

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

Deputy Director Saum

BULLETIN 1712

January 20, 1967

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BULLETIN 1712

January 20, 1967

1. APPELLATE DECISIONS - CLARENCE'S MUSIC WORLD, INC. v. NEWARK.

CLARENCE'S MUSIC WORLD, INC., )  
Appellant, )  
v. ) ON APPEAL  
MUNICIPAL BOARD OF ALCOHOLIC ) CONCLUSIONS  
BEVERAGE CONTROL OF THE CITY ) AND ORDER  
OF NEWARK. )  
Respondent. )

-----  
Irving J. Zwillman, Esq., Attorney for Appellant.  
Norman N. Schiff, Esq., by Anthony J. Iuliani, Esq., Attorney  
for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Appellant had heretofore appealed respondent's action whereby it suspended appellant's license for premises 47 Pennington Street, Newark, for twenty days after finding it guilty in disciplinary proceedings of sale of alcoholic beverages to two minors, ages 19 and 17. On May 11, 1966 the Director affirmed the action of respondent as to the sale to the 17-year-old minor and reversed respondent's action as to the 19-year-old minor and further ordered that the matter be remanded to respondent for reconsideration and reimposition of penalty. Clarence's Musical World, Inc. v. Newark, Bulletin 1681, Item 2.

Following remand to respondent to reconsider the penalty previously imposed, respondent reimposed a penalty of twenty days. Appellant now appeals, alleging that the action of respondent was erroneous in that it was "capricious, against the weight of evidence and the penalty imposed exceeds the penalty that should have been meted out under the facts then and there prevailing."

Upon the filing of the appeal, respondent's order of suspension was stayed pending the determination of the instant appeal.

At the hearing herein the matter was submitted by respondent upon the original transcript below, pursuant to Rule 8 of State Regulation No. 15. However, appellant produced no evidence in support of its allegation, thus failing to meet the burden imposed upon it by Rule 6 of State Regulation No. 15.

It is, therefore, recommended that the appeal herein be dismissed and an order be entered reimposing the suspension heretofore stayed pending the determination of 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 Hearer's report, I adopt his recommendation as my conclusions and order herein.

Accordingly, it is, on this 16th day of November 1966,

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

ORDERED that Plenary Retail Consumption License C-347, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Clarence's Music World, Inc., for premises 47 Pennington Street, Newark, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Wednesday, November 23, 1966, and terminating at 2 a.m. Tuesday, December 13, 1966.

JOSEPH P. LORDI  
DIRECTOR

2. APPELLATE DECISIONS - BAR REST, INC. v. FORT LEE.

BAR REST, INC.,	)	
Appellant,	)	ON APPEAL
v.	)	CONCLUSIONS
	)	AND ORDER
BOROUGH COUNCIL OF THE	)	
BOROUGH OF FORT LEE,	)	
Respondent.	)	

-----  
Louis Eisenstein, Esq., Attorney for Appellant  
William V. Breslin, Esq., Attorney for Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This is an appeal from the action of respondent whereby five of its six members (one member abstained from voting) voted to deny an application for a place-to-place transfer of a plenary retail consumption license from premises 230 Washington Avenue to premises 1200 Palisade Avenue, Fort Lee.

The reasons given by respondent for denial of appellant's application for transfer of the license are as follows:

"1. The premises will be operated as a 'high-class' Chinese restaurant and cocktail lounge;

2. This type of use will create a traffic hazard in the area;

3. The premises front on a major highway;

4. The premises in question are in close proximity to a fine residential neighborhood;

5. There are 8 other liquor licenses within 9/10's of a mile from the premises in question and, in fact, one license is approximately 60 feet from the premises in question;

6. The premises will have inadequate parking;

7. The premises have lost their character of being a non-conforming use for liquor consumption."

Appellant's petition of appeal alleges that the action of respondent was erroneous in that:

"a. It was arbitrary, capricious and without the support of a factual basis.

b. It was unfair and unrealistic in view of the nature and character of the neighborhood and the use to which the subject property has been put for many years last past.

c. It unlawfully deprives appellant of its just property rights."

Respondent's answer denies the allegations set forth in the petition of appeal and contends that respondent's action was "a correct and proper exercise of its functions and powers."

