

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

BULLETIN 1793

June 4, 1968

TABLE OF CONTENTS

ITEM

1. COURT DECISIONS - BAY MOTEL CORP. v. UPPER - DIRECTOR AFFIRMED.
2. DISCIPLINARY PROCEEDINGS (Egg Harbor City) - GAMBLING (HORSE RACE BETS) - AGGRAVATING CIRCUMSTANCE - LICENSE SUSPENDED FOR 120 DAYS, LESS 5 FOR PLEA.
3. APPELLATE DECISIONS - CLUB RAMAR, INC. v. CLIFTON.
4. DISCIPLINARY PROCEEDINGS (Camden) - LEWDNESS AND IMMORAL ACTIVITY (INDECENT CONDUCT AND LANGUAGE) - HOSTESS ACTIVITY - UNQUALIFIED EMPLOYEE - LICENSE SUSPENDED FOR 100 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Union City) - GAMBLING (NUMBERS BETS) - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 65 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Elizabeth) - GAMBLING (HORSE RACE AND NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.
7. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1967 TO MARCH 31, 1968 AS REPORTED TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19 (INCLUDING 58 ISSUED BY THE DIRECTOR PURSUANT TO R.S. 33:1-20).
8. DISCIPLINARY PROCEEDINGS (Camden) - SALE TO MINORS - PRIOR SIMILAR AND DISSIMILAR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (Newark) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
10. STATUTORY AUTOMATIC SUSPENSION (Clifton) - ORDER LIFTING SUSPENSION.
11. DISCIPLINARY PROCEEDINGS (Elizabeth) - SALE BELOW FILED PRICE - AGGRAVATING CIRCUMSTANCE - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
12. DISCIPLINARY PROCEEDINGS (Passaic) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
13. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
14. DISCIPLINARY PROCEEDINGS (Howell Township) - GAMBLING (LIAR'S POKER) - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Paterson) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Paterson) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
7. STATE LICENSES - NEW APPLICATION FILED.

New Jersey State Library

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

BULLETIN 1793

June 4, 1968

1. COURT DECISIONS - BAY MOTEL CORP. v. UPPER - DIRECTOR
AFFIRMED.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
A-290-67

BAY MOTEL CORP., A CORPORATION
OF THE STATE OF NEW JERSEY,

PLAINTIFF-RESPONDENT,

VS.

THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF UPPER AND JAMES H.
TWIST t/a STRATHMERE INN,

DEFENDANTS-APPELLANTS.

Argued April 29, 1968 -- Decided May 1, 1968.

Before Judges Goldmann, Kilkenny and Carton.

On appeal from the Department of Law and Public
Safety, Division of Alcoholic Beverage Control.

Mr. Ronald L. Taht argued the cause for appellant.

Mr. William I. Evoy argued the cause for respondent
Township Committee (Messrs. Evoy and Feinberg,
attorneys).

Mr. Stephen Skillman, Deputy Attorney General,
filed a statement in lieu of brief on behalf of
the Division of Alcoholic Beverage Control
(Mr. Arthur J. Sills, Attorney General of New
Jersey, attorney).

The opinion of the court was delivered

PER CURIAM

(Appeal from Director's decision in Bay Motel Corp.
v. Upper, Bulletin 1761, Item 1. Director affirmed. Opinion
not approved for publication by the Court Committee on opinions.)

2. DISCIPLINARY PROCEEDINGS - GAMBLING (HORSE RACE BETS) -
AGGRAVATING CIRCUMSTANCE - LICENSE SUSPENDED FOR 120 DAYS,
LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

MARY WIZIMIRSKI AND MATTHEW GOLEBIEWSKI
t/a White Horse Cafe
1506-1508 White Horse Pike
Egg Harbor City, N. J.

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-9, issued by the Common Council of the City of Egg Harbor City.

Edwin H. Helfant, Esq., Attorney for Licensees.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to the following charge:

"On September 22, 26, 30, October 3, 6, 10, 13, 16, 18, 20, 23, 26, 30, November 1, 2, 8, 9, 13, 14 and 16, 1967, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of bets on horse races, and on said date of November 16, 1967, you possessed, had custody of and allowed, permitted and suffered in and upon your licensed premises, slips, tickets, records, documents, memorandum and other writings pertaining to the aforementioned gambling activity; in violation of Rule 7 of State Regulation No. 20."

Reports of investigation disclose that a large number of bets and substantial sums of money were involved in the activity of the licensees. It is particularly noted that on November 16, 1967, approximately \$5,000 was seized from Golebiewski.

