

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

BULLETIN 1806

August 22, 1968

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DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
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1. DISCIPLINARY PROCEEDINGS - PROCUREMENT FOR PROSTITUTION -  
FALSE STATEMENT IN LICENSE APPLICATION - PRIOR DISSIMILAR  
RECORD - LICENSE REVOKED.

In the Matter of Disciplinary )  
Proceedings against )

300 Club, Inc. )  
300 - 48th Street )  
Union City, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )  
License C-41, issued by the Board of )  
Commissioners of the City of Union )  
City. )  
- - - - -

George J. Kaplan, Esq., Attorney for Licensee  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic  
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges as follows:

"1. During the early morning hours of Saturday, December 9, 1967, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., in that you, through a person employed on your licensed premises as a bartender, made offers to male patrons and customers thereon to procure females to engage in acts of illicit sexual intercourse and/or in acts of illicit perverted sexual relations with them, and, in furtherance of those offers made arrangements with and procured females to engage in acts of illicit sexual intercourse and/or in acts of illicit perverted sexual relations with said patrons and customers, as aforesaid; in violation of Rule 5 of State Regulation No. 20.

"2. In your application dated June 8, 1967, filed with the Board of Commissioners of the City of Union City and upon which you obtained your current plenary retail consumption license, you failed to disclose in answer to Question No. 35, or elsewhere therein, that plenary retail consumption license held by you for these same premises had been suspended by the Board of Commissioners of the City of Union City for twenty-five (25) days, effective October 2, 1961 for (1) alcoholic beverage activity during hours prohibited by local regulation and (2) for allowing females employed on the licensed premises to accept beverages at the expense of or as a gift from customers or patrons, contrary to state regulation; such evasion and suppression being in violation of R.S. 33:1-25."

Licensee has a previous record of suspension of license by the Director for one hundred five days effective

June 29, 1960, for permitting lewdness and immoral activity (indecent entertainment) on the licensed premises and sale to an intoxicated person (Re 300 Club, Inc., Bulletin 1348, Item 2) and by the municipal issuing authority for twenty-five days effective October 2, 1961, for sale during prohibited hours and hostess activity, and again for twenty-five days effective December 3, 1964, for sale during prohibited hours.

In view of the nature of the principal offense, i.e., procurement for prostitution, and considering the other offense and the previous record of suspensions of license as well, in my view the only proper penalty is outright revocation of the license. Re DePaola, Bulletin 1790, Item 2.

Accordingly, it is, on this 6th day of June, 1968,

ORDERED that Plenary Retail Consumption License C-41, issued by the Board of Commissioners of the City of Union City to 300 Club, Inc. for premises 300 - 48th Street, Union City, be and the same is hereby revoked, effective immediately.

JOSEPH M. KEEGAN  
DIRECTOR

2. APPELLATE DECISIONS - WEST END GROCERY CO., INC. v. ATLANTIC HIGHLANDS AND 89 CLINTON, INC.

West End Grocery Co., Inc., )

Appellant, )

v. )

Mayor and Borough Council of )  
the Borough of Atlantic )  
Highlands, and 89 Clinton, Inc., )

Respondents. )

On Appeal

CONCLUSIONS  
AND ORDER

Parsons, Canzona, Blair & Warren, Esqs., by Joseph T. Grause, Esq.,  
Attorneys for Appellant.

Michael J. Barnacle, Esq., Attorney for Respondent Mayor and  
Borough Council.

Klatsky, Himelman & Siegfried, Esqs., by Arthur P. Siegfried, Esq.,  
Attorneys for Respondent 89 Clinton, Inc.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

These two appeals are interrelated, involve the same license, and will be the subject of a single Hearer's report.

In the first appeal, appellant West End Grocery Co., Inc. (hereinafter West End) appeals from the alleged refusal of respondent Mayor and Borough Council of the Borough of Atlantic Highlands (hereinafter Council) to suspend or revoke the plenary

retail distribution license held by respondent 89 Clinton, Inc. (hereinafter Clinton) for premises 183 First Avenue, Atlantic Highlands, for alleged violation of a special condition under which the said license was granted. The second appeal challenges the action of the Council which, by resolution, deleted and removed the said condition.

