

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

BULLETIN 1513

May 24, 1963

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

BULLETIN 1513

May 24, 1963

1. APPELLATE DECISIONS - SYLVESTRI v. NORTH BERGEN.

ANTHONY J. SYLVESTRI, JR.,
t/a THE PALMA ROOM,

Appellant,

v.

MUNICIPAL BOARD OF ALCOHOLIC
BEVERAGE CONTROL OF THE TOWNSHIP
OF NORTH BERGEN,

Respondent.

)
)
) ON APPEAL
) CONCLUSIONS
) AND ORDER
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)
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Raymond A. Brown, Esq., Attorney for Appellant.
Robert W. Bazzani, Esq., Attorney for Respondent.

BY THE ACTING DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the action of respondent in suspending the license of appellant, for premises 3115 Hudson Boulevard, North Bergen, for thirty days effective December 3, 1962, as a result of finding appellant guilty of the following charges:

1. 'That on or about July 11, 1962, and prior and subsequent thereto, you did allow, permit, or suffer, in or upon the licensed premises, a notorious criminal, gangster, racketeer, or other person of ill repute, in violation of Rule 4 of State Regulation No. 20, of the Rules and Regulations of the State of New Jersey, Department of Law and Public Safety, Division of Alcoholic Beverage Control.
2. 'On or about July 11, 1962, you did allow, permit, or suffer, in or upon the licensed premises, foul, filthy or obscene language and conduct, or a brawl, act of violence, disturbance or unnecessary noise; and did allow, permit, or suffer the licensed place of business to be conducted in such manner as to become a nuisance, in violation of Rule 5 of State Regulation No. 20, of the Rules and Regulations of the State of New Jersey, Department of Law and Public Safety, Division of Alcoholic Beverage Control.'

"Upon the filing of the appeal an order was entered by the Director staying the effect of respondent's order of suspension pending determination of the appeal. R.S. 33:1-31.

"Appellant's petition of appeal alleges that the action of respondent was erroneous for the following reasons:

- '(a) The evidence did not sustain the charges.
- '(b) The charges are not true.
- '(c) Appellant's place of business was not a nuisance.
- '(d) No notorious criminal, gangster, racketeer or other persons of ill repute were in or upon the licensed premises.
- '(e) Appellant did not allow, permit or suffer such persons on the said premises.
- '(f) Appellant did not allow, suffer or permit the licensed premises to become a nuisance.
- '(g) Appellant did not allow, permit or suffer foul, filthy or obscene language or conduct, or a brawl, act of violence, disturbance or unnecessary noise on the said premises.
- '(h) No brawl, act of violence, disturbance or unnecessary noise or any foul, filthy or obscene language or conduct took place on said premises.'

"The parties to the instant appeal (by their respective attorneys), with the approval of the Director, have consented that the appeal herein be decided upon the stenographic transcript of the proceedings held before the respondent. Rule 8 of State Regulation No. 15. No additional testimony was taken in connection with the appeal.

"It appears from the testimony of Sgt. William Sybel, of the North Bergen Police Department, that at approximately 11 a.m. on July 11, 1962, he and Officers Montemurro, Nacca and Stewart visited appellant's licensed premises, where they remained for 'approximately fifteen minutes;' that on the same day at approximately 6:45 p.m. he and the aforesaid police officers again returned to appellant's premises; that, while in the course of an inspection thereof, Harold Konigsberg (or Koenigsberg) demanded to know what the police officers were doing in the premises and whether they had a search warrant; that Konigsberg stated that the licensed premises were his and that the officers had no business there; that, when Sgt. Sybel attempted to move, Konigsberg prevented him from doing so; that, when Sgt. Sybel told Konigsberg he was under arrest, he called Sgt. Sybel a 'punk.' As Sgt. Sybel put his 'arm on his (Konigsberg's) shoulder, to escort him out', Konigsberg pushed him and struck him 'in the chest.' Sgt. Sybel described the occurrence thusly: 'He moved his arms, put his arms out like this, pushed them back like that, his right arm like this. His other arm hit Detective Stewart.' Konigsberg retreated to a telephone booth where his leg became wedged against the door and, while attempting to open the door, the glass was broken. Eventually Konigsberg came out of the telephone booth and was taken into custody. Sgt. Sybel further testified that he had seen Konigsberg in appellant's premises on 'two or three other occasions between May, June and July.' A report from the State Bureau of Identification concerning the record (criminal) of one Harold Konigsberg disclosing his conviction in 1950 for robbery and several other arrests and convictions as a disorderly person, and for motor vehicle violations, although objected to by the attorney for appellant, was marked Exhibit P-2 in evidence. Thereafter Sgt. Sybel was asked:

