

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

May 15, 1970

BULLETIN 1908

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1. APPELLATE DECISIONS - CLARK v. PATERSON.

BURDELL CLARK)	
t/a BIRDIE'S LOUNGE,)	
)	
Appellant,)	ON APPEAL
)	CONCLUSIONS
v.)	AND ORDER
)	
BOARD OF ALCOHOLIC BEVERAGE)	
CONTROL FOR THE CITY OF PATERSON,)	
)	
Respondent.)	

Goodman and Rothenberg, Esqs., by Robert I. Goodman, Esq.,
Attorneys for Appellant.
Joseph L. Conn, Esq., by Samuel L. 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 (herein-
after Board) which on June 25, 1969 by unanimous vote of its
members denied the appellant's application for renewal of her
plenary retail consumption license for 1969-70 for premises
50-52 Spring Street, Paterson. The resolution adopted by the
Board reads as follows:

"WHEREAS, application has been made to this Board
for the renewal of Plenary Retail Consumption License
C-189, heretofore issued to Burdell Clark, t/a Birdie's
Lounge, for premises situated at 50-52 Spring Street,
Paterson, New Jersey; and,

"WHEREAS, this Board having heard the testimony of
witnesses and having reviewed the history of these
premises based on the records of the Paterson Police
Department; 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-189 be and the same is hereby
denied."

Appellant alleges in her petition of appeal that the
action of the Board was erroneous in that:

"Board opposed renewal of license because of
violations not previously reported to the Board which
violations constitute maintaining a nuisance."

Respondent in its answer denied the aforesaid allegations and contends that the denial of the application of appellant was based upon the following:

"(a) the failure to show evidence of financial responsibility in that it delivered a bad check for the renewal fee; and,

"(b) that the operation of the tavern constituted a public safety nuisance as attested to by representatives of the Police Department; and,

"(c) that the premises constitutes a public health hazard as attested to by the Board of Health of the City of Paterson."

At the time of filing the instant appeal the Director entered an order dated June 30, 1969, extending the term of appellant's 1968-69 license pending determination of the appeal.

The appeal was heard de novo pursuant to Rule 6 of State Regulation No. 15, during which time the attorneys for the respective parties were afforded full opportunity to present testimony and cross-examine witnesses.

I shall first consider reason 3-(b) of respondent's answer for the action in denying the renewal of appellant's license, namely, that the operation of appellant's licensed premises constituted a public safety nuisance.

At the hearing herein the respondent produced a package of police records of incidents alleged to relate to appellant's licensed premises for the years 1966, 1967 and 1968. It appears from examination of the said records that during 1966 police were summoned to appellant's premises on eighteen occasions, in many of the cases by the constable employed by appellant. Thereafter, during 1967 the police were called on four occasions, whereas in 1968 the police were summoned on three occasions to the licensed premises.

According to the police records it appears that on November 9, 1968, as a result of a remark by an observer to a person engaged in a pool game in appellant's licensed premises, a scuffle ensued during which the player claimed that he was attacked with a pool cue, he pulled a gun from his person and shot his alleged assailant and then ran from the licensed premises. During the investigation the suspect was identified by Dabble Clark (hereinafter Clark), manager and husband of the appellant.

Police Lieutenant Urban Giardino testified that during June 1969 he was assigned on several Friday and Saturday nights to investigate conditions in the immediate area of appellant's tavern and on each occasion found no less than thirty persons standing outside the premises, some of whom were in the street and others sitting on Benches of parked cars.

On one occasion Lieutenant Giardino said there was "a crap game on the sidewalk right alongside, right in front alongside the tavern. At this time my two other men were checking somewhere else. So I contacted them. We met and we got over to try to do something about the game. It broke up and they ran in all different directions. There were no arrests made."

Clark testified that there had never been any charges that the place of business was operated in a disorderly fashion; that since June 1966 until June 1969 he had never appeared on behalf of appellant before the local issuing authority to answer any charges whatsoever; that the only time in June 1969 a police officer came into the licensed premises was to request that a person remove a car that had been improperly parked near the corner.