The first petition of appeal states that the Council, in approving an application for place-to-place transfer of the subject license, adopted a resolution on July 26, 1966 which provided that the proposed building be erected on a set-back of thirty feet from First Avenue and provided further that no parking be permitted between First Avenue and the building facade. It further alleges that Clinton has "repeatedly and continuously violated this condition;" that on September 26, 1967, West End made written request of the Council to enforce the said condition; that the Council has refused to institute disciplinary proceedings against Clinton for violation of the said condition within thirty days of filing of said notice; therefore the appeal was filed pursuant to R.S. 33:1-31. West End requests the Director to order the revocation or suspension of Clinton's license for "violation of the condition of this license."

Separate answers were filed by respondents in which they deny that the above statute is "applicable to the situation set forth by Petitioner." In a separate defense they assert that the Council "did, on December 12, 1967, remove the restriction with respect to parking between First Avenue and the building facade so that the objections raised by the petitioner in this matter are moot."

The second petition of appeal challenges the action of the Council in removing the special condition as being "arbitrary, capricious and without basis in fact on the record" and urges that the said condition be reinstated.

In separate answers filed thereto respondents deny the substantive allegations contained in the second petition.

These matters were heard simultaneously at a plenary de novo hearing, pursuant to Rule 6 of State Regulation No. 15, with full opportunity for the parties to present evidence and cross-examine witnesses. The respondent Council was not represented at or participated in this appeal hearing.

Although there was no compliance with the time requirement of Rule 8 of State Regulation No. 15, the transcript of the hearing below was admitted into evidence by consent of the parties hereto.

In his argument at the hearing before Council the attorney for West End contended that the Council had no jurisdiction to entertain Clinton's application to remove the special condition because the filing of the first appeal allegedly stayed or temporarily enjoined any action with respect to the said application. I find this contention to be without merit. The first appeal relates to an alleged procedural failure on the part of Council and is outside the perimeter of the gravamen of the second appeal which challenges a substantive action taken by the Council under the authority of R.S. 33:1-32. These are two independent matters and, thus, the first appeal does not affect or act as a stay of Council's consideration of and action on the

application to remove the special condition as delineated herein-above.

I shall first consider the matters contained in the second appeal. The record reflects the following: On July 26, 1966, the Council granted an application for place-to-place transfer of the subject license from premises 110-112 First Avenue to premises 183 First Avenue, Atlantic Highlands, by resolution containing the following conditions:

"... effective upon and subject to the express condition that the premises as described in the plans and specifications prepared and submitted by the applicant and the plot plan and found acceptable by the issuing authority, shall first be completed, all in accordance with said plans and specifications, and in substantial conformity to the architect's rendering, with the additional condition that the building as proposed shall be erected on a set back of 30 feet from First Avenue as proposed by the applicant; provided, however, that no parking shall be permitted between First Avenue and the building facade. Building is to be substantially completed by June 1, 1967 in accordance with plans and specifications and architect's rendering on file."  
(Emphasis supplied.)

The building was completed in accordance with the plans and specifications, and Clinton is now in actual operation at the said premises. On appeal to the Director from grant of the transfer, the action of the Council was affirmed on April 14, 1967. Monmouth County Package Stores Association et al. v. Atlantic Highlands and 89 Clinton, Inc., Bulletin 1735, Item 1. The Director was not called upon to, nor did he, either approve or disapprove, or impose or reimpose, the special condition herein challenged.

At the specific instruction of the Council, its attorney requested advice from the Director with respect to removing the said condition. He was informed by letter of August 25, 1967 that "The Director's Conclusions and Order did not impose or reimpose the condition.... Thus, the governing body may adopt a resolution amending the last resolution in the matter so as to remove or lift the indicated condition."

