

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
NEWARK INTERNATIONAL PLAZA
U.S. Routes 1-9 (Southbound) Newark, N. J. 07114

BULLETIN 2426

April 19, 1982

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STATE OF NEW JERSEY
Department of Law and Public Safety
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U.S. Routes 1-9 (Southbound) Newark, N. J. 07114

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BULLETIN 2426

1. APPELLATE DECISIONS - DR. JEKYLL'S HIGH TIMES CORP.
v. PENNSAUKEN - ORDER OF REMAND.

#4353

OAL DKT. NO. ABC 5173-79

DR. JEKYLL'S HIGH TIMES CORP.,

Appellant,

vs.

MAYOR AND COMMON COUNCIL OF THE
TOWNSHIP OF PENNSAUKEN,

Respondent.

On Appeal

ORDER OF REMAND

Charles, Sturm & Master, Esqs., by Igor Sturm, Esq., Attorneys for Appellant.
Mario A. Iavicoli, Esq., Attorney for Respondent.

Initial Order Below

Hon. R. Jackson Dwyer, Administrative Law Judge

Dated: July 11, 1980

Received: July 14, 1980.

BY THE DIRECTOR:

This is an appeal from the action of the Mayor and Common Council of the Township of Pennsauken which, by action dated June 25, 1979, denied appellant's application for renewal of its license for the 1979-80 license term.

Upon appeal filed, an Order extending the license for the 1979-80 license term pending determination of the appeal was entered by the Director, dated June 27, 1979.

Subsequent to the filing of the appeal, the Common Council on July 5, 1979 conducted a hearing, on notice to the appellant, at which some testimony concerning police incident reports were introduced. Appellant appeared at said hearing, under protest, asserting that the local issuing authority lacked jurisdiction because of the filed appeal with the Division.

The Administrative Law Judge correctly determined that jurisdiction had vested in the Division upon the filing of the appeal on June 22, 1979, and I hereby adopt said finding.

However, I reject that portion of the Administrative Law Judge's Order which concludes that "...there is no basis for a de novo hearing at this time" because of appellant's deprivation of a "procedural due process hearing" below.

The Administrative Law Judge failed to consider the long line of reported cases and Division bulletin reports which reiterate the ability

and intent of a de novo hearing to cure procedural defects where possible, and permit the resolution of the substantive issues in dispute. Cino v. Driscoll 130 N.J.L. 535 (Sup. Ct. 1943); Nordco, Inc. v. State, 43 N.J. Super. 277 (App. Div. 1957); Parrillo's Inc. v. Belleville, Bulletin 2328, Item 1, aff'd by the Superior Court - Appellate Division in an unreported opinion dated June 26, 1979 (App. Div. Docket No. A-2498-78).

Factually, it appears that the Common Council failed to notice the appellant of a hearing within five (5) days prior to the June 25, 1979 denial of renewal, as required by N.J.A.C. 13:2-2.9 (b). Apparently there was no hearing on June 25, 1979 other than a negative note on appellant's renewal application. No Resolution was adopted indicating the reason for denial as required by N.J.A.C. 13:2-2.9 (b) and N.J.A.C. 13:2-17.4.

In such situations, I have generally ordered remand to provide appellant with a meaningful opportunity to ascertain the issues of the appeal, and the specific objections to its application. In the instant matter, since there was a hearing on July 5, 1979 that did apprise the appellant of the issues, even if without legal validity, a hearing on the appeal could have been conducted. Similarly, a pre-hearing conference pursuant to N.J.A.C. 1:1-10.1 would probably have achieved the same objective.

Nevertheless, I shall remand the matter to the respondent Council for proper development of a record concerning its action on appellant's application for renewal for the 1979-80 license term. I do so because of the extended time already consumed in the consideration of this appeal, and because a determination on appellant's renewal application for 1980-81 has not apparently been rendered. The Council's action on the 1980-81 license renewal application could either (1) be consolidated with this appeal, if it results in another denial of renewal, or (2) render the within appeal moot if renewal is to be granted for 1980-81 and the 1979-80 license term denial is rescinded.