Absent prior record but considering the case aggravated because of the many dates involved, and particularly since it appears that the co-licensee personally was the principal in large scale gambling activity occurring at the licensed premises, the license will be suspended for one hundred twenty days, with remission of five days for the plea entered, leaving a net suspension of one hundred fifteen days. Re Massa, Bulletin 1572, Item 4.

Accordingly, it is, on this 1st day of April 1968,

ORDERED that Plenary Retail Consumption License C-9, issued by the Common Council of the City of Egg Harbor City to Mary Wizimirski and Matthew Golebiewski, t/a White Horse Cafe, for premises 1506-1508 White Horse Pike, Egg Harbor City, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1968, commencing at 3 a.m. Monday, April 8, 1968; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 3 a.m. Thursday, August 1, 1968.

JOSEPH M. KEEGAN
DIRECTOR

3. APPELLATE DECISIONS - CLUB RAMAR, INC. V. CLIFTON.

CLUB RAMAR, INC.,)

Appellant,)

v.)

ON APPEAL
ORDER

MUNICIPAL BOARD OF ALCOHOLIC)
BEVERAGE CONTROL OF THE CITY)
OF CLIFTON,)

Respondent.)

John J. Bergin, Esq., Attorney for Appellant
Arthur J. Sullivan, Jr., Esq., by Frank A. Ferrante, Esq.,
Attorney for Respondent.

BY THE DIRECTOR:

Appellant appeals from respondent's action suspending its license for twenty days effective March 27, 1968, for permitting noise and disturbance on the licensed premises and conducting the licensed place of business as a nuisance. Upon filing of the appeal, I entered an order staying the suspension pending determination of the appeal.

Prior to the hearing on appeal, by letter of April 8, 1968, appellant's attorney advised me that the appeal was withdrawn. No reason appearing to the contrary,

It is, on this 11th day of April 1968,

ORDERED that the appeal herein be and the same is hereby dismissed; and it is further

ORDERED that the twenty-day suspension be reinstated against Plenary Retail Consumption License C-30, issued by the Municipal Board of Alcoholic Beverage Control of the City of Clifton to Club Ramar, Inc. for premises 1025 Main Avenue, Clifton, commencing at 3:00 a.m. Wednesday, April 17, 1968, and terminating at 3:00 a.m. Tuesday, May 7, 1968.

JOSEPH M. KEEGAN
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITY (INDECENT CONDUCT AND LANGUAGE) - HOSTESS ACTIVITY - UNQUALIFIED EMPLOYEE - LICENSE SUSPENDED FOR 100 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

CAMDEN OASIS MOTEL, INC.
1988-2004 Admiral Wilson Blvd.
Camden, N. J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-184, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.

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

BY THE DIRECTOR:

Licensee pleads non vult to the following charges:

"1. On January 20, 24, 27, 30 and February 1, 1968, you allowed, permitted and suffered in and upon your licensed premises lewdness, immoral activity and foul, filthy, indecent and obscene language and conduct, viz., in that persons employed on your licensed premises and other persons thereon, used foul, filthy, indecent and obscene language and performed, committed and engaged in obscene, indecent, filthy, lewd, lascivious, disgusting and immoral acts and made gestures and movements with their hands and other parts of their bodies, in association with said language and acts, in manner having obscene, indecent, filthy, disgusting, immoral and suggestive import and meaning; in violation of Rule 5 of State Regulation No. 20.

"2. On January 20, 24, 27, 30 and February 1, 1968, you allowed, permitted and suffered females employed on your licensed premises to accept beverages at the expense of or as a gift from customers and patrons; in violation of Rule 22 of State Regulation No. 20.

"3. On February 1, 1968, and prior thereto you allowed, suffered, and permitted a person, not a resident of the State of New Jersey, to serve, sell and solicit the sale of alcoholic beverages and to participate in the mixing, processing and preparation thereof (without requisite employment permit), contrary to and in violation of Rule 5 of State Regulation No. 13."

With respect to the first charge, reports of investigation disclose that, in full hearing and view of the patrons, the licensee's employees engaged in obscene, indecent, filthy and immoral acts and made gestures and movements with their hands and other parts of their body, as well as constantly engaging in foul and indecent language during the entire period of the visits by ABC agents. The licensee also permitted and suffered the open discussion of offers to engage in prostitution.

Absent prior record, the license will be suspended on

the first charge for seventy-five days (Re Pribula, Bulletin 1784, Item 3), on the second charge for twenty days (Re Neim, Bulletin 1772, Item 2), and on the third charge for five days (Re The Three Musketeers, Inc., Bulletin 1676, Item 6), or a total of one hundred days, with remission of five days for the plea entered, leaving a net suspension of ninety-five days.

