

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

February 20, 1969

BULLETIN 1837

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

February 20, 1969

BULLETIN 1837

1. LEWDNESS AND IMMORAL ACTIVITY - HEREIN OF INDECENT FILMS  
SHOWN BY COIN-OPERATED MOVIE PROJECTORS.

NOTICE TO ALL CONSUMPTION LICENSEES:

Recent Division investigations disclose a marked increase in the number of consumption licensed premises in which have been found obscene, immoral and indecent films being shown by means of a coin-operated combination juke box and movie projector. The films, to the accompaniment of music, generally have depicted almost nude females performing dances of a lascivious nature, such as stripteases, "bump and grinds" and other physical gyrations emphasizing sexual appeal in a manner offensive to common decency and public morals.

Rule 5 of State Regulation No. 20 provides:

"No licensee shall engage in or allow, permit or suffer in or upon the licensed premises any lewdness, immoral activity, or foul, filthy, indecent or obscene language or conduct, or any brawl, act of violence, disturbance or unnecessary noise; nor shall any licensee allow, permit or suffer the licensed place of business to be conducted in such manner as to become a nuisance."

There is no question that the showing of many of these films comes within the prohibition of the quoted Rule. Violation of the Rule is cause for suspension or revocation of license.

Licensees are hereby forcibly advised that they are fully responsible if they fail to prevent the showing of these types of films on their licensed premises. It is no excuse or defense in a disciplinary proceeding to suspend or revoke a license that the licensee may not have been aware of the nature of particular films being stocked in the machine or that the licensee had no control over the selection of such films. Although it appears that the selection of the films is usually in fact the exclusive province of the vending machine operator nevertheless, it is pointed out that the licensee is in control of his premises and will be held strictly accountable for exhibitions made.

Hence, all licensees are specifically warned that future violations as hereinabove described will be the subject of disciplinary action by this Division.

JOSEPH M. KEEGAN  
DIRECTOR

Dated: February 10, 1969

## 2. STATE REGULATIONS - STATE REGULATION NO. 40 PROMULGATED.

## NOTICE TO ALL LICENSEES:

On September 26, 1968, the State Alcoholic Beverage Law was supplemented by the passage of Ch. 313 of the Laws of 1968. This act provides for the issuance by county clerks of identification cards to county residents who have attained the age of 21 years for the purpose of aiding alcoholic beverage licensees to determine whether a prospective purchaser of alcoholic beverages is at least 21 years of age. However, presentation of such card by a minor in connection with the purchase of alcoholic beverages from a licensee is not to be deemed requisite "written" representation by the minor to constitute a defense to such sale within the meaning of R.S. 33:1-77(a) or (c).

The statute in question empowers the Director of Alcoholic Beverage Control to adopt appropriate rules and regulations to carry into effect the provisions of the new law. Accordingly, pursuant to authority of such law, I am adopting new State Regulation No. 40 to implement the legislation. The new Regulation is hereby promulgated, effective immediately, as follows:

## STATE REGULATION NO. 40

## Issuance of Identification Cards by County Clerks

Rule 1. The county clerk in any county, upon application of any resident of that county who shall have attained the age of 21 years, shall issue to such resident an identification card. Applications for such card shall be in the following form:

State of New Jersey, County of \_\_\_\_\_

IDENTIFICATION CARD  
APPLICATION

TO: County Clerk of \_\_\_\_\_ County, New Jersey

The undersigned hereby applies for an identification card as proof of age.

1. Full name of applicant \_\_\_\_\_  
(First) (Middle) (Last)

2. Residence address \_\_\_\_\_

3. Height \_\_\_\_\_ Weight \_\_\_\_\_  
(Ft.) (In.)

Color of eyes \_\_\_\_\_ Color of Hair \_\_\_\_\_

4. Date of birth \_\_\_\_\_ Date of 21st birthday \_\_\_\_\_

5. Place of birth \_\_\_\_\_  
(Municipality) (County) (State)

6. Father's Name \_\_\_\_\_  
(First) (Middle) (Last)

7. Mother's Maiden Name \_\_\_\_\_  
(First) (Middle) (Last)

8. The applicant presents one of the following certificates to establish his or her age (check appropriate line)  
 Birth Certificate  
 Naturalization Certificate  
 Voter Registration Certificate

9. The applicant submits two (2) recent black and white photographs, approximately 1½ inches by 1½ inches in size, of himself or herself, full face, without hat.

