

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

BULLETIN 2057

August 18, 1972

TABLE OF CONTENTS

ITEM

1. NEW REGULATION ADOPTED - RULE 6(e) OF STATE REGULATION NO. 30 - PRESUMPTION FOR SALES AND USE TAX PURPOSES TO BE CONCLUSIVE - ALL INVENTORIES CONSIDERED ON A 'FIRST IN-FIRST OUT' BASIS.
2. DISCIPLINARY PROCEEDINGS (Montgomery Township) - FRONT - FALSE STATEMENTS IN APPLICATION - LICENSE SUSPENDED FOR BALANCE OF TERM OR UNTIL UNLAWFUL SITUATION CORRECTED - MINIMUM SUSPENSION OF 45 DAYS, LESS 9 FOR PLEA.
3. DISCIPLINARY PROCEEDINGS (Manville) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION TO PAY FINE IN LIEU OF SUSPENSION GRANTED.
4. DISCIPLINARY PROCEEDINGS (Neptune Township) - VIOLATION OF LOCAL HOURS ORDINANCE - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION TO PAY FINE IN LIEU OF SUSPENSION GRANTED.
5. DISCIPLINARY PROCEEDINGS (Newark) - PURCHASE FROM UNAUTHORIZED SOURCE WHILE ON NON-DELIVERY LIST - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Jersey City) - VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION TO PAY FINE IN LIEU OF SUSPENSION GRANTED.
7. DISCIPLINARY PROCEEDINGS (Deptford Township) - SALE TO A MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION TO PAY FINE IN LIEU OF SUSPENSION GRANTED.
8. DISCIPLINARY PROCEEDINGS (Camden) - PURCHASE OF ALCOHOLIC BEVERAGES FROM UNAUTHORIZED SOURCE WHILE ON NON-DELIVERY LIST - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA - APPLICATION TO PAY FINE IN LIEU OF SUSPENSION GRANTED.
9. DISCIPLINARY PROCEEDINGS (Paterson) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LOCAL HOURS VIOLATION - LICENSE SUSPENDED FOR 35 DAYS, LESS 7 FOR PLEA - LICENSED PREMISES ABANDONED - EFFECTIVE DATES OF SUSPENSION DEFERRED.
10. DISCIPLINARY PROCEEDINGS (Paterson) - LOCAL HOURS VIOLATION - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA - APPLICATION TO PAY FINE IN LIEU OF SUSPENSION GRANTED.
11. APPLICATION TO RENEW TRANSIT (BOAT) LICENSE - RENEWAL GRANTED.
12. APPLICATION TO RENEW TRANSIT (BOAT) LICENSE - RENEWAL GRANTED.
13. DISCIPLINARY PROCEEDINGS (Bridgeton) - SALE TO A MINOR - LICENSE SUSPENDED 10 DAYS, LESS 5 FOR PLEA - APPLICATION TO PAY FINE IN LIEU OF SUSPENSION GRANTED.
14. DISCIPLINARY PROCEEDINGS (Newark) - VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA - EFFECTIVE DATES OF SUSPENSION DEFERRED PENDING RESUMPTION OF OPERATION OF LICENSED BUSINESS.
15. DISCIPLINARY PROCEEDINGS (Newark) - VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
16. STATE LICENSES - NEW APPLICATIONS FILED.

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

BULLETIN 2057

August 18, 1972

1. NEW REGULATION ADOPTED - RULE 6(e) OF STATE REGULATION NO. 30 - PRESUMPTION FOR SALES AND USE TAX PURPOSES TO BE CONCLUSIVE - ALL INVENTORIES CONSIDERED ON A 'FIRST IN-FIRST OUT' BASIS.

