

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

BULLETIN 1938

November 4, 1970

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

BULLETIN 1938

November 4, 1970

1. COURT DECISIONS - IN RE SUBURBAN-EPPES ESSEN, INC. -
DIRECTOR AFFIRMED

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
A-591-69

In the Matter of Disciplinary
Proceedings against

SUBURBAN-EPPES ESSEN INC.
141 S. Harrison Street
East Orange, New Jersey

Holder of Plenary Retail Con-
sumption License C-21, issued
by the Municipal Board of
Alcoholic Beverage Control
of the City of East Orange.

Argued September 15, 1970 -- Decided September 21, 1970.

Before Judges Kilkenny, Halpern and Lane

On Appeal from the Division of Alcoholic
Beverage Control

Mr. Malcolm H. Greenberg argued the cause for
appellant.

Mr. John S. Fitzpatrick, Deputy Attorney General
argued the cause for respondent (Mr. George F.
Kugler, Jr., Attorney General, attorney).

PER CURIAM

(Appeal from Director's decision in Re Suburban-Eppes
Essen, Inc., Bulletin 1894 Item 1. Director affirmed.
Opinion not approved for publication by the Court Com-
mittee on Opinions.)

2. COURT DECISIONS - IN RE RUDOLPH P. BONANNI - DIRECTOR
AFFIRMED

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
A-559-69

In the Matter of Disciplinary
Proceedings against

RUDOLPH F. BONANNI,
t/a OLD CEDAR INN and
OLD CEDAR LIQUOR STORE
1054-1056 Olden Avenue
Hamilton Township
P. O. Trenton, N. J. 07610

Holder of Plenary Retail Consumption
License C-15, issued by the Township
Committee of Hamilton Township.

Argued September 14, 1970 - Decided September 23, 1970.

Before Judges Sullivan, Collester and Labrecque.

On appeal from the Division of Alcoholic Beverage Control, Department of Law and Public Safety, State of New Jersey.

Mr. Anthony T. Colasanti argued the cause for appellant (Mr. George D. Pappas, on the brief; Mr. Angelo R. Bianchi, attorney).

Mr. Daly D. E. Temchine, Deputy Attorney General, argued the cause for the Division of Alcoholic Beverage Control (Mr. Stephen Skillman, Assistant Attorney General, of counsel; Mr. Richard C. Camp, Deputy Attorney General, on the brief; Mr. George F. Kugler, Jr., Attorney General for New Jersey, attorney).

PER CURIAM

(Appeal from Director's decision in Re RUDOLPH F. BONANNI t/a Old Cedar Inn and Old Cedar Liquor Store, Bulletin 1893, Item 1. Director affirmed. Opinion not approved for publication by the Court Committee on Opinions.)

3. DISCIPLINARY PROCEEDINGS (HAMILTON TOWNSHIP) - SUPPLEMENTAL ORDER.

In the Matter of Disciplinary Proceedings against
)
)
 Rudolph F. Bonanni
 t/a Old Cedar Inn & Liquor Store
 1054-1056 S. Olden Avenue
 Hamilton Township
 PO Trenton, N. J.,
)
 Holder of Plenary Retail Consumption License C-15, issued by the Township Committee of the Township of Hamilton (Mercer County).
)

SUPPLEMENTAL ORDER

 Angelo R. Bianchi, Esq., Attorney for Licensee
 Louis F. Treole, Esq., Appearing for the Division

BY THE DIRECTOR:

On December 2, 1969 an order was entered herein suspending the license for sixty days effective December 11, 1969, after finding licensee guilty of allowing, permitting and suffering gambling, viz., the making and accepting of bets in a lottery commonly known as the "numbers game." Re Bonanni, Bulletin 1893, Item 1.

Prior to the effectuation of the suspension, upon appeal filed the Appellate Division of the Superior Court stayed the operation of the suspension until the outcome of the appeal. The court affirmed the action of the Director on September 23, 1970. In re Bonanni (App. Div. 1969), not officially reported, recorded in Bulletin 1938, Item 2. The suspension may now be reimposed.

