

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

BULLETIN 1909

May 28, 1970

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

BULLETIN 1909

May 28, 1970

1. NOTICE TO MUNICIPAL LICENSE ISSUING AUTHORITIES - PROCEDURAL REQUISITES OF A PUBLIC HEARING.

TO ALL MUNICIPAL LICENSE ISSUING AUTHORITIES:

Several recent appeals from municipal denials of license renewals have come before the Division upon the basis of procedural defects. These appeals have involved decisions by municipal issuing authorities after the conduct of public hearings at which objections to the renewals were heard. The municipal decisions were initially in favor of granting the renewals, but, after the adoption of a resolution to such effect, the issuing authorities thereafter reconsidered their decisions without notice to the licensee or the objectors and then adopted resolutions rescinding the grants and denying the renewals.

Upon appeal by the licensees, the Division was forced to reverse the municipal action in each case because of the failure of the issuing authorities to adhere to the legal procedural requisites. Both the State Alcoholic Beverage Law (R.S. 33:1-24) and the Division's Rules and Regulations (Rule 6 of State Regulation No. 2; Rule 8 of State Regulation No. 6) require that when municipal issuing authorities hold a hearing upon written objection to the issuance, renewal or transfer of licenses such hearing shall be a "public hearing" with all the procedural due process attributes thereto. Florence Methodist Church v. Florence Township, 38 N.J. Super 85, 90 (App.Div. 1955). Such a public hearing contemplates the giving of notice to the parties to the proceeding and affording them the opportunity to be heard. It precludes the consideration of improper evidence outside the record or the reconsideration of formal decisions already adopted without first providing the parties the opportunity to be heard.

These matters are being brought to your attention in order to prevent similar future occurrences, particularly with respect to the license renewal applications about to come before you. I enlist your cooperation to ensure that the Alcoholic Beverage Law and Regulations are administered properly and that the requisite procedural requirements of such administration are carefully adhered to in the future.

RICHARD C. McDONOUGH  
DIRECTOR

Dated: May 12, 1970

2. APPELLATE DECISIONS - COLEEN, INC. v. RANDOLPH.

COLEEN, INC.,	)	
Appellant,	)	ON APPEAL
	)	ORDER
v.	)	
TOWNSHIP COUNCIL OF THE	)	
TOWNSHIP OF RANDOLPH,	)	
Respondent.	)	

-----  
 Riker, Danzig, Scherer & Brown, Esqs., by Gerald A. Liloia, Esq.,  
 Attorneys for Appellant  
 Young and Sears, Esqs., by Alfred J. Villaresi, Esq.,  
 Attorneys for Respondent

BY THE DIRECTOR:

This is an appeal from the action of the respondent whereby on June 20, 1969 it denied the application of appellant for renewal of its plenary retail consumption license for the 1969-70 licensing period for premises Route #10 at S. Morris Street, Randolph.

Appellant's attorneys advised that the matters in issue were amicably adjusted and the appeal is withdrawn.

Accordingly, it is, on this 7th day of April 1970,

ORDERED that the appeal herein be and the same is hereby dismissed.

RICHARD C. McDONOUGH  
DIRECTOR

3. APPELLATE DECISIONS - CLUB ALI BABA, INC. v. PATERSON.

CLUB ALI BABA, INC., )

Appellant, )

v. )

ON APPEAL  
CONCLUSIONS  
AND ORDER

BOARD OF ALCOHOLIC BEVERAGE )

CONTROL FOR THE CITY OF )

PATERSON, )

Respondent. )

-----  
Schiffman, Browne and Galluccio, Esqs., by S. Richard Schiffman,  
Esq., Attorneys for Appellant

Joseph L. Conn, Esq., by Samuel K. Yucht, Esq., Attorney for  
Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Appellant appeals from the action of respondent whereby on June 25, 1969 it denied renewal of appellant's plenary retail consumption license for the 1969-70 licensing period. It adopted the following resolution:

"WHEREAS, this Board on June 11, 1969, granted the renewal of Plenary Retail Consumption License C-123, heretofore issued to Club Ali Baba, Inc., t/a Club Ali Baba, for premises situated at 98 Straight Street, Paterson, New Jersey; and,