Moreover Clark testified that in the building where appellant's tavern is located there are two apartments with families living therein, consisting of "twelve, fifteen people upstairs"; that in the summertime the adults and children do not go to bed too early but remain outside the building; that many persons living on the street use the telephone in this tavern.

Clark further stated that pursuant to conditions imposed by the Board on the license, "I would have to have constables on nights, Friday and Saturday nights, which costs me \$100 a week, and I have been paying \$100 a week for the last five years for the constables on the premises."

Clark admitted that there could be forty or fifty people in front of the premises on Friday or Saturday night but attributed the condition to the fact that others rather than his patrons congregated outside the licensed premises.

When asked how often appellant is on the premises, Clark said "Any time that one of the men that works the bar don't show up, she comes in and works right along with me."

With reference to the argument presented by the attorney that appellant did not receive notice of, or attend, the hearing before respondent at the time respondent denied renewal of her license, the denial of appellant's license was unreasonable. There is no provision in the Alcoholic Beverage Law or the rules and regulations of this Division which requires a local issuing authority to conduct a hearing under the circumstances appearing in this case. In disciplinary proceedings, of course, charges must be prepared and served upon the licensee and the licensee must be given an opportunity to be heard. However, the action taken by respondent herein constituted no error since a hearing was not required. Lipman v. Newark, Bulletin 356, Item 6, and cases cited therein.

Rule 8 of State Regulation No. 2 provides:

"No hearing need be held if no such objections shall be lodged (but this in no wise relieves the issuing authority from the duty of making a thorough investigation on its own initiative), or if the issuing authority, on its own motion, after the requisite statutory investigation, shall have determined not to issue a license to such applicant. In every action adverse to any applicant or objector, the issuing authority shall state the reasons therefor."

It is quite apparent from the testimony presented by respondent that appellant's licensed premises was a trouble-spot and thus constituted a public nuisance in the area of the said premises.

The testimony indicated that crowds of persons congregated outside the premises. Although on week-ends, pursuant to a special condition in appellant's license that constables be

employed in order to maintain order in and about the establishment, disorder still prevailed. The licensee came to the premises only when an employee did not appear for work and thus has little knowledge of the occurrences and conditions with respect to the licensed business. However, she cannot escape responsibility in this regard. Rule 33 of State Regulation No. 20. Cf. Re Filippone, Bulletin 875, Item 6; Re Schumacher, Bulletin 901, Item 5.

It is the duty of appellant to see that the liquor establishment is conducted in a manner conducive to the best interests of both the liquor industry and the public.

Judge Jayne, speaking for the court in In re 17 Club, Inc., 26 N.J. Super. 43, 52 (App. Div. 1953), said:

"The governmental power extensively to supervise the conduct of the liquor business and to confine the conduct of that business to reputable licensees who will manage it in a reputable manner has uniformly been accorded broad and liberal judicial support."

It is apparent that the Board is endeavoring to limit the issuance and renewal of liquor licenses to those persons who are clearly worthy of the privilege. Butler Oak Tavern v. Division of Alcoholic Beverage Control, 36 N.J. Super. 512 aff'd 20 N.J. 373 (1956). In issuing or renewing licenses the responsibility of a local issuing authority is "high", its discretion "wide" and its guide "the public interest." Lubliner v. Paterson, 33 N.J. 428, 446 (1960). It has been consistently held that the Director's function on appeal is not to substitute his personal opinion for that of the issuing authority, but merely to determine whether reasonable cause exists for its opinion and, if so, to affirm irrespective of his personal view. Broadley v. Clinton and Klingler, Bulletin 1245, Item 1.

After careful and thorough consideration of all the evidence presented in this matter, in particular the careless manner of operation of the business, I am satisfied that respondent exercised proper discretion and in the best interests of the community in refusing to renew appellant's license for the current licensing year. Appellant has failed to sustain the burden of proof as required by Rule 6 of State Regulation No. 15. Under the circumstances appearing herein it is recommended that respondent's action in denying appellant's application for renewal of her license be affirmed and that the appeal herein be dismissed.

