

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

August 9, 1965.

BULLETIN 1627

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STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
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1. APPELLATE DECISIONS - TARA BAY CLUB v. UPPER TOWNSHIP

Tara Bay Club,)	
Appellant)	
v.)	On Appeal
Township Committee of the)	
Township of Upper,)	CONCLUSIONS
Respondent)	AND ORDERS

Albert M. Ash, Esq., Attorney for Appellant.
Ronald L. Taht, Esq., Attorney for Respondent.
Robert W. Wolfe, Esq., Attorney for Objector.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

Appellant is the owner of sixty-seven acres of vacant land located on the southwest side of Roosevelt Boulevard adjacent to Great Egg Harbor Bay in Upper Township, on which it proposes to build a motel. Application was made for a plenary retail consumption license for the said premises, based upon plans and specifications submitted to respondent. On January 18, 1965, respondent, by a vote of 2 to 0 (the mayor abstaining), denied the application by resolution which did not set forth any reasons for its action. Appellant appeals.

It should be stated at the outset that in appeals from the grant or denial of liquor licenses by municipal issuing authorities, it has been repeatedly counselled that good practice dictates that reasons for such decision be disclosed. However, such failure is not fatal where the reasons are set forth in respondent's answer or fully developed at the appeal hearing. Rokay Wines & Liquors, Inc. v. Passaic, Bulletin 1198, Item 1: cf. Fanwood v. Rocco, 33 N.J. 404. Such reasons were presented in the answer and developed at this appeal hearing. Cf. Spring Manor, Inc. v. Newark, Bulletin 1319, Item 4.

In its petition of appeal, appellant asserts that respondent's action was erroneous for reasons which may be summarized as follows:

1. The decision was "arbitrary and capricious";
2. Issuance of the license would serve the best interests of the community;
3. Respondent adopted an ordinance implementing R.S. 33:1-12.20, which authorizes issuance of a license to a hotel containing at least fifty sleeping rooms at the discretion of the municipal issuing authority, and such discretion was abused;

4. Operation of a luxury nine-story motel, as contemplated to be erected, requires a liquor license;

5. Respondent "could give no reason for rejecting the application";

6. Construction of this facility would increase the rates; and

7. Such motel would answer "a growing need for accommodations of this type in this area."

Respondent's answer generally denies the allegations of the petition and sets forth its reasons for its decision as follows:

1. "There are sufficient establishments presently selling intoxicating beverages in the area where the proposed motel is to be located to meet the needs of the area";

2. Police problems would increase upon the granting of such license "which the Township is not equipped to handle."

Since this was a plenary de novo hearing, full opportunity was afforded the parties to present testimony and cross-examine witnesses, in accordance with Rule 6 of State Regulation No. 15.

Before summarizing the testimony adduced, it might be well to delineate certain basic applicable principles in the consideration of this appeal. The issuance of a liquor license is not an inherent or automatic right. If denied on reasonable grounds, such action will be affirmed. Richmon, Inc. v. Trenton, Bulletin 1560, Item 4. On the other hand, where it appears that the denial was arbitrary or unreasonable, the action will be reversed. Tompkins v. Seaside Heights, Bulletin 1398, Item 1. In Blanck v. Magnolia, 38 N.J. 484, 491, it was held that "The test in the establishment and issuance of liquor licenses is whether the public good requires it." Thus, it must first be determined whether there was a need and necessity for such license, i.e., the best interests of the public required it.

The liquor business is an exceptional one and the courts have always dealt with it exceptionally. X-L Liquors v. Taylor et al., 17 N.J. 444; Mazza v. Cavicchia, 15 N.J. 498.

Under the statute, municipal issuing authorities are vested with broad measures of discretion in the control of the liquor traffic. They are authorized to adopt ordinances excluding taverns and package stores (R.S. 33:1-12) or limiting their number (R.S. 33:1-40). Even where the municipal governing body passes an ordinance limiting the number of taverns and package stores, it may reasonably decline to issue a license beyond a number less than the maximum prescribed in the ordinance. See Bumball v. Burnett, 115 N.J.L. 254; Po Ambo Democratic Club, Inc. v. Perth Amboy, Bulletin 1158, Item 3. It follows, therefore, that even though the municipality has an ordinance giving it the authority to issue hotel licenses under R.S. 33:1-12.20, it may reasonably decline to issue any such licenses if, in the reasonable exercise of its discretion, it determines that the public interest warrants such action.

