

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

BULLETIN 1906

May 4, 1970

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STATE OF NEW JERSEY
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BULLETIN 1906

1. APPELLATE DECISIONS - CZUBAK v. FRANKLIN AND SHOPRITE
LIQUORS OF FRANKLIN, INC.

3446

WALTER CZUBAK, t/a Walter's)
Liquor Store,)

Appellant,)

v.)

Mayor and Common Council of the)
Borough of Franklin, and Shoprite)
Liquors of Franklin, Inc.,)

Respondents)

ON APPEAL
ORDER

Leonard Adler, Esq., Appearing for Appellant.
Wilentz, Goldman & Spitzer, Esqs., by Douglas T. Hague, Esq.,
Attorneys for Respondent Shoprite Liquors of Franklin, Inc.
No Appearance on behalf of Respondent Borough of Franklin.

BY THE DIRECTOR:

Appellant appeals from the action of the respondent Borough of Franklin whereby it granted the transfer of a plenary retail consumption license from Clare's Food Market, Inc. to respondent Shoprite Liquors of Franklin, Inc., and from premises located at Munsonhurst Road, County Route #517, to premises in the Shoprite Shopping Center on the easterly side of Route 23 (immediately adjacent to Shoprite Supermarket), Borough of Franklin.

Upon filing of the appeal a notice was sent to the respective attorneys informing them that the appeal would be heard by the Director of the Division of Alcoholic Beverage Control on November 14, 1969 at ten o'clock in the forenoon at the offices of the Division in Newark; and

It appearing that at the request of appellant the hearing was adjourned to December 2, 1969 and further adjourned to January 19, 1970 at 10:00 a.m.; and

It further appearing that appellant failed to enter an appearance and that on January 19, 1970, at approximately 10:50 a.m. the attorney for the respondent Shoprite informed Daniel M. Figurelli, Esq., a Hearer of this Division assigned to hear the appeal filed herein, that he had communicated with appellant's attorney several days prior to January 19, 1970 and appellant's attorney informed him that he was uncertain as to whether or not he would prosecute the appeal and that on the morning of the appeal he was informed by a secretary employed by appellant's attorney that appellant's attorney was scheduled to be in Trenton; and

It further appearing that no further adjournment was requested or granted herein;

It is, on this 25th day of March 1970, on motion of Douglas T. Hague, Esq., appearing for Wilentz, Goldman & Spitzer, Esqs., attorneys for said respondent,

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

RICHARD C. McDONOUGH
DIRECTOR

2. APPELLATE DECISIONS - K. J. P. CORPORATION v. PASSAIC.

K.J.P. CORPORATION)	
t/a Lincoln Lounge)	
Appellant)	ON APPEAL
v.)	CONCLUSIONS
)	AND ORDER
Municipal Board of Alcoholic Beverage Control of the City of Passaic.)	
Respondent.)	
-----)	

Herbert M. Kreger, Esq., Attorney for Appellant
August C. Michaelis, Esq., by Milton J. Pashman, Esq.,
Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This appeal addresses itself to the action of the Municipal Board of Alcoholic Beverage Control of the City of Passaic (hereinafter Board) which unanimously denied appellant's application for a person-to-person transfer from Paul L. Rogalsky, t/a Lincoln Lounge of his plenary retail consumption license to appellant for premises 8-10 Henry St., Passaic.

Appellant alleges, in its petition of appeal that it duly submitted its application to the Board on May 8, 1969; that thereafter upon being requested by the Board to furnish it with evidence as to where and how it received its financing. Paul A. Bergeron (president and sole stockholder of appellant corporation) submitted an affidavit (a copy which is attached to petition of appeal) which indicated that the down payment was obtained from his personal savings accumulated from his electrical contracting business and a tavern which he owns in Paterson, New Jersey; that the balance of the purchase price were monies obtained from his brother, George S. Bergeron, as a loan evidenced by a note dated April 14, 1969 in the sum of \$5,000 and a loan also in the sum of \$5,000 from a Florent Benoit also evidenced by a note in like amount dated April 14, 1969 (photocopies of said notes being also attached to the affidavit annexed to the petition of appeal); that, thereafter,

the Board requested that appellant submit documented evidence as to the source of financing of those persons from whom appellant was receiving its financing; that upon failure of appellant to comply, the application for transfer was denied. Finally, appellant alleges the denial of the application by the Board was unreasonable, arbitrary, capricious and discriminatory.

