

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

August 28, 1969

BULLETIN 1874

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BULLETIN 1874

1. APPELLATE DECISIONS - HAZLET LIQUOR MART AND BAR CORPORATION
v. HAZLET.

Hazlet Liquor Mart and Bar Corporation,)	
)	
Appellant,)	On Appeal
)	
v.)	CONCLUSIONS and ORDER
)	
Township Committee of the Township of Hazlet,)	
)	
Respondent.)	
-----)	

Reussille, Cornwell, Mausner & Carotenuto, Esqs., by Samuel Carotenuto, Esq., Attorneys for Appellant
Howard A. Roberts, Esq., Attorney for Respondent
Blanda and Blanda, Esqs., by Philip J. Blanda, Jr., Esq., Attorneys for Objectors

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This is an appeal from the denial of an application for a person-to-person and place-to-place transfer of a plenary retail consumption license (without broad package privilege) from Anthony T. Bruno, Esq., Receiver, to appellant and from premises located at Highway 35 near Laurel Avenue to premises to be constructed in a shopping center located on the northeast corner of Poole Avenue and Highway 35, Township of Hazlet.

Appellant alleges in its petition of appeal that (a) respondent's action was "arbitrary and failed to consider the needs of the population of the western portion of Hazlet Township, and the surrounding area, where only five active liquor licenses are located, and two of these being in restaurants. On the other hand, 13 liquor licenses are located in the eastern portion of Hazlet Township, and this more than adequately meets the needs of that area", (b) respondent "erred in finding that the placing of a license in a shopping center is not necessarily a natural adjunct to other uses found in a shopping center when three of the 19 licenses in Hazlet Township are now in shopping centers, and the trend in the area has been to put licenses in shopping centers", and (c) that there was "no evidence of any hardship having been presented to Respondent."

Respondent's answer denies the allegations set forth in the petition of appeal and contends that respondent's action "was not arbitrary, capricious or unreasonable."

The resolution adopted by three of the five-member committee (two members thereof abstaining from voting) denying the

transfer in question stated that, after the matter was heard and reviewed, the respondent gave as its reasons that:

- "1. The license is presently in the name of the receiver and is not being operated.
2. The premises wherein the license is now located are located at State Highway No. 36, Hazlet Township, in an area wherein there are other plenary retail consumption licenses.
3. The license has in the past been used primarily as a consumption license with 'broad C' privileges, i.e., the right to sell package goods over the counter.
4. The Township Committee finds as a fact that a license in this area will add an additional license to an area already served by several licenses of both the 'C' and 'D' categories.
5. The Township Committee finds as a fact that the placing of a license in the shopping center is not necessarily a natural adjunct to other uses found in the shopping center as claimed by the applicant.
6. The Township Committee finds as a fact that the use as proposed will work an economic hardship upon other licenses in the area and the area is already properly served by these other licenses.
7. The best interest of the Township will not be served by the transfer of this license from the area presently served by the license because of the need to maintain the geographical distribution of existing licenses.
8. The Township Committee further finds that there is not a need for an additional license in this area."

It appears from the record that a prior hearing on a similar application by the same appellant, for transfer of the license in question to the same site, was held on November 26, 1968 and, by resolution dated December 3, 1968, the said transfer was denied for the same reasons as above set forth in the instant hearing. No appeal from the determination of the respondent on the denial of the former application was taken in the matter.

At the instant hearing Anthony T. Bruno testified that he was appointed on March 10, 1967 by the New Jersey Superior Court, Chancery Division, as substituted receiver for the present premises and the liquor license in question, and that an order dated November 26, 1968, approving the proposed sale of the licensed premises and the person-to-person and place-to-place transfer of the license to Harry G. Genovese, was entered by the court subject to the approval of the respondent herein (Harry G. Genovese is the president of the appellant corporation). Bruno further testified that the original receiver was appointed October 27, 1966, and, to his knowledge, the license or the licensed premises had not been used during the past four or five years.