Subsequent to the said reply by the Director to Council, Council accepted an application by Clinton for removal of the special condition which prohibited parking in front of the building on First Avenue. After a number of adjournments, a public hearing was held on December 12, 1967, with respect thereto. At that hearing Mrs. Rose Caplan, president of Clinton, gave the following account: Clinton has complied with all the building and zoning requirements and began operation of these premises on May 1, 1967. The premises are located in one of four stores of the structure at this site, and there are offices on the upper floor of the building. In addition to parking facilities in front of the building, there is a large parking lot in the rear for the convenience of patrons of all four stores and the offices. Clinton has erected a large sign directing patrons, deliverymen and salesmen to park in the rear of the building, and Mrs. Caplan has advised patrons of her establishment to park in the rear where there are adequate parking facilities. However, patrons of the Cumberland Farms store (a tenant of one of the stores), as well as persons who



use the telephone booth at the end of the property, frequently park their cars in front of the building.

Mrs. Caplan explained that, when the transfer of license was granted in July 1966, the highway was being widened at First Avenue and a barrier was placed at the intersection. At that time there were some traffic problems caused by the construction. However, the construction has now been completed, a cloverleaf has been developed, and there are no longer traffic problems in the immediate vicinity of the said premises. Hence it was her opinion that the special condition is now totally unnecessary. Furthermore, she felt that Clinton has no control over the vehicles parked by patrons or employees of the other facilities at this property.

No other witnesses testified at the hearing before the Council. At the appeal hearing Donald J. Caruso (vice-president of West End), a liquor licensee, testified that he saw no signs with respect to parking in the rear of the Clinton premises; he has observed cars parked in front of the premises, in violation of the special condition.

On cross examination he admitted that, at the time of the transfer of license, the road under construction immediately in front of the premises was "pretty well torn up;" however, as of the date of the appeal hearing, no substantial construction was taking place in the area. He further admitted that the date set by the Council for hearing on removal of the special condition had been adjourned on at least two or three occasions, one of which adjournments was at his request.

The Council also heard statements by counsel representing West End and Clinton, after which it adopted the resolution of December 12, 1967. Its operative part states:

"1. This body determines that the condition imposed on July 26, 1966, was intended only to cover and affect that area of entire structure of which the licensed premises constitute a part immediately in front of the licensed premises and not the remainder of the building as being so because of the proximity of the licensed premises to the intersection of First Avenue and State Highway 36.

"2. The Mayor and Council have examined the premises and have heard the testimony presented before it and conclude that the restriction is totally unnecessary and that parking in front of the entire premises does not constitute a hazard to traffic in the area and is entirely unnecessary and onerous.

"BE IT FURTHER RESOLVED, that the existing condition with respect to parking between First Avenue and the building facade of the premises occupied by applicant, 89 Clinton, Inc., holder of Retail Plenary Distribution License No. D-2, located at 183 First Avenue, Atlantic Highlands, New Jersey, be and the same is hereby deleted and removed as a condition of maintaining the license at these premises."

From my examination and evaluation of the record, I am persuaded that, when the Council (as constituted in 1966) imposed the special condition on the transferred license prohibiting

parking in front of the building facade under authority of R. S. 33:1-32, it was apprehensive that a parking problem would develop when the building was completed. Highway construction then impeded a normal traffic flow and the members of the Council were unable to foresee or anticipate what traffic conditions would be upon completion of the highway construction. At the time of the hearing on Clinton's application to remove the special condition, the present Council was in a much better position to make a realistic evaluation based upon the traffic condition as of December 1967. As Councilman Snyder stated at the hearing below:

"... In considering the lifting of this restriction, the Council remembers that during the placing of this restriction, originally, the highway area near First Avenue and Route 36 was under construction or nearing completion of construction, and it was not easy for us to foresee the traffic problem, if there was any, and this was one of the reasons for this restriction being placed. Since that time, the highway has been completed and it's been in operation for some time, and it's my feeling that there's no traffic problem, and, of course, now, the building is in existence and we are able to see the operation of it."

It is difficult to understand why the special condition was imposed initially by the Council since the area restricted (as underscored by me) in the 1966 resolution included the entire facade. Council must have known that it would be oppressive and unreasonable to require Clinton to control the patrons and employees of the other stores in the building.

