

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

BULLETIN 1738

July 11, 1967

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

BULLETIN 1738

July 11, 1967

1. APPELLATE DECISIONS - STRASHINSKY v. NEWARK.

Victor Strashinsky, Jr.,)
 Appellant,)
 v.)
Municipal Board of Alcoholic) On Appeal
Beverage Control of the City) CONCLUSIONS
of Newark,) AND ORDER
 Respondent.)

-----)
Carl J. Yagoda, Esq., Attorney for Appellant.
Norman N. Schiff, Esq., by Anthony J. Iuliani, Esq., Attorney
for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This is an appeal from the action of respondent whereby on December 7, 1966 it suspended appellant's license for a period of sixty-five days effective January 16, 1967, after finding appellant guilty by resolution as follows:

"The Board, after reviewing the testimony and evidence in this matter, determined that there was sufficient evidence to establish the fact that on Monday, April 11, 1966, the licensee did allowed, permitted and suffered his licensed premises to be accessible for the conducting of illegal activity or enterprise; and he did allow persons to make overtures and arrangements for the making and accepting of bets in a lottery and the making and accepting of horse race bets; and he allowed, permitted and suffered his licensed premises to be accessible for said illegal activity or enterprise, that is, the making and accepting of bets in a lottery and the making and accepting of horse race bets; and he further allowed, permitted and suffered his licensed premises to be conducted in such a manner offensive to common decency and public morals; in violation of Rule 4 of State Regulation No. 20., the remainder of said allegations in Charge #1 having been dismissed. The testimony and evidence did not sustain the allegations in Charge #2, and therefore, the Board ordered said charge dismissed."

Upon the filing of the appeal, an order dated January 12, 1967 was entered by the Director staying respondent's order of suspension until further order herein.

Appellant in his petition of appeal alleges that the action of respondent was erroneous because "the findings of guilty was against the weight of the evidence and penalty imposed was excessive."

Respondent denies the aforesaid allegations and avers

that the "grounds upon which the issuing authority made its decision were based upon the factual testimony before the Board from which it, in its sound discretion, concluded that the penalty imposed substantiated such action."

The hearing on appeal was de novo pursuant to Rule 6 of State Regulation No. 15.

The parties agreed to submit the matter upon the stenographic transcript of the proceedings held before respondent, pursuant to Rule 8 of State Regulation No. 15, which was supplemented at the hearing herein by testimony of appellant.

The record discloses that charges dated October 17, 1966 were served upon appellant which read as follows:

"1. He did on Monday, April 11, 1966, allowed, permitted and suffered in and upon his licensed premises criminals or other persons of ill repute; and you further allowed, permitted and suffered his licensed premises to be accessible for the conducting of illegal activity or enterprise; and he further allowed, permitted and suffered his licensed premises to be used in furtherance or aid of, or accessible for such illegal activity, which may result in a conviction in a criminal prosecution in that he, by and through his employees, agents and/or servants did allow persons to make overtures and arrangements for the making and accepting of bets in a lottery and the making and accepting of horse race bets; and that he, through his employees, agents and/or servants did allow persons in and upon his said licensed premises who indulged in or appeared to indulge in gambling to frequent and congregate in and upon his said licensed premises; and he allowed, permitted and suffered his licensed premises to be used in furtherance or aid of, or accessible for such illegal activity or enterprise, that is, the making and accepting of bets in a lottery and the making and accepting of horse race bets, which activity or enterprise may result in a criminal prosecution; and he allowed, permitted and suffered his allowed, permitted and suffered his licensed premises to be conducted in such a manner offensive to common decency and public morals; in violation of Rule 4 of State Regulation No. 20. (emphasis supplied)

"2. He did on Monday, April 11, 1966, allowed, permitted and suffered book-making in and upon his licensed premises, viz: the making and accepting of bets in a lottery, commonly known as the numbers game; and the making and accepting of horse race bets; in violation of Rule 7 of State Regulation No. 20."

Respondent produced as witnesses two of the municipal police officers involved in the investigation as a result of which the charges in question were preferred.

