

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

BULLETIN 1613

May 11, 1965

TABLE OF CONTENTSITEM

1. APPELLATE DECISIONS - JACKSON ENTERPRISES, INC. v. PATERSON
2. OBJECTIONS TO TRANSFER OF MUNICIPAL LICENSE BY THE DIRECTOR HELD TO BE WITHOUT MERIT.
3. DISCIPLINARY PROCEEDINGS (Camden) - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.
4. DISCIPLINARY PROCEEDINGS (Leonia) - SALE TO ANOTHER RETAILER - SALE BELOW FILED PRICE - AIDING AND ABETTING UNLAWFUL TRANSPORTATION - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Fredon Twp.) - SALE TO A MINOR - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Elizabeth) - SALE DURING PROHIBITED HOURS, HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
7. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION
8. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION
9. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Hillside) - SALE BELOW FILED PRICE - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (Montvale) - POSSESSION OF PINBALL MACHINE - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

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1. APPELLATE DECISIONS - JACKSON ENTERPRISES, INC. v. PATERSON

JACKSON ENTERPRISES, INC.,)
t/a Jackson's Liquors,)
)
Appellant,) ON APPEAL
) CONCLUSIONS
v.) AND ORDER
)
BOARD OF ALCOHOLIC BEVERAGE)
CONTROL FOR THE CITY OF PATERSON,))
Respondent.))

-----)
Herman W. Steinberg, Esq., Attorney for Appellant.
Theodore D. Rosenberg, Esq., by William J. Rosenberg, Esq.,
Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This is an appeal from the action of respondent in adjudging appellant guilty of hindering and delaying an investigation, in violation of R.S. 33:1-35. Appellant's premises are located at 220 Graham Avenue, Paterson.

By order of respondent dated December 17, 1964, appellant's Plenary Retail Distribution License D-70 was suspended for ten days effective January 4, 1965. Upon filing of the appeal, the Director entered an order dated January 4, 1965, staying the suspension until further order herein. R.S. 33:1-31.

Appellant contends in its petition of appeal that the evidence presented at the hearing before respondent was insufficient to substantiate a finding of guilty on the charge preferred and prays that respondent's action be reversed.

In an answer filed, respondent contends that based on all of the evidence before it, the determination was fair and reasonable.

The appeal was heard de novo, pursuant to Rule 6 of State Regulation No. 15. The stenographic transcript of the hearing below was submitted in accordance with Rule 8 of State Regulation No. 15 and was supplemented at the hearing by the testimony of Joseph Jackson.

Officer Andrew Snover testified that at about 7:45 p.m. on December 5, 1964, as he was "issuing a summons to a car parked...in a prohibited area" which was obstructing traffic, a man (subsequently identified as Joseph Jackson) came out of a liquor store and directed an indecent remark to him; that he stopped writing the summons and followed Jackson into the liquor store where he found him "behind the counter"; that when he requested Jackson to repeat what he had said outside, Jackson stated, "All you cops is good for is giving out tickets"; that there were "a lot of people in the store" as Officer Baumann came in;

that after some conversation with Jackson, the latter inquired if he (Snover) wanted anything and, when he told him that he did not, Jackson said to get out. He then asked Jackson for the liquor license and was told that he did not have any. Another man in the store made a threat coupled with indecent language, as a result of which Snover and his fellow-officer chased the man out of the premises and apprehended him on the street some distance away.

About forty-five minutes thereafter, Snover returned to the licensed liquor establishment accompanied by Officer Baumann, Sergeant Klikier and two other police officers. Upon entering the premises, Sergeant Klikier asked for the liquor license and Jackson said, "Up there on the wall." Sergeant Klikier then requested Jackson to take down the license and show it to him. To this Jackson said, "They are behind you on the wall." In response thereto, Sergeant Klikier said, "If you don't bring down your liquor license you're going to be written up." Jackson, in answer thereto, told the sergeant to "Go ahead and write me up." The sergeant then directed Officer Baumann to obtain the desired information from the liquor license on the wall. Snover and his fellow-officers remained on this visit for a period of approximately ten minutes.