Pursuant to authority of N.J.S.A. 33:1-23.1 and N.J.S.A. 33:1-39, Rule 6 of Division Regulation No. 30 (N.J.A.C. 13:2-291) concerning minimum consumer resale prices of alcoholic beverages is hereby amended, effective immediately, to add the following new paragraph therein:

RULE 6. (e) No licensee shall advertise or offer for sale or sell any alcoholic beverage at retail at a price which the licensee in any way represents to include the tax imposed by the New Jersey Sales and Use Tax Act (N.J.S.A. 54:32B-1 et seq) unless such tax is required by law to be collected by the licensee or unless such tax has, in fact, been paid on such alcoholic beverage by the licensee. For the purposes of this rule, it shall be conclusively presumed that all alcoholic beverages advertised or offered for sale or sold at retail are sold from, or advertised or offered to be sold from, the licensee's inventory on a "first in-first out" basis, i.e., inventory composed of multiple shipments of an identical product shall be deemed depleted in the sequence of the earliest shipment received.

Robert E. Bower,
Director

Promulgated: August 11, 1972
Filed with Secretary of State (N.J.): August 11, 1972
Effective: August 11, 1972

2. DISCIPLINARY PROCEEDINGS - FRONT - FALSE STATEMENTS IN APPLICATION - LICENSE SUSPENDED FOR BALANCE OF TERM OR UNTIL UNLAWFUL SITUATION CORRECTED. - MINIMUM SUSPENSION OF 45 DAYS, LESS 9 FOR PLEA.

In the Matter of Disciplinary Proceedings against Black Bart's, Inc. West Side Route 206 Montgomery Township PO Skillman, N. J., Holder of Plenary Retail Consumption License C-2, issued by the Township Committee of the Township of Montgomery.)

CONCLUSIONS and ORDER

Skillman and Koerner, Esqs., by A. Dix Skillman, Esq., Attorneys for Licensee Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to the following charges:

- "1. In your short-form application dated June 2, 1971 and filed June 3, 1971 with the Township Committee of Montgomery Township, upon which you obtained your current plenary retail consumption license, in answer to Question No. 8 you, after listing A. Dix Skillman, Olga D. Cuthbert and Morris Maple III as the holders of 60%, 20% and 20%, respectively, of your issued and outstanding stock, failed to disclose in answer to Question No. 10 therein a change in facts in your last prior long-form application, viz., to show a change of answer from "No" to "Yes" to Question No. 22 in said long form application which asks: "Has any corporation, partnership, association or individual other than the stockholders hereinbefore set forth any beneficial interest, directly or indirectly, in the stock held by said stockholders? If answer is "Yes", state details", to show and disclose that Bartlett Bailey had such an interest in that he was the real and beneficial owner of all of the shares of stock listed in the names of A. Dix Skillman, Olga D. Cuthbert and Morris Maple III; such evasion and suppression of a material fact being in violation of R. S. 33:1-25.
"2. In your aforesaid short-form application for license, you failed to disclose and show in answer to Question No. 10 therein a change in the facts of your last prior long-form application, viz., a change of answer from "No" to "Yes" to Question No. 24 in said long-form application which asks: "Does the individual signing this application on behalf of said corporation know, or have any reason whatsoever to believe or suspect, that any of the officers or directors of said corporation or any holder, directly or indirectly, by any device or subterfuge whatsoever of more than ten (10) per cent in beneficial interest of the capital stock of said corporation would fail to qualify as an individual applicant for the license hereby applied for in any respect?", and to show and disclose you knew and had reason to know that Bartlett Bailey, who indirectly is the holder of all of your issued and outstanding stock in the names of A. Dix Skillman, Olga D. Cuthbert and Morris Maple III, as aforesaid, would fail to qualify as an individual applicant for the license by reason of the fact that he was not a bona fide resident of New Jersey but a resident of the State of New York; such evasion and suppression of a material fact being in violation of R. S. 33:1-25.

