

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

BULLETIN 1994

August 17, 1971

TABLE OF CONTENTSITEM

1. APPELLATE DECISIONS - DE VRIES v. PASSAIC.
2. DISCIPLINARY PROCEEDINGS (Orange) - AMENDED ORDER.
3. DISCIPLINARY PROCEEDINGS (Passaic) - GAMBLING (NUMBERS) - LICENSE SUSPENDED FOR 60 DAYS.
4. DISCIPLINARY PROCEEDINGS (Manalapan Township) - SALE TO NON-MEMBERS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Seaside Heights) - FAILURE TO KEEP PROPER LIST OF EMPLOYEES AVAILABLE FOR INSPECTION - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Trenton) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE IN VIOLATION OF LOCAL ORDINANCE - HOURS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (Jersey City) - AMENDED ORDER.
9. DISCIPLINARY PROCEEDINGS (Jersey City) - SUPPLEMENTAL AMENDED ORDER.
10. DISCIPLINARY PROCEEDINGS (Jersey City) - PURCHASE FROM ANOTHER RETAILER - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - AGGRAVATED CIRCUMSTANCES - LICENSE SUSPENDED FOR 70 DAYS, LESS 14 DAYS FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (Jersey City) - SUPPLEMENTAL ORDER.
12. DISCIPLINARY PROCEEDINGS (East Newark) - SALE TO MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
13. DISCIPLINARY PROCEEDINGS (Lawnside) - SALE TO NON-MEMBER - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

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

BULLETIN 1994

August 17, 1971

1. APPELLATE DECISIONS - DE VRIES v. PASSAIC.

Ann De Vries, t/a Harrison House,	)	
	)	On Appeal
Appellant,	)	
v.	)	CONCLUSIONS
	)	and
Municipal Board of Alcoholic	)	ORDER
Beverage Control of the City of	)	
Passaic,	)	
Respondent.	)	

-----  
Margaret B. Feltman, Esq., by Martin C. Mareiniss, Esq., Attorney  
for Appellant  
August C. Michaelis, Esq., by William P. Schey, 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 (Board) which on June 23, 1970, denied appellant's application for renewal of her Plenary Retail Consumption License C-45 for the 1970-71 licensing period for premises 896 Main Avenue, Passaic.

Appellant, in her petition of appeal, alleges that the action of the Board was erroneous because she received no notice of opportunity to be heard with regard to her renewal application; the Board's action was arbitrary, capricious and unreasonable, and a denial of due process.

The Board's answer asserts that (it) "considered all the facts and circumstances pertaining to the refusal to renew the license, and that the grounds not to renew were reasonable and proper and in the best interests of the public welfare."

Upon filing of the appeal herein, the Director entered an order on July 2, 1970, extending the term of appellant's license pending determination of the appeal.

The appeal was heard de novo pursuant to Rule 6 of State Regulation No. 15, with full opportunity afforded the respective parties to present testimony and cross-examine witnesses.

In substantiation of its action, the Board relied upon the testimony of Sergeant Carmen Russo, of the local Police Department, who was in charge of licensing investigations for the municipality, including tavern licenses. The records of police calls pertaining to appellant from December 7, 1969 to June 23, 1970, disclose that on December 7, 1969, the police were called on an allegation that a youth was served alcohol. No one under twenty-one was seen in the tavern by the police.

The next entry discloses that on December 25, 1969 the police were called to quell a dispute between a male and a female.

Both individuals departed from the premises prior to the arrival of the police.

On January 29, 1970, Patrolman Hanna, who was in the tavern, arrested a male on a disorderly person charge, alleging that the male was abusive and swore at him.

On April 29, 1970, the police were called due to a complaint that broken beer bottles were found on the sidewalk adjoining the premises. Upon questioning, the patrons inside the premises denied having knowledge of what had occurred.

Additionally, the records indicated that on July 16, 1970, a report was made of "a fight in progress, and it states here that shortly upon arrival at the Harrison House they found that one woman had too much to drink and didn't want to leave the bar." The female departed at the request of the police officer.