"WHEREAS, this matter having come before this Board on motion of the Police Department of the City of Paterson and the Honorable Lawrence F. Kramer, Mayor, for review of the determination made June 11, 1969; and,

"WHEREAS, this Board having heard testimony of witnesses and having been apprised of numerous violations not previously reported to this Board; and,

"WHEREAS, it appears that the grant of June 11, 1969, was a result of a mistake of fact; and,

"WHEREAS, it appears that the premises sought to be licensed constitute a public nuisance and a detriment to the health and safety of the people of the City of Paterson, NOW, THEREFORE,

"BE IT RESOLVED, that the renewal of Plenary Retail Consumption license C-123, granted June 11, 1969, is hereby rescinded and said renewal be and the same is hereby denied."

Appellant's petition of appeal contends that the respondent erred when it reconsidered its action and denied renewal of appellant's license after having previously granted such renewal for the current licensing year.

Respondent's answer denied the aforesaid allegation.

Upon the filing of this appeal an order by the Director was entered that the appellant's 1968-69 license be extended until further order herein.

The matter herein was heard de novo pursuant to Rule 6 of State Regulation No. 15 with full opportunity afforded the respective parties to this appeal to present testimony and to cross-examine witnesses.

At the outset I shall discuss appellant's contention in this matter that the respondent lacked jurisdiction to reconsider its prior action and then reverse, after it had granted renewal of appellant's license for current licensing year. It has been consistently held by the courts that in the absence of statute or fraud having been perpetrated upon the issuing authority it may not reconsider its action. Lantz v. Hightstown, 46 N.J.L. 102; White v. Atlantic City et al., 62 N.J.L. 644; Vanaman v. Adams, 74 N.J.L. 125; Gulnac v. Freeholders of Bergen, 74 N.J.L. 543 (E. & A. 1906).

In the syllabus in Gulnac v. Freeholders of Bergen, supra. it is stated "The right of a deliberative body to reconsider its action in a matter of a judicial or quasi-judicial character ceases when a final determination has been reached." This doctrine has been followed in this Division since the beginning of its administration of alcoholic beverage control. See Re Hendrickson, Bulletin 47, Item 10; Plager v. Atlantic City et al., Bulletin 80, Item 11, and most recently in Barone's Lounge, Inc. v. Paterson, Bulletin 1901, Item 2.

As was stated in the Barone case the respondent is not without power to proceed against the appellant in disciplinary proceedings even after granting the renewal of the license. If the Board feels that this facility is being operated as a nuisance, and such conduct warrants disciplinary action, it may institute such proceedings by complying with R.S. 33:1-31, which states in pertinent part as follows:

"Any license, whether issued by the director or any other issuing authority, may be suspended or revoked by the Director, or the other issuing authority may suspend or revoke any license issued by it, for any of the following causes:

- a. Violation of any of the provisions of this chapter;
- \* \* \* \* \*
- g. Any violation of rules and regulations;
- \* \* \* \* \*
- j. For any other cause designated by this chapter.

"No suspension or revocation of any license shall be made until a 5-day notice of the charges preferred against the licensee shall have been given to him personally or by mailing the same by registered mail addressed to him at the licensed premises and a reasonable opportunity to be heard thereon afforded to him."

Inasmuch as I conclude in the case sub judice that the Board made a final determination with respect to appellant's renewal application by its June 11, 1969 action it is unnecessary to consider on this appeal the merits of the substantive charges presented at this hearing in support of its latter determination.

Therefore it is recommended that the action of the respondent be reversed, without prejudice to its right to institute disciplinary proceedings upon compliance with the procedural statutory requisites.

It is further recommended that because of the testimony of the witnesses which is contained in the transcript of the instant appeal hearing that if disciplinary proceedings are instituted by the respondent, whether for suspension or revocation of its license, such testimony and exhibits herein be made available to the respondent for its consideration in such proceedings, and that both parties be given similar opportunity to introduce such supplemental testimony in order to insure a full and fair hearing on the merits of the case.

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 testimony and the exhibits, I concur in the conclusions and recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 8th day of April 1970,

ORDERED that the action of respondent be and the same is hereby reversed, and respondent is directed to renew appellant's plenary retail consumption license for the 1969-70 licensing period in accordance with the application filed therefor.