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, including the transcripts of the testimony, the exhibits and the Hearer's report, I concur in the findings of the Hearer and adopt his recommendations.

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

ORDERED that the action of respondent be and the same is hereby affirmed and the appeal herein be and the same is hereby dismissed; and it is further

ORDERED that the order dated June 30, 1969, extending the term of appellant's 1968-69 license pending determination of the appeal be and the same is hereby vacated, effective immediately.

RICHARD C. McDONOUGH
DIRECTOR

2. APPELLATE DECISIONS - DE LA CRUZ v. PASSAIC.

HERMINIA DE LA CRUZ)	
t/a VELEZ BROTHERS BAR,)	
Appellant,)	ON APPEAL
)	CONCLUSIONS
v.)	AND ORDER
)	
MUNICIPAL BOARD OF ALCOHOLIC)	
BEVERAGE CONTROL OF THE CITY)	
OF PASSAIC,)	
Respondent.)	

 Breslow & Breslow, Esqs., by Charles Breslow, Esq., Attorneys
 for Appellant
 August C. Michaelis, Esq., by Milton J. Pashman, Esq.,
 Attorney for Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This appeal is addressed to the action of the respondent Municipal Board of Alcoholic Beverage Control of the City of Passaic (Board) which by resolution dated June 23, 1969 denied appellant's application for renewal of her plenary retail consumption license for the current licensing period for premises located at 234 Monroe Street, Passaic.

The resolution set forth as its reason for denial that the Board determined that "the public necessity and convenience require" that this license not be renewed for the licensing year July 1, 1969 to June 30, 1970.

In her petition of appeal, appellant alleges that the action of the Board was erroneous for reasons which may be briefly stated as follows:

- (a) It acted arbitrarily, capriciously.
- (b) No charges in disciplinary proceedings have been filed against the appellant.
- (c) The appellant, since she entered into these premises has had no violations nor have any charges been preferred against her.
- (d) She has been denied due process.

The answer of the Board admits the jurisdictional allegations of the petition and contends that its action was "reasonable and proper and in the best interest of the public welfare."

Upon the filing of the appeal, an Order dated June 26, 1969 was entered by the Director extending the term of appellant's 1968-69 license until further order herein.

This is an appeal de novo with full opportunity for the parties to present evidence and cross-examine witnesses. Rule 6 of State Regulation No. 15. This application for renewal was considered at a regular meeting at which time no objections were made by anyone to the said renewal; in fact, no complaints were received by the Board at any time with respect to the appellant's conduct of the premises, or with respect to the instant application.

Santiago De La Cruz, the husband of appellant, who is the manager of these premises, testified that the appellant has operated these premises at this location for the past two years and had previously operated other liquor licensed premises in Passaic for three years. This facility caters to a family trade and there has never been any violation of the rules and regulations of this Division during the entire period of operation. He did not recall any occasion on which the police were summoned and the premises are conducted in an orderly and law-abiding manner. His duties consist of cooking and cleaning, and his brother-in-law is employed as a bartender. He usually leaves the premises at about 9:30 or 10:00 p.m. and his brother-in-law remains there until the closing hour.

He was interrogated, on cross examination concerning an incident that allegedly occurred on February 10, 1969. He stated that he was in the tavern and did not recall that specific incident.

Juan Velez, the brother-in-law of De La Cruz, testified that he has been employed as a bartender at these premises since it was opened. These premises have been operated by liquor licensees for over forty years, although the appellant has held the license there for the past two years. He emphatically denied that there were ever any fights, disturbances or trouble, or that the police were ever called for assistance. With respect to the incident of February 10, 1969 he stated that he was employed as a bartender there and that there was an occasion where the police were involved in an episode that occurred in the street near one of the other taverns.

Herminia De La Cruz, the appellant gave the following account: She assists in cooking and serving for about three hours during the morning. Because she has three children she is unable to assist in the operation of these premises during the afternoon or evening. She has never been a witness to any disturbance or any disorderly conduct in the premises.

Sergeant Italo N. Ubaldini, testifying on behalf of the respondent, gave this account of what allegedly transpired on February 10, 1969. He asserted that there was a very heavy snow-storm which created a traffic problem throughout the entire city. He was driving by these premises and it appears that there had been a police report, which resulted in police being summoned to that area.