The Board answered that, after considering all of the facts and circumstances, its refusal to grant a transfer of the license was reasonable, proper and in the best interests of the public welfare.

The appeal was heard de novo pursuant to Rule 6 of State Regulation No. 15. Prior to taking testimony, the attorney for the respondent Board conceded that the transfer of the license was denied by the Board because the appellant had failed to supply it with documented evidence as to the source of financing of those persons from whom respondent was receiving financing. This was supported by the testimony of Louis John Gill, a member of the Board of Alcoholic Beverage Control of the City of Passaic, not only on direct examination but also on cross examination and upon examination by this Hearer.

Paul Bergeron testified that subsequent to the filing of the application for the transfer of the license to the appellant corporation on May 26, 1969, he filed a letter dated June 18, 1969 amending the Answer to question No. 31 in the aforesaid application, on June 19, 1969. Pursuant to stipulation of counsel, a photo-copy of the aforesaid original letter amending the answer to said question No. 31 was subsequently handed to this Hearer by attorney Milton J. Pashman, who appeared in behalf of the Board. Bergeron testified that he is presently ready and able to purchase the tavern business in question entirely with his own funds, and that he does not require any outside financial assistance. He has been in the electrical contracting business since the year 1938 and he presently owns and operates a tavern in the City of Paterson.

On cross examination, Bergeron reiterated that he was able to pay the entire purchase price of the liquor license out of his own personal funds. At this point, although the attorney for the Board conceded that this development might be dispositive of the issue, the attorney for the appellant insisted upon a determination as to whether or not the denial of the transfer because of appellant's failure to produce proof of the source of financing of those persons who had originally furnished financing to the appellant, was unreasonable.

No evidence was produced indicating that appellant was unfit or unsuited to hold a liquor license, nor was there any proof produced which indicated a probability of the existence of a "front" situation or that a fraud was being perpetrated upon the Board. Additionally, there was no proof that the financing was being furnished by sources that were inimical to the welfare of the liquor industry.

It is apparent that the dispositive point of inquiry is whether or not the Board acted reasonably under the circumstances. "Reasonable" has been defined as "being in agreement with right thinking or right judgment; not absurd." Webster's (3rd Edition) New International Dictionary. "Reasonable" has (also) been

defined as "governed by reason", "sensible"; also "fair", "equitable", "fairminded" and "suitable in the circumstances." 75 C.J.S. 634. What is "reasonable" must, of course, be determined according to the context and circumstances of each particular case.

As the court pointed out in Bivona v. Hock, 5 N.J. Super. 118 (App. Div. 1949) at p. 120:

"It seems to us that the issue is, not whether a discretionary power has been improperly exercised, but rather whether in the exercise of the power respecting transfers, R.S. 33:1-26, authority existed in the local body to refuse a transfer of a license for the reason upon which the refusal was based. Cf. South Jersey Retail Liquor Dealers Association v. Burnett, 125 N.J.L. 105 (Sup. Ct. 1940).

"The transfer of a liquor license, whether person-to-person or place-to-place, or both, is not an inherent or automatic right. 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 denial was unreasonable, arbitrary or capricious, the action will be reversed. Tompkins v. Seaside Heights, Bulletin 1398, Item 1; Silver Sands Motel v. Point Pleasant Beach, Bulletin 1624, Item 1."

As the court stated in Fanwood v. Rocco, 33 N.J. 404, 414:

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

See Hightstown v. Hedy's Bar, 86 N.J. Super. 561.

In reviewing the record, including the exhibits and the testimony presented, I find no factual or legal foundation to support the respondent's action.

Although the attention given to this case by the Board is to be commended, I find that, upon the record presented, its action in refusing to grant a transfer of the license to be unreasonable.