'Q So aside from the record, Sergeant, do you have any knowledge of Mr. Koenigsberg's reputation?

A Yes, I do.

Q Could you tell us the basis of that knowledge?

A Most of it is from other police departments, lectures I have attended in Jersey City. His name has been brought up. I heard about him there.

Q From any other source, Sergeant?

A No, sir.'

Cross examination by attorney for appellant:

'Q Sergeant Sybel, you have never lived around anywhere near Koenigsberg, in the neighborhood where he lived or anything, have you?

A No, sir.

Q And you have never known him personally, other than with respect to your job here at the Canaba Club. Isn't that right?

A No, sir.

Q And other than the police lectures you have spoken of, you don't know anything about what his neighbors and others think of him?

A No, sir.'

"Sgt. Sybel further testified that he saw Mr. Furino in the back room at the time in question when he met Konigsberg.

"Officer Donald Montemurro, of the North Bergen Police Department, testified that he accompanied Sgt. Sybel on July 11, 1962, and, while in the course of routine inspection of the appellant's premises, Konigsberg came into the room; that, as Sgt. Sybel attempted to enter the back of the room, Konigsberg refused to let him pass; that, when Sgt. Sybel placed him under arrest, Konigsberg 'started moving his hands around back and forth, to sort of like break loose, and then Fred Furino started yelling in the background what was going on; that Furino directed loud and indecent remarks at the police officers (the repetition of which would serve no useful purpose) and 'threw a couple of punches.' Officer Montemurro further testified that, from what he 'heard and seen in the papers,' Konigsberg's reputation was bad.

"Fred Furino, employed by the Cabana Club (included as part of appellant's licensed premises), testified that, when the police wanted to see Konigsberg, he followed him to the back room where he heard Sgt. Sybel use 'profanity towards Harold Koenigsberg;' that he did not use indecent language at the police officer; that, although an intimate friend for twenty years and having heard that Konigsberg served time, he was not aware that he had been convicted of a crime; that Konigsberg was a member of the Cabana Club but always remained outside at the pool; that he had never seen him in the barroom but, if he so desired, Konigsberg would be entitled to use the Palma Room and the bar facilities.

"Appellant-licensee testified that he was not present on July 11, 1962, but he at times had seen Konigsberg 'in and around the pool area.'

"Rule 4 of State Regulation No. 20 provides, among other things, that 'No licensee shall allow, permit or suffer in or upon the licensed premises any ... notorious criminal, gangster, racketeer, or other person of ill repute'

"Query: Has the evidence submitted by respondent been sufficient to establish that Konigsberg was a notorious criminal, gangster, racketeer or a person of ill repute so that the appellant was guilty of Charge 1 by allowing, permitting or suffering him to be in or upon the licensed premises?

"The attorney for respondent offered a record of the State Bureau of Identification disclosing certain charges and dispositions relating to a Harold Konigsberg (Koenigsberg) which was admitted in evidence over the objection of the appellant's attorney. Even if a document may qualify as a public record, it does not ipso facto (except where specifically made admissible by statute) become an exception to the hearsay rule as it is only the substitute for the appearance of the public official who made the record. Olender v. United States, 210 F. 2d 795, 42 A.L.R. 2d 736 (1954). This is true where a public document may be competent evidence. It shall not be received into evidence unless and until it has been properly authenticated. Yaich v. United States of America, 283 F. 2d 613 (1960).