In behalf of appellant, Florin De Vries, who managed the tavern business, testified that he occasionally made telephone calls to the police relating to incidents in the licensed premises. Relative to the occurrence involving Patrolman Hanna, he called the police department at the request of Patrolman Hanna. On May 6, 1970, he was advised by Chairman Mostel of the local Board to feel free to call the police department for assistance any time he deemed the circumstances warranted.

The records of this Division disclose that the Board, by resolution dated May 6, 1970, suspended appellant's license for fifteen days, effective June 8, 1970, after finding it guilty of permitting an act of violence in the licensed premises on January 24, 1970. Thereafter, upon appeal this Division affirmed the action of the Board. See De Vries v. Passaic, Bulletin 1969, Item 2.

Appellant's contention that the Board's action was erroneous in that she received no notice of a hearing relative to the renewal of her license and that she was denied due process is rejected. There is no provision in the Alcoholic Beverage Law or the rules and Regulations of this Division which requires a local issuing authority to conduct a hearing under the circumstances appearing in the instant matter. In disciplinary proceedings, of course, charges must be prepared and served upon the licensee and the licensee must be given an opportunity to be heard. Therefore, the action taken by the respondent constituted no error since no such hearing was required. Lipman v. Newark, Bulletin 356, Item 6, and cases cited therein. See also Charlie's Capri, Inc. v. East Newark, Bulletin 1901, Item 1.

Rule 8 of State Regulation No. 2 provides:

"No hearing need be held if no such objections shall be lodged (but this in no wise relieves the issuing authority from the duty of making a thorough investigation on its own initiative), or if the issuing authority, on its own motion, after the requisite statutory investigation, shall have determined not to issue a license to such applicant. In every action adverse to any applicant or objector, the issuing authority shall state the reasons therefor."

In considering appellant's substantive argument that there was no reasonable basis for the Board's action, I observe that there is no inherent right to the renewal of a license. Zicherman v. Driscoll, 133 N.J.L. 586 (Sup. Ct. 1946). If denied on reasonable grounds, such action will be affirmed. Cf. Richmon, Inc. v. Trenton, Bulletin 1560, Item 4.

It is well established that an application for renewal of a license may not be denied capriciously, but must be based on reasonable grounds or it will be reversed. Costa v. Red Bank, Bulletin 133, Item 5; Tompkins v. Seaside Heights, Bulletin 1398, Item 1. Where a license has been renewed for prior licensing periods, a refusal to renew thereafter must be founded upon valid and substantial grounds supported by the weight of the evidence. As Commissioner Driscoll stated in Monesson v. Lakewood, Bulletin 657, Item 1:

"If, during the course of a licensing year, evidence of misconduct is brought to the attention of the issuing authority, proper investigation should be made and, if warranted, disciplinary proceedings for the suspension or revocation of the license instituted...."

Although the Board is to be complimented for exercising vigilance in attempting to weed out undesirables from remaining in the liquor business, nonetheless, it is my view that the licensee's adjudicated record and record of police calls is not so critically odious or bad as to warrant the extreme measure of refusal to renew.

It is my view that the Board's refusal to renew this license was not justified by the evidence. See, Bd. of Com'rs of Bayonne v. E & L Tavern, Inc., 42 N.J. 131 (1964).

It is elementary that the owner of a license or privilege acquires through his investment therein an interest which is entitled to some measure of protection. Cf. Tp. Committee of Lakewood Tp. v. Brandt, 38 N.J. Super. 462 (App. Div. 1955).

It is recommended that appellant be given the opportunity to demonstrate her worthiness to hold a liquor license. If future conditions warrant, the Board should not hesitate to institute disciplinary proceedings or to deny appellant's application for renewal of its license for the succeeding licensing term. Thus, it is further recommended that the action of the Board be reversed and that the Board be directed to grant the license to appellant for the 1970-71 licensing period, in accordance with the application filed therefor.

#### Conclusions and Order

No exceptions to the Hearer's report were filed pursuant to Rule 14 of State Regulation No. 15.

