

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

BULLETIN 2046

May 17, 1972

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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 2046

May 17, 1972

1. COURT DECISIONS - YURCHAK v. JERSEY CITY - DIRECTOR AFFIRMED.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
A-1475-70

JOHN YURCHAK and THE JERSEY CITY
TAVERN OWNERS ASSOCIATION,

Appellants-Respondents,

v.

MUNICIPAL BOARD OF ALCOHOLIC
BEVERAGE CONTROL OF THE CITY
OF JERSEY CITY and THOMAS FORD,

Respondents-Appellants.

Argued April 10, 1972 -- Decided April 19, 1972

Before Judges Sullivan, Leonard and Carton.

On appeal from Division of Alcoholic Beverage Control.

Mr. Robert P. Glickman argued the cause for appellant Thomas Ford (Messrs. Glickman & Valentine, attorneys; Mr. Edward F. Zampella, of counsel).

Mr. David S. Piltzer, Deputy Attorney General, argued the cause for appellant Division of Alcoholic Beverage Control (Mr. George F. Kugler, Jr., Attorney General, attorney).

Respondent did not file a brief.

PER CURIAM

Thomas Ford appeals from the determination of the Division of Alcoholic Beverage Control which reversed the decision of the Jersey City Board of Alcoholic Beverage Control approving a place-to-place transfer of his plenary retail consumption license. He contends solely that the Division abused its discretion by substituting its judgment for that of the municipal board. This contention is without merit.

On November 26, 1969, Ford secured his license and a place-to-place transfer thereof from 368 Monmouth Street to 147 Wayne Street. About three months previous the municipal board denied the application of the previous holder of this license for a place-to-place transfer of it from 368 Monmouth Street to 323 Monmouth Street (the location here involved). Ford had purchased the latter premises in June or July 1968 and operated a restaurant therein until he secured his license for Wayne Street.

On April 4, 1970, he filed his present application for a place-to-place transfer of the license from 147 Wayne Street to the premises owned by him at 323 Monmouth. Ford testified that the transfer was necessary because the owner of the Wayne Street premises desired them for his own use and had served him with a written notice demanding that he vacate "or dispossession proceedings will be started immediately."

He sought the transfer pursuant to the exception contained in §4 of the local alcoholic beverage ordinance which permits a transfer of a license to premises within 500 feet of another licensed premise, in the event the licensee "shall be compelled to vacate the premises for any reason that in the opinion of the Board * * * was not caused by any action on the part of the licensee * * *."

However, the record does not contain any finding by the local board that Ford was compelled to vacate his licensed premises for a reason which was not caused by any action on his part. To the contrary, the Director found "an absence of good faith on the part of Ford" and the "credibility of his testimony in serious doubt."

Under the totality of the existing circumstances, we find the Conclusions and Order of the Director to be supported by the credible evidence in the record.

Affirmed.

2. DISCIPLINARY PROCEEDINGS - LEWDNESS (INDECENT ENTERTAINMENT) - LICENSE SUSPENDED FOR 180 DAYS.

In the matter of Disciplinary Proceedings against
1608 New York Ave. Corp.
1609 New York Avenue
Union City, New Jersey
Holder of Plenary Retail Consumption License C-56, issued by the Board of Commissioners of the City of Union City.

CONCLUSIONS
and
ORDER

Michael Halpern, Esq., Attorney for Licensee
Carl J. Jahnke, Esq., Appearing for Division

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charge:

"On October 29, 1971, you allowed, permitted and suffered lewdness and immoral activity in any upon your licensed premises, viz., in that you allowed, permitted and suffered a female person to perform on your licensed premises for the entertainment of your customers and patrons in a lewd, indecent and immoral manner; in violation of Rule 5 of State Regulation No. 20."

