

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark 2, N.J.

Gossweiler

BULLETIN 1492

FEBRUARY 6, 1963

TABLE OF CONTENTS

ITEM

1. DISCIPLINARY PROCEEDINGS - (Harrison) - PURCHASE FROM UNAUTHORIZED SOURCE - POSSESSION OF ILLICIT ALCOHOLIC BEVERAGES - FALSE BEVERAGE TAX REPORT - UNLAWFUL TRANSPORTATION - LICENSE SUSPENDED FOR 75 DAYS, LESS 5 FOR PLEA.
2. WINE WHOLESALE LICENSE (New Haven) - OBJECTIONS TO ISSUANCE HELD TO BE MERITORIOUS - APPLICATION DENIED.
3. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
4. STATUTORY AUTOMATIC SUSPENSION (Union City) - ORDER LIFTING SUSPENSION.
5. DISCIPLINARY PROCEEDINGS (Newark) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Paulsboro) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (Rockaway) - SALE TO A MINOR - ALLEGED MITIGATION - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (Buena Vista) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED 10 DAYS - NO REMISSION FOR PLEA ENTERED AT HEARING.
9. DISCIPLINARY PROCEEDINGS (Buena Vista) - ORDER DEFERRING EFFECTIVE DATE OF SUSPENSION.
10. DISCIPLINARY PROCEEDINGS (Franklin) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (Camden) - SERVICE TO WOMAN AT BAR - ALLEGED MITIGATION - LICENSE SUSPENDED FOR 5 DAYS, LESS 2 FOR PLEA.
12. STATUTORY AUTOMATIC SUSPENSION (Passaic) - SUPPLEMENTAL ORDER LIFTING SUSPENSION.
13. STATE LICENSES - NEW APPLICATION FILED.

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark 2, N. J.

BULLETIN 1492

FEBRUARY 6, 1963

1. DISCIPLINARY PROCEEDINGS - PURCHASE FROM UNAUTHORIZED SOURCE - POSSESSION OF ILLICIT ALCOHOLIC BEVERAGES - FALSE BEVERAGE TAX REPORT - UNLAWFUL TRANSPORTATION - LICENSE SUSPENDED FOR 75 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

CHINSKY ENTERPRISES, INC.)
t/a TOWN HOUSE COCKTAIL LOUNGE)
338 Sussex Street)
Harrison, New Jersey)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-12, issued by the)
Town Council of the Town of)
Harrison)

-----)
Matthew F. Czachorowski, Esq., Attorney for Licensee.)
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic)
Beverage Control.)

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on July 20, 1962, it purchased a case of whiskey from an unauthorized source, in violation of Rule 15 of State Regulation No. 20, (2) between July 20 and 27, 1962, it possessed illicit alcoholic beverages (viz., several bottles of the case), in violation of R.S. 33:1-50(e), (3) it failed to disclose in its report to the Beverage Tax Bureau for the month of July 1962 the purchase of the case of whiskey, in violation of R.S. 54:45-1 and 54:47-3, and (4) on July 21, 22 and 23, 1962, it transported some of the bottles from the case in a vehicle bearing no transit insignia, in violation of Rule 2 of State Regulation No. 17.

All of the charges grow out of the purchase by Chester Chinsky, president and treasurer of the licensee corporation, of a case of whiskey, one of a quantity of such cases stolen from premises of a warehouse licensee under circumstances clearly indicating (and, in effect, admitted by Chinsky) that the merchandise was stolen goods. Subsequent to the purchase, the case was broken up by Chinsky, who transported some of the bottles to his home and the home of a relative, leaving on the licensed premises the remaining bottles, where they were found by local police. Significantly, the bottles were imperial quarts (forty ounces) bearing blue strip stamps intended for export and not available in the domestic market from any source.

Absent prior record and considering all of the facts and circumstances, the license will be suspended for seventy-five days, with remission of five days for the plea entered, leaving a net suspension of seventy days. Re Sabbia, Bulletin 1373, Item 3.

Accordingly, it is, on this 17th day of December, 1962,

ORDERED that Plenary Retail Consumption License C-12, issued by the Town Council of the Town of Harrison to Chinsky Enterprises, Inc., t/a Town House Cocktail Lounge, for premises 338 Sussex Street, Harrison, be and the same is hereby suspended for seventy (70) days, commencing at 2:00 A.M. Thursday, January 3, 1963, and terminating at 2:00 A.M. Thursday, March 14, 1963.

