

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
25 Commerce Drive Cranford, N.J. 07016

BULLETIN 2053

July 26, 1972

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STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
25 Commerce Dr. Cranford, N.J. 07016

BULLETIN 2053

July 26, 1972

1. COURT DECISIONS - NEW HAMPSHIRE HOUSE INC. v. SUMMIT.

NEW HAMPSHIRE HOUSE, INC.,
a New Jersey corporation, and
FRANCONIA COMPANY, INC., a
New Jersey corporation,

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
A-235-71

Plaintiffs-Appellants,

v.

CITY COUNCIL OF THE CITY OF SUMMIT
and SUMMIT SQUIRE, INC., a New Jersey
corporation,

Defendants-Respondents.

Submitted May 15, 1972 - Decided May 31, 1972.

Before Judges Sullivan, Leonard and Carton.

On appeal from Division of Alcoholic Beverage Control.

Mr. John Anthony Lombardi, attorney for appellants.

Mr. Wilfred P. Diana, attorney for respondent Summit
Squire, Inc.

Mr. George F. Kugler, Jr., Attorney General, attorney for
Division of Alcoholic Beverage Control (Mr. David S. Piltzer,
Assistant Deputy Attorney General, of counsel).

PER CURIAM

(Appeal from the Director's decision in Re New Hampshire
House, Inc. v. Summit, Bulletin 2002, Item 2. Director
affirmed. Opinion not approved for publication by the
Court committee on opinions.)

2. DISCIPLINARY PROCEEDINGS - AMENDED ORDER.

In the Matter of Disciplinary Proceedings against)

Lupan, Inc.)
t/a Colony Inn)
Carlton Road)
Lindenwold, N. J.,)

AMENDED ORDER

Holder of Plenary Retail Consumption License C-8, issued by the Borough Council of the Borough of Lindenwold.)

Licensee, Pro se
Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

On May 15, 1972 I entered an order suspending the license herein for twenty days commencing May 30, 1972, after licensee pleaded guilty to a charge alleging sale to a minor in violation of Rule 1 of State Regulation No. 20. Re Lupan, Inc., Bulletin , Item .

By letter addressed to me by the principal officer of the corporate licensee, request was made that the effect of the suspension be deferred for one month because of certain financial difficulties which would create undue hardship if the closing were to commence on the day set in the order. Good cause appearing, I shall grant the request.

Accordingly, it is, on this 23rd day of May 1972,

ORDERED that Plenary Retail Consumption License C-8, issued by the Borough Council of the Borough of Lindenwold to Lupan, Inc., t/a Colony Inn, for premises on Carlton Road, Lindenwold, be and the same is hereby suspended for the balance of its term, viz., midnight June 30, 1972, commencing 3 a.m. Tuesday, June 27, 1972; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 3 a.m. Monday, July 17, 1972.

Robert E. Bower,
Director.

3. APPELLATE DECISIONS - YURCHAK v. JERSEY CITY.

John Yurchak, and The Jersey)
 City Tavern Owners Association,)
)
 Appellants,)
 v.)

On Appeal

Municipal Board of Alcoholic)
 Beverage Control of the City of)
 Jersey City, and Thomas Ford,)
)
 Respondents.)

SUPPLEMENTAL ORDER

 Skoloff & Wolfe, Esqs., by Saul A. Wolfe, Esq., Attorneys for
 Appellants
 James F. Ryan, Esq., by Louis P. Caroselli, Esq., Attorney for
 Respondent Board
 Edward F. Zampella, Esq., by Marshall J. Wofsy, Esq., Attorney
 for Respondent Ford
 Schutzman, Glickman & Valentine, Esqs., by Peter S. Valentine,
 Esq., Attorneys for Respondent Ford, on Petition

BY THE DIRECTOR:

On April 5, 1971 Conclusions and Order were entered herein reversing the action of respondent Municipal Board of Alcoholic Beverage Control of the City of Jersey City which, by resolution dated May 5, 1970, approved a place-to-place transfer of the plenary retail consumption license held by Thomas Ford from premises 147 Wayne Street to 323 Monmouth Street, Jersey City. Yurchak et al. v. Jersey City and Ford, Bulletin 1974, Item 1.

Upon appeal filed, the Superior Court (Appellate Division) on April 19, 1972, affirmed the action of the Director. Yurchak et al. v. Jersey City and Ford (App.Div. 1970), not officially reported, recorded in Bulletin 2046, Item 1. By such affirmation of the Director's order, respondent Thomas Ford is prohibited from operating under the license at premises 323 Monmouth Street, Jersey City, and must forthwith discontinue any such operation at the said premises.

