that she was twenty-one years of age and produced a birth certificate. He considered that this was adequate proof; he "knew she had a child;" and, upon reliance on her statement and the birth record, he permitted her to be employed as a waitress at these premises. On cross examination he stated that the certificate that was shown to him may have been a school record certificate, which reflected her age, but he just assumed that it was a birth certificate.

John Hargett (a bartender employed by the licensee) testified that he saw the two minors Ruth and Shirley enter the premises accompanied by another female and a male. The male companion ordered drinks for the members of his party and they were served by Daisy Frazier, the waitress. He told her to check "the ladies' ages" because they appeared to him to be minors. The waitress was shown "some sort of identification" and he was then informed by the waitress that they were adults because they showed identification.

With respect to the first charge, it is abundantly clear that the minors Shirley and Ruth were served alcoholic beverages on the date in question and were not required to make any written representation as to their ages. This is an absolute requirement of R.S. 33:1-77 which contains the following proviso:

"... that the establishment of all of the following facts by a person making any such sale shall constitute a defense to any prosecution therefor: (a) that the minor

falsely represented in writing that he or she was twenty-one (21) years of age or over, and (b) that the appearance of the minor was such that an ordinary prudent person would believe him or her to be twenty-one (21) years of age or over, and (c) that the sale was made in good faith relying upon such written representation and appearance and in the reasonable belief that the minor was actually twenty-one (21) years of age or over." (Emphasis ours)

The licensee has not seriously denied the said service and in fact in a memorandum states "There is no question of the fact that they were served." However, counsel for the licensee argues that the bartender requested the waitress to question the women as to their ages and they produced what apparently were spurious certifications which indicated that they were over twenty-one years of age. In this connection it is significantly noted that the agent testified that the identification produced by the two minors clearly satisfied him that the actual date of birth on these identifications had been tampered with and that in fact they did not represent the true date of birth.

The licensee, through its agents, could easily have protected itself, particularly since there was some question in the mind of its bartender regarding the true age of these minors. Such alleged fraud and misrepresentation were specifically anticipated by this Division in a special note in its rules (page 77 of the Rules and Regulations) which, in explanation of Rule 1, states in part:

"...(c) that the sale was made in reliance upon such written representation and appearance and in the reasonable belief that the minor was of age. Hence it is not a defense that mere verbal inquiry may have been made as to the age of the minor or that the minor had verbally misrepresented his age or that the minor had displayed some document (such as a driver's license, birth certificate, military identification card, selective service registration certificate, or any other similar document) which represented his age as over 21. The representation in writing required by the Alcoholic Beverage Law is a writing made by the minor at or prior to the time of sale or service. Such a writing must be signed by the minor in the presence of the licensee or his employee and one in which the minor gives his name, address, age, date of birth and, by signing the writing, makes a statement that he is making the representation as to his age to induce the licensee to make the sale. After the writing has been signed, the licensee should require that the person signing the representation adequately identify himself as that person and thus affirmatively avoid the acceptance of these representations from persons using fictitious names, addresses and ages. The signed representation should then be retained by the licensee...." (Emphasis added)

I have observed these two minors as they appeared at the hearing, and it is inconceivable to me that anyone could have mistaken them for persons of statutory maturity. They looked their ages, and it is hard to understand how licensee's agent could have mistaken them by their appearance for persons over the age of twenty-one. In any event, he did not take the minimum precaution

of requiring a written representation as demanded by the rule. Thus the licensee has not satisfied the regulatory requirements. The prevention of sales of intoxicating liquor to a minor not only justifies but necessitates the most rigid control. Hudson Bergen County Retail Liquor Stores Ass'n. v. Hoboken, 135 N.J.L. 502 (E. & A. 1947); In re Schneider, 12 N.J. Super. 449 (App. Div. 1951); Mazza v. Cavicchia, 15 N.J. 498 (1954); Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373 (1956); Guill v. Mayor and Council of the City of Hoboken, 21 N.J. 574 (1956).

It is therefore recommended that the licensee be found guilty on the first charge.

With respect to the second charge, it was admitted that Norma was employed by the licensee and served alcoholic beverages to its patrons. It is also definitely established that Norma is under the age of twenty-one years. Thus the only issue to be resolved is whether the licensee "allowed, permitted and suffered a person under the age of twenty-one (21) years" to "sell, serve and solicit the sale of alcoholic beverages in and upon your licensed premises; in violation of Rule 2 of State Regulation No. 13."

The evidence clearly discloses that the licensee employed this minor upon her representation to its agent that she was of statutory age. She produced a record (presumably a school record) which the licensee's agent believed was a birth certificate. He also testified that he was aware of the fact that she had a child, and she appeared to him to be of statutory maturity.

I am frank to state that I observed this witness on the stand and she similarly appeared to me to be at least twenty-one years of age. The record also reflects the fact that she insisted, upon initial confrontation by the ABC agent, that she was twenty-one years old and, under oath at this hearing, testified to that effect. It was only after the alert Division attorney obtained certified copies of her birth certificate prior to the continued date of this hearing that her true age was definitely established.