The hearing on said charges before respondent took place on November 23 and December 7, 1966. Detective Daniel Culanane testified that, in possession of a search warrant, he found a slip of white paper disclosing lottery bets of \$7 in a white envelope in the upper left-hand vest pocket of appellant; that behind the bar, during a search of the said licensed premises, several slips of paper containing lottery bets amounting to \$34.80 were found; that during a search of the living quarters of the parents of

appellant, which quarters were located behind the licensed premises, a slip of white paper with \$15.65 written thereon was found in the desk. Also, in the pocket of a black jacket hanging on the wall opposite the desk was a sheet of note paper whereon were entered bets on horses scheduled to run on April 9, 1966 on various tracks throughout the country. Detective Culanane further testified that he did not see appellant taking any bets whatsoever and, when he answered the telephone, no mention was made by the person who called concerning placing of bets of any kind.

Detective Frank Donohue testified that on April 11, 1966 he accompanied Detective Culanane when search was made of appellant's premises and, in substance, corroborated the testimony of Detective Culanane concerning what transpired at the time in question.

Appellant testified that he was present on April 11, 1966, when the police officers searched the licensed premises and found slips of paper showing lottery bets and bets on horse racing, but denied that he had ever accepted these bets. Appellant further testified that the slips showing bets found by the detectives were made by him and were not accepted from patrons or any other person. Appellant also said that the bets were "very old bets" and that he occasionally played the horses.

There is no evidence whatsoever in the record to indicate that any gambling, i.e., accepting of lottery bets or acceptance of horse race bets, took place in appellant's licensed premises or in the living quarters behind appellant's licensed premises on April 11, 1966. The testimony of the detectives shows that slips of paper representing lottery and horse race bets were found in appellant's licensed premises or in living quarters adjoining thereto.

The pertinent part of the charges of which appellant was adjudged guilty (Rule 4 of State Regulation No. 20) provides that no licensee shall "allow, permit or suffer the licensed premises to be accessible to any premises upon which any illegal activity or enterprise is carried on, or the licensed business to be used in furtherance or aid of, or accessible to any such illegal activity or enterprise, which activity or enterprise results in a conviction in a criminal prosecution, including conviction in any prosecution in any municipal court for violation or municipal ordinance." (emphasis supplied)

Although there is testimony of police officers that, during the search of the living quarters of appellant's parents (which quarters were located behind the licensed premises) slips of paper which indicated the placing of horse race bets were found, there is no evidence in the record that such illegal activity and enterprise resulted in a criminal conviction.

In order to find the licensee guilty of violation of Rule 4 of State Regulation No. 20, there must be proof that such illegal activity and enterprise resulted in criminal prosecution and conviction. No finding of guilt in a disciplinary proceeding may be broader than the prohibition of the regulation which the licensee is alleged to have violated. Jandoli v. Orange, Bulletin 233, Item 7. Also see Grouchy Oscar, Inc. v. Lodi, Bulletin 861, Item 10, and DeBlasio v. Clifton, Bulletin 1593, Item 3.

It is apparent from the evidence presented in this matter that the action of the respondent cannot be sustained because the appellant herein could not be adjudged guilty of

the charges which had been preferred which were broader than the regulation allegedly violated. Hence it is recommended that the action of the respondent be reversed.

It is further recommended that the order entered in this matter be without prejudice to the right of respondent to institute additional disciplinary proceedings (cf. Grouchy Oscar, Inc. v. Lodi, supra) if warranted by the available evidence (cf. State v. Melamed, 93 N.J. Super. 573) for possible alleged violation of Rule 6 of State Regulation No. 20 which provides:

"No licensee shall allow, permit or suffer in or upon the licensed premises any lottery to be conducted, or any ticket or participation right in any lottery to be sold or offered for sale; nor shall any licensee possess, have custody of, or allow, permit or suffer any such ticket or participation right, in or upon the licensed premises..."

or for possible alleged violation of Rule 7 of State Regulation No. 20 which provides:

"No licensee shall engage in or allow, permit or suffer any...gambling of any kind...in or upon the licensed premises..."

Conclusions and Order

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

I have carefully considered the entire record herein, including the transcripts of the testimony and the recommendations in the Hearer's report. I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 2d day of May, 1967,

ORDERED that the action of respondent be and the same is hereby reversed, without prejudice to the right of respondent to institute additional disciplinary proceedings as hereinabove indicated.