The testimony adduced herein reflects the following: Appellant desires to build a luxury type motel-hotel at a cost of over two million dollars on vacant land adjacent to meadowland. This land has 2900 feet of frontage on a state highway and part of it faces the Inland Waterway. The land will have to be dredged and filled at a cost of \$283,000 and the nine-story motel will include provision for a marina accommodating several hundred boats.

Richard Lyons, an officer of the corporate appellant, with the supportive testimony of Joseph Hyland, a civil engineer and land surveyor employed by the corporate appellant for this project, described in great detail the plans and specifications offered in evidence. These include a restaurant and cocktail bar on the entire top floor of the proposed motel and a bar and snack lounge to service the swimming pool area and the marina. He anticipated that the motel will attract a middle income group and the room rates will be based on "the highest rates down in Ocean City." Ocean City is a "dry" municipality without any liquor licenses; and appellant expects to attract many people from Ocean City and the entire area to its facility. Lyons explained that there are no other similar accommodations in this municipality and that there are no other restaurants that serve "main course meals." The motel would attract transients; and he is convinced that it could not be operated successfully without a liquor license.

At the first hearing held by respondent on this application, on December 31, 1964, Lyons appeared and was given an adequate opportunity to present arguments in support of appellant's application. At that time, the application was denied, and he states that no reasons for such denial were given. He was then notified of a second hearing (the action of which hearing is the subject of this appeal). He did not appear at the second hearing and again the respondent voted to deny the application.

Lyons admitted, on cross examination, however, that there were several reasons expressed orally at the first hearing for the action of the respondent--firstly, that the fire marshal of the township "was concerned about the fire equipment and so forth"; secondly, that the notice of application was not properly advertised. It was then agreed by respondent that upon proper advertising in a newspaper widely circulated in Upper Township, a second hearing would be held.

Hyland was closely questioned about the physical facilities of this municipality. He stated that there are a number of small taverns serving sandwiches and drinks but no present facility compares to the proposed structure. He further testified that Ocean City, which has a summer population of approximately 80,000 as compared to approximately 8,000 in the winter, issues no liquor licenses whatsoever and that the proposed motel, which would be only a couple of hundred yards away (over the Waterway) from Ocean City, would cater to many persons from the latter community. He described the events that transpired at the first hearing on this application, that there were several persons, including a minister, who expressed themselves in opposition to the license. However, it was his impression that the mayor supported the grant of the application, although he did not vote affirmatively therefor.

On cross examination, this witness admitted that the Township of Upper is not a resort community and that, in fact, it does not have an appreciable populational fluctuation. He acknowledged that the people who might use this establishment "are not Upper Township people; they're the traveling public and their volume, the number of those public, I think, is honestly represented by quoting to you the population differences in the Ocean City area." Finally, he admitted that a similar type of facility is being constructed in Ocean City which will provide for a marina, but it will not have a liquor license.

Joseph Gray, testifying on behalf of appellant, stated that at the first meeting at which this application was considered, the mayor seemed to be in favor of granting the license and expressed the point that there would be an increase in tax rates as a result of such construction. It was then decided to grant another hearing on the application after re-advertising. Gray also related the incidents of the second hearing at which he noted that, while the other two committeemen voted against issuance of the license, the mayor remained silent.

The testimony further shows that notice of the application was re-advertised in the Cape May County Gazette, a newspaper having a sizable circulation in Upper Township. It was also established that counsel for appellant informed respondent at the first hearing that the notice was properly inserted in the Wildwood Leader although he did not have an affidavit of proof of publication at the time of that hearing.

Mrs. Valeria Coney, a liquor licensee in Upper Township, whose place of business is located about 200 feet from the proposed motel, testified in support of the application. She stated that she had no actual interest in the motel although it was developed that she sold to appellant the land on which the proposed facility is sought to be built.

