

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

BULLETIN 1618

June 14, 1965

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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 1618

June 14, 1965

1. STATE REGULATIONS - REGULATION NO. 2, Rule 8 and REGULATION NO. 6, Rule 10, AMENDED.

TO ALL MUNICIPAL ISSUING AUTHORITIES:

STATEMENT OF REASONS FOR ACTION TAKEN BY ISSUING AUTHORITY -
RULE 8 OF STATE REGULATION NO. 2 and RULE 10 OF STATE
REGULATION NO. 6 AMENDED.

At present, there is no provision in either the State Alcoholic Beverage Law or the Division Regulations containing any express requirement that a supporting statement of reasons be made by an issuing authority in adversely deciding a proceeding involving the issuance, renewal or transfer of a license. As a result, it is common practice for municipal issuing authorities to omit any such statement in these types of proceedings.

The lack of such statement places adverse parties and objectors in a disadvantageous position in deciding whether to appeal to this Division the municipal issuing authority's determination and tends to foster local decisions which are neither carefully thought out nor supported by evidence, or which are grounded upon illegal considerations. In order to impose upon issuing authorities the duty to state their reasons in license original issuance, renewal and transfer proceedings decided adverse to an applicant or objector, I have decided to amend Rule 8 of State Regulation No. 2 (dealing with applications for original issuance and renewal of municipal licenses) and Rule 10 of State Regulation No. 6 (dealing with applications for transfer of state and municipal licenses) to require such statement.

Accordingly, Rule 8 of State Regulation No. 2 is hereby amended, effective immediately, to read as follows:

"Rule 8. No hearing need be held if no such objections shall be lodged (but this in no wise relieves the issuing authority from the duty of making a thorough investigation on its own initiative), or if the issuing authority, on its own motion, after the requisite statutory investigation, shall have determined not to issue a license to such applicant. In every action adverse to any applicant or objector, the issuing authority shall state the reasons therefor."

Rule 10 of State Regulation No. 6 is hereby amended, effective immediately, to read as follows:

"Rule 10. No hearing need be held if no such objections shall be lodged (but this in no wise relieves the issuing authority from the duty of making a thorough investigation on its own initiative), or if the issuing authority, on its own motion, after the requisite statutory investigation, shall have determined not to grant the transfer applied for. In every action adverse to an applicant or objector, the issuing authority shall state the reasons therefor."

JOSEPH P. LORDI
DIRECTOR

Promulgated Friday, May 7, 1965.

Effective Friday, May 7, 1965.

Filed with the Secretary of State (N.J.) Friday, May 7, 1965.

2. APPELLATE DECISIONS - BERSKI v. PATERSON.

GEORGE P. BERSKI,)
)
 Appellant,)
)
 v.)
)
 BOARD OF ALCOHOLIC BEVERAGE)
 CONTROL FOR THE CITY OF)
 PATERSON,)
)
 Respondent.)

ON APPEAL
CONCLUSIONS
AND ORDER

 Arthur Minuskin, Esq., Attorney for Appellant.
 Theodore D. Rosenberg, Esq., by William J. Rosenberg, Esq.,
 Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This is an appeal from the action of respondent whereby on October 28, 1964, it unanimously denied an application for a person-to-person and place-to-place transfer of a plenary retail distribution license from Edward G. Weiss, Executor of the Estate of Anthony DeSantis, to appellant and from premises 48-50 Third Avenue to premises 1-5 Laurel Street, Paterson.

The petition of appeal alleges as a ground for reversal that:

"The action of the respondent was erroneous in that a need for this type of license does exist in the neighborhood and the best interests of the community would be served by the transfer of said license and the denial of the same is an arbitrary action on the part of the respondent."

Respondent's answer denies the aforesaid allegation and contends that:

"The action of the respondent Board was fair, reasonable and just and was based on all the evidence adduced at the hearing before it."

