

Greenberg
Audrose

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

BULLETIN 1977

June 2, 1971

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The Board answered as follows:

1. The prior application of Wyant was not denied by the Board but was withdrawn by applicant.
2. Notice of the hearing on June 10, 1970 was duly published according to the rules and regulations, and no objector was present at that time.
3. The Board granted the transfer because (a) there was no objection to the transfer; (b) the transfer did not bring the tavern within two hundred feet of the entrance to the church; (c) the transfer fell within the provisions of Section 2:3-3A of the Revised Ordinances of the City of Paterson.

Respondent Wyant in her separate answer denied the allegation of the petition of appeal and affirmatively alleged that "the application and approval for the transfer of the license in question was done properly and in accordance with the legal requirements." She further defends that the present building where the license is located cannot be used for the sale of liquor and, unless she was granted the approval for transfer, she would have been deprived of her right to operate her business and support herself.

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

Reverend John Eldred (pastor of appellant church) testified that he first objected to the transfer of the subject license at a hearing held by the Board in the autumn of 1969 to consider respondent Wyant's application for transfer from premises 9 West Broadway to premises 87 Broadway. He opposed the transfer of the license at that time because of its proximity to his church and school and to other churches in the general area. There are approximately seventeen liquor licensed premises in that general area, including the subject license. Some of the licenses are used in connection with the operation of a restaurant business; some of the establishments are known as bars and grills; some are retail package stores, and the others as taverns. He asserted that adding a bar to the great number of bars would not be in the best interests of the community. It was the witness' understanding that, upon the termination of the hearing to consider the application for transfer held in the autumn of 1969, the application was denied. He had no knowledge of a subsequent application having been filed by Wyant for the transfer of the license from its original location to 83 Broadway, and that a hearing was held thereon on June 10, 1970, at which time the transfer to 83 Broadway was approved. He is presently opposed to the transfer for the same reasons he expressed heretofore. He heard nothing derogatory concerning the operation of the tavern.

It was stipulated by counsel for appellant that the transfer was not violative of the two hundred feet rule in so far as proximity to a church or schoolhouse was concerned; nor was it repugnant to the local distance ordinance.

No other church appeared to oppose the transfer at the hearing held before the Board.

Arthur W. Holloway (a member of the Board) testified that on June 10, 1970 the Board unanimously voted to approve the transfer after hearing arguments pro and con. It was its opinion "this tavern was being transferred from an area which was bordered by an area that has a number of taverns in it. However, this did not, in the opinion of the Board, constitute an additional tavern in the area, and in addition to that, the record of this particular tavern did not warrant it to be penalized in its efforts to continue its established business."

I find that the notice of the application for transfer was published in proper form and that at the hearing held by the Board on June 10, 1970, to consider the application no one appeared in objection thereof.

I shall first consider appellant's argument that the Board acted without proper notice being given to appellant. This argument is without merit. It appears that publication of the notice of application for transfer was made in due form. In any event, appellant is not prejudiced because it now had at this plenary hearing de novo full opportunity to present witnesses on its behalf and cross-examine witnesses produced by respondents. This cures any infirmity allegedly arising by reason of denial of a fair and impartial hearing before the Board. Cino v. Driscoll, 130 N.J.L. 535 (Sup. Ct. 1943), cited with approval in Nordco, Inc. v. State, 43 N.J. Super. 277 (App. Div. 1957).

The crucial issue in this appeal is whether the record herein substantially supported and justified the action of the Board in approving the transfer of respondent Wyant's license.

Preliminarily, I observe that the burden of establishing that the action of a municipal issuing authority is erroneous and should be reversed rests with the appellant. Rule 6 of State Regulation No. 15. The decision as to whether or not a license should be transferred to a particular locality rests within the sound discretion of the municipal issuing authority in the first instance. Hudson-Bergen County Retail Liquor Stores Assn. v. North Bergen et als., Bulletin 997, Item 2. Each municipal issuing authority has wide discretion in the transfer of a liquor license, subject to review by the Director in the event of any abuse thereof. Common Council of Borough of Hightstown v. Hedy's Bar, 86 N.J. Super. 501 (1965); Passarella v. Atlantic City, 1 N.J. Super. 313 (App. Div. 1949). However, action based upon such discretion will not be disturbed in the absence of a clear abuse. Blanck v. Magnolia, 38 N.J. 484 (1962). As Justice Jacobs pointed out in Fanwood v. Rocco, 33 N.J. 404, 414 (1960):