Accordingly, it is, on this 29th day of September 1970,

ORDERED that the sixty-day suspension heretofore imposed and stayed during the pendency of the proceedings on appeal be and the same is hereby reinstated against Plenary Retail Consumption License C-15, issued by the Township Committee of the Township of Hamilton (Mercer County) to Rudolph F. Bonanni, t/a Old Cedar Inn & Liquor Store, for premises 1054-1056 S. Olden Avenue, Hamilton Township, commencing at 2 a.m., Tuesday, October 13, 1970, and terminating at 2 a.m., Saturday, December 12, 1970.

Richard C. McDonough
Director

4. DISCIPLINARY PROCEEDINGS - AMENDED ORDER.

In the Matter of Disciplinary)
Proceedings against)

: RUDOLPH F. BONANNI)
t/a Old Cedar Inn & Liquor Store)
1054-1056 S. Olden Ave.)
Hamilton Township)
PO Trenton, N. J.)

AMENDED ORDER

Holder of Plenary Retail Consumption)
License C-15, issued by the Township)
Committee of the Township of Hamilton)
(Mercer County).)

Angelo R. Bianchi, Esq., Attorney for Licensee
Louis F. Treole, Esq., Appearing for the Division

BY THE DIRECTOR:

On September 29, 1970 I entered an order herein suspending the license for sixty days commencing October 13, 1970, after finding licensee guilty of allowing, permitting and suffering gambling, viz., the making and accepting of bets in a lottery commonly known as the "numbers game." Re Bonanni, Bulletin 1893, Item 1.

Licensee's attorney has now requested that the period of suspension be advanced to become effective forthwith. Good cause appearing, I shall grant the said request.

Accordingly, it is, on this 2nd day of October 1970,

ORDERED that the order entered herein on September 29, 1970, be and the same is hereby amended as follows:

ORDERED that the sixty-day suspension heretofore imposed and stayed during the pendency of the proceedings on appeal be and the same is hereby reinstated against Plenary Retail Consumption License C-15, issued by the Township Committee of the Township of Hamilton (Mercer County) to Rudolph F. Bonanni, t/a Old Cedar Inn & Liquor Store, for premises 1054-1056 S. Olden Avenue, Hamilton Township, commencing at 2 a.m. Saturday, October 3, 1970, and terminating at 2 a.m. Wednesday, December 2, 1970.

RICHARD C. McDONOUGH
DIRECTOR

5. APPELLATE DECISIONS - FEBBI, EXECUTRIX OF ESTATE OF ROSE A. FISHER v. PATERSON.

Catherine Febbi, Executrix)
of the Estate of Rose A.)
Fisher, t/a Mike's Tavern,)

Appellant)

v.)
Board of Alcoholic Beverage)
Control for the City of)
Paterson,)

Respondent.)

On Appeal

CONCLUSIONS AND ORDER

Gerald M. Freundlich, Esq., Attorney for Appellant
Joseph L. Conn, Esq., by Samuel K. Yucht, Esq., Attorney for Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Appellant, the holder of a plenary retail consumption license for premises 295 Union Avenue, Paterson, was found guilty in disciplinary proceedings by the respondent (hereinafter Board) of a charge alleging that she did unlawfully sell or permitted the sale of alcoholic beverages to a minor, in violation of Rule 1 of State Regulation No. 20, whereupon her license was suspended for fifteen days effective February 9, 1970. An order entered by the Director of this Division stayed the suspension pending determination of this appeal.

Appellant alleges that the action of the Board was arbitrary, unreasonable and capricious. The answer of the Board denies that the said action was arbitrary or capricious.

The matter was presented for determination solely upon the stenographic transcript of the proceedings held before the Board which was admitted into evidence pursuant to Rule 8 of State Regulation No. 15.

The testimony as reflected in the transcript of the proceedings before the Board shows the following: At about 3 p.m. on October 20, 1969, Police Officer Walter Robinson approached the minor (later identified as Felix ---, age 19) who was sitting on a park bench on Union Avenue consuming beer. Upon questioning him, the minor admitted that he purchased the beer at appellant's tavern. He then drove to the tavern with the minor, entered the premises by himself, and spoke to the bartender. After informing him of the alleged violation, the bartender accompanied him to police headquarters where he was identified by the minor as the person who sold the beer to him.