The appeal was heard de novo pursuant to Rule 6 of State Regulation No. 15. The stenographic transcript of the hearing below was submitted in accordance with Rule 8 of State Regulation No. 15, and was supplemented at this hearing by testimony of witnesses produced on behalf of the parties hereto.

Appellant testified that for the past seven years he and his wife own and operate a confectionery and delicatessen store at the proposed premises on Laurel Street; that in his opinion, there is a need for the type of license in question "because there isn't another package store within the immediate area. It's a very heavily populated area. People come into my store at all times asking for liquors"; that the nearest package goods

liquor outlet is "at least fifteen hundred feet" or "at least five blocks" distant; that he would like to get this license "to improve my business."

On cross examination appellant admitted that approximately two weeks prior to October 21, 1964, he objected to a transfer of a plenary retail consumption license to premises across the street from the proposed licensed premises. Appellant contended that his objection was to the person who had made application therefor and not to the premises sought.

Philip Schlenger (a real estate broker) testified that he primarily engages in the sale of businesses, particularly taverns and liquor stores; that he made a survey concerning the area in which appellant's proposed premises is located and found that within a distance of 1,500 feet from the site sought by appellant for the license, there are three plenary retail distribution licenses and eight plenary retail consumption licenses, the nearest one being located across the street from appellant's store; that the Second Ward is one of the largest wards in area in the city and is densely populated at the location of appellant's building but has "approximately eight D licenses, four of which are on Union Avenue, a distance from 1 Laurel Street"; that in his opinion, there is a need for an additional license in the Second Ward. Mr. Schlenger further testified that the distance between the present and proposed location of the license is three miles. "One is on one side of the town and one is on the complete other side of the town."

William W. Harris (secretary of respondent Board) testified that, upon request of respondent's attorney, he prepared and indicated on a map a list of C and D licenses within a radius of 2,000 feet from appellant's proposed premises and that there are seventeen tavern licenses and three package goods licenses in said area.

Edwin Englehardt (a member of respondent Board) testified that he voted to deny the transfer of the license for the following reasons:

"The reason I as a commissioner on the Excise Board of the City of Paterson voted against this particular application was because of the number of witnesses that appeared before us on that particular night. After hearing the testimony of these people who were against this particular transfer and after hearing the testimony of Mr. Berski, I took that into consideration along with the facts of the personal survey I had made prior to this hearing of the number of taverns and liquor stores in that particular area, and I feel that even though there is some light industry there, it's predominantly a residential area, and I feel that that particular part of the second ward of the City of Paterson is, well, there's plenty of C licenses and D licenses, and I feel that there's plenty there to serve the wants of the people in that particular area. That was my reason for denying the application."

On cross examination Commissioner Englehardt denied that he had any conversation with Harry Gardiner (president of the Board of Aldermen) or that he was influenced in any way in arriving at his decision because Alderman Gardiner was an objector.

Furthermore, at the hearing before respondent Commissioner Englehardt testified possibly twenty people objected to the transfer of the license but no one other than appellant and his attorney (not the attorney representing him at the hearing herein) spoke in favor thereof. He did agree that a petition containing approximately one hundred twenty-three names in favor of the application was filed with respondent.

Harry Gardiner (who represents the Second Ward of the City on the Board of Aldermen) testified that he lives a mile away from appellant's proposed site and, in his opinion, there are sufficient liquor license outlets to take care of the people's needs for alcoholic beverages in the area. On cross examination Alderman Gardiner testified that he appeared in a representative capacity opposing the transfer and, although he was aware that a petition was filed with approximately one hundred twenty names, he still opposed the transfer.

Three objectors testified that they reside in the immediate area of the premises desired by appellant for the transfer of the license and were of the opinion that there is no need for another liquor license in the area.

In order for appellant to succeed in this appeal, it must be shown that respondent has abused its discretion in denying the application for transfer. Appellant's obligation to overcome this burden, especially in a matter of discretion such as this, must show manifest error or some abuse of discretion by respondent. Nordco, Inc. v. State, 43 N.J. Super 277 (App. Div. 1957); Rajah Liquors v. Div. of Alcoholic Beverage Control, 33 N.J. Super. 598 (App. Div. 1955).