RICHARD C. McDONOUGH  
DIRECTOR

4. STATUTORY AUTOMATIC SUSPENSION - ORDER STAYING SUSPENSION.

Auto. Susp. #326 )  
In the Matter of a Petition to Lift )  
the Automatic Suspension of Plenary )  
Retail Distribution License D-4, )  
Issued by the Municipal Board of )  
Alcoholic Beverage Control of the )  
City of Clifton to )  
  
JOSEPH L. MAYER AND WILLIAM L. MAYER )  
t/a Mayer's )  
227 Lakeview Avenue )  
Clifton, N. J. )

ON PETITION  
ORDER

-----  
Joseph L. Mayer and William L. Mayer, Pro se.

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on March 9, 1970, Joseph L. Mayer, one of the licensees-petitioners, was fined \$50 and \$5 costs in the Clifton Municipal Court after pleading guilty to a charge of sale of alcoholic beverages to a minor on March 5, 1970, in violation of R.S. 33:1-77. The conviction resulted in the automatic

suspension of petitioners' license for the balance of its term. R.S. 33:1-31.1. Because of the dependency of this proceeding, the statutory automatic suspension has not been effectuated.

It further appears that disciplinary proceedings are presently pending before the municipal issuing authority against the licensees because of said sale of alcoholic beverages to the minor. A supplemental petition to lift the automatic suspension may be filed with me by petitioners after the disciplinary proceedings have been decided. In fairness to petitioners, I conclude that at this time the effect of the automatic suspension should be temporarily stayed. Re Stein's Cafe, Inc., Bulletin 1614, Item 7.

Accordingly, it is, on this 8th day of April 1970,

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

RICHARD C. McDONOUGH  
DIRECTOR

- 5. DISCIPLINARY PROCEEDINGS - FRONT - FALSE STATEMENTS IN APPLICATION - FAILURE TO NOTIFY OF CHANGES IN LICENSE APPLICATION - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR BALANCE OF TERM, WITH LEAVE TO LIFT ON PROOF OF CORRECTION OF UNLAWFUL SITUATION AFTER 40 DAYS.

In the Matter of Disciplinary Proceedings against

TARRANT'S LOG CABIN, INC.  
t/a Tarrant's Log Cabin  
6201 Hudson Avenue  
West New York, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-53, issued by the Board of Commissioners of the Town of West New York.

-----  
Alexander A. Abramson, Esq., Attorney for Licensee.  
Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to the following charges:

"1. In your application filed June 13, 1969, with the Board of Commissioners of the Town of West New York and upon which you obtained your current plenary retail consumption license, in answer to Question No. 21, you listed Judith Perez and Hilda D. Colina as the holders of 70% and 30% respectively of your issued and outstanding stock and while answering 'Yes' to Question No. 22 which asks: 'Has any corporation, partnership, association or individual other than the stockholders hereinbefore set forth any beneficial interest, directly or indirectly, in the stock held by the stockholders?'-----. If answer is 'Yes', state details.-----', failed to disclose in further answer to such question that said Judith Perez and Hilda D. Colina did not have any beneficial interest, directly or indirectly, in the shares of stock

listed in their names, that Guillermo Gonzalez had such an interest in that he was the real and beneficial owner of all the said stock listed in the name of Judith Perez and that Nicanor Colina had such an interest in that he was the real and beneficial owner of all of the said stock listed in the name of Hilda D. Colina; such misrepresentation, evasion and suppression of a material fact being in violation of R.S. 33:1-25.

"2. In your aforesaid application you falsely stated 'No' in answer to Question No. 30, which asks: 'Has the applicant agreed to permit any person to receive, or agreed to pay to any employee or other person, (by way of rent, salary or otherwise), all or 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 Guillermo Gonzalez and Nicanor Colina to retain all the profits and income derived from your licensed business; said false statement, misrepresentation, evasion and suppression of a material fact being in violation of R.S. 33:1-25.

"3. You failed to file with the Board of Commissioners of the Town of West New York, within ten days after the occurrence hereinafter stated, written notice of change of facts set forth in your answers to Questions Nos. 19, 20 and 21 of your aforesaid license application, such change being that on or about September 17, 1969, Judith Perez moved her residence from 361 Gorge Road, Cliffside Park, New Jersey to 1010 East Tremont Avenue, Bronx, New York; in violation of R.S. 33:1-34.

