

Director

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

BULLETIN 1930

September 15, 1970

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1. APPELLATE DECISIONS - SVENTY and WILSON, INC. v. POINT PLEASANT BEACH.

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

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

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Appellant appeals from the action of respondent which suspended for sixty days, appellant's plenary retail consumption license for premises located at Central Avenue & Boardwalk, Point Pleasant Beach.

It appears from the record herein that appellant pleaded non vult to charges that on November 29, 1969, it sold and served alcoholic beverages to and permitted the consumption thereof by two minors, in its licensed premises.

There were four charges preferred by respondent in the instant matter but two of said charges, on motion of the attorney for respondent, were dismissed. The attorney for appellant said "on behalf of the corporation [licensee] we would enter a plea of non vult to charge one and charge two."

Charges 1 and 2, according to the record herein, contended that on November 29, 1969, two minors, fourteen and seventeen years of age, respectively, were sold and served and permitted to consume alcoholic beverages on appellant's licensed premises, in violation of Rule 1 of State Regulation No. 20.

Appellant in effect, although not specifically so stating is attempting to withdraw the plea of non vult to the charges in question. Appellant voluntarily entered the non vult plea to the two charges rather than to defend. However, after imposition of the penalty herein by respondent at the hearing, the present appeal was filed.

At the hearing now under consideration, appellant produced a number of witnesses in its behalf but upon examination of the testimony given by said witnesses, it failed to disclose

any evidence which would, in any way, warrant mitigation of penalty for such serious violations.

Moreover, the suspension imposed in a local disciplinary proceeding rests in the first instance within the sound discretion of the local issuing authority. The power of the Director to reduce the suspension on appeal is confined to cases where the suspension is manifestly unreasonable. Lou's Liquors v. Plainfield, Bulletin 1692, Item 1 and cases cited therein. Sales of intoxicating liquors to youngsters of fourteen and seventeen years of age cannot be condoned.

In view of the tender ages of the two minors involved, the suspension imposed as aforementioned does not warrant a basis for modification on this appeal. The plea for mitigation should be made, if at all, to respondent, which may grant relief in the event that members of the local issuing authority determine such action is advisable. Re Bischoff, Bulletin 53, Item 5.

Under the circumstances herein and after a careful examination of the record, it is recommended that an order should be entered affirming respondent's action, dismissing the appeal and fixing the effective dates for the sixty days suspension, stayed by the Director pending the entry of the order herein.

#### Conclusions and Order

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

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

Accordingly, it is, on this 13th day of July 1970,

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

ORDERED that Plenary Retail Consumption License C-14 (for 1970-71 licensing period), issued by Mayor and Borough Council of the Borough of Point Pleasant Beach to Sventy and Wilson, Inc., t/a "Frank's Rip Tide Bar", for premises Central Avenue and Boardwalk, Point Pleasant Beach, be and the same is hereby suspended for sixty (60) days, commencing at 2 a.m. Monday, July 27, 1970, and terminating at 2 a.m. Friday, September 25, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

2. APPELLATE DECISIONS - TOTEM POLE ENTERPRISES, INC. v. PATERSON.

Totem Pole Enterprises, Inc., ) t/a Totem Pole Enterprises, Inc., )  Appellant, )  v. )  Board of Alcoholic Beverage ) Control for the City of Paterson, )  Respondent. ) -----	On Appeal  CONCLUSIONS and ORDER
--	--

Diamond & Diamond, Esqs., by Emil E. Weisser, Esq., Attorneys  
for Appellant.  
Joseph L. Conn, Esq., by Samuel K. Yucht, Esq., Attorney for  
Respondent.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This is an appeal from the action of respondent (hereinafter Board) whereby it denied the application for renewal for the 1969-70 licensing term of appellant's plenary retail consumption license for premises 161 Paterson Street, Paterson.

Upon the filing of the appeal the Director entered an order dated July 1, 1969, extending the term of appellant's 1968-69 license until further order herein.