Three ABC agents assisted by members of the Hudson County Sheriff's Department participated in the investigation of an alleged nude show being conducted on the licensed premises on October 29, 1971. The testimony of the agents may be summarized as follows:

Pursuant to a specific assignment to pursue the said investigation, agents Cu, C and B, accompanied by two members of the Hudson County Sheriff's Department, approached the licensed premises on the date alleged herein. The premises consist of a large barroom, an adjoining dining room, a kitchen and a rear room. In the rear room where the alleged nude show took place, there were approximately seventy-five patrons, who were attending a party given on the occasion of the retirement of members of a local corporation. This party was catered by the licensee; food and alcoholic beverages was served to these patrons.

Agent Cu entered the premises with agent C, and agent B and the sheriff's deputies took up a post of observation outside the licensed premises. He seated himself at the bar which was then tended by a male and female bartenders. Anthony Maita, a principal officer of the corporate licensee was on the licensed premises at that time.

At 9:55 p.m. Maita escorted a female, later identified as Susan Lee, the entertainer, to the dining room where she was served food prior to entering the rear room. At that point Maita told James Cullen, the bartender, to go into the rear room where the party was taking place; "Go in the back and keep an eye on things." Whereupon Maita, Miss Lee and Cullen went through the kitchen area into the rear room.

Agents Cu and C then proceeded to the room where the party was taking place and noted that tables and chairs were set up for the seventy-five male patrons therein and there were set-ups of liquor on the tables. In the meantime, Maita had suffered a cut on his hand on the slicing machine in the kitchen and was taken to the hospital by another male.

In this party room, the agents found that Miss Lee had begun performing for the patrons. When she started her performance she was nude from the waist up and had on a garter belt, underpants and nylons. She was then observed dancing around the room in a "seductive" manner. After awhile she placed a black fur rug in the center of the room and beckoned to one of the males seated at one of the tables. At that point she proceeded to disrobe and was completely nude. Agent C at that time went to the front room and notified agent B and the sheriff's deputies to come into the rear room.

Agent Cu then observed the male lie flat on the rug and she went on top of him, sat on his face, rotated her breasts and then her pubic area in his face, and asked him "Can you breathe?" After performing gyrations she took the male back to his seat and returned to the rug, and summoned another male from the crowd. He stood next to her and she stood up and was rubbing her breasts in the male's face as he bent over. She then had him kneel down and she rubbed her pubic area in his face. She thereupon turned her back to him and rubbed her buttocks in his face, and he kissed both sides. She then escorted him back to his seat. Continuing, she proceeded to dance around the room and rubbed her buttocks in the faces of several of the males seated in the room, she sat on their laps and permitted them to fondle her body. She then went to the front main table,

she lay on the table face down and made movements normally associated with having sexual intercourse, spreading her legs wide and moving the muscles of her buttocks. During her entire performance she was completely nude. At approximately 10:25 p.m. she completed her performance, removed the rug from the floor and left the room. At that point the agents proceeded to the bar in the front of the premises and identified themselves to the officers of the licensee.

On cross examination, agent C testified that he had no difficulty in entering the rear room and observed the bartender in the room during the performance. He also noted that the patrons were drinking liquor which was served to them by the employees of the licensee.

Agent B also noted that in the first dining room there were couples seated at tables having dinner and alcoholic beverages, and it was quite obvious that both the dining room and the rear room are part of the licensed premises.

Anthony Maita, an officer of the corporate licensee, testified that the affair in the rear room at which this performance took place "was a catered affair for a retirement dinner for these people" but that the entertainer was not engaged by the licensee. He characterized the entertainer as an "exotic" dancer and explained that he had his bartender in that room during the performance; "I always keep somebody there because there is always a tendency of a few customers getting out of hand and doing something wrong." This entertainer had performed on these premises on a few occasions prior to the date charged herein. Because of his accident (he cut his hand on the slicing machine) he was taken to the hospital and did not personally witness the performance.

However, he admitted that he took Miss Lee into the dining room prior to her performance, where she was served a meal before entering the rear room.