Accordingly, it is on this 14th day of August, 1980,

ORDERED that the within matter be and the same is hereby remanded to the Common Council of the Township of Pennsauken for further proceedings in accordance with this Order. I do not retain jurisdiction.

Joseph H. Lerner
Director

Appendix: The Administrative Law Judge seeks in his Order to limit my review of a substantive disposition of this appeal to a ten (10) day period, pursuant to N.J.A.C. 1:1-9.7. I do not consider a remand of a contested appeal to the local issuing authority within the perimeters of this Regulation. The nature of the disposition in such situations is a full administrative appellate conclusion of the case. This is so because of the nature of the subject relief and the fact that jurisdiction is not retained in remanded cases by the Division. Thus, I consider the forty-five (45) days review period available to the administrative agency head under N.J.A.C. 1:1-13.2 (a) and N.J.S.A. 52:14F - 1 et seq. applicable sub judice.

Appendix 2: Order of July 11, 1980

July 11, 1980

Igor Sturm, Esq.
Charles, Sturm & Master
610 Haddon Avenue
Collingswood, N.J. 08108

O R D E R

Mario A. Iavicoli, Esq.
North Park Drive and
Airport Highway
Pennsauken, New Jersey 08109

Re: In the Matter of
Dr. Jekyll's High Times Corp.,
Appellant vs. Pennsauken
Township, Respondent
OAL DKT. NO. ABC 5173-79
Appeal No. 4353

Gentlemen:

The following is my decision on the motion pending before me.

On June 25, 1979, the Pennsauken Township Committee conducted a regularly scheduled meeting in which the renewal application of a liquor license for Petitioner was on the agenda. At that meeting, without prior notice to Petitioner of any objections to his renewal application, a resolution failed to pass in his favor, and Petitioner was denied renewal of his license.

Subsequent to that vote, Petitioner's attorney voiced objections to the proceeding before the Township because the Petitioner was not given a five day notice of the hearing and was not given the opportunity to be apprised of what would be proposed against him concerning renewal of the license.

On the following day, June 26, an appeal was filed with the Division of Alcoholic Beverage Control by the Petitioner, and on June 27, the Division issued its order to show cause and ordered the license period extended pending a final determination. Shortly after the Petitioner filed his appeal, the Respondent scheduled a rehearing for July 5, 1979, to cure the procedural defects of the Petitioner's first hearing.

The Petitioner appeared at the July 5 hearing under protest, claiming that jurisdiction over the license resided with the Director of the Division of Alcoholic Beverage Control by reason of the appeal and order which had been entered by the Director. Despite these objections, the rehearing proceeded and Respondent again voted not to renew the Petitioner's license.

Pursuant to N.J.A.C. 13:2-29(b) the Respondent, Township Committee, could not disapprove the Petitioner's application for license renewal without affording procedural due process, that is, "an opportunity to be heard and providing the applicant with at least five days' notice thereof". Moreover, such procedural due process is mandated by the Administrative Procedure Act, N.J.S.A. 52:14B-9.

The Supreme Court held in Matter of Heller, 73 N.J. 292 (1977) that where the imposition of a civil penalty was ordered without any notice to the licensee in the complaint or otherwise that a monetary penalty was contemplated, the licensee could not have reasonably anticipated the imposition of such a penalty, and was thus "deprived

of an opportunity to present evidence in mitigation or bearing on his ability to pay". As a result of the licensee being denied procedural due process, the court set aside the civil penalty.

The Respondent acknowledged that the hearing on June 25 violated Petitioner's procedural due process rights because timely notice was not given but asserts that the Township Committee had jurisdiction as a quasi-judicial body to institute a second hearing to correct errors it made in the first. The Petitioner contends, however, that the Township Committee was without jurisdiction to hold a second hearing because an appeal had already been instituted with the Director of the Division of Alcoholic Beverage Control.