Accordingly, it is, on this 8th day of April 1968,

ORDERED that Plenary Retail Consumption License C-184, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Camden Oasis Motel, Inc., for premises 1988-2004 Admiral Wilson Blvd., Camden, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1968, commencing at 2 a.m. Monday, April 15, 1968; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2 a.m. Friday, July 19, 1968.

JOSEPH M. KEEGAN
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 65 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

CASTILLO deJAGUA, INC.
140 - 48th Street
Union City, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-178 issued by the Board of Commissioners of the City of Union City

Harry Boorstein, Esq., Attorney for Licensee
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads guilty to charges (1) and (2) alleging that on December 21, 1967 and January 4, 1968, it permitted acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days effective September 20, 1965, for sale in violation of State Regulation No. 38;

The prior record of suspension of license for dissimilar violation within the past five years considered, the license will be suspended for sixty-five days, with remission of five days for the plea entered, leaving a net suspension of sixty days. Re Frank & John's Marina, Inc., Bulletin 1780, Item 3.

Accordingly, it is, on this 8th day of April, 1968,

8. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - PRIOR SIMILAR AND DISSIMILAR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

SABE, INC.)
t/a Paul's Musical Tavern)
1817-1819 Broadway)
Camden, N. J.)

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)

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 17, 1968, it sold drinks of alcoholic beverages to two minors, age 18 and 19, in violation of Rule 1 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for forty days effective November 3, 1965, for sale to minors, and by the Director for twenty-five days effective October 24, 1966, for sale to an intoxicated person, and for fifteen days effective April 19, 1967, for possession of an alcoholic beverage not truly labeled (Re Sabe, Inc., Bulletin 1706, Item 2; Bulletin 1733, Item 6).

The prior record of suspensions of license for similar violation and two dissimilar violations within the past five years considered, the license will be suspended for thirty-five days, with remission of five days for the plea entered, leaving a net suspension of thirty days. Cf. Re P. & S. Bar, Inc., Bulletin 1498, Item 6; Re Sovat Corporation, Bulletin 1697, Item 7.

Accordingly, it is, on this 9th day of April, 1968,

ORDERED that Plenary Retail Consumption License C-17, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Sabe, Inc., t/a Paul's Musical Tavern, for premises 1817-1819 Broadway, Camden, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m. Tuesday, April 16, 1968, and terminating at 2:00 a.m. Thursday, May 16, 1968.

JOSEPH M. KEEGAN
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)	
ALEXANDER M. STEINREICH)	CONCLUSIONS
t/a Joe's Bar)	AND ORDER
278 Market Street)	
Newark, N. J.)	
Holder of Plenary Retail Consumption License C-378 issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark)	

 Licensee, Pro se
 Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on December 21, 1967, 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 (then held by Alexander and Rose Steinreich) by the municipal issuing authority for twenty-five days effective February 16, 1948, for permitting bookmaking and gambling on the licensed premises, and by the Director for five days effective September 14, 1959 and for fifteen days effective December 5, 1960, both for possession of alcoholic beverages not truly labeled. Re Steinreich, Bulletin 1301, Item 12; Bulletin 1372, Item 6.

The prior record of suspension of license for dissimilar violation more than five years ago disregarded, but the record of two suspensions for similar violation occurring more than five but less than ten years ago considered, 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. Cf. Re Morristown Barlane Corp., Bulletin 1735, Item 5.

Accordingly, it is, on this 10th day of April, 1968,

ORDERED that Plenary Retail Consumption License C-378, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Alexander M. Steinreich, t/a Joe's Bar, for premises 278 Market Street, Newark, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. Wednesday, April 17, 1968, and terminating at 2:00 a.m. Tuesday, May 7, 1968.

JOSEPH M. KEEGAN
 DIRECTOR

10. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #316)
 In the Matter of a Petition to Lift)
 the Automatic Suspension of Plenary)
 Retail Distribution License D-1)
 issued by the Municipal Board of) ON PETITION
 Alcoholic Beverage Control of the) ORDER
 City of Clifton to)

TAG LIQUOR & DELICATESSEN, INC.)
 t/a Tag Liquor & Delicatessen)
 1119 Main Avenue)
 Clifton, N. J.)

 Victor Shorr, Esq., Attorney for Petitioner

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on March 15, 1968, George Kattine, president of the licensee-petitioner, was fined \$50 and \$5 costs in the Clifton Municipal Court after being found guilty of a charge of sale of alcoholic beverages to a minor on February 16, 1968, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of petitioner's 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 in disciplinary proceedings conducted by the municipal issuing authority, the license was suspended for fifteen days effective 3:00 a.m. Monday, April 15, 1968 and terminating at 3:00 a.m. Tuesday, April 30, 1968, on a charge alleging sale of alcoholic beverages to the same minor, which sale was the subject of the previous criminal conviction. Hence, I shall lift the automatic suspension in anticipation of the service of the municipal suspension. Re Radacovski, Bulletin 1767, Item 14.