"Previous convictions of crime must be proved by the best evidence; and the mere assertion by a police officer that one taken into custody by him had been convicted of crime is not the best evidence of the fact. Conviction of crime is a matter of record and not by the mere assertion of a witness who has not the custody of the record. Stromberg v. Judge of the Court of Common Pleas of the County of Camden, et al., 118 N.J.L. 387.

"Sgt. Sybel's opinion regarding the reputation of Konigsberg was based on the latter's name being mentioned by police authorities while he (Sgt. Sybel) attended lectures in another municipality. He admitted that he had never any personal knowledge of Konigsberg. Officer Montemurro testified that his opinion concerning Konigsberg's reputation was formed from what he read in the papers.

"The proper method of pursuing the direct examination of a 'character' or 'reputation' witness is to ask the witness whether he knows the reputation of the subject in the neighborhood where the latter resides. But the inquiry, on direct examination, is confined to general reputation. Particular acts or specific facts are not admissible either as original evidence or evidence by way of rebuttal. Ippolito, et als. v. Turp, 126 N.J.L. 403 (Sup. Ct. 1941). In any event, one conviction of crime, even if properly proved, does not establish that the person convicted is a 'notorious criminal' within the intendment of the Rule.

"Under the circumstances appearing herein, where Konigsberg's criminal record and reputation were essential elements of Charge 1, it is apparent that the evidence adduced relative thereto is insufficient to sustain a finding of guilt on said charge and, therefore, I recommend dismissal thereof.

"There is no doubt that the allegations in Charge 2 have been proved by a preponderance of the believable evidence presented herein. I am satisfied from an examination of the facts that Officers Sybel and Montemurro truthfully described the occurrences which took place at the time in question on appellant's premises. I believe the testimony of the said police officers that Fred Furino, employed on the licensed premises, used the indecent language attributed to him and that he not only neglected to prevent the acts of violence and disturbance but contributed thereto. I am not impressed by Furino's version of the incident. In so far as appellant is concerned, he testified he was not on the licensed premises at the time the occurrence took place. Thus I recommend that respondent's action in finding appellant guilty of Charge 2 be affirmed.

"Inasmuch as respondent had imposed a suspension of fifteen days on each charge, I further recommend that an order be entered by the Director reducing the total penalty from thirty days to fifteen days, the penalty imposed on the second charge."

No exceptions to the Hearer's Report were filed with me within the time limited by Rule 14 of State Regulation No. 15.

After careful consideration of the facts and circumstances in the instant matter, I concur in the findings and recommended conclusions of the Hearer and I adopt them as my conclusions herein.

The suspension of thirty days imposed by respondent was to become effective on December 3, 1962. On November 29, 1962, upon the filing of the appeal herein, the Director entered an order staying respondent's order of suspension pending determination of the appeal. I shall vacate said order and enter an order herein modifying the suspension of appellant's license from thirty to fifteen days.

Accordingly, it is, on this 17th day of April 1963,

ORDERED that the suspension of Plenary Retail Consumption License C-63 is modified from a suspension of thirty days to a suspension of the license for a period of fifteen days; and it is further

ORDERED that the Director's order dated November 29, 1962, be vacated effective at 3 a.m. Wednesday, April 24, 1963, and that plenary retail consumption license C-63, issued by the Municipal Board of Alcoholic Beverage Control of the Township of North Bergen to Anthony J. Sylvestri, Jr., t/a The Palma Room, for premises 3115 Hudson Boulevard, North Bergen, be and the same is hereby suspended for fifteen (15) days, commencing at 3 a.m. Wednesday, April 24, 1963, and terminating at 3 a.m. Thursday, May 9, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

2. DISCIPLINARY PROCEEDINGS - FALSE STATEMENTS IN APPLICATION -
FAILURE TO FILE NOTICE OF CHANGE IN FACTS IN APPLICATION -
FRONT - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO
LIFT AFTER 90 DAYS UPON PROOF OF CORRECTION.

In the Matter of Disciplinary)
Proceedings against)

ANTHONY J. SYLVESTRI, JR.)
t/a PALMA ROOM)
3115 Hudson Boulevard)
North Bergen, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-63, issued by the Municipal)
Board of Alcoholic Beverage Control)
of the Township of North Bergen.)