10. Has the applicant ever previously applied for an identification card? \_\_\_\_\_. If so, state the details thereof \_\_\_\_\_

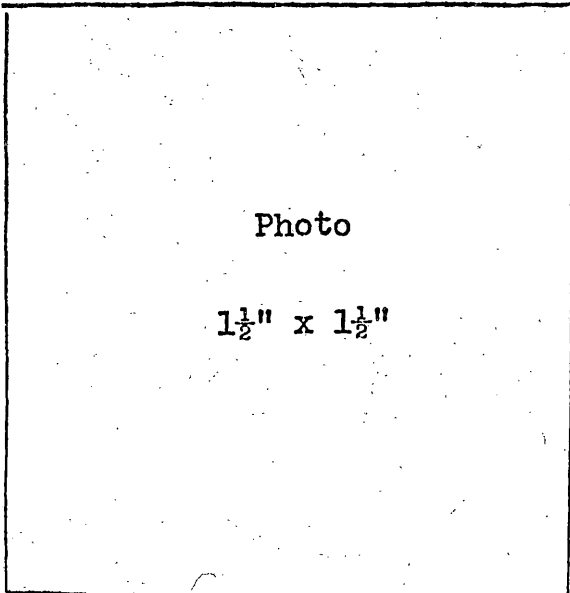
**WARNING:** Any person not entitled thereto who shall have unlawfully procured or have issued to him an identification card shall be guilty of a misdemeanor and shall be sentenced to pay a fine of not more than \$300.00, or imprisonment for not more than 60 days. R.S. 33:1-81.7.

The applicant hereby certifies that all of the foregoing information and statements are true in all respects.

11. Signature of applicant \_\_\_\_\_

12. Signature witnessed by: \_\_\_\_\_ (Date) \_\_\_\_\_  
County Clerk or Duly  
Authorized Deputy

Do Not Write Below This Line



Identification Card Number \_\_\_\_\_  
Date of Issuance \_\_\_\_\_  
Issued by \_\_\_\_\_



## REVERSE SIDE

WARNING:

It shall be unlawful for the owner of this identification card to transfer said card to any other person for the purpose of aiding such person to secure alcoholic beverages. Any person who shall transfer an identification card for the purpose of aiding the transferee to obtain alcoholic beverages and any person not entitled thereto who shall have transferred to him, as aforesaid, an identification card shall be guilty of a misdemeanor and shall be sentenced to pay a fine of not more than \$300.00, or imprisonment for not more than 60 days. R.S. 33:1-81.7.

ALCOHOLIC BEVERAGE LICENSEES NOTE:

The fact of the possession or presentation of an identification card by any person in connection with the purchase or attempted purchase of any alcoholic beverage from any alcoholic beverage licensee shall not be deemed to relieve such licensee of the obligations, responsibilities, or liabilities imposed by law upon such licensee. R.S. 33:1-81.8.

This identification card shall not be deemed to constitute a "writing" within the meaning of the laws of 1939, Chapter 228, sections 1(a) or 1(c) (R.S. 33:1-77(a) or (c)). R.S. 33:1-81.9.

Rule 6. One of the submitted photographs of the applicant shall be mounted on an identification card in the upper left portion of the front side thereof. The card shall be signed by the applicant in the presence of the county clerk or his duly authorized deputy, who shall also sign the card. All cards are to be numbered consecutively. The card shall be laminated in plastic, 10 gauge on each side, and delivered to the applicant. The other photograph of the applicant shall be attached to the application, which shall indicate the date of issuance of the card, the number thereof and the name of the person who issued it, and which shall be retained and kept on file in the county clerk's office as a permanent record.

Rule 7. A fee of \$2.00 shall be paid to the county clerk for the issuance of an original identification card. In the event the card is lost, stolen or destroyed, the holder thereof may apply for a new card with new number by filing new application in the same manner as for an original, upon payment of an additional \$2.00 fee and upon making an affidavit as to the loss, theft or destruction of the original card.