On cross examination Bruno testified that, as receiver, he never applied for transfer of the license to any other person or location.

Harry G. Genovese testified that the application of appellant was for transfer of the license "to a shopping center that's being built on the corner of Poole Avenue and Highway 35" on the east side of the highway; that there are now six liquor licenses on Highway 35 in the vicinity of the proposed location -- "one is not in operation today; two of them are motels, and the other three are -- one is a package store and the other two are

bars;" that the proposed premises are to be situated on the east side of the highway; that the other liquor licensees aforementioned are all on the west side of Highway 35, which highway is divided by a concrete barrier; that all of the liquor licenses aforementioned are within one mile of the proposed premises; that in his opinion there is a need at the shopping center for a liquor outlet.

On cross examination Genovese testified that, across the highway, there is a plenary retail consumption license which "I presume" sells alcoholic beverages in original containers for off-premises consumption; that he (Genovese) agreed that the proposed location is near a jughandle provided for automobiles to cross the highway but, when some of the people were questioned as to the reason that the business decreased at Genovese's other liquor outlet where a similar condition exists, "they say that the jughandle is hard to get around, and they try to shop on the same side of the street, to do their shopping there." Genovese further testified that there are housing developments located between Highways 35 and 36 and, on the latter as well as on Highway 35, there are six liquor establishments for the convenience of the residents living in that area.

Raymond J. Kiernan testified that he is now the leasing agent for the shopping center in question and was associated with people who developed shopping centers in various communities throughout the State; that "in most shopping centers, if a liquor license is available, it is advantageous to have it placed there due to the fact of convenience;" that, when the lease was negotiated with Genovese, the sentiment expressed that he primarily desired the sale of package goods at the proposed liquor outlet.

Samuel Poland testified that he is general manager of a liquor licensee located in the J. N. Fields shopping center, and that the establishment where he is employed services the housing developments in the area.

Walter Witczak, vice president of Harry's Liquor & Bar in Raritan Township, located off Highway 36, testified that in his opinion there are too many liquor stores in the area at present and that placing another one there would not benefit the township or its people.

Herbert Kupfer testified that he is a member of the respondent Township Committee and voted against the transfer of the license in question, and he stated that the reason he voted as he did was specifically stated in the reasons set forth in the resolution approved by the respondent with reference to the transfer now under consideration.

Appellant herein, in order to warrant a reversal of the action of respondent, must show by a preponderance of the evidence that respondent abused its discretion in denying the application for the transfer of appellant's license. To meet this burden it is necessary that appellant show manifest error or some abuse of discretion on the part of respondent. Nordco, Inc. v. State, 43 N.J. Super. 277 (App. Div. 1957); Rajah Liquors v. Div. of Alcoholic Bev. Control, 33 N.J. Super. 598 (App. Div. 1955).

A transfer of a liquor license to other premises is not an inherent or automatic right. The issuing authority may grant or deny the transfer in the exercise of reasonable discretion. If denied on reasonable grounds, such action will be affirmed. Richmon, Inc. v. Trenton, Bulletin 1560, Item 4, and cases cited therein.

The number of licenses which may be permitted in any particular area and due determination as to whether or not a license should be transferred to a particular location come within the sound discretion of the issuing authority. The Director's function on appeal is not to substitute his opinion for that of the issuing authority but, rather, to determine whether proper cause exists for its opinion and, if so, to affirm irrespective of his personal views. Rothman v. Hamilton, Bulletin 1091, Item 1; Food Fair Stores of New Jersey, Inc. v. Union, Bulletin 1129, Item 1; The Grand Union Company v. West Orange, Bulletin 1155, Item 3.

In Fanwood v. Rocco, 59 N.J. Super. 306 (App.Div. 1960), Judge Gaulkin stated, at p. 321:

"The Legislature has entrusted to the municipal issuing authority the right and charged it with the duty to issue licenses (R.S. 33:1-24) and place-to-place transfers thereof '[O]n application made therefor setting forth the same matters and things with reference to the premises to which a transfer of license is sought as are required to be set forth in connection with an original application for license, as to said premises.' N.J.S.A. 33:1-26."