For the reasons above stated, I conclude that the appellant has sustained the burden imposed upon it under Rule 6 of State Regulation No. 15. It is therefore recommended that the respondent's action be reversed and that it be ordered to grant the transfer in accordance with the application.

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, including the transcript of testimony, the exhibits and the Hearer's report, I concur in the findings of the Hearer and adopt his recommendations.

Accordingly, it is, on this 26th day of March 1970,

ORDERED that the action of respondent be and the same is hereby reversed; and it is further

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

RICHARD C. McDONOUGH
DIRECTOR

3. APPELLATE DECISIONS - RIOTTO v. PASSAIC.

REGINA H. RIOTTO, t/a Cozy)
Rest Cocktail Lounge,)

Appellant,)

ON APPEAL
ORDER

v.)

Municipal Board of Alcoholic)
Beverage Control of the City)
of Passaic,)

Respondent.)

-----)
Appellant, Pro se

August C. Michaelis, Esq., by Milton J. Pashman, Esq.,
Attorney for Respondent

BY THE DIRECTOR:

Appellant appeals from the action of respondent Municipal Board of Alcoholic Beverage Control of the City of Passaic (hereinafter Board) which by resolution adopted November 5, 1969 suspended appellant's plenary retail consumption license for ten days effective November 14, 1969, after finding her guilty in disciplinary proceedings of the following charge:

"On July 2, 1969, at 3:25 a.m. your license certificate was not displayed on the licensed premises in such plain view as to be easily read by all persons visiting such premises and that you failed to show the license certificate to a police officer of the Passaic Police Department after requesting to do so, in violation of Rule 16 of State Regulation No. 20 of the Division of Alcoholic Beverage Control."

Upon filing of the appeal an order was entered by the Director staying respondent's order of suspension pending further order herein, and a notice was sent to the respective attorneys informing them that the appeal would be heard by

the Director of the Division of Alcoholic Beverage Control on December 4, 1969 at ten o'clock in the forenoon at the offices of the Division in Newark.

The petition of appeal was filed by appellant's then attorneys (Hammer & Hammer, Esqs., by David H. Hammer, Esq.). However, on December 4, 1969 (the date of hearing herein) appellant appeared through Salvatore J. Riotto (her husband, who was entrusted with the management of the licensed premises), who represented to Daniel M. Figurelli, Esq., a Hearer of this Division assigned to hear the appeal herein, that the appellant's attorneys were relieved of their services and that appellant desired to proceed pro se.

The matter was heard de novo and appellant was afforded an opportunity to cross-examine respondent's witness in accordance with the Division rules and regulations. During the presentation of appellant's defense to the charge, appellant's representative advised the Hearer that appellant desired to change her plea from not guilty to non vult. It appears that the Hearer carefully interrogated the said Salvatore J. Riotto concerning the effect of the change of plea and the Hearer was clearly satisfied that he fully understood that the plea of non vult was tantamount to a plea of guilty.

Accordingly, it is, on this 30th day of March 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-31, issued by the Municipal Board of Alcoholic Beverage Control of the City of Passaic to Regina H. Riotto, t/a Cozy Rest Cocktail Lounge, for premises 148 Passaic Street, Passaic, be and the same is hereby suspended for ten (10) days, commencing at 3 a.m. Tuesday, April 14, 1970, and terminating at 3 a.m. Friday, April 24, 1970.

RICHARD C. McDONOUGH
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ST. JOHN TERRELL)
t/a St. John Terrell Musical)
Circus Restaurant)
Route #202)
West Amwell Township)
PO RD Lambertville, N.J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-1, issued by the)
Township Committee of the Township)
of West Amwell.)

-----)

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

BY THE DIRECTOR:

Licensee pleads non vult to charge alleging that, on October 11, 1969, he sold mixed drinks of alcoholic beverages to nine minors, two age 16, four age 17, and three age 18, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for forty-five days, with remission of five days for the plea entered, leaving a net suspension of forty days. Cf. Molinari Cafe, Inc., Bulletin 1868, Item 3.