On cross examination, Officer Snover, when asked whether the license was readily accessible, stated, "Well, yes. You could see them" and other than a chair there was nothing to obstruct the view of anyone looking at the license hanging on the wall.

Officer Edward Baumann substantially corroborated the testimony of Officer Snover concerning what took place on appellant's premises on the two visits in question. However, he estimated that on the second occasion, he remained in the premises for "approximately half an hour." Moreover, Officer Baumann testified that Jackson did nothing in a physical sense to prevent an investigation of the licensed premises.

Sergeant John Klikier testified that at "about 8:30" he and four other police officers, including Officers Baumann and Snover, entered appellant's licensed premises; that after Jackson identified himself as the owner of the liquor establishment, he advised him that he desired to see the liquor license; that in response thereto, Jackson stated, "It's up there on the wall" and when he directed him to take it down, Jackson told him, "It's up there if you want to see it"; that "I asked him three times, and all the time I am asking him he is just pushing me off. He is walking back and forth behind the counter"; that "He refused me, That's the account of my being there. I was in there only about ten minutes."

On cross examination Sergeant Klikier testified that he told Jackson, "I want to see your license, consumption license. I said 'consumption license'." In answer to a question whether he remembered exactly what he said, Klikier testified, "Not verbatim, no. Words to that effect."

During further cross examination of the sergeant he was asked if it was not quite possible that he asked Jackson for his license, to which he responded, "That was the first time when the officer asked him"; that after asking Jackson to remove the liquor license from the wall and he failed to do so, he then advised Jackson, "If you don't take it down I'm going to write you up on the A.B.C." Jackson said, "Go ahead and write me up."

Joseph Jackson (a stockholder in appellant corporation) testified that on the night of December 5, 1964, he had some conversation with Officer Snover when the latter was making out a summons to be placed on his car for an alleged parking violation; that he did not make a vulgar remark to the officer; that when Officer Snover came into the premises and asked him for his license, he told him that he did not have the license; that it was his

impression that the officer was referring to his driver's license which at the time was in his car. Jackson further testified that some time after Officer Snover and Officer Baumann (who had also entered the store) left, they both returned accompanied by Sergeant Klikier and several other officers; that the sergeant first asked him for his license and, when he told him he did not have it, the sergeant inquired whether or not he (Jackson) was the owner of the liquor store and, when he said that he was, Sergeant Klikier said, "Where is your liquor license." Jackson testified that he "told him they were on the wall in back of him"; that the sergeant then asked him to remove it and, when Jackson said that the license was "right in back of you. You can see, nothing obstructing, nothing blocking them right in back of you", the sergeant said, "Write him up as a disorderly person."

Charles Burgess, employed by appellant, testified concerning the incidents which had occurred on the two occasions when the officers were at the licensed premises. His testimony substantially corroborated that of Jackson.

All of the witnesses who testified were in agreement that there were a number of customers in appellant's establishment on each occasion when the police were there. Jackson produced a sketch which he had prepared showing the part of the licensed premises where the officers, customers, Burgess and himself were at the time in question. Although the sketch was not drawn to scale, the testimony of Jackson was that the part of the store wherein the incidents occurred is from five to five and one-half feet in width; that as one enters the front door, to the left is a counter running the length of the store. Thus it is apparent that congestion would result if a number of persons are in the store.

It is understandable that under the circumstances existing on the evening in question, in contrast to incidents which may have occurred under normal conditions, there would be a tendency for persons directly involved to be somewhat confused. Officer Snover stated that when he entered the licensed premises, he was interested in the liquor license, although the matter then under consideration concerned an alleged parking violation. There is no evidence that a violation of the Alcoholic Beverage Law or regulations was in any way involved. The entrance of the officers into the licensed premises arose by virtue of a remark allegedly made by Jackson, who admitted that he made a remark criticizing police officers but denied that he used indecent language. Jackson contended that he was under the impression that Officer Snover wanted to examine his driver's license, which he claimed was in his car at the time.