WILLIAM HOWE DAVIS
DIRECTOR

2. WINE WHOLESALE LICENSE - OBJECTIONS TO ISSUANCE HELD TO BE MERITORIOUS - APPLICATION DENIED.

In the Matter of Objections to)
the Issuance of a Wine Wholesale)
License to)

VINCENT BUONOCORE & SONS, INC.)
148 Ferry Street)
New Haven, Conn.)

CONCLUSIONS

John V. Burns, Esq., and Dominic A. DePonte, Esq., co-counsel,
Attorneys for Applicant.
Buchman & Buchman, Esqs., by Abraham M. Buchman, Esq., Attorneys
for Objector New Jersey Vintners Association.
Milton Cooper, Esq., Attorney for Objector New Jersey Wine and
Spirit Wholesalers Association.

BY THE DIRECTOR:

Written objections to the granting of the application for a new wine wholesale license having been filed herein, hearings thereon were held at this Division on June 7, 1962, August 14, 1962, and August 22, 1962, respectively.

The testimony of four witnesses called by the objectors was unnecessarily lengthy; the objections, however, may be summarized as follows:

- (a) there is no need or convenience to be served by the issuance of a license to the applicant;
- (b) the products of the applicant are not unique;
- (c) the applicant does not intend to operate from a warehouse in this State;
- (d) there has been a decrease in the consumption of wine in the State of New Jersey and the granting of this license would upset the market and encourage other licensees to engage in practices which would be harmful to the industry;
- (e) it has not been affirmatively shown that there is a market for applicant's products in this State.

The applicant herein is a Connecticut corporation which has been in the wine manufacturing business for five generations and has a winery in New Haven, Connecticut, consisting of 80,000 square feet of plant space. Ciro G. Buonocore (vice president of the corporate applicant) testified that he is one of five brothers

who operate this winery, and this application was made because of requests from some customers whom they service in New York but who have branch outlets in New Jersey.

A brief summary of his testimony reflects the following: The applicant is basically a bottler of wines which come from California in tank cars. The selection in California takes place every year by visits made by the brothers to certain sections. This wine has a unique taste because of the special selection of the grapes geographically, and the special process of blending, aging and bottling of its products. The wine tastes different from other wines on the market particularly because of the special method of blending. The applicant also manufactures its own Vermouth and some fruit and Concord wine, but ninety per cent. of all its sales is in the wine which it purchases from California.

On cross examination this witness admitted that many other wineries purchase wine from the same sections in California. However, he contends that the uniqueness lies in the blending, processing and bottling of the grapes which eventually make the final product.

This witness was asked whether he could name any wholesalers, retailers or consumers who requested his specific brands of wine in New Jersey. He was able to name only one - the Bilow Liquor Stores which has outlets in New Jersey. He further admitted that he intends to sell private label brands in this State.

In connection with the activities of the applicant in New York State, this witness admitted that there was considerable litigation with the New York State Liquor Authority with respect to the sales of his products and his operating methods in that State.

Carmine John Crisco (the plant manager of the applicant) testified that part of the distinctiveness of the applicant's product is due to the treatment of the lines through which the wines are drawn. This method of using citric acid and water solution to clean these lines, in addition to the pasteurization, blending, handling and wine-aging as testified to by the previous witness, make for the unusual and distinctive products sold by the applicant. This witness has been the plant manager of the corporate applicant for twenty-eight years, and his testimony was substantially corroborative of the testimony of the prior witness.

Louis Herman (sales manager for the applicant for the past four years) testified that he had received numerous telephone calls from New Jersey residents regarding applicant's products but he was only able to recall specifically the Bilow Liquor Stores which he identified as an operator of six or seven liquor store outlets in this State. He admitted that Mr. Bilow operated a number of liquor outlets in the State of New York and was one of his regular customers.

On behalf of the objectors, William J. Ghiglione (president of the New Jersey Vintners Association and a person associated with the alcoholic beverage industry for twenty-five years) stated that in his opinion there is nothing unique in the products produced by the applicant but that in fact they were merely standard California wines. He disagreed with the testimony of the witnesses of the applicant that a bottling operation may improve the taste of the wine. In his opinion it can only be detrimental to it.