In Morton, et al v. Mayor and Council of the Township of Clark, 102 N.J. Super 84 (Law Div. 1968), the Law Division held that the Mayor and Council were without jurisdiction to reconsider and rescind the previous grant of a variance at the time because an action was already instituted in a Superior Court proceeding in lieu of prerogative writ. "The institution of that action divested the Township Council of jurisdiction." Id. p. 98.

Similarly in Kramer v. Board of Adjustment, Sea Girt, 80 N.J. Super 454 (Law Div. 1963), an action was instituted challenging the validity of a variance recommended by the Board of Adjustment and granted by the Borough. The court, in holding that the resolution recommending the granting of the zoning variance was void for failure to comply with the Right-to-Know Law, stated that the Board's capacity to deal with the matter, "while the suit challenging the validity of the Board's recommendation to grant a variance was pending in the Superior Court, the Board was without jurisdiction to take further action except on remand by the court." Id. p. 463.

Finally, in the case of In re Plainfield-Union Water Co., 14 N.J. 296 (1954), a proceeding was instituted upon application by a water company for the approval of plans for obtaining additional subsurface water supply. The Water Policy and Supply Council of the State Department of Conservation and Economic Development approved. The objector appealed to the Superior Court, Appellate Divisions, and the appeal was certified to the Supreme Court on its own motion which affirmed the decision of the Council. Judge Heber stated that "The filing of the notice of appeal invokes the jurisdiction of the appellate tribunal . . . but, by the same token, the appeal divests the lower court of jurisdiction save as reserved by the statute or rule. Jurisdiction is restored by the mandate of the appellate court, but not in derogation of the judgment of the appellate tribunal embodied therein". Id. p. 302.

Hence, when Petitioner appealed to the Division of Alcoholic Beverage Control, an appellate tribunal, it terminated the Respondent's jurisdiction to proceed with a second hearing, and Petitioner's license renewal became subject to the outcome of the appeal. N.J.A.C. 13:2-17.13 provides:

"When appeal is taken in any matter, any transfer or extension or renewal of any license involved therein shall be subject to the ultimate outcome of such appeal, unless otherwise ordered by the director".

While potential protracted proceedings are always to be avoided; nevertheless, the petitioner has been deprived of a procedural due process hearing as mandated by the Administrative Procedure Act and the regulations of the Alcoholic Beverage Control Commission. Therefore, there is no basis for a de novo hearing at this time.

It is, therefore, ORDERED that this matter be remanded back to the Mayor and Common Council of the Township of Pennsauken for further proceedings in accordance with this Order.

R. Jackson Dwyer,
Administrative Law Judge

2. APPELLATE DECISIONS - GROSS ENTERPRISES, INC. v. SAYREVILLE.

#4176

Gross Enterprises, Inc.
t/a D'Old Man Bar,

Appellant

vs.

Mayor and Council of the
Borough of Sayreville,

Respondent.

ON APPEAL

CONCLUSIONS

AND

ORDER

 Kolodziej & Cohan, Esqs., by Alan J. Aftanski, Esq., Attorneys
 for Appellant.
 Robert A. Blanda, 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 the Mayor and Council
 of the Borough of Sayreville (Council) which, on November 14, 1977,
 found appellant guilty of the following charge:

That sales, service, delivery and allow-
 ing, permitting and suffering the sale,
 service and delivery of alcoholic bever-
 ages and allowing the sale or consumption
 of alcoholic beverages (did occur) on
 said licensed premises between the hours
 of 3:00 a.m. and 7:00 a.m. on September
 2, 1977, contrary to and in violation of
 the revised general ordinances of the
 Borough of Sayreville, 1970, Chapter 8
 Section 5.1.

Appellant's license was ordered suspended for a period of
 five days effective November 28, 1977. Upon the filing of the
 appeal, the Director, by Order dated November 29, 1977, stayed
 the suspension pending determination of this appeal.

In its Petition of Appeal, appellant alleges that the Council's action was erroneous in that it was against the weight of evidence, and that it "exceeds the authority granted the Borough by the applicable statutes."