He noticed a group of men in front of the subject premises throwing snowballs at pedestrians and moving motor vehicles. His vehicle became "caught in a rutted area" and he left his vehicle, at which time he was struck by a snowball. Although in civilian clothes, he identified himself as a police officer and sought to

disperse this group. However two of the members of the group "started to ridicule me and everything else" and "I placed these persons under arrest." A group of persons came from the subject premises and interfered, and as a result of it both prisoners escaped.

Joined by two uniformed police officers he went to the front door of the subject premises through which one of the prisoners had apparently escaped and he found the door locked. They pounded on the door, threatened to break it open, and, finally, the door was opened and they entered the premises. The escaped prisoner had apparently fled through the rear door. A person who represented himself as the bartender was summoned to police headquarters and questioned as to why the door was closed. The bartender told the Captain that he locked the door because "I did not want any trouble inside the premises." He pointed to a person identified as Francisco Sanquich as the one who represented himself to be the bartender.

He further testified that this area has six taverns and two liquor stores within a very short block. It is a high crime rate area and receives extra surveillance, particularly during the evening hours. On cross examination, this witness insisted that the block on which these premises are located is the worst block in the City of Passaic; that many of the former businesses are now boarded up and were forced out of business because of the "conditions". He did admit however that there were still a number of businesses that are in actual operation at the present time.

The residents in this area are identified mostly to be Spanish speaking people and that "this tavern is attracting a certain element which I don't think to be helpful to any condition that exists down there now." He further admitted with respect to the February incident that he could not say that all of the persons in that group were patrons of these premises, but thought that at least three of them emerged therefrom.

Examined further on his written report, he admitted that there was nothing in that report to indicate that the snowballs were thrown by any person in front of this tavern, nor does it state that one of the prisoners who escaped ran back into the tavern.

With respect to this incident, Juan Velez, in rebuttal, insisted that he was employed on that date as a bartender in this tavern, and he did not know that the door had been closed. When the police officer pounded on the door he went over and opened the door. He was questioned by the sergeant at that time, and a half hour later he was summoned to Police Headquarters where he denied any culpability. Finally he specifically denied that anyone else acted as a bartender on that occasion.

Milton I. Mostel, the chairman of the Board, testified that the Board singled out a few licenses which it decided not to renew, included among which was the subject license. In considering the application for renewal, the Board felt that this was not the kind of operation that was desirable. He explained that he received some information from the police department, but actually, it relied on its own investigation; "the police department was somewhat negligent in the way they maintained their records in regard to this particular bar."

He asserted that the incident of February 10, 1969 was never reported nor is it in the Board's file. The witness explained that there are at least six taverns in the immediate vicinity of the subject premises and that this is a "high concentration tavern area."

On cross examination, he explained that he was interested in cancelling licenses "which are not conducive to keeping, keeping the city clean and good." He admitted that he stated to the press that there are too many licenses in the City of Passaic and he felt that the Board has, in the past, been "lenient very frequently." He felt that this license will not serve the public convenience and necessity because "We find that this isn't conducive for the welfare of our city. That's public convenience. And we don't need it because we have six others. So there's no shortage of places to buy liquor. So there's no question of necessity."

He was then asked specifically why no action was taken after the alleged February incident; he replied that the Board felt that it would take the action on the renewal rather than go through disciplinary proceedings. The witness further admitted that he has never been inside the tavern and knows nothing that would reflect adversely on its operation. However he concluded that this tavern, like others was responsible for the deterioration of the neighborhood and that was one of the reasons for denying the application. His testimony was corroborated, by stipulation, by Henry Alston another member of the Board.