- "3. In your aforesaid short-form application for license, you failed to state in answer to Question No. 10 therein a change in facts in your last prior long-form application, viz., a change from "No" to "Yes" to Question No. 29, which asks: "Has any individual, partnership, corporation or association, other than the applicant, any interest, directly or indirectly, in the license applied for or in the business to be conducted under said license? _____. If so, state names, addresses and interest of such individuals, partnerships, corporations or associations _____", and to show and disclose that the aforementioned Bartlett Bailey had such an interest in that he, indirectly, through the said A. Dix Skillman, Olga D. Cuthbert and Morris Maple III, had such an interest, as hereinbefore set forth in the license applied for and in the business to be conducted under said license; such evasion and suppression of a material fact being in violation of R. S. 33:1-25.
- "4. In your aforesaid short-form application for license, you failed to state in answer to Question No. 10 therein a change in facts in your last prior long-form application, viz., a change of answer from "No" to "Yes" to Question No. 30 in said long-form application, which asks: "Has the applicant agreed to pay any employee or other persons (by way of rent, salary or otherwise), all or any portion or percentage of the gross or net profits or income derived from the business to be conducted under the license applied for? _____. If so, give complete details _____," and to show and disclose you had agreed to permit the aforementioned Bartlett Bailey to retain the profits and income derived from your licensed business; said evasion and suppression of a material fact being in violation of R. S. 33:1-25.
- "5. From on or about January 1, 1968 to date, you have failed to have and keep a true book or books of account in connection with the operation and conduct of your licensed business, viz., a record of all monies received, a record of the source of all monies received other than in the ordinary course of business, and a record of all monies expended from such receipts and the names of the persons receiving such monies and the purpose for which such expenditures were made; in violation of Rule 36 of State Regulation No. 20.
- "6. From on or about June 3, 1970 to date, you knowingly aided and abetted said Bartlett Bailey to exercise, contrary to R. S. 33:1-26, the rights and privileges of your successive plenary retail consumption licenses; in violation of R. S. 33:1-52."

Licensee has a prior record of suspension of license by the Director for fifteen days for local "hours" violation (a fine of \$1,410 was accepted in lieu of suspension). Re Black Bart, Inc., Bulletin 2001, Item 9.

The license will be suspended on charges 1, 2, 3, 4 and 6 for thirty days (Re 111 Park St. Corporation, Bulletin 1786, Item 4) and on the fifth charge for ten days (Re M & P Liquor, Inc., Bulletin 2045, Item 5), to which will be added five days by reason of the record of suspension for dissimilar violation within the past five years, or a total of forty-five days, with remission of nine days for the plea entered, leaving a net suspension of thirty-six days.

However, the unlawful situation has not been to date corrected. Hence 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 by verified petition to the Director for lifting of the suspension whenever the unlawful situation has been corrected but such lifting shall not be granted in any event sooner than thirty-six days from the commencement of the suspension herein.

Accordingly, it is, on this 13th day of June 1972,

ORDERED that Plenary Retail Consumption License C-2, issued by the Township Committee of the Township of Montgomery to Black Bart's, Inc., for premises West Side Route 206, Montgomery, be and the same is hereby suspended for the balance of its term, i.e., midnight June 30, 1972,*commencing at 1:30 a.m. Monday, June 26, 1972, with leave to the licensee or any bona fide transferee of the license to apply to the Director by verified petition for lifting of the suspension of said license or any renewal thereof that may be granted whenever the unlawful situation has been corrected but in no event sooner than thirty-six (36) days from the commencement of the suspension herein.

Robert E. Bower,
Director.

* By order dated June 27, 1972
effective date of suspension amended to Thursday,
July 6, 1972 for balance of term with leave to correct.

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

In the Matter of Disciplinary Proceedings against)

Joseph and Peter Eskow)
t/a Colonial Inn)
500 South Main Street)
Manville, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-2, issued by the Mayor and Council of the Borough of Manville.)

Adam B. Chase, Esq., Attorney for Licensee
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on December 20, 1972 they possessed alcoholic beverages in two bottles the labels of which did not truly reflect 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 licensees have 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 licensees to pay a fine of \$400 in lieu of suspension.

Accordingly, it is, on this 13th day of June 1972,

ORDERED that the payment of a fine in the amount of \$400 by the licensees is hereby accepted in lieu of the suspension of license for ten (10) days.

Robert E. Bower,
Director.

- 4. DISCIPLINARY PROCEEDINGS - VIOLATION OF LOCAL HOURS ORDINANCE - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION TO PAY FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against)

Pamir, Inc.)
t/a "Holiday Motel")
S/E Corner of Route 66)
(Asbury Avenue) and Wayside Road)
Neptune Township, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-20, issued by the Township Committee of the Township of Neptune.)