Raymond A. Brown, Esq., by Jay R. Reuben, Esq., Attorney for
Licensee.

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

BY THE ACTING DIRECTOR:

The Hearer has filed the following Report herein:

"Licensee pleaded not guilty to the following charges:

- '1. In your application dated June 13, 1962, filed with the North Bergen Municipal Board of Alcoholic Beverage Control, upon which you obtained your current plenary retail consumption license, you falsely stated "No" in answer to Question 30, which asks: "Has any individual, partnership, corporation or association, other than the applicant, any interest, directly or indirectly, in the license applied for or in the business to be conducted under said license?", whereas in truth and fact Columbia Park Cabana Club (A Corp.) had such an interest in that it was the real and beneficial owner of your licensed business; said false statement being in violation of R.S. 33:1-25.
- '2. In your aforesaid license application, you falsely stated "No" in answer to Question 31, which asks: "Have you agreed to pay (by way of rent, salary or otherwise) to any employee, or other person, any portion or percentage of the gross or net profits or income derived from the business to be conducted under the license applied for?", whereas in truth and fact you had agreed to permit the Columbia Park Cabana Club (A Corp.) to retain all of the profits and income derived from your licensed business; said false statement being in violation of R.S. 33:1-25.
- '3. In your aforesaid license application, you falsely stated "No" in answer to Question 32, which asks: "Does any individual, partnership, corporation or association hold any chattel mortgage or conditional bill of sale on any furniture, fixtures, goods or

equipment used or to be used in connection with the conduct of the alcoholic beverage business to be operated under the license applied for?", whereas in truth and fact Robert S. Feder held a chattel mortgage, securing a loan of \$100,000.00, on all the chattels and fixtures in your licensed premises; said false statement being in violation of R.S. 33:1-25.

- '4. You failed to file with the North Bergen Municipal Board of Alcoholic Beverage Control, within 10 days after the occurrence thereof, written notice of change of facts set forth in Question 32 of your aforesaid license application, such change being that on June 18, 1962 the Royal State Bank of New York obtained a chattel mortgage, securing a loan of \$200,000.00, on all the chattels and fixtures in your licensed premises; said failure to file such notice being in violation of R.S. 33:1-34.
- '5. From June 30, 1962 to date, you knowingly aided and abetted Columbia Park Cabana Club (A Corp.) to exercise, contrary to R.S. 33:1-26, the rights and privileges of your current and prior plenary retail consumption licenses; in violation of R.S. 33:1-52.'

"To substantiate the charges, the Division called as its witnesses Walter J. Spendley, Acting Township Clerk of North Bergen and ABC Inspectors B and V who participated in the investigation of the licensee's business.

"Mr. Spendley was produced to certify pertinent copies of original license applications on file with the issuing authority, which had been received in evidence conditionally to expedite the hearing. Thereafter the certified copies were marked Exhibits S-1, S-2 and S-9 in evidence.

"Exhibit S-2 is a copy of the license application (dated June 16, 1961) of Columbia Park Cabana Club, corporate predecessor of Anthony J. Sylvestri, Jr.; the licensee herein, and shows that its licensed premises consists of stucco building or buildings and all the grounds adjacent thereto located at 3115 Hudson Boulevard, North Bergen; that the officers, directors and stockholders of the corporation are listed as Anthony J. Sylvestri, Sr., a New York resident and the father of the licensee, President, Anthony J. Sylvestri, Jr., Secretary, and Samuel Friedman, Treasurer, each of whom holds 5%, 90% and 5% of the stock, respectively, and that said corporation, by letter dated June 8, 1962, advised the issuing authority that as of April 25, 1962, its officers and directors are Anthony J. Sylvestri, Sr., President, Frederick Furino, Secretary, and Ruth Eckhaus, Vice-President; that Anthony J. Sylvestri, Sr. holds 20% of the stock, Mollie Sylvestri, a New York resident and the mother of the licensee, 13%, and Frederick Furino and Ruth Eckhaus (nominees) 67%.