Both committeemen testified in support of respondent's position and explained their reasons for their action on this application. Committeeman Leonard Migliaccio gave the following account: He voted for denial of the application at both meetings. At the first meeting he felt that appellant had improperly advertised its intention to apply. The notice was inserted in the Wildwood Leader but he did not know of anybody in Upper Township who received that publication. In addition, he thought there were enough licenses in the area to take care of the needs of Upper Township. He agreed and voted to grant a new hearing upon re-advertisement "in the paper which you felt would give public notice."

At the second hearing, the committee room was crowded with an estimated eighty-five or ninety people who appeared to object to the issuance of the license in question.

He expressed his reasons for voting for denial of the application in the following language: "I feel that there's enough licenses in this area and it looks to me like it's more for outside people than it is for the community. We don't need it there. And the people feel that they don't want this license there, that they have enough to meet our needs for Upper Township."

He explained that there are already in existence seven plenary retail consumption licenses as well as a distribution license and one of the licensees is located directly across the highway from the proposed motel site. He also pointed out that this community has a population of approximately 3,000, is not a resort community and has very little fluctuation in population. He added that at the second meeting in January, there were two votes opposed and the mayor remained silent. Finally, the witness stated that it was his impression that this facility was going to cost 300 to 350 thousand dollars and that it was going to contain fifty rooms. I then undertook to further examine this witness on this point and asked him the following question:

"Q In view of what you have now learned today that there will be an expenditure of over a million dollars, according to the plans, and there will be rooms totaling I think 110, would that have made any difference in your decision to grant or deny?

A I would still say no as long as the people of the community felt they shouldn't have it, I would stay with them and say no.

Q That would be your feeling today?

A That would be my feeling today."

Committeeman Charles Cossaboone testified that he voted to deny appellant's application because "we have enough already in the community and I don't think the people in our area want it." He also felt that the advertisement "wasn't correctly advertised. It was legal, but I don't think the paper was circulated for the people to know." He explained that although respondent voted at the December meeting to deny appellant's application, it agreed thereafter to hold another hearing; and at the January meeting, he again voted to deny for the same reasons.

He was sharply examined about his alleged relations with the owner of the Sandbar. He admitted that his wife had been employed as a waitress during the summer season and that he had performed some carpentry work for the owner of that tavern. However, he denied that that influenced his decision on the vote.

Rev. Bruce Phillips and Rev. Gayle Ryle both testified in opposition to the application. They felt that issuance of the license would not serve the best interests of the community. Rev. Phillips particularly was apprehensive that there would be a moral breakdown in the community; that traffic hazards would be created; that residents from Ocean City would come and "make it a lower-type community. Ours is a fine community. We have sufficient places for our people and we want to keep it that way." He was not impressed with the argument that there would be increased tax rates because it would necessitate additional police service and, in the final analysis, the community would suffer.

I

The evidence discloses that at the meeting held on December 31, 1964, following a discussion of all phases of this application and after consideration thereof, respondent voted to deny the application. The vote was 2 to 0 with the mayor abstaining. It was admitted by the committeemen who testified at this hearing that notice of the application was legally advertised. It therefore is clear that the action of respondent was a final determination and it was not required to conduct a second hearing.

It has long been established that, where a local issuing authority reaches a final determination on an application for license, in the absence of mistake of law or fact, or fraud perpetrated upon the issuing authority (not claimed here), it may not reconsider its action. Essex County Retail Liquor Stores Assn. v. Newark et al., Bulletin 1457, Item 3; Cascio v. Roselle Park, Bulletin 1579, Item 1; White v. Atlantic City et al., 62 N.J.L. 644.

This doctrine has been followed in this Division since the beginning of its administration of alcoholic beverage control. See Plager v. Atlantic City, Bulletin 80, Item 11; Tyler's Country Club, Inc. v. Woodbridge, Bulletin 1311, Item 1. Thus, such vote at the December meeting was dispositive of this application. However, one of the reasons that motivated such denial was the feeling of the members of respondent that the advertisement was placed in a newspaper which was not adequately circulated in the municipality and therefore the residents did not have sufficient notice of the meeting. They agreed to hold another meeting which took place on January 18, 1965; and the same result was obtained.