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, January 16, 1972, between 3 a.m. and 3:30 a.m., it permitted the sale of alcoholic beverages for consumption in the licensed premises, in violation of the local "hours" ordinance.

Absent prior record, the license would normally be suspended for fifteen days (Re Ann's Tavern, Bulletin 2029, Item 3), with remission of five days for the plea entered, leaving a net suspension of ten 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 \$500 in lieu of suspension.

Accordingly, it is, on this 13th day of June 1972,

ORDERED that the payment of a \$500 fine by the licensee is hereby accepted in lieu of the suspension of license for ten (10) days.

Robert E. Bower
Director

5. DISCIPLINARY PROCEEDINGS - PURCHASE FROM UNAUTHORIZED SOURCE WHILE ON NON-DELIVERY LIST - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings Against)

Cam Corporation (N.J. Corp.) t/a New Broadway Lounge 879 Broadway Newark, N.J.)

CONCLUSIONS and ORDER

Holder of Plenary Retail Consumption License C-623, issued by Municipal Board of Alcoholic Beverage Control of the City of Newark.

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on divers days from June 14, 1971 to about April 7, 1972, it purchased, while on the non-delivery list, alcoholic beverages from an unauthorized source, in violation of Rule 15 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 Yrral Corp., Bulletin 2040, Item 6.

Accordingly, it is, on this 13th day of June 1972,

ORDERED that Plenary Retail Consumption License C-623, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Cam Corporation (N.J. Corp.), t/a New Broadway Lounge, for premises 879 Broadway, 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 26, 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

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

In the Matter of Disciplinary)
Proceedings against)

Bella M. Smith)
t/a Bella's Tavern)
87 Sussex Street)
Jersey City, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption)
License C-350, 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, at about 12:05 p.m., she sold alcoholic beverages for off-premises consumption in violation of Rule 1 of State Regulation No. 38.

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 Barrel Tavern, Inc., Bulletin 2043, Item 12.

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 in lieu of suspension.

Accordingly, it is, on this 14th day of June 1972,

ORDERED that the payment of a \$400 fine by the licensee is hereby accepted in lieu of the suspension of license for ten (10) days.

Robert E. Bower,
Director.

7. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION TO PAY FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against
 Liquor Circus, Inc.
 t/a Liquor City
 Garden State Discount Mart and Auction, Store No. 106
 Deptford Township, RD Westville, N.J.
 Holder of Plenary Retail Distribution License D-2 issued by the Township Committee of the Township of Deptford.

 Licensee, Pro Se.
 Peter E. Rhatican, Appearing for Division.

CONCLUSIONS and ORDER

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 18, 1972, it sold alcoholic beverages to a minor, age 19, in violation of Rule 1 of State Regulation No. 20.

Absent prior record during the past ten years, 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 Controlled Systems Corp., Bulletin 2039, 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 \$1500.00 in lieu of suspension.

Accordingly, it is on this 14th day of June, 1972

ORDERED that the payment of a \$1500.00 fine by the licensee is hereby accepted in lieu of the suspension of license for ten days.

Robert E. Bower,
Director

8. DISCIPLINARY PROCEEDINGS - PURCHASE OF ALCOHOLIC BEVERAGES FROM UNAUTHORIZED SOURCE WHILE ON NON-DELIVERY LIST - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA - APPLICATION TO PAY FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against :

Trent Bar-Liquors :
938 Kaighns Avenue :
Camden, New Jersey :

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-154 issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden. :

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on divers days, from December 6, 1971 to January 25, 1972, it purchased alcoholic beverages while on the Non-Delivery list from improper sources, in violation of Rule 15 of State Regulation No. 20.

Absent prior adjudicated record within the past ten years, the license would normally be suspended for twenty days with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Yrral Corp., Bulletin 2040, Item 6.

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 \$600.00 in lieu of suspension.