JOSEPH P. LORDI
DIRECTOR

2. APPELLATE DECISIONS - SPRINGDALE PARK, INC. v. ANDOVER AND VIEBROCK.

Springdale Park, Inc.,)
Appellant,)
v.)
Township Committee of the Town-)
ship of Andover, and Cord)
Viebrock, t/a Viebrock's Motel,)
Respondents.)

On Appeal

SUPPLEMENTAL
CONCLUSIONS AND ORDER

Kapelsohn, Lerner, Leuchter & Reitman, Esqs., by Irving Leuchter, Esq., Attorneys for Appellant.
Van Blarcom, Silverman & Weber, Esqs., by Albert G. W. Silverman, Esq., and Frank G. Schlosser, Esq., of Counsel, Attorneys for Respondent Viebrock,
No Appearance on behalf of Respondent Township Committee.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Supplemental Hearer's Report

In connection with pending appeal to the Appellate Division of the Superior Court from the Director's Conclusions and Order in Springdale Park, Inc. v. Andover and Viebrock, Bulletin 1702, Item 2, the Court granted appellant's motion for remand to present additional evidence relating to an addition to a building then under construction on respondent Viebrock's premises. The order of remand reads as follows:

"This court will retain jurisdiction of the appeal. However, the matter is hereby remanded to the Division of Alcoholic Beverage Control to enable appellant and respondents to present additional evidence relating to an addition to the 'Thonnerieux' building and appurtenances thereto now under construction. The Division is to render supplemental conclusions as to the transfer of the license in the light of this additional evidence. Such evidence and supplemental conclusions are to be added to the record on appeal."

In order to set in proper perspective the matters under consideration at this hearing, it would be well to set forth a brief history of this controversy.

The respondent Cord Viebrock, t/a Viebrock's Motel (hereinafter Viebrock), was granted a plenary retail consumption license by the Township Committee of the Township of Andover (hereinafter Committee) on December 15, 1964, pursuant to R.S. 33:1-12.20, authorizing the Committee to issue such license under proper circumstances to Viebrock who operated a hotel containing fifty sleeping rooms. The grant was affirmed on appeal by the Director of this Division by Conclusions and Order dated October 20, 1965. Springdale Park, Inc. v. Andover and Viebrock, Bulletin 1649, Item 1.

Thereafter the Committee approved an application of Viebrock for a place-to-place transfer of its plenary retail consumption license to include the Thonnerieux building which adjoins his premises, for which building he entered into a long-term lease. It should be noted that the granting resolution specified that the said transfer was subject to the special condition that "...said transfer shall not be endorsed and effective until such time as building shall meet the approval of the Andover Township Committee, in accordance with Revised Statute 33:1-32."

At the hearing on appeal to the Director from the grant of the transfer, Viebrock testified that the leased property conformed to the contour of the motel, and it was determined by the Director that in fact there is "a similarity in appearance between the leased building and the motel structure." He further testified that the extension of licensed privileges to this building would enable Viebrock to enlarge his operation to accommodate an expected influx of new-comers to the area; that an expansion of the motel made it easy to acquire this property once it became available.

In the Conclusions and Order dated October 4, 1966, which is the basis of the pending appeal to the Appellate Division of the Superior Court, the Director stated:

"I am satisfied from my analysis of the testimony that the Committee acted common-sensibly and circumspectly in granting this application for an enlargement of Viebrock's premises by grant of transfer of his present liquor license. I am persuaded that the building which was leased by Viebrock would properly form a part of its premises and would enable him to make more effective use of his license. Although not entirely relevant to our inquiry, it should be noted that the adjoining building is constructed along the same general lines as those of the motel and would appropriately fit in as part of its general operation.

"Extension and enlargement of premises, in these circumstances, under one single license has been consistently upheld by the Division and the courts for many years. For example, in Re Dodd, Bulletin 241, Item 8, it was ruled that a single license could cover two social halls on the opposite sides of a highway--one used in the summer and the other in winter--if 'so arranged and operated that they could be said to constitute a single place of business...' Essex Co., Stores Ass'n v. Newark, etc., Bev. Cont., supra."

(In his memorandum submitted in summation at the present hearing on remand, counsel for appellant pursues this argument further by citing Longview Corp. v. South Hackensack et al., Bulletin 1494, Item 2, to the effect that physical separation between the allegedly related hotel and the restaurant building may itself be sufficient to establish that the restaurant is not part of the hotel. The facts in the cited case are inapposite and inapplicable to the matter sub judice. In Longview the proposed restaurant building was located on the opposite side of the four-lane Highway #46, without any ready physical access to or from the two structures by travelers using the opposite lanes.)