In its Answer, the Council denies that its action was erroneous and affirmatively alleges that it "found that the appellant was open for business after the hour of 3:00 a.m., on September 2, 1977 and that there were persons in the business establishment of the appellant drinking alcoholic beverages and purchasing the same."

The matter was heard de novo pursuant to N.J.A.C. 13:2-17.6 (formerly Rule 6 of State Regulation No. 15), with full opportunity afforded counsel to present testimony under oath and cross-examine witnesses.

At the de novo hearing, it was conceded that the finding of guilt was based upon the matters contained in the report of Police Officer Joseph G. Myers which was read into the record. That report contained an entry that on September 2, 1977 at the licensed premises he found "full 8 oz. mixed drinks and 1 partial bottle of Hinekien (sic) Beer." Further, it was stipulated that the premises were closed to the public at 3:00 a.m.; the door was locked; the only individuals in the barroom were John Oross and Maureen Oross, the principals of the corporate appellant and its properly recorded employees.

At the Division hearing, Officer Myers testified that, pursuant to routine investigation, he peered through a window of appellant's premises and observed therein both corporate principals and two males, identified as Charles P. Breitweiser and Peter Psota, both of whom were on the list of employees. Breitweiser placed two drinks in front of Psota and Psota placed two one-dollar bills in front of him.

Upon being questioned as to whether or not he observed Psota consume any of the beverages, the officer replied "I don't remember." The glasses were partially filled. He did not know how much of the beverages was consumed.

The questioning of the police officer then proceeded, as follows:

Q. Do you know, Officer, who consumed any of the drinks that were on the bar?

A. No, I don't

Q. It could very well be, then, that they were the drinks of the owners, correct?

A. I don't know.

Q. It could be correct?

A. I don't know.

* * *

THE HEARING EXAMINER: Did you see, Officer, any alcoholic beverage being consumed?

THE WITNESS: No, I didn't.

On behalf of appellant, John Oross, one of its corporate principals, testified that, at approximately 3:15 a.m., on September 2, 1977, he had been sitting at the bar for approximately five minutes when Officer Myers was permitted entry into the premises. A bottle of Heineken beer had been located in front of his position at the bar for "quite a while." It was there prior to 3:00 a.m.

Oross's wife, Maureen Oross, a principal of the corporate appellant, had been seated with him for approximately the same period of time. He did not recall when he drank any of it "because it was sitting there for a while." He denied that the drink was in front of Psota.

Maureen Oross testified that she was sitting at the bar with her husband, John Oross and Psota at the time that Officer Myers was permitted entry on September 2, 1977 between 3:15 and 3:30 a.m. She had an alcoholic beverage in front of her that had been located on the bar prior to closing. The witness explained that the two one-dollar bills located in front of Psota were tips a patron had given to Jenny, a barmaid, prior to closing. Psota did not place the currency there, nor did he order any drinks between 3:00 a.m., and the time of Officer Myer's arrival.

On cross-examination, the witness testified that at 3:15 Jenny was at the other side of the bar "counting her receipts, counting the receipts." She did not see the patron place the two dollars on the bar for Jenny. She knew that the currency was placed on the bar by a patron because "sometimes Jenny doesn't pick her tips up right away." An employee would not be charged for a beverage.

In appraising the factual picture presented and having had the opportunity to observe the demeanor of the witnesses as they testified, their credibility has been assessed.

My evaluation of the testimony of the police officer to the effect that he observed the passing of two one-dollar bills to the bar by Psota and the placing of two drinks on the bar by Breitweiser compels the conviction that his account of what transpired was forthright, credible and a true depiction of the occurrence described. Thus, the status of Psota changed from that of an employee to that of a patron. It is entirely consistent with human experience for this police officer to be vitally concerned with observations inside a licensed premises after closing hours.

On the other hand, I find great difficulty in ascribing credibility to the accounts given by John Oross and his wife, Maureen Oross. John Oross made no mention of the two one-dollar bills. Maureen explained that the currency represented a tip left by a patron to Jenny, a barmaid who left the tip on the bar. It is noteworthy that neither Psota, Breitweiser nor Jenny were called as witnessed in behalf of appellant, nor was any explanation given for their non-appearance.