Rule 2 of State Regulation No. 13 contains no exception to its provision as is contained in Rule 1 of State Regulation No. 20. I believe that such rule is not absolute. I believe that the good faith of the licensee must be taken into consideration, and inquiry must be made as to whether the licensee or its agents acted reasonably and did not demonstrate a careless indifference to the requirements of this provision. Similar rules and regulations of this Division have been so interpreted. Thus, for example, in disciplinary proceedings on charges alleging that a licensee allowed, permitted and suffered a brawl or act of violence on its licensed premises, this Division has consistently held that, where a disturbance occurs without warning or without its knowledge, the licensee would be absolved from liability. Cf. Gay Jak Corp. v. Newark, Bulletin 1614, Item 2; Woodland Rod and Gun Club v. Belleville, Bulletin 569, Item 3; Jackson v. Newark, Bulletin 1608, Item 4. The licensee might have insisted that this minor sign a written representation of her age prior to employment as a cautionary measure, although it is logical to assume that this person would have made such a false representation, just as she falsely testified under oath as to her age in these proceedings.

In Conner v. Fogg, 75 N.J.L. 245, 247 (Sup. Ct. 1907) the court stated that the term "permit" has been often used synonymously

with "suffer" so that it may be said "that one who suffers the doing of a thing which he might have prevented permits it." (Emphasis ours) Since fairness is the touchstone of the administrative process, substantial justice would seem to require that the measure should be the reasonableness of the licensee's precautionary actions.

Under the special facts and circumstances herein, it is my circumspect conviction that the licensee acted in good faith and reasonably. I therefore recommend that the said charge be dismissed

The licensee has no prior adjudicated record. It is further recommended that its license on the first charge be suspended for twenty-five days, the minimum penalty imposed in matters involving sale and service of alcoholic beverages to and consumption by two minors sixteen years of age. Re Triple Lake Ranch, Inc., Bulletin 1676, Item 3.

Conclusions and Order

After receipt of the Hearer's report, licensee's attorneys advised that no exceptions to the Hearer's report would be filed pursuant to Rule 6 of State Regulation No. 16.

Having carefully considered the entire record herein, including the transcript of the testimony, the exhibits, the memorandum of counsel for the licensee, and the Hearer's report, and no reason appearing to the contrary, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

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

ORDERED that Plenary Retail Consumption License C-381, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to 323 West Runyon Street Corp., t/a Whitey's, for premises 323 West Runyon Street, Newark, be and the same is hereby suspended for twenty-five (25) days, commencing at 2 a.m. Monday, September 12, 1966, and terminating at 2 a.m. Friday, October 7, 1966.

JOSEPH P. LORDI,
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

The White House Corp.,)
N.E.Cor. Washington & Atlantic Aves.,)
Margate City, N. J.,)

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption License C-5, issued by the Board of Commissioners of the City of Margate City.)
)

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on July 13, 1966 it sold drinks of beer to two minors, both 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 Wozniak, Bulletin 1574, Item 6.

Accordingly, it is, on this 30th day of August 1966,

ORDERED that Plenary Retail Consumption License C-5, issued by the Board of Commissioners of the City of Margate City to The White House Corp., for premises N.E.Cor. Washington & Atlantic Aves., Margate City, be and the same is hereby suspended for ten (10) days, commencing at 4 a.m. Tuesday, September 6, 1966, and terminating at 4 a.m. Friday, September 16, 1966.

JOSEPH P. LORDI,
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA. DEFERRED EFFECTIVE DATE OF SUSPENSION.

In the Matter of Disciplinary Proceedings against
 Jon Ray Company, Inc., t/a Stefano's Restaurant,
 167 River Road, Nutley, New Jersey,
 Holder of Plenary Retail Consumption License C-12, issued by the Board of Commissioners of the Town of Nutley and extended during the pendency of these proceedings to
 Myron S. Lehman, Esq., Assignee for the benefit of creditors,
 for the same premises.

CONCLUSIONS AND ORDER

Myron S. Lehman, Esq., Assignee for the benefit of creditors,
 Pro se
 David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control
 BY THE DIRECTOR:

Licensee's assignee pleads non vult to a charge alleging that on June 20, 1966 his assignor possessed alcoholic beverages in three bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Shapiro, Bulletin 1689, Item 12.

Admittedly the licensed business is not being operated by the assignee to whom the license was extended, and its conduct is not presently contemplated by him. Thus no effective penalty can be imposed at this time. Hence the effective dates for the suspension will be fixed by the entry of a further order herein after the operation of the business under the license shall have been fully resumed on a substantial basis by the assignee or any successor in interest.

Accordingly, it is, on this 31st day of August, 1966,

ORDERED that Plenary Retail Consumption License C-12, issued by the Board of Commissioners of the Town of Nutley to Jon Ray Company, Inc., t/a Stefano's Restaurant, for premises 167 River Road, Nutley, and extended during the pendency of these proceedings to Myron S. Lehman, Esq., Assignee for the benefit of creditors, for the same premises, be and the same is hereby suspended for fifteen (15) days, the effective dates of such suspension to be fixed by further order as aforesaid.