As was stated in Ward v. Scott, 16 N.J. 16, 23 (1954):

"Local officials who are thoroughly familiar with their community's characteristics and interests and are the proper representatives of its people, are undoubtedly the best equipped to pass initially on such applications.... And their determinations should not be approached with a general feeling of suspicion, for as Justice Holmes has properly admonished: 'Universal distrust creates universal incompetence.' Graham v. United States, 321 U.S. 474, 480, 34 S.Ct. 148, 151, 58 L. Ed. 319, 324 (1913)."

The court pointed out in Fanwood, supra, at p. 320:

"No person is entitled to either [transfer of a license or issuance of an original license] as a matter of law." And "If the motive of the governing body is pure, its reasons, whether based on morals, economics, or aesthetics, are immaterial."

In the matter sub judice, the municipality did not grant, but denied, the application. The action of respondent may not be reversed by the Director unless he finds "the act of the board was clearly against the logic and effect of the presented facts." Hudson Bergen County Retail Liquor Stores Assn. et al. v. Hoboken et al., 135 N.J.L. 502, at p. 511.

Appellant contends that the proposed transfer would serve a public convenience as an adjunct to a shopping center. Although a convenience may in a proper case be a reason for the granting of a transfer of a liquor license, it is rarely, if ever, a valid basis upon which the Director may compel the municipality to do so. Fanwood v. Rocco, supra. It is apparent from the testimony of the president of the appellant corporate licensee that approval of the transfer requested would be instrumental in the sale of the premises where it is now located, and the transfer of the license to appellant. It is a settled

principle that, in a conflict between private interests and the interests of the community at large, the latter must prevail. Smith v. Bosco, 66 N.J. Super. 165 (App.Div. 1961). The particular location for which the transfer was sought was expressed by the respondent, among other things, to be objectionable in the opinion of its members because there presently exist ample liquor outlets to supply the needs of the people in the area. Moreover, the distance between the present location of the licensed premises and the proposed location would be between two-and-one-half to three miles, and in effect would constitute the placing of another liquor outlet in a different section of the municipality where six liquor outlets are situated at the present time.

I have fully considered all the grounds of appeal and also examined the memorandum filed by the respective attorneys.

After reviewing the testimony and the exhibits, I find sufficient evidence to support respondent's findings that the area to which appellant seeks to transfer its liquor license has adequate liquor licenses to meet its needs. In the absence of improper motivation by respondent, I find its action was neither arbitrary, capricious, unreasonable nor did it constitute an abuse of discretion.

I conclude that appellant has failed to sustain the burden of proof necessary to establish that respondent's action was erroneous so as to warrant reversal thereof. Rule 6 of State Regulation No. 15. Hence it is recommended that an order be entered affirming respondent's action and dismissing the appeal.

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 entire record, including the transcript of the testimony, the exhibits, the memoranda filed by the attorneys for the parties herein and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt his recommendation.

Accordingly, it is, on this 10th day of July 1969,

ORDERED that the action of the respondent Township Committee of the Township of Hazlet be and the same is hereby affirmed and the appeal be and the same is hereby dismissed.

JOSEPH M. KEEGAN
DIRECTOR

2. STATE LICENSES - OBJECTIONS TO TRANSFER OF STATE BEVERAGE DISTRIBUTOR'S LICENSE - TRANSFER GRANTED.

In the Matter of Objections to the)
Transfer of State Beverage Distributor's)
License SBD-66, issued to)

Bayside Beer & Soda Distributors, Inc.)
Rear of South Main Street and Dover Road)
South Toms River, New Jersey,)

CONCLUSIONS

to premises)

28½ Green Island Road,)
Green Island, Dover Township,)
PO Toms River, New Jersey.)