JOSEPH M. KEEGAN  
DIRECTOR

Promulgated: January 30, 1969

Effective: January 30, 1969

Filed with the Secretary of State (N.J.): January 30, 1969

3. BOTTLING WITHOUT LICENSE - POSSESSION OF ALCOHOLIC BEVERAGES UNLABELED OR NOT TRULY LABELED - PRE-MIXING AND STORAGE OF COCKTAILS BY CONSUMPTION AND CLUB LICENSEES - WHEN PERMISSIBLE AND PROHIBITED.

NOTICE TO ALL RETAIL CONSUMPTION AND CLUB LICENSEES:

Recent Division inspections disclose a marked increase in the number of retail consumption and club licensees who have been engaged in the prohibited practice of storing pre-mixed alcoholic beverage cocktails in bottles, jugs, jars and similar containers. When questioned by Division agents, such licensees have claimed that they were unaware of any prohibition against such practice.

In order to clarify and reaffirm the Division ruling on this subject, all retail consumption and club licensees are hereby notified that although they may mix quantities of cocktails in advance for rush hours or special parties, such cocktails (1) must be prepared immediately prior to use, (2) must be sold only during the particular rush hours or particular party (3) and must not be kept in any container other than glasses, pitchers or open decanters. Pre-mixed cocktails may not, under any circumstances, be mixed in advance for consumption at an indeterminate time, or be kept in bottles, jugs, jars or any type container with stopper or top of any kind. Re Berkeley-Carteret Hotel, Bulletin 87, Item 1; Re Cafiero, Bulletin 183, Item 8.

Licensees are warned that their failure to abide by the above ruling may result in more stringent action against them, including suspension or revocation of license for unlawful bottling of alcoholic beverages without appropriate license, in violation of R.S. 33:1-2, and prohibited possession of alcoholic beverages in unlabeled or improperly labeled containers, in violation of Rule 27 of State Regulation No. 20.

JOSEPH M. KEEGAN  
DIRECTOR

Dated: January 10, 1969

4. APPELLATE DECISIONS - TOOLEY'S BAR, INC. v. PASSAIC.

TOOLEY'S BAR, INC. )  
t/a LOUNGE 68, )  
Appellant, )  
v. )  
MUNICIPAL BOARD OF ALCOHOLIC )  
BEVERAGE CONTROL OF THE CITY )  
OF PASSAIC, )  
Respondent. )

ON APPEAL  
CONCLUSIONS  
AND ORDER

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Richard E. Gruen, Esq., Attorney for Appellant  
Charles E. Miller, 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 addresses itself to the action of respondent (hereinafter Board) which, by unanimous resolution dated June 24, 1968, denied the application of appellant (hereinafter Tooley's) for renewal of its plenary retail consumption license for premises 68 Myrtle Avenue, Passaic. The stated reason in the resolution is that "the public necessity and convenience dictates" that it not be renewed.

In its petition of appeal, Tooley's alleges that the Board's action was erroneous because (a) no evidence was adduced to support the same, (b) it was arbitrary, capricious and discriminatory, (c) it was an abuse of the Board's discretionary powers, and (d) it deprived Tooley's of substantial property rights.

In its answer, the Board admits the jurisdictional allegations of the petition and defends that the Board, having considered "all the facts and circumstances pertaining to the refusal to renew the license", concluded that its determination was "reasonable and proper and in the best interest of public welfare."

Upon the filing of the appeal, the Director entered an order extending the term of Tooley's 1967-68 license, pending the determination of the appeal.

This is an appeal de novo pursuant to Rule 6 of State Regulation No. 15, with full opportunity afforded both parties to present testimony herein and cross-examine witnesses.

The decisive issue in this appeal is whether the evidence justifies the action of the Board in refusing to renew Tooley's license. Nordco, Inc. v. Newark, Bulletin 1148, Item 2. The burden of proof in cases involving discretionary matters, where

renewal of license is sought, falls upon appellant to show manifest error or abuse of discretion by the issuing authority. Downie v. Somerdale, 44 N.J. Super. 84; Nordco, Inc. v. State, 43 N.J. Super. 277.