In any event, the Council properly felt that the said condition, even when limited to the area immediately adjacent to the licensed premises, was unnecessary in the orderly operation of this licensed business; that no traffic problems would be created in the absence of such condition, and that it simply did not make sense to impose a parking condition where adequate space existed in the rear of the premises. This is not a policy determination since this special condition does not apply generally to all licensees. Nevertheless, the same principle applies -- that, where the issuing authority reasonably entertains the opinion that its action would best serve the public interest, it is free to delete the said condition by resolution. Cf. Lubliner et al. v. Paterson et al., 33 N.J. 428 (Sup. Ct. 1960); East Orange Retail Package Stores Assn. et al. v. East Orange et al., Bulletin 821, Item 10; R. S. 33:1-32.

In Ward v. Scott, 16 N.J. 16 (1954) a Supreme Court decision of an appeal from a zoning ordinance, cited in Fanwood v. Rocco, 59 N.J. Super. 306, 322, the following general principles were stated:

"Local officials who are thoroughly familiar with their community's characteristics and interests and are the proper representatives of its people, are undoubtedly the best equipped to pass initially on such applications .... And their determinations should not be approached with a general feeling of suspicion, for as Justice Holmes has properly admonished: 'Universal distrust creates universal incompetence.' Graham v. United States, 231 U.S. 474, 480, 34 S. Ct. 148, 151, 58 L. Ed. 319, 324 (1913)...."

Under the settled practice, the Director abides by the municipality's action so long as its exercise of judgment and discretion was reasonable. Fanwood v. Rocco, 33 N.J. 404. And a local board may not be reversed by the Director unless he finds "the act of the board was clearly against the logic and effect of the presented facts." Hudson Bergen County Retail Liquor Stores Association et al. v. Hoboken et al., 135 N.J.L. 502, 511. Thus the Director must determine whether or not the Council properly and reasonably exercised its discretion in lifting the special condition.

My assessment of the entire record persuades me that the Council acted realistically and circumspectly, and also properly decided that the condition was not only unnecessary but clearly unreasonable in view of the facts in the record. Cf. Belmar v. Div. of Alcoholic Beverage Control, 50 N.J. Super. 423 (App. Div. 1958). I therefore conclude that, under all of the facts herein, the action of the Council was not against the logic and effect of the presented facts. To the contrary, Council's action in removing and deleting this special condition was entirely lawful and in the reasonable exercise of its discretion. East Orange Retail Package Stores Assn. et al. v. East Orange et al., *supra*. Thus appellant has failed to sustain the burden of establishing that the action of the Council was erroneous or an abuse of its discretion. Rule 6 of State Regulation No. 15.

With respect to the first appeal, West End advocates that, since the Council refused to institute disciplinary proceedings within thirty days of receiving written complaint, the Director should assume jurisdiction and determine whether or not the said license should be suspended or revoked.

The record is not entirely clear as to whether or not the Council in fact refused to act within the time limited. It is apparent, however, that an inquiry was made to the Director and the Council waited for clarification of the statutory imperatives and the procedures before undertaking any definitive action. The fact is that it did schedule a hearing at which it considered the question of the reasonableness of the imposed condition. As a result of such hearing, the said condition was deleted.

Even if it could be argued that, technically, the Council refused to act within the time limited, as a practical matter no useful purpose could be served in pursuing this appeal in view of my determination that the special condition was lawfully rescinded and deleted as of the time of the hearing on this appeal.

I therefore recommend that an order be entered affirming the Council's action and dismissing the appeals.

#### Conclusions and Order

No exceptions to the Hearer's report were filed pursuant to Rule 14 of State Regulation No. 15.

Having carefully considered the entire record herein, including the transcript of the hearing, the exhibits, the arguments of counsel in summation and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein.



Accordingly, it is on this 3d day of June, 1968,

ORDERED that the actions of respondent Mayor and Borough Council of the Borough of Atlantic Highlands be and the same are hereby affirmed and that the appeals herein be and the same are hereby dismissed.