Having carefully considered the entire record herein, including the transcript of testimony and the Hearer's report, I concur in the conclusions and recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 25th day of June 1971,

ORDERED that the action of respondent be and the same is hereby reversed, and that respondent be and is hereby directed to renew appellant's plenary retail consumption license for the 1970-71 licensing period in accordance with the application filed therefor.

RICHARD C. McDONOUGH  
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - AMENDED ORDER.

In the Matter of Disciplinary Proceedings against  
  
Six Nineteen Corp.  
619 Langdon Street  
Orange, N. J.,  
  
Holder of Plenary Retail Consumption License C-9, issued by the Municipal Board of Alcoholic Beverage Control of the City of Orange.

AMENDED  
ORDER

-----  
Licensee, by Fred Wolf, President, Pro se  
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

On June 21, 1971, I entered an order suspending the license herein for forty-eight days commencing on Thursday, July 1, 1971 and terminating on Wednesday, August 25, 1971. The termination date should have been Wednesday, August 18, 1971.

Therefore, I shall amend the order to set forth the correct termination date.

Accordingly, it is, on this 25th day of June 1971,

ORDERED that the order heretofore entered on June 21, 1971 be and the same is hereby amended as follows:

ORDERED that any renewal license that may be granted by the Municipal Board of Alcoholic Beverage Control of the City of Orange, to Six Nineteen Corp., for premises 619 Langdon Street, Orange, presently the holder of Plenary Retail Consumption License C-9, shall be and the same is hereby suspended for forty-eight (48) days, commencing at 2:00 a.m. Thursday, July 1, 1971, and terminating at 2:00 a.m. Wednesday, August 18, 1971.

Richard C. McDonough  
Director

3. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS) - LICENSE SUSPENDED FOR 60 DAYS.

In the Matter of Disciplinary Proceedings against Albert Augustowski t/a Albie's Place 40 Fourth Street Passaic, N. J.,

CONCLUSIONS and ORDER

Holder of Plenary Retail Consumption License C-6, issued by the Municipal Board of Alcoholic Beverage Control of the City of Passaic.

Joseph M. Keegan, Esq., Attorney for Licensee Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charge:

"On July 14, 1970, you possessed, had custody of and allowed, permitted and suffered in and upon your licensed premises a ticket or participation right in a lottery, commonly known as the 'numbers game'; in violation of Rule 6 of State Regulation No. 20."

The Division's case was presented through the testimony of a local police officer and a State Police officer.

Stanley A. Jarensky, a detective in the local police force assigned to the gambling squad, who possessed adequate experience in conducting gambling investigations including numbers betting activity testified that, accompanied by Detective Sergeant Michael Beckish of the State Police, and another local police officer, he entered the licensed premises on July 14, 1970 at approximately 1:00 p.m. for the purpose of executing search warrants.

He identified himself to the licensee, Albert Augustowski, who was on duty tending bar. He found a slip of paper, folded in half, inserted inside a white pad that was lying next to the cash register behind the bar. He showed the slip to Augustowski. A photocopy of the original slip containing several numbers, identified as numbers bets, was admitted into evidence (D-3).

On cross examination Jarensky asserted that the aforesaid slip was the sole item relating to gambling activity.

The testimony of Detective Sergeant Michael Beckish was corroborative of the testimony offered by Jarensky.

In defense of the charge the licensee, Albert Augustowski, testified that the slip shown to him by Detective Jarensky was not the same as the slip introduced in evidence. The pad is used for

the purpose of crediting drinks for patrons and for use by patrons to record telephone numbers. He has never engaged in nor allowed numbers betting activity in the licensed premises. He was of the opinion that a police informer "planted" the slip in the tavern.

On cross examination Augustowski conceded that the slip shown to him by Jarensky did contain numbers bets and reiterated that it was not the same as the slip in evidence.

It is firmly established that in adjudicating matters of this kind, we are guided by the firmly established principle that disciplinary proceedings against liquor licensees are civil in nature and require proof by a preponderance of the believable evidence only. Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373 (1956); Freud v. Davis, 64 N.J. Super. 242 (App. Div. 1960); Howard Tavern Inc. v. Division of Alcoholic Beverage Control, not officially reported, reprinted in Bulletin 1491, Item 1.

