

STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
NEWARK INTERNATIONAL PLAZA  
U.S. Route 1-9 (Southbound) Newark, N. J. 07114

BULLETIN 2297

September 27, 1978

TABLE OF CONTENTS

ITEM

1. OBJECTIONS TO TRANSFER STATE BEVERAGE DISTRIBUTION LICENSE - APPLICATION GRANTED WITH CONDITIONS.
2. DISCIPLINARY PROCEEDINGS (Orange) - FAILURE TO PROVIDE COPY OF APPLICATION - FAILURE TO HAVE LIST OF EMPLOYEES - VIOLATION OF RULE 16c OF STATE REGULATION NO. 20 - MITIGATING CIRCUMSTANCES SHOWN - CHARGE DISMISSED.
3. DISCIPLINARY PROCEEDINGS (Washington Township - Mercer County) - LICENSEE ORDERED TO SHOW CAUSE - CANCELLATION OF CLUB LICENSE - INELIGIBILITY - LICENSEE SURRENDERED LICENSE - NOLLE PROS CHARGE.
4. DISQUALIFICATION PROCEEDINGS - CONVICTION IN U. S. DISTRICT COURT OF CRIME OF FAILURE TO REPORT TO SELECTIVE SERVICE 1967 - DISQUALIFICATION REMOVED.
5. DISCIPLINARY PROCEEDINGS (Salem) - POSSESSION OF CONTROLLED DANGEROUS SUBSTANCES - BRAWLS - RECOMMENDED DISMISSAL OF BOTH CHARGES BY HEARER - REVERSED - LICENSE SUSPENDED FOR 30 DAYS - CHARGES AS TO BRAWLS DISMISSED.

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September 27, 1978

1. OBJECTIONS TO TRANSFER STATE BEVERAGE DISTRIBUTION LICENSE - APPLICATION GRANTED WITH CONDITIONS.

In the Matter of Objections to  
the Transfer of State Beverage  
Distribution License SBD-14  
from:

Anthony J. Ciccia  
t/a New Milford Beverages  
26 East Madison Avenue  
Dumont, New Jersey

to:

Yaffe Properties, Inc.  
13 Whitman Square Shopping  
Center  
Black Horse Pike  
Turnersville, New Jersey

CONCLUSIONS  
AND  
ORDER

.....  
Tomasello & Driscoll, Esqs., by John Tomasello, Esqs., Attorneys  
for Applicant.  
Gloucester County Licensed Beverage Association, by Gerry Skelly  
and Lou Mancini, Objectors.  
Walter Washington, Objector, pro se.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

HEARER'S REPORT

On September 1, 1977, Yaffe Properties, Inc., filed an application for a person-to-person and place-to-place transfer of State Beverage Distribution License SBD-14 from Anthony J. Ciccia, t/a New Milford Beverages to Yaffe Properties, Inc., and from premises at 26 East Madison Avenue, Dumont, to 13 Whitman Square Shopping Center, Black Horse Pike, Turnersville, New Jersey.

Written objections to the granting of the application for the said transfers were filed, and a hearing duly held thereon. The objections may be summarized as follows:

- (1) there are sufficient alcoholic beverage outlets (five plenary retail consumption and two plenary retail distribution licenses) in the area.

- (2) police fear that the granting of the application will exacerbate an existing juvenile problem in the area.
- (3) the proposed licensed premises is such that young people frequent the store for soda, ice cream, etc., and the presence of beer is not appropriate for that age of clientele.
- (4) this license will create additional competition for the existing licensees in Washington Township.

At the hearing held in this Division, the attorney for the applicant objected to the hand delivery of a letter from the Mayor of Washington Township, and a second letter from the Township Police Chief, containing the objections heretofore set forth.

I concur in Counsel's objection that Washington Township acts officially by way of duly adopted resolutions, not by letter. The letter will be considered in the same manner as a written objection from any private citizen, residing in the affected area, who wants to express his or her concern, not as an expression of the official position of the Township. Additionally, the letters of the Mayor and the Chief of Police represent uncorroborated hearsay testimony. The appropriate officials should have testified at the hearing and given expert testimony, subject to cross-examination, if the Township deemed it of sufficient importance. Apparently it did not.

In response to objections raised by several licensees who attended the hearing, the applicant's principal shareholder stated that he would accept a special condition or restriction attached to the license prohibiting sale and delivery of beer to retail customers over the counter in the proposed licensed premises. He moved to amend the application to reflect this limitation.