Appellant contends that he will suffer financial loss if he is unable to obtain the liquor license. However, the test is not deprivation of an individual but, rather, the welfare of the community at large. Fine v. Elizabeth, Bulletin 346, Item 18; Moraitis v. Lower Penns Neck, Bulletin 839, Item 11; Sun Motel, Inc. v. Neptune, Bulletin 1548, Item 3.

It has been consistently ruled that a transfer of a liquor license is not an inherent or automatic right. The issuing authority may grant or deny the transfer in the exercise of reasonable discretion. If denied on reasonable grounds, such action will be affirmed. Gentes v. Middletown, Bulletin 1327, Item 1; Biscamp and Hess v. Teaneck, Bulletin 821, Item 8. See also Biscamp v. Teaneck, 5 N.J. Super. 172 (App. Div. 1949) where, as in the case sub judice, the issuing authority denied a transfer of a liquor license because it was of the opinion that there was no need or necessity for a liquor outlet in the particular location of the community.

It has long been held that the question of whether or not a license should be permitted at a particular location is strictly within the sound discretion of the issuing authority and that the Director's function on appeal is, not to substitute his opinion for that of the issuing authority but rather, to determine whether cause exists for its opinion and, if so, to affirm. Redfield v. Long Branch et al., Bulletin 1027, Item 1. It is apparent by the unanimous vote of respondent that appellant failed to satisfy the members thereof that the public interest would best be served by the transfer of the license, and nothing appears in the record indicating or even suggesting that respondent's refusal to grant appellant's application was inspired by improper motives. See Fanwood v. Rocco and Division

of Alcoholic Beverage Control, 59 N.J. Super. 306 (App. Div. 1960);
aff'd 33 N.J. 404 (1960).

It appears that after appellant's application for transfer was denied by respondent and during the pendency of the appeal herein, respondent approved two person-to-person applications, respectively, for transfer of the license in question to third parties.

I cannot pass upon the legal remedies afforded to appellant by virtue of the written agreement, dated October 8, 1964, made between him and other persons. In so far as the licensing question is concerned, appellant obtained no right to the license because of said agreement. The transfer of the license could only be effected by respondent which, in this case, denied appellant's application therefor. Cf. Bergman v. Newark et als., Bulletin 343, Item 6.

After considering all the evidence herein, including the exhibits, I conclude that appellant has failed to sustain the burden that the action of respondent was erroneous, arbitrary, capricious and unreasonable, or constituted an abuse of its discretionary power. Rule 6 of State Regulation No. 15.

It is recommended, therefore, that an order be entered affirming respondent's action and dismissing the appeal.

Conclusions and Order

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

Having carefully considered the record herein, including the transcripts of the testimony, the exhibits, the argument of the attorneys representing the parties herein, and the Hearer's Report, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 21st day of April, 1965,

ORDERED that the action of the respondent be and the same is hereby affirmed and that the appeal herein be and the same is hereby dismissed.

JOSEPH P. LORDI
DIRECTOR

3. APPELLATE DECISIONS - BERSKI v. PATERSON and SUSLIN and DE SANTIS.

APPELLATE DECISIONS - BERSKI v. PATERSON and PERROTTA.

GEORGE P. BERSKI,)

Appellant,)

v.)

BOARD OF ALCOHOLIC BEVERAGE)

CONTROL FOR THE CITY OF PATERSON,)

AND MARY SUSLIN AND FRANK)

DE SANTIS,)

Respondents.)

ON APPEAL
ORDER

-----)
GEORGE P. BERSKI,)

Appellant,)

v.)

BOARD OF ALCOHOLIC BEVERAGE)

CONTROL FOR THE CITY OF PATERSON,)

AND SAMUEL PERROTTA,)

Respondents.)

Arthur Minuskin, Esq., Attorney for Appellant.