Susan Lee who characterized her occupation as an "exotic dancer" stated that she had performed in these premises on prior occasions and was engaged by a friend of the licensee's officer, one Anthony Del Vecchio, to perform on this occasion. She explained the character of her act by saying that "...I get paid to be sexy and I sell my sex."

She admitted that when she started her performance she was nude from the waist up but that she had a "G-string" on. However, several of the patrons grabbed her and ripped her "G-string" off. "One guy tried to go down on me." Also, two patrons grabbed her and one of them "...tried to show everybody what he could do."

She explained that when she placed the black rug on the floor in the middle of her act:

"I lay and be sexy and take my garter belt off and do little movements. You know, that sort of stuff."

and:

"I did volunteer for one fellow to take my pants off. He got the G-string off."

She admitted, however, that during the course of her act she was completely nude.

Anthony Lombardo, the secretary-treasurer of the corporate licensee, testified that he was on duty on the date and time charged herein but that he did not actually observe the performance because he was busy in the kitchen. However, he sent Jimmy Cullen, the bartender, in to keep an eye on the activities in that room. He admitted that the dining room was part of the licensed premises and that food and liquor was served in that room.

He also stated that the rear room was used for private functions which were catered by the licensee.

Anthony Del Vecchio testified that he engaged the services of Miss Lee as a favor to a friend who is employed by the sponsoring organization. He saw Cullen, the bartender, going in and out of that room during the performance. He also noted that two patrons joined Miss Lee on the rug and that one fellow held her hands behind her while the other got down on his knees in front of her and rubbed his face into her pubic area.

I

The attorney for the licensee alleges in his argument in summation that the dining room and the rear room were not, in fact, part of the licensed premises. He contended that the renewal application for the current licensing period sets forth the location to be licensed as 1607-1609 New York Avenue. Further, that in answer to the Question "For what purpose used", the application states that the principal business to be licensed is as a "Tavern, Restaurant and Living Quarters"; and in answer to Question 6-C, "If licensed premises are to include more than one building, state the number of such buildings and also state whether any unlicensed areas will intervene between the buildings"; the answer "1607 and 1609 New (sic) Ave. Entire Ground Floor 1607 New York Ave.; Ground Floor and cellar 1609 New York Ave." He then introduced a hand-written sketch to establish that the rear room of the premises in which this performance took place was not actually part of the licensed premises, but was in a building at 1611 New York Avenue. Therefore, he maintains that the charge should be dismissed for failure to prove that the performance actually took place on the licensed premises.

I find this contention to be lacking in substance and devoid of merit. What the licensee is saying in effect, is that he conducted a speakeasy operation in the rear room and, while admitting that alcoholic beverages were being served to the patrons in that room alleges that such service was made without lawful authority. This contention does violence to common sense and the facts. I do not believe that the licensee carried on a speakeasy operation in the rear room. It is reasonable to assume that he considered that portion of the premises to be included in his operation, and so intended it to be included in his application. Cf. New Jersey Tavern Owners, Inc. v. Belleville et als. Bulletin 1182, Item 2.

I find from the totality of the evidence herein that (1) the dining room was part of the licensed premises, as admitted by licensee's witnesses; (2) the rear room was in fact part of the licensed premises; (3) that the licensee did not conduct a speak-easy operation in that room; and (4) that the licensee catered to the patronage therein by serving both food and alcoholic beverages therein.

II

In evaluating the testimony and its legal impact, we are guided by the firmly established principle that disciplinary proceedings against liquor licensees are civil in nature and, therefore require proof by a preponderance of the believable evidence only. Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373, 378 (1956); Freud v. Davis, 64 N.J. Super. 242. I have carefully considered the entire record herein and find that the performance was patently lewd and indecent. This was a circus-type performance which has been vigorously denounced in prior decisions of this Division and in the courts. See Re Suburban-Eppes Essen, Inc., Bulletin 1894, Item 1; Re Hillsboro Bar-Liquors, Inc., Bulletin 1796, Item 1.