JOSEPH P. LORDI,
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Hedy's Bar, Inc.)
t/a Hedy's Bar)
500 Mercer Street)
Hightstown, N. J.)

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption License C-6, issued by the Common Council of the Borough of Hightstown.)

Jamieson, Walsh, McCardell and Moore, Esqs., by Thomas C. Jamieson, Jr., Esq., Attorneys 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 July 22, 1966 it sold four ~~six~~-packs of bottles of beer to a minor, age 17, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Gildar, Bulletin 1684, Item 6; Re Farrelly, Bulletin 1681, Item 8.

Accordingly, it is, on this 31st day of August, 1966,

ORDERED that Plenary Retail Consumption License C-6, issued by the Common Council of the Borough of Hightstown to Hedy's Bar, Inc., t/a Hedy's Bar, for premises 500 Mercer Street, Hightstown, be and the same is hereby suspended for fifteen (15) days, commencing at 12:01 a.m. Wednesday, September 7, 1966, and terminating at 12:01 a.m. Thursday, September 22, 1966.

JOSEPH P. LORDI,
DIRECTOR

9. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #291-)
 In the Matter of a Petition to Lift)
 the Automatic Suspension of Plenary)
 Retail Distribution License D-5,)
 issued by the Township Committee)
 of the Township of Rochelle Park to) SUPPLEMENTAL ORDER
)
 Acfal, Inc.)
 t/a B. & B. Liquors)
 428 Rochelle Avenue)
 Rochelle Park, N. J.)

BY THE DIRECTOR:

On August 16, 1966 an order was entered herein temporarily staying statutory automatic suspension of license of licensee-petitioner pending determination of disciplinary proceedings against it.

It now appears that in disciplinary proceedings conducted by the municipal issuing authority the license was suspended for five days effective 10 p.m. September 10, 1966 and terminating at 10 p.m. September 15, 1966, on a charge alleging sale of alcoholic beverages to the same minor, which sale was the subject of the previous criminal conviction. Hence I shall lift the automatic suspension in anticipation of the service of the municipal suspension. Re Pardey, Bulletin 1683, Item 11.

Accordingly, it is, on this 1st day of September, 1966,

ORDERED that the statutory automatic suspension of License D-5 be and the same is hereby lifted, effective 10 p.m. Thursday, September 15, 1966.

JOSEPH P. LORDI,
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

Helen Sable t/a Glen Gardner Hotel East Side of North Main Street Glen Gardner, New Jersey,)

CONCLUSIONS AND ORDER

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

Wesley L. Lance, 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 23, 1966 she sold a case of cans of beer to a minor, age 18, in violation of Rule 1 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for seven days effective December 7, 1957 for sale during prohibited hours, and for fourteen days effective November 30, 1964 for permitting foul language, a brawl and a person of ill repute on the licensed premises and conducting the licensed business as a nuisance.

The prior record of suspension of license for dissimilar violation in 1957 occurring more than five years ago disregarded, but the record of suspension for dissimilar violation occurring in 1964 within the past five years considered, 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 Yusko's Tavern, Inc., Bulletin 1685, Item 8.

Accordingly, it is, on this 12th day of September, 1966,

ORDERED that Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Glen Gardner to Helen Sable, t/a Glen Gardner Hotel, for premises East Side of North Main Street, Glen Gardner, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Monday, September 19, 1966, and terminating at 2 a.m. Tuesday, October 4, 1966.

JOSEPH P. LORDI, DIRECTOR

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

In the Matter of Disciplinary Proceedings against
 Massime Guerrieri and Rose Guerrieri
 9700 Ventnor Avenue
 Margate City, N. J.,
 Holders of Plenary Retail Consumption License C-8, issued by the Board of Commissioners of the City of Margate City.

CONCLUSIONS AND ORDER

Cole and Koury, Esqs., by Eugene Tighe, Jr., Esq., Attorneys for Licensees
 Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

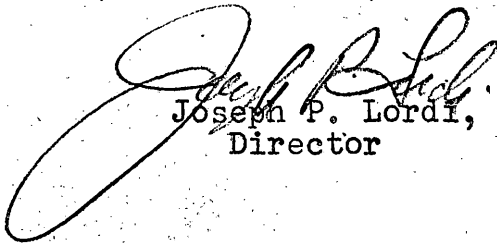
BY THE DIRECTOR:

Licensees pleaded non vult to a charge alleging that on July 15, 1966 they sold five cases of bottles of beer to a minor, age 19, 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 Kearny Yacht Club, Bulletin 1685, Item 9.

Accordingly, it is, on this 12th day of September 1966,

ORDERED that Plenary Retail Consumption License C-8, issued by the Board of Commissioners of the City of Margate City to Massime Guerrieri and Rose Guerrieri, for premises 9700 Ventnor Avenue, Margate City, be and the same is hereby suspended for ~~ten~~ (10) days, commencing at 4 a.m. Monday, September 19, 1966, and terminating at 4 a.m. Thursday, September 29, 1966.


 Joseph P. Lordi,
 Director