The Director continued:

"In Bivona v. Hock, 5 N.J. Super. 118 (App. Div. 1949) the Director had affirmed the denial of a transfer of an application for transfer of a license by a local issuing authority to newly purchased property. The grounds relied upon in affirming were that the locus was in a low economic area and that the enlarged facility of the proposed new location would result in greater patronage and greater sale of liquors and an area in which social improvement was desired. The court reversed the denial, concluding that this was not a proper basis for denial of an application for transfer. And, as pointed out, the present application was not for a new license, hence did not increase the number of licenses issued for this municipality.

"I am further convinced that the Committee was fully familiar with the situation and acted reasonably. The Committee was obviously persuaded that the use of the license would be optimized by its extension to the adjoining building which would permit Viebrock to operate a necessary facility which it requires in the full and efficient exercise of its license privileges. There has been no evidence presented to indicate that the Committee was improperly motivated or abused its discretion by granting the transfer of the license in question. It is quite evident that its action was justified by the best interests of the community."

He then concluded that the appellant failed to sustain the burden of proof in showing that the action of the Committee was erroneous, and accordingly affirmed the action of the Committee herein and dismissed the appeal.

At the hearing before me on this remand, counsel for the appellant produced proofs, through the testimony of Walter Guenzel, a building inspector of Andover Township, and Viebrock to the effect that Viebrock is constructing an addition in the rear of the presently existing Thonnerieux building so that the building will accommodate a cocktail lounge containing thirty-two seats, a coffee shop containing thirty-two seats, a restaurant containing twenty-one tables or eight-four seats, and a private dining room containing nine tables with thirty-six seats, making a total seating accommodation in the remodeled building of one hundred eighty-four. Viebrock asserted that this building will have the same contour as the building presented in the original plans submitted to the Committee except that, in addition, it will include an additional parking area for about fifty cars. This is accomplished by eliminating the lawn "so they can go directly from the motel to park in front of the addition that we have erected, the addition or the existing."

The appellant then produced Al Olshan (a motel consultant and developer) in support of its contention that the seating capacity of the restaurant was twice the amount required for the exclusive use of hotel patrons and that it therefore comes without the scope of the "hotel license." Counsel argues that "the Commission may not issue a license under the hotel exception if the contemplated facility goes beyond the needs of a hotel." Olshan testified that there are recognized standards developed from experience in building a restaurant as part of a hotel facility. Said he, "we like to have seating capacity to accommodate somewhere between fifty and sixty percent of the maximum sleeping accommodations of a motel." Since the Viebrock motel has fifty-one rooms, presumably accommodating two persons per room, it was his judgment that the restaurant should have a capacity of one hundred two seats.

Olshan further stated that in the motels that he had built, one would have to walk through the lobby in the motel to enter the restaurant or the cocktail lounge, whereas this motel is separated from the restaurant and bar facility. On cross examination, however, Olshan admitted that there were many motels which had separate buildings to accommodate the restaurant, bar and banquet facilities. He further admitted that the standard which he testified to is based upon his personal experience, and was used by the Holiday Inn chain, but it is not a standard public formula. He further agreed that this formula is based upon the economics of the area. He then testified:

"The Hearer: Did you examine the area of this motel to determine whether or not it would lend itself to banquet facilities?

The Witness: I have no knowledge of it.

The Hearer: Or whether it would lend itself to catering to other outside interests such as clubs or weddings or things like that?

The Witness: I do not know of any need.

The Hearer: If the owner, Mr. Viebrock, determined on the basis of his own experience or even his own feeling that this area lent itself to that kind of operation, do you think that it would be impractical or unwise to develop a facility for such use?