While I believe that consideration of the merits of this appeal should be based on the action taken at the December meeting, I nevertheless shall consider its merits based upon the action of the January meeting.

II

As stated hereinabove, respondent, at its meeting of January 18, based its action for denial on the primary ground that there was no need or necessity for the license applied for. The reasoning appears to be that while there is an existing ordinance which does not prevent the issuance of a new plenary retail consumption license to the operator of a hotel containing fifty sleeping rooms, or to any person who shall construct and establish such a hotel, the present circumstances do not warrant such issuance.

No such policy has been established by this community since no license has heretofore been issued to a hotel in this community. Respondent further took into consideration the fact that appellant merely owned vacant land and no hotel was in existence. It appears also to be their feeling that Upper Township was not a resort community and they desired to keep it that way.

Other factors which entered into consideration were (1) the likelihood of a growing need for police and fire protection, (2) that undesirable persons would be attracted to the community, (3) that the facility would be for the benefit of transients and for residents of other communities, particularly Ocean City, and was not geared to the needs of the residents of Upper Township, (4) that the preponderance of the residents was opposed to issuance of the license, as reflected by the fact that most of the eighty-five to ninety persons who appeared at the meeting were opposed to such issuance, (5) that church groups had indicated by letter and by appearance of their clergymen that they were unalterably opposed to the grant of this application, and (6) that there were adequate facilities to serve the needs of its residents in view of the fact that seven plenary retail consumption licenses were already in existence.

I am further mindful of the fact that the vote of respondent was unanimous. Counsel for appellant argues that since the mayor did not vote, his vote should be considered as one in favor of the application. The rule, however, is that in a parliamentary body a majority vote suffices for effective enactment, and if a vote is taken and some vote Aye and no one dissents, those who do not vote are considered as voting with the majority for the motion. Kozusko v. Garretson, 102 N.J.L. 508; Mount v. Parker, 32 N.J.L. 341.

Respondent was markedly influenced by the fact that many of the residents were opposed to the issuance of this license. Reference to the popular sentiment against such issuance appears many times in the testimony. This may well have affected their independent judgment and unduly influenced their vote. Nevertheless, as the court stated in Fanwood v. Rocco, *supra*, a local issuing authority may properly, in its discretion, honor local sentiment in its consideration of an application. Said the court, at p.415:

"Fanwood's package store and taverns along its outskirts have apparently been sufficient, in the opinion of the municipal governing body, to meet the needs of its people and satisfy the public interest (cf. Mauriello v. Driscoll, 135 N.J.L. 220, 221 (Sup. Ct. 1947)) and, while the transfer of the package store to its business center would presumably serve as an added convenience to some of its residents, this factor was fairly considered by the governing body to be outweighed by the sentiments in opposition to the transfer."

In its earlier decision in Fanwood v. Rocco, 59 N.J. Super. 306, 320, the court had this to say:

"Nor does the municipality need to have any articulated reasons for keeping the area inviolate. It is sufficient if in good faith and not with the intention of oppressing the individual applicant the governing body wants it that way. If the motive of the governing body is pure, its reasons, whether based on morals, economics, or aesthetics, are immaterial."

And finally, the court, in Fanwood, 59 N.J. Super. at 320, added:

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

It is well settled that the local issuing authority is vested with a sound discretion in the granting or refusing to grant licenses for the sale of intoxicating beverages. Bumball v. Burnett, *supra*; Zicherman v. Driscoll, 133 N.J.L. 586; Price v. Millburn, 29 N.J. Super. 103; and such discretion will not be disturbed in the absence of a showing of a clear abuse thereof. Blanck v. Magnolia, *supra*.

The Director's function on appeal is not to substitute his personal opinion for that of the municipal issuing authority but merely to determine whether reasonable cause exists for its opinion and, if so, to affirm irrespective of his own personal views. Hudson Bergen County Retail Liquor Stores Ass'n v. Hoboken, 135 N.J.L. 502; Florence Methodist Church v. Florence Township, 38 N.J. Super. 85.