William J. Rosenberg, Esq., Attorney for Respondent Board

Robert J. Passero, Esq., Attorney for Respondents Suslin and DeSantis, and Perrotta.

BY THE DIRECTOR:

Appellant appeals from grant on January 13, 1965, by respondent Board of Alcoholic Beverage Control of transfer of plenary retail distribution license from Edward G. Weiss, Executor of the Estate of Anthony DeSantis, for premises 48-50 Third Avenue, Paterson, to respondents Suslin and DeSantis for the same premises, and subsequent grant on January 27, 1965, by respondent Board of transfer of the license from Mary Suslin and Frank DeSantis to respondent Samuel Perrotta for the same premises.

Prior to the hearings on appeal, by letter dated April 22, 1965, the attorney for appellant advised me that the appeals were withdrawn. No reason appearing to the contrary,

It is, on this 26th day of April 1965,

ORDERED that the appeals herein be and the same are hereby dismissed.

JOSEPH P. LORDI
DIRECTOR

4. APPELLATE DECISIONS - HIGGINS v. MIDDLETOWN.

ROSE SULLIVAN HIGGINS,)
 t/a O'FLAHERTY'S,)
)
 Appellant,)
)
 v.)
)
 TOWNSHIP COMMITTEE OF THE)
 TOWNSHIP OF MIDDLETOWN,)
)
 Respondent.)

ON APPEAL
CONCLUSIONS
AND ORDER

 Fredric Baar, Esq., Attorney for Appellant.
 Vincent C. DeMaio, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This is an appeal from the action of respondent whereby it suspended appellant's plenary retail distribution license for fifteen days, effective February 3, 1965, after finding appellant guilty in disciplinary proceedings of a charge alleging that on December 24, 1964 appellant sold alcoholic beverages to a minor, in violation of Rule 1 of State Regulation No. 20. Appellant's premises are located at n/e cor. State Hwy. #35 and Chapel Hill Road, Middletown.

Upon filing of the appeal an order dated February 8, 1965, was entered by the Director staying the effect of respondent's order of suspension pending the determination of the appeal. R.S. 33:1-31.

Appellant in her petition of appeal alleges that the action of respondent was erroneous in that the decision was contrary to the weight of evidence.

Respondent in its answer alleged that the evidence established the alleged violation.

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

Thomas ---, produced as a witness by respondent, testified that he was born November 13, 1946; that on December 24, 1964 he was driven by James --- (in James' car) to appellant's liquor store; parked in the parking lot alongside licensee's liquor store; he entered the licensee's liquor store, asked for, received and paid for three six-packs of Miller High Life Beer; identified Henry W. Austin as the salesman who sold him the beer; That Austin did not question him as to his age or request him to sign a statement as to age; that he and James --- drove to a park and drank more than two of the six-packs.

An exhaustive cross examination by the attorney for the licensee proved corroborative of the facts concerning the sale of the beer.

James --- testified that he picked up Thomas --- at his (Thomas') home at about 9 p.m. on December 24, 1964; that he drove to licensee's liquor store; parked on the lot; saw Thomas enter the store empty-handed and came out with a box containing beer and that they went to a park and drank the beer. On cross examination his testimony did not vary as to the matters pertinent to the charge.

Joseph McCarthy, a lieutenant assigned to the detective division of Middletown Township, testified that on the morning of December 25, 1964, Thomas --- admitted purchasing the beer at appellant's liquor store on the evening of December 24th.

Henry W. Austin, called as a witness by the appellant, testified that he managed appellant's liquor store; that he was the sole attendant at the liquor store on the day in question; that Thomas --- did not come into the liquor store on the day in question; he did not sell him beer and would not have sold him beer if he had asked for it. On cross examination Austin testified that he would not have sold beer to Thomas --- because he looked too young. Further, he denied that he told Thomas' --- father (who came into the appellant's liquor store with Thomas) a few days after the alleged incident that he had seen him in the store before.

Thomas' father, called in rebuttal by respondent, testified that he went to appellant's liquor store a few days after the alleged sale with Thomas; that Austin was on duty and, upon being apprized of the father and son relationship, he spoke of Thomas, "Fine boy. I have seen him in here before."