"4. From on or about January 23, 1969, until the present time, you knowingly aided and abetted Guillermo Gonzalez and Nicanor Colina to exercise, contrary to R.S. 33:1-26, the rights and privileges of your successive plenary retail consumption licenses; in violation of R.S. 33:1-52."

The facts are sufficiently set forth in the quoted charges when there is added the fact to Charges 1, 2 and 4 that Guillermo Gonzalez and Nicanor Colina are nationals of Cuba (with which country the United States has no reciprocal trade treaty) and hence are ineligible to hold a license by reason of their non-citizenship.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days, effective July 21, 1968, for sale of alcoholic beverages on a Sunday in violation of Rule 1 of State Regulation No. 38.

The license would usually be suspended on Charges 1, 2 and 4 for thirty days (Re Alfoldi Corp., Bulletin 1835, Item 11) and on Charge 3 for ten days (cf. Re Lu-Anne, Inc., Bulletin 1526, Item 15), to which would be added five days by reason of record of suspension of license for dissimilar violation within the past five years (Re Harrington & Burns, Inc., Bulletin 1882, Item 5), or a total of forty-five days, with remission of five days for the plea entered, leaving a net suspension of forty days. However, since to date there is no indication that correction of the unlawful situation has been accomplished, the license will be suspended for the balance of its term, with leave granted to the licensee or any bona fide transferee of the license to apply for lifting of the suspension whenever the unlawful situation has been corrected, but such lifting shall not be granted in any event sooner than forty days from the commencement of the suspension herein.

Accordingly, it is, on this 8th day of April 1970,

ORDERED that Plenary Retail Consumption License C-53, issued by the Board of Commissioners of the Town of West New York to Tarrant's Log Cabin, Inc., t/a Tarrant's Log Cabin, for premises 6201 Hudson Avenue, West New York, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1970, commencing at 3:00 a.m. Thursday, April 23, 1970, 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 license on or after 3:00 a.m. Tuesday, June 2, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

6. DISQUALIFICATION REMOVAL PROCEEDINGS - GAMING - SUPPLEMENTAL ORDER REMOVING DISQUALIFICATION.

In the Matter of an Application )  
to Remove Disqualification )  
because of a Conviction, Pursuant ) SUPPLEMENTAL  
to R.S. 33:1-31.2 ) ORDER

Case No. 2333

-----  
Robert Wilinski, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

Petitioner in the instant case was convicted on February 19, 1954 of gaming, a crime which my predecessor on September 25, 1969 held to involve the element of moral turpitude, and precluded the petitioner from engaging in the alcoholic beverage industry in this State until his disqualification was removed. See R.S. 33:1-25, 26.

It further appears that on March 8, 1966 petitioner was found guilty in a local magistrate's court of a sale of alcoholic beverages (beer) to a minor, 19 years old, in violation of R.S. 33:1-77, a misdemeanor and, as a result thereof, was fined \$50.00 and \$5.00 court costs. Such crime, while an indictable offense, does not involve moral turpitude. Re Elig. No. 349, Bulletin 432, Item 11; Re Elig. No. 741, Bulletin 1630, Item 7. On April 11, 1966 the license of the corporate licensee of which the petitioner was president and principal shareholder was suspended for five days by the local issuing authority as a result of the aforesaid sale.

On September 11, 1969 a hearing was held on petitioner's application to remove his disqualification, and by order dated September 25, 1969, his petition was denied by the then Director because "The statute under which relief may be afforded petitioner (R.S. 33:1-31.2) requires satisfactory proof, among other things, that petitioner has conducted himself in a law-abiding manner for at least five years last past. Since it appears that petitioner was convicted of a crime within the past five years, I cannot find that he has been law-abiding during that period. Re Case No. 1784, Bulletin 1553, Item 6. The petition must be denied."

At the aforesaid hearing petitioner (54 years old) testified that he is a widower; that he lives with two sisters

and two of his sons; that for the past 22 years he has resided at his present address; that for the past 30 years he has been associated with the alcoholic beverage industry in this State as an employee and as an officer of two corporate licensees; that he has no experience in any other industry; and that until June 23, 1969, when he appeared here in response to a letter from the Division, and was advised of his ineligibility by a member of my staff, he had no knowledge of the same.