The principle of law applicable hereto is that, where a party has a witness or witnesses available and they possess peculiar knowledge concerning the facts essential to a party's case, the failure to call said witness or witnesses gives rise to an inference that, if called, the testimony elicited therefrom would be unfavorable to said party, i.e., he could not truthfully contradict the testimony of the Council's witnesses. Hickman v. Pace, 82 N.J. Super. 483 (App. Div. 1964); Re Soto Pruna, Bulletin 1713, Item 1; Re Lesniewski, Bulletin 1581.

Appellant argued that the pertinent part of N.J.S.A. 33:1-40 precludes the enactment of the local ordinance alleged to be violated. N.J.S.A. 33:1-40 Provides in relevant part:

The governing board or body of each municipality may, as regards said municipality, by ordinance or resolution, limit the hours, between which the sale of alcoholic beverages at retail may be made, prohibit the retail sale of alcoholic beverages on Sunday, and, subject to the approval of the Commissioner first obtained, regulate the conduct of any business licensed to sell alcoholic beverages at retail and

the nature and condition of the premises upon which any such business is to be conducted.
(emphasis supplied by appellant)

The local ordinance provides as follows:

No alcoholic beverages shall be sold, served, consumed in, or delivered to any licensed premises between the hours of 3 o'clock a.m. and 1 o'clock p.m. on Sundays or between the hours of 3 o'clock a.m. and 7 o'clock a.m. on other days.
(emphasis supplied by appellant)

Appellant urges that the ordinance concerns itself with activities other than the sale of alcoholic beverages and, therefore, exceeds the delegation of authority granted a Municipality under the aforementioned statute.

That argument is irrelevant for the reason that I find, from the evidence adduced, that there was a sale of an alcoholic beverage during prohibited hours.

My examination of the facts and the applicable law generates no doubt that the charge was established by a fair preponderance of the credible evidence. Therefore, I conclude that appellant has failed to sustain the burden of establishing that the Council's action was erroneous and against the weight of the evidence, as required by N.J.A.C. 13:2-17.6.

It is, therefore, recommended that an order be entered affirming the Council's action, dismissing the appeal, and fixing the effective dates for the suspension of license imposed by the Council and stayed by the Director pending determination of this appeal.

CONCLUSIONS AND ORDER

Written Exceptions to the Hearer's Report were filed by the appellant pursuant to N.J.A.C. 13:2-17.14.

In its Exceptions, the appellant reiterates those arguments advanced before the Hearer, which, in essence, concern the inferences derived from the facts adduced and the Hearer's analysis of the credibility of the witnesses. I shall not disturb said findings which are substantially supported by the record as a whole.

Having carefully considered the entire record herein,

including the transcript of the testimony, the Hearer's Report and the written Exceptions filed thereto, I concur in the findings and recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 21st day of August, 1980.

ORDERED that the action of the Mayor and Council of the Borough of Sayreville be and the same is hereby affirmed and the appeal be and is hereby dismissed; and it is further

ORDERED that my Order of November 29, 1977, staying the suspension pending determination of the appeal be and the same is hereby vacated; and it is further

ORDERED that the payment by appellant of a fine in the amount of \$375.00 be and the same is hereby accepted in lieu of suspension of license for five (5) days.

JOSEPH H. LERNER
DIRECTOR

3. APPELLATE DECISIONS - CHARLES J. MITCHELL AND LORETTA M. MITCHELL V. FRENCHTOWN.

#4490	:	O.A.L. Docket No. 4286-80
CHARLES J. MITCHELL and LORETTA	:	
M. MITCHELL, t/a WARFORD HOUSE,	:	
	:	
Appellant,	:	ON APPEAL
v.	:	CONCLUSIONS
BOROUGH COUNCIL OF THE BOROUGH	:	AND
OF FRENCHTOWN,	:	ORDER
	:	
Respondent.	:	

 Drake and Novak, Esqs., by Raymond B. Drake, Esq., Attorneys for Appellant.
 Frederick Stem, Esq., Attorney for Respondent.