Thus, a purely factual question was presented.

It is the function of an administrative agency to weigh the evidence, to determine the credibility of witnesses, to draw inferences and conclusions from the evidence, and to resolve the conflicts therein. Cf. Hornauer v. Div. of Alcoholic Beverage Control, 40 N.J. Super. 501 (App. Div. 1956).

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

I have carefully weighed and evaluated the testimony adduced herein, and I am satisfied and conclude that the respondent has sustained the burden of proving the charge in question by a fair preponderance of the believable evidence. Further, I conclude that the appellant has not met the burden of establishing that the action of the respondent herein was erroneous and should be reversed.

I therefore recommend that an order be entered affirming respondent's action, dismissing the appeal, and fixing the effective dates for the suspension imposed by respondent and stayed pending the entry of further order herein.

Conclusions and Order

Pursuant to Rule 14 of State Regulation No. 15, exceptions to the Hearer's Report were filed by the attorney for appellant, and answer thereto was filed by the attorney for respondent.

Appellant specifically takes no exception to the report in connection with the finding that sale was made to the minor as alleged. However, exception is taken to the Hearer's alleged failure to make report and recommendation as to the alleged excessive penalty imposed, based on consideration of the licensee's advanced age and conduct of the licensed business for thirty years without prior record of adjudicated violation.

It is understandable why the Hearer made no reference to this alleged issue since it was not set forth as one of the grounds of appeal in the petition of appeal, which asserted only that the action of the respondent in finding guilt was contrary to the weight of the evidence. Nor does it appear from the transcript that appellant, in summation at the hearing herein, requested that the Hearer make any recommendation with respect to the allegedly excessive penalty, although it is claimed in the exceptions that such request was made.

In any event, it suffices to observe that the fifteen-day suspension for sale to an eighteen-year-old minor conforms to long-established Division minimum penalty policy in age-similar cases (see, for example, Re Charlie's Capri, Inc., Bulletin 1595, Item 5), and that the public impact of the violation is the same whether the licensee be of advanced or unadvanced age, or whether the licensee has been in business for thirty years or thirty days. Cf. Re Friedman, Bulletin 1448, Item 1.

Having carefully considered the entire record, including the transcript of testimony, the Hearer's Report, the exceptions thereto and the answer to the exceptions, I concur in the findings and recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 14th day of April 1965,

ORDERED that Plenary Retail Distribution License D-2, issued by the Township Committee of the Township of Middletown to Rose Sullivan Higgins, t/a O'Flaherty's, for premises north-east corner State Highway #35 and Chapel Hill Road, Middletown, be and the same is hereby suspended for fifteen (15) days, commencing at 9 a.m. Wednesday, April 21, 1965, and terminating at 9 a.m. Thursday, May 6, 1965.

JOSEPH P. LORDI
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - FRONT - FALSE STATEMENTS IN APPLICATION FOR LICENSE - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO LIFT AFTER 25 DAYS.

In the Matter of Disciplinary Proceedings against

CAUSEWAY INN, INC.
t/a Causeway Inn
15 Jackson Street
South River, New Jersey

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-34, issued by the Borough Council of the Borough of South River.

Licensee, by Edna F. Schneider, Secretary, Pro se.
Morton B. Zemel, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges as follows:

"1. In your application filed May 27, 1964 with the Mayor and Council of the Borough of South River, upon which you obtained your current plenary retail consumption license, in answer to Question No. 20, you failed to list Harold Schneider, your treasurer; in answer to Question No. 21, you falsely listed Heather Stepka as a member of your Board of Directors; in answer to Question No. 22 you falsely listed Edna F. Schneider, Leroy Schneider and Heather Stepka as the holders of 50%, 40% and 10%, respectively, of your issued and outstanding stock; and you falsely stated 'No' in answer to Question No. 23, 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?', whereas in truth and fact Harold Schneider, Edna F. Schneider and Leroy Schneider were the real and beneficial owners of all of your said stock and Heather Stepka held no interest in any of your stock, nor was she a member of your Board of Directors; said false statements, misrepresentations, evasions and suppressions of material facts being in violation of R.S. 33:1-25.