Tooley's advocates in its petition that the refusal to renew has unjustifiably deprived it of substantial property rights. Short shrift was made of a similar contention in Zicherman v. Driscoll, 133 N.J.L. 586, 587, which held:

"The question of a forfeiture of any property right is not involved. R.S. 33:1-26. A liquor license is a privilege. A renewal license is in the same category as an original license. There is no inherent right in a citizen to sell intoxicating liquor by retail, Crowley v. Christensen, 137 U.S. 86, and no person is entitled as a matter of law to a liquor license. Bumball v. Burnett, 115 N.J.L. 254; Paul v. Gloucester, 50 Id. 585; Voight v. Board of Excise, 59 Id. 358; Meehan v. Excise Commissioners, 73 Id. 382; affirmed, 75 Id. 557. No licensee has vested right to the renewal of a license. Whether an original license should issue or a license be renewed rests in the sound discretion of the issuing authority. Unless there has been a clear abuse of discretion this court should not interfere with the actions of the constituted authorities. Allen v. City of Paterson, 98 Id. 661; Fornarotto v. Public Utility Commissioners, 105 Id. 28. We find no such abuse. The liquor business is one that must be carefully supervised and it should be conducted by reputable people in a reputable manner. The common interest of the general public should be the guide post in the issuing and renewing of licenses."

See Freddie's Blue Room, Inc. v. Elizabeth, Bulletin 1422, Item 1; 279 Club, Inc. v. Newark, 73 N.J. Super. 15.

At this plenary de novo hearing, Victor Jacalone, testifying on behalf of the Board, gave the following account: He is sergeant of detectives of the Passaic Police Department, assigned to work on liquor matters in that city. He supervises the compilation of records pertaining to liquor licensees and compiled the record relating to incidents involving Tooley's. Limiting himself to telephone calls relating to Tooley's received by the Police Department, and visits to the licensed premises in 1967 and until June 30, 1968, he noted that the police were summoned twenty-eight times in 1967 and eighteen times in the first half of 1968. He enumerated each incident from the record before him. It is unnecessary to set forth all of these in detail, except to delineate several of the more serious occurrences.

As to 1967: On January 29, the police responded to a call from Rev. Joseph Napier that his 17-year-old son was being served at the tavern.

On April 8, in response to a call, they found a 15-year-old minor on the premises.

On April 15 at 1:17 a.m., police responded to a call that men were fighting in the tavern. When they arrived, they were informed by the bartender that two men had been fighting but had left prior to the arrival of the police.

On the evening of that day, the police received another call that a man pulled a gun during an argument in the tavern. When they arrived at the premises, this man had left.

On April 23, upon complaint of a disturbance, they found that a patron had been assaulted by four males in the premises.

On May 11, one Harry Pollaro reported that he had been struck on the head with a bottle in front of these premises. He was treated at Passaic General Hospital.

On June 26, the police were called to intercept a fight in progress at these premises. They "settled a dispute" between two patrons.

On July 1, police assistance was requested for a disorderly patron at the premises. It was noted in the report that he was intoxicated.

On July 8, one Anna Bradford reported to the police that she was assaulted by a male in front of the said premises. She refused medical attention for a cut lip.

On August 4, police responded to a call of a disturbance and arrested two patrons who were charged with causing the said disturbance.

On October 6, police responded to a call that a patron with a gun was menacing other patrons in the premises.

As to 1968: On January 5 at 2:56 a.m., police investigated a report that an intoxicated patron was lying in front of the said premises. He was taken to Passaic General Hospital for treatment and then released.

On January 22, in response to a call, the police found a man lying on the sidewalk in front of the premises.

On February 7, the police were informed by one Francisco Carabello that he had been assaulted in the said premises.

On March 1, police responded to a report of a disturbance at the premises; and on March 28, they similarly responded to a call that a man with a knife was threatening patrons at the said premises.

On April 2, police responded to a call that a dice game was in progress in front of the premises. They found approximately ten persons participating, "among them narcotics addicts, known parolees."

On April 25, an anonymous report was received of a man with a gun in the said premises; police responded.

On May 5 at 2:16 a.m., in response to a call for assistance, police found that a "wild disturbance" had been caused by a patron who had left the tavern prior to their arrival.