Accordingly, it is, on this 26th day of March, 1970,

ORDERED that Plenary Retail Consumption License C-1, issued by the Township Committee of the Township of West Amwell to St. John Terrell, t/a St. John Terrell Musical Circus Restaurant, for premises Route #202, West Amwell Township, be and the same is hereby suspended for forty (40) days, commencing at 2:00 a.m. Wednesday, April 15, 1970, and terminating at 2:00 a.m. Monday, May 25, 1970.

RICHARD C. McDONOUGH
DIRECTOR

5. DISCIPLINARY PROCEEDINGS.- SALE TO MINORS - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

LIQUOR FAIR, INC.)
Rte. #38)
Lumberton Township)
PO Mt. Holly, N.J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distri-)
bution License D-1, issued by the)
Township Committee of the Township)
of Lumberton.)

-----)
Licensee, by Joseph Ostrov, President, Pro se.
Walter H. Cleaver, Esq., Appearing for the Division.

BY THE DIRECTOR:

Licensee pleads non vult to charge alleging that on February 14, 1970 it sold a case of beer to a minor, age 19, in violation of Rule 1 of State Regulation No. 20.

Licensee has a previous record (1) of suspension of its license for these same premises by the municipal issuing authority for three days, commencing February 27, 1967, for similar violation of sales to minors, and (2) suspension of its license for premises Marlton Pike and Hampton Road, Delaware Township (now Cherry Hill Township) by the Director for ten days, commencing April 19, 1954, for dissimilar violation of transporting alcoholic beverages in a vehicle not having insignia and without requisite invoice, both in violation of State regulation. Re Liquor Fair, Inc., Bulletin 1013, Item 8.

The prior record of suspension for dissimilar violation in 1954 occurring more than five years ago disregarded but the record of suspension for similar violation in 1967 considered, the license will be suspended for twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re Pollack, Bulletin 1883, Item 7.

Accordingly, it is, on this 25th day of March, 1970,

ORDERED that Plenary Retail Distribution License D-1, issued by the Township Committee of the Township of Lumberton to Liquor Fair, Inc., for premises Rte. #38, Lumberton Township, be and the same is hereby suspended for twenty (20) days, commencing at 9:00 a.m. Thursday, April 9, 1970, and terminating at 9:00 a.m. Wednesday, April 29, 1970.

RICHARD C. McDONOUGH
DIRECTOR

6. DISQUALIFICATION REMOVAL PROCEEDINGS - GRAND LARCENY AND ASSAULT WITH INTENT TO ROB - ORDER REMOVING DISQUALIFICATION.

In the Matter of an Application to) Remove Disqualification because of) a Conviction, Pursuant to R.S. 33:) 1-31.2)	CONCLUSIONS) AND) ORDER)
Case No. 2391) -----)	

BY THE DIRECTOR:

Petitioner's criminal record discloses that on July 1, 1960 he was convicted of the crime of Grand larceny, in the Hudson County Court, as a result of which he was sentenced to two to three years State Prison suspended, two years probation \$250.00 fine and costs. On December 10, 1962 he was convicted of the crime of assault with intent to rob, in the Essex County Court, as a result of which he was sentenced to two to three years State Prison, suspended, probation three years to pay \$2.00 a week.

Since the crimes of which petitioner was convicted per se involve the element of moral turpitude (Re Case No. 1808, Bulletin 1559, Item 6), he was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this State. R.S. 33:1-25, 26.

At the hearing held herein petitioner (52 years old) testified that he is a widower, that he has resided at his present address 18 years, that he is a truck driver for a licensee.

Petitioner further testified that he is asking for the removal of his disqualification to be free to engage in the alcoholic beverage industry, that ever since his conviction in 1962, he has not been convicted of any crime.

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

Petitioner produced three character witnesses (an employee of Purelator, a retiree and a newspaper salesman) 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.