The applicant presently leases a store measuring twenty feet wide and sixty feet in depth. It proposes to erect walls and barriers to create a storage area approximately half of the width and three-quarters of the depth of the store. The public would be barred from this area at all times.

Beer would be removed from this storage area and loaded into vehicles for delivery to customers. Under no circumstance would beer be delivered to the customer at the counter.

Applicant has been operating a wholesale and retail soda business at the location for several years. It is the area distributor for Frank's Beverages, a regional bottler of soft drinks. In addition, it vends pretzels, potato chips, candy and ice cream. The majority of the business is in bulk sales delivered by it's own vehicles to the customers' homes. However, individual ice cream pops and candy bars are sold to children at the counter.

The applicant expects to obtain the distribution rights of an "exotic" beer imported from Israel and known as Maccabee. This beer is not available currently in this area and does, therefore, constitute a basis for finding public need. Further, it intends to distribute domestic beers as well, if it can obtain the distribution rights.

#### I

The transfer of a liquor license, whether state or municipal, from person-to-person or place-to-place, is not a privilege inherent in the license. Re Maccia, Bulletin 1401, Item 5. The test in the transfer of licenses is whether there is a need and necessity for such transfer and whether such transfer would serve the public interest. Lyons Farms Tavern v. Mun. Bd. Alcoholic Beverage, Newark, 55 N.J. 292 (1970); Lubliner v. Bd. of Alcoholic Beverage Control, Paterson, 33 N.J. 428 (1960); Tp. Committee of Lakewood v. Brandt, 38 N.J. Super. 462 (App. Div. 1955).

This Division has consistently held that the objections of retail licensees carry little weight since, obviously, they are registered for the sole purpose of preserving their own economic status." Re Jiannantino, Bulletin 1246, Item 9. As was pointed out in Re Walkiewicz, Bulletin 1172, Item 5, "State Beverage Distributor licensees offer little, if any, competition to retail distribution and consumption licensees even in the same area in which distribution and consumption licensees are located. State Beverage Distributor licensees deliver throughout the State and, as a rule, do not conduct a retail business (over the counter) of any substance." (Emphasis added)

The self-imposed condition prohibiting over-the-counter sales should assuage those fears, real or imagined, voiced by the area licensees attending the hearing, and by the Police Chief in his letter, relative to the possible adverse effect upon the juvenile population.

The argument that the mere physical presence of malt liquor in a store frequented by children would tend to have an undesirable effect upon them, is without basis. The beer will not be visible to children who enter the premises.

It is well settled that the Director has the discretionary authority to grant or deny the issuance, renewal or transfer of S.B.D. licenses based upon public need and necessity, and the good faith of the appellant. Re Mystic, Bulletin 1833, Item 3.

In sum, it is apparent that, (1) the applicant plans only a restricted use of the license, (2) presents little competition to existing licensees and (3) is satisfying a (limited) public need in the area.

Accordingly, I recommend that the application be granted with the following special conditions attached:

- (1) The licensee shall not deliver beer to retail customers over-the-counter, at the proposed licensed premises.
- (2) The public shall be informed by a sign, conspicuously posted, that admittance is barred to the area in which beer is stored; and the public shall not be afforded access to said storage area.

#### Conclusions and Order

No Exceptions were filed to the Hearer's Report by any parties to the hearing.

Having carefully considered the transcripts of the testimony and the Hearer's Report, I concur in the findings and recommendations of the Hearer, and adopt them as my conclusions herein.

Accordingly, it is, on this 5th day of May, 1978,

ORDERED that the application of Yaffe Properties, Inc. for transfer of State Beverage Distributor License No. 14, issued by the Director of the Division of Alcoholic Beverage Control, from Anthony J. Ciccio, t/a New Milford Beverages, for premises at 26 East Madison Avenue, Dumont to Yaffe Properties, Inc., for premises at 13 Whitman Square Shopping

Center, Black Horse Pike, Turnersville, be and the same is hereby approved, subject to the following special conditions to be affixed to its license:

- (1) The licensee shall not deliver beer to retail customers over-the-counter, at the proposed licensed premises; and
- (2) The public shall be informed by a sign, conspicuously posted, that admittance is barred to the area in which beer is stored; and the public shall not be afforded access to said storage area.

JOSEPH H. LERNER  
DIRECTOR

- 2. DISCIPLINARY PROCEEDINGS - FAILURE TO PROVIDE COPY OF APPLICATION - FAILURE TO HAVE LIST OF EMPLOYEES - VIOLATION OF RULE 16c of STATE REGULATION NO. 20 - MITIGATING CIRCUMSTANCES SHOWN - CHARGE DISMISSED.