On May 11, one Leroy Clemens reported that he was assaulted on leaving the tavern. He was taken to the hospital for treatment.

On May 12, one Jamie Carrion reported that he was assaulted in front of the tavern. He also was admitted to the hospital for treatment.

On May 28, police responded to a call and found a man standing against the wall of the premises, bleeding about the face and mouth. He claimed he had been assaulted as he emerged from the tavern.

On May 31, Mrs. Ollie Robinson reported that her 13-year-old daughter was drunk in the tavern. Her mother found her in the tavern and police conveyed both the mother and daughter to headquarters. The matter is still under investigation.

On June 2, there was a report that men were selling narcotics in front of the tavern. This matter is also presently under investigation.

On June 15, police officers apprehended a 20-year-old and a 17-year-old youth in front of the said premises. They were charged with possession of narcotics and narcotics paraphernalia.

The witness, in the course of his duties, frequently visited Tooley's Bar on routine investigations and noted that on Fridays, Saturdays and Sundays particularly, the patronage was "a loud, boisterous, noisy crowd. It seemed to be out of control most of the time. It seemed to be a trouble spot." On numerous occasions, he observed large numbers of persons standing on the sidewalk in front of the premises; he heard them utter obscenities, and conduct themselves generally in a loud and boisterous manner. There would be "sort of duking or fighting out in front of the place."

This community issued 164 tavern licenses for the 1967-68 period. In this witness' opinion, approximately eight licensed premises are notoriously improperly conducted and "this is one of them."

Louis Gill and Peter Perry, members of the Municipal Board of Alcoholic Beverage Control, testified that they carefully considered and reviewed Tooley's application for renewal and concluded, upon the evidence before them, that this facility was a "trouble spot" and was an inconvenience to the citizens. Numerous citizens had objected to the renewal of the license and they, accordingly, voted to deny the said application.

Sam Kahn, a local resident with substantial realty holdings in the immediate vicinity of these premises, testified that he passes the premises six or eight times a day. At all times of the day and night, crowds congregate in front of the premises, use obscene language, make overtures to and molest females passing the premises. He also observed that large numbers of children from a nearby school pass these premises and are subjected to the obscene language and abuse by patrons of this establishment.

Joseph Satkin, president and principal stockholder of Tooley's, testified that he operates Fleetwood Lounge, Inc. in Passaic as well as the premises in question. He admitted that while he operated Blue Fountain, Inc., its license was suspended for sixty days in 1965 for gambling; that Tooley's license was suspended in 1966 for fifteen days for "false labeling" and in 1968 for twenty days for sale during hours prohibited by State Regulation No.38. He insisted that most of the thirty calls made to the police in 1968 were made by himself, his bartender and the special officer employed on these premises. He was aware of narcotics addicts frequenting the tavern and congregating in

front of the tavern and reported the same to councilman Zangara.

On cross examination, he conceded that he had made perhaps fifty calls to the Police Department in 1968. He was questioned as to each of the reported incidents as enumerated by Sergeant Jacalone and in most instances he either did not recall them or stated that they occurred on the outside of the licensed premises. He explained that many of the police visits were made during his absence from the premises when two bartenders on duty were in charge. He insisted that in every instance where the police responded to a call relating to narcotics addicts, he personally called them because he was concerned about the number of such addicts in the area.

Peter Zangara, a city councilman, testified that some time in 1967, Satkin had complained to him about narcotics pushers frequenting Tooley's premises and coming "around his place of business." Although the councilman visited these premises during a political campaign about a year ago, he had not been there since his election. He acknowledged, however, that he has received numerous complaints from residents with respect to the conduct of these premises.

Sol Gelman, a local detective, had occasion to discuss the narcotics problem and other problems in this area with Satkin, at which time Satkin furnished him with the registration of the vehicles operated by some of these narcotics addicts. He also stated that he made an arrest of two narcotics addicts on June 15, 1968, one inside and the other outside the premises.

Thomas Kelley, a special officer employed by Tooley's, stated that he had been employed for the past four years at Tooley's and its predecessor. He made a few calls to the Police Department where he felt police assistance was required. On cross examination he could not estimate the number of calls made but believed that the police responded at least twenty-five times. When questioned specifically as to the incidents reported in 1967, his stock answer was, "I don't recall that."