In the consideration of this matter, it is appropriate to set forth the basic principles which guide us in its determination. The issuance or renewal of a liquor license is not an inherent right. Whether a license should be renewed rests in the sole discretion of the local issuing authority and of the Division of Alcoholic Beverage Control on appeal and such discretion will not be disturbed in the absence of clear abuse. Re Richmon, Inc. v. Trenton, Bulletin 1560, Item 4; Blanck v. Magnolia, 38 N.J. 484 (1962); Fanwood v. Rocco, 33 N.J. 404 (1960). On the other hand where it appears that the denial was arbitrary, unreasonable or illegally grounded the action will be reversed. Tompkins v. Seaside Heights, Bulletin 1398, Item 1. As the court stated in Fanwood v. Rocco, supra:

"Although New Jersey's system of liquor control contemplates that the municipality shall have the original power to pass on an application for a tavern or package store license or the transfer thereof, the municipality's action is broadly subject to appeal to the Director of the Division of Alcoholic Beverage Control. The Director conducts a de novo hearing of the appeal and makes the necessary factual and legal determinations on the record before him.... Under his settled practice, the Director abides by the municipality's grant or denial of the application so long as its exercise of judgment and discretion was reasonable."

Thus, as hereinabove stated, if the local issuing authority acted unreasonably the Director must reverse; and it makes no difference whether such erroneous action was made in good faith.

I have carefully analyzed the transcript of the testimony and have had an opportunity to observe the demeanor of the witnesses as they testified at this plenary de novo hearing. I was impressed with the appellant's witnesses and am also impressed with the good

operating record of the appellant, who does not have an adjudicated record of violations. Her record must be deemed to be a major influence in this case.

Furthermore, there is no indication that there is any public sentiment opposed to her continued operation. No complaints were made by anyone against this operation nor were any objections raised by local residents at the time the appellant filed her application for renewal. Compare Fanwood v. Rocco, supra, where there was strong public sentiment expressed against the transfer of that license.

The only alleged incident that occurred during the past licensing period was the one testified to by Sergeant Ubaldini. As to this incident, however, it will be recalled that no police action was taken against the tavern nor were any disciplinary proceedings instituted by the Board.

As the then Director stated the applicable principle in Monesson v. Lakewood Township, Bulletin 657, Item 1:

"As I have heretofore pointed out on many occasions, the grant of a renewal license, like that of an original license is subject to the exercise of a reasonable discretion on the part of the local issuing authority. Where, however, as in this case, a license has been renewed year after year, a refusal to renew thereafter must be founded upon valid and substantial grounds, supported by the weight of the evidence...

"If, during the course of the licensing year, evidence of misconduct is brought to the attention of the issuing authority, proper investigation should be made and, if warranted, disciplinary proceedings for the suspension or revocation of the license instituted."

See Salmanowitz v. Hightstown, Bulletin 807, Item 2; Bd. of Com'rs of Bayonne v. B & L Tavern, Inc. 42 N.J. 131 (1964).

I am persuaded that the appellant has operated her premises in a decent and law-abiding manner.

The Board's chairman appears to be understandably disturbed by the fact that there are too many licenses in that area and it is quite evident that this was the central reason for voting to deny the renewal. Obviously the Board renewed the licenses in this area year after year and the appellant was in no way responsible for the large number of licensees. It is elementary that the holder of a license or privilege acquires through his investment therein an interest which is entitled to some measure of protection. Cf. Tp. Committee of Lakewood Tp. v. Brandt, 38 N.J. Super. 462 (App.Div. 1955).

The denial of an application for renewal could not be predicated merely upon the desire of the local issuing authority to reduce the number of licenses regardless of the good faith of the Board's action.

There are other valid means, perhaps through legislative action, whereby licenses may be reduced without prejudicing a licensee's financial interest.

From my examination of the totality of the record, I feel that the Board's refusal to renew this license was not justified by the evidence. See Bd. of Com'rs of Bayonne v. B & L Tavern, Inc., supra.

Accordingly, it is recommended that the action of the Board be reversed, and that the Board be directed to grant the license to appellant for the 1969-70 licensing period in accordance with the application filed therefor.

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, the exhibits, and the Hearer's report, I concur in the findings and recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 7th 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

3. TRANSPORTATION - LIMITED TRANSPORTATION CERTIFICATES -
EXTENSION OF EXPIRATION DATE OF 1969-70 CERTIFICATES.

TO APPLICANTS FOR LIMITED TRANSPORTATION CERTIFICATES:

Due to labor difficulties at the plant which prints permits issued by this Division, there will be a delay in delivery of 1970-71 Limited Transportation Certificates.