JOSEPH M. KEEGAN  
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - HOSTESS ACTIVITY - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Marion Puzio  
t/a Club Donna  
5 Hoover Street  
Passaic, N. J.,

CONCLUSIONS  
AND  
ORDER

Holder of Plenary Retail Consumption License C-1, issued by the City Council of the City of Passaic.

-----  
Licensee, 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 April 27, 1968 she permitted female entertainers to drink at the expense of male patrons, in violation of Rule 22 of State Regulation No. 20.

Absent prior chargeable record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Equitable Titles, Inc., Bulletin 1787, Item 7.

Accordingly, it is, on this 6th day of June 1968,

ORDERED that Plenary Retail Consumption License C-1, issued by the City Council of the City of Passaic to Marion Puzio, t/a Club Donna, for premises 5 Hoover Street, Passaic, be and the same is hereby suspended for fifteen (15) days, commencing at 3 a.m. Thursday, June 13, 1968, and terminating at 3 a.m. Friday, June 28, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

4.

ACTIVITY REPORT FOR JUNE 1968

<b>ARRESTS:</b>			
Total number of persons arrested	- - - - -		17
Licenses and employees	- - - - - 13		
Bootleggers	- - - - - 4		
<b>SEIZURES:</b>			
Motor vehicles - cars	- - - - -		1
Distilled alcoholic beverages - gallons	- - - - -		1.52
Brewed malt alcoholic beverages - gallons	- - - - -		11.24
<b>RETAIL LICENSEES:</b>			
Premises inspected	- - - - -		666
Premises where alcoholic beverages were gauged	- - - - -		566
Bottles gauged	- - - - -		3,704
Premises where violations were found	- - - - -		121
Violations found	- - - - -		184
No Form E-141-A on premises	- - - - - 78	Disposal permit necessary	- - - - - 2
Unqualified employees	- - - - - 54	Other violations	- - - - - 20
Application copy not available	- - - - - 30		
<b>STATE LICENSEES:</b>			
Premises inspected	- - - - -		43
License applications investigated	- - - - -		29
<b>COMPLAINTS:</b>			
Complaints assigned for investigation	- - - - -		289
Investigations completed	- - - - -		392
Investigations pending	- - - - -		195
<b>LABORATORY:</b>			
Analyses made	- - - - -		73
Refills from licensed premises - bottles	- - - - -		21
Bottles from unlicensed premises	- - - - -		15
<b>IDENTIFICATION:</b>			
Criminal fingerprint identifications made	- - - - -		9
Persons fingerprinted for non-criminal purposes	- - - - -		584
Identification contacts made with other enforcement agencies	- - - - -		354
<b>DISCIPLINARY PROCEEDINGS:</b>			
Cases transmitted to municipalities	- - - - -		7
Violations involved	- - - - -		8
Sale during prohibited hours	- - - - - 6	Failure to close premises during prohibited hours	- - - - - 1
Sale to minors	- - - - - 1		
Cases instituted at Division	- - - - -		36
Violations involved	- - - - -		42
Possessing liquor not truly labeled	- - - - - 13	Hindering investigation	- - - - - 1
Sale to minors	- - - - - 8	Permitting slot machines on prem.	- - - - - 1
Sale during prohibited hours	- - - - - 5	Conducting business as a nuisance	- - - - - 1
Permitting lottery acty. on premises	- - - - - 6	Failure to close prem. during proh.hrs.	- - - - - 1
Permitting bookmaking & lottery on prem.	- - - - - 4	Serving females at bar (local reg.)	- - - - - 1
Permitting bookmaking on premises	- - - - - 1		
Cases brought by municipalities on own initiative and reported to Division	- - - - -		13
Violations involved	- - - - -		15
Sale to minors	- - - - - 7	Permitting immoral acty. on prem.	- - - - - 1
Permitting brawls, etc. on prem.	- - - - - 3	Sale during prohibited hours	- - - - - 1
Permitting loitering by minors unaccomp. by adults (loc. reg.)	- - - - - 1	Permitting bookmaking on prem.	- - - - - 1
		Permitting persons of ill repute on prem.	- - - - - 1
<b>HEARINGS HELD AT DIVISION:</b>			
Total number of hearings held	- - - - -		42
Appeals	- - - - - 4	Seizures	- - - - - 4
Disciplinary proceedings	- - - - - 27	Applications for license	- - - - - 2
Eligibility	- - - - - 5		
<b>STATE LICENSES AND PERMITS:</b>			
Total number issued	- - - - -		4,457
Licenses	- - - - - 3	Social affair permits	- - - - - 395
Solicitors' permits	- - - - - 2,697	Miscellaneous permits	- - - - - 267
Employment permits	- - - - - 686	Transit insignia	- - - - - 299
Disposal permits	- - - - - 72	Transit certificates	- - - - - 38
<b>OFFICE OF AMUSEMENT GAMES CONTROL:</b>			
Licenses issued	- - - - - 43	Disciplinary proceedings instituted	- - - - - 3
State Fair licenses issued	- - - - - 13	Violations involved	- - - - - 7
Enforcement files established	- - - - - 78	Operating controlled game	- - - - - 3
Premises inspected	- - - - - 381	Deceptive practice	- - - - - 3
Premises where viol. were found	- - - - - 90	Hindering investigation	- - - - - 1
Number of violations found	- - - - - 103		