My evaluation and analysis of the totality of the evidence convince me that these premises were conducted in an improper manner and amply justified the description of Sergeant Jacalone and the two Board members who appeared at this hearing that it was indeed a "trouble spot." This tavern has a peculiar magnetism for attracting drunkards, criminals, parolees and, as especially noted, narcotics pushers and addicts, with the disturbance of public morality consequent thereon. Noise and disturbances, frequent flare-ups, assaults occurred not only inside the establishment but on the outside.

I was particularly impressed with the testimony of Sam Kahn, a respected resident for many years in this area. He gave a graphic description of the conditions that existed both inside and outside these premises. The congregation of undesirables in front of these premises at all times of the day and night; the flow of obscenity uttered by these persons; their harassment and molestation of passersby, particularly young girls; and the general deleterious effect of the activities at these premises on the residents of the area is deplorable.

Satkin, Tooley's corporate president, disclaims any responsibility for conditions outside the premises, saying, in effect, that he has no knowledge thereof. However, as early as

Conte v. Princeton, Bulletin 139, Item 8 (1936), this Division has been guided by the fundamental principle that a licensee is responsible for conditions both in and outside its licensed premises which are caused by its patrons. See, most recently, Kaplan and Buzak v. Englewood, Bulletin 1745, Item 1; affirmed id. nom. App.Div. 1968, not officially reported, recorded in Bulletin 1790, Item 1; certif. den. 51 N.J. 464.

Aside from the clear responsibility for conditions inside and outside the tavern, the issue of the public interest is not necessarily related to personal fault of the licensee. The determinative question is: Was it in the public interest to deny renewal for any sound reason, including the co-existence of the liquor operation and the offensive concomittants outside the premises or in the immediate surrounding area?

In its consideration of this matter, the Board was guided by the principles enunciated in Tumulty v. Dunellen (App.Div. 1963), not officially reported, reprinted in Bulletin 1519, Item 1, as follows:

"The problem before [the board], upon the application for the renewal of the license, was whether it was in the public interest that this establishment be licensed in the future. Subject to law and to the Director's right of review, a municipality has the power to set its own reasonable standards for the conduct of its licensees. We hold that Dunellen had the right to say that since these licensees permitted the things recited in the Director's 'Conclusions and Order' of June 13, 1962, they were not worthy to continue to hold their license and that it was not in the public interest that the license should be renewed..." (Emphasis supplied)

I am convinced that the Board took seriously its official commitment to effective liquor control and responsibility to the public interest to limit the issuance and renewal of liquor licenses to those persons who were clearly worthy of the privilege. Butler Oak Tavern v. Div. of Alcoholic Beverage Control, 36 N.J. Super 512; aff'd 20 N.J. 373.

It is particularly significant to note that the Board, by one resolution, refused to renew nine licenses (including the subject license) for the reason that the public necessity and convenience dictated that they not be renewed. The Board understood the sense of outrage of the residents of Passaic at certain taverns which were clearly trouble spots. By its action in denying renewal, the Board significantly and unequivocally proclaimed that the bell has tolled on this type of operation in this municipality and that the community no longer desired to tolerate this facility which it determined to be a nuisance and a trouble spot. Nordco, Inc. v. State, supra.

Since the evidence makes it fairly clear that this municipality is more than adequately populated with liquor facilities, there could hardly be any quarrel with an objective judgment that one less tavern, particularly of the type conducted by Tooley's, would undoubtedly serve the larger public interest as well as the immediate neighborhood.

In the area of licensing, as distinguished from disciplinary proceedings, the determinative consideration is the public

interest in the creation or continuance of the licensed operation, not the fault or merit of the licensee. In issuing or renewing licenses, the responsibility of a local issuing authority is "high", its discretion "wide" and its guide "the public interest." Lublinter v. Paterson, 33 N.J. 428, 446 (1960).

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. Or, to put it in another way, where reasonable men, acting reasonably, determine that the license should not be renewed, the Director should affirm such determination in the absence of a finding that "the act of the board was clearly against the logic and effect of the presented facts." Hudson Bergen Retail Liquor Stores Assn. v. Hoboken, 135 N.J.L. 502, 511. See Frey v. Hoboken, Bulletin 1768, Item 1.