On May 11, 1972, Peter S. Valentine, Esq., Attorney for respondent Ford, filed a verified petition in which he seeks a "90 day extension on behalf of Mr. Ford to permit him a reasonable opportunity to seek new premises for the transfer of his license." After consideration of said request, I have decided to grant the said application upon the conditions hereinafter set forth.

Accordingly, it is, on this 17th day of May 1972,

ORDERED that said Thomas Ford forthwith cease and desist operation under the license issued to him for premises 323 Monmouth Street, Jersey City; and it is further

ORDERED that said license certificate shall immediately be surrendered to respondent Municipal Board of Alcoholic Beverage Control of the City of Jersey City and retained by it, subject, however, to the following conditions:

- (a) That the said Thomas Ford may file prompt application for transfer of the said license or any renewal thereof to other suitable premises in the municipality and that, within ninety (90) days from the order herein, the Board may in its discretion grant such application or any renewal thereof for transfer;

- (b) That, upon the grant of the application for transfer of the said license or any renewal thereof held in custody of the Board, the said license shall be issued to Thomas Ford and the license shall be in full force and effect as soon as the transfer is endorsed on the face of the certificate;
- (c) That, if the said application for transfer is not approved within the above stated period of time, or any extension of time thereof granted by the Board or this Division, the said license shall be cancelled.

Robert E. Bower
Director

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

In the Matter of Disciplinary Proceedings against)	
)	
Alexander Liquors, Inc. 601 North Olden Avenue Trenton, N.J.,)	CONCLUSIONS and ORDER
)	
Holder of Plenary Retail Distribution License D-18, issued by the City Council of the City of Trenton.)	
-----))	
Licensee, Pro se Peter E. Rhatican, Appearing for Division)	

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 7, 1972, it sold alcoholic beverages to a minor, age 17, in violation of Rule 1 of State Regulation No. 20.

Absent prior record the license will be suspended for twenty days with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Brand & Crosta, Bulletin 2041, Item 13.

Accordingly, it is, on this 17th day of May 1972,

ORDERED that Plenary Retail Distribution License D-18, issued by the City Council of the City of Trenton to Alexander Liquors, Inc., for premises 601 North Olden Avenue, Trenton, be and the same is hereby suspended for fifteen (15) days, commencing 2:00 a.m. on Tuesday, May 30, 1972, and terminating 2:00 a.m. on Wednesday, June 14, 1972.

Robert E. Bower
Director

5. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED -
LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION FOR IMPOSITION
OF FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against
Eugene J. Raichel
t/a Gene's Ashmore Tavern
160 Ashmore Avenue
Trenton, N.J.
Holder of Plenary Retail Consumption
License C-188 issued by the City
Council of the City of Trenton.
.....

CONCLUSIONS
and
ORDER

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 24, 1972, he possessed two bottles of alcoholic beverages, the labels of which did not truly describe their contents in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license would normally be suspended for fifteen days with remission of five days for the plea entered, leaving a net suspension of ten days (Re Rymax Inc., Bulletin 2039, Item 10).

However, the licensee has made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of \$400.00 in lieu of suspension.

Accordingly, it is on this 17th day of May, 1972

ORDERED that the payment of a \$400.00 fine by the licensee is hereby accepted in lieu of the suspension of license for ten days.

Robert E. Bower,
Director

6. DISCIPLINARY PROCEEDINGS - PURCHASE FROM AUTHORIZED SOURCE WHILE ON NON-DELIVERY LIST - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Pink Elephant of Princeton, Inc.)
t/a Pink Elephant)
252 Nassau Street)
Princeton, N. J.,)

CONCLUSIONS
and
ORDER

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

Joseph Markowitz, Esq., Attorney for Licensee
Peter E. Rhatican, Appearing for Division

BY THE DIRECTOR:

Licensee pleaded non vult to two charges alleging that on divers dates between September 13, 1971 and November 23, 1971, it (1) purchased alcoholic beverages while on the "non-delivery list", in violation of Rule 4(b) of State Regulation No. 39, and (2) during the same period purchased alcoholic beverages from unauthorized sources, in violation of Rule 15 of State Regulation No. 20.

Absent prior adjudicated record of suspensions during the past ten years, the license will be suspended for fifteen days on the first charge (Re Yrral Corp., Bulletin 2040, Item 6); and for fifteen days on the second charge (Re Zimcon, Bulletin 2040, Item 4), making a total of thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 17th day of May 1972,

ORDERED that Plenary Retail Consumption License C-6, issued by the Borough Council of the Borough of Princeton to Pink Elephant of Princeton, Inc., t/a Pink Elephant, for premises 252 Nassau Street, Princeton, be and the same is hereby suspended for twenty-five (25) days, commencing midnight on Thursday, June 1, 1972 and terminating midnight on Monday, June 26, 1972.