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

And further, in evaluating the action of the Board herein it might be well to state the view expressed in Ward v. Scott, 16 N.J. 16 (1954) wherein the Supreme Court, dealing with an appeal from a zoning ordinance, set forth the following applicable principle (at p. 23):

"... Local officials who are thoroughly familiar with their community's characteristics and interests and are the proper representatives of its people, are undoubtedly the best equipped to pass initially on such applications for variance. And their determinations should not be approached with a general feeling of suspicion, for as Justice Holmes has properly admonished: 'Universal distrust creates universal incompetence.' Graham v. United States, 231 U.S. 474, 480, 34 S. Ct. 148, 151, 58 L. Ed. 319, 324 (1913)...."

I have carefully considered the reasons stated by appellant in its petition of appeal and find them to be without merit.

Upon reviewing the testimony of Board member Holloway, it is apparent that the Board's unanimous action was influenced by the fact that the transfer was to a location within the same geographical area and, therefore, a new liquor establishment was not being introduced therein. It is also apparent that the Board considered the prior good record of the licensee.

Further, it must be assumed that the Board was well aware of the fact that application for the renewal of the license had to be made annually. If the premises are conducted in a law-abiding manner (and it must be assumed that such will be the case), residents of the area have nothing to fear. If, however, the licensed premises will be operated in violation of the Alcoholic Beverage Law, the licensee would subject her license to suspension or revocation. Tagliaferro v. Newark, Bulletin 1710, Item 1; Jesswell v. Newark, Bulletin 1847, Item 5; Monmouth County Retail Liquor Stores v. Middletown et al., Bulletin 1572, Item 1.

In conclusion, it may be stated that in matters involving transfer of liquor licenses the responsibility of the municipal issuing authority is "high", its discretion "wide" and its guide "the public interest". Lubliner v. Paterson, 33 N.J. 428, at p. 446. As indicated hereinabove, the Director is governed by the principle that, where reasonable men, acting reasonably, have arrived at a determination in the issuance or transfer of a license, such determination should be sustained by the Director unless he finds that it was clearly 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); cf. Fanwood v. Rocco, 59 N.J. Super. 306 (App. Div. 1960). In the recent case of Lyons Farms Tavern, Inc. v. Newark, 55 N.J. 292, 303 (1970), the court stated:

"The conclusion is inescapable that if the legislative purpose is to be effectuated the Director and the courts must place much reliance upon local action. Once the municipal board has decided to grant or withhold approval of a premises-enlargement

application of the type involved here, its exercise of discretion ought to be accepted on review in the absence of a clear abuse or unreasonable or arbitrary exercise of its discretion. Although the Director conducts a de novo hearing in the event of an appeal, the rule has long been established that he will not and should not substitute his judgment for that of the local board or reverse the ruling if reasonable support for it can be found in the record...."

The Board has in my opinion understood its full responsibility, and has acted circumspectly and in the reasonable exercise of its discretion in granting the transfer. I do not find the objections of sufficient merit and thus conclude that appellant has failed to sustain the burden of establishing that the action of the Board was arbitrary, erroneous or an abuse of its discretion. Rule 6 of State Regulation No. 15.

For the reasons aforesaid, it is recommended that an order be entered affirming the action of the Board and dismissing the appeal.

Conclusions and Order

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

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

Accordingly, it is, on this 19th day of April 1971,

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

RICHARD C. McDONOUGH
DIRECTOR

2. NEW ALLWOOD REST, INC. v. CLIFTON - AMENDED ORDER.

New Allwood Rest, Inc.,)	
t/a New Allwood Rest, Inc.,)	
)	
Appellant,)	
)	
v.)	
)	
Municipal Board of Alcoholic)	Amended Order
Beverage Control of the City)	
of Clifton,)	
)	
Respondent.)	