The only reservation I have in granting relief sought herein is based on the fact that the petitioner, although disqualified, worked for a licensee. I am favorably influenced by three factors, (a) the testimony of his character witnesses, (b) his sworn testimony that he was unaware of his ineligibility to be associated with the alcoholic beverage industry in this State and (c) his present attitude. Knowledge of the law, moreover, is not a prerequisite to removal of disqualification in these proceedings. Re Case No. 1738, Bulletin 1510, Item 7.

Considering all the aforesaid facts and circumstances, I am satisfied that petitioner has conducted himself in a law-abiding manner for five years last past, and conclude that his

association with the alcoholic beverage industry in this State will not be contrary to the public interest.

Accordingly, it is, on this 6th day of April, 1970

ORDERED that petitioner's statutory disqualification because of his convictions described herein be and the same is hereby removed in accordance with the provisions of R.S. 33:1-31.2.

RICHARD C. McDONOUGH
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ROSE L. KATZ)
t/a The Kit-Kat Bar & Liquor Store)
203 Melrose Ave. & 300 North New)
Hampshire Ave.)
Atlantic City, N.J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-146, issued by the Board of Commissioners of the City of Atlantic City.)

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

BY THE DIRECTOR:

Licensee pleads non vult to charge alleging that, on November 25, 1969, she possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for five days, effective February 10, 1963, for sale of alcoholic beverages during prohibited hours in violation of State Regulation No. 38.

The prior record for dissimilar violation occurring more than five years ago disregarded, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Gosik & Gosik, Bulletin 1894, Item 7.

Accordingly, it is, on this 25th day of March, 1970,

ORDERED, that Plenary Retail Consumption License C-146, issued by the Board of Commissioners of the City of Atlantic City to Rose L. Katz, t/a The Kit-Kat Bar & Liquor Store, for premises 203 Melrose Ave. & 300 North New Hampshire Ave., Atlantic City, be and the same is hereby suspended for five (5)

days, commencing at 7:00 a.m. Monday, April 13, 1970, and terminating at 7:00 a.m. Saturday, April 18, 1970.

RICHARD C. McDONOUGH
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE
SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

PARKSIDE TAVERN, INC.,)
2 Lincoln Ave.)
Jamesburg, N.J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-4, issued by the)
Borough Council of the Borough)
of Jamesburg.)

Licensee, by John Yesaitis, President, Pro se.
Walter H. Cleaver, Esq., Appearing for the Division.

BY THE DIRECTOR:

Licensee pleads non vult to charge alleging that, on January 14, 1970, it sold drinks of beer and whiskey to two minors, ages 17 and 18, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Meyers, Bulletin 1808, Item 7.

Accordingly, it is, on this 25th day of March 1970,

ORDERED that Plenary Retail Consumption License C-4, issued by the Borough Council of the Borough of Jamesburg to Parkside Tavern, Inc., for premises 2 Lincoln Ave., Jamesburg, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Thursday, April 9, 1970, and terminating at 2:00 a.m. Friday, April 24, 1970.

RICHARD C. McDONOUGH
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ELIZABETH LaROCCO)
t/a Napp's Bar & Grill)
5 East Railroad Ave.)
Jamesburg, N.J.,)

CONCLUSIONS AND ORDER

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

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

BY THE DIRECTOR:

Licensee pleads non vult to charge alleging that, on January 14, 1970, she sold drinks of beer to two minors, ages 17 and 18, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Meyers, Bulletin 1808, Item 7.

Accordingly, it is, on this 26th day of March, 1970,

ORDERED that Plenary Retail Consumption License C-2, issued by the Borough Council of the Borough of Jamesburg to Elizabeth LaRocco, t/a Napp's Bar & Grill, 5 East Railroad Ave., Jamesburg, be and the same is hereby suspended for fifteen (15) days, commencing 2:00 a.m. Monday, April 13, 1970, and terminating at 2:00 a.m. Tuesday, April 28, 1970.

RICHARD C. McDONOUGH
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

IRVING GLAZER & MAY KING t/a Glazer's Bar and Restaurant 222 Park Avenue Paterson, N.J.,)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-147, issued by the Board of Alcoholic Beverage Control for the City of Paterson.)