Felix --- (the minor), a resident of Brooklyn, New York, testified that he was nineteen years of age and was born in 1950. He stated that he was sitting in a park drinking beer when he was confronted by the police officer on October 20, 1969, and admitted to the officer that he purchased the beer at the appellant's premises. He paid sixty cents for the beer and it was placed in a paper bag. At the time of the purchase he was neither asked to state his age nor to make any written representation with respect thereto. Upon being taken to police headquarters, he unhesitatingly identified the bartender (identified as Gilbert Fisher) who sold him the beer.

Detective Emil DeRobbio participated in the investigation and also questioned Fisher. Fisher denied making the sale but refused to give a written statement relating to the alleged incident.

Gilbert Fisher (the bartender employed on the date and time above stated) gave the following account: He is the stepfather of the appellant and had been employed for some time as a bartender at these premises. When he was questioned by Officer Robinson he denied selling any alcoholic beverages to the minor. However, he admitted that the tavern does sell Rheingold beer, which is the brand of beer purchased by the minor on this occasion. He also admitted that the price for the said beer was sixty cents.

The members of the Board had an opportunity to observe the demeanor of the witnesses as they testified and to analyze their testimony. Since there was a sharp factual conflict presented by the evidence, the issue of credibility became of critical importance. Although the minor's testimony, so far as the actual purchase was concerned, was uncorroborated, the Board chose to believe his testimony which they found credible and persuasive. Actions of this kind, which are civil in nature, 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).

In order to prevail on this appeal the appellant must sustain the burden of establishing that the action of the Board was clearly erroneous and against the logic and effect of the presented facts. Hudson Bergen County Retail Liquor Stores Association et al. v. Hoboken et al., 135 N.J.L. 502 (1947). The Director's function in a matter of this kind now under consideration is not to reverse the determination of the local issuing authority unless he finds as a fact that there was a clear abuse of discretion or unwarranted finding of fact or mistake of law by respondent. Schulman v. Newark, Bulletin 1620, Item 1; Empire Liquor Co. v. Newark, Bulletin 1847, Item 2.

After carefully considering the entire transcript, I find as a fact that under the circumstances herein there has been sufficient proof to sustain the determination of the Board in finding appellant guilty of the said charge. I conclude accordingly that appellant has failed to meet the burden of establishing that the Board's action was erroneous and against the weight of the evidence as required by Rule 6 of State Regulation No. 15. I therefore recommend that an order be entered affirming respondent's action, dismissing the appeal, vacating the order staying the suspension, and fixing the effective dates for the suspension which was stayed by the Director pending the entry of the order herein.

Conclusions and Order

Written exceptions to the Hearer's report with supportive arguments were filed by the attorney for the appellant pursuant to Rule 14 of State Regulation No. 15.

Having carefully considered the entire record herein, including the transcript of testimony, the Hearer's report, and the exceptions filed with respect thereto which I find to be lacking in merit, I concur in the findings and recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is on this 2nd day of September, 1970,

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

ORDERED that Plenary Retail Consumption License C-324, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Catherine Febbi, Executrix of the Estate of Rose A. Fisher, t/a Mike's Tavern, 295 Union Avenue, Paterson, be and the same is hereby suspended for fifteen (15) days, commencing* at 3:00 a.m. Thursday, September 17, 1970 and terminating at 3:00 a.m. Friday, October 2, 1970.

Richard C. McDonough
Director

*By Amended Order dated September 18, 1970 the appellant was credited with three days actually served prior to the effectuation of a stay ordered by the Director upon the filing of the within appeal, and the license was suspended for the balance of the fifteen day suspension commencing at 3:00 a.m. Thursday, September 17, 1970 and terminating at 3:00 a.m. Tuesday, September 29, 1970.

6. APPELLATE DECISIONS - SVENTY AND WILSON, INC. v. POINT PLEASANT BEACH - ORDER REIMPOSING SUSPENSION FOLLOWING AFFIRMANCE ON APPEAL.

Sventy and Wilson, Inc., t/a)
"Frank's Rip Tide Bar,")
Appellant,)
v.)
Mayor and Borough Council of the)
Borough of Point Pleasant Beach,)
Respondent.)