"2. In your aforesaid license application you falsely stated 'No' in answer to Question No. 30, 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?', whereas in truth and fact Harold Schneider held a beneficial interest in your license in violation of R.S. 33:1-25.

"3. From on or about March 3, 1964 to date, you knowingly aided and abetted Harold Schneider to exercise, contrary to R.S. 33:1-26, the rights and

privileges of your plenary retail consumption license; in violation of R.S. 33:1-52."

The facts are sufficiently set forth in the quoted charges.

To date there is no indication that correction of the unlawful situation has been accomplished.

Licensee has a previous record of suspension of license by the municipal issuing authority for fifteen days effective February 17, 1965, for sale to a minor and permitting an act of violence (assault by bartender on patron) on the licensed premises.

The prior record of suspension of license for dissimilar violation within the past five years considered, as well as the confessional plea entered, 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 for lifting of the suspension whenever the unlawful situation has been corrected but in no event sooner than twenty-five days from the commencement of the suspension herein. Cf. Re Broadway Lounge, Inc., Bulletin 1564, Item 4; Re Lafayette Bar, Inc., Bulletin 1603, Item 7.

Accordingly, it is, on this 19th day of April, 1965,

ORDERED that Plenary Retail Consumption License C-34, issued by the Borough Council of the Borough of South River to Causeway Inn, Inc., t/a Causeway Inn, for premises 15 Jackson Street, South River, be and the same is hereby suspended for the balance of its term, viz., until June 30, 1965, commencing at 2:00 a.m. Monday, April 26, 1965, with leave to the licensee or any bona fide transferee of the license to file verified petition establishing correction of the unlawful situation for lifting of the suspension of license on or after 2:00 a.m. Friday, May 21, 1965.

JOSEPH P. LORDI
DIRECTOR

FOR IMMEDIATE RELEASE

6. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1964 to MARCH 31, 1965 AS REPORTED TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19. (INCLUDING 57 ISSUED BY THE DIRECTOR PURSUANT TO R.S. 33:1-29)

CLASSIFICATION OF LICENSES

County	Plenary Retail Consumption		Plenary Retail Distribution		Club		Limited Retail Distribution		Seasonal Retail Consumption		Licenses Expired	Licenses Surrendered *Revoked	Number Licenses in Effect	Total Fees Paid	
	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No.	No.			
Atlantic	485	\$ 207,610.00	73	\$ 27,525.00	28	\$ 2,520.00								586	\$ 237,655.00
Bergen	814	323,994.05	301	90,906.00	147	13,436.42	50	\$ 2,361.50	5	\$ 1,398.75	5	1	1311	432,096.00	
Burlington	198	91,101.88	41	14,360.00	49	6,669.04	1	50.00					289	112,180.00	
Camden	456	225,583.97	84	36,220.61	79	7,759.45			1	450.00	1	2	617	270,014.00	
Cape May	138	78,050.00	13	4,700.00	18	2,200.00							169	84,950.00	
Cumberland	80	34,500.00	15	4,200.00	32	4,250.00							127	42,950.00	
Essex	1540	860,680.00	349	210,650.00	96	13,325.00	26	1,300.00	2	1,500.00	1		2011	1,087,455.00	
Gloucester	109	39,540.00	15	3,845.00	22	2,020.00							146	45,405.00	
Hudson	1480	673,514.05	298	122,400.00	81	9,570.97	60	2,550.00					1919	808,035.00	
Hunterdon	79	28,620.00	13	6,210.00	13	1,357.80							105	36,187.80	
Mercer	421	262,132.60	61	25,110.00	57	8,481.49			1	114.21	1	1	538	295,838.00	
Middlesex	633	322,833.63	88	30,370.62	119	10,163.97	4	200.00					844	363,568.00	
Morrmouth	555	295,046.89	126	45,095.00	63	6,861.06	10	485.00	24	11,629.93	24		754	359,117.80	
Morris	356	145,173.73	106	43,394.00	67	6,372.50	15	750.00	5	1,440.78	5		544	197,191.00	
Ocean	194	108,905.84	49	21,452.00	38	4,500.00							281	134,857.80	
Passaic	851	353,409.00	170	52,700.00	48	5,506.00	7	350.00					1076	411,965.00	
Salem	51	19,892.50	8	1,590.00	19	1,625.00							78	23,107.50	
Somerset	189	89,055.00	45	13,325.00	30	3,475.00							264	105,855.00	
Sussex	163	45,805.00	21	4,260.00	11	645.00	1	50.00	1	225.00	1		196	50,985.00	
Union	550	316,896.00	144	72,076.00	76	9,091.64	29	1,425.00				2	797	399,488.00	
Warren	148	44,560.00	21	5,270.00	30	3,250.00	2	338.40			1		200	53,418.40	
Totals	9490	\$ 4,566,904.14	2041	835,659.23	1123	123,080.34	205	9,859.90	38	\$16,758.67	39	6	12852	5,552,262.00	