- The Witness: No. I say if there is a need for it, by all means he should do it.
- The Hearer: So that this standard has the exception where the particular area may require a need for more facilities; is that right?
- The Witness: That is correct.
- The Hearer: Now, I think that you also said that in motel connected restaurants, that there is usually a corridor leading directly from the motel into the dining room itself; is that right?
- The Witness: No, I don't think that's what I said. I said in the places that I built there is no separate entrance into the restaurant or the cocktail lounge from the outside. They have to walk through the lobby to get into the restaurant and cocktail lounge.
- The Hearer: Do you know of any motel which has a separate building in which is located a restaurant and meeting room and barroom?
- The Witness: All the Howard Johnsons have separate buildings.
- The Hearer: You do have to go through the lobby to get into the dining room?
- The Witness: That is correct. The Howard Johnson setup is different from the Holiday Inn setup. I was referring only to the ones that I developed.
- The Hearer: In other words, a restaurant can be separate and apart from the motel facility itself?
- The Witness: Yes, of course.
- The Hearer: In fact some motels even have a separate building for their offices, don't they?
- The Witness: Yes, some of them do, yes.
- The Hearer: So that you conceive that it's impractical to have a restaurant that may accommodate more than the number of rooms or number of patrons that the motel units can actually accommodate?
- The Witness: No. If there is business in the area and if it warrants it, then by all means it should be built in accordance with the needs."

Counsel for the appellant further advocates that the plenary retail consumption license issued to Viebrock was granted under the exception-to-the-hotel rule and that "If the hotel exception can be used as a springboard for a license for a general restaurant business, or a general bar and cocktail lounge business, the statutory scheme is destroyed and the legislative will defied."

I find nothing in the statute or in the adjudicated cases to so limit such license issued to a motel. Once a plenary retail consumption license is issued to a motel, it carries the same rights and privileges as any other plenary retail consumption license, and the restaurant facility which it operates can be as large or as small as is economically feasible. Thus, for example, if the restaurant provides an unusual or exceptional type of food, it may be that it will gain very wide acceptance on the part of the entire community and, indeed, the traveling public. It would be absurd to reason that the restaurant and bar facilities should be limited solely to the guests of the motel. If that were the case, this facility could not accommodate community functions such as club meetings, weddings and the needs of the traveling public who require the use of these facilities without registering as motel guests.

The short, but succinct, answer to appellant's contention

that this "hotel license" permits only a limited restaurant operation is that the alcoholic beverage law nowhere provides for the issuance of a "hotel license"--instead it provides, in suitable instances, for the issuance of a plenary retail consumption license (without restriction thereon and with privileges conferred by R.S. 33:1-12(1), including "the keeping of a ...restaurant") for premises operated as a bona fide hotel (or motel) notwithstanding the numerical limitation of such licenses by the law. See the plain language of R.S. 33:1-12.14, 20.

I reject the contention that these accommodations must be limited solely to the needs of the motel and to guests. Cf. Haba Realty Corp. v. Long Branch et al., Bulletin 1033, Item 1. To use appellant's counsel's own words: "The traditional function of an inn or a hotel is to provide not merely lodging, but food, drink and whatever amenities are needed for the comfort of travellers using the inn or hotel." We add, however, that it is in the finest tradition of an inn or motel to cater to the needs of travelers who may desire to patronize its restaurant and bar facilities only, and similarly to accommodate the residents in the entire area who may desire to use any of its facilities.

In the Conclusions and Order herein appealed from, it was determined that the transfer of this license to the Thonnerieux building premises to include an extension and enlargement of these premises was reasonable under these circumstances. I find further, on the basis of the proofs offered at this remand hearing, that it would reasonably apply to the extension as now contemplated under construction, perhaps with even greater practical effect. As heretofore noted, the said license will not be issued until the building shall meet the approval of the Committee in accordance with R.S. 33:1-32.

After careful examination and consideration of the entire record herein, I conclude that the proposed construction of the extension of the Thonnerieux building is not in violation of any provision of the alcoholic beverage law and coincides with the sense and rationale of the Committee in granting the said transfer, and find that the business to be conducted in said building to which the transfer was granted will be part and parcel of the motel operation.

It is therefore recommended that the Director affirm his previous Conclusions and Order herein.

Supplemental Conclusions and Order

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

Having carefully considered the record herein, including the transcript of the testimony, the exhibits, the written memoranda of counsel in summation, and the Hearer's supplemental report, I concur in the findings and conclusions of the Hearer and adopt his recommendation.

Accordingly, it is, on this 5th day of May, 1967,

ORDERED that my previous Conclusions and Order dated October 4, 1966, affirming the action of respondent Township Committee of the Township of Andover and dismissing the appeal herein, is hereby re-affirmed.