As the court stated in Davis v. New Town Tavern, 37 N.J. Super. 376 at p.378 (App. Div. 1955):

"What is lewdness or immorality for purposes of a rule regulating premises licensed for the sale of alcoholic beverages may be determinable on a distinctly narrower basis than for purposes of regulation of commercial entertainment generally."

See also Mrs. Jay's, Inc., Bulletin 1903, Item 2.

As to the performance itself it is clear that the testimony of the three agents, trained to make precisely the observation that they made clearly indicate that this performance was a lewd and indecent performance. Their testimony was buttressed, indeed, by the forthright testimony of the performer herself who did not personally deny and in fact admitted much of the actions which were described and characterized by the agents.

The attorney for the licensee further argues that the licensee should be exculpated because none of the employees or officers of the corporate licensee took an active part either in engaging the services of the performer or were present in the actual room where the act took place. The fact is, however, that one of the bartenders employed by the licensee was specifically assigned to that room and was present during the performance. Thus, it is clear that the licensee, through its employees, had knowledge of the performance. Moreover, this entertainer was no stranger to this facility, having performed there on prior occasions. It is reasonable to infer that her actions on prior occasions was similar in nature, and that the licensee was well aware of the kind of performance given by her.

It is a well established and fundamental principle that a licensee is responsible for the misconduct of persons employed and is fully responsible for their activities during their employ on licensed premises. In re Olympic Inc., 49 N.J. Super. 299; In re Schneider, 12 N.J. Super. 449; Rule 33 of State Regulation No. 20. It became the responsibility of the licensee's

employees to take steps to prohibit this performance. The fact that no such steps were taken even if such performances were contrary to the personal knowledge of the officers of the corporate licensee would not relieve the licensee of its responsibility. Cf. Greenbrier, Inc. v. Hock, 14 N.J. Super. 39 (App. Div. 1951); F. & A. Distrib. Co. v. Div. of Alcoholic Beverage Control, 36 N.J. 34 (1961).

Accordingly, after considering the entire record and the various precedents cited, I am persuaded by the clear and convincing proofs in this case that the charge has been sustained by a fair preponderance of the credible evidence. I therefore recommend that the licensee be found guilty of the charge.

These depraved performances and disgusting conduct by the female entertainer with the participation of patrons in the licensed premises are inimical to the public welfare and morals. As Judge Jayne pointed out in McFadden's Lounge v. Division of Alcoholic Beverage Control, 33 N.J. Super. 61 at p.62 (App. Div. 1954):

"Experience has firmly established that taverns where wine, men, women, and song centralize should be conducted with circumspect respectability. Such is a reasonable and justifiable demand of our social and moral welfare intelligently to be recognized by our licensed tavern proprietors in the maintenance and continuation of their individualized privilege and concession...."

The licensee has no prior adjudicated record. In recommending the penalty I take note of similar situations where the penalty of revocation has been imposed. See Suburban-Eppes Essen Inc., supra; Hillsboro Bar-Liquors Inc., supra.

However, the circumstances herein are distinguishable from the cases cited hereinabove, and require a penalty less than outright revocation. License revocation is the harshest of all penalties available in disciplinary proceedings, for it not only causes the demise of the license in question, but also, by the entry of such an order, all officers, directors, and holders of more than ten percent of the stock of the corporate licensee will be prohibited from engaging in the alcoholic beverage industry for two years. R.S. 33:1-31. Thus, I believe that a suspension of license for one hundred eighty days would adequately accomplish the purpose of adequately penalizing the licensee and deter others from future similar conduct.

I, therefore, recommend that the license be suspended for one hundred eighty days.

Conclusions and Order

Written exceptions to the Hearer's report, with supportive argument, were filed by the licensees pursuant to Rule 6 of State Regulation No. 16.