 Joseph M. Keegan, Esq., Attorney for Appellant.
 Arthur J. Sullivan, Jr., Esq., by G. Dolph Corradino, Esq.,
 Attorney for Respondent.

BY THE DIRECTOR:

On March 29, 1971 I entered an order affirming the action of the respondent, dismissing the appeal herein and reimposing the twenty day suspension of the subject license, and fixing the effective dates of suspension commencing on April 13, 1971, and terminating May 3, 1971. Re New Allwood Rest, Inc., Bulletin 1973, Item 3.

The attorney for appellant has requested that the said order be amended to provide that the suspension be deferred for a short period of time in order to permit the appellant to provide for employee relocations.

Good cause appearing I shall grant the request.

Accordingly, it is, on this 12th day of April 1971,

ORDERED that the order heretofore entered on March 29, 1971, be and the same is hereby amended as follows:

ORDERED that Plenary Retail Consumption License C-122, issued by the Municipal Board of Alcoholic Beverage Control of the City of Clifton to New Allwood Rest, Inc., t/a New Allwood Rest, Inc., for premises 777 Bloomfield Avenue, Clifton, be and the same is hereby suspended for twenty (20) days, commencing at 3:00 a.m. Tuesday, April 27, 1971, and terminating at 3:00 a.m. Monday, May 17, 1971.

RICHARD C. McDONOUGH
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES TO MINORS - LICENSE SUSPENDED FOR 25 DAYS - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against)

John and Walter Kowal)
t/a Butch Kowal's Tavern)
950 St. George Avenue)
Rahway, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-17 issued by the Municipal Board of Alcoholic Beverage Control of the City of Rahway.)

Feinberg, Feinberg and Tritsch, Esqs., by Joseph M. Feinberg, Esq.,
Attorneys for Licensees.
Edward F. Ambrose, Esq., Appearing for the Division.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensees pleaded not guilty to the following charge:

"On May 9, 1970, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., George ---, age 16; in violation of Rule 1 of State Regulation No. 20."

An investigation by agents of this Division, made at the request of the Winfield Police Department, led to preferment of this charge. The Division established its case through the testimony of two minors and the ABC agent who was assigned to the said investigation.

George --- testified that he is 16 years of age and was born on December 14, 1953. He attended a social function in Winfield Township and was requested by a group of his acquaintances to purchase alcoholic beverages for them. Accompanied by his minor friend Paul ---, he arrived at the vicinity of the licensed premises at about 7:30 p.m. on May 9. Paul, who was driving, parked the car in the lot at the rear of the said premises and remained there while George entered the rear entrance. John Kowal, co-licensee herein, was on duty in the package liquor store portion of the said premises. George ordered and was served two and a half cases of beer, a half pint of Seagram's 7 whiskey and a half pint of blackberry brandy. After paying therefor, George left the premises and returned to the motor vehicle. A young boy, who was standing in the store, assisted him in carrying the alcoholic beverages to the vehicle.

On cross examination, George stated that he had purchased alcoholic beverages at these premises on at least four or five occasions prior to the date alleged herein. He was quite familiar with the premises and the licensee, and described

John Kowal in detail, even noting that he smoked a cigar at the time of the said purchase. He explained that when he returned to Winfield Township, he distributed the alcoholic beverages to his friends.

Apparently, one of the boys got into a fight and, when the police were summoned, they questioned George with respect to the said liquor. He readily admitted having purchased the same at the premises of the subject licensees. He was thereupon arrested, taken to Winfield Police headquarters, and voluntarily gave and executed a written statement with respect to the transaction. The Winfield police contacted the Rahway police and, about 10:30 p.m. that evening, in the company of the police officers, he returned to the premises. While the police went inside, he remained on the outside of the premises. He was then asked to identify Kowal through the window of the store and unhesitatingly pointed out John Kowal as the person who sold him the liquor and beer. Finally, he stated that he had been there just the week before, had also made purchases of alcoholic beverages, and was served by Kowal on prior occasions.

Paul ---, a 17-year-old minor who was the driver of the said motor vehicle, corroborated the testimony concerning the incident. He stated that he remained in the motor vehicle while George entered the premises. At the time George left the car, he had no liquor in his possession, but when he returned in the company of the young boy, he had the alcoholic beverages with him. The boy assisted George in placing the alcoholic beverages in the trunk of the motor vehicle. The whole transaction took about five minutes.