*Bergen - 1 CB Surrender - 5 CS Exp.
 Camden - 1 CB Cancelled- 1 D Can. 1 CS Exp.
 Essex - 1 CS Expired
 Merc. - 1 CS Exp. 1 CB Sur.

Mon. 24 CS Exp.
 Mor. 5 CS Exp.
 Sus. 1 CS Exp.
 Union 2 DL Surrender
 Warren 1 CS Exp.

Joseph P. Lordi
 Director

May 20, 1965

7. DISCIPLINARY PROCEEDINGS - FRONT - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO LIFT AFTER 20 DAYS.

In the Matter of Disciplinary Proceedings against)

MARY RIPER)
t/a "Pleasant Valley Inn")
w/s Delsea Drive, North of)
Franklinville)
Franklin Township (Gloucester Co.))
PO Franklinville, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Franklin.)

Licensee, Pro se.

David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges as follows:

"1. In your application filed with the Township Committee of Franklin Township, upon which you obtained your current plenary retail consumption license, you falsely stated 'No' in answer to Question 30, which asks in pertinent part: 'Has any individual....other than the applicant, any interest, directly or indirectly, in the license applied for or in the business to be conducted under said license?', whereas in truth and fact Edward Keegan and Stella Keegan had such an interest in that they were the real and beneficial owners of the licensed business; said false statement being in violation of R.S. 33:1-25.

"2. In your aforesaid application for license, you falsely stated 'No' in answer to Question 31, which asks: 'Have you agreed to pay any employee, or other person, any portion or percentage of the profits or income (by way of rent, salary or otherwise) derived from the business to be conducted under the license applied for?', whereas in truth and fact you had agreed to permit Edward and Stella Keegan to retain all of the profits derived from the licensed business; said false statement being in violation of R.S. 33:1-25.

"3. From May 23, 1962 to date, you knowingly, aided and abetted Edward and Stella Keegan 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."

The facts are sufficiently set forth in the quoted charges.

To date there is no indication that correction of the unlawful situation has been accomplished.

Absent prior record and considering the confessional

ten days by reason of the record of suspension of license for two previous dissimilar violations within the past five years (Re Bozzone, Bulletin 1577, Item 8), or a total of thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 26th day of April, 1965,

ORDERED that Plenary Retail Consumption License C-2, issued by the Township Committee of the Township of Lower Penns Neck to R S M Associates, Inc., t/a Crescendo Lounge, for premises Shopping Center (unnumbered) North Broadway, north end, 2nd section, Lower Penns Neck, be and the same is hereby suspended for twenty-five (25) days, commencing at 7:00 a.m. Monday, May 3, 1965, and terminating at 7:00 a.m. Friday, May 28, 1965.