"Exhibit S-9 is a copy of the application (dated June 13, 1962) of Anthony J. Sylvestri, Jr. for a person-to-person transfer of the license held by Columbia Park Cabana Club, which application was granted on June 28, 1962; and Exhibit S-1 is a copy of the current license application (also dated June 13, 1962) of

operation of the bar and the cash income from the Palma Room is deposited in the Palma Room-Anthony J. Sylvestri, Jr. account; that Exhibits S-5, S-6, S-7 and S-8 do not pertain to the operation of the Palma Room with one exception, viz., 'when Mr. Sylvestri, Jr., took the license under the name of the Palma Room I instructed the bookkeeper at Columbia Park to maintain the same nomenclature of accounts she had prior and also to maintain for information purposes in her cash book the amount of money that was taken in for liquor or bar sales, the idea being that any good landlord in that type of instance should know how much business his tenant is doing, so that in the event some day they find they have a real good thing they might want to use it as a basis to increase the rent and so forth, but there is statistical information in Columbia Park's books relating to the receipts of the Palma Room'; and that they do not represent receipts to the Columbia Park Cabana Club-- 'these funds were deposited right in the Palma Room account.'

"On cross examination, Mr. Shindler testified that a general ledger has never been set up for the licensee and no capital account has been established; that no written reports have been prepared or submitted to the licensee; that he has been the accountant for the Columbia Park Cabana Club since the latter part of April 1962; that the corporation, according to its books, received nothing for the transfer of the license; that the Palma Room opened its account either the first or second of July 1962; that he has no personal knowledge that the monies were put in the Palma account but determines they were from the bank statements themselves and from the deposit slips, although he could not recall the name of the bank in which the monies were deposited; that at the time of the transfer, no books were opened for the transferee; and that no figure was arrived at for his (the accountant's) services with the Palma Room or with the Columbia Park Cabana Club.

"Having carefully considered the evidence adduced herein, I find that Columbia Park Cabana Club has continued to be the real and beneficial owner of the licensed business despite the transfer of the license on June 28, 1962. I further find that the licensee herein agreed to permit, and did permit, said corporation to continue to retain, after the transfer, all of the profits and income of the licensed business and to exercise all the rights and privileges of the license for the 1961-62 and 1962-63 licensing years.

"The evidence clearly establishes that the licensee herein paid no consideration for transfer of a valuable license. In his signed sworn statement, he admitted this, claiming that the license was a 'present' from his father. However, he could not explain how the license could be given to him when his father and mother held only 33% of the stock of the transferring corporation. In fact, the licensee's sworn statement evidences such a marked lack of knowledge respecting his acquisition of the license and the licensed business that the only reasonable conclusion to be drawn is that the licensee acquired the license as a 'figurehead' for the benefit of Columbia Park Cabana Club.

"It should be noted that at the time of the transfer of the license, the corporate predecessor of the licensee herein was in fact disqualified from holding or renewing its license

in view of the fact that each of the non-resident parents of the licensee herein held more than 10% of the issued and outstanding stock of said corporation. R.S. 33:1-25. Furthermore, it appears that at the time of the license transfer, Rom-Kon Corporation held the remaining 67% of the stock of said corporation and that Harold Konigsberg, a disqualified person (because of criminal record--R.S. 33:1-25), apparently controlled said Rom-Kon Corporation.

"Also significant is the fact that at the time of the license transfer, no inventory of the alcoholic beverage stock was taken to enable the licensee herein to purchase same; that after the license transfer, Fred Furino, listed on the license application as secretary, director and one of the principal stockholders of the predecessor corporate licensee, continued to manage and supervise the licensed business; that all of the receipts from the licensed business continued to be entered in said corporation's books and records; and that the corporation continued to pay the bills and salaries of such business even after the license transfer.