Accordingly, it is on this 14th day of June, 1972

ORDERED that the payment of a \$600.00 fine by the licensee is hereby accepted in lieu of the suspension of license for fifteen days.

Robert E. Bower,
Director

- 9. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LOCAL HOURS VIOLATION - LICENSE SUSPENDED FOR 35 DAYS, LESS 7 FOR PLEA - LICENSED PREMISES ABANDONED - EFFECTIVE DATES OF SUSPENSION DEFERRED.

In the Matter of Disciplinary Proceedings against
 Roosevelt Lounge, Inc.
 292 Market Street
 Paterson, N. J.,
 Holder of Plenary Retail Consumption License C-200, issued by the Board of Alcoholic Beverage Control for the City of Paterson.

CONCLUSIONS
 and
 ORDER

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

BY THE DIRECTOR:

Licensee pleads non vult to three charges alleging that (1) on January 19, 1972 it possessed four bottles of alcoholic beverages the labels of which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20; (2) on Sunday, March 19, 1972, at about 12:25 p.m., it permitted consumption of alcoholic beverages on the licensed premises, in violation of local ordinance, and (3) at the same date and time it failed to have licensed premises closed, in violation of local ordinance.

Absent prior record, the license will be suspended for twenty days on the first charge (Re DeVos, Bulletin 1996, Item 8) and for fifteen days on the second and third charges (Re Jadlyn Inc., Bulletin 2041, Item 5), making a total of thirty-five days, with remission of seven days for the plea entered, leaving a net suspension of twenty-eight days.

Recent inspection by agents of this Division discloses that no one is operating under the license at present, and the business has apparently been abandoned. Thus no effective penalty can be imposed at this time. The effective dates for the suspension will be fixed by entry of a further order herein after said licensed business resumes operation.

Accordingly, it is, on this 14th day of June 1972,

ORDERED that Plenary Retail Consumption License C-200, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Roosevelt Lounge, Inc., for premises 292 Market Street, Paterson, be and the same is hereby suspended for twenty-eight (28) days, the effective dates of which to be fixed by further order as aforesaid.

Robert E. Bower,
 Director.

10. DISCIPLINARY PROCEEDINGS - LOCAL HOURS VIOLATION - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA - APPLICATION TO PAY FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against :

Dublin Inn, Inc. :
245-49 Grand Street :
Paterson, N.J. :

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption :
License C-211 issued by the Board of :
Alcoholic Beverage Control for the :
City of Paterson. :

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

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on Sunday, February 20, 1972 between 12:15 P.M. and 12:35 P.M. it (a) permitted the consumption of alcoholic beverages on the licensed premises (b) failed to have the entire premises closed and (c) failed to keep the entire licensed premises open to view, all in violation of local ordinance.

Absent prior record the license would normally be suspended for twenty days with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Primo's Tavern, A Corp., Bulletin 2026, Item 8.

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 \$600.00 in lieu of suspension.

Accordingly, it is on this 14th day of June, 1972

ORDERED that the payment of a \$600.00 fine by the licensee is hereby accepted in lieu of the suspension of license for fifteen days.

Robert E. Bower,
Director

11. APPLICATION TO RENEW TRANSIT (BOAT) LICENSE - RENEWAL GRANTED.

In the Matter of an Application)
for Renewal of Plenary Retail)
Transit License H-99 issued by)
the Director of the Division of)
Alcoholic Beverage Control to)

Andrew A. Gerard)
P.O. Box 25)
New Jersey Avenue)
Fortescue, N. J.,)

for boat "Doris.")
-----)

CONCLUSIONS

Andrew A. Gerard, Licensee, Pro se

BY THE DIRECTOR:

Licensee filed an application with the Director for renewal of his plenary retail transit license H-99 (for 1972-73 license period) for his boat registered as Doric (Registration #268161). N.J.S.A. 33:1-12.

Approximately fifty letters objecting to renewal of the license (mostly form letters) were received from residents of Downe Township wherein the boat would be docked for the purpose of embarking and disembarking fishermen. A hearing was duly held thereon in this Division pursuant to Rule 12 of State Regulation No. 1.