Initial Decision Below

Hon. Ronald I. Parker, Administrative Law Judge

Dated: August 6, 1980 - Received: August 6, 1980

BY THE DIRECTOR:

Appellant appeals from the action of the respondent Borough Council of the Borough of Frenchtown which by Resolution dated June 4, 1980 denied appellant's application for renewal of its plenary retail consumption license for premises 5-7 Bridge Street, Frenchtown for the 1980-81 license term.

By Order of the Director dated June 20, 1980 the term of the said license was extended for the 1980-81 license period pending the return of an Order to Show Cause and the determination of the appeal. Upon answer filed, the matter was referred for hearing to the Office of Administrative Law.

Prior to the said hearing the parties hereto amicably settled the differences between themselves and the respondent adopted a Resolution renewing the application for a plenary retail consumption license on June 17, 1980. This Resolution which is annexed to the Initial Decision and made part hereof as though set forth at length constitutes the terms of the agreement.

I, therefore, approve the terms of the Consent Order. However, I note that the action of respondent in adopting the resolution to renew the subject license, acted although it no longer had jurisdiction in this matter, once the appeal was filed by the Appellant. The proper procedure is to reverse the action of the respondent and direct the renewal of the license subject to the special conditions agreed upon by the parties hereto, as set forth in the Consent Order and accompanying resolution.

The recommendation of the Administrative Law Judge that the appeal be "Dismissed with Prejudice" is, hereby modified, as stated hereinabove.

Therefore, IT IS ORDERED that the parties comply with the terms of the Consent Order and attached Resolution and IT IS FURTHER ORDERED that the proceedings in the matter be and are hereby DISMISSED WITH PREJUDICE.

This recommended decision may be affirmed, modified or rejected by the Director of the Division of Alcoholic Beverage Control, Joseph H. Lerner, who by law is empowered to make a final decision in this matter.

However, if Director Joseph H. Lerner does not so act in forty-five (45) days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

I HEREBY FILE with Director Joseph H. Lerner this Initial Decision and the record in these proceedings.

Plaintiff

MITCHELL, CHARLES J. and LORETTA
t/a Warford House

vs.

Defendant

FRENCHTOWN

STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW
AGENCY REF. NO.: 4490
DIVISION OF ALCOHOLIC
BEVERAGE CONTROL

OAL Docket No. ABC 4236-80


CIVIL ACTION

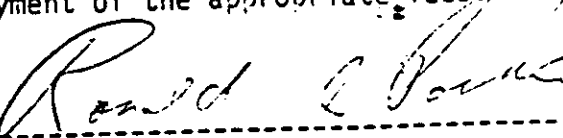
CONSENT ORDER

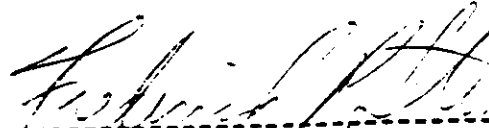
The Appellants and the Respondants, herein, having amicably settled the differences between themselves and the Borough of Frenchtown adopted a resolution renewing the application of the Appellants for a Plenary Retail Consumption License on June 17, 1980,

IT IS HEREBY ORDERED on this 6th day of August, 1980 that the resolution attached hereto and made a part hereof, as adopted by the Borough of Frenchtown on June 17, 1980 be filed with the Division of Alcoholic Beverage Control and become effective upon payment of the appropriate fees.

I hereby consent to the
within Order.


Raymond B. Drake, Esq.