Appellant's petition of appeal alleges that the action of respondent was erroneous in that:

- "(a) The action of the Board was not grounded on fact and there was no basis for the action.
- (b) The action of the Board was excessive and not justified.
- (c) The action of the Board is unconstitutional in that no notice of hearing was extended to the appellants; no hearing was held; the appellants were not given opportunity to testify or counteract or contradict any evidence or testimony in support of the action of the Board; the action of the Board is discriminatory in that it favors existing licensees as against the appellants; the appellants were denied due process of law."

The Board in its answer denies the substantive allegations contained in the petition of appeal.

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. This was supplemented at the Division hearings by oral argument and the introduction of the various exhibits in evidence.

The resolution, dated June 25, 1969, adopted by the Board reads as follows:

"WHEREAS, application has been made to this Board for the renewal of Plenary Retail Consumption License C-142, heretofore issued to Totem Pole Enterprises, Inc., t/a Totem Pole, for premises situated at 161 Paterson Street, Paterson, New Jersey, and

"WHEREAS, this Board having heard the testimony of witnesses and having reviewed the history of these premises based on the records of the Paterson Police Department; and,

"WHEREAS, it appears that the premises sought to be licensed constitute a public nuisance and a detriment to the health and safety of the people of the City of Paterson; NOW, THEREFORE,

"BE IT RESOLVED, that the renewal of Plenary Retail Consumption License C-142 be and the same is hereby denied."

This matter was originally listed for hearing on August 27, 1969. Upon request of appellant (and with respondent's consent), the hearing was adjourned to October 6, 1969.

Both parties appeared on October 6. The attorney for the Board asserted that the Board's action in refusing to renew the license was based on alleged acts of "prostitution" and he conceded that, if he had known that a certain record of an arrest for prostitution had referred to an arrest that took place outside of the tavern instead of inside thereof, he might have recommended that the Board renew the license. He further conceded with credible candor that there had been a substantial improvement in the operation of the tavern in an area plagued with prostitution. He further asserted that, if the improvement in the conditions continued, he would move before the local Board for a reversal of its position. The matter was then rescheduled for hearing for December 12.

On December 11 this Hearer was in telephone conversation with Samuel K. Yucht, attorney for the Board. He reported that he and appellant's attorney had agreed upon an adjournment of the hearing. He stated that, because of the continued improved conditions, it appeared that Lieutenant Giardino of the vice squad would recommend to the Board that the license be granted.

On January 23, 1970 this Hearer was again in telephone conversation with Yucht. Yucht stated that the Board would be reorganized on January 28 and that he would present the matter to the new Board for action. By letter dated February 19, this Division was informed by Yucht that the Board would not approve a renewal of the license. This matter was then set down for hearing on April 24 and heard on that day.

A summary of the official records of the local Police Department involving the licensed premises which were received in evidence follows:

R-1, October 27, 1969: A male complained that, while playing pool with two other males, an argument ensued and one of them pulled a gun on him and then both males fled in a car;

R-2, November 23, 1969: A male complained that, while drinking in the tavern with a male friend, he was approached by a colored female who proposed having sexual intercourse with him for \$10. He accepted the offer and borrowed the keys to his friend's apartment to accomplish his goal. Upon arriving at the door of the apartment, two colored males stuck a weapon in his back and told him not to move. The female then directed the males to remove his wallet from his pants pocket. The males took the wallet and they and the female fled. The complainant returned to the tavern to relate his experience. While there, the aforesaid female returned to the tavern. The complainant demanded that the female return his wallet. Another male (who was identified as a constable) intervened in behalf of the female and requested the complainant to depart from the premises. During the commotion the female left the tavern;

R-3, November 24, 1969: A male complained that he met a white apparent female in the tavern on November 23. The apparent female agreed to meet him at closing time at Broadway and Paterson Street. At the aforementioned time and place he met this apparent female who was with two colored males. The apparent female demanded his money. Upon refusing, he was assaulted by the males and the money was removed from his pants pocket by the apparent female. Later, upon being apprehended, it was discovered that the apparent female was a female impersonator;