In the exceptions, the attorney for the licensee argued that the Hearer erred when he found that the dining-room was part of the licensed premises. From my careful examination of the entire record, I agree with the Hearer that the dining-room and the rear room were in fact part of the licensed premises and were considered by the licensee as such.

I reject the licensee's contention that, although alcoholic beverages were served by it to patrons in that room and it was supervised by an employee of the licensee, that it was in fact unlicensed premises wherein the licensee conducted a speak-easy operation.

The licensee argues that the mere fact that alcoholic beverages were served in unlicensed premises cannot change the same to licensed premises and that, although the licensee could be charged with serving alcoholic beverages on unlicensed premises, such service would not change its character from unlicensed premises to licensed premises. However, it is quite apparent that not only did the licensee consider that that portion of the premises was licensed but, according to Division records, the licensee thereafter amended its application, by a technical transfer, to include the dining-room and the rear room as part of the licensed premises.

Having carefully considered the entire record herein, including the transcript of the testimony, the Hearer's report and the exceptions thereto which I find have either been satisfactorily resolved in the Hearer's report or are lacking in merit, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 18th day of April 1972,

ORDERED that Plenary Retail Consumption License C-56, issued by the Board of Commissioners of the City of Union City to 1608 New York Ave, Corp., for premises 1609 New York Avenue, Union City, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1972, commencing at 3:00 a.m. Wednesday, May 3, 1972; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 3:00 a.m. Monday, October 30, 1972.

Robert E. Bower
Director

3. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #352)
 In the Matter of a Petition to Lift)
 the Automatic Suspension of Plenary)
 Retail Distribution License D-7,)
 issued by the Board of Commissioners)
 of the City of Atlantic City to)
)
 Gem Liquor Store Corporation)
 t/a Gem Liquor Store)
 1737 Atlantic Avenue)
 Atlantic City, N.J.)

On Petition

O R D E R

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on January 7, 1972, James D. Miron, president of the licensee-petitioner, was fined \$250 in the Atlantic City Municipal Court upon his conviction of a charge of sale of alcoholic beverages to a minor on December 27, 1971, 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, in disciplinary proceedings instituted in this Division involving the sale to the same minor, the said license was suspended by the Director of forty-four days, effective 7:00 a.m. on April 24, 1972. Re Gem Liquor Store Corporation, Bulletin 2044, Item 5. Hence, I shall temporarily stay the automatic suspension pending commencement of the said suspension and shall lift the automatic suspension, effective at the termination of the said suspension. Cf. Calicchio's, Inc., Bulletin 1613, Item 8.

Accordingly, it is, on this 14th day of April 1972,

ORDERED that the statutory automatic suspension of said license D-7 be and the same is hereby stayed effective immediately, and is hereby lifted effective 7:00 a.m. Wednesday, June 7, 1972.

Robert E. Bower
 Director

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

In the Matter of Disciplinary Proceedings against)	
)	
Key Club (A N.J. Corp.))	
t/a The Key Club)	CONCLUSIONS
36-38 William Street)	and
Newark, N. J.,)	ORDER
Holder of Plenary Retail Consumption License C-624, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)	
-----)		
Licensee, Pro se		
Walter H. Cleaver, Esq., Appearing for Division		

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on November 5, 1971, it possessed six bottles of alcoholic beverages, the labels of which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior adjudicated 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 Jimmy McGriff's Golden Slipper of Newark, Inc., Bulletin 2029, Item 15.

Accordingly, it is, on this 13th day of April 1972,

ORDERED that Plenary Retail Consumption License C-624, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Key Club (A N.J. Corp.), t/a The Key Club, for premises 36-38 William Street, Newark, be and the same is hereby suspended for twenty (20) days, commencing 2:00 a.m. on Thursday, April 27, 1972, and terminating 2:00 a.m. on Wednesday, May 17, 1972.