He further stated everyone uses the same general process in blending and bottling and that the organoleptic process (taste and smell) is purely an individual or subjective impression. He also stated that in his opinion the region or the area from which the wine is purchased means nothing in the final product. The only difference is in the brand names. He found that the applicant's wines taste no different than other wines on the market.

Norman Feldman (a very articulate witness) testified to the following effect: He is the executive vice president of Federal Wine and Liquor Corporation, and is associated with wineries and other companies in the alcoholic beverage field. He described the bulk wine and the process method of purchasing wines from California distributors. The quality of wine is tested by its alcoholic content and taste. He further stated that there has been a reduction of sales of wine in New Jersey of seven per cent. during the first six months of 1962 as compared with an increase of four and one-half per cent. in the sales of distilled spirits during the same period. Therefore, he claims there is definitely no need for the issuance of another wine wholesale license.

On cross examination he admitted that he is not a wine maker and is not qualified as an expert as to production methods or techniques. However, he is an expert in sales and merchandising in this field. This witness further testified that in his opinion all types of wines are essentially the same in their types. There is no real difference in the taste which would make the applicant's wine distinctive or unusual from any other wine. More particularly, there is no difference in the taste of the same types of California wines.

He is of the opinion that the merchandising of wine in New Jersey has been highly competitive. He frankly states that "*** Competition is good because it stimulates the thinking of the various suppliers and producers to better merchandise their products." He added that, so long as there is an orderly and temperate sale of alcoholic beverages in this State, competition is "fine." Finally, it is his opinion there is no need for additional licenses in New Jersey because, even though the number of licensees in the wholesale field has been dwindling, there is still not enough demand to warrant the number in business today. He insisted that, while there is a market in New Jersey for anything uniquely different, these products could be handled by the licensees now operating in this State.

Frank Reitman (chairman of the Board of Directors of Galsworthy, Inc., a large wholesale distributor of wines and other alcoholic beverages) essentially corroborated the testimony of Feldman and stated that in his opinion the granting of this application would be a detriment to the business; one more license would overburden the already overburdened market. Reitman stated that he was concerned with keeping the market "clean" and that the introduction of new wholesale wine licenses at this time would tend to make the market "unclean" and would be harmful to the industry.

He supported the testimony of Feldman that all wines in their respective types are basically the same and are merely bottled under different labels. He vehemently disagrees with the testimony of the witnesses for the applicant that their products would offer anything unique or different from the products already being distributed in this State.

Bernard Ornstein (a chemist and wine maker in charge of production of one of the major wineries in New Jersey) testified

that all wines are produced according to standards based on the congenetics in the wine, which are only determined by chemical analysis. Some of the basic congenetics consist of total solid extract, acidity, bolling, the ash content and the Cannon method which determines the color. However, he admitted that the organoleptics, or the taste and smell, of the wine is a subjective process which varies from wine to wine and from person to person.

He also stated that aging does have an effect in improving certain wines, and admitted that wines that come from certain geographical areas may be superior to wines purchased from other areas. However, he asserted that, generally, there is very little difference in the quality of California wines of the same types, with the exception of champagnes and burgundy.

Before commenting on the evidence I want to make the following observation: The testimony in this case resulted in a prodigious transcript of 345 pages, which was characterized by a protracted and unnecessarily long drawn-out examination and cross examination of witnesses, with considerable repetition. All of this was done at the expense of the State and reflects a practice which has cost the State untold sums of money paid to court stenographers for the benefit of litigants. Attorneys, in many cases, take advantage of the "free ride" they get in actions such as this before this agency, with no cost for stenographic fees to them. This particular case was marked by unnecessary speech-making and repetitious objections which served no useful purpose. It is my opinion that remedial legislation should be recommended to discourage such time-consuming and expensive practices, thus saving the State substantial sums of money.

One of the principal objections raised to the issuance of this license is that the applicant does not have unique products, i.e., new and different from those already being sold and distributed in the State. The applicant's witnesses point out that, while the grapes are purchased from the same general regions in California, their wine is unique because of the method of blending, aging, processing, handling and bottling.

Expert witnesses produced by the objectors disagree with that postulate. They state that all wines of the same type are produced in the same general way, vary very little in chemical content and, indeed, in taste. They insist that all wines are purchased from the same area and that the bottler is not in a position to select several batches of grapes for his purposes. Therefore, the only real difference, they maintain, is in the labelling of the various types of wines.