JOSEPH M. KEEGAN  
 Director of Alcoholic Beverage Control  
 Commissioner of Amusement Games Control

Dated: July 9, 1968

5. DISCIPLINARY PROCEEDINGS - ORDER PERMITTING RETRACTION OF  
CONFESSIVE PLEA TO ONE CHARGE, REFIXING SUSPENSION ON OTHER  
CHARGES AND RESCHEDULING HEARING ON CONTESTED CHARGE.

In the Matter of Disciplinary )  
Proceedings against )

Jennie Mercurio, Sam Mercurio and )  
Frank Mercurio )  
61 - 14th Street )  
Hoboken, New Jersey )

AMENDED ORDER

Holders of Plenary Retail Consumption )  
License C-97 issued by the Municipal )  
Board of Alcoholic Beverage Control )  
of the City of Hoboken. )  
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Michael G. Comunale, Esq., Attorney for Licensees  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic  
Beverage Control

BY THE DIRECTOR:

On May 6, 1968, I entered an order herein suspending the license for eighty-five days effective May 13, 1968, upon recitation of the licensees' (then appearing pro se) plea of non vult to charges of (1) permitting playing of card games for money stakes and (2) possession of a numbers slip and a technical plea of not guilty without contest to Charge (3) of sale to a minor. Re Mercurio, Bulletin 1798, Item 3.

Licensees' now attorney has advised me that the confessional plea to the second charge was entered in error resulting from misunderstanding on the part of the licensees. On the basis thereof, request has been made for permission to withdraw the plea to the second charge and thereafter to have the matter proceed to hearing on that charge.

In view of the circumstances, I shall grant the request and terminate the currently effective suspension of license twenty-five days after its commencement, representing the penalty of fifteen days imposed on the first charge and fifteen days on the third charge, with remission of five days for the confessional plea to the first charge and the lack of contest of the third charge. Further, hearing on the second charge will be held on a date to be fixed.

Accordingly, it is, on this 6th day of June, 1968,

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

ORDERED that Plenary Retail Consumption License C-97, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Jennie Mercurio, Sam Mercurio and Frank Mercurio for premises 61 - 14th Street, Hoboken, New Jersey, and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m. Monday, May 13, 1968, and terminating at 2:00 a.m. Friday, June 7, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR DISSIMILAR RECORD OF CORPORATION WITH COMMON STOCKHOLDERS - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

Tooley's Bar, Inc.  
t/a Lounge 68  
68 Myrtle Avenue  
Passaic, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )  
License C-80 issued by the City )  
Council of the City of Passaic )  
- - - - -

Richard E. Gruen, Esq., Attorney for Licensee  
Louis F. Treole, Esq., Appearing for Division of Alcoholic  
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, May 5, 1968, it sold a pint bottle of gin for off-premises consumption in violation of Rule 1 of State Regulation No. 38.