"I am not impressed with the attempted explanation of the licensee's witness, Mr. Shindler, that no change was made in the accounts of the corporation, with respect to the receipts of the licensed business which were received subsequent to the transfer of its license for the purpose of enabling the landlord to 'know how much business his tenant is doing.' It should be noted that the licensee does not claim that he leased any part of the licensed premises on a rental based upon a percentage of receipts, and that Columbia Park Cabana Club does not pay any such percentage as rental to its landlord. Moreover, the evidence is clear that the corporation's books not only continued after the transfer to reflect the amount of business done by the licensee herein, but that the corporation continued to pay all the expenses billed to the licensee, including the purchase of alcoholic beverages and the salaries of the licensee's employees. It was not until after the Division's investigation was initiated, and the licensee became aware of it, that he then took steps to reimburse the corporation for those expenditures with funds 'borrowed' from the corporation and deposited in his bank account. It is evident that the license transfer was a transfer in name only.

"In view of the aforesaid, I conclude that the allegations set forth in Charges 1, 2 and 5 have been established by more than a fair preponderance of the believable evidence and I recommend that the licensee be found guilty of those charges.

"I further conclude that because Robert S. Feder on June 13, 1962 held a chattel mortgage on all the chattels and fixtures on the licensed premises and that on June 18, 1962 the Royal State Bank of New York acquired a similar chattel mortgage, the licensee's negative answer to Question 32 of his current application, set forth in Charge 3, was false and in violation of R.S. 33:1-25; and that his admitted failure to file written notice with the local issuing authority within ten days of the change of facts occurring on June 18, 1962, was in violation of R.S. 33:1-34. I recommend that the licensee be found guilty of Charges 3 and 4.

"The licensee has no prior adjudicated record. Because it appears that the unlawful situation continues to exist, I

further recommend that an order be entered suspending the license in question and any renewal thereof, for the balance of its term, with leave given to the licensee or any bona fide transferee of the license to apply to the Director to lift the suspension upon a clear showing that the unlawful situation has been corrected. In no event, however, should said suspension be lifted until after the expiration of ninety days after its commencement. Cf. Re 339 Plane St., Inc., Bulletin 1220, Item 3."

No exceptions to the Hearer's Report were filed with me within the time limited by Rule 6 of State Regulation No. 16.

Having carefully considered the entire record herein, including the transcript of the testimony, the exhibits and the Hearer's Report, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 17th day of April 1963,

ORDERED that Plenary Retail Consumption License C-63, issued by the Municipal Board of Alcoholic Beverage Control of the Township of North Bergen to Anthony J. Sylvestri, Jr., t/a Palma Room, for premises 3115 Hudson Boulevard, North Bergen, be and the same is hereby suspended for the balance of its term, effective 3 a.m. Thursday, May 9, 1963; and it is further

ORDERED that, in the event any renewal license is granted, such license shall be and the same is hereby suspended for the balance of its term, with leave to the licensee or any bona fide transferee of the license to file verified petition establishing correction of the unlawful situation for lifting of the suspension of the license on or after 3 a.m. Wednesday, August 7, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

3. DISCIPLINARY PROCEEDINGS - SERVING ALCOHOLIC BEVERAGES
OTHER THAN ORDERED - LICENSE SUSPENDED FOR 15 DAYS, LESS
5 FOR PLEA - SUSPENSION LIFTED FOR ONE DAY.

In the Matter of Disciplinary)
Proceedings against)

SHORE MOTEL, INC.)
t/a Shore Motel)
918 Highway 35)
Ocean Township (Monmouth County))
PO RFD #1, Asbury Park, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-12, issued by the Township)
Committee of the Township of Ocean,)
County of Monmouth.)

Licensee, by Jerry Primavera, President, Pro se.
Edward F. Ambrose, Esq., Appearing for the Division of
Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on
March 23, 1963, it served alcoholic beverages other than
ordered, in violation of Rule 23 of State Regulation No. 20.

Reports of investigation disclose that on the date in
question, orders from persons seated at tables for "name"
brand Scotch and Canadian mixed drinks were filled at the
bar with "off" brand Scotch and Canadian whiskies.

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 The Brielle Corporation,
Inc., Bulletin 1424, Item 6.

In connection with the entry of the plea, the licensee
requested prompt imposition of penalty but also requested that
the effect of any suspension imposed be lifted for one day,
viz., Saturday, April 27, 1963, to permit the conduct of a
previously arranged social affair at which alcoholic beverages
will be served on the licensed premises. Had the request
been made after the penalty had been imposed, it would normally
have been granted. Cf. Re Stolarz, Bulletin 1512, Item 4.
For good cause appearing, I shall grant the request made in
advance.