The dispositive objection to the approval of this application is that there is no public need or convenience to be served by the issuance of the said license.

Judge Clapp has posed the question on a previous occasion of whether the public is really served by the granting or denial of an application for the sale or distribution of alcoholic beverages. Re Township Committee of Lakewood Township v. Brandt, 38 N.J. Super. 462. In that case he states:

"Authority issuing a liquor license must take into consideration more than matter of public convenience ***.
For one thing - - as may be said to be suggested by the

concept of public necessity - - consideration should be given to the question whether there is any deficiency or lack in present facilities. Cf. In re Washington Ave. in Borough of Chatham, 5 N.J. Misc. 858, 860 (Cir. Ct. 1927). And of course the paramount consideration is in the public interest. Cf. In re Greenville Bus Co., 17 N.J. 131, 143 (1954)."

In furtherance of the position taken by the objectors, they have produced witnesses who have been associated with the wine industry for many years, men of unquestioned integrity, and leaders in the industry. They assert that there has been a decline in the consumption of wines in the State during the past few years, notwithstanding the fact that there has been a steady decline in the number of wine wholesale licenses actually issued by this Division. They, therefore, maintain that the issuance of another license would be a burden upon the existing distributors. In this connection, an examination of figures released by the Beverage Tax Bureau of the State of New Jersey seems to support their testimony that there has been a decrease in the sale of still wines during the past year.

My evaluation of their testimony, together with my observation of the experiences of other wine licensees in New Jersey, indicate to me that such wine licensees are just about making a living, and I can see no compelling reason to issue more licenses.

There are several other factors involved in this particular application which deserve comment. The testimony indicates that a majority of the applicant's wine products in the State of New York are sold under private labels. The sale of private labelled wines created enforcement problems in this State. A number of wholesalers from without the State who now operate under New Jersey licenses are selling their products in New Jersey without distributors at minimum mark-ups, thus creating a disorderly market. This has been a burden on the general administration of the wine industry in our State. Cf. Re Volpe, Bulletin 1313, Item 4.

In addition, it would also appear that the record of the applicant as a New York licensee is questionable. The file of this Division contains an investigative report thereof which indicates that this licensee has been involved in a number of actions in New York which resulted in warning letters and orders to cease and desist by the New York State Liquor Authority. Such cease and desist order was issued for alleged violations which included failure to file schedules with the Authority of the brands of wine sold within the State to a wholesaler; failure to maintain on the licensed premises adequate books and records of all transactions; accepting the return of alcoholic beverages from retailers without first obtaining the approval of the Liquor Authority. The warning letters were issued for other violations of the New York State liquor laws.

Under the facts and circumstances of this case, action on this application must be circumspectly considered. The applicant has the right to distribute its products through existing distributors in this State. It is suggested that the applicant obtain a New Jersey wholesale distributor for its products in this State and, if it establishes a market, it may (not sooner than one year from the date thereof) then renew its application for a wholesale license. At that time consideration of its application will be given based on the

facts existing upon such re-application.

In the meantime, I shall deny this application without prejudice.

WILLIAM HOWE DAVIS
DIRECTOR

DATED: DECEMBER 13, 1962

3. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

DANIEL McHENRY & CLARA McHENRY, JR.
T/A McHENRY'S TAVERN
178 Griffith Street
Jersey City 6, N. J.

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-356, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

James F. Ryan, Esq., Attorney for Licensees.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that at 12:01 A.M. on October 25, 1962, they sold two quart bottles of beer for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Licensees have a previous record of suspension of license by the Director for ten days effective October 10, 1960, for similar violation. Re McHenry, Bulletin 1362, Item 3.

The prior record considered, 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 Lopez, Bulletin 1476, Item 3.

Accordingly, it is, on this 18th day of December, 1962,

ORDERED that Plenary Retail Consumption License C-356, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Daniel McHenry and Clara McHenry, Jr., t/a McHenry's Tavern, for premises 178 Griffith Street, Jersey City, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 A.M. Monday, January 7, 1963 and terminating at 2:00 A.M. Friday, February 1, 1963.