At the conclusion of the hearing before respondent, "a brief recess" was taken and upon the return of the members of respondent Board, Commissioner Cheevers (chairman) made the following announcement:

"Based upon the testimony presented we feel that the statements presented by the Paterson police officers are believable. We believe they were telling the truth as far as what happened in the liquor store.

"We feel it is incumbent upon the licensee at all times to cooperate with the police officers when they come in and ask for a license. If the license is permanently affixed to the wall and clear for anyone to see, he could have called it to the attention of the officers and he could have brought the officers over to the wall and have pointed it out to them.

"Further, based upon the statements, we find the defendant guilty of the charges preferred.

"We are going to impose a closing penalty of ten days effective January the 4th."

I agree in principle with the remarks made by Chairman Cheevers. It is necessary that there should be cooperation between liquor licensees and police officers when they are engaged in an inspection of licensed premises. However, in the matter now under consideration, the inspection of appellant's premises was not the result of an alleged violation of the liquor laws but an outgrowth of an alleged parking violation occurring on the public street. There is no dispute that the license certificate was conspicuously displayed on the licensed premises in such plain view as to be easily read by all persons visiting such premises. Rule 16 of State Regulation No. 20. It would have been better if Jackson had taken the certificate from the wall as requested, and thus have avoided the resulting disciplinary proceedings and the needless anxiety and expense resulting therefrom. After careful examination of all the facts and circumstances in this matter, I am satisfied that there is insufficient evidence herein to support the charge that appellant was guilty of hindering an investigation within the meaning of R.S. 33:1-35.

Therefore, I recommend that an order be entered herein reversing the action of respondent.

Conclusions and Order

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

Having carefully examined the transcript of the proceedings before respondent Board and the transcript of the appeal proceedings herein, I concur in the findings and conclusions of the Hearer and adopt his recommendation.

Accordingly, it is, on this 25th day of March, 1965,

ORDERED that the action of respondent be and the same is hereby reversed.

JOSEPH P. LORDI
DIRECTOR

2. OBJECTIONS TO TRANSFER OF MUNICIPAL LICENSE BY THE DIRECTOR HELD TO BE WITHOUT MERIT.

In the Matter of Objections to the)
Transfer of Plenary Retail Consumption)
License C-1012 from)

The Nassau Club of Princeton,)
New Jersey)
6 Mercer Street)
Princeton, N. J.)

to)

Timothy J. Sheehan, Jr.)
190 Nassau Street)
Princeton, N. J.)

CONCLUSIONS

-----)
Samuel F. Penza, Esq., Attorney for the Applicant.
Bruce H. French, Esq., Attorney for the Nassau Club of Princeton
Objectors, Pro se.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This is an application filed by Timothy J. Sheehan, Jr. for a person-to-person and place-to-place transfer of a 1964-65 plenary retail consumption license from The Nassau Club of Princeton, New Jersey to Timothy J. Sheehan, Jr. and from premises 6 Mercer Street to premises to be constructed at 190 Nassau Street in the Borough of Princeton. The application was filed with the Director who had issued the said license to the said Nassau Club of Princeton, New Jersey because members thereof are also members of the local issuing authority. R.S. 33:1-20.

The Borough Council, after hearing the matter of the application for transfer in question, on December 29, 1964 adopted a resolution which provides as follows:

"WHEREAS, Timothy Sheehan of Princeton, New Jersey has informed this body that he intends to apply to the Director of Alcoholic Beverage Control of the State of New Jersey for the transfer to him of the Plenary Retail Consumption license heretofore issued to the Nassau Club of Princeton, New Jersey, and has filed with this body a copy of the application which he intends to present to the Director, and

"WHEREAS, said application is being made to the Director because of the fact that this body is unable to pass upon the same as issuing authority, due to the fact that the Mayor and Members of Council are interested indirectly in said application, and

"WHEREAS, the Department of Alcoholic Beverage Control, before issuing such license, requires a resolution setting forth that this body has no objection to the issuance thereof and consents thereto;

"NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Princeton has no objection and

consents to the Transfer of the Plenary Retail Consumption license formerly issued to the Nassau Club to Timothy Sheehan for premises to be constructed at 190 Nassau Street, Princeton, New Jersey for the remainder of the 1964-65 licensing period; that this body is not aware of any circumstances or provisions of law or local ordinances which would prohibit the transfer of the license and recommends to the Director of Alcoholic Beverage Control that such transfer be granted."