On cross examination, Paul stated emphatically that neither he nor George drank any of the beverages but that, in fact, they were purchased as an accommodation for a group of boys who had given the money in advance with which to make these purchases. Paul also voluntarily executed a statement to the Winfield Township police, setting forth the facts as testified to at this hearing.

ABC Agent S testified that pursuant to a specific assignment, he, in the company of George, Paul and Detective Salzmann of the Winfield Police Department, went to the premises on May 11. George directed him to the premises, pointed out where he had entered the premises and, at the request of the witness, identified Kowal as the person who sold him the alcoholic beverages. The agent questioned Kowal, who admitted that he had been on duty on the date and at the time alleged herein but denied selling any alcoholic beverages to the minor. Kowal told the agent "he had a problem with people buying liquor or booze for kids, and he hired policemen to patrol his parking lot" to keep these people away.

Captain John J. Hummel of the Rahway Police Department recalled that the licensee had complained to him about juveniles in the rear parking lot of the premises. They were causing damage to the premises and adults were buying liquor for minors. The captain admitted, on cross examination, that the parking lot had been a hang-out for minors for a long period of time. It was next to a candy store and a pizza parlor and was a natural area for young people to congregate.

John R. Berko, a captain of the Elizabeth Police Department who resides in Rahway and is a patron of these

premises, testified that he saw juveniles drinking beer in the parking lot in back of the premises but he did not know who sold them the beer or how they obtained the alcoholic beverages. However, he did recall seeing an adult on one occasion emerge from the premises and hand a six-pack of beer to a minor.

John Kowal, the co-licensee, denied selling any alcoholic beverages to the minor on the date in question. He recalled that he saw George on a prior occasion in the parking lot but he never sold him any alcoholic beverages. He stated that on May 9, "I don't remember seeing him, no." He specifically denied that a young boy was in the premises at the time alleged.

He added that, on many occasions, he had seen minors drinking beer in his parking lot and had complained to the Rahway police about this condition. However, he was unable to employ any special police assistance because the Rahway police were already working over-time. Although he had been told that adults were purchasing liquor for minors, he personally never saw that happen.

On cross examination, this witness admitted that he smokes two or three cigars a day and his appearance is as described by the minor. He also admitted selling the brands of alcoholic beverages purchased by the minor.

Walter Nadler, a part time clerk employed by the licensees, stated that he was on duty in the liquor department of these premises on the night in question. He remembered this night particularly because it was the day before Mother's Day and that has a real significance to him. He did not recall seeing the minor in the premises or making any purchases there.

Disciplinary proceedings are civil in nature and require proof by a preponderance of the believable evidence only. Butler Oak Tavern v. Div. of Alcoholic Beverage Control, 20 N.J. 373 (1956); Hornauer v. Div. of Alcoholic Beverage Control, 40 N.J. Super. 501 (1956). The guiding rule in these matters is that the finding must be based on competent legal evidence and must be grounded upon a reasonable certainty as to the probabilities arising from a fair consideration of the evidence. 32A C.J.S. Evidence, Sec. 1042.

Since there was a sharp conflict in the testimony, I have made a careful assessment and evaluation of the testimony of the witnesses. I have had an opportunity to observe their demeanor as they testified before me and I would be less than frank if I did not state that I was impressed with the forthrightness and credibility of the testimony of the minor George, who made the actual purchase, gave a straight-forward and unequivocal account of what transpired. His testimony was unshaken under vigorous cross examination by competent counsel. While it has been Division policy carefully to scrutinize the testimony of minors, I find that George's testimony was corroborated and fortified by the testimony of the companion who accompanied him to these premises. George had no difficulty in identifying the co-licensee who served him and I am convinced that the incident occurred as testified to by these minors. Their testimony has the unmistakable ring of truth and generates no doubt in my mind that a sale of alcoholic beverages was made to a minor.

Since the licensees deny the sale, we need not consider the provisions of the statute and the rules of this Division with respect to the requirements for a complete defense to an alleged sale to minors.