R-4, November 29, 1969: (Consists of separate entries made by three police officers.) The first entry indicates that a white male complained that, after he left the licensed premises, he drove to a church parking lot where he was accosted by two colored males and a colored female. He was assaulted and relieved of his wallet containing \$438 cash. The next entry indicates that the complainant stated that he was in a bar on Paterson Street drinking with a colored female (identified as Zahilita Hunt). He offered to drive her somewhere and, upon arriving at the destination, two men were waiting. They assaulted him and robbed him of \$480 and a ring. The last entry was made by a police officer who stated that he spoke with the complainant in the Italian language. It indicated that, while complainant was in the licensed premises,

"he was approached by Miss Hunt and asked if he wanted to go to a hotel with her. He refused. She then asked for a drink and he bought her one. Also asked for a cigarette and he told her he don't smoke. He gave her fifty cents to buy a pack. She came back to the bar and she asked if he would take her home. He agreed and they entered his car and proceeded down Paterson Street toward Fair Street. She told him to turn right, got to the parking lot of Church (Lady of Victories), told him to stop and she got out of it. As she got out of the car, two men came over and demanded money. He refused and they started to assault him about the face. They took \$480 in cash from him and the three entered going east on Fair Street and disappeared...";

R-5, December 16, 1969: A male complained that he was approached by a colored female in the licensed premises and solicited by her to engage in sexual intercourse. After the price was fixed, she borrowed keys for an apartment from a colored male. While in the apartment with the female, and

after having engaged in sexual intercourse with her, he was attacked by three colored males (one of whom had been apparently hiding in a closet) and robbed of a large sum of money. Two police officers were directed by the complainant to the licensed premises. A bartender (identified as Luis Angel Vasquez) reported to the police officers that:

"... he had left together with this girl. He said that the girl does not frequent the tavern that much but that she has been in the tavern a couple of times and that he does not know her name. He also said that the man who was in the tavern (who gave her the keys - identified as such) comes to the tavern sometimes but that he does not drink because he appears to be a minor ..."

Appellant's attorney argued that the action of the Board was illegal and unconstitutional because appellant was not given notice that the matter of the renewal was being considered and that appellant was not afforded an opportunity to cross-examine witnesses and be heard.

There is no provision in the Alcoholic Beverage Law or the rules and regulations of this Division which requires a local issuing authority to conduct a hearing under the circumstances appearing in the instant matter. In disciplinary proceedings, of course, charges must be prepared and served upon the licensee and the licensee must be given an opportunity to be heard. Therefore, the action taken by respondent constituted no error since no such hearing was required. Lipman v. Newark, Bulletin 356, Item 6, and cases cited therein. See also Charlie's Capri, Inc. v. East Newark, Bulletin 1901, Item 1.

Rule 8 of State Regulation No. 2 provides:

"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."

In its resolution the Board set forth the reason for its action as required by the aforesaid rule.

R. S. 33:1-31, which by its terms requires formal charges to be served upon a licensee, applies only to proceedings to revoke or suspend a license and not to applications for renewal of license. See also Utrecht v. Hopatcong, Bulletin 1154, Item 7.

In considering the reasonableness of the Board's action it should be noted that a liquor license is a temporary permit or privilege to conduct a business otherwise illegal. Mazza v. Cavicchia, 15 N.J. 498, 505 (1954). Whether it is to be renewed rests in the sound discretion of the local issuing authority and, upon review, its determination should not be disturbed unless the evidence indicates an abuse of that discretion. 279 Club v. Mun. Bd. of Alcoh. Bev. Cont. of Newark et al., 73 N.J. Super. 15, 21 (App. Div. 1962); Nordeo Inc.

v. State, 43 N.J. Super. 277 (App. Div. 1957). Prior infractions of the law may be taken into consideration. Cf. Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373, 378 (1956).

As more fully stated in Zicherman v. Driscoll, 133 N.J.L. 586, 587 (Sup. Ct. 1946):

"The primary question presented is the right of a holder of a plenary retail consumption license to a renewal of that license for a subsequent term.

"The question of a forfeiture of any property right is not involved. R.S. 33:1-26. A liquor license is a privilege. A renewal license is in the same category as an original license. There is no inherent right in a citizen to sell intoxicating liquor by retail, Crowley v. Christensen, 137 U.S. 86, and no person is entitled as a matter of law to a liquor license... No licensee has vested right to the renewal of a license. Whether an original license should issue or a license be renewed rests in the sound discretion of the issuing authority. Unless there has been a clear abuse of discretion this court should not interfere with the actions of the constituted authorities.... The liquor business is one that must be carefully supervised and it should be conducted by reputable people in a reputable manner. The common interest of the general public should be the guide post in the issuing and renewing of licenses."