In appraising the factual picture presented herein, the credibility of witnesses must be weighed. Testimony, to be believed, must not only proceed from the mouth of a credible witness but must be credible in itself. It must be such as the common experience and observation of mankind can approve as probable under the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961).

The general rule in these cases is that the finding must be based on competent legal evidence and must be grounded on a reasonable certainty as to the probabilities arising from a fair consideration of the evidence. 32A C.J.S. Evidence, sec. 1042.

I perceive no ill motive or malice towards the licensee by the police officers and therefore reject his contention the numbers bet slip (D-3 in evidence) was not the same slip that was shown to him by the police officer at the time of the raid. In any event, the licensee admitted that the slip shown to him by Detective Jarensky did contain numbers bets.

The fact that the numbers bet slip was found near the cash register reasonably leads to an inference that the licensee or some one in his employ had possession or custody thereof. City Hall Bar & Grill v. Newark, Bulletin 1910, Item 1.

As a matter of fact if the licensee asserted that he was unaware of its presence in the licensed premises, that assertion would be of no consequence in the determination of this matter.

The pertinent part of Rule 6 of State Regulation No. 20 reads that "No licensee shall...allow, permit or suffer...in or upon the licensed premises any tickets, etc., ...." (Emphasis added.) In view thereof, I conclude that the Division has proved its case by clear and convincing testimony and by a fair preponderance of the credible evidence. I therefore recommend that the licensee be found guilty of the charge. Cf. Re Town Tavern of Bound Brook, Inc., Bulletin 1913, Item 2.

Licensee has no prior record of suspension of license. I further recommend that the license be suspended for sixty days. Re Arnone, Bulletin 1971, Item 3.

Conclusions and Order

No exceptions to the Hearer's report were filed pursuant to Rule 6 of State Regulation No. 16.

Having carefully considered the entire record herein, including the transcript of the testimony, the exhibit and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 25th day of June 1971,

ORDERED that any renewal by the Municipal Board of Alcoholic Beverage Control of the City of Passaic of Plenary Retail Consumption License No. C-6 to Albert Augustowski, t/a Albie's Place, for premises 40 Fourth Street, Passaic, be and the same is hereby suspended for sixty (60) days, commencing at 3:00 a.m. Monday, July 19, 1971, and terminating at 3:00 a.m. Friday, September 17, 1971.

Richard C. McDonough  
Director

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

In the Matter of Disciplinary Proceedings against  
Molly Pitcher Post #434  
Sanford Avenue  
Manalapan Township  
PO Englishtown, N.J.,

CONCLUSIONS  
and  
ORDER

Holder of Club License CB-1, issued by the Township Committee of the Township of Manalapan.

Licensee, by John W. Zicha, Commander, Pro se Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on April 16, 1971, it sold alcoholic beverages to a non-member, in violation of Rule 8 of State Regulation No. 7.

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 Italian-American Social Club, Inc., Bulletin 1941, Item 7.

Accordingly, it is, on this 28th day of June 1971,

ORDERED that any renewal that may be granted by the Township Committee of the Township of Manalapan to Molly Pitcher Post #434, for premises Sanford Avenue, Manalapan Township, be and the same is hereby suspended for ten (10) days, commencing 2:00 a.m. on Tuesday, July 13, 1971, and terminating 2:00 a.m. Friday, July 23, 1971.

5. DISCIPLINARY PROCEEDINGS - FAILURE TO KEEP PROPER LIST OF EMPLOYEES AVAILABLE FOR INSPECTION - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against Pier Corp. t/a The Beachcomber DuPont Ave. and the Boardwalk Seaside Heights, N. J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-12 issued by the Mayor and Borough Council of the Borough of Seaside Heights.

Licensee, Anthony Berardi, President Pro Se. Edward F. Ambrose, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on July 17, 1970 it conducted its licensed business without keeping on the premises a list containing the names and addresses and other information concerning all persons employed on the licensed premises in violation of Rule 16(c) of State Regulation No. 20.