The prevention of sales of intoxicating liquor to minors not only justifies, but necessitates, the most rigid control. Hudson Bergen County Retail Liquor Stores Association et al. v. Hoboken et al., 135 N.J.L. 502 (1947); In re Schneider, 12 N.J. Super. 449 (1951).

I conclude that the Division has established this charge by a preponderance of the believable evidence -- indeed, by substantial evidence. It is accordingly recommended that the licensees be found guilty of the said charge.

Licensees have a prior adjudicated record of suspension of license by the Director for five days effective February 15, 1960, for sale of alcoholic beverages below the minimum consumer resale price. Re Kowal, Bulletin 1330, Item 10.

Since this dissimilar violation occurred more than five years ago, it is recommended that the same be disregarded in the imposition of penalty. It is further recommended that the license herein be suspended for twenty-five days. Re Chip's Bar, Inc., Bulletin 1896, Item 7.

Conclusions and Order

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

I find that the matters contained in the exceptions have either been fully considered by the Hearer in his report or are without merit.

Therefore, having considered the entire record herein, I concur in the findings and recommendations of the Hearer and adopt them as my conclusions herein. As a result, the license would normally be suspended for twenty-five days. However, the licensees have made application to me for the imposition of a fine in lieu of the 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 \$1,450 in lieu of the suspension.

Accordingly, it is, on this 12th day of April 1971,

ORDERED that the payment of a \$1,450 fine by the licensees is hereby accepted in lieu of a suspension of license of twenty-five days.

RICHARD C. McDONOUGH
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - SUPPLEMENTAL ORDER - SUSPENSION
RESCINDED - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against)	
)	
Peter Feola and Lucy Feola t/a Madison Liquor Store 893 Convery Blvd. Perth Amboy, N. J.)	SUPPLEMENTAL CONCLUSIONS AND ORDER
Holder's of Plenary Retail Consumption License C-105, issued by the Board of Commissioners of the City of Perth Amboy.)	

Dalto and Gran, Esqs., by Angelo H. Dalto, Esq., Attorneys for Licensee.

Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

On January 20, 1971, Conclusions and Order were entered in this matter suspending the license of the licensees for ten days commencing February 8, 1971 after the licensees pleaded non vult to a sale to minor charge. Re Feola, Bulletin 1958, Item 12. On January 27, 1971, the aforesaid suspension was stayed to consider an application made by the licensees for the imposition of a fine in lieu of the 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 the suspension.

Accordingly, it is, on this 12th day of April 1971,

ORDERED that the order entered in this matter on January 20, 1971, suspending the license in question for ten days is hereby rescinded and the payment of a \$400 fine by the licensees is hereby accepted in lieu of such suspension.

RICHARD C. McDONOUGH
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - SUPPLEMENTAL ORDER - SUSPENSION RESCINDED - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceeding against)	
Prince Bar & Grill, Inc.)	SUPPLEMENTAL
370 Princeton Avenue)	
Jersey City, N. J.)	CONCLUSIONS
)	AND
Holder of Plenary Retail Consumption License C-158, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)	ORDER
-----)	
Licensee, by Sylvester Damiano, Vice-President-Treasurer, Pro se. Walter H. Cleaver, Esq., Appearing for Division.)	

BY THE DIRECTOR:

On January 13, 1971, Conclusions and Order were entered in the matter suspending the license of the licensee for ten days commencing January 25, 1971, after the licensee pleaded non vult to a charge of selling alcoholic beverages during prohibited hours. Re Prince Bar & Grill, Inc., Bulletin 1957, Item 4. On January 25, 1971, the aforesaid suspension was stayed to consider an application made by the licensee for the imposition of a fine in lieu of the 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 \$470 in lieu of the suspension.

Accordingly, it is, on this 12th day of April 1971,

ORDERED that the order entered in this matter on January 13, 1971, suspending the license in question for ten days is hereby rescinded and the payment of a \$470 fine by the licensee is hereby accepted in lieu of such suspension.