JOSEPH P. LORDI
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against RINGSIDE, INC. t/a Ringside Liquor Store & Lounge 600-604 1/2 South Broad St. Elizabeth, N. J. Holder of Plenary Retail Consumption License C-192, issued by the City Council of the City of Elizabeth

CONCLUSIONS AND ORDER

John J. Dugan, Esq., Attorney for Licensee. Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on November 21, 1966, it possessed alcoholic beverages in eight 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 thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days. Re Ramo, Bulletin 1716, Item 7.

Accordingly, it is, on this 1st day of May, 1967,

ORDERED that Plenary Retail Consumption License C-192, issued by the City Council of the City of Elizabeth to Ringside, Inc., t/a Ringside Liquor Store & Lounge, for premises 600-604 1/2 South Broad Street, Elizabeth, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a. m. Monday, May 8, 1967, and terminating at 2:00 a. m. Friday, June 2, 1967.

JOSEPH P. LORDI DIRECTOR

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

In the Matter of Disciplinary Proceedings against FIRST & LAST CHANCE, INC. t/a First & Last Chance Bar 1473-75 Haddon Avenue Camden, N. J. Holder of Plenary Retail Consumption License C-95 issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden

CONCLUSIONS AND ORDER

Licensee, by Ralph Shuldiner, President, Pro se. Leon Chorkavy, Jr., Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on December 19, 1966, it 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 Director for twenty days effective February 17, 1959, for sale to minors. Re First & Last Chance, Inc., Bulletin 1267, Item 5.

The prior record of suspension of license 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 Sierra, Bulletin 1727, Item 9.

Accordingly, it is, on this 1st day of May, 1967,

ORDERED that Plenary Retail Consumption License C-95, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to First & Last Chance, Inc., t/a First & Last Chance Bar, for premises 1473-75 Haddon Avenue, Camden, be and the same is hereby suspended for five (5) days, commencing at 7:00 a. m. Monday, May 8, 1967, and terminating at 7:00 a. m. Saturday, May 13, 1967.

JOSEPH P. LORDI
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

ALEX & TEKLA KAIRYS)
t/a Sand Barge)
420 Passaic Avenue)
East Newark, New Jersey)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-7 issued by the Borough Council of the Borough of East Newark)

Licensees, Pro se.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on February 10-11, 1967, they permitted gambling (wagering on pool games), 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. Re Gary's Bar, Inc., Bulletin 1691, Item 6.

Accordingly, it is, on this 2d day of May, 1967,

ORDERED that Plenary Retail Consumption License C-7, issued by the Borough Council of the Borough of East Newark to Alex and Tekla Kairys, t/a Sand Barge, for premises 420 Passaic Avenue, East Newark, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a. m. Tuesday, May 9, 1967,

and terminating at 2:00 a. m. Friday, May 19, 1967.

JOSEPH P. LORDI
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
NACE, INC.
t/a French Quarter Inn
2350 Admiral Wilson Boulevard
Camden, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-204 issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden

George G. Tartar, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 14-15, 1967, it sold a drink of beer to a minor, age 16, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, 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 Saffos, Bulletin 1616, Item 5.

Accordingly, it is, on this 3d day of May, 1967,

ORDERED that Plenary Retail Consumption License C-204, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Nace, Inc., t/a French Quarter Inn, for premises 2350 Admiral Wilson Boulevard, Camden, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. Wednesday, May 10, 1967, and terminating at 2:00 a. m. Tuesday, May 30, 1967.

JOSEPH P. LORDI
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - CHARGE DISMISSED.

In the Matter of Disciplinary Proceedings against
Morris Long Bar, Inc.
216 Norfolk Street
Newark, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-719 issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark

Brass & Brass, Esqs., by Leonard Brass, Esq., Attorneys for

Licensee.

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

BY THE DIRECTOR:

Licensee pleaded not guilty to a charge alleging that on August 1, 1966, it possessed alcoholic beverages in three bottles of the same brand of Scotch whisky bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

At the hearing, although the Division chemist testified that on the basis of his experience at the time of his analysis of the contents of the bottles, they were not genuine as labeled, he further testified that since that time his additional experience gained from analysis of additional genuine samples now indicated that the contents of the questionable bottles could not be said to be not truly described by their labels as alleged.

Under the circumstances, I must find the licensee not guilty of the charge.