Accordingly, it is, on this 18th day of April, 1963,

ORDERED that Plenary Retail Consumption License C-12,
issued by the Township Committee of the Township of Ocean,
County of Monmouth, to Shore Motel, Inc., t/a Shore Motel, for
premises 918 Highway 35, Ocean Township, be and the same is
hereby suspended for ten (10) days, commencing at 3:00 a.m.
Monday, April 22, 1963, and terminating at 3:00 a.m. Saturday,
April 27, 1963, and again commencing at 3:00 a.m. Sunday,
April 28, 1963, and terminating at 3:00 a.m. Friday, May 3,
1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

4. STATUTORY AUTOMATIC SUSPENSION - ORDER TEMPORARILY
STAYING SUSPENSION.

Auto.Susp.#227)

In the Matter of a Petition to Lift
the Automatic Suspension of Plenary
Retail Distribution License D-7,
issued by the Mayor and Council of
the Borough of East Paterson to

)ON PETITION
ORDER

ALEXANDER MILAN
423 Market Street
East Paterson, N. J.

)-----
John G. Dluhy, Esq., Attorney for Petitioner.

BY THE ACTING DIRECTOR:

It appears from the petition filed herein and the records of this Division that on April 1, 1963, the licensee-petitioner was fined \$25 and \$5 costs in the East Paterson Municipal Court after being found guilty of a charge of sale of alcoholic beverages to a minor on September 10, 1962, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of his license for the balance of its term. R.S. 33:1-31.1. Because of the pendency of this proceeding, the statutory automatic suspension has not been effectuated.

It further appears that petitioner has appealed the conviction to the Bergen County Court wherein such appeal is presently pending and undetermined. In fairness to petitioner, I conclude that at this time the effect of the automatic suspension should be temporarily stayed pending the outcome of the appeal.

Accordingly, it is, on this 19th day of April, 1963,

ORDERED that the aforesaid automatic suspension be stayed pending the entry of a further order herein.

EMERSON A. TSCHUPP
ACTING DIRECTOR

5. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS AND HORSE RACE BETS) - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

EDNA SGANGA
4801-7 Bergenline Avenue
Union City, N. J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-46, issued by the Board of Commissioners of the City of Union City.

Licensee, Pro se.

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

BY THE ACTING DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on March 30, 1963, she permitted the acceptance of horse race and numbers bets on the licensed premises, in violation of Rules 6 and 7 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 Gerbino, Bulletin 1499, Item 9.

Accordingly, it is, on this 16th day of April, 1963,

ORDERED that Plenary Retail Consumption License C-46, issued by the Board of Commissioners of the City of Union City to Edna Sganga for premises 4801-7 Bergenline Avenue, Union City, be and the same is hereby suspended for twenty (20) days, commencing at 3:00 a.m. Tuesday, April 23, 1963, and terminating at 3:00 a.m. Monday, May 13, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SALE BELOW FILED PRICE - LICENSE
SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

EDWARD LELL & GERTRUDE LELL
143 Front Street
Secaucus, N. J.

)
)
) CONCLUSIONS
) AND ORDER
)

Holder of Plenary Retail Distribution
License D-4, issued by the Town Council
of the Town of Secaucus.

Licensees, Pro se.

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

BY THE ACTING DIRECTOR:

Licensees plead non vult to a charge alleging that on
April 5, 1963, they sold two four-fifth quart bottles of
whiskey at less than filed price, in violation of Rule 5 of
State Regulation No. 30.

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 Ginsburg, Bulletin
1498, Item 8.

Accordingly, it is, on this 23d day of April, 1963,

ORDERED that Plenary Retail Distribution License D-4,
issued by the Town Council of the Town of Secaucus to Edward
Lell and Gertrude Lell for premises 143 Front Street, Secaucus,
be and the same is hereby suspended for five (5) days,
commencing at 9:00 a.m. Monday, April 29, 1963, and terminating
at 9:00 a.m. Saturday, May 4, 1963.


Emerson A. Tschupp
Acting Director