Divers written objections to the transfer of the license were received at this Division. Each objector was forthwith notified of the time, date and place of the hearing on the transfer in question and advised that he could appear and be heard in the matter.

Pursuant to an announcement by me on the date of the hearing that any person present might be heard, three persons present availed themselves of the opportunity to testify in objection thereto.

Charles McVicker testified that he resides about "a mile and a half away" from the proposed location; that he is a member of the Church of Christ Scientist which has a reading room at 178 Nassau Street used for quiet study and thought and also used as a sales room for the sale of Bibles and other Christian Science literature. Due to the location of a "public elementary school across the street, a Methodist Church at one end of the block and a Roman Catholic Church and parochial school at the other end of the block, and our reading room in the middle of the block...we feel that perhaps this is not a proper location for a bar."

Len Fryling testified that he is affiliated with the First Methodist Church and he estimated the distance between the said church and the proposed licensed premises to be approximately three hundred feet; that the creed of the said religious institution "calls us to abstain from the use of alcoholic beverages"; that "within close proximity, by a loose definition of the word block, there exists two schools, one public, one parochial, two libraries"; that a traffic and parking problem would arise regardless of the availability of off-street parking facilities; but voluntarily conceded that "the addition of another outlet of a different type of business, if it draws any business, it will also draw traffic." Moreover, Mr. Fryling testified that under age students of Princeton University might be attracted to the liquor establishment.

On cross examination, Mr. Fryling testified that he is aware that the library he mentioned has blueprints already prepared for construction of a new building at another location. He also testified that he is aware of plans for removing the elementary school but that the time thereof he believes to be uncertain.

Ruth L. Woodward, residing "about a mile and a half to two miles" from the proposed premises, testified that she is a member of the Methodist Church and that she objects to the transfer of the license because, in addition to the parking on Nassau Street, there will be a traffic problem on Park Place, a narrow street one block in length to the rear of the parking lot which has its exit on Park Place. Furthermore, the parking lot is used "by teenagers" patronizing the movies, and the area is a "family shopping area."

There is considerable decisional authority to support the principle that much weight should be given to the municipal governing body's resolution of consent. Re Falbo, Bulletin 1357, Item 2; cf. Re The Columbian Association of Livingston, Bulletin 1221, Item 7. Such consent was given herein after full consideration of the objections made before the Mayor and Council.

I have carefully examined the objections voiced by those who appeared at the within hearing and testified in the matter and also the written objections received. However, the general objections advanced are not sufficient to disapprove the transfer of the license in question. I was impressed with the fact that the local issuing authority, in its official resolution, took affirmative action regarding the application for transfer and that it consented to the transfer of the license. The applicant and the Mayor and Council had discussed the parking situation which could arise in the area and, in order to alleviate congestion because of the delivery of merchandise to the licensed premises, the applicant agreed exclusively to use the rear door of the premises for such purpose. Some of the objectors expressed apprehension that minors might patronize the liquor establishment and thus create a problem in the community. However, this is merely conjecture on their part. If a licensee violates the Alcoholic Beverage Law or the rules and regulations promulgated by the Director, the license will be subject to suspension or revocation.

After careful consideration of all of the evidence adduced herein, it is recommended that the application for the person-to-person and place-to-place transfer of the plenary retail consumption license in question be approved and, if all necessary prerequisites and conditions precedent are met, that the transfer of license be granted.

Conclusions and Order

No written exceptions to the Hearer's Report were filed with me by the objectors.

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

I shall grant the person-to-person and place-to-place transfer in accordance with the application filed herein; provided, however, that there is compliance with all necessary prerequisites and conditions precedent.

JOSEPH P. LORDI,
DIRECTOR.