Division records disclose that the corporate licensee in question obtained its license by transfer on April 5, 1960; that on April 21, 1969 an ABC agent, in the course of a routine inspection of the licensed premises, found Division's Form E-141-A (a list of the licensee's employees) incomplete; that on the following day the Division received the completed form which set forth that petitioner was convicted of a crime. In a statement given to a Division agent on April 30th aforesaid, petitioner set forth his conviction in 1954, and stated that in 1960 at the time the aforesaid corporate licensee applied for its license, the local issuing authority was aware of his conviction. Petitioner's convictions in 1954 and 1966 and the aforesaid five-day suspension of the corporate licensee are set forth in its 1968-1969 license application.

The instant proceedings is now before me on a supplemental petition requesting that I find that the petitioner has conducted himself in a law-abiding manner for at least five years last past, notwithstanding the 1966 conviction, and that I enter an order lifting his disqualification.

In the past, it has been a Division practice to deny relief to petitioners convicted of a crime involving moral turpitude if they also have been convicted of an indictable offense within the past five years, regardless of the nature or background facts of such conviction, on the basis that such conviction itself was proof that the petitioner has not conducted himself in a law-abiding manner for five years last past and by reason thereof did not meet the requirements of the statute (R.S. 33:1-31.2). See Re Case No. 1784, supra, Re Case No. 1153, Bulletin 1022, Item 6; Re Case No. 801, Bulletin 874, Item 2. Convictions of lesser offenses, such as disorderly persons and municipal ordinance violations, have not been so treated. Re Case No. 2163, Bulletin ---, Item ---; Re Case No. 1716, Bulletin 1481, Item 7; Re Case No. 2332, Bulletin ---, Item ---. In my opinion such automatic denials of relief work an unjust hardship on petitioners. The background facts in each of such convictions should be examined in determining whether the petitioner has failed to conduct himself in a law-abiding manner within such period by reason of such conviction.

With respect to the aforesaid offense involving a sale to a minor, petitioner testified that the minor was a married man and the father of a child; that the minor had identified himself as an adult by displaying the driver's license of another; that on the night in question the municipal Director of Public Safety was making a tour of the licensed premises in the municipality; that about 30 minutes before visiting petitioner's premises, the said Director had observed the minor in possession of aforesaid driver's license in another licensed premises; inspected the same and took no action with respect thereto.

Petitioner further testified that at the time of the aforesaid sale to the minor an off-duty police officer was at his licensed premises; that the aforementioned Director handed

the driver's license to the police officer for inspection, and that the officer recognized the name on the driver's license as that of an individual whom he knew.

Three character witnesses (a police officer, an electronics inspector, and a contract administrator, both employed by an international corporation) testified that they have known petitioner for more than five years last past and that, in their opinion, petitioner is now an honest, law-abiding person with a good reputation.

The Police Department of the municipality wherein the petitioner resides reports that there are no complaints or investigations presently pending against petitioner.

Based on the record before me, I find that there were mitigating circumstances surrounding the aforesaid sale to the minor, particularly the misrepresentation of age by the minor and the apparent good faith of the petitioner. Further, it is questionable whether a sale of an alcoholic beverage to a minor 19 or 20 years of age should continue to constitute an indictable misdemeanor, rather than a non-indictable disorderly persons offense. Under the circumstances, I find that the petitioner has conducted himself in a law-abiding manner within the past five years, notwithstanding such offense, and that his association with the alcoholic beverage industry will not be contrary to the public interest.

I shall therefore grant the requested relief.

Accordingly, it is, on this 9th day of April, 1970

ORDERED that petitioner's statutory disqualification because of the conviction described herein be and the same is hereby removed, in accordance with the provisions of R.S. 33:1-31.2.

RICHARD C. McDONOUGH  
DIRECTOR

7. DISQUALIFICATION REMOVAL PROCEEDINGS - BREAKING AND ENTERING - HIGHWAY ROBBERY - CARRYING A CONCEALED WEAPON - ORDER REMOVING DISQUALIFICATION.