It is abundantly clear that the licensee had permitted its licensed premises to be frequented by females who solicited males not only for the purpose of prostitution but also to lure them to male accomplices to be assaulted and robbed.

It also appears that appellant's license was suspended for ninety days effective January 14, 1969 by the Director after a finding of guilt of a charge that on August 21, 1968 it permitted solicitation for prostitution in violation of Rule 5 of State Regulation No. 20. Re Totem Pole Enterprises, Inc., Bulletin 1838, Item 2.

A careful examination of the testimony discloses that licensee's conduct prior to respondent's refusal to renew its license for the current licensing term, as well as its misconduct since the denial thereof, and the pendency of this appeal amply establishes that it is unfit to be associated with the alcoholic beverage industry in this State.

Such activity cannot and will not be tolerated. These premises were clearly conducted in a manner as to constitute a nuisance.

In stressing the paramount public interest that must be considered on an application to renew, I have not lost sight of the fact that the licensee is entitled to fair consideration. Renewal of a license should not be denied arbitrarily or without sufficient reason. However, it is well established that the fitness of the applicant and his conduct under a previous license may be considered by an issuing authority in reaching a decision on an application to renew. Caldwell Wine & Liquor

Co. v. Caldwell, Bulletin 737, Item 3; Zicherman v. Driscoll, supra. There is sufficient in the record to justify respondent's action whereby it denied renewal of appellant's license.

In the area of licensing, as distinguished from disciplinary proceedings, the critical consideration is the public interest in the creation or continuance of the licensed operation. In issuing or renewing licenses, the responsibility of the local issuing authority is "high", its discretion "wide" and its guide "the public interest." Lubliner v. Paterson, 33 N.J. 428, 446 (1960).

The Director should affirm the determination of the Board unless he finds that "the act of the Board was clearly against the logic and effect of the presented facts." Hudson Bergen County Retail Liquor Stores Assn. v. Hoboken, 135 N.J.L. 502, 511 (E. & A. 1947).

After considering the totality of the record herein, I conclude that the Board acted circumspectly, reasonably and in the best interests of the community in refusing to renew appellant's license for the current license year. It is therefore recommended that the Board's action be affirmed, that the appeal herein be dismissed, and that the order extending the term of appellant's 1968-69 license pending further order of the Director be vacated.

#### Conclusions and Order

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

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

Accordingly, it is, on this 17th day of July 1970,

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

ORDERED that my order entered on July 1, 1969, extending the term of appellant's license pending the determination of the appeal, be and the same is hereby vacated effective immediately.

RICHARD C. McDONOUGH  
DIRECTOR

3. APPELLATE DECISIONS - DONALD A. WREGE v. ELIZABETH.

Donald A. Wrege,	)	
t/a Don's Elmora Club,	)	
	)	On Appeal
Appellant,	)	
v.	)	CONCLUSIONS
	)	and
City Council of the City of	)	ORDER
Elizabeth,	)	
	)	
Respondent.	)	

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Pollis, Williams, Pappas & Dillon, Esqs., by Colin M. Dillon, Esq.,  
Attorneys for Appellant  
Daniel J. O'Hara, Esq., Attorney for Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Appellant appeals from the denial by respondent by a six-to-two vote of the Council of the application for transfer of plenary retail consumption license from premises 227 Elmora Avenue to premises 530 Westfield Avenue, Elizabeth.

Appellant's petition of appeal alleges that the action of respondent was unreasonable and constituted an abuse of discretion.

Respondent's answer denies the aforesaid allegations.

This appeal was heard de novo pursuant to Rule 6 of State Regulation No. 15, with full opportunity for the parties herein to present evidence and to cross-examine witnesses.

It was stipulated by the attorneys for the parties to this appeal that the transcript of the proceedings held before the respondent be utilized in the instant matter and also to permit such other testimony and argument as the respondent's attorney may deem advisable.