ON APPEAL
SUPPLEMENTAL ORDER

Arthur J. Sabatino, Esq., Attorney for Appellant
Harold Feinberg, Esq., Attorney for Respondent

BY THE DIRECTOR:

On July 13, 1970 an order was entered herein affirming the action of respondent, dismissing the appeal and reimposing the

sixty-day suspension commencing at 2 a.m. July 27, 1970. Sventy and Wilson, Inc. v. Point Pleasant Beach, Bulletin 1930, Item 1.

Upon appeal filed, the Appellate Division of the Superior Court, by order dated July 24, 1970, stayed my order for twelve days pending a formal motion for a stay until the determination of the appeal. On August 20, 1970 the Appellate Division denied a further stay of the said suspension. Sventy & Wilson v. Point Pleasant Beach (Docket No. A-2193-69). Thus the penalty may now be re-imposed.

It appears from a letter to me dated August 24, 1970, sent by Harold M. Leard, Chief of Police of Point Pleasant Beach, that, upon his receipt of a copy of the order of the Appellate Division, he picked up the license certificate at 2 p.m. August 24, 1970. The said license certificate is presently in his possession and the licensed premises are closed. Thus the suspension will be made retro-active to 2 p.m. August 24, 1970.

Accordingly, it is, on this 31st day of August 1970,

ORDERED that Plenary Retail Consumption License C-14, issued by the Mayor and Borough Council of the Borough of Point Pleasant Beach to Sventy and Wilson, Inc., t/a "Frank's Rip Tide Bar," for premises Central Avenue & Boardwalk, Point Pleasant Beach, be and the same is hereby suspended for sixty (60) days, commencing at 2 p.m. Monday, August 24, 1970, and terminating at 2 p.m. Friday, October 23, 1970.

Richard C. McDonough
Director

7. APPELLATE DECISIONS - SUPPLEMENTAL ORDER - STASH AND ED ELIZABETH AVENUE, INC. v. ELIZABETH.

Stash and Ed Elizabeth Avenue, Inc., t/a Stash and Ed,)	
Appellant,)	On Appeal
v.)	SUPPLEMENTAL ORDER
City Council of the City of Elizabeth,)	
Respondent.)	
-----)	

Weiner, Weiner & Glennon, Esqs., by John T. Glennon, Esq.,
Attorneys for Appellant
Edward W. McGrath, Esq., by Daniel J. O'Hara, Esq.,
Attorney for Respondent

BY THE DIRECTOR:

On August 6, 1970 an order was entered herein affirming the action of the respondent which found appellant guilty of service to minors and hindering an investigation, whereupon the said order re-imposed a suspension of the license for twenty-five days effective August 20, 1970. Stash and Ed Elizabeth Avenue, Inc. v. Elizabeth,

Bulletin 1934, Item 1. Prior to the effectuation of the said suspension, upon appeal filed the Appellate Division of the Superior Court stayed the operation of the suspension pending the outcome of the appeal.

By letter dated September 1, 1970 (a copy of which was received by this Division), the clerk of the said court acknowledged the letter of the attorney dated August 31, 1970, advising him that the said appeal has been abandoned. Accordingly, the suspension may now be reimposed.

It is, therefore, on this 3rd day of September 1970,

ORDERED that the twenty-five-day suspension heretofore imposed and stayed pending the proceedings on appeal be reinstated against Plenary Retail Consumption License C-90, issued by the City Council of the City of Elizabeth to Stash and Ed Elizabeth Avenue, Inc., t/a Stash and Ed, for premises 801-803 Elizabeth Avenue, Elizabeth, commencing at 2 a.m. Monday, September 21, 1970, and terminating at 2 a.m. Friday, October 16, 1970.

Richard C. McDonough
Director

8. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 20 DAYS.

In the Matter of Disciplinary Proceedings against
Triangle Grove and Tavern, Inc.
t/a "Triangle Grove and Tavern"
Amboy-Bordentown Turnpike
Monroe Township (Middlesex County)
Box 116, Helmetta, N. J.,
Holder of Plenary Retail Consumption License C-6 (for 1969 - 70 and 1970-71 license periods), issued by the Township Committee of the Township of Monroe.

CONCLUSIONS
and
ORDER

Hellman & Samson, Esqs., by Joseph Samson, Esq., Attorneys for Licensee
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charge:

"On January 14, 1970, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly to persons under the age of

twenty-one (21) years, viz., Joseph ---, age 17, and Garry ---, age 18, and allowed, permitted and suffered the consumption of alcoholic beverages by such persons in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20."