Roy G. Simmons, Esq., Attorney for Applicant
Vincent A. Grasso, Esq., by Richard H. Woods, Esq., Attorney for
Objector, Township of Dover

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee has filed an application for place-to-place transfer of its state beverage distributor's license from premises rear of South Main Street and Dover Road, South Toms River, to premises 28½ Green Island Road, Dover Township. Written objections to the said application were filed on behalf of the Township Committee of the Township of Dover. A certified copy of a resolution, dated April 22, 1969, objecting to the proposed transfer was received in evidence.

Dominick Iavarone (president and treasurer of the corporate licensee) testified that he presently operates a grocery store at 28 Green Island Road where both groceries and meats are sold. The premises to which the license is sought to be transferred adjoins the grocery store premises, is entirely separated from the said store, and has a separate entrance. The primary business to be conducted will be home deliveries of beer during the summer months, such deliveries to be made by one truck owned by the applicant. He stated further that the licensee does not intend to sell to other retailers. Also, he has received requests from local residents for this service and it will be a convenience to them. He added that he had been advised by his attorney that the Dover Township zoning ordinance permitted a transfer to the proposed location.

Henry S. Schwier (one of the owners of the development known as Green Island, to which the license is sought to be transferred) testified that in his opinion there is a need and convenience to be served by the said transfer and that none of the Green Island residents objected to the said transfer at the time this matter was considered by the municipality. He explained that the development contained about 800 lots and 400 homes, with a potential for an additional 150 to 200 dwellings. Although this area was rezoned as a "neighborhood business zone", the fact is that other businesses are conducted there.

Ralph E. Newman (the zoning officer and building inspector of the Township) testified that in his opinion the proposed premises are located in a residential zone. He pointed out that Paragraph C of Section 20.01 of the zoning ordinance permits "The retail sale of goods and the provision of services for local needs and local consumption exclusively, which shall include the following only:" and that "Packaged liquors" is on that list. It was his understanding, therefore, that the proposed transfer would limit sales exclusively to residents of the municipality.

On cross examination this witness admitted that, to his knowledge, no objections to this application were raised by any of the residents of the Green Island section. He added that the resolution adopted by the objector was the result of a request by the Committee made of him for an interpretation of the zoning ordinance as it applied to the said transfer. He did not object to the transfer but merely provided his interpretation of the zoning ordinance. He also added that, if Mr. Iavarone sold grocery products to anyone from outside this municipality, "technically it would be a violation of the ordinance."

Investigation by this Division discloses that the proposed premises are owned by the officers of the corporate applicant; that they appear to be persons of good character; that the premises are not within 200 feet of any schools or churches.

Under R.S. 33:1-11(2c), state beverage distributor licenses may sell unchilled malt alcoholic beverages in quantities not less than 144 fluid ounces. Such licensees may sell and deliver these unchilled beverages both to licensed retailers and to consumers, with consumer sales and deliveries required to be made at prices which are not lower than the minimum prices filed. There may, of course, be no sale or delivery of alcoholic beverages for consumption upon the licensed premises.

I am persuaded from the testimony herein that grant of this transfer will serve a public need and convenience. I am further persuaded that the licensed premises will be a separate unit, with a separate entrance, and operated independently from the other facility conducted by Iavarone.

In adopting the said resolution the Township Committee apparently felt that the grant of the transfer of the license to the proposed site would constitute a violation of the zoning ordinance. There appears to be merit in the contention of the applicant's attorney that the zoning restriction, as presently incorporated in the ordinance, will not be a bar because it is clearly unreasonable and arbitrary. He points out that the owners and operators of business facilities in this area are not permitted to sell their goods to any non-resident of the municipality.

However, the obtaining of relief from a zoning restriction is not a condition precedent to issuance of a liquor license. See Lubliner v. Paterson, 59 N.J. Super. 419 (App. Div. 1960), aff'd id nom. 33 N.J. 428. Zoning matters are left to the municipal authorities and, in the event that such business is impermissible under the local zoning ordinance, they may take action consistent with such ordinance. Re Mustardo, Bulletin 1654, Item 5. See also Lacqua v. Englewood, Bulletin 1657, Item 1, aff'd Englewood v. Lacqua and Div. of Alcoholic Beverage Control, 92 N.J. Super. 493 (App. Div. 1966).