Appellant testified that he has held a liquor license to operate a tavern at 227 Elmora Avenue; that his lease for said premises terminated March 31, 1970 and he had been given a final notice to vacate the premises on June 1, 1970; that he has contacted a number of realtors to obtain a site for the transfer of the license within the distances permitted by the footage ordinance but has not been able to find a location.

It appears from the record herein that appellant had operated his licensed business for approximately the past five years at the aforesaid address and that, because of the landlord's failure to renew the lease for said premises, it became incumbent upon him to transfer his license; the proposed site on Westfield Avenue is around the corner, about ninety feet from the present location and the new location is neither prohibited by the footage ordinance nor is it in violation of the zoning law for the operation of the liquor establishment.

It appears that persons residing in the area voiced objections to the transfer, especially two families owning and residing in a home on each side of the proposed premises. There are other business establishments in the area.

Edward L. Young, who resides at 534 Westfield Avenue (in one of the houses next to appellant's proposed site) testified that his main objection is that his property will depreciate in value and he is of the opinion that the welfare of his children will be adversely affected and in addition thereto his "losing the privacy of the back yard."

On cross examination Young testified that he was employed as a bartender by appellant for approximately three years and that to his knowledge no complaints were made against appellant for the operation of the business.

May Husbands, residing at 528 Westfield Avenue (also next door and on the opposite side of appellant's proposed site) testified that her objections were "to the noise, the health hazard of a juke box, the dirt from a restaurant or whatever he may have..."

Edward Young's main objection appears to be that he is fearful that his property will decrease in value if the liquor license is transferred next door. He admitted that he put the property on the market for sale and a realtor held an option on his property but that he had no idea who the purchaser would be but he was of the opinion that it being a commercial zone, the purchaser may have wanted the place for commercial use. His objections appear to be without merit. He acknowledged that the appellant's business has been properly conducted.

The transfer of a liquor license to other premises is not an inherent or automatic right. The issuing authority may grant or deny a transfer in the exercise of reasonable discretion. If denied on reasonable grounds, such action will be affirmed. Richmon, Inc. v. Trenton, Bulletin 1560, Item 4. On the other hand, where it appears that the refusal of a transfer is arbitrary or unreasonable, the action denying the transfer will on appeal be reversed. Tompkins v. Seaside Heights, Bulletin 1398, Item 1.

From my examination of the testimony and the evaluation thereof, it is evident that appellant's premises were a short distance away from the proposed premises and thus there will be no increase in the number of liquor licenses in the area, Tagliaferraro v. Newark et al., Bulletin 1710, Item 1; cf. L. Kubisky, Inc. v. Paterson, Bulletin 1662, Item 2. The proposed transfer would not increase or aggravate the existing concentration of licenses in that area. As the then Commissioner pointed out in Costa v. Verona, Bulletin 501, Item 2:

"Thus were appellant located in a different section of the municipality and seeking to transfer into the vicinity in question, or if, being within the area (as is the case), he were seeking to transfer to a site that would aggravate to any appreciable degree the existing concentration of licenses in

that area, respondent would be justified in denying the transfer and, on appeal, I would sustain such denial. Neither of such situations, however, is present in this case. On the contrary, the facts herein indicate that the applicable ruling is that where no attack is made on the personal fitness of the applicant or the suitability of the premises, a refusal to transfer, whether from person to person or from place to place, cannot, in the absence of good independent cause, be sustained."

See also Bivona v. Hock, et al., 5 N.J. Super. 118 (App. Div. 1949).

The objections voiced herein are general in character and not sufficient in themselves to justify the refusal to approve an application for transfer of license to premises located in a zone for commercial purposes. Cf. Palmer v. Atlantic City, Bulletin 1017, Item 1.

While it is true that the issuing authority's discretionary powers are very broad and that on appeal the burden of proof is on the appellant, the presumption in favor of the validity of the issuing authority's action is not conclusive. Ways and Witteborn v. Egg Harbor et als., Bulletin 951, Item 3; Olko v. Saddle River Township et al., Bulletin 914, Item 3. The reasons assigned for its action must be reasonably supported by the evidence in order for such action to be sustained. O'Bertz v. Perth Amboy, Bulletin 1011, Item 1.