Dated: March 25, 1965

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

In the Matter of Disciplinary Proceedings against)

Ada Bond)
t/a Bond's Bar)
538 Kaighn Avenue)
Camden, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-126, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden)
-----)

Joseph Wm. Cowgill, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on February 2, 3, 4, 5, 6, 10 and 11, 1965, she permitted the 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 Prato & Gangemi, Inc., Bulletin 1601, Item 3.

Accordingly, it is, on this 25th day of March, 1965,

ORDERED that Plenary Retail Consumption License C-126, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Ada Bond, t/a Bond's Bar, for premises 538 Kaighn Avenue, Camden, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. Thursday, April 1, 1965, and terminating at 2:00 a.m. Wednesday, May 26, 1965.

JOSEPH P. LORDI
DIRECTOR

- 4. DISCIPLINARY PROCEEDINGS - SALE TO ANOTHER RETAILER - SALE BELOW FILED PRICE - AIDING AND ABETTING UNLAWFUL TRANSPORTATION - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 Helmer Bros., Inc.
 331 Broad Avenue
 Leonia, New Jersey
 Holder of Plenary Retail Distribution License D-6, issued by the Borough Council of the Borough of Leonia

CONCLUSIONS AND ORDER

Lucchi & Conway, Esqs., by Donald R. Conway, Esq., Attorneys for Licensee.

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

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that between July 1, and July 30, 1964, it (1) sold alcoholic beverages to another retailer, in violation of Rule 15 of State Regulation No. 20, (2) below filed price, in violation of Rule 5 of State Regulation No. 30, and (3) aided and abetted their unlawful transportation from the licensed premises contrary to R.S. 33:1-2, in violation of R.S. 33:1-52, and (4) on August 27, 1964, hindered investigation (by attempted suppression of evidence), in violation of R.S. 33:1-35.

Absent prior record, the license will be suspended on the first charge for fifteen days (Re Meyer, Bulletin 1477, Item 3), on the second charge for ten days (Re Kurtzman, Bulletin 1604, Item 5), on the third charge for ten days (Re Hampshire Bar, Inc., Bulletin 1541, Item 3) and on the fourth charge for ten days (cf. Re Newman & Gitter, Bulletin 1575, Item 3), or a total of forty-five days, with remission of five days for the plea entered, leaving a net suspension of forty days.

Accordingly, it is, on this 23d day of March, 1965,

ORDERED that Plenary Retail Distribution License D-6, issued by the Borough Council of the Borough of Leonia to Helmer Bros., Inc. for premises 331 Broad Avenue, Leonia, be and the same is hereby suspended for forty (40) days, commencing at 9:00 a.m. Thursday, March 25, 1965, and terminating at 9:00 a.m. Tuesday, May 4, 1965.

JOSEPH P. LORDI
 DIRECTOR

5. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Renato & Gino Luchetti t/a Luchetti's Tavern N/s Swartswood Road Fredon Twp., PO RFD #4, Newton, N. J.,)

CONCLUSIONS and ORDER

Holders of Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Fredon.)

Licensees, by Renato Luchetti, Pro se Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Charges were preferred against the licensees alleging that on November 4, 1964 they (1) sold a quart bottle of wine and two six-packs of beer to two minors, ages 19 and 20, in violation of Rule 1 of State Regulation No. 20, and (2) for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

At the hearing herein, the attorney for the Division moved for nolle pros of so much of the first charge as alleged sale to the 20-year-old minor and also the second charge because of deficiency of proof then appearing. Licensees thereupon pleaded non vult to so much of the first charge as alleged sale to the 19-year-old minor.

Good cause appearing, I shall grant the motion for nolle pros and accept the plea as offered.

Licensees have a previous record of suspension of license by the municipal issuing authority for seven days effective July 22, 1962, for sale to minors.

The prior record 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. Re Eisenhower's Musical Bar, Inc., Bulletin 1458, Item 4.