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

John N. Mandis (hereinafter John), secretary of appellant, testified that the proposed premises have been unoccupied since December 1965. He further stated that prior thereto, for a period of approximately ten years, it was a Chinese restaurant and previous to that it, for about the same period, was a cabaret and restaurant which held a liquor license. John also stated that the property to which the transfer of the license is sought fronts on the east side of Palisade Avenue which is a "four-lane" highway leading to the George Washington Bridge; that on the opposite corner of Palisade Avenue and Virginia Street there is a tavern, and north on the east side of Palisade Avenue is the "Contour bar and restaurant;" that about a half-mile further north on the same side of Palisade Avenue is the "Horizon Restaurant;" and that on the west side of Palisade Avenue are two frankfurter stands, each of which holds a liquor license. According to the testimony of the witness, the distance between the present licensed premises and the proposed site is "anywhere from two to three miles." Moreover, John testified that, subject to a favorable determination in this matter, appellant has entered into a contract to sell the proposed premises and transfer the liquor license to Loon Quon Lee who intends to operate "a Chinese restaurant and bar or cocktail lounge" at the proposed location.

Nick Mandis (hereinafter Nick), president of appellant, testified that in his opinion a restaurant cannot be operated successfully at the proposed site without a liquor license. Nick's description of the area wherein the proposed premises are located, especially with reference to existing liquor licenses, was substantially similar to that given by John. When questioned

concerning whether traffic is heavy on week-ends when Palisades Amusement Park is open, Nick answered, "Well, during the summer-time for a couple of months it probably is a little more traffic, yes. But the other time there isn't very much."

Charles J. Kurz, Jr. (a local police sergeant) testified that the traffic to Palisade Avenue "runs from very heavy to medium." He further testified that north on the same side of Palisade Avenue, at a distance of six hundred feet, is a restaurant and cocktail lounge (Contour); and also one thousand feet distant from the proposed premises on the same side of Palisade Avenue is a large restaurant and cocktail lounge (Horizon restaurant). He further stated that north of the proposed premises on the west side of Palisade Avenue, located between Horizon and Contour restaurants, are two roadstands with alcoholic beverage licenses that serve beer to their customers.

Two objectors, both residing in the immediate vicinity of the proposed premises, testified that the traffic is heavy in the area and, if a liquor license is to be permitted for the premises, it would not only constitute a traffic hazard but would constitute also a nuisance which would be detrimental to the residents of the area. One of the objectors presented pictures of the area in question which depicted many substantial residences in that locality. At the instant hearing seven other persons residing in the immediate vicinity of the proposed premises entered their names as objectors to the transfer of the license.

The appellant herein, to warrant a reversal of the action of respondent, must show by a preponderance of the evidence that respondent abused its discretion in denying the application for the transfer of appellant's license. To meet this burden it is necessary that appellant show manifest error or some abuse of discretion on the part of respondent. Nordco, Inc. v. State, 43 N.J. Super. 277; Rajah Liquors v. Div. of Alcoholic Bev. Control, 33 N.J. Super. 598 (App.Div. 1955).

A transfer of a liquor license to other premises is not an inherent or automatic right. The issuing authority may grant or deny the transfer in the exercise of reasonable discretion. If denied on reasonable grounds, such action will be affirmed. Richmon, Inc. v. Trenton, Bulletin 1560, Item 4, and cases cited therein.

The number of licenses which may be permitted in any particular area and the determination as to whether or not a license shall be transferred to a particular location come within the sound discretion of the issuing authority, and the Director's function on appeal is not to substitute his opinion for that of the issuing authority but, rather, to determine whether proper cause exists for its opinion and, if so, to affirm irrespective of his personal views. Rothman v. Hamilton, Bulletin 1091, Item 1; Food Fair Stores of New Jersey, Inc. v. Union, Bulletin 1129, Item 1; The Grand Union Company v. West Orange, Bulletin 1155, Item 3.

In Fanwood v. Rocco and Div. of Alcoholic Beverage Control, 59 N.J. Super. 306, 321 (App.Div. 1960), Judge Gaulkin stated:

"The Legislature has entrusted to the municipal issuing authority the right and charged it with the duty to issue licenses (R.S. 33:1-24) and place-to-place transfers thereof [on] application made therefor setting forth the same matters and things with reference

to the premises to which a transfer of license is sought as are required to be set forth in connection with an original application for license, as to said premises.' N.J.S.A. 33:1-26."