In the Matter of an Application )  
to Remove Disqualification )  
because of a Conviction, Pursuant )  
to R.S. 33:1-31.2 )

CONCLUSIONS  
AND ORDER

Case No. 2364  
-----

BY THE DIRECTOR:

Petitioner's criminal record discloses that in 1929 he was convicted of breaking and entering in West New York, as a result thereof was sentenced to six months in the Hudson County Penitentiary; in 1930 he was convicted of highway robbery, as a result thereof was sentenced to five years probation; on December 12, 1930 he was convicted of carrying a gun in New York City, as a result thereof was sentenced to the New York City County Penitentiary for an indeterminate period; in 1935 he was

convicted of burglary in Bergen County Court, as a result thereof was sentenced to three hundred and sixty days; he escaped from prison and as a result thereof he was sentenced to two and one-half to three years in State Prison, from which he was released in 1938.

Since the crimes of which petitioner was convicted, per se, involve the element of moral turpitude (Re Case No. 1808, Bulletin 1559, Item 6) he was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this State.  
R. S. 33:1-25, 26.

At the hearing held herein, petitioner (62 years old) testified that he is married, supports his wife and children; that he has resided in the same municipality for twenty-eight years, that he is presently employed as a bus driver for twenty years.

Petitioner further testified that he is asking for the removal of his disqualification to be free to engage in the alcoholic beverage industry in this State, that ever since his conviction in 1935 he has not been convicted of any crime.

The Police Department of the municipality wherein he resides reports that there are no complaints or investigations presently pending against the petitioner.

Petitioner produced three character witnesses (a waitress and two housewives) who testified that they have known petitioner for more than five years last past and that in their opinion he is now an honest law-abiding person with a good reputation.

Considering all of the facts and circumstances, I am satisfied that petitioner has conducted himself in a law-abiding manner for five years last past, and that his association with the alcoholic beverage industry in this State will not be contrary to the public interest.

Accordingly, it is, on this 6th day of April, 1970

ORDERED that petitioner's statutory disqualification, because of his convictions described herein, be and the same is hereby removed in accordance with the provisions of  
R. S. 33:1-31.2.

RICHARD C. McDONOUGH  
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Joseph Rivelli )  
611 Summit Avenue )  
Union City, N. J. )

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption License C-16, issued by the Board of Commissioners of the City of Union City. )  
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Licensee, Pro se.  
Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads guilty to charge alleging that, on March 12, 1970, he sold beer and mixed drinks of alcoholic beverages to five minors, one age 18, three age 19 and one age 20, in violation of Rule 1 of State Regulation No. 20.

Licensee has a prior record of suspension of license by the Director for twenty days, effective May 3, 1966, for permitting a female entertainer to accept drinks at the expense of male patrons. Re Rivelli, Bulletin 1677, Item 4.

The license will be suspended for twenty-five days (Re The Garden House, Inc., Bulletin 1665, Item 7), to which will be added five days by reason of record of suspension of license for dissimilar violation within the past five years (Re Harrington & Burns, Inc., Bulletin 1882, Item 5), or a total of thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days,

Accordingly, it is, on this 8th day of April 1970,

ORDERED that Plenary Retail Consumption License C-16, issued by the Board of Commissioners of the City of Union City to Joseph Rivelli, for premises 611 Summit Avenue, Union City, be and the same is hereby suspended for twenty-five (25) days, commencing at 3:00 a.m. Thursday, April 23, 1970, and terminating at 3:00 a.m. Monday, May 18, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )  
 )  
 Elsie Claus )  
 t/a Claus Inn )  
 Waterloo Road at Saxton Falls )  
 Allamuchy Township )  
 PO Stanhope RD #1, N. J. )  
 )  
 Holder of Plenary Retail Consumption License C-2, issued by the Township Committee of the Township of Allamuchy. )  
 )

CONCLUSIONS AND ORDER

Francis J. Schindelar, Esq., Attorney for Licensee  
Walter H. Cleaver, Esq., Appearing for Divison.

BY THE DIRECTOR:

Licensee pleads non vult to charge alleging that, on December 5, 1969, she sold a case of beer to a minor, age 17, 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 ten days, commencing March 27, 1964, for sale of alcoholic beverages during prohibited hours in violation of Rule 1 of State Regulation No. 38.

The previous record of suspension of license 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 Schmidt, Bulletin 1864, Item 8.