Robert E. Bower
Director

7. DISCIPLINARY PROCEEDINGS - SALE TO NON-MEMBERS - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Walter J. Conley Lodge #1379 I.B.P.O.E. of W., Inc. 91 Throckmorton Street Freehold Borough, N.J.,)

CONCLUSIONS and ORDER.

Holder of Club License CB-1, issued by the Mayor and Council of the Borough of Freehold.)

----- Drazin, Warshaw, Auerbach & Rudnick, Esqs., by Thomas T. Warshaw, Esq., Attorneys for Licensee Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 7, 1972, it sold alcoholic beverages to non-members or other than bona fide guests of members, in violation of Rule 8 of State Regulation No. 7.

Licensee has a prior record of suspension of license for twenty-five days, by the local issuing authority, effective September 3, 1962, for a similar offense.

License will be suspended for fifteen days to which will be added five days by reason of the similar offense occurring within the past ten years, making a total suspension of twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Cape May Loyal Order of Moose #1054, Bulletin 2017, Item 4.

Accordingly, it is, on this 17th day of May 1972,

ORDERED that Club License CB-1, issued by the Mayor and Council of the Borough of Freehold to Walter J. Conley Lodge #1379, I.B.P.O.E. OF W., Inc., for premises 91 Throckmorton Street, Freehold, be and the same is hereby suspended for fifteen (15) days commencing 2:00 a.m. on Tuesday, May 30, 1972, and terminating 2:00 a.m. on Wednesday, June 14, 1972.

Robert E. Bower Director

8. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA - APPLICATION FOR IMPOSITION OF FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against :

Mickey's, Inc. :
t/a Mickey's Lounge :
17 Charlton Street :
Newark, N.J. :

CONCLUSIONS
and/
ORDER

Holder of Plenary Retail Consumption License C-293 issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark. :

.....
Friedman & D'Alessandro, Esqs., by Kalman Friedman, Esq.,
Attorneys for licensee.
Peter E. Rhatican, Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, December 5, 1971 between the hours of 12:45 P.M. and 1:20 P.M., it sold alcoholic beverages in original container for off premises consumption in violation of Rule 1 of State Regulation No. 38.

Although there is no prior record against this corporate licensee, the license, previously in the names of its corporate stockholders, was suspended by the municipal issuing authority for ten days effective April 19, 1971 on a similar "hours" violation.

The license would normally be suspended for fifteen days (Re McGraw, Bulletin 2038, Item 5) to which would be added fifteen days by reason of the similar violation occurring within the past five years, making a total of thirty days, less five days remission for the plea entered, leaving a net suspension of twenty-five days.

However, the licensee has made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of \$1000.00 in lieu of suspension.

Accordingly, it is on this 17th day of May, 1972

ORDERED that the payment of a \$1000.00 fine by the licensee is hereby accepted in lieu of suspension of license for twenty-five days.

Robert E. Bower,
Director

9. DISCIPLINARY PROCEEDINGS - AMENDED ORDER.

In the Matter of Disciplinary Proceedings against
W. Building Corporation
t/a Two Ed's Tavern
601 Grove Street
Jersey City, N.J.

Holder of Plenary Retail Consumption License C-258 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.

AMENDED ORDER

BY THE DIRECTOR:

On May 4, 1972, Conclusions and Order were entered in the within matter, suspending the license for twenty days in consequence of a plea of non vult entered by the licensee. The effective date of such suspension is May 18, 1972.

Licensee has now applied for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of \$840.00 in lieu of suspension.

Accordingly, it is on this 18th day of May, 1972

ORDERED that the aforementioned Order heretofore entered is hereby amended as follows: The payment of a fine in the amount of \$840.00 by the licensee is hereby accepted in lieu of the suspension of license for twenty days.

Robert E. Bower,
Director

10. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF LOCAL HOURS ORDINANCE -
PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

Eush-Kerrick Post #2169)
Veterans of Foreign Wars)
530-532 High Street)
Millville, N.J.,)

CONCLUSIONS
and
ORDER

Holder of Club License CB-3, issued)
by the Board of Commissioners of)
the City of Millville.)

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, February 20, 1972, it sold alcoholic beverages on the licensed premises in violation of local "hours" ordinance.

Licensee has a prior record of suspension of license within the past ten years by the local issuing authority for five days, effective November 13, 1967, resulting from a sale of alcoholic beverages during hours prohibited by local ordinance.