As was stated in Ward v. Scott, 16 N.J. 16, 23 (1954):

"Local officials who are thoroughly familiar with their community's characteristics and interests and are the proper representatives of its people, are undoubtedly the best equipped to pass initially on such applications.... And their determinations should not be approached with a general feeling of suspicion, for as Justice Holmes has properly admonished: 'Universal distrust creates universal incompetence.' Graham v. United States, 231 U.S. 474, 480, 34 S. Ct. 148, 151, 58 L. Ed. 319, 324 (1913)."

The court stated in Fanwood, supra, at p. 320:

"No person is entitled to either [transfer of a license or issuance of an original license] as a matter of law" and "If the motive of the governing body is pure, its reasons, whether based on morals, economics, or aesthetics, are immaterial.

In the matter sub judice, the municipality did not grant, but denied, the application. The action of the respondent may not be reversed by the Director unless he finds "the act of the board was clearly against the logic and effect of the presented facts." Hudson Bergen County Retail Liquor Stores Association et al. v. Hoboken et al., 135 N.J.L. 502, at p. 511.

Appellant contends that the proposed transfer would serve a public convenience as an adjunct to the service of meals for those desiring Chinese cuisine. Although a convenience may, in a proper case, be a reason for the granting of a transfer of a liquor license, it is rarely, if ever, a valid basis upon which the Director may compel the municipality to do so. Fanwood v. Rocco and Div. of Alcoholic Beverage Control, supra. It is apparent from the testimony of appellant's witnesses (both officers of the appellant corporate licensee) that approval of the transfer requested would be instrumental in the sale of the proposed premises and transfer of their interest in the license. It is a settled principle that, in a conflict between private interests and the interests of the community at large, the latter must prevail. Smith v. Bosco, 66 N.J. Super. 165 (App.Div. 1961). The denial of the transfer of the license in question to the particular location was expressed by respondent to be objectionable in the opinion of its members because there presently exist ample liquor outlets to supply the needs of the people in the area. Moreover, the distance being between two and three miles from the present location of licensed premises to the proposed location would, in effect, constitute the placing of another liquor outlet in an entirely different section of the municipality.

I have fully considered all of the various grounds of appeal which are contained in appellant's petition of appeal.

After reviewing the testimony and the exhibits, I find sufficient evidence to support respondent's findings that the area to which appellant seeks to transfer its license has adequate liquor establishments to meet its needs. In the absence of improper motivation by respondent, I find its action was

neither arbitrary, capricious, unreasonable, nor did it constitute an abuse of discretion.

I conclude that appellant has failed to sustain the burden of proof necessary to establish that respondent's action was erroneous so as to warrant reversal thereof. Rule 6 of State Regulation No. 15. Hence it is recommended that an order be entered affirming respondent's action and dismissing the appeal 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 exhibits, the Hearer's report and the recommendations, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 16th day of November, 1966,

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

JOSEPH P. LORDI  
DIRECTOR

- 3. DISCIPLINARY PROCEEDINGS - NUISANCE (APPARENT HOMOSEXUALS) - PRIOR DISSIMILAR RECORD - PORTION OF PRIOR RECORD DISREGARDED BECAUSE OF CHANGE OF STOCKHOLDERS - LICENSE SUSPENDED FOR 65 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
 Ask, Inc.  
 t/a Hialeah Club  
 1917 Atlantic Avenue  
 Atlantic City, New Jersey  
 Holder of Plenary Retail Consumption License C-126, issued by the Board of Commissioners of the City of Atlantic City  
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CONCLUSIONS  
AND  
ORDER

Edwin H. Helfant, 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 September 3-4, 1966, it conducted the licensed place of business as a nuisance, viz., permitting apparent male and female homosexuals on the licensed premises, in violation of Rule 5 of State Regulation No. 20.

Reports of investigation disclose that on the dates alleged, a small barroom adjoining the main barroom was patron-

ized by large numbers of apparent homosexuals, i.e., approximately twenty-five males and approximately ten females.

Licensee has a previous record of suspension of license by the Director for fifty-five days effective November 16, 1965, for hostess activity and possessing an alcoholic beverage not truly labeled. Re Ask, Inc., Bulletin 1641, Item 2; Bulletin 1651, Item 8. In addition, following a complete change of stockholders of the licensee corporation in the meantime, the license was suspended by the Director for fifty-five days effective November 15, 1966 (currently in effect and terminating January 9, 1967) for permitting indecent entertainment and hostess activity on the licensed premises. Re Ask, Inc., Bulletin 1709, Item 2.