Finally, it should be pointed out that no objection was raised by residents of the municipality. Inasmuch as no meritorious objections were raised at the hearing herein, the application for transfer of the license should be granted. See Re Kalb, Bulletin 1721, Item 2.

It is, therefore, recommended that the pending application for place-to-place transfer of the license in question be granted, but that no operation pursuant thereto be conducted at the proposed premises until there is compliance with all other necessary legal requirements.

Conclusions

No exceptions to the Hearer's report were filed by the attorney for the objector.

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

I shall therefore grant the application subject to the completion of all statutory requisites.

JOSEPH M. KEEGAN
DIRECTOR

Dated: July 8, 1969

- 3. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITY (INDECENT ENTERTAINMENT) - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Caggy's Inc.)
t/a Caggy's Cortillion Lounge)
100 E. Elizabeth Avenue)
Linden, N. J.)

SUPPLEMENTAL
CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-8 for the 1968-69 license period and C-6 for the 1969-70 license period issued by the Municipal Board of Alcoholic Beverage Control of the City of Linden)

Wilentz, Goldman & Spitzer, Esqs., by Warren W. Wilentz, Esq.,
Attorneys for Licensee
Edward F. Ambrose, Esq., Appearing for the Division

BY THE DIRECTOR:

On March 6, 1969, I entered Conclusions and Order herein suspending the license for forty days upon the licensee's plea of non vult to a charge alleging that on January 18, 1969, it permitted lewdness and immoral activity (indecent entertainment) on the licensed premises, in violation of Rule 5 of State Regulation No. 20. Re Caggy's Inc., Bulletin 1852, Item 4.

On application made for retraction of the said confessional plea, an amended order dated March 18, 1969 vacated the order of suspension and ordered a hearing to be held on the charge preferred. Re Caggy's Inc., Bulletin 1856, Item 4.

Prior to the hearing pursuant to the said amended order, the licensee retracted its plea of not guilty and entered a plea of non vult. Hence, the license suspension may be reimposed.

Accordingly, it is, on this 9th day of July, 1969,

ORDERED that Plenary Retail Consumption License C-6, issued by the Municipal Board of Alcoholic Beverage Control of the City of Linden to Caggy's Inc., t/a Caggy's Cortillion Lounge, for premises 100 E. Elizabeth Avenue, Linden, be and the same is hereby suspended for forty (40) days, commencing at 2:00 a.m. Wednesday, July 16, 1969, and terminating at 2:00 a.m. Monday, August 25, 1969.

JOSEPH M. KEEGAN
DIRECTOR

- 4. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - FALSE STATEMENT IN LICENSE APPLICATION - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Robert W. Culver & William J. Culver
t/a Chestnut Bar
523 Newark Avenue
Jersey City, New Jersey

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-75 issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City

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

BY THE DIRECTOR:

Licensees plead non vult to charges alleging that (1) on Sunday, June 8, 1969, they sold six 12-ounce cans of beer for consumption off the licensed premises, in violation of Rule 1 of State Regulation No. 38, and (2) in their current application for license they failed to disclose their record of prior license suspension, in violation of R.S. 33:1-25.

Licensees have a previous record of suspension of license by the Director for ten days effective September 19, 1967, for sale in violation of State Regulation No. 38, the subject of the second charge herein. Re Culver, Bulletin 1760, Item 5.

The prior record of suspension for similar violation occurring within the past five years considered, the license will be suspended on the first charge for thirty days (Re W. K., Inc., Bulletin 1824, Item 10) and on the second charge for ten days (Re Grande, Bulletin 1850, Item 10), or a total of forty days,

to Caputo's Liquor Corp. for premises 2815 Bergenline Avenue, Union City, be and the same is hereby suspended for thirty (30) days, commencing at 9:00 a.m. Monday, July 21, 1969, and terminating at 9:00 a.m. Wednesday, August 20, 1969.