Robert E. Bower
Director

5. DISCIPLINARY PROCEEDINGS - SUPPLEMENTAL ORDER.

In the Matter of Disciplinary Proceedings against
 Mario Marranzini and Italia Marranzini
 t/a Melrose Hotel & Restaurant
 144 E. Garfield Avenue
 Wildwood, N. J.,
 Holders of Plenary Retail Consumption License C-21, issued by the Board of Commissioners of the City of Wildwood.

 Cafiero and Balliette, Esqs., by William M. Balliette, Jr., Esq., Attorneys for Licensees
 Walter H. Cleaver, Esq., Appearing for Division

) SUPPLEMENTAL ORDER

BY THE DIRECTOR:

On October 19, 1971, an order was entered herein, deferring the effective dates of a fifteen-day suspension of license imposed herein, after investigation disclosed that the licensee was not then operating on a substantial full-time basis. Re Marranzini, Bulletin 2013, Item 7.

By letter dated April 7, 1972, I was advised by the attorney for the licensee that the premises are now being operated on a substantial full-time basis. This was confirmed by an investigation by this Division.

Accordingly, a meaningful suspension may now be re-imposed.

Therefore, it is, on this 13th day of April 1972,

ORDERED that Plenary Retail Consumption License C-21, issued by the Board of Commissioners of the City of Wildwood to Mario Marranzini and Italia Marranzini, t/a Melrose Hotel & Restaurant, for premises 144 E. Garfield Avenue, Wildwood, be and the same is hereby suspended for fifteen (15) days, commencing at 3:00 a.m. Tuesday, April 18, 1972, and terminating at 3:00 a.m. Wednesday, May 3, 1972.

Robert E. Bower
Director

- 6. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against)
)
 John J. Ryglicki)
 t/a Hi-Way Inn)
 8012 Tonnelle Avenue)
 North Bergen, N. J.,)

CONCLUSIONS
 and
 ORDER

Holder of Plenary Retail Consumption License C-37, issued by the Municipal Board of Alcoholic Beverage Control of the Township of North Bergen.)
 -----)

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

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on January 19, 1972, at about 11:05 p.m., he sold alcoholic beverages for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license would normally be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Kogut, Bulletin 2031, Item 4. However, the licensee has made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of \$400 in lieu of suspension.

Accordingly, it is, on this 14th day of April 1972,

ORDERED that the payment of a \$400 fine by the licensee is hereby accepted in lieu of a suspension of license for ten days.

Robert E. Bower,
 Director.

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

In the Matter of Disciplinary)
Proceedings against)
Montego Lounge (Corp.))
347 Waverly Avenue)
Newark, N. J.,)
Holder of Plenary Retail Consumption)
License C-134, issued by the Municipal)
Board of Alcoholic Beverage Control of)
the City of Newark.)

CONCLUSIONS
and
ORDER

William Osterweil, Esq., Attorney for Licensee
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge that it possessed six bottles of alcoholic beverages the labels of 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-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re Jimmy McGriff's Golden Slipper of Newark, Inc., Bulletin 2029, Item 15.

Accordingly, it is, on this 18th day of April 1972,

ORDERED that Plenary Retail Consumption License C-134, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Montego Lounge (Corp.), for premises 347 Waverly Avenue, Newark, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Tuesday, May 2, 1972, and terminating at 2 a.m. Monday, May 22, 1972.

Robert E. Bower,
Director.

8. DISCIPLINARY PROCEEDINGS - LOCAL HOURS VIOLATION - HINDERED INVESTIGATION - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Joseph J. Dziga t/a Polka Dot Tavern 77 Maple Avenue Wallington, N.J.,)

CONCLUSIONS and ORDER

Holder of Plenary Retail Consumption License C-11, issued by the Mayor and Council of the Borough of Wallington.)

Licensee, Pro se
Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to two charges: that on March 19, 1971, he (1) sold alcoholic beverages after hours, in violation of local ordinance; and (2) hindered the investigation of his premises, in violation of Rule 35 of State Regulation No. 20.