The prior record of suspension of license in 1965 disregarded by reason of the intervening change of stockholders (Re Gary's Bar, Inc., Bulletin 1691, Item 6), the license will be suspended for sixty days, to which will be added five days by reason of the record of the currently effective suspension for dissimilar violation (Re Manruff Corp., Bulletin 1691, Item 1), with remission of five days for the plea entered, leaving a net suspension of sixty days, which will be imposed to commence at the expiration of the currently effective suspension.

Accordingly, it is, on this 17th day of November, 1966,

ORDERED that Plenary Retail Consumption License C-126, issued by the Board of Commissioners of the City of Atlantic City to Ask, Inc., t/a Hialeah Club, for premises 1917 Atlantic Avenue, Atlantic City, be and the same is hereby suspended for sixty (60) days, commencing at 7:00 a.m. Monday, January 9, 1967, and terminating at 7:00 a.m. Friday, March 10, 1967.

JOSEPH P. LORDI,  
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Harold Vincent Appleman t/a Claremont Tavern 163 Claremont Ave. Jersey City, N. J. )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-222, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City )

Stern and Stern, Esqs., by Morris L. Stern, Esq., Attorneys for Licensee. Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on August 17 and 31, 1966, he permitted acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Bunk's Bar, Inc., Bulletin 1698, Item 7.

Accordingly, it is, on this 29th day of November, 1966,

ORDERED that Plenary Retail Consumption License C-222, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Harold Vincent Appleman, t/a Claremont Tavern, for premises 163 Claremont Avenue, Jersey City, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. Tuesday, December 6, 1966, and terminating at 2:00 a.m. Monday, January 30, 1967.

JOSEPH P. LORDI, DIRECTOR

5. DISCIPLINARY PROCEEDINGS - ORDER REIMPOSING SUSPENSION AFTER DISMISSAL OF APPEAL TO APPELLATE DIVISION.

In the Matter of Disciplinary Proceedings against )

Francesco A. Marinaccio )  
t/a Marino's Bar & Restaurant )  
807-809-811 Main Street )  
Asbury Park, N. J. )

AMENDED ORDER

Holder of Plenary Retail Consumption License C-39, issued by the City Council of the City of Asbury Park )

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Julius J. Golden, Esq., Attorney for Licensee.  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

On June 21, 1966, I entered Conclusions and Order herein suspending the license for thirty days for sale in violation of State Regulation No. 38 and permitting the playing of a pool game for money stakes. Re Marinaccio, Bulletin 1688, Item 6.

Prior to effectuation of the order of suspension, upon appeal filed, the Appellate Division of the Superior Court stayed the operation of the suspension until the outcome of the appeal.

On November 14, 1966, the appeal was dismissed on the Court's own motion. The suspension may now be reimposed.

Accordingly, it is, on this 22d day of November, 1966,

ORDERED that Plenary Retail Consumption License C-39, issued by the City Council of the City of Asbury Park to Francesco A. Marinaccio, t/a Marino's Bar & Restaurant, for premises 807-809-811 Main Street, Asbury Park, be and the same is hereby suspended for thirty (30) days, commencing at 3:00 a.m. Tuesday, November 29, 1966, and terminating at 3:00 a.m. Thursday, December 29, 1966.

JOSEPH P. LORDI,  
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
 Mildred M. Basralian  
 t/a The Blue Fountains  
 5212 Hudson Avenue  
 West New York, N. J.,  
 Holder of Plenary Retail Consumption License C-29, issued by the Board of Commissioners of the Town of West New York.  
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CONCLUSIONS AND ORDER

Licensee, Pro se.  
Philip Margulies, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 18, 1966 she possessed alcoholic beverages in two bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for twenty days effective June 1, 1966, and for thirty days effective June 22, 1966, both for sale to minors.

The license will be suspended for fifteen days (Re Pfeiffer and Howard, Bulletin 1694, Item 6), to which will be added ten days by reason of the record of two suspensions of license for dissimilar violation within the past five years (Re Barnes, Bulletin 1698, Item 6), or a total of twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days.

Accordingly, it is, on this 23rd day of November 1966,

ORDERED that Plenary Retail Consumption License C-29, issued by the Board of Commissioners of the Town of West New York to Mildred M. Basralian, t/a The Blue Fountains, for premises 5212 Hudson Avenue, West New York, be and the same is hereby suspended for twenty (20) days, commencing \* at 3 a.m. Wednesday, November 30, 1966, and terminating at 3 a.m. Tuesday, December 20, 1966.