I further find that the evidence falls short of sustaining appellant's contention that one of the members of respondent was improperly motivated.

In view of the aforesaid, I conclude that appellant has failed to establish that respondent's action was unreasonable or an improper use of its discretion. I, therefore, recommend that an order be entered affirming said action and dismissing the appeal.

Conclusion and Order

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

After carefully considering all the evidence, exhibits, the memoranda filed by the attorneys for the respective parties, and the Hearer's Report, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 2nd day of June 1965,

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

JOSEPH P. LORDI
DIRECTOR

2. APPELLATE DECISIONS - SANTOS v. JERSEY CITY

Ramiro Santos,)	
)	
Appellant)	
v.)	On Appeal
)	
Municipal Board of Alcoholic)	
Beverage Control of the City)	O R D E R
of Jersey City,)	
)	
Respondent)	
-----)	

William A. Massa, Esq., Attorney for Appellant
Meyer Pesin, Esq., by Joseph S. E. Verga, Esq., Attorney for Respondent

BY THE DIRECTOR:

Appellant appeals from suspension of his plenary retail consumption license for premises 263 Henderson Street, Jersey City, by respondent for thirty days effective April 6, 1965, for permitting a brawl on the licensed premises.

Upon the filing of the appeal on April 26, 1965 (after twenty days of the suspension had been served), an order was entered on that date staying the effect of the balance of the order of suspension pending determination of the appeal.

Appellant testified that he operates an ice cream parlor across the street from the proposed premises and that his objection "is not to the tavern. It is the climate of the business and customers coming out of the tavern to my ice cream place."

On cross examination, appellant was asked whether or not it was merely a conclusion on his part that respondent licensee would attract the type of persons who had patronized the premises of the former licensee whose license had been revoked (Re Caprio, Bulletin 1540, Item 1). In answer thereto, appellant testified, "I didn't say he would. I said the prior owners had bred this type of environment, and I only hope in the event it is granted he doesn't."

Appellant further stated that there is a church within 200 feet of the proposed premises. However, no proof whatsoever was submitted in substantiation thereof.

General objections to the issuance of any license for premises located in a neighborhood wherein business establishments are not prohibited does not justify a refusal. Carriell et al. v. Newark et als., Bulletin 1043, Item 2.

The decision as to whether or not a license will be transferred to a particular locality rests, in the first instance, within the sound discretion of the municipal issuing authority. Hudson Bergen County Retail Liquor Stores Assn. v. North Bergen, Bulletin 997, Item 2. A local issuing authority has wide discretion in the matter of the transfer of a liquor license, subject to review by the State Director in the event of any abuse. Passarella v. Atlantic City et als., 1 N.J. Super. 313. The action of the local issuing authority, based upon discretion, will not be disturbed in the absence of a clear abuse thereof. Blanck v. Magnolia, 38 N.J. 484.

Justice Jacobs stated in Fanwood v. Rocco et al., 33 N. J. 404, 414:

"Although New Jersey's system of liquor control contemplates that the municipality shall have the original power to pass on an application for...license or the transfer thereof, the municipality's action is broadly subject to appeal to the Director of the Division of Alcoholic Beverage Control. The Director conducts a de novo hearing of the appeal and makes the necessary factual and legal determinations on the record before him...Under his settled practice, the Director abides by the municipality's grant or denial of the application so long as its exercise of judgment and discretion was reasonable."

See also Essex County Retail Liquor Stores Assn. v. Newark et als., 77 N.J. Super. 70.

The Director's function on appeals of the kind now under consideration is not to substitute his personal opinion for that of the municipal issuing authority but merely to determine whether reasonable cause exists for its opinion and, if so, to affirm irrespective of his personal views. Larijon, Inc. v. Atlantic City, Bulletin 1306, Item 1; Bertrip Liquors, Inc. v. Bloomfield, Bulletin 1334, Item 1. The action of a municipal issuing authority will not be reversed by the Director unless he finds "the action of the Board was clearly against the logic and effect of the presented facts." Hudson Bergen County Retail Liquor Stores Assn. v. Hoboken, 135 N.J.L. 502; cf. Fanwood v. Rocco, supra.