Absent prior record, the license will be suspended for fifteen days on the first charge (Re Ann's Tavern, Bulletin 2029, Item 3); and for ten days on the second charge (Re Doyle, Bulletin 2013, Item 6), making 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 18th day of April 1972,

ORDERED that Plenary Retail Consumption License C-11, issued by the Mayor and Council of the Borough of Wallington to Joseph J. Dziga, t/a Polka Dot Tavern, for premises 77 Maple Avenue, Wallington, be and the same is hereby suspended for twenty (20) days, commencing 2:00 a.m. on Tuesday, May 2, 1972, and terminating 2:00 a.m. on Monday, May 22, 1972.

Robert E. Bower
Director

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

In the Matter of Disciplinary)
Proceedings against)

Hunkele's Liquors, Inc.)
26-28 West Pleasant Avenue)
Maywood, N.J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption)
License C-1, issued by the Borough)
Council of the Borough of Maywood.)

-----)
Samuel J. Davidson, Esq., Attorney for Licensee
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on February 10, 1972, it permitted gambling on the licensed premises, i.e., permitting the playing of pool games for money stakes, in violation of Rule 7 of State Regulation No. 20.

Prior record of suspensions of license occurring more than ten years ago disregarded for penalty purposes, the license will be suspended for fifteen days (Re Long Branch Lodge 742 B.P. O. Elks, Bulletin 2025, Item 12), with remission of five days for the plea entered, leaving a net suspension of ten days.

Accordingly, it is, on this 18th day of April 1972,

ORDERED that Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Maywood to Hunkele's Liquors, Inc., for premises 26-28 West Pleasant Avenue, Maywood, be and the same is hereby suspended for ten (10) days, commencing 2:00 a.m. on Tuesday, May 2, 1972, and terminating 2:00 a.m. on Friday, May 12, 1972.

Robert E. Bower
Director

10. DISCIPLINARY PROCEEDINGS - AMENDED ORDER.

In the Matter of Disciplinary Proceedings against)

Warren D. Brand, Jr. and Donald V. Crosta)
t/a Elm Cocktail Lounge)
142 State Highway #35)
Eatontown, N.J.,)

AMENDED ORDER

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Holders of Plenary Retail Consumption License C-5, issued by the Mayor and Council of the Borough of Eatontown.)

-----)
Klitzman, Klitzman, Goldstein & Gallagher, Esqs., by Franklin A. Goldstein, Esq., Attorneys for Licensees Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

On April 5, 1972, I entered an order suspending the subject license for fifteen days, commencing April 19, 1972, upon licensees' plea of non vult to a charge alleging that on December 15, 1971, they sold alcoholic beverages to a minor, age seventeen, in violation of Rule 1 of State Regulation No. 20.

By letter dated April 13, 1972, the attorney for the licensees has requested that the said order be amended to provide that the commencement of the suspension be deferred until May 29, 1972, in order to permit the licensees to honor certain commitments for private parties and affairs scheduled during this period.

Good cause appearing, I shall grant the request.

Accordingly, it is, on this 18th day of April 1972,

ORDERED that the order dated April 5, 1972 be and the same is hereby amended as follows:

ORDERED that Plenary Retail Consumption License C-5, issued by the Mayor and Council of the Borough of Eatontown to Warren D. Brand, Jr., and Donald V. Crosta, t/a Elm Cocktail Lounge, for premises 142 State Highway #35, Eatontown, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Monday, May 29, 1972, and terminating at 2 a.m. Tuesday, June 13, 1972.

Robert E. Bower
Director

11. STATE LICENSES - NEW APPLICATION FILED.

The Lion Inc., t/a Gibbons
700 N. Pennsylvania Avenue
Wilkes-Barre, Pennsylvania
Application filed May 12, 1972 for limited wholesale license.

Robert E. Bower
Robert E. Bower
Director