Accordingly, it is, on this 25th day of March 1965,

ORDERED that Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Fredon to Renato & Gino Luchetti, t/a Luchetti's Tavern, for premises N/s Swartswood Road, Fredon Township, be and the same is hereby suspended for twenty (20) days, commencing at 7 a.m. Thursday, April 1, 1965, and terminating at 7 a.m. Wednesday, April 21, 1965.

JOSEPH P. LORDI,
DIRECTOR.

6. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS, HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Joseph Tranchita & Ignazio Tranchita)
t/a New Roma Bar & Grill)
40 Spencer Street)
Elizabeth, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-176, issued by the City Council of the City of Elizabeth.)

Licensees, by Joseph Tranchita, Pro se
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to charges alleging that on March 6, 1965 they (1) and (2) permitted consumption of alcoholic beverages on the licensed premises during hours prohibited by local regulation, and (3) hindered investigation (by destruction of evidence), in violation of R.S. 33:1-35.

Absent prior record, the license will be suspended on the first and second charges for fifteen days (Re City Hall Bar & Grill, Bulletin 1590, Item 11) and on the third charge for ten days (Re Newman & Gitter, Bulletin 1575, Item 3), or a total of twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days.

Accordingly, it is, on this 23rd day of March 1965,

Ordered that Plenary Retail Consumption License C-176, issued by the City Council of the City of Elizabeth to Joseph Tranchita & Ignazio Tranchita, t/a New Roma Bar & Grill, for premises 40 Spencer Street, Elizabeth, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Tuesday, March 30, 1965, and terminating at 2 a.m. Monday, April 19, 1965.

JOSEPH P. LORDI,
DIRECTOR.

7. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #258)
 In the Matter of a Petition to Lift)
 the Automatic Suspension of Plenary)
 Retail Consumption License C-38,)
 issued by the City Council of the)
 City of Hackensack to)
)
 Tom's Cafe & Tavern, Inc.)
 79-81 Main Street)
 Hackensack, N. J.)

On Petition

SUPPLEMENTAL ORDER

-----)

Seymour Chase, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

On March 3, 1965, an order was entered temporarily staying statutory automatic suspension of license of petitioner pending determination of disciplinary proceedings against the licensee and pending determination of appeal from criminal conviction of Vahit Cika, vice-president and treasurer of the licensee-petitioner, to the Bergen County Court.

It now appears from supplemental petition filed herein that in disciplinary proceedings conducted by the municipal issuing authority, the license was suspended for ten days, effective 2:00 a. m. March 16, 1965, on a charge alleging sale of alcoholic beverages to the same minor, which sale was the subject of the previous criminal conviction. It further appears that the contemplated appeal from conviction of Cika has been abandoned. Hence, I shall lift the automatic suspension in anticipation of the service of the currently effective municipal suspension. Re Semon Wine & Liquor Co., Inc., Bulletin 1563, Item 7.

Accordingly, it is, on this 23d day of March, 1965,

ORDERED that the statutory automatic suspension of said license C-38 be and the same is hereby lifted, effective 2:00 a.m. Friday, March 26, 1965.

JOSEPH P. LORDI
 DIRECTOR

8. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #261)
 In the Matter of a Petition to Lift)
 the Automatic Suspension of Plenary)
 Retail Consumption License C-196,)
 issued by the Board of Commissioners))
 of the City of Union City to)
)
 Calicchio's, Inc.)
 615 Central Avenue)
 Union City, N. J.)
 -----)

On Petition

O R D E R

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on January 13, 1965, Nicholas Calicchio and Marjorie Calicchio, respectively president-treasurer and secretary of the licensee-petitioner, were each fined \$50 in the Union City Municipal Court after pleading guilty to a charge of sale of alcoholic beverages to a minor on December 20, 1964, in violation of R.S. 33:1-77. The convictions resulted in the automatic suspension of the license for the balance of its term. R.S. 33:1-31.1. The suspension has not been effectuated because of the pendency of this proceeding.