Licensee has a previous record of suspension of license by the local issuing authority for 30 days effective March 2, 1963 for sales of alcoholic beverages to minors in violation of Rule 1 of State Regulation No. 20. The prior record of suspension for dissimilar violation occurring more than five years ago disregarded, the license will be suspended for ten days with remission of five days for the plea entered, leaving a net suspension of five days. Re Club 232, Inc., Bulletin 1928, Item 5.

Accordingly, it is, on this 24th day of June 1971,

ORDERED that Plenary Retail Consumption License C-12, issued by the Mayor and Borough Council of the Borough of Seaside Heights to Pier Corp., t/a The Beachcomber for premises DuPont Avenue and the Boardwalk, Seaside Heights, be and the same is hereby suspended for five (5) days, commencing at 3:00 a.m. on Monday, July 12, 1971 and terminating at 3:00 a.m. on Saturday, July 17, 1971.

Richard C. McDonough Director

6. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against Thunderbird Bar, Inc. t/a Thunderbird Bar 301 Walnut Ave. Trenton, N. J.,

CONCLUSIONS and ORDER

Holder of Plenary Retail Consumption License C-236, issued by the City Council of the City of Trenton.

Licensee, Pro se Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR: -

Licensee pleads non vult to a charge alleging that on March 12, 1971, it possessed alcoholic beverages in five bottles 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 (1) by municipal issuing authority for two days effective April 22, 1946, for sale to minor, for (2) ten days effective April 20, 1964, and (3) for thirty days effective May 8, 1967, both latter suspensions for "hours" violations.

The suspensions for the two dissimilar violations occurring more than five years ago disregarded, the license will be suspended for thirty days, with the suspension of May 8, 1967 for dissimilar violation considered (Re John Stark, Bulletin 1555, Item 4), with remission of five days for the plea entered, leaving a net suspension of twenty-five days.

Should be 25-5

Accordingly, it is, on this 25th day of June 1971,

ORDERED that any renewal that may be granted for the 1971-72 licensing period by the City Council of the City of Trenton of Plenary Retail Consumption License C-236, to Thunderbird Bar, Inc., t/a Thunderbird Bar, for premises 301 Walnut Avenue, Trenton, be and the same is hereby suspended for twenty-five (25) days, commencing 2:00 a.m. on Monday, July 12, 1971, and terminating 2:00 a.m. on Friday, August 6, 1971.

Richard C. McDonough Director

7. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF LOCAL ORDINANCE - HOURS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )  
 )  
 George White & Edwin Angermeier )  
 t/a The Drift Inn )  
 373 Palisade Avenue )  
 Jersey City, N. J., )

CONCLUSIONS and ORDER

Holder of Plenary Retail Consumption License C-6, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City. )  
 )  
 - - - - - )  
 Licensee, Pro se  
 Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

*Handwritten notes:*  
13-5  
W. H. Cleaver

Licensees plead non vult to a charge alleging that on Sunday, February 28, 1971, between 11:05 a.m. and 11:30 a.m., they sold drinks of alcoholic beverages and failed to have the licensed premises closed, in violation of local ordinance.

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 Pintozzi, Bulletin 1959, Item 3.

Accordingly, it is, on this 28th day of June 1971,

ORDERED that any renewal that may be granted by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City of Plenary Retail Consumption License C-6 to George White and Edwin Angermeier, t/a The Drift Inn, for premises 373 Palisade Avenue, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Wednesday, July 14, 1971, and terminating at 2:00 a.m. on Thursday, July 29, 1971.

Richard C. McDonough  
Director

8. DISCIPLINARY PROCEEDINGS - AMENDED ORDER.

In the Matter of Disciplinary Proceedings against )

George White & Edwin Angermeier t/a The Drift Inn 373 Palisade Avenue Jersey City, N.J., )

AMENDED ORDER

Holder of Plenary Retail Consumption License C-6, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City. )

Licensee, Pro se Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

On June 28, 1971 I entered an order suspending the license herein for fifteen days, commencing on Wednesday, July 14, 1971, on their non vult plea to an alleged charge that on Sunday, February 28, 1971, between 11:05 a.m. and 11:30 a.m. they sold drinks of alcoholic beverages and failed to have the licensed premises closed, in violation of local ordinance.