None of the objectors appeared at the hearing. In substance, the objectors allege that it was not in the public interest to renew the said license and that traffic hazards would be increased by persons consuming alcoholic beverages. It is noted that the Township, by referendum, is a "dry" township.

At the hearing the licensee and Joseph Bruccoliere (the applicant for a similar license in the subject township for which the same objections were filed) testified that they don't sell alcoholic beverages until their boats are quite some distance into Delaware Bay; that they are aware that Downe Township is a "dry" municipality; that no alcoholic beverages are sold either in the township or in the waters close thereto, and they never received complaints of disorderly conduct on the part of fishermen in embarking or disembarking. Additionally, there was testimony that the boat owners could fully control the amount of beverages consumed whereas, without the license, they would have less control over the amount consumed by passengers who brought their own beverages.

Licensee understood that, if his application for renewal of the license were to be acted upon favorably, the license would be renewed subject to the special condition that there may be no sale of alcoholic beverages on the boat while docked in Downe Township or while in transit in its territorial waters.

The decision as to whether or not an application for the issuance or renewal of a plenary retail transit license should be granted rests solely within the discretion of the State Director. Although the objections of inhabitants of the local community are given serious consideration, the objections must be based upon valid legal grounds. I have determined that the objections are lacking in merit and that no valid reasons exist for the denial of the said application.

Accordingly, the said application for issuance of the plenary retail transit license for the license year 1972-73 is hereby granted subject to the special condition that there may be no sale of alcoholic beverages on the boat while docked in Downe Township or while in transit in the territorial waters (if any) of Downe Township.

Robert E. Dower,
Director.

Dated: June 16, 1972

12. APPLICATION TO RENEW TRANSIT (BOAT) LICENSE - RENEWAL GRANTED.

In the Matter of an Application)
for Renewal of Plenary Retail)
Transit License M-70 issued by)
the Director of the Division of)
Alcoholic Beverage Control to)

CONCLUSIONS

Joseph Bruccoliere)
108 Elgin Avenue)
Westmont, N. J.,)

for boat "Debby Ann.")

Joseph Bruccoliere, Licensee, Pro se

BY THE DIRECTOR:

Licensee filed an application with the Director for the renewal of his plenary retail transit license M-70 (for 1972-73 license period) for his boat registered as Debby Ann (Registration #269239). N.J.S.A. 33:1-12.

Approximately fifty letters objecting to renewal of the license (mostly form letters) were received from residents of Downe Township wherein the boat would be docked for the purpose of embarking and disembarking fishermen. A hearing was duly held thereon in this Division pursuant to Rule 12 of State Regulation No. 1.

None of the objectors appeared at the hearing. In substance, the objectors allege that it was not in the public interest to renew the said license and that traffic hazards would be increased by persons consuming alcoholic beverages. It is noted that the Township, by referendum, is a "dry" township.

At the hearing the licensee and Andrew A. Gerard (the applicant for a similar license in the subject township for which the same objections were filed) testified that they don't sell alcoholic beverages until their boats are quite some distance into Delaware Bay; that they are aware that Downe Township is a "dry" municipality; that no alcoholic beverages are sold either in the township or in the waters close thereto, and they never received complaints of disorderly conduct on the part of fishermen in embarking or disembarking. Additionally, there was testimony that the boat owners could fully control the amount of beverages consumed whereas, without the license, they would have less control over the amount consumed by passengers who brought their own beverages.

Licensee understood that, if his application for the renewal of the license were to be acted upon favorably, the license would be renewed subject to the special condition that there may be no sale of alcoholic beverages on the boat while docked in Downe Township or while in transit in its territorial waters.

The decision as to whether or not an application for the issuance or renewal of a plenary retail transit license should be granted rests solely within the discretion of the State Director. While the objections of inhabitants of the local community are given serious consideration, the objections must be based upon valid legal grounds. I have determined that the objections are lacking in merit and that no valid reasons exist for the denial of the said application.

Accordingly, the said application for the issuance of the plenary retail transit license for the license year 1972-73 is hereby granted subject to the special condition that there may be no sale of alcoholic beverages on the boat while docked in Downe Township or while in transit in the territorial waters (if any) of Downe Township.