Accordingly, it is, on this 10th day of April, 1968,

ORDERED that the statutory automatic suspension of said license D-1 be and the same is hereby stayed in the meantime and is lifted effective 3:00 a.m. Tuesday, April 30, 1968.

JOSEPH M. KEEGAN
 DIRECTOR

11. DISCIPLINARY PROCEEDINGS - SALE BELOW FILED PRICE -
AGGRAVATING CIRCUMSTANCE - LICENSE SUSPENDED FOR 15 DAYS,
LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)	
BAYWAY LIQUORS, CORP.)	CONCLUSIONS AND ORDER
t/a Pied Piper Liquors)	
632 Bayway)	
Elizabeth, N. J.)	
Holder of Plenary Retail Consumption License C-40 issued by the City Council of the City of Elizabeth)	

Licensee, by Arthur S. Ehrlich, Vice-President, Pro se
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 12, 1968, it sold a case of twenty-four 16-ounce bottles of beer and on January 24, 1968, sold six 4/5 bottles of wine below filed price, in violation of Rule 5 of State Regulation No. 30.

Absent prior record but considering the fact that the case involves two separate sales, 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 Litwin's Fair Liquor Stores, Inc., Bulletin 1398, Item 6.

Accordingly, it is, on this 1st day of April, 1968,

ORDERED that Plenary Retail Consumption License C-40, issued by the City Council of the City of Elizabeth to Bayway Liquors Corp., t/a Pied Piper Liquors, for premises 632 Bayway, Elizabeth, be and the same is hereby suspended for ten (10) days, commencing*at 2:00 a.m. Monday, April 8, 1968, and terminating at 2:00 a.m. Thursday, April 18, 1968.

JOSEPH M. KEEGAN
DIRECTOR

*By order dated April 4, 1968, the suspension was deferred to commence at 2:00 a.m. Monday, April 15, 1968, and to terminate at 2:00 a.m. Thursday, April 25, 1968.

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

In the Matter of Disciplinary Proceedings against)

WILLIAM MIHAL)
t/a Bill's Bar & Grill)
161 Passaic Street)
Passaic, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-105, issued by the Board of Commissioners of the City of Passaic.)

Licensee, Pro se
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on November 10, 1967, 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.

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 Montville Realty Co., Bulletin 1777, Item 6.

Accordingly, it is, on this 8th day of April 1968,

ORDERED that Plenary Retail Consumption License C-105, issued by the Board of Commissioners of the City of Passaic to William Mihal, t/a Bill's Bar & Grill, for premises 161 Passaic Street, Passaic, be and the same is hereby suspended for ten (10) days, commencing at 3 a.m. Monday, April 15, 1968, and terminating at 3 a.m. Thursday, April 25, 1968.

JOSEPH M. KEEGAN
DIRECTOR

13. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ELIA MASCI, INC.
135 Ocean Avenue
Jersey City, N. J.

Holder of Plenary Retail Consumption License C-477 issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City

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) CONCLUSIONS
) AND ORDER
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E. Perry Rabbino, Esq., Attorney for Licensee
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 9-10, 1968, it sold six cans of beer for off-premises consumption during hours prohibited by Rule 1 of State Regulation No. 38.

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 Doyle's Tavern, Inc., Bulletin 1782, Item 4.

Accordingly, it is, on this 8th day of April, 1968,

ORDERED that Plenary Retail Consumption License C-477, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Elia Masci, Inc. for premises 135 Ocean Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, April 15, 1968, and terminating at 2:00 a.m. Thursday, April 25, 1968.

JOSEPH M. KEEGAN
DIRECTOR

15. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

STANLEY FALINSKI)
t/a Stanley's Tavern)
482 Main Street)
Paterson, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-322 issued by the Board of Alcoholic Beverage Control for the City of Paterson)

Licensee, Pro se
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, March 17, 1968, he sold a half pint bottle of whiskey for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

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 Doyle's Tavern, Inc., Bulletin 1782, Item 4.

Accordingly, it is, on this 15th day of April, 1968,

ORDERED that Plenary Retail Consumption License C-322, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Stanley Falinski, t/a Stanley's Tavern, for premises 482 Main Street, Paterson, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Monday, April 22, 1968, and terminating at 3:00 a.m. Thursday, May 2, 1968.

JOSEPH M. KEEGAN
DIRECTOR