RICHARD C. McDONOUGH
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 10 DAYS - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against
 Jeannette Calvacca and Paul Calvacca
 t/a J & P Liquors
 112 Main Street
 Lodi, N. J.,
 Holders of Plenary Retail Distribution License D-12, issued by the Mayor and Council of the Borough of Lodi

CONCLUSIONS AND ORDER

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

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on January 22, 1971, they sold two bottles of wine to a minor, age 19, in violation of Rule 1 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 Mitchell & Mitchell, Bulletin 1921, Item 5. However, the licensees have made application for the imposition of a fine in lieu of the 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 the suspension.

Accordingly, it is, on this 12th day of April 1971,

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

RICHARD C. McDONOUGH
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against Charley's Friendly Corner Bar (A Corporation) 1501 Hornberger Avenue Florence Township PO Roebing, N. J.

CONCLUSIONS and ORDER

Holder of Plenary Retail Consumption License C-4, issued by the Township Committee of the Township of Florence.

Parker, McCay and Criscuolo, Esq., by John F. Vassallo, Jr., Esq., Attorneys for Licensee Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on Sunday, November 15, 1970 it sold alcoholic beverages and failed to have the licensed premises closed after 2 a.m., during prohibited hours, in violation of local ordinance.

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 Schoell's Tavern, Inc., Bulletin 1893, Item 2.

Accordingly, it is, on this 13th day of April 1971,

ORDERED that Plenary Retail Consumption License C-4, issued by the Township Committee of the Township of Florence to Charley's Friendly Corner Bar (A Corporation), for premises 1501 Hornberger Avenue, Florence Township, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Monday, April 26, 1971, and terminating at 2 a.m. Thursday, May 6, 1971.

RICHARD C. McDONOUGH DIRECTOR

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

In the Matter of Disciplinary Proceedings against Frank T. Alois t/a Alois Bar & Restaurant 177-179 - 20th Avenue Paterson, N. J.

CONCLUSIONS and ORDER

Holder of Plenary Retail Consumption License C-317, 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 non vult to charges alleging that on Sunday, December 6, 1970, he sold a half-pint bottle of liqueur before 1 p.m., in violation (1) of municipal ordinance, and (2) for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re O'Leary House, Inc., Bulletin 1768, Item 5.

Accordingly, it is, on this 13th day of April 1971,

ORDERED that Plenary Retail Consumption License C-317, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Frank T. Alois, t/a Alois Bar & Restaurant, for premises 177-179 - 20th Avenue, Paterson, be and the same is hereby suspended for fifteen (15) days, commencing at 3 a.m. Wednesday, April 28, 1971, and terminating at 3 a.m. Thursday, May 13, 1971.

RICHARD C. McDONOUGH DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SUPPLEMENTAL ORDER - SUSPENSION RESCINDED - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against
 Harmony Pub, Inc.
 t/a P. J.'s Plum
 20 East Forst Lee Road
 Bogota, N. J.) SUPPLEMENTAL

Holder of Plenary Retail Consumption License C-5, issued by the Borough Council of the Borough of Bogota, and transferred during the pendency of these proceedings to) CONCLUSIONS and ORDER

Ralston E. Roff & Helen Roff,
 t/a R. E.'s Plum)

for the same premises.

 Jacob Freid, Esq., Attorney for Licensee.
 Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

On January 18, 1971 Conclusions and Order were entered in this matter suspending the license of the licensee for five days commencing February 1, 1971 after the licensee pleaded non vult to a hindering charge. Re Harmony Pub, Inc., Bulletin 1958, Item 8. On February 1, 1971 the aforesaid suspension was stayed to consider an application made by the licensee for the imposition of a fine in lieu of the 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 \$200.00 in lieu of the suspension.

Accordingly, it is, on this 12th day of April 1971,

ORDERED that the order entered in this matter on January 18, 1971 suspending the license in question for five days is hereby rescinded and the payment of a \$200.00 fine by the licensee is hereby accepted in lieu of such suspension.

RICHARD C. McDONOUGH
 DIRECTOR

10. STATE LICENSES - NEW APPLICATION FILED.

Silk City Beverage Co., Inc.
 8-10 Amity Street
 Paterson, New Jersey
 Application filed June 1, 1971 for person-to-person transfer of State Beverage Distributor's License SBD-93 (for 1971-72) from Herman Weiner, t/a Silk City Beverage Co.

Richard C. McDonough
 Richard C. McDonough
 Director