Accordingly, it is, on this 4th day of May, 1967,

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

JOSEPH P. LORDI
DIRECTOR

- 8. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - SALE TO A MINOR - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 90 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JOHN GURAL)
t/a Steve's Tavern)
979 State Street)
Perth Amboy, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-14 issued by the Board of Commissioners of the City of Perth)
Amboy)

Wilentz, Goldman & Spitzer, Esqs., by Warren W. Wilentz, Esq.
Attorneys for Licensee.

Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that he (1) and (2) on March 24, 27, 29 and April 1, 1967, permitted acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20, (3) on March 24, 1967 sold drinks of beer to a minor, age 18, in violation of Rule 1 of State Regulation No. 20, and (4) on March 11, 1967 sold six cans of beer for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license will be suspended on Charges 1 and 2 for sixty days (Re Samjac, Inc., Bulletin 1728,

Item 2), on the third charge for fifteen days (Re Mrozek, Bulletin 1723, Item 5) and on the fourth charge for fifteen days (Re Ambassador Tavern, Inc., Bulletin 1723, Item 9), or a total of ninety days, with remission of five days for the plea entered, leaving a net suspension of eighty-five days.

Accordingly, it is, on this 16th day of May, 1967,

ORDERED that Plenary Retail Consumption License C-14, issued by the Board of Commissioners of the City of Perth Amboy to John Gural, t/a Steve's Tavern, for premises 979 State Street, Perth Amboy, be and the same is hereby suspended for the balance of its term, viz., until midnight, June 30, 1967, commencing at 2:00 a. m. Tuesday, May 23, 1967; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2:00 a. m. Wednesday, August 16, 1967.

JOSEPH P. LORDI
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - ORDER IMPOSING DEFERRED SUSPENSION.

In the Matter of Disciplinary Proceedings against)

John J. Fletcher)
t/a "Shangri-La")
Culvermere, Route 206, Culver's Lake)
Frankford Township)
PO Branchville, N. J.)

SUPPLEMENTAL
ORDER

Holder of Seasonal Retail Consumption License CS-1 issued by the Township Committee of the Township of Frankford)

Licensee, Pro se.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

On October 27, 1966, I entered an order herein suspending the license for fifty-five days for sale to minors and sale in violation of State Regulation No. 38, and deferring the license suspension because it appeared that the licensed business was about to be discontinued by reason of the near expiration (on November 1, 1966) of the license for the 1966 summer season. Re Fletcher, Bulletin 1707, Item 4.

Report of recent inspection discloses that the licensed business is now being conducted pursuant to summer seasonal license for the year 1967. Consequently, I am satisfied that the deferred suspension may now be imposed.

Accordingly, it is, on this 18th day of May, 1967,

ORDERED that Seasonal Retail Consumption License CS-1, issued by the Township Committee of the Township of Frankford to John J. Fletcher, t/a Shangri-La, for premises Culvermere, Route 206 Culver's Lake, Frankford Township, be and the same is hereby suspended for fifty-five (55) days, commencing at 7:00 a. m. Saturday, May 20, 1967, and terminating at 7:00 a. m. Friday, July 14, 1967.