JOSEPH M. KEEGAN
DIRECTOR

6. CANCELLATION PROCEEDINGS - ORDER DISCHARGING ORDER TO SHOW CAUSE UPON CORRECTION OF UNLAWFUL SITUATION.

In the Matter of Cancellation)
Proceedings against)

Hillcrest Inn, Inc.)
200-202 So. Stevens Ave.)
South Amboy, N. J.,)

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption)
License C-37 (for the 1968-69 licensing)
period), issued by the Common Council)
of the City of South Amboy.)

John E. Mullane, Esq., Attorney for Licensee
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee does not contest an order to show cause why its license should not be cancelled because improvidently issued in violation of R.S. 33:1-25 in view of the fact that Arthur G. Giddes, secretary-treasurer and fifty per cent. stockholder of the licensee corporation, was ineligible for license by reason of his conviction on or about April 17, 1953 of the crime of larceny, a crime involving moral turpitude, thereby rendering the licensee corporation ineligible for license.

The fact of the conviction was set forth in the current application for license and was not concealed by any false statement therein.

During the pendency of the proceedings, the stockholding-interest of Arthur G. Giddes was transferred to Rose Anna Giddes, previous holder of fifty per cent. of the stock and thus now holder of one hundred per cent. Hence the unlawful situation no longer exists and the order to show cause will be discharged. Re Two G's Bar, Bulletin 1841, Item 10.

Accordingly, it is, on this 8th day of July 1969,

ORDERED that the order to show cause herein be and the same is hereby discharged.

JOSEPH M. KEEGAN
DIRECTOR

7. CANCELLATION PROCEEDINGS - ORDER DISCHARGING ORDER TO SHOW CAUSE UPON CORRECTION OF UNLAWFUL SITUATION.

In the Matter of Cancellation)
Proceedings against)

Willow Park Taverns, Inc.)
801 Willow Avenue)
Hoboken, New Jersey,)

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption)
License C-172 (for the 1968-69 licensing)
period), issued by the Municipal Board)
of Alcoholic Beverage Control of the)
City of Hoboken.)

John D. McAlevy, Esq., Attorney for Licensee
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee does not contest an order to show cause why its license should not be cancelled because improvidently issued in violation of R.S. 33:1-25 in view of the fact that Charles A. Domalewski, vice president and forty-nine per cent. stockholder of the licensee corporation, was ineligible for license by reason of his conviction on or about May 10, 1965 of the crime of uttering worthless checks (a crime involving moral turpitude), thereby rendering the licensee corporation ineligible for license.

The fact of the conviction was set forth in the current application for license and was not concealed by any false statement therein.

During the pendency of the proceeding, the stockholding-interest of Charles A. Domalewski was transferred to Helen A. Domalewski, previous holder of one per cent. of the stock, and thus now holder of fifty per cent. Hence the unlawful situation no longer exists, and the order to show cause will be discharged. Re Two G's Bar, Bulletin 1841, Item 10.

Accordingly, it is, on this 8th day of July 1969,

ORDERED that the order to show cause herein be and the same is hereby discharged.

JOSEPH M. KEEGAN
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 Veronica Urbanowski
 t/a Willow Grove
 81 Lester Street
 Wallington, N. J.,
 Holder of Plenary Retail Consumption License C-25, issued by the Mayor and Council of the Borough of Wallington.

CONCLUSIONS

AND

ORDER

 Benjamin Weiss, Esq., Attorney for Licensee
 Louis F. Treole, Esq., Attorney for the Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 7, 1969 she sold alcoholic beverages to two minors, ages 17 and 20, in violation of Rule 1 of State Regulation No. 20.

Licensee has a prior adjudicated record. Effective October 25, 1965 her license was suspended by the Director for sixty days for sale to minors, hostess activity and permitting an intoxicated employee to work on licensed premises. Re Urbanowski, Bulletin 1647, Item 5.