WILLIAM HOWE DAVIS
DIRECTOR

4. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #221)
 In the Matter of a Petition to)
 Lift the Automatic Suspension of)
 Plenary Retail Consumption License)
 C-20, issued by the Board of)
 Commissioners of the City of)
 Union City to)
 JULIA BEGAN)
 3821 Hudson Boulevard)
 Union City, N. J.)
 - - - - -)

On Petition
ORDER

Petitioner, Pro se.

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on November 14, 1962, the licensee-petitioner was fined \$50 in the Union City Municipal Court after pleading guilty to a charge of sale of alcoholic beverages to two minors on November 12, 1962, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of the license for the balance of its term. R.S. 33:1-31.1. The suspension has not been effectuated because of the pendency of this proceeding.

It further appears that the municipal issuing authority has suspended the license for twenty days commencing January 7, 1963, after confessional plea to a charge in disciplinary proceedings alleging the same sales to the minors. It appearing that the suspension is adequate, I shall lift the automatic suspension in anticipation of the service of the municipal suspension. Re Dzialo, Bulletin 1482, Item 7.

Accordingly, it is, on this 13th day of December, 1962,

ORDERED that the statutory automatic suspension of said license C-20 be and the same is hereby lifted, effective immediately.

William Howe Davis
Director

5. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
Labeled - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
MILES BLUE MIRROR, INC.
574 Springfield Avenue
Newark, New Jersey
Holder of Plenary Retail Consumption License C-573, issued by the
Municipal Board of Alcoholic Beverage Control of the City of
Newark.

CONCLUSIONS
AND ORDER

-----)
Licensee, by Thomas L. Miles, President, Pro se.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on
October 17, 1962, it possessed alcoholic beverages in five
bottles bearing labels which did not truly describe their con-
tents, in violation of Rule 27 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 Marfran, Inc.,
Bulletin 1432, Item 9.

Accordingly, it is, on this 17th day of December, 1962,

ORDERED that Plenary Retail Consumption License C-573,
issued by the Municipal Board of Alcoholic Beverage Control of
the City of Newark to Miles Blue Mirror, Inc. for premises
574 Springfield Avenue, Newark, be and the same is hereby sus-
pended for twenty (20) days, commencing at 2:00 A.M. Wednesday,
January 2, 1963, and terminating at 2:00 A.M. Tuesday, January 22,
1963.

WILLIAM HOWE DAVIS
DIRECTOR

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

In the Matter of Disciplinary Pro-)
ceedings against)
CHARLES AUGUSTINE MCGUIRE)
t/a WONDER BAR)
233-235 W. Adams St.)
Paulsboro, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-18, issued by the Borough)
Council of the Borough of Paulsboro.)

-----)

Licensee, Pro se.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 18, 1962, 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.

Licensee has a previous record of suspension of license by the municipal issuing authority for (1) two days effective January 3, 1944 for mislabeling a beer tap and (2) seven days effective December 2, 1945, for hostess activity.

The record of prior dissimilar violations disregarded because occurring more than five years ago, 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 Corbo, Bulletin 1482, Item 9.

Accordingly, it is, on this 17th day of December, 1962,

ORDERED that Plenary Retail Consumption License C-18, issued by the Borough Council of the Borough of Paulsboro to Charles Augustine McGuire, t/a Wonder Bar, for premises 233-235 W. Adams Street, Paulsboro, be and the same is hereby suspended for ten (10) days, commencing at 2:00 A.M. Monday, January 7, 1963, and terminating at 2:00 A.M. Thursday, January 17, 1963.

WILLIAM HOWE DAVIS
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - ALLEGED MITIGATION - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
)
 ANTHONY P. ELIA, LORETTA R. ELIA)
 & ROSE LEE, t/a "PARD'S TAVERN")
 Route #46)
 Rockaway, New Jersey)
 Holders of Plenary Retail Consumption License C-5, issued by the)
 Mayor and Council of the Borough)
 of Rockaway)
 - - - - -)

CONCLUSIONS AND ORDER

Robert W. Wolfe, Esq., Attorney for Licensees.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on November 2, 1962, they sold a drink of beer to a minor, age 19, in violation of Rule 1 of State Regulation No. 20.

In alleged mitigation, licensees claim that the sale was made in reliance on false identification presented by the minor when admitted to the licensed premises. As to this, it is pointed out that reliance on false identification, in the absence of obtaining requisite written representation of age, as contemplated by R.S. 33:1-77, constitutes no defense and very little mitigation since the public impact of the violation is the same. At best, it bespeaks the imposition of the established minimum penalty in age-similar cases, perhaps without possible increase for aggravating circumstances. Re Beacon Manor Hotel, Inc., Bulletin 1474, Item 7.