I find that the usual penalty for such violations is suspension of license for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Charlie's Friendly Corner Bar, Bulletin 1977, Item 7. I shall, therefore, modify the penalty by this amended order.

Accordingly, it is, on this 30th day of June 1971,

ORDERED that the order heretofore entered on June 28, 1971 be and the same is hereby amended as follows:

ORDERED that any renewal that may be granted by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City of Plenary Retail Consumption License C-6, to George White and Edward Angermeier, t/a The Drift Inn, for premises 373 Palisade Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. on Wednesday, July 14, 1971, and terminating at 2:00 a.m. on Saturday, July 24, 1971.

Richard C. McDonough Director

9. DISCIPLINARY PROCEEDINGS - SUPPLEMENTAL AMENDED ORDER.

In the Matter of Disciplinary )  
 Proceedings against )  
 )  
 George White & Edwin Angermeier )  
 t/a The Drift Inn )  
 373 Palisade Avenue )  
 Jersey City, N. J., )

Holder of Plenary Retail Consumption )  
 License C-401, issued by the Municipal )  
 Board of Alcoholic Beverage Control of )  
 the City of Jersey City and during the )  
 course of these proceedings partnership )  
 was dissolved and continued by )  
 )  
 Edwin Angermeier (Ind.) )  
 for the same premises. )

SUPPLEMENTAL  
 AMENDED ORDER

-----

Licensee, Pro se  
 Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

On June 30, 1971 I entered an amended order suspending any renewal license that may be granted by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City of Plenary Retail Consumption License C-401 issued to George White and Edwin Angermeier, t/a The Drift Inn, for premises 373 Palisade Avenue, Jersey City, for ten days commencing July 14, 1971.

It now appears from the records of this Division that the partnership was dissolved effective May 5, 1971, and Plenary Retail Consumption License C-401 was continued by Edwin Angermeier individually.

Accordingly, it is, on this 1st day of July 1971,

ORDERED that any renewal that may be granted by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City of Plenary Retail Consumption License C-401 to Edwin Angermeier (Ind.) for premises 373 Palisade Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Wednesday, July 14, 1971, and terminating at 2 a.m. Saturday, July 24, 1971.

Richard C. McDonough,  
 Director.

10. DISCIPLINARY PROCEEDINGS - PURCHASE FROM ANOTHER RETAILER - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - AGGRAVATED CIRCUMSTANCES - LICENSE SUSPENDED FOR 70 DAYS, LESS 14 DAYS FOR PLEA.

In the Matter of Disciplinary Proceedings against Alfred Jeter 621 Communipaw Avenue Jersey City, N.J., Holder of Plenary Retail Consumption License C-162, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

CONCLUSIONS and ORDER

Glickman and Valentine, Esqs., by Peter S. Valentine, Esq., Edward F. Ambrose, Esq., Appearing for Division Attorneys for Licensee

BY THE DIRECTOR:

Licensee pleaded non vult to two separate charges. The first (S-8711) alleging that beginning November 23, 1970 and on divers days to April 13, 1971 he purchased alcoholic beverages from other retailers; in violation of Rule 15 of State Regulation No. 20; and the second (S-8627) alleging that on December 29, 1970 he sold six six-ounce cans of beer for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

Licensee has a previous record of similar violation to the second charge herein which resulted in a fifteen days suspension by the Director. Re Jeter, Bulletin 1986, Item 3. (May 25, 1971)

The prior record of suspension for similar violation considered, the license will be suspended on the first charge herein (S-8711) for fifteen days, to which will be added ten days by reason of the record of the recent suspension, (Re Maione, Bulletin 1945, Item 5) or a total of twenty-five days on this charge. On the second charge (S-8627) the license will be suspended for forty-five days, being aggravated by the proximity of the prior suspension (Re Ralph & John's Tavern, Inc., Bulletin 1779, Item 3) making a total suspension on both charges of seventy days, with remission of fourteen days for the plea entered, leaving a net suspension of fifty-six days.