Respondent licensee's former premises is within a short distance from the proposed premises and this will not aggravate the number of licenses in the area.

After careful consideration of the evidence presented herein, I conclude that appellant has failed to sustain the burden that the action of the Board was arbitrary, unreasonable and an abuse of its discretion. Rule 6 of State Regulation No. 15. It is recommended, based on the reasons aforesaid, that an order be entered affirming the action of the Board and dismissing the appeal.

Conclusions and Order

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

After carefully considering the evidence herein and the Hearer's Report, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 9th day of June 1965,

ORDERED that the action of the respondent Municipal Board of Alcoholic Beverage Control of the City of Newark be and the same is hereby affirmed, and that the appeal herein be and the same is hereby dismissed.

Joseph P. Lordi,
Director

4. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)
Alice P. Russo)
t/a Star-Lite Bar)
48 N. Main Street)
Paterson, New Jersey,)
Holder of Plenary Retail Consumption)
License C-52, issued by the Board of)
Alcoholic Beverage Control for the)
City of Paterson)
-----)

CONCLUSIONS

and

ORDER

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

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on Sunday, May 16, 1965, at 11:50 a.m., she sold six cans of beer (1) and (2) before 1 p.m., in violation of local hours regulation, and (3) for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Nelson, Bulletin 1606, Item 3.

Accordingly, it is, on this 7th day of June 1965,

ORDERED that Plenary Retail Consumption License C-52, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Alice P. Russo, t/a Star-Lite Bar, for premises 48 N. Main Street, Paterson, be and the same is hereby suspended for fifteen (15) days, commencing at 3 a.m. Monday, June 14, 1965, and terminating at 3 a.m. Tuesday, June 29, 1965.

Joseph P. Lordi
Director

5. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
Pink's Bar and Grill, Inc.
t/a Pink's Bar & Grill, Inc.
424 Paulison Avenue
Passaic, N. J.

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-78, issued by the Board of Commissioners of the City of Passaic)

Licensee, by Joseph J. Zayak
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on May 20, 1965, it sold six cans of beer for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

Although the licensee has no previous record, the license then held by Joseph J. Zayak and Irene A. Zayak (respectively 50% and 49% stockholders of the licensee corporation), for premises 201 Halladay Street, Jersey City, was suspended by the Director for ten days effective August 24, 1954, for similar violation. Re Zayak, Bulletin 1031, Item 6.

The prior record of suspension of license for similar violation occurring more than ten years ago disregarded, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Ja-Da, Inc., Bulletin 1614, Item 9.

Accordingly, it is, on this 7th day of June 1965,

ORDERED that Plenary Retail Consumption License C-78 issued by the Board of Commissioners of the City of Passaic to Pink's Bar and Grill, Inc., t/a Pink's Bar & Grill, Inc. for premises 424 Paulison Avenue, Passaic, be and the same is hereby suspended for ten (10) days, commencing at 3 a.m. Monday, June 14, 1965, and terminating at 3 a.m. Thursday, June 24, 1965.

Joseph P. Lordi,
Director

DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 Ruth Parzanese
 t/a Highway Liquor Store
 Route 22 State Highway
 Greenwich Township
 PO Stewartville, N. J.
 Holder of Plenary Retail Distribution License D-1, issued by the Township Committee of Greenwich Township, Warren County

CONCLUSIONS
 and
 ORDER

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 May 14, 1965, she sold four eight-packs of cans of beer to two minors, both age 20, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days (Re Erlton Bowl Lounge, Inc., Bulletin 1612, Item 6), with remission of five days for the plea entered, leaving a net suspension of five days.

Accordingly, it is, on this 7th day of June 1965,

ORDERED that Plenary Retail Distribution License No. D-1, issued by the Township Committee of Greenwich Township, Warren County, to Ruth Parzanese, t/a Highway Liquor Store, for premises Route 22 State Highway, Greenwich Township, be and the same is hereby suspended for five (5) days, commencing at 9 a.m. Monday, June 14, 1965, and terminating at 9 a.m. Saturday, June 19, 1965.