It further appears that the municipal issuing authority has suspended the license for ten days effective at 3:00 a. m. on April 12, 1965, after the licensee's confessional plea to a charge in disciplinary proceedings alleging the same sale to the minors. Hence, I shall temporarily stay the automatic suspension pending commencement of the municipal suspension and shall lift the automatic suspension effective at the termination of the municipal suspension. Cf. Re Kassner, Bulletin 1596, Item 5.

Accordingly, it is, on this 24th day of March, 1965,

ORDERED that the statutory automatic suspension of said license C-196 be and the same is hereby stayed effective immediately and is hereby lifted effective at 3:00 a. m. Thursday, April 22, 1965.

JOSEPH P. LORDI
 DIRECTOR

9. 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 William Wroczynski & Beatrice Wroczynski, t/a Bill's Bar 323 Johnston Ave. Jersey City, N. J.

Holder of Plenary Retail Consumption License C-187, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City

Licenses, by William Wroczynski, Pro se. Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licenses plead guilty to a charge alleging that on Sunday, March 7, 1965, they sold a 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 Lounge 68, Bulletin 1602, Item 10.

Accordingly, it is, on this 22d day of March, 1965,

ORDERED that Plenary Retail Consumption License C-187, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to William Wroczynski and Beatrice Wroczynski, t/a Bill's Bar, for premises 323 Johnston Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a. m. Monday, March 29, 1965, and terminating at 2:00 a. m. Thursday, April 8, 1965.

JOSEPH P. LORDI DIRECTOR

CONCLUSIONS AND ORDER

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

In the Matter of Disciplinary Proceedings against:)
 Szarko's Liquor Store, Inc.)
 1317 Liberty Avenue)
 Hillside, N. J.)
 Holder of Plenary Retail Distribution License D-3, issued by the Municipal Board of Alcoholic Beverage Control of the Township of Hillside)

CONCLUSIONS AND ORDER

 Licensee, by John Szarko, Secretary, Pro se.
 Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on February 6, 1965, it sold a case of twelve quart bottles of whiskey below filed price, in violation of Rule 5 of State Regulation No. 30.

Although the licensee has no previous record of suspension of license, the license then held by Mike Szarko, 50% stockholder of the licensee-corporation, in partnership with Emil Sawczuk for premises 158 Ferry Street, Newark, was suspended by the Commissioner for ten days effective November 20, 1939, for sale below minimum price. Re Sawczuk and Szarko, Bulletin 289, Item 3; Bulletin 362, Item 1.

The prior record of suspension for similar violation occurring more than ten years ago disregarded, the license will be suspended for ten days, with remission of five days for the plea entered leaving a net suspension of five days. Re Kurtzman, Bulletin 1604, Item 5.

Accordingly, it is, on this 22d day of March, 1965,

ORDERED that Plenary Retail Distribution License D-3, issued by the Municipal Board of Alcoholic Beverage Control of the Township of Hillside to Szarko's Liquor Store, Inc. for premises 1317 Liberty Avenue, Hillside, be and the same is hereby suspended for five (5) days, commencing at 9:00 a. m. Monday, March 29, 1965, and terminating at 9:00 a. m. Saturday, April 3, 1965.

JOSEPH P. LORDI
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - POSSESSION OF PINBALL MACHINE - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 Montvale Recreation, Inc.
 14 West Grand Avenue
 Montvale, N. J.
 Holder of Plenary Retail Consumption License C-4, issued by the Mayor and Council of the Borough of Montvale

CONCLUSIONS AND ORDER

 Licensee, by John Tomasini, Secretary-Treasurer, Pro se.
 Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on February 9 and 20, 1965, it permitted a pinball machine on its licensed premises, in violation of Rule 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Groon, Bulletin 1589, Item 11.

Accordingly, it is, on this 22d day of March, 1965,

ORDERED that Plenary Retail Consumption License C-4, issued by the Mayor and Council of the Borough of Montvale to Montvale Recreation, Inc. for premises 14 West Grand Avenue, Montvale, be and the same is hereby suspended for five (5) days, commencing at 8:00 a. m. Monday, March 29, 1965, and terminating at 8:00 a. m. Saturday, April 3, 1965.

Joseph P. Lordi
 Joseph P. Lordi
 Director