Accordingly, it is, on this 28th day of June 1971,

ORDERED that any renewal which may be granted by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City for the 1971-72 licensing period of Plenary Retail Consumption License C-162 to Alfred Jeter, for premises 621 Communipaw Avenue, Jersey City, be and the same is hereby suspended for fifty-six (56) days, commencing at 2:00 a.m. Monday, July 12, 1971, and terminating at 2:00 a.m. Monday, September 6, 1971.

Richard C. McDonough Director

11. DISCIPLINARY PROCEEDINGS - SUPPLEMENTAL ORDER.

In the Matter of Disciplinary Proceedings against )

Chester Lipka )  
384 Grove Street )  
Jersey City, N. J., )

SUPPLEMENTAL ORDER

Holder of Plenary Retail Consumption License C-272, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City. )

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

BY THE DIRECTOR:

On January 23, 1969 I entered an order suspending the subject license for sixty days for permitting acceptance of numbers bets on the licensed premises. Re Lipka, Bulletin 1843, Item 5. However, since the premises were not being operated on a substantial full-time basis, the order provided that the effective dates for the suspension would be fixed by entry of a further order herein when the said operation had been fully resumed on a substantial basis.

Walter J. McDermott, Secretary of the Municipal Board of Alcoholic Beverage Control of the City of Jersey City, has advised me that the said license was transferred to William Chester Podurciel for the above premises. However, the operation was still not resumed and the suspension was not put into effect.

I am now advised that the said license was surrendered to the municipal issuing authority on December 1, 1970, and that it was "retired" on January 19, 1971 by the said municipal issuing authority.

Accordingly, it is, on this 28th day of June 1971,

ORDERED that no further action shall be taken with respect to the said license.

Richard C. McDonough,  
Director.

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

In the Matter of Disciplinary )  
Proceedings against )  
Dorothy Schwertfeger )  
t/a The Cimarron Lounge )  
423 N. Third Street )  
East Newark, N. J., )

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption )  
License C-13, issued by the Borough )  
Council of the Borough of East Newark. )  
- - - - -

Judge, Sheeran, Mascia and Dowd, Esqs., by David W. Dowd, Esq.,  
Attorneys for Licensee  
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on  
March 26, 1971 she sold alcoholic beverages 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 Calvacca, Bulletin  
1977, Item 6.

Accordingly, it is, on this 23rd day of June 1971,

ORDERED that any renewal by the Borough Council of the  
Borough of East Newark of Plenary Retail Consumption License No.  
C-13, to Dorothy Schwertfeger, t/a The Cimarron Lounge, for  
premises 423 N. Third Street, East Newark, be and the same is  
hereby suspended for ten (10) days, commencing at 2:00 a.m.  
Wednesday, July 7, 1971, and terminating at 2:00 a.m. Saturday,  
July 17, 1971.

Richard C. McDonough  
Director

13. DISCIPLINARY PROCEEDINGS - SALE TO NON-MEMBER - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
 Park Avenue Social Club  
 Park Avenue  
 Lawnside Borough, N. J.,  
 Holder of Club License CB-2, issued by the Borough Council of the Borough of Lawnside.  
 - - - - - )

CONCLUSIONS and ORDER

Licensee, Pro se  
Walter H. Cleaver, Esq., Appearing for Division

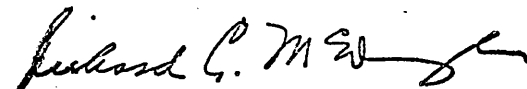
BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on April 18 and May 7, 1971, it sold alcoholic beverages to a non-member in violation of Rule 8 of State Regulation No. 7.

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 Progressive Democratic Club, Bulletin 1911, Item 7.

Accordingly, it is, on this 29th day of June 1971,

ORDERED that any renewal of Club License CB-2, that shall be issued by the Borough Council of the Borough of Lawnside to Park Avenue Social Club for premises Park Avenue, Lawnside, be and the same is hereby suspended for ten (10) days, commencing 3:00 a.m. on Tuesday, July 13, 1971, and terminating 3:00 a.m. on Friday, July 23, 1971.

  
 Richard C. McDonough  
 Director