Joseph P. Lordi,
 Director

7. DISCIPLINARY PROCEEDINGS -- ORDER TERMINATING SUSPENSION FOR BALANCE OF TERM UPON PROOF OF CORRECTION OF UNLAWFUL SITUATION.

In the Matter of Disciplinary Proceedings against)

Mary Riper)
t/a "Pleasant Valley Inn")
W/S Delsea Drive, north of Franklinville)
Franklin Township (Gloucester Co.))
PO Franklinville, N. J.)

Holder of Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Franklin; transferred during the pendency of these proceedings to)

SUPPLEMENTAL ORDER

Edward & Stella Keegan)

for the same premises.)

-----)

Licensees Edward & Stella Keegan, Pro se
David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR :

On April 22, 1965 I entered an order herein suspending the license for the balance of its term commencing on April 29, 1965, with leave to the licensee or any bona fide transferee of the license to file verified petition establishing correction of the then unlawful situation (undisclosed interests of Edward and Stella Keegan in the license) for lifting of the suspension on or after May 19, 1965, after the license had been suspended for twenty days. Re Riper, Bulletin 1628, Item 7.

A report of investigation discloses that, based on local misinformation, the transferees commenced the licensed business on May 19, 1965, without having filed the requisite petition for lifting of the suspension.

It appearing from verified petition now submitted by the licensees Edward & Stella Keegan, to whom the license was transferred effective May 19, 1965, that the unlawful situation has been corrected, I shall grant the petition requesting termination of the suspension effective May 19, 1965, when it might have been terminated by petition timely filed.

Accordingly, it is, on this 7th day of June 1965,

ORDERED that the suspension heretofore imposed herein be and the same is hereby terminated, effective 4 a.m. Wednesday, May 19, 1965, nunc pro tunc.

Joseph P. Lordi,
Director.

8. DISCIPLINARY PROCEEDING - GAMBLING (HORSE RACE AND NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 Johnny and Joe's Long Bar, Inc.
 128 Wilson Avenue
 Newark, New Jersey
 Holder of Plenary Retail Consumption License C-409, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark

CONCLUSIONS
 and
 ORDER

 William Gelfond, Esq., Attorney for Licensee
 Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads guilty to Charges 1 and 2 alleging that on April 13 and 22, 1965, it permitted acceptance of horse race bets, and on April 3 and 22, 1965, it permitted acceptance of numbers bets on its 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 Venezia, Bulletin 1609, Item 5.

Accordingly, it is, on this 10th day of June 1965,

ORDERED that Plenary Retail Consumption License C-409, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Johnny and Joe's Long Bar, Inc., for premises 128 Wilson Avenue, Newark, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1965, commencing at 2 a.m. Thursday, June 17, 1965; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2 a.m. Wednesday, August 11, 1965.

Joseph P. Lordi,
 Director

9. DISCIPLINARY PROCEEDINGS - SALE TO INTOXICATED PERSON - FOUL LANGUAGE - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 Ed's Tavern (A Corp.)
 t/a Ed's Tavern
 75 Orange Street
 Newark, N. J.
 Holder of Plenary Retail Consumption License C-924, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark

CONCLUSIONS and ORDER

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

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on May 6, 1965, it (1) sold alcoholic beverages to an intoxicated person, in violation of Rule 1 of State Regulation No. 20, and (2) permitted foul language by patrons on the licensed premises, in violation of Rule 5 of State Regulation No. 20.

Absent prior record, the license will be suspended on the first charge for twenty days, and on the second charge for ten days, or a total of thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days. Re Lafayette Bar, Inc., Bulletin 1603, Item 7.

Accordingly, it is, on this 28th day of May 1965,

ORDERED that Plenary Retail Consumption License C-924, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Ed's Tavern (A Corp.), t/a Ed's Tavern, for premises 75 Orange Street, Newark, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1965, commencing at 2 a.m. Monday, June 7, 1965; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2 a.m. Friday, July 2, 1965.



Joseph F. Lordi
Director

New Jersey State Library