In the Matter of Disciplinary Proceedings against  
 Neil's Three "J" Lounge, Inc.  
 t/a Neil's Three "J" Lounge  
 647 Scotland Road  
 Orange, New Jersey 07050  
 Holder of Plenary Retail Consumption License C-3, issued by the Municipal Board of Alcoholic Beverage Control.  
 .....  
 Licensee, Pro se.

CONCLUSIONS  
 AND  
 ORDER

BY THE DIRECTOR:

Licensee was served with a Notice of Charge, dated April 11, 1978, alleging that, (1) on October 21, 1977, it conducted its licensed business without keeping on the licensed premises a photostatic or other true copy of the application for the term current license; in violation of Rule 16(b) of State Regulation No. 20, and (2) on October 21, 1977, it conducted its licensed business without having on the licensed premises a list containing the names and addresses and other required information with respects to all persons then currently employed on its licensed premises; in violation of Rule 16(c) of State Regulation No. 20.

During the pendency of the disciplinary proceedings which had been instituted because of licensee's failure to respond to letters imposing a \$50.00 fine in lieu of disciplinary proceedings, the licensee presented sufficient facts and mitigating circumstances to substantiate favorable consideration of its request to pay the said \$50.00 fine. Upon my determination to accept the fine, a motion was made on behalf of the Division to nolle prosequere the above cited charge.

Under the circumstances, I have determined to grant the motion.

Accordingly, it is, on this 12th day of May, 1978,

ORDERED, that the charge herein be and the same is hereby dismissed.

JOSEPH H. LERNER  
 DIRECTOR

3. DISCIPLINARY PROCEEDINGS - LICENSEE ORDERED TO SHOW CAUSE - CANCELLATION OF CLUB LICENSE - INELIGIBILITY - LICENSEE SURRENDERED LICENSE - NOLLE PROS CHARGE.

In the Matter of Disciplinary Proceedings against )

Sharon Country Club )  
t/a Sharon Country Club )  
28 Sharon Road )  
Washington Township (Mercer Co.) )  
P.O. Robbinsville, N.J. 08691 )

CONCLUSIONS  
AND  
ORDER

Holder of Club License CB-3 )  
issued by the Township Committee )  
of the Township of Washington )

~~Lawrence Silver, Esq., Attorney for Licensee.~~

BY THE DIRECTOR:

The licensee was ordered to show cause why its Club License issued by the Township Committee of the Township of Washington effective July 1, 1977, should not be suspended, revoked or cancelled, and declared null and void, for the reason that said license was improvidently issued, in violation of N.J.S.A. 33:1-12 (5) and Rules 1 and 2 of State Regulation No. 7. The Order was issued because it was ineligible to hold or receive such license in that it failed to operate as a bona-fide club, because the management of the said Club is not in control of its members, but is in the exclusive hands of its officers who were not duly elected by the general membership.

Pending a hearing on the order to show, the licensee surrendered its Club License CB-3, to the local issuing authority on December 31, 1977.

Therefore, a motion was made on behalf of the Division to nolle pros the matter.

Under the circumstances, I have determined to grant the motion.

Accordingly, it is on this seventeenth day of May, 1978,

ORDERED that the Order to Show Cause herein be and the same is hereby dismissed.

JOSEPH H. LERNER  
DIRECTOR

4. DISQUALIFICATION PROCEEDINGS - CONVICTION IN U. S. DISTRICT COURT OF CRIME OF FAILURE TO REPORT TO SELECTIVE SERVICE 1967 - DISQUALIFICATION REMOVED.

In the Matter of an Application )  
to Remove Disqualification be- )  
cause of a Conviction, Pursuant )  
to N.J.S.A. 33:1-31.2 )  
Case No. 4103 )  
-----)

CONCLUSIONS  
and  
ORDER

BY THE DIRECTOR:

Petitioner's criminal record discloses that in 1967, he was convicted of the crime of failure to report (Selective Service) in the U.S. District Court of N.J., and was sentenced to two years in Allenwood Prison Camp.

Since the crime of which petitioner was convicted involves the element of moral turpitude, he was, thereby, rendered ineligible to be engaged in the Alcoholic Beverage Industry in this State. N.J.S.A. 33:1-25,26.

At the hearing held herein, petitioner, age 32, testified that he is married; and that for the past five years he have lived in Stanhope and Boonton, New Jersey.