Under all the facts and circumstances appearing herein, I find that the refusal to approve the application for transfer of the license in question was unreasonable and I recommend that the action of respondent be reversed.

#### 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 17th day of July 1970,

ORDERED that respondent transfer the license in accordance with the application heretofore made.

RICHARD C. McDONOUGH  
DIRECTOR

4. APPELLATE DECISIONS - EDWARD R. CORCORAN v. MANASQUAN.

Edward R. Corcoran, )  
t/a Manasquan Inn, )

Appellant, )

v. )

Mayor and Council of the )  
Borough of Manasquan, )

Respondent. )

On Appeal

O R D E R

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Kannen, Starkey, Turnbach & White, Esqs., by Norman D. )  
Smith, Esq., Attorneys for Appellant )  
John D. Wooley, Esq., Attorney for Respondent )

BY THE DIRECTOR:

Appellant appeals from the alleged denial by respondent on June 15, 1970 of his application for renewal of plenary retail consumption license for the licensing period expiring June 30, 1971, for premises 390 Main Street, Manasquan.

Prior to hearing appellant's attorneys advised me by letter dated July 7, 1970, that appellant's application for renewal of his said license was approved by the respondent (on June 29, 1970). Therefore they request that the appeal herein be dismissed.

Accordingly, it is, on this 13th day of July 1970,

ORDERED that the appeal herein be and the same is hereby dismissed.

RICHARD C. McDONOUGH  
DIRECTOR.

5. APPELLATE DECISIONS - MAR-MAY, INC. v. CHATHAM.

Mar-May, Inc.,	)	
Appellant,	)	
v.	)	On Appeal
Township Committee of the	)	
Township of Chatham,	)	O R D E R
Respondent.	)	

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Rossmore & Morris, Esqs., by William Rossmore, Esq.,  
Attorneys for Appellant  
John R. Miller, Esq., Attorney for Respondent

BY THE DIRECTOR:

Appellant appeals from the denial on June 16, 1970 by respondent Township Committee of the Township of Chatham of its application for a person-to-person and place-to-place transfer of a plenary retail distribution license for the licensing period expiring June 30, 1971, from Township Delicatessen to appellant and from premises 765 Fairmount Avenue to premises 641 Shunpike Road, Chatham Township.

Prior to hearing appellant's attorney advised me by letter dated July 8, 1970, that respondent upon reconsideration has approved the said application for transfer. Appellant therefore requests that the appeal be dismissed.

Accordingly, it is, on this 13th day of July 1970,

ORDERED that the appeal herein be and the same is hereby dismissed.

RICHARD C. McDONOUGH  
DIRECTOR



7.