Robert E. Bower,
Director.

Dated: June 16, 1972

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

In the Matter of Disciplinary Proceedings against :

Hummel's Liquors, Inc.
t/a Hummel's Colonial Liquor Store
54-56 South Laurel Street
Bridgeton, N.J. :

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Distribution License D-5 issued by the City Council of the City of Bridgeton. :

.....
Licensee, Pro Se.
Peter E. Rhatican, Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 14, 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 Plancey, Bulletin 2042, Item 9.

However, the licensee has made application for 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 \$475.00 in lieu of suspension.

Accordingly, it is, on this 16th day of June, 1972

ORDERED that the payment of a fine in the amount of \$475.00 by the licensee is hereby accepted in lieu of the suspension of license for five days.

Robert E. Bower,
Director

- 14. DISCIPLINARY PROCEEDINGS - VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA - EFFECTIVE DATES OF SUSPENSION DEFERRED PENDING RESUMPTION OF OPERATION OF LICENSED BUSINESS.

In the Matter of Disciplinary Proceedings against)

Sue & Frank Club, Inc.)
89 1/2 Seventh Avenue)
Newark, N.J.)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-791 issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

Leon Sachs, Esq., Attorney for Licensee
Peter E. Rhatican, Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 19, 1972, about 11:45 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 for similar offense in June 1971, resulting in suspension of license for 10 days by the issuing authority, the effective dates of which were deferred until if and when "licensee commences business under license at premises designated."

The license will be suspended on the charge herein for fifteen days (Re Ryglicki, Bulletin 2046 Item 6) to which will be added an additional fifteen days by reason of the similar offense 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. Re Y & H Tavern, Inc., Bulletin 1971 Item 7.

Recent investigation by this Division discloses that no one is operating under the license at present and the premises have been closed while an application to transfer to other premises is pending before the municipal issuing authority. Thus, no effective penalty can be imposed at this time. The effective dates for the suspension will be fixed by entry of a further order herein after said licensed business resumes operation.

Accordingly, it is, on this 20th day of June, 1972,

ORDERED that Plenary Retail Consumption License C-791 issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Sue & Frank Club, Inc. for premises 89 1/2 Seventh Avenue, Newark, be and the same is hereby suspended for twenty-five (25) days, the effective dates of which to be fixed by further order as aforesaid.

ROBERT E. BOWER
DIRECTOR

15. DISCIPLINARY PROCEEDINGS - VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against	:	
	:	
	:	
Adrian Corporation	:	
t/a Heredia's Liquors & Delicatessen	:	CONCLUSIONS
570 Broadway	:	and
Newark, N.J.	:	ORDER
	:	
Holder of Plenary Retail Distribution License D-7 issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.	:	
.....	:	
Licensee, Pro Se.	:	
Walter H. Cleaver, Esq., Appearing for Division.	:	

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, October 24, 1971 about 12:30 P.M., it sold alcoholic beverages for off-premises consumption 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 Magan, Bulletin 2047, Item 7.

Accordingly, it is on this 20th day of June, 1972

ORDERED that any renewal that may be granted of Plenary Retail Distribution License D-7 issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Adrian Corporation, t/a Heredia's Liquors & Delicatessen for premises 570 Broadway, Newark shall be and the same is hereby suspended for ten (10) days commencing 2:00 A.M. on Wednesday, July 5, 1972 and terminating 2:00 A.M. on Saturday, July 15, 1972.

Robert E. Bower,
Director

16. STATE LICENSES - NEW APPLICATIONS FILED.

Gallo Wine Sales of New Jersey, Inc., 520 Division St. Elizabeth, N. J.
Application filed August 16, 1972 for place-to-place transfer of Plenary Wholesale License W-43 to include additional space.

Admiral Wine & Liquor Co., 805 Lehigh Ave., Union, N. J.
Application filed August 17, 1972 for place-to-place transfer of Plenary Wholesale License W-38 from 115 Coit St., Irvington, N. J.

Robert E. Bower
Robert E. Bower
Director