JOSEPH P. LORDI,  
DIRECTOR

\* By order dated November 29, 1966, the effective dates of suspension were deferred to commence at 3 a.m. Tuesday, January 3, 1967 and to terminate at 3 a.m. Monday, January 23, 1967.

7. DISCIPLINARY PROCEEDINGS - SALE ON ELECTION DAY - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
 Sherman Bar, Inc.  
 36-36½ Sherman Ave.  
 Newark, New Jersey,  
 Holder of Plenary Retail Consumption License C-50, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

CONCLUSIONS  
 AND  
 ORDER

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Licensee, by Harry Levenson, Secretary, 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 September 13, 1966, Primary Election Day, it sold alcoholic beverages during polling hours, in violation of Rule 2 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days effective March 25, 1957 for sale in violation of State Regulation No. 38, and by the Director (affirming suspension by the municipal issuing authority) for ten days effective May 13, 1957 for acceptance of numbers bets on the licensed premises. Re Sherman Bar, Inc., Bulletin 1171, Item 2.

The prior record of suspension of license for dissimilar violation in May 1957 more than five years ago disregarded, the license will be suspended for fifteen days (Re Keane, Bulletin 1673, Item 7), to which will be added five days by reason of the record of suspension for similar hours violation in March 1957 more than five but less than ten years ago (cf. Re Sussman, Bulletin 1674, Item 5, Re Maczka, Bulletin 1510, Item 2), 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 23rd day of November 1966,

ORDERED that Plenary Retail Consumption License C-50, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Sherman Bar, Inc., for premises 36-36½ Sherman Avenue, Newark, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Wednesday, November 30, 1966, and terminating at 2 a.m. Thursday, December 15, 1966.

JOSEPH P. LORDI,  
 DIRECTOR

8. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY  
LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR  
15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )  
 )  
 William John Fuhrer )  
 t/a Jan-Bar )  
 207-09 Bridgeboro Street )  
 Riverside, New Jersey, )  
 Holder of Plenary Retail Consumption License C-7, issued by the Township Committee of the Township of Riverside. )  
 ----- )

CONCLUSIONS  
AND  
ORDER

Licensee, Pro se  
 Philip Margulies, Esq., Appearing for Division of Alcoholic Beverage Control.  
 BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on June 6, 1966 he 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.

Licensee has a previous record of suspension of license by the municipal issuing authority for five days effective September 22, 1958 for sale to a minor, and for fifteen days effective July 9, 1962 for sale in violation of State Regulation No. 38.

The prior record of suspension of license for dissimilar violation occurring in 1958 more than five years ago disregarded, but the record of suspension for dissimilar violation in 1962 within the past five years considered, 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 Hotel Morton Company, Bulletin 1622, Item 6.

Accordingly, it is, on this 22nd day of November 1966,

ORDERED that Plenary Retail Consumption License C-7, issued by the Township Committee of the Township of Riverside to William John Fuhrer, t/a Jan-Bar, for premises 207-09 Bridgeboro Street, Riverside, be and the same is hereby suspended for ten (10) days, commencing at 1 a.m. Tuesday, November 29, 1966, and terminating at 1 a.m. Friday, December 9, 1966.

JOSEPH P. LORDI,  
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - GAMBLING (WAGERING) - LICENSE  
SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

Louis Molnar and Vivian Molnar )  
t/a Lou's Tavern )  
55-57 Pershing Avenue )  
Carteret, New Jersey, )

CONCLUSIONS  
AND  
ORDER

Holders of Plenary Retail Consumption )  
License C-36, issued by the Mayor and )  
Council of the Borough of Carteret. )

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Joseph P. Greco, Esq., Attorney for Licensees  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on  
October 21-22, 1966 they permitted gambling (wagering at cards)  
on the licensed premises, in violation of Rule 7 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 Polish American  
Citizens' Club, Bulletin 1689, Item 7.

Accordingly, it is, on this 21st day of November 1966,

ORDERED that Plenary Retail Consumption License C-36,  
issued by the Mayor and Council of the Borough of Carteret to  
Louis Molnar and Vivian Molnar, t/a Lou's Tavern, for premises  
55-57 Pershing Avenue, Carteret, be and the same is hereby  
suspended for ten (10) days, commencing at 2 a.m. Monday,  
November 28, 1966, and terminating at 2 a.m. Thursday, December  
8, 1966.