Petitioner is asking for the removal of his disqualification to be free to engage in the alcoholic beverage industry in this State, and avers that ever since his conviction in 1967, he has not been convicted of any crime.

The Police Department of the municipality wherein the petitioner resides reports that there are no complaints or investigations presently pending against petitioner.

Petitioner produced three character witnesses (two businessmen, and a clerk) who testified that they have known petitioner for more than five years last past, and that, in their opinion, he is now an honest, law-abiding person with a good reputation.

Considering all the aforesaid facts and circumstances, I am satisfied from the evidence presented herein, that petitioner has conducted himself in a law-abiding manner for five years last past, and that his association with the alcoholic beverage industry in this State will not be contrary to the public interest.

Accordingly, it is, on this 4th day of May, 1978

ORDERED that petitioner's statutory disqualification, because of the conviction described herein, be and the same is hereby removed, in accordance with the provisions of N.J.S.A. 33:1-31.2.

JOSEPH H. LERNER,  
Director

- 5. DISCIPLINARY PROCEEDINGS - POSSESSION OF CONTROLLED DANGEROUS SUBSTANCES - BRAWLS - RECOMMENDED DISMISSAL OF BOTH CHARGES BY HEARER-REVERSED - LICENSE SUSPENDED FOR 30 DAYS - CHARGES AS TO BRAWLS DISMISSED.

In the Matter of Disciplinary Proceedings against :

McCarthy's Bar, Inc. :  
 t/a McCarthy's Bar :  
 190 Griffith Street :  
 Salem, N.J., 08079 :

Holder of Plenary Retail Consumption License C-5, issued by the Mayor and Common Council of the City of Salem. :

CONCLUSIONS AND ORDER

.....  
 Wilinski, Suski, Scott and Cahill, Esqs., by William T. Cahill, Jr., Esq., Attorneys for Licensee.  
 Leonard A. Peduto, Jr., Deputy Attorney General, Appearing for Division.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

HEARER'S REPORT

Licensee pleaded "not guilty" to the following Division charges:

1. On December 2, 1976, you allowed, permitted and suffered in and upon your licensed premises unlawful activity pertaining to controlled dangerous substances as defined by the New Jersey Controlled Substances Act (N.J.S.A. 24:21-1 et seq.) viz., you allowed, permitted and suffered the possession and distribution of heroin in and upon your licensed premises; in violation of Rule 4 of State Regulation No. 20.
2. On repeated dates since January 8, 1976, you allowed, permitted and suffered your licensed place of business to be conducted in such a manner as to become a nuisance, viz., you allowed, permitted and suffered repeated fights, brawls, acts of violence and disturbances in and about your licensed premises; in violation of Rule 5 of State Regulation No. 20.

Kenneth W. Thomas, a member of the New Jersey State Police narcotics squad, testified in support of the Division charges.

He was assigned to investigate the activities of one James Edward Parsons, a/k/a "Penny", relative to alleged distribution of narcotics. The initial contact with Parsons was made on December 1, 1976 at an apartment complex where a quantity of heroin was purchased from Parsons by the police officer.

On December 2, 1976 he next met Parsons at the intersection of Ward and Griffith Streets in the vicinity of subject tavern, where he arranged to purchase what is known as two "six packs" of heroin (12 packets) for \$80.00. Parsons called a confederate, identified as David, from a pick-up truck parked near by, and instructed him to deliver the twelve packets to the undercover agent. David stated that he did not have 12 packets with him, whereupon Parsons stated that he was going into the licensed premises. The agent and David followed and Parsons was seen to go into the rear of the tavern.

The agent and David took seats at the bar near the door through which Parsons was to reappear. Several other persons joined them after being informed that Parsons went to get more "stuff".

When Parsons reappeared, the agent faced him and kept him under constant observation. Parsons stumbled and pitched forward, his arms came up and he opened his fist from which a quantity of aluminum foil packets (estimated at fifty), emerged and fell upon the bar surface, the stools and floor. There was a scramble to retrieve the small packets by other patrons present. The agent glanced at the bartender, Thomas McCarthy, for a moment, and observed that he was looking in their direction. The agent estimated that ten packets landed upon the bar counter.

On December 8, 1976, the undercover agent again visited Parsons at the tavern where Parsons operated the kitchen. He had a conversation with Parsons at the kitchen service window from which food is sold and delivered to bar patrons. No sale was consummated that day because the narcotics were represented to be of inferior quality; however, he was advised to return the following day.