In behalf of the Division Joseph --- testified that he was seventeen years of age and was born on February 23, 1952. Accompanied by Mrs. Barbara Hines and Gary --- he entered the licensed premises on January 14, 1970 at approximately 6 p.m. He first went to the poolroom to watch a game of pool. Mrs. Hines approached the bar and Joseph sat down next to her. Gary positioned himself next to Joseph. Joseph asked for, was served and consumed a bottle of beer. Service was made by a female whom he identified as Anna Jawidzik. Subsequently he was served a Southern Comfort and a beer by a bartender whom he identified as Edward A. Figel (or Figal). He was served a total of five drinks. Payment was taken from monies that he and Mrs. Hines pooled on the bar. He was not questioned relative to his age or identity, nor was he requested to make a written representation concerning his age.

On cross examination Joseph admitted also entering the licensed premises about the first of the year. On that occasion he did not drink any beverages. He and several other youths he was with were requested to leave the premises. He did not, nor did he hear anyone else say, "I am going to get even with you."

Gary --- testified that he was born on November 16, 1951, and was eighteen years of age. He accompanied Mrs. Hines and Joseph to the licensed premises on January 14 at approximately 6:30 p.m. He and Joseph first went to the poolroom in order to watch a game then in progress. Later he and Joseph went to the bar and he ordered and was served beer by Mrs. Jawidzik. He was served additional drinks by Figel. Some of the drinks were consumed at the bar and some were consumed in the poolroom. Payment was taken from money that Joseph and Mrs. Hines had placed on the bar. No identification was requested of them although Mrs. Jawidzik asked if the youths were twenty-one years of age and they responded affirmatively.

On cross examination Gary asserted that he and Joseph stayed in the poolroom five or ten minutes prior to proceeding to the bar. After being served the beer, he and Joseph took the beer to the poolroom. They consumed two drinks in the poolroom, played pool and thereafter drank at the bar.

The testimony then revealed the following:

"Q. Do you recall an incident around New Year's or a few days thereafter when you and Joe and three other boys were thrown out of that tavern?

A. Yes.

Q. For what reason?

A. Mrs. Hines, we went to pick Mrs. Hines up. Her son went to the poolroom and someone started picking on him, hitting him. We started to go in there and the lady told us to leave, she didn't want any trouble."

Mrs. Hines was driven to the licensed premises in order to substitute for a friend in bowling if that person could not bowl that evening.

Barbara Hines testified that she had requested Joseph and Gary to take her to the licensed premises on January 14 for the purpose of bowling in place of another player in the event that she (the other player) failed to appear. She observed Joseph and Gary being served a bottle of beer when they approached the bar. She recalled that Figel served them; she did not recall whether Mrs. Jawidzik served them. Payment was taken from money that she and Joseph had pooled on the bar. She did not hear Figel request identification of the youths or question them concerning their age, or request written representation of them.

On cross examination the witness testified that she did not know how many drinks Joseph or Gary consumed. She did recall that they drank beer. The following testimony was then elicited:

"Q Were you there that night that they were thrown out of the bar?

A Yes, and that was because my son was hit by somebody that had a party in the back, and I was there and my girl friend. My son come in to get me. I came back out with him and someone had hit him in the back. I don't know how it started. And somebody said something and then we all left.

Q Mrs. Jawidzik and her daughter told the boys to get out?

A Yes. They said, 'Just go.'

She was aware of the fact that Joseph and Gary were under twenty-one years of age.

In defense of the charge Anna Jawidzik (president of the corporate licensee) testified that on the date charged herein she relieved the barmaid at approximately 6:00 o'clock and she worked behind the bar for forty minutes. She was relieved by Figel. Between 6:00 and 6:30 p.m., she served beverages to Mrs. Hines.

The witness then testified as follows:

"Q Just answer my question. Did you see these two boys in the tavern that night?

A No, because they were in the poolroom. They were watching the fellows play pool.

Q You did see them there; they were in the poolroom?

A I wasn't sure they were there. About five or six of them coming in and picking her up.

Q But they couldn't have been there --

A Maybe they were there, but I don't recall seeing them.

Q Did you serve either one of those two boys any drinks that night?