Licensee, then t/a Ben's Rendezvous, has a previous record of suspension of license for premises 413 Monroe Street, Passaic, in 1963 and prior thereto (reported in Re Tooley's Bar, Inc., Bulletin 1533, Item 10) which will be disregarded in admeasuring the penalty herein by reason of intervening change of stockholders in July 1966. Re Norwood Restaurant & Lounge, Inc., Bulletin 1787, Item 6. However, the licensee has a subsequent record of suspension of license at its present premises by the Director for fifteen days effective November 3, 1966, for possession of an alcoholic beverage not truly labeled, imposed in Re Blue Fountain, Inc., Bulletin 1710, Item 4. In addition, the license then held by Blue Fountain, Inc., for premises 413 Monroe Street, Passaic (in which corporation the present stockholders of the licensee corporation were then stockholders) was suspended by the Director for sixty days effective October 18, 1965, for permitting acceptance of numbers bets on the licensed premises. Re Blue Fountain, Inc., Bulletin 1647, Item 4.

Considering the prior record of suspension of license of the licensee in 1966 and that of Blue Fountain, Inc. to which the licensee is linked by common stockholdings (Re Sovat Corporation, Bulletin 1697, Item 7), both for dissimilar violation within the past five years, 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 Bozzone, Bulletin 1588, Item 8.

Accordingly, it is, on this 6th day of June, 1968,

ORDERED that Plenary Retail Consumption License C-80, issued by the City Council of the City of Passaic to Tooley's Bar, Inc., t/a Lounge 68, for premises 68 Myrtle Avenue, Passaic, be and the same is hereby suspended for the balance of

its term, viz., until midnight, June 30, 1968, commencing \*at 3:00 a.m. Thursday, June 13, 1968; 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. Wednesday, July 3, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

\*By order dated June 10, 1968, the suspension was deferred to commence at 3:00 a.m. Tuesday, July 30, 1968 and terminate at 3:00 a.m. Monday, August 19, 1968.

7. DISCIPLINARY PROCEEDINGS - CRIMINALLY DISQUALIFIED EMPLOYEE -  
LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

The Lark Lounge, Inc. )  
1103 Broad Street )  
Newark, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )  
License C-49 issued by the Municipal )  
Board of Alcoholic Beverage Control )  
of the City of Newark )  
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Beckerman and Franzblau, Esqs., by S. M. Chris Franzblau, Esq.,  
Attorneys for Licensee.

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

BY THE DIRECTOR:

Licensee pleads nolo contendere to a charge alleging that on January 24, 1968 and prior thereto, it employed as its manager a person convicted of crime involving moral turpitude, in violation of Rule 1 of State Regulation No. 13.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Hubro Industries, Inc., Bulletin 1783, Item 3.

Accordingly, it is, on this 3d day of June, 1968,

ORDERED that Plenary Retail Consumption License C-49, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to The Lark Lounge, Inc. for premises 1103 Broad Street, Newark, be and the same is hereby suspended for fifteen (15) days, commencing \*at 2:00 a.m. Monday, June 10, 1968, and terminating at 2:00 a.m. Tuesday, June 25, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

\*By order dated June 7, 1968, the suspension was deferred to commence at 2:00 a.m. Monday, July 15, 1968 and terminate at 2:00 a.m. Tuesday, July 30, 1968.



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

In the Matter of Disciplinary )  
Proceedings against )

Helen B. Hardin )

t/a "Line Cafe, Bar and Liquor Store" )

517-519 Line Street )

Camden, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )

License C-47 issued by the Municipal )

Board of Alcoholic Beverage Control of )

the City of Camden )

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Frank M. Lario, 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 15, 1968, she sold a pint bottle of whiskey to a minor,  
age 19, in violation of Rule 1 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 Rodillosso,  
Bulletin 1750, Item 6.