Absent prior record, the license will be suspended for the minimum period of fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Walz, Bulletin 1464, Item 6.

Accordingly, it is, on this 17th day of December, 1962,

ORDERED that Plenary Retail Consumption License C-5, issued by the Mayor and Council of the Borough of Rockaway to Anthony P. Elia, Loretta R. Elia and Rose Lee, t/a "Pard's Tavern", for premises Route #46, Rockaway, be and the same is hereby suspended for ten (10) days, commencing at 2:00 A.M. Monday, January 7, 1963, and terminating at 2:00 A.M. Thursday, January 17, 1963.

WILLIAM HOWE DAVIS
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
LABELED - LICENSE SUSPENDED 10 DAYS - NO REMISSION FOR
PLEA ENTERED AT HEARING.

In the Matter of Disciplinary)
Proceedings against)
)
ERNEST A. MERIGHI & ROSE MERIGHI)
t/a HOTEL SAVOY)
Northwest corner Union Road)
and Landis Avenue)
Buena Vista Township)
R.D. 5, Vineland, New Jersey)

CONCLUSIONS
AND ORDER.

Holders of Plenary Retail Consump-)
tion License C-5, issued by the)
Township Committee of the Township)
of Buena Vista)
-----)

Licenses, by Ernest A. Merighi, Pro se.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

At the hearing herein, the licensees pleaded non vult to
a charge alleging that on August 17, 1962, they possessed an alco-
holic beverage in one bottle bearing a label which did not truly
describe its contents, in violation of Rule 27 of State Regulation
No. 20.

Absent prior record, the license will be suspended for
ten days (Re Englewood Tavern & Restaurant, Inc., Bulletin 1485,
Item 8), without remission for the plea when, as here, it is
entered at the hearing. Re Roosevelt Hotel, Inc., Bulletin 1470,
Item 1.

Accordingly, it is, on this 18th day of December,
1962,

ORDERED that Plenary Retail Consumption License C-5,
issued by the Township Committee of the Township of Buena Vista
to Ernest A. Merighi and Rose Merighi, t/a Hotel Savoy, for
premises northwest corner Union Road and Landis Avenue, Buena
Vista Township, be and the same is hereby suspended for ten (10)
days, commencing at 3:00 A.M. Monday, January 7, 1963, and termi-
nating at 3:00 A.M. Thursday, January 17, 1963.

WILLIAM HOWE DAVIS
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - ORDER DEFERRING EFFECTIVE DATE OF SUSPENSION.

In the Matter of Disciplinary Proceedings against)
 ERNEST A. MERIGHI & ROSE MERIGHI)
 t/a HOTEL SAVOY)
 Northwest corner Union Road)
 and Landis Avenue)
 Buena Vista Township)
 R.D. 5, Vineland, New Jersey)

AMENDED ORDER

-----)
 Holders of Plenary Retail Consumption License C-5, issued by the Township Committee of the Township of Buena Vista)
 -----)

Murray Fredericks, Esq., Attorney for Licensees.
 Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

On December 18, 1962, I entered an order suspending the license herein for ten days commencing January 7, 1963.

Licensee has now filed a petition requesting that the imposition of the suspension be deferred for one week and, for good cause appearing, I shall grant such petition.

Accordingly, it is, on this 26th day of December, 1962,

ORDERED that the previous order of suspension herein is hereby vacated; and it is further

ORDERED that Plenary Retail Consumption License C-5, issued by the Township Committee of the Township of Buena Vista to Ernest A. Merighi and Rose Merighi, t/a Hotel Savoy, for premises northwest corner Union Road and Landis Avenue, Buena Vista Township, be and the same is hereby suspended for ten (10) days, commencing at 3:00 A.M. Tuesday, January 15, 1963, and terminating at 3:00 A.M. Friday, January 25, 1963.

WILLIAM HOWE DAVIS
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)	
VINCENT FALCIANI)	
t/a "LIBERTY INN")	CONCLUSIONS AND ORDER
e/s Harding Highway, approximately 900' southeast of Railroad, South of Malaga)	
Franklin Township)	
PO Newfield, RFD, New Jersey)	
Holder of Plenary Retail Consumption License C-7, issued by the Township Committee of the Township of Franklin, County of Gloucester)	

Falciani & Cotton, Esqs., by Angelo J. Falciani, Esq., Attorneys for Licensee.