Applicants who have filed applications and fee with this Division for their 1970-71 limited transportation certificates to become effective May 1, 1970, may continue the transportation of alcoholic beverages under authority of their 1969-70 limited transportation permit but not beyond the 30th day of May, 1970.

A photostatic copy of this notice must be carried in each vehicle listed on application filed with this Division.

RICHARD C. McDONOUGH
DIRECTOR

Dated: April 1970

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

In the Matter of Disciplinary Proceedings against)

NORMA CRECCO)
t/a Valley Liquors)
19 Valley Street)
South Orange, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-6, issued by the Board of Trustees of the Village of South Orange.)

Skoloff & Wolfe, Esqs., Attorneys for licensee.
Edward F. Ambrose, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that, on October 14, 16, 22 and 24, 1969, she permitted the acceptance of numbers bets on the licensed premises in violation of Rules 6 and 7 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for fifteen days, effective February 5, 1962, for possession of alcoholic beverages in bottles not truly labeled (Re Crecco, Bulletin 1437, Item 6), and by the municipal issuing authority for forty days, effective March 15, 1965, for sale to a minor.

The previous record of suspension for dissimilar violation occurring more than five years ago disregarded but the record of suspension for dissimilar violation within the past five years considered, the license will be suspended for sixty-five days, with remission of five days for the plea entered, leaving a net suspension of sixty days. Re Gropp's Tavern, Inc., Bulletin 1867, Item 6.

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

ORDERED that Plenary Retail Consumption License C-6, issued by the Board of Trustees of the Village of South Orange to Norma Crecco, t/a Valley Liquors, for premises 19 Valley Street, South Orange, be and the same is hereby suspended for sixty (60) days, commencing at 2:00 a.m. Thursday, April 23, 1970, and terminating at 2:00 a.m. Monday, June 22, 1970.

RICHARD C. McDONOUGH
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - AMENDED ORDER.

In the Matter of Disciplinary Proceedings against
 IRVING GLAZER & MAY KING
 t/a Glazer's Bar and Restaurant
 222 Park Avenue
 Paterson, N. J.

AMENDED ORDER

 Holders of Plenary Retail Consumption License C-147, issued by the Board of Alcoholic Beverage Control for the City of Paterson.

 Brennan, Susser and Piper, Esqs., Attorneys for Licensees
 Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

On March 25, 1970 I entered an order herein suspending the license for ten days commencing April 7 and terminating April 17, 1970. Re Glazer & King, Bulletin 1906, Item 10.

Licensees have now requested that the suspension commence on Monday, April 6, instead of Tuesday, April 7, 1970. Good reason appearing, I shall grant the request.

Accordingly, it is, on this 3rd day of April 1970,

ORDERED that Plenary Retail Consumption License C-147, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Irving Glazer & May King, t/a Glazer's Bar and Restaurant, for premises 222 Park Avenue, Paterson, be and the same is hereby suspended for ten (10) days, commencing at 3 a.m. Monday, April 6, 1970, and terminating at 3 a.m. Thursday, April 16, 1970.

RICHARD C. McDONOUGH
 DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 AND SALE DURING PROHIBITED HOURS - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JACK STANCAMPINO, INC.)
t/a Orient Bar)
7 Orient Ave.)
Jersey City, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-384, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

Licensee, by Jack Stancampino, President, Pro se.
Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that, on December 21, 1969, it sold a pint bottle of whiskey (1) for off-premises consumption in violation of Rule 1 of State Regulation No. 38, and (2) and (3) during hours prohibited by municipal regulation.

Licensee has a prior record of suspension of license by the Director for ten days, effective September 26, 1967, for sale of alcoholic beverages for off-premises consumption in violation of Rule 1 of State Regulation No. 38. Re Jack Stancampino, Inc., Bulletin 1758, Item 7.