Accordingly, it is, on this 6th day of June, 1968,

ORDERED that Plenary Retail Consumption License C-47,  
issued by the Municipal Board of Alcoholic Beverage Control of  
the City of Camden to Helen B. Hardin, t/a Line Cafe, Bar and  
Liquor Store, for premises 517-519 Line Street, Camden, be  
and the same is hereby suspended for ten (10) days, commencing  
at 7:00 a.m. Monday, June 10, 1968, and terminating at 7:00 a.m.  
Thursday, June 20, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against )

China Pearl, Inc. )  
t/a China Pearl )  
2420 Brunswick Avenue )  
Lawrence Township )  
P.O. Trenton, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of Lawrence, Mercer County )  
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David A. Friedman, 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 February 28, 1968, it possessed alcoholic beverages in three bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days.  
Re Van Bokkem, Bulletin 1792, Item 4.

Accordingly, it is, on this 6th day of June, 1968,

ORDERED that Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of Lawrence, Mercer County, to China Pearl, Inc., t/a China Pearl, for premises 2420 Brunswick Avenue, Lawrence Township, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Thursday, June 13, 1968, and terminating at 2:00 a.m. Friday, June 28, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

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

In the Matter of Disciplinary )  
Proceedings against )

William Huryk & John J. Tofil )  
t/a W & J Bar & Grill )  
225 Springfield Avenue )  
Newark, New Jersey )

CONCLUSIONS  
AND ORDER

Holders of Plenary Retail Consumption )  
License C-695 issued by the Municipal )  
Board of Alcoholic Beverage Control )  
of the City of Newark )  
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Licensees, by William Huryk, Pro se  
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic  
Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that  
on May 16, 1968, they possessed alcoholic beverages in three  
bottles bearing labels which did not truly describe their  
contents, in violation of Rule 27 of State Regulation No. 20.

Licensees have a previous record of suspension of  
license by the municipal issuing authority for ten days  
effective February 23, 1959, for sale in violation of State  
Regulation No. 38.

The prior record of license suspension for dissimilar  
violation occurring more than five years ago disregarded, the  
license will be suspended for twenty days, with remission of  
five days for the plea entered, leaving a net suspension of  
fifteen days. Re Van Bokkem, Bulletin 1792, Item 4.

Accordingly, it is, on this 11th day of July, 1968,

ORDERED that Plenary Retail Consumption License C-695,  
issued by the Municipal Board of Alcoholic Beverage Control  
of the City of Newark to William Huryk and John J. Tofil,  
t/a W & J Bar & Grill, for premises 225 Springfield Avenue,  
Newark, be and the same is hereby suspended for fifteen (15)  
days, commencing at 2:00 a.m. Thursday, July 18, 1968, and  
terminating at 2:00 a.m. Friday, August 2, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) -  
 LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
 Proceedings against )

Fred & Clara Krone )  
 102 - 36th Street )  
 Union City, N. J., )

CONCLUSIONS  
 AND  
 ORDER

Holders of Plenary Retail Consumption )  
 License C-155, issued by the Board )  
 of Commissioners of the City of )  
 Union City. )  
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Licensees, by Fred Krone, Pro se  
 Edward F. Ambrose, Esq., Appearing for Division of Alcoholic  
 Beverage Control

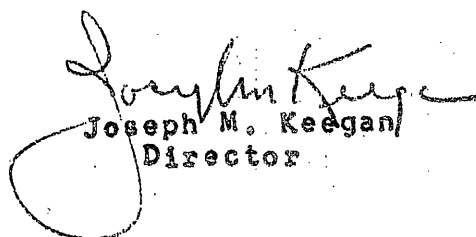
BY THE DIRECTOR:

Licensees plead guilty to charges (1) and (2)  
 alleging that on divers days between April 23 and May 2, 1968,  
 they permitted acceptance of 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 sixty days, with remission of five days for the plea  
 entered, leaving a net suspension of fifty-five days. Re Hub  
Corp., Inc., Bulletin 1794, Item 4.

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

ORDERED that Plenary Retail Consumption License C-155,  
 issued by the Board of Commissioners of the City of Union City,  
 to Fred & Clara Krone, for premises 102 - 36th Street, Union  
 City, be and the same is hereby suspended for fifty-five (55)  
 days, commencing at 3:00 a.m. Tuesday, July 16, 1968, and  
 terminating at 3:00 a.m. Monday, September 9, 1968.

  
 Joseph M. Keegan  
 Director