JOSEPH P. LORDI
DIRECTOR

10. <u>ACTIVITY REPORT FOR MAY 1967</u>	
ARRESTS:	
Total number of persons arrested - - - - -	28
Licensees and employees - - - - - 12	
Bootleggers - - - - - 16	
SEIZURES:	
Alcohol - gallons - - - - -	25
Distilled alcoholic beverages - gallons - - - - -	15.45
Wine - gallons - - - - -	12.35
Brewed malt alcoholic beverages - gallons - - - - -	70.33
RETAIL LICENSEES:	
Premises inspected - - - - -	707
Premises where alcoholic beverages were gauged - - - - -	615
Bottles gauged - - - - -	10,553
Premises where violations were found - - - - -	97
Violations involved - - - - -	146
Unqualified employees - - - - - 76	Reg. #38 sign not posted - - - - - 5
Application copy not available - - - - - 31	Disposal permit necessary - - - - - 3
Prohibited signs and practice - - - - - 7	Other violations - - - - - 18
Other mercantile business - - - - - 6	
STATE LICENSEES:	
Premises inspected - - - - -	22
License applications investigated - - - - -	22
COMPLAINTS:	
Complaints assigned for investigation - - - - -	403
Investigations completed - - - - -	399
Investigations pending - - - - -	262
LABORATORY:	
Analyses made - - - - -	219
Refills from licensed premises - bottles - - - - -	158
Bottles from unlicensed premises - - - - -	17
IDENTIFICATION:	
Criminal fingerprint identifications made - - - - -	18
Persons fingerprinted for non-criminal purposes - - - - -	469
Identification contacts made with other enforcement agencies - - - - -	330
Motor vehicle identifications via N.J. State Police teletype - - - - -	1
DISCIPLINARY PROCEEDINGS:	
Cases transmitted to municipalities - - - - -	18
Violations involved - - - - -	31
Sale to minors - - - - - 16	Failure to close premises during prohibited hours - - - - - 3
Sale during prohibited hours - - - - - 12	
Cases instituted at Division - - - - -	31
Violations involved - - - - -	44
Possessing liquor not truly labeled - - - - - 8	Fraud in application - - - - - 3
Sales to minors - - - - - 6	Sale during prohibited hours - - - - - 2
Permitting lottery acty. on prem. - - - - - 5	Unqualified employees - - - - - 2
Beverage Tax Law non-compliance - - - - - 4	Permitting immoral acty. on prem. - - - - - 1
Sale to intoxicated persons - - - - - 4	Permitting hostess acty. on prem. - - - - - 1
Permitting foul language on prem. - - - - - 3	Permitting gambling on premises - - - - - 1
Permitting bookmaking on premises - - - - - 3	Conducting business as a nuisance - - - - - 1
Cases brought by municipalities on own initiative and reported to Division - - - - -	18
Violations involved - - - - -	23
Sale to minors - - - - - 12	Hindering investigation - - - - - 1
Conducting business as a nuisance - - - - - 3	Permitting gambling on premises - - - - - 1
Sale during prohibited hours - - - - - 2	Permitting immoral acty. on prem. - - - - - 1
Failure to close premises during prohibited hours - - - - - 1	Permitting hostess acty. on prem. - - - - - 1
	Permitting brawl, etc. on premises - - - - - 1
HEARINGS HELD AT DIVISION:	
Total number of hearings held - - - - -	54
Appeals - - - - - 1	Seizures - - - - - 3
Disciplinary proceedings - - - - - 36	Tax revocations - - - - - 4
Eligibility - - - - - 8	On petitions - - - - - 2
STATE LICENSES AND PERMITS ISSUED:	
Total number issued - - - - -	14,567
Licenses - - - - - 7	Social affair permits - - - - - 421
Solicitors' permits - - - - - 39	Miscellaneous permits - - - - - 447
Employment permits - - - - - 586	Transit insignia - - - - - 11,492
Disposal permits - - - - - 91	Transit certificates - - - - - 1,482
Wine permits - - - - - 2	
OFFICE OF AMUSEMENT GAMES CONTROL:	
Licenses issued - - - - - 113	
Enforcement files established - - - - - 2	

JOSEPH P. LORDI
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

Dated: June 9, 1967

11. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
LABELED - LICENSE SUSPENDED FOR 30 DAYS - NO REMISSION FOR
PLEA ENTERED AT HEARING.

In the Matter of Disciplinary)
Proceedings against)
MARGARET BERENCSI)
t/a Sports Rest Cocktail Bar)
63-65 Roosevelt Avenue)
Carteret, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-40 issued by the Mayor and)
Council of the Borough of Carteret)

Licensee, Pro se.
Leon Chorkavy, Jr., Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

At the hearing herein, licensee pleaded guilty to a charge alleging that on February 1, 1967, she possessed alcoholic beverages in seven 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 thirty days (Re Vitmar, Inc., Bulletin 1716, Item 8), without remission for the confessional plea untimely entered at the hearing (Re Englund, Bulletin 1717, Item 4).

Accordingly, it is, on this 10th day of May, 1967,

ORDERED that Plenary Retail Consumption License C-40, issued by the Mayor and Council of the Borough of Carteret to Margaret Berencsi, t/a Sports Rest Cocktail Bar, for premises 63-65 Roosevelt Avenue, Carteret, be and the same is hereby suspended for thirty (30) days, commencing at 2 :00 a. m. Wednesday, May 17, 1967, and terminating at 2:00 a. m. Friday, June 16, 1967.



Joseph P. Lodi
Director