The license will be suspended for twenty days (Re Kriss and Ward, Bulletin 1538, Item 3), to which will be added ten days for the similar violation occurring within five years (Re Absecon Lanes, Inc., Bulletin 1751, Item 8), making a total suspension of thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 14th day of July 1969,

ORDERED that Plenary Retail Consumption License C-25, issued by the Mayor and Council of the Borough of Wallington to Veronica Urbanowski, t/a Willow Grove, for premises 81 Lester Street, Wallington, be and the same is hereby suspended for twenty-five (25) days, commencing at 3 a.m. Monday, July 21, 1969, and terminating at 3 a.m. Friday, August 15, 1969.

JOSEPH M. KEEGAN
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Santiago Quinonez)
t/a Sandy's Tavern)
550 Market Street)
Newark, New Jersey)

CONCLUSIONS
, AND ORDER

Holder of Plenary Retail Consumption License C-122 issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark)
)

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 28, 1969, he possessed alcoholic beverages in four 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 twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Monoprise, Inc., Bulletin 1848, Item 7.

Accordingly, it is, on this 14th day of July, 1969,

ORDERED that Plenary Retail Consumption License C-122, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Santiago Quinonez, t/a Sandy's Tavern, for premises 550 Market Street, Newark, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Monday, July 21, 1969, and terminating at 2:00 a.m. Tuesday, August 5, 1969.

JOSEPH M. KEEGAN
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - SALE BELOW FILED PRICE - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Shergie, Inc.)
t/a Harry's Wine & Liquor)
1204 East State Street)
Trenton, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distribution License D-13 issued by the City Council of the City of Trenton)
-----)

Licensee, by Nicholas M. Giordano III, President, Pro se
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on June 20, 1969, it (1) sold thirty-six 12-ounce cans of beer to a minor, age 19, in violation of Rule 1 of State Regulation No. 20, and (2) sold the said alcoholic beverages below filed price, in violation of Rule 5 of State Regulation No. 30.

Absent prior record, the license will be suspended on the first charge for fifteen days (Re Dolan Clubs, Inc., Bulletin 1842, Item 3) and on the second charge for ten days (Re Sallar, Inc., Bulletin 1844, Item 6), or a total of twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days.

Accordingly, it is, on this 23d day of July, 1969,

ORDERED that Plenary Retail Distribution License D-13, issued by the City Council of the City of Trenton to Shergie, Inc., t/a Harry's Wine & Liquor, for premises 1204 East State Street, Trenton, be and the same is hereby suspended for twenty (20) days, commencing at 9:00 a.m. Wednesday, July 30, 1969, and terminating at 9:00 a.m. Tuesday, August 19, 1969.

JOSEPH M. KEEGAN
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

Bowl-O-Mat Paramus Operations Corp. Buildings M & I, Garden State Plaza Routes 4 and 17 Paramus, New Jersey)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-27 issued by the Borough Council of the Borough of Paramus)

Cole & Geaney, Esqs., by Morris Yamner, Esq., Attorney for Licensee Walter H. Cleaver, Esq., Appearing for the Division

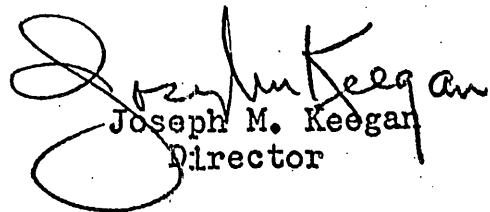
BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 24, 1969, it 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 Rose & Harry James, Inc., Bulletin 1862, Item 5.

Accordingly, it is, on this 30th day of July, 1969,

ORDERED that Plenary Retail Consumption License C-27, issued by the Borough Council of the Borough of Paramus to Bowl-O-Mat Paramus Operations Corp. for premises Buildings M & I, Garden State Plaza, Routes 4 and 17, Paramus, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Monday, August 4, 1969, and terminating at 3:00 a.m. Thursday, August 14, 1969.


Joseph M. Keegan
Director