The license will be suspended on the charge herein for fifteen days (Re Barrel Tavern, Inc., Bulletin 2043, Item 12) which penalty shall have added to it an additional fifteen days by reason of the similar offense occurring within the past five years (Re Cranbury Vikings & Sportsmen's Club, Inc., Bulletin 2020, Item 9), making a total of thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 18th day of May 1972,

ORDERED that Club License CB-3, issued by the Board of Commissioners of the City of Millville to Eush-Kerrick Post #2169 Veterans of Foreign Wars for premises 530-532 High Street, Millville, be and the same is hereby suspended for twenty-five (25) days, commencing 1:00 a.m. on Thursday, June 1, 1972 and terminating 7:00 a.m. on Monday, June 26, 1972.

Robert E. Bower
Director

11. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION FOR IMPOSITION OF FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against

Wash's Catering Service, Inc. t/a Wash's Inn 128 N. New Road Pleasantville, N.J.

CONCLUSIONS and ORDER

Holder of Plenary Retail Consumption License C-4, issued by the Common Council of the City of Pleasantville.

Champion & Champion, Esqs., by Edward W. Champion, Esq., Attorneys for Licensee. Dennis M. Brew, Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on Sunday, January 30, 1972 at about 12:00 Noon, it sold alcoholic beverages in original container for off-premises consumption, in violation of Rule 1 of State Regulation No. 38, and of local "hours" ordinance.

Absent prior record, the license would normally be suspended for fifteen days with remission of five days for the plea entered, leaving a net suspension of ten days. Re McGraw, Bulletin 2038, Item 5.

However, the licensee has made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of \$630.00 in lieu of suspension.

Accordingly, it is on this 18th day of May, 1972

ORDERED that the payment of a \$630.00 fine by the licensee is hereby accepted in lieu of the suspension of license for ten days.

Robert E. Bower, Director

12. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA - APPLICATION FOR IMPOSITION OF FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against

Telford Inn, Inc.
t/a Telford Inn
Broadway & Main Street
Mantua Township, N.J.

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-1 issued by the Township Committee of the Township of Mantua.

.....
Butler & Butler, Esqs., by Herbert H. Butler, Jr., Esq., Attorneys for Licensee.
Peter E. Rhatican, Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 24, 1972, it sold alcoholic beverages to a minor, age 20, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license would normally be suspended for ten days with remission of five days for the plea entered, leaving a net suspension of five days. Re Welcome Cafe, Inc., Bulletin 2038, Item 7.

However, the licensee has made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of \$460.00 in lieu of suspension.

Accordingly, it is on this 19th day of May, 1972

ORDERED that the payment of a \$460.00 fine by the licensee is hereby accepted in lieu of the suspension of license for five days.

Robert E. Bower,
Director

13. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA - APPLICATION FOR IMPOSITION OF FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against Baltusrol Golf Club Shunpike Road Springfield, N. J., Holder of Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of Springfield.

CONCLUSIONS and ORDER

Kein, Pollatschek & Iacopino, Esqs., by Julius R. Pollatschek, Esq., Attorneys for Licensee Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on May 28, 1971 it possessed seven bottles of alcoholic beverages the labels of which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license would normally be suspended for thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days. However, the licensee has made application for the imposition of a fine in lieu of suspension in accordance with Chapter 9 of the Laws of 1971. Cf. Re Silver Lake Corporation, Bulletin 1919, Item 10.

Having carefully considered the application in question, together with all of the circumstances and the public interest involved, I have determined to accept an offer in compromise by the licensee to pay a fine in lieu of suspension in the amount of \$3,500.

Accordingly, it is, on this 22nd day of May 1972,

ORDERED that the payment of a fine of \$3,500 by the licensee is hereby accepted in lieu of the suspension of license for twenty-five days.

Robert E. Bower, Director.

14. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - PRIOR SIMILAR AND DISSIMILAR RECORD - AGGRAVATED - LICENSE SUSPENDED FOR 45 DAYS, LESS 9 FOR PLEA.

In the Matter of Disciplinary Proceedings against Jive Shack Bar (A Corp.) 274- 15th Avenue Newark, N. J., Holder of Plenary Retail Consumption License C-439, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

CONCLUSIONS and ORDER

Jacob M. Goldberg, Esq., Attorney for Licensee Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on December 5, 1971 it sold alcoholic beverages for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

Licensee has a prior record of three adjudicated violations within the past ten years, i.e., (1) for five days, by the Director, effective October 31, 1966 for possessing liquor not truly labeled (Re Jive Shack Bar, Bulletin 1706, Item 8); (2) for fifteen days, by the municipal issuing authority, effective September 15, 1969 for similar violation, and (3) for sixty-five days, by the Director, effective July 7, 1971, for a similar violation as well as for sale to minors and for false statement in its application (Re Jive Shack Bar, Bulletin 1993, Item 2). Division records also reveal a pending charge by the municipal issuing authority, which will not be here considered for penalty purposes.