The undercover agent returned on December 9th but did not purchase any controlled dangerous substance that day, either. While in the licensed premises, he observed approximately a dozen persons go to the kitchen service window and engage in a brief conversation; only one was observed to have purchased food before departure.

Leon Johnson, Sergeant, and Ronald Sorrell, Patrolman, both employed by the Salem City Police Department testified on behalf of the Division relative to the second charge.

In sum, their testimony failed to support a single incident which could constitute a basis and foundation for the allegations. Each and every incident concerned either persons previously barred from the premises by the management for past behavior within the tavern, or persons known to the Police as being problems within the City. Almost every telephone call upon which the various incident reports are grounded, was initiated by either of the two McCarthys who own and operate the subject tavern.

The police officers' testimony produced a picture of a tightly managed premises. The management did not hesitate to contact the police and follow through by filing charges when the occurrence warranted same. They saw to it that the unstable and undesirable elements were, with the assistance of the local magistrate, barred from the premises. Further, the police, on several occasions, enlisted the licensee's assistance to apprehend persons wanted by the police for various reasons. When these fugitives appeared at the tavern, the licensee telephoned and notified the police, enabling them to arrest the subjects. In general, there emerged a picture of a licensee cooperating with the local authorities.

Justin and Thomas McCarthy testified in defense of the charges. They are the stockholders (with Justin's wife) and managers of the corporate licensee. They described their agreement with the police to bring charges in the local Court against the various persons where police assistance was required to quiet, expell or otherwise control these individuals.

Thomas McCarthy, who was on duty the day of the incident described by the narcotics agent, denied having viewed the occurrence. He averred that, had he seen anything of that nature, he would have ordered Parsons to leave at once. When he read in the local newspaper of Parsons arrest on the narcotics charge, he ordered that the kitchen be vacated immediately. This predated the Division charges by many weeks.

The McCarthys described the kitchen as a three day-per week operation. It is given to anyone evidencing a need, without charge. The operator pays a flat \$10.00 per period in lieu of utilities. He is his own boss and charges and collects for the food served to both patrons and others who come off the street to purchase sandwiches to take out. The bartenders do not accept orders or collect for the sandwiches. In order to obtain service, one must step away from the bar to the kitchen service window where the order is placed.

The management, having no financial interest in the food service, does not, in any way, supervise its operation or the hours of service.

Larry Lewis, a bartender in the licensee's employ, and Joe Young, James Meadows and George Schantz, all patrons, gave testimony as to the scrupulous manner in which the McCarthy family managed the establishment and attested to their fine character and reputation in the community.

### I

The basic issue involved in Charge No. 1 is not that narcotics dealing did or did not take place, but rather, whether or not the licensee knew or should have known that it did, in order to establish the charge. In short, did the licensee or its agents suffer or permit the proscribed activity?

Within the meaning of the Rules of the Division of Alcoholic Beverage Control, it is immaterial whether Parsons was an employee or an independant contractor. The licensee can be responsible for his conduct on the licensed premises during his performance of services on the licensed premises. In re Jacobs, Bulletin 935, Item 3; In re Neim, Bulletin 1772, Item 2; Kravis v. Hock, 137 N.J.L. 252, (Sup. Ct. 1948). In re Olympic, Inc., 49 N.J. Super. 299 (App. Div. 1958).

In adjudicating matters of this kind, we are guided by the firmly established principle that disciplinary proceedings against liquor licensees are civil in nature, and require proof by a preponderance of the believable evidence only. Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373 (1956); Freud v. Davis, 64 N.J. Super. 242 (App. Div. 1960).

In appraising the factual picture presented and having had the opportunity to observe the demeanor of the witnesses, as they testified, their credibility has been assessed. Testimony, to be believed, must not only proceed from the mouth of a credible witness, but must be credible in itself. It must be such as common experience and observation of mankind can approve as probable under the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546 (1954). The general rule in these cases is that the finding 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 am persuaded that the testimony of the licensee's managers and stockholders is both credible and forthright. This is buttressed by the character testimony of its witnesses, and even by the attestation of good character given by the Salem City policemen, who testified on behalf of the Division in

connection with the nuisance charge.

I find it totally out of character for either of the McCarthys to have allowed such activity within their establishment if they had the slightest suspicion that it was taking place.

I do not wish to imply that narcotics agent Thomas' testimony is less credible. However, in his sensible endeavor to protect himself, he chose to face the drug dealers rather than the bartender from whom he anticipated no threat to his person. By his own admission, he merely glanced at the bartender momentarily, and perceived him to be looking in the direction of the activity. Under these circumstances Thomas could have been honestly mistaken.