JOSEPH P. LORDI,  
DIRECTOR

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

In the Matter of Disciplinary )  
Proceedings against )

Leander T. McCoy )  
t/a Ted's Bar and Grill )  
90 Union Street )  
Trenton, N. J. )

CONCLUSIONS  
AND  
ORDER

Holder of Plenary Retail Consump- )  
tion License C-162, issued by the )  
City Council of the City of Trenton )

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Licensee, Pro se.  
Philip Margulies, Esq., Appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on  
June 7, 1966, he possessed an alcoholic beverage in one bottle  
bearing a label which did not truly describe its contents, in  
violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license  
by the municipal issuing authority for ten days effective June 10,  
1963, for sale to minors.

The prior record of suspension of license for dissimilar  
violation within the past five years considered, 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 Hotel  
Morton Company, Bulletin 1622, Item 6.

Accordingly, it is, on this 28th day of November, 1966,

ORDERED that Plenary Retail Consumption License C-162,  
issued by the City Council of the City of Trenton to Leander T.  
McCoy, t/a Ted's Bar and Grill, for premises 90 Union Street,  
Trenton, be and the same is hereby suspended for ten (10) days,  
commencing at 2:00 a.m. Monday, December 5, 1966, and terminating  
at 2:00 a.m. Thursday, December 15, 1966.

JOSEPH P. LORDI,  
DIRECTOR

11. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #296 )  
 In the Matter of a Petition to Lift )  
 the Automatic Suspension of Plenary )  
 Retail Consumption License C-209, )  
 issued by the Board of Alcoholic ) On Petition  
 Beverage Control for the City of )  
 Paterson to ) O R D E R

Salvatore Ruffino )  
 t/a Sandy Hill Tavern )  
 403 Straight Street )  
 Paterson, N. J. )

-----)  
Bruno L. Leopizzi, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on August 31, 1966, the licensee-petitioner was fined \$100 and \$10 costs in the Paterson Municipal Court after pleading guilty to a charge of sale of alcoholic beverages to a minor on August 19, 1966, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of the license for the balance of its term. R.S. 33:1-31.1. Because of the pendency of this proceeding, the statutory automatic suspension has not been effectuated.

It further appears that the municipal issuing authority has suspended the license for fifteen days effective October 24, 1966, after the licensee's plea of non vult to a charge in disciplinary proceedings alleging the same sale to the minor. It appearing that the municipal suspension has been served, I shall lift the statutory automatic suspension. Re Clancey's, Bulletin 1699, Item 7.

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

ORDERED that the statutory automatic suspension of said license C-209 be and the same is hereby lifted, effective immediately.

JOSEPH P. LORDI,  
DIRECTOR

12. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto.Susp.#292 )  
 In the Matter of a Petition to Lift )  
 the Automatic Suspension of Plenary )  
 Retail Consumption License C-145, )  
 issued by the Board of Commissioners )  
 of the City of Passaic to )

) SUPPLEMENTAL ORDER

John Molozzi )  
 t/a Pip's Tavern )  
 31-33 Bergen Street )  
 Passaic, N. J. )

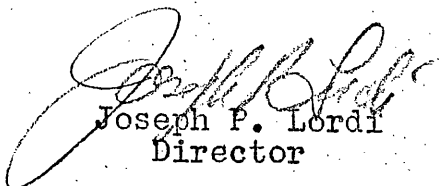
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BY THE DIRECTOR:

On October 25, 1966, an order was entered herein temporarily staying statutory automatic suspension of license of the licensee-petitioner pending determination of disciplinary proceedings against him.

It now appears that in disciplinary proceedings conducted by the municipal issuing authority, the license was suspended for three days effective 3:00 a.m. November 28, 1966, and terminating at 3:00 a.m. December 1, 1966, on a charge alleging sale of alcoholic beverages to the same minor, which sale was the subject of the previous criminal conviction. It appearing that the municipal suspension has been served, I shall lift the statutory automatic suspension. Re Acfal, Inc., Bulletin 1696, Item 9.

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

ORDERED that the statutory automatic suspension of said License C-145 be and the same is hereby lifted, effective immediately.



Joseph P. Lordi  
 Director