Accordingly, it is, on this 7th day of April 1970,

ORDERED that Plenary Retail Consumption License C-2, issued by the Township Committee of the Township of Allamuchy to Elsie Claus, t/a Claus Inn, for premises Waterloo Road at Saxton Falls, Allamuchy Township, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Wednesday, April 22, 1970, and terminating at 2:00 a.m. Thursday, May 7, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

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

In the Matter of Disciplinary )  
 Proceedings against )  
 Hall-Will, Inc. )  
 t/a The Harris Bar )  
 32-34 William Street )  
 Newark, N. J. )

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption )  
 License C-536, issued by the Municipal )  
 Board of Alcoholic Beverage Control of )  
 the City of Newark. )  
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John C. Love, Esq., Attorney for Licensee  
 Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charge alleging that, on May 5, 1969 and February 10, 1970, and on divers days between those dates, it employed as a bartender Tommy Lee Colbert, 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 Sajdik, Bulletin 1817, Item 7.

Accordingly, it is, on this 8th day of April 1970,

ORDERED that Plenary Retail Consumption License C-536, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Hall-Will, Inc., t/a The Harris Bar, for premises 32-34 William Street, Newark, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Thursday, April 23, 1970, and terminating at 2:00 a.m. Friday, May 8, 1970.

RICHARD C. McDONOUGH  
 DIRECTOR

11. 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 )  
 )  
 Santiago, Inc. )  
 t/a Dodger Bar )  
 83 Breunig Ave. )  
 Trenton, N. J. )  
 )  
 Holder of Plenary Retail Consumption )  
 License C-157, issued by the City )  
 Council of the City of Trenton. )  
 ----- )

CONCLUSIONS  
and  
ORDER

Licensee, by Jose E. Santiago, President, Pro se.  
Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to charge alleging that, on Sunday, March 1, 1970, it permitted the removal from its licensed premises of an opened pint bottle of gin, 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 The Chestnut (a corporation), Bulletin 1836, Item 4.

Accordingly, it is, on this 8th day of April 1970,

ORDERED that Plenary Retail Consumption License C-157, issued by the City Council of the City of Trenton to Santiago, Inc., t/a Dodger Bar, for premises 83 Breunig Ave., Trenton, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m., Monday, April 27, 1970, and terminating at 2:00 a.m., Thursday, May 7, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

12. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against J. Trombetta, Inc. t/a Michael's Pleasant Inn 632-634 Ocean Road Point Pleasant, N. J., Holder of Plenary Retail Consumption License C-2, issued by the Mayor and Council of the Borough of Point Pleasant.

CONCLUSIONS and ORDER

Rogers, Sim, Sinn, Gunning & Serpentelli, Esqs., by Thomas J. Gunning, Esq., Attorneys for Licensee Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 30, 1970 it possessed alcoholic beverages in seven 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 thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days. Re B.S. & R.C. Corporation, Bulletin 1863, Item 6.

Accordingly, it is, on this 16th day of April 1970,

ORDERED that Plenary Retail Consumption License C-2, issued by the Mayor and Council of the Borough of Point Pleasant to J. Trombetta, Inc., t/a Michael's Pleasant Inn, for premises 632-634 Ocean Road, Point Pleasant, be and the same is hereby suspended for twenty-five (25) days, commencing at 2 a.m. Monday, May 4, 1970, and terminating at 2 a.m. Friday, May 29, 1970.

RICHARD C. McDONOUGH DIRECTOR

13. STATE LICENSES - NEW APPLICATIONS FILED.

Frank G. Mauro, Jr. and Elise T. Mauro t/a North Hudson Beverage & Distributing Company 132-134 - 68th Street, Guttenburg, N. J. Application filed May 20, 1970 for person-to-person transfer of State Beverage Distributor's License SBD-102 from Frank G. Mauro, Sr., Rose Marie Mauro and Frank G. Mauro, Jr.

E. L. Kerns Co., 302-304 North Broad Street, Trenton, N. J. Application filed May 25, 1970 for person-to-person and place-to-place transfer of State Beverage Distributor's License SBD-13 from Vigor Beverages Co., Inc., 174-178 Sanford Ave. Kearny, N. J.

Raymond Baurkot, 405 Thomas Street, Phillipsburg, N. J. Application filed May 26, 1970 for place-to-place transfer of Plenary Wholesale License W-74 from 815-817 So. Main St., Phillipsburg, N. J.

Richard C. McDonough (handwritten signature)

Richard C. McDonough Director