Disregarding the suspension in 1966 (a dissimilar violation occurring more than five years ago) for penalty purposes, the license will be suspended on the charge herein for fifteen days (Re Barrel Tavern, Inc., Bulletin 2043, Item 12), to which will be added thirty days by reason of the two similar violations occurring within the past five years, making a total of forty-five days, with remission of nine days for the plea entered, leaving a net suspension of thirty-six days. Licensee is further warned that another similar or serious offense may lead to the outright revocation of its license.

Accordingly, it is, on this 22nd day of May 1972,

ORDERED that Plenary Retail Consumption License C-439, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Jive Shack Bar (A Corp.), for premises 274- 15th Avenue, Newark, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1972, commencing at 2 a.m. Monday, June 5, 1972; 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. Tuesday, July 11, 1972.

Robert E. Bower Director

- 15. DISCIPLINARY PROCEEDINGS - FAILURE TO KEEP TRUE BOOKS OF ACCOUNT IN VIOLATION OF RULE 36 OF STATE REGULATION NO. 20 - LICENSE SUSPENDED FOR BALANCE OF TERM OR UNTIL UNLAWFUL SITUATION CORRECTED AND NOT LESS THAN 15 DAYS FROM COMMENCEMENT OF SUSPENSION.

In the Matter of Disciplinary Proceedings against)

R. Honesty, Inc.)
 t/a Ray's Lounge)
 439-441 South Broad Street)
 Trenton, N. J.,)

CONCLUSIONS
 and
 ORDER

Holder of Plenary Retail Consumption License C-48, issued by the City Council of the City of Trenton.)

 Ivan C. Bash, Esq., Attorney for Licensee
 Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that from December 15, 1969 to date it failed to keep true books of account of monies received in the course of the licensed business, in violation of Rule 36 of State Regulation No. 20. The records of this Division disclose that licensee has intentionally violated the said regulation and failed or refused to cooperate with this Division with respect thereto.

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 (cf. Re Otmas Holding Company, Inc., Bulletin 2035, Item 5).

However, as the unlawful situation has not to date been corrected, the license will be suspended for the balance of its term, with leave granted to the licensee or any bona fide transferee of the license to apply to the Director by verified petition for lifting of the suspension whenever the unlawful situation has been corrected but such lifting shall not be granted in any event sooner than fifteen days from the commencement of the suspension herein.

Accordingly, it is, on this 22nd day of May 1972,

ORDERED that Plenary Retail Consumption License C-48, issued by the City Council of the City of Trenton to R. Honesty, Inc., t/a Ray's Lounge, for premises 439-441 South Broad Street, Trenton, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1972, effective Monday, June 5, 1972, with leave to licensee or any bona fide transferee of the license to apply to the Director by verified petition for the lifting of the suspension of the said license or any renewal thereof that may be granted whenever the unlawful situation has been corrected but in no event sooner than fifteen days from the commencement of the suspension herein.

Robert E. Bower,
 Director.

16. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Aloysius C. Pierce & Emelia A. Pierce) t/a Colonial Restaurant) 646-1/2 Newark Avenue) Jersey City, N.J.,)

CONCLUSIONS and ORDER

Holder of Plenary Retail Consumption License C-92, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

----- Licensee, Pro se Peter E. Rhatican, Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, January 9, 1972, about 12:50 p.m. it sold alcoholic beverages for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Licensee has a prior record within the past five years, for a similar offense, i.e., suspension of license for ten days by the Director, effective November 9, 1970. Re Pierce, Bulletin 1943, Item 12.

The license will be suspended for thirty days by reason of the prior similar offense occurring within the past five years (Re Play Pen Inc., Bulletin 2043, Item 8) with remission of five days for the plea entered, leaving a net suspension of twenty-five days.

Accordingly, it is, on the 22nd day of May 1972,

ORDERED that Plenary Retail Consumption License C-92, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Aloysius C. Pierce & Emelia A. Pierce, t/a Colonial Restaurant, for premises 646-1/2 Newark Avenue, Jersey City, be and the same is hereby suspended for twenty-five (25) days commencing 2:00 a.m. on Monday, June 5, 1972 and terminating 2:00 a.m. on Friday, June 30, 1972.

Robert E. Bower Director