Brennan, Susser and Piper, Esqs., Attorneys for the licensee. Walter H. Cleaver, Esq., Appearing for the Division.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on Sunday, December 21, 1969, they sold a pint bottle of whiskey for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re McCarthy, Bulletin 1899, Item 16.

Accordingly, it is, on this 25th day of March, 1970,

ORDERED, that Plenary Retail Consumption License C-147, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Irving Glazer & May King, t/a Glazer's Bar and Restaurant, for premises 222 Park Avenue, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Tuesday, April 7, 1970, and terminating at 3:00 a.m. Friday, April 17, 1970.

RICHARD C. McDONOUGH
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - EMPLOYING MINOR BARTENDER -
LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

SCHMALE, INC.)
t/a Bill's Place)
309 Jersey Avenue)
Gloucester City, N.J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-))
tion License C-30, issued by the)
Mayor and Common Council of the)
City of Gloucester City.)

-----)
Licensee, by Eleanor Schmale, President, Pro se.
Walter H. Cleaver, Esq., Appearing for the Division.

BY THE DIRECTOR:

Licensee pleads non vult to charge alleging that,
on January 14, 1970, it employed a minor, age 20, as a
bartender selling and serving alcoholic beverages, in
violation of Rule 2 of State Regulation No. 13.

Absent prior record, the license will be suspended
for ten days, with remission of five days for the plea
entered, leaving a net suspension of five days. Re Malone,
Bulletin 1866, Item 2.

Accordingly, it is, on this 26th day of March, 1970,

ORDERED that Plenary Retail Consumption License C-30,
issued by the Mayor and Common Council of the City of
Gloucester City to Schmale, Inc., t/a Bill's Place, for
premises 309 Jersey Avenue, Gloucester City, be and the same
is hereby suspended for five (5) days, commencing at 7:00 a.m.
Monday, April 13, 1970, and terminating at 2:00 a.m. Saturday,
April 18, 1970.

RICHARD C. McDONOUGH
DIRECTOR

12. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE
SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)
CADWALDER LIQUORS, INC.)
t/a Cadwalder Liquors, Inc.)
810 Stuyvesant Avenue)
Trenton, N.J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distribution)
License D-24 issued by the City)
Council of the City of Trenton)

Vincent J. Convery, Esq., Attorney for Licensee
Walter H. Cleaver, Esq., Appearing for the Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that
on February 26, 1970, it sold two bottles of champagne to
a minor, age 19, in violation of Rule 1 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. Re Frank
Bowlby's Wines & Liquors, Inc., Bulletin 1891, Item 8.

Accordingly, it is, on this 31st day of March, 1970,

ORDERED that Plenary Retail Distribution License
D-24, issued by the City Council of the City of Trenton
to Cadwalder Liquors, Inc., t/a Cadwalder Liquors, Inc.,
for premises 810 Stuyvesant Avenue, Trenton, be and the
same is hereby suspended for ten (10) days, commencing at
9:00 a.m. Monday, April 13, 1970, and terminating at 9:00 a.m.
Thursday, April 23, 1970.

RICHARD C. McDONOUGH
DIRECTOR

13. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

FRANK WALLACE
t/a Wallaces High Tavern
404 Washington St.
Orange, N.J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-54, issued by the Municipal Board of Alcoholic Beverage Control of the City of Orange.)

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

BY THE DIRECTOR:

Licensee pleads non vult to charge alleging that, on November 6, 1969, he possessed alcoholic beverages in two bottles bearing labels which did not truly describe their contents, in violation of Rule 27 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. Re Plain and Fancy Tavern (A Corp.), Bulletin 1896, Item 14.

Accordingly, it is, on this 26th day of March, 1970

ORDERED, that Plenary Retail Consumption License C-54, issued by the Municipal Board of Alcoholic Beverage Control of the City of Orange to Frank Wallace, t/a Wallaces High Tavern, for premises 404 Washington St., Orange, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, April 13, 1970, and terminating at 2:00 a.m. Thursday, April 23, 1970.



Richard C. McDonough
Director