ACTIVITY REPORT FOR JULY 1970

<b>ARRESTS:</b>		
Total number of persons arrested - - - - -		5
Licensees and employees - - - - -	2	
Bootleggers - - - - -	3	
<b>SEIZURES:</b>		
Motor vehicles - cars - - - - -		1
- trucks - - - - -		1
Wine - gallons - - - - -		37.816
Brewed malt alcoholic beverages - gallons - - - - -		162.34
<b>RETAIL LICENSEES:</b>		
Premises inspected - - - - -		463
Premises where alcoholic beverages were gauged - - - - -		411
Bottles gauged - - - - -		7,081
Premises where violations were found - - - - -		123
Violations found - - - - -		222
Unqualified employees - - - - -	70	No disposal permit - - - - - 9
No Form E-141-A on premises - - - - -	66	Other mercantile business - - - - - 4
Form E-141-A incomplete - - - - -	21	Prohibited signs & practices - - - - - 1
Application copy not available - - - - -	11	Other violations - - - - - 40
<b>STATE LICENSES:</b>		
Premises inspected - - - - -		9
License applications investigated - - - - -		4
<b>COMPLAINTS:</b>		
Complaints assigned for investigation - - - - -		458
Investigations completed - - - - -		386
Investigations pending - - - - -		416
<b>LABORATORY:</b>		
Analyses made - - - - -		85
Refills from licensed premises - bottles - - - - -		54
Bottles from unlicensed premises - - - - -		14
<b>IDENTIFICATION:</b>		
Criminal fingerprint identifications made - - - - -		1
Persons fingerprinted for non-criminal purposes - - - - -		649
Identification contacts made with other enforcement agencies - - - - -		435
<b>DISCIPLINARY PROCEEDINGS:</b>		
Cases transmitted to municipalities - - - - -		7
Violations involved - - - - -		9
Sale to minors - - - - -	5	Failure to close prem. during prohibited hours - - - - - 1
Sale during prohibited hours - - - - -	3	
Cases instituted at Division - - - - -		28
Violations involved - - - - -		31
Possessing liquor not truly labeled - - - - -	6	Sale below filed price - - - - - 1
Permitting immoral acty. on prem. - - - - -	5	Fail. to keep true books of acct. - - - - - 1
Sale during prohibited hours - - - - -	4	Perm. hostesses on premises - - - - - 1
Permitting lottery acty. on premises - - - - -	4	Serving bev. other than ordered - - - - - 1
Unqualified employees - - - - -	3	Perm. bookmaking, lottery and misc. gambling on premises - - - - - 1
Fraud in application - - - - -	2	
Permitting misc. gambling on prem. - - - - -	2	
Cases brought by municipalities on own initiative and reported to Division - - - - -		18
Violations involved - - - - -		22
Sale to minors - - - - -	9	Unqualified employees - - - - - 2
Conducting business as a nuisance - - - - -	4	Permitting gambling on prem. - - - - - 1
Fail. to close prem. dur. proh. hrs. - - - - -	3	Perm. premises to be used for illegal (narcotic) activity - - - - - 1
Permitting brawl on premises - - - - -	2	
<b>HEARINGS HELD AT DIVISION:</b>		
Total number of hearings held - - - - -		66
Appeals - - - - -	10	Eligibility - - - - - 20
Disciplinary proceedings - - - - -	33	Seizures - - - - - 3
<b>STATE LICENSES AND PERMITS:</b>		
Total number issued - - - - -		2,605
Licenses - - - - -	571	Wine Permits - - - - - 30
Solicitors' Permits - - - - -	52	Miscellaneous permits - - - - - 398
Employment Permits - - - - -	790	Transit insignia - - - - - 251
Disposal Permits - - - - -	66	Transit certificates - - - - - 21
Social Affair Permits - - - - -	426	
<b>OFFICE OF AMUSEMENT GAMES CONTROL:</b>		
Licenses issued - - - - -	17	Premises inspected - - - - - 246
State Fair Licenses issued - - - - -	42	Premises where violations were found - - - - - 16
Enforcement files established - - - - -	23	Number of violations found - - - - - 18

RICHARD C. McDONOUGH  
 Director of Alcoholic Beverage Control  
 Commissioner of Amusement Games Control

August 11, 1970

8. DISCIPLINARY PROCEEDINGS - GAMBLING (FLIPPING COINS) - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

La Marr Co. of Rahway, Inc.  
t/a Monroe Inn  
246 Monroe Street  
Rahway, N. J.

Holder of Plenary Retail Consumption License C-2 issued by the Municipal Board of Alcoholic Beverage Control of the City of Rahway.

CONCLUSIONS and ORDER

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Licensee, by Rose Mary Lachman, President, Pro se.  
Walter H. Cleaver, Esq., Appearing for Division.

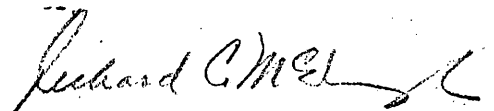
BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on June 1, 1970, it permitted the playing of a game commonly known as "flipping coins" for money stakes, in violation of Rule 7 of State Regulation No. 20.

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. Cf. Re Zink, Bulletin 1910, Item 16.

Accordingly, it is, on this 15th day of July 1970,

ORDERED that Plenary Retail Consumption License C-2, issued by the Municipal Board of Alcoholic Beverage Control of the City of Rahway to La Marr Co. of Rahway, Inc., t/a Monroe Inn, for premises 246 Monroe Street, Rahway, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, July 20, 1970, and terminating at 2:00 a.m. Thursday, July 30, 1970.

  
Richard C. McDonough  
Director