I conclude that the Division has not proven this charge by a preponderance of the believable evidence, and therefore, recommend that Charge No. 1 be dismissed.

In reference to the nuisance Charge, the examination of the testimony of the Division's witnesses, Sergeant Johnson and Officer Sorrell, leads one to the inescapable conclusion that the licensee's operation of its premises was consistent with that obligation imposed upon it by the Rules and Regulations of the Division of Alcoholic Beverage Control.

I find that the licensee did not conduct its tavern in such a manner as to become a nuisance as outlined in Charge No. 2.

I therefore recommend that Charge No. 2 likewise be dismissed.

#### CONCLUSIONS AND ORDER

No exceptions to the Hearer's Report were filed pursuant to Rule 14 of State Regulation No. 15. However, I scheduled, sua sponte, oral argument with respect to a particular issue in this matter.

It is a well established and fundamental principle that a licensee is responsible for the misconduct of an employee, servant, or agent committed within the licensed premises. In re Schneider, 12 N.J. Super. 449 (App. Div. 1951); In re Neim, Bulletin 1772, Item 2; Rule 33 of State Regulation No. 20. The licensee is not relieved of responsibility even if the employee violates his express instructions. F. & A. Distributing Co. v. Div. of Alcoholic Beverage Control, 36 N.J. 34 (1961).

The operation of kitchen facilities at the licensed prem-

ises by James Parsons, the individual actually involved in the narcotics activity, constitutes services which are "...utilized in furtherance of the licensed business notwithstanding the absence of a technical employer-employee relationship." Such a relationship is encompassed within the definition of an employee under Rule 33 of State Regulation No. 20, N.J.A.C. 13:2-23.28. Kravis v. Hock, 137 N.J.L. 252, 255 (Sup. Ct. 1948).

By entrusting to Parsons access to the licensed premises and investing him with the privilege and authority to enter and operate thereon the licensee has the duty of taking such measures as the circumstances of the particular case mandate to prevent the prohibited conduct. Greenbrier, Inc. v. Hock, 14 N.J. Super. 39, 43 (App. Div. 1957).

Therefore, I must reject the recommendation of the Hearer that the licensee should be found "not guilty" of charge No. 1. It is clear that the standard of proof applicable to a licensee's responsibility for patron activity within the licensed premises was misapplied. Rather, the standard of proof to support a violation must be based upon the absolute responsibility of the licensee for the conduct of its employee within the licensed premises.

In oral argument, counsel for the licensee candidly concedes that the principles of Kravis v. Hock, supra appear applicable herein. However, it is asserted that the Hearer was recognizing the equities of the situation and the alleged excellent reputation of the licensee. These factors may be appropriately considered in the imposition of the penalty to be imposed, but cannot negate the responsibility of the licensee for Parson's conduct.

Having carefully considered the entire record herein, including the transcript of the testimony, the exhibits, the Hearer's Report and oral argument, I concur with that portion of the Hearer's findings and recommendation to dismiss Charge No.2, but reject same as to Charge No. 1. As to Charge No. 1, I find the licensee guilty thereof.

The licensee has no prior chargeable record. I have considered, in mitigation, the entire circumstances in this matter and, upon my finding of guilt to Charge No. 1, have determined to impose a suspension of license for 30 days.

Accordingly, it is, on this 26th day of May, 1978,

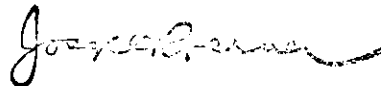
ORDERED that the licensee be and the same is hereby found guilty of Charge No. 1 alleging that, on December 2, 1976, it allowed, permitted and suffered unlawful controlled dangerous substance activity on its licensed premises, in violation of Rule 4 of State Regulation No. 20; and it is further

ORDERED that Charge No. 2 alleging that, the premises were

conducted as a nuisance, in violation of Rule 5 of State Regulation No. 20, be and the same is hereby dismissed; and it is further

ORDERED that Plenary Retail Consumption License C-5 issued by the Mayor and Common Council of the City of Salem to McCarthy's Bar, Inc., t/a Mc Carthy's Bar for premises 190 Griffith Street, Salem, be and the same is hereby suspended for the balance of its term, to wit, June 30, 1978, commencing 12:00 Midnight, Monday, June 5, 1978; and it is further

ORDERED that upon any renewal of said license which may be granted for the 1978-79 term, said license be and the same is hereby suspended until 12:00 Midnight, Wednesday, July 5, 1978.



JOSEPH H. LERNER  
DIRECTOR