JOSEPH P. LORDI
DIRECTOR

9. STATUTORY AUTOMATIC SUSPENSION - ORDER STAYING SUSPENSION.

Auto.Susp. #263)	
In the Matter of a Petition to Lift)	
the Automatic Suspension of Plenary)	
Retail Distribution License D-8,)	
issued by the Municipal Board of)	ON PETITION
Alcoholic Beverage Control of the)	ORDER
City of Orange to)	
 GEORGE KOST & FRANK T. KOST)	
t/a PARK DELICATESSEN & LIQUOR)	
135-137 Park Street)	
Orange, New Jersey)	

James A. Palmieri, Esq., Attorney for Petitioners.

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on April 14, 1965, Frank Kost, one of the licensees-petitioners, was fined \$100 and \$5 costs in the Orange Municipal Court after being found guilty of the charge of sale of alcoholic beverages to a minor on April 3, 1965, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of petitioners' license for the balance of its term. R.S. 33:1-31.1. Because of the pendency of this proceeding, the statutory automatic suspension has not been effectuated.

It further appears that Frank Kost has appealed the conviction to the Essex County Court, wherein such appeal is presently pending and undetermined.

In fairness to petitioners, I conclude that at this time the effect of the automatic suspension should be temporarily stayed pending the outcome of the appeal. Re Lark, Inc., Bulletin 1600, Item 7.

Accordingly, it is, on this 27th day of April, 1965,

ORDERED that the aforesaid automatic suspension be stayed pending the entry of a further order herein.

JOSEPH P. LORDI
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - ORDER LIFTING SUSPENSION FOR BALANCE OF TERM UPON PROOF OF CORRECTION OF UNLAWFUL SITUATION.

In the Matter of Disciplinary Proceedings against)
)
 LINDA'S CLIFF HOUSE (A CORP.)) SUPPLEMENTAL
 t/a THE CLIFF HOUSE) ORDER
 100 Brighton Avenue)
 Long Branch, N. J.)
 Holder of Plenary Retail Consumption License C-15, issued by the City Council of the City of Long Branch.)

 Samuel D. Bozza, Esq., Attorney for Licensee.
 David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

On March 30, 1965, I entered an order herein suspending the license for the balance of its term commencing April 1, 1965, with leave to the licensee or any bona fide transferee of the license to file verified petition establishing correction of the unlawful situation (undisclosed interests in the license) for lifting of the suspension on or after 2:00 a.m. Saturday, May 1, 1965, after the license had been suspended for thirty days.
Re Linda's Cliff House, Bulletin 1615, Item 3.

It appearing from verified petition submitted by the licensee that the unlawful situation has been corrected, I shall grant the petition requesting termination of the suspension.

Accordingly, it is, on this 27th day of April, 1965,

ORDERED that the suspension heretofore imposed herein be and the same is hereby terminated, effective 2:00 a.m. Saturday, May 1, 1965.

JOSEPH P. LORDI
 DIRECTOR

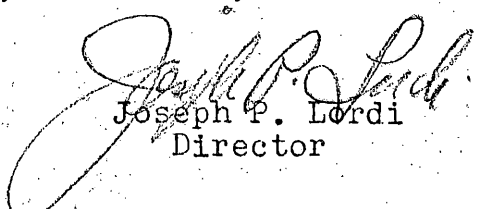
11. STATE LICENSES - NEW APPLICATIONS FILED.

Beer Import Company (A corporation)
 2536 Springfield Avenue
 Union, N. J.

Application filed June 9, 1965 for 1965-1966 renewal of Limited Wholesale License WL-20 presently held by Hans Bischoff, t/a Beer Import Company.

Ernest Del Guercio and Anthony Francese
 t/a D & F Beverage Company
 322-328 Broad Street
 Newark, N. J.

Application filed June 10, 1965 for place-to-place transfer of State Beverage Distributor's License SBD-137 (1965-1966) from 113-119 Franklin Street, Belleville, N. J.


 Joseph P. Lordi
 Director