Fredrick R. Stem, Esq.
Attorney for Borough of Frenchtown

BOROUGH OF FRENCHTOWN

RESOLUTION

WHEREAS, Charles J. Mitchell and Loretta M. Mitchell, t/a Warford House having submitted an application to the Borough of Frenchtown for liquor license renewal together with the appropriate fees, AND:

WHEREAS, the Council of the Borough of Frenchtown having considered the said application and the written objections received from Frenchtown Chief of Police, Raymond Smith, at the meeting held June 4, 1980, AND:

WHEREAS, the Borough Council resolved not to renew the said license at the June 4th meeting, AND:

WHEREAS, a public hearing was scheduled and advertised for consideration of the written objections in the renewal of the said liquor license on June 24, 1980, AND:

WHEREAS, the written objections of the Chief of Police, Raymond Smith, were presented at the public meeting in the presence of the applicant and their attorney, AND:

WHEREAS, the Borough Council having decided that the said liquor license could be renewed upon certain conditions in order to provide for the objections made and considered at the hearing on June 24, 1980.

THEREFORE, be it resolved by the Mayor and Common Council of the Borough of Frenchtown that the application of Charles J. Mitchell and Loretta M. Mitchell, t/a Warford House for renewal of liquor license be and the same as hereby approved upon the following conditions agreed to and stipulated to by the applicant:

1. The licensee shall govern more control over the personnel employed within the premises to avoid having people who are not capable of conducting an orderly premises.

2. The lighting in the rear of the building will be augmented to better light the parking area but to avoid glare on neighboring properties.

3. The licensee shall exercise more prudent judgment concerning the unruly or "trouble maker" patron by withholding service of alcoholic beverages
4. The licensee shall meet monthly with the Chief of Police concerning common problems and cooperation in the enforcement of the laws.
5. The licensee shall post signs for "no loitering or drinking" in the parking area.

CERTIFICATION

I, Virginia Atheras, Clerk of the Borough of Frenchtown do hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Borough Council of the Borough of Frenchtown at its meeting held on June 4, 1980.

STATE LICENSES - NEW APPLICATIONS FILED.

Alexander F. Sirio and
Cynthia Sisco Parachini
t/a SP Bacco Importers Ltd.
1058 Anderson Avenue
Fort Lee, New Jersey
Application filed March 18, 1982
for wine wholesale license.

Valkyrie Four Corporation
1290 Avenue of the Americas
New York, New York
Application filed March 23, 1982
for plenary wholesale license.

Jaybee Supply Corporation
7315-19 Fifth Avenue
North Bergen, New Jersey
Application filed March 26, 1982
for place-to-place transfer of a
limited wholesale license from
230 Tonnelle Avenue, Jersey City,
New Jersey.

Claudio P. Iodice
t/a International Beverage Distributors
2101 83rd Street
North Bergen, New Jersey
Application filed March 26, 1982
for limited wholesale license.

Lusa Wholesale Foods Inc.
753 Broad Street
Central Falls, Rhode Island
Application filed March 26, 1982
for limited wholesale license.

James R. Williams & Jonetta R. Williams
t/a Delvista Vinyards
Frenchtown-Everittstown Rd., Alexandria Twp.
RD 1, Frenchtown, New Jersey
Application filed March 26, 1982
for farm winery license.

Sebastiani Vineyards, Inc.
389 Fourth Street East
Sonoma, California
Application filed March 29, 1982 for
limited wholesale license.

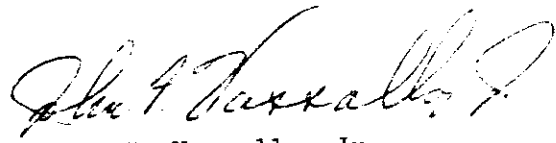
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Trigianni Imports Inc.
346 Larch Avenue
Bogota, New Jersey
Application filed March 31, 1982
for person-to-person transfer of
a limited wholesale license from
George T. Shalhoub.

May Importing Company, Inc.
4201 Arctic Avenue
Wildwood, New Jersey
Application filed April 8, 1982
for limited wholesale license.

New World Wine Co. Ltd., a N. J. Corporation
18 Heller Place
Bellmawr, New Jersey
Application filed April 8, 1982
for wine wholesale license.

Raymond Baurkot
405 Thomas Street
Phillipsburg, New Jersey
Application filed April 12, 1982
for state beverage distributor's license.



John F. Vassallo, Jr.
Director