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 3, 1962, he possessed an alcoholic beverage in one bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

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 New World Bar, Inc., Bulletin 1480, Item 12.

Accordingly, it is, on this 18th day of December, 1962,

ORDERED that Plenary Retail Consumption License C-7, issued by the Township Committee of the Township of Franklin, County of Gloucester, to Vincent Falciani, t/a "Liberty Inn", for premises east side Harding Highway, approximately 900' southeast of Railroad, South of Malaga, Franklin Township, be and the same is hereby suspended for five (5) days, commencing at 4:00 A.M. Monday, January 7, 1963, and terminating at 4:00 A.M. Saturday, January 12, 1963.

WILLIAM HOWE DAVIS
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - SERVICE TO WOMAN AT BAR - ALLEGED MITIGATION - LICENSE SUSPENDED FOR 5 DAYS, LESS 2 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

HELEN WISNIEWSKI)
t/a FRANK'S CAFE)
1039 Haddon Avenue)
Camden, New Jersey)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-17, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.)

-----)
Wallace, Douglas & Gerry, Esqs., by Bruce A. Wallace, Esq.,
Attorneys for Licensee.
David S. Piltzer, Esq., Appearing for the Division of
Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on August 14, 1962, she served a woman a beverage directly over the bar, in violation of municipal ordinance.

In mitigation, it is claimed that the licensee was not personally present at the time of the occurrence of the violation. However, this constitutes no defense (State Regulation No. 20, Rule 33) nor can the circumstance be considered in mitigation of the minimum penalty normally imposed in cases of this kind.

Absent prior record, the license will be suspended for five days (Re Subar, Inc., Bulletin 1481, Item 5), with remission of two days for the plea entered, leaving a net suspension of three days.

Accordingly, it is, on this 18th day of December, 1962,

ORDERED that Plenary Retail Consumption License C-17, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Helen Wisniewski, t/a Frank's Cafe, for premises 1039 Haddon Avenue, Camden, be and the same is hereby suspended for three (3) days, commencing at 2:00 A.M. Monday, January 7, 1963, and terminating at 2:00 A.M. Thursday, January 10, 1963.

WILLIAM HOWE DAVIS
DIRECTOR

12. STATUTORY AUTOMATIC SUSPENSION - SUPPLEMENTAL ORDER LIFTING SUSPENSION.

Auto. Susp. #217)
 In the Matter of a Petition to Lift)
 the Automatic Suspension of Plenary)
 Retail Consumption License C-50,)
 issued by the Board of Commissioners)
 of the City of Passaic to)
)
 PETER MAKSYMETZ)
 t/a PALACE BAR)
 177 Third Street)
 Passaic, N.J.)

On Petition
 SUPPLEMENTAL
 ORDER

-----)
 Feder & Rinzler, Esqs., by Joseph A. Feder, Esq., Attorneys for
 Petitioner.

BY THE DIRECTOR:

On September 18, 1962, an order was entered temporarily staying statutory automatic suspension of license of petitioner pending institution and determination of disciplinary proceedings against the license. Re Maksymetz, Bulletin 1480, Item 11.

It now appears from supplemental petition filed herein that in disciplinary proceedings conducted by the municipal issuing authority, the license was suspended for five days after the licensee entered a confessional plea to a charge alleging sale of alcoholic beverages to the same minors, which sale was the subject of the previous criminal conviction. The suspension was effective from November 5 to November 10, 1962. It appearing that the suspension has been served, I shall lift the automatic suspension. Re Sansone, Bulletin 1453, Item 7.

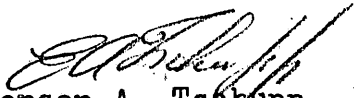
Accordingly, it is, on this 29th day of November, 1962,

ORDERED that the statutory automatic suspension of said license C-50 be and the same is hereby lifted, effective immediately.

WILLIAM HOWE DAVIS
 DIRECTOR

13. STATE LICENSES - NEW APPLICATION FILED.

The Westminster Corporation
 45-21 33rd Street
 Long Island City 1, New York
 Application filed February 4, 1963 for Plenary Wholesale License.


 Emerson A. Tschupp
 Acting Director