A No."

Irene Kostbar (daughter of the previous witness) testified she and her husband were at the bar on the evening in question from 6:30 p.m. to 7:30 p.m. Upon being questioned as to whether or not she saw Mrs. Hines and the two youths in the barroom on that date, she responded, "I remember seeing Mrs. Hines. As a matter of fact, she bought my husband and I a drink at the bar." She did not see Joseph and Gary go to the bar and ask for drinks.

On cross examination the witness asserted that, although she did not see Joseph and Gary at the bar, they may have been in the poolroom.

Edward Figel (or Figal) testified that he tended bar on January 14 from 6:30 or 6:40 p.m. to midnight. He served Mrs. Hines two drinks before she left that night and took payment from money on the bar. He never saw Joseph and Gary in the premises. Upon being questioned as to whether or not the youths may have been in another room that night, Figel responded, "I think I would have seen them if they were. The bar wasn't that busy that early."

On cross examination, in testifying as to his ability to see the boys in the other room, Figel conceded, "Well, it's very possible if they were around the corner, because it's an enclosed-off room. It's just a doorway."

It is apparent that the dispositive issue is factual.

Preliminarily it should be observed that disciplinary actions are civil in nature and not criminal. In re Schneider, 12 N. J. Super. 449 (App. Div. 1951). Thus the proof must be supported by a fair preponderance of the credible evidence. Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373 (1956).

Since the testimony sub judice presents a sharp factual conflict, the credibility of witnesses must be weighed. Evidence, to be believed, must not only proceed from the mouths of credible witnesses but must be credible in itself, and must be such as common experience and observation of mankind can approve as probable in the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961).

I have had an opportunity to observe the demeanor of the witnesses as they testified and, in view of the conflict in the testimony, I have made a careful analysis and evaluation of their testimony. I am imperatively persuaded that their version had a substantial ring of truth with respect to the alleged purchases and consumption of the alcoholic beverages upon the licensed premises.

I am impressed by the fact that both minors unequivocally identified the licensed premises and made positive identification of the

persons who made the sale. I have carefully noted the demeanor of the minors and examined the entire record herein, and I failed to detect any semblance of improper motivation on their part. Additionally, an intensive cross examination by the licensee's attorney failed to reveal improper motivation on the part of the minors.

On the other hand, it is my opinion that the evidence produced by the licensee in essence was not reliable and was unconvincing. I find in particular that the testimony offered by the president of the corporate licensee was vacillating in nature.

I am of the opinion that a fair evaluation of the evidence clearly preponderates in favor of a finding of guilt, and I so recommend.

Licensee has no prior record of suspension of license. I further recommend that the license be suspended for twenty days. Re Parkside Tavern, Inc., Bulletin 1906, Item 8.

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 and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 14th day of September 1970,

ORDERED that Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of Monroe (Middlesex County) to Triangle Grove and Tavern, Inc., t/a "Triangle Grove and Tavern," for premises on Amboy-Bordentown Turnpike, Monroe Township, be and the same is hereby suspended for twenty (20) days, commencing at 3 a.m. Tuesday, September 22, 1970, and terminating at 3 a.m. October 12, 1970.

Richard C. McDonough
Director

9. DISCIPLINARY PROCEEDINGS - SALE TO INTOXICATED PERSON - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Somerset Inn, Inc.)
507 Hamilton Street)
Franklin Township (Somerset Co.))
PO Somerset, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-12 (for 1969-70 and 1970-71 license periods), issued by the Township Council of the Township of Franklin.)

Licensee, by Lawrence W. Collier, Secretary-Treasurer, Pro se
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to charge alleging that on May 9, 1970, it sold mixed drinks of wine to a person actually or apparently intoxicated, 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 Petito and Petito, Bulletin 1849, Item 4.

Accordingly, it is, on this 9th day of September 1970,

ORDERED that Plenary Retail Consumption License C-12, issued by the Township Council of the Township of Franklin to Somerset Inn, Inc., for premises 507 Hamilton Street, Franklin Township (Somerset Co.), be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Thursday, September 24, 1970, and terminating at 2 a.m. Friday, October 9, 1970.