The prior record of suspension of license for similar violation occurring within the past five years considered, the license will be suspended for forty days, with remission of five days for the plea entered, leaving a net suspension of thirty-five days. Re Baron, Bulletin 1718, Item 6.

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

ORDERED that Plenary Retail Consumption License C-384, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Jack Stancampino, Inc., t/a Orient Bar, for premises 7 Orient Ave., Jersey City, be and the same is hereby suspended for thirty-five (35) days, commencing at 2:00 a.m. Thursday, April 23, 1970, and terminating at 2:00 a.m. Thursday, May 28, 1970.

RICHARD C. McDONOUGH
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

DeSTEFANO LIQUORS, INC.)
t/a Strollo's Bar)
188 Westwood Avenue)
Long Branch, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-36, issued by the City Council of the City of Long Branch.)

Licensee, by Armand DeStefano, President, Pro se.
Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads guilty to charge alleging that, on January 29, 1970, it sold a drink of beer 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 Frank Bowlby's Wines & Liquors, Inc., Bulletin 1891, Item 8.

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

ORDERED that Plenary Retail Consumption License C-36, issued by the City Council of the City of Long Branch to DeStefano Liquors, Inc., t/a Strollo's Bar, for premises 188 Westwood Avenue, Long Branch, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Tuesday, April 21, 1970, and terminating at 2:00 a.m. Friday, May 1, 1970.

RICHARD C. McDONOUGH
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 15
DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)	
)	CONCLUSIONS
ROBERT KROEMELBEIN)	AND ORDER
t/a Eagle Hotel)	
360 Chamber St.)	
Phillipsburg, N. J.)	
Holder of Plenary Retail Consumption License C-26, issued by the Board of Commissioners of the Town of Phillipsburg.)	

 Licensee, Pro se.
 Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads guilty to charge alleging that, on November 21, 1969, he possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of two suspensions of license by the municipal issuing authority for dissimilar violations of sales of alcoholic beverages to minors, (1) for ten days, effective December 10, 1961, and (2) for twenty days, effective June 1, 1967.

The prior record of suspension for the dissimilar violation in 1961 occurring more than five years ago disregarded but the other dissimilar violation in 1967 occurring within the past five years considered, 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 Hilltop, Inc., Bulletin 1864, Item 2.

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

ORDERED that Plenary Retail Consumption License C-26, issued by the Board of Commissioners of the Town of Phillipsburg to Robert Kroemelbein, t/a Eagle Hotel, for premises 360 Chamber Street, Phillipsburg, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Tuesday, April 21, 1970, and terminating at 2:00 a.m. Friday, May 1, 1970.

RICHARD C. McDONOUGH
DIRECTOR

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

In the Matter of Disciplinary)
Proceedings against)

CHARCOAL HEARTH, INC.)
t/a Charcoal Hearth Restaurant)
Northwest intersection of U.S. Rt. #22)
& New Brunswick Turnpike)
Pohatcong Township)
PO Phillipsburg, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-5, issued by the Township)
Committee of the Township of Pohatcong.)

Licensee, by Peter Kassis, President, Pro se
Walter H. Cleaver, Esq., Appearing for the Division

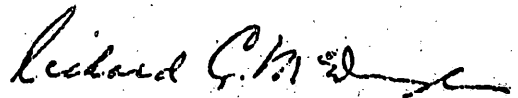
BY THE DIRECTOR:

Licensee pleads non vult to charge alleging that on
January 12, 1970 you possessed an alcoholic beverage in a
bottle bearing a label which did not truly describe its contents,
in violation of Rule 27 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 Gosik & Gosik,
Bulletin 1894, Item 7.

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

ORDERED that Plenary Retail Consumption License C-5,
issued by the Township Committee of the Township of Pohatcong
to Charcoal Hearth, Inc., t/a Charcoal Hearth Restaurant, for
premises at Northwest intersection of U.S. Rt. #22 & New
Brunswick Turnpike, Pohatcong Township, be and the same is
hereby suspended for five (5) days, commencing at 2 a.m. Monday,
April 13, 1970, and terminating at 2 a.m. Saturday, April 18,
1970.



Richard C. McDonough
Director