Richard C. McDonough
Director

10. DISCIPLINARY PROCEEDINGS - AMENDED ORDER.

In the Matter of Disciplinary Proceedings against

SOMERSET INN, INC.
507 Hamilton Street
Franklin Township (Somerset Co.)
PO Somerset, N. J.

AMENDED ORDER

Holder of Plenary Retail Consumption License C-12, issued by the Township Council of the Township of Franklin.

Ozzard, Rizzolo, Klein, Mauro & Savo, Esqs., by George A. Mauro, Jr., Esq., Attorneys for Licensee
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

On September 9, 1970 I entered an order herein suspending the license for fifteen days effective September 24, 1970, upon the licensee's plea of non vult to a charge of sale of alcoholic beverages to an actually or apparently intoxicated person. Re Somerset Inn, Inc., Bulletin 1938, Item 9.

Licensee's new attorneys have advised me that the confessional plea was entered in error by the licensee (then appearing pro se) resulting from a misunderstanding. On the basis thereof, request is made to withdraw the plea and thereafter have the matter proceed to hearing. In view of the circumstances, I shall grant the request.

Accordingly, it is, on this 23rd day of September 1970,

ORDERED that the order of suspension heretofore entered herein be and the same is hereby vacated; and it is further

ORDERED that hearing be held on the charge preferred.

RICHARD C. McDONOUGH
DIRECTOR

11. 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)

K-P Bar, Inc.)
t/a Knotty Pine Bar)
2209 Arctic Avenue)
Atlantic City, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-47 (for 1969-70 license period) and C-167 (for 1970-71 license period), issued by the Board of Commissioners of the City of Atlantic City.)

Skoloff & Wolfe, Esqs., by Saul A. Wolfe, Esq., Attorneys for Licensee
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Saturday, May 9, 1970 it sold a pint bottle of whiskey for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

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 Strenger & Greenberg Tavern, A Corporation, Bulletin 1913, Item 5.

Accordingly, it is, on this 14th day of September 1970,

ORDERED that Plenary Retail Consumption License C-167, issued by the Board of Commissioners of the City of Atlantic City to K-P Bar, Inc., t/a Knotty Pine Bar, for premises 2209 Arctic Avenue, Atlantic City, be and the same is hereby suspended for ten (10) days, commencing at 7 a.m. Tuesday, September 29, 1970, and terminating at 7 a.m. Friday, October 9, 1970.

Richard C. McDonough
Director

12. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 Bryers & Meis, Inc.,
 t/a The Gables
 9300 Amherst Avenue
 Margate City, N. J.
 Holder of Plenary Retail Consumption License C-11 (for 1969-70 and 1970-71 license periods), issued by the Board of Commissioners of the City of Margate City.

CONCLUSIONS and ORDER

 Ross, Gladden & Brierley, Esqs., by Robert E. Gladden, Esq.,
 Attorneys for Licensee
 Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 31, 1970 it possessed alcoholic beverages in six bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re One on One Corp., Bulletin 1886, Item 9.

Accordingly, it is, on this 14th day of September 1970,

ORDERED that Plenary Retail Consumption License C-11, issued by the Board of Commissioners of the City of Margate City to Bryers & Meis, Inc., t/a The Gables, for premises 9300 Amherst Avenue, Margate City, be and the same is hereby suspended for twenty (20) days, commencing at 4 a.m. Monday, September 21, 1970 and terminating at 4 a.m. Sunday, October 11, 1970.

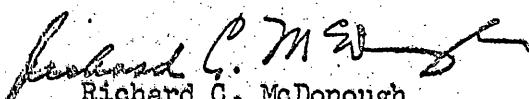
Richard C. McDonough
Director

13. STATE LICENSES - NEW APPLICATIONS FILED.

Rex Beer & Soda, Inc., 403 Montgomery Street, Jersey City, N. J. Application filed October 23, 1970 for place-to-place transfer of State Beverage Distributor's License SBD-27 from 591-593 Palisade Avenue, Jersey City, N. J.

Elliott Home Beverages, Union Avenue (N.J. State Highway 28), approximately 400' from corner of Chimney Rock Road, Bridgewater Township, N. J.

Application filed October 28, 1970 for place-to-place transfer of State Beverage Distributor's License SBD-154 from 454 West Union Avenue, Bound Brook, N. J.


 Richard C. McDonough
 Director