My careful consideration of the evidence presented herein, the exhibits and the summation of counsel leads to the irresistible conclusion that the Board exercised its discretion circumspectly, reasonably and in the best interests of the municipality in refusing to renew Tooley's license for the current licensing year. It is, therefore, recommended that the Board's action be affirmed and that the appeal herein be dismissed.

#### Conclusions and Order

Exceptions to the Hearer's report, with supportive argument, were filed by the attorney for the appellant, pursuant to Rule 14 of State Regulation No. 15.

I have fully considered the said exceptions and find that they have either been answered in the Hearer's report or are lacking in merit.

Having carefully considered the entire record herein including the transcript of the testimony, the exhibits, the Hearer's report and the exceptions filed, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 6th day of January 1969,

ORDERED that the action of the 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 my order dated June 26, 1968, extending the term of appellant's license pending determination of the appeal, be and the same is hereby vacated effective immediately.

JOSEPH M. KEEGAN  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against )

MICHAEL F. WALL )  
t/a Wall's Triangle Tavern )  
4218 Bergen Turnpike )  
North Bergen, N. J. )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-53 issued by the Municipal Board of Alcoholic Beverage Control of the Township of North Bergen. )

-----  
Krivit & Krivit, Esqs., by Maurice M. Krivit, Esq., Attorneys for Licensee  
Louis F. Treole, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on divers dates between February 20 and April 4, 1968, he permitted 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 municipal issuing authority for ten days effective August 21, 1966, for failure to close the licensed premises during prohibited hours, in violation of local regulation.

The prior record of suspension of license 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 Fay, Bulletin 1825, Item 5.

Accordingly, it is, on this 6th day of January, 1969,

ORDERED that Plenary Retail Consumption License C-53, issued by the Municipal Board of Alcoholic Beverage Control of the Township of North Bergen to Michael F. Wall and transferred during the pendency of these proceedings to Michael F. Wall and Sheila P. Cody, t/a Wall's Triangle Tavern, for premises 4218 Bergen Turnpike, North Bergen, be and the same is hereby suspended for sixty (60) days, commencing at 3:00 a.m. Monday, January 13, 1969, and terminating at 3:00 a.m. Friday, March 14, 1969.

JOSEPH M. KEEGAN  
DIRECTOR

6. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1968 to DECEMBER 31, 1968 AS REPORTED TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19 (INCLUDING 57 ISSUED BY THE DIRECTOR PURSUANT TO R.S. 33:1-20)

C L A S S I F I C A T I O N   O F   L I C E N S E S

County	PLENARY Retail Consumption		PLENARY Retail Distribution		Club		Limited Retail Distribution		Seasonal Retail Consumption		Licenses Surren- dered Expired	Licenses Revoked	Number Licenses in Effect	Total Fees Paid
	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid				
Atlantic	484	\$ 208,000.00	74	\$ 28,255.00	30	\$ 2,620.00							588	\$ 238,875.
Bergen	811	352,210.00	301	96,495.00	164	14,932.20	44	\$ 2,106.50	5	\$ 1,398.75			1325	467,142.
Burlington	198	93,999.00	43	16,515.00	56	7,378.40	1	50.00					298	117,942.
Camden	452	242,924.92	86	39,863.00	80	8,037.00			1	450.00			619	291,274.
Cape May	142	78,400.00	13	4,700.00	18	2,250.00							173	85,350.
Cumberland	82	44,100.00	15	4,450.00	32	4,350.00							129	52,900.
Essex	1216	782,630.00	338	223,050.00	92	12,600.00	24	1,200.00	2	1,500.00			1672	1,020,980.
Gloucester	110	41,140.00	15	3,945.00	25	2,294.00							150	47,379.
Hudson	1402	633,895.00	297	121,900.00	78	9,076.22	58	2,450.00				2	1833	767,321.
Hunterdon	80	33,688.00	16	10,508.00	17	2,090.00							113	46,286.
Mercer	399	286,226.00	51	27,154.00	63	9,412.50							513	322,792.
Middlesex	635	322,615.00	88	30,680.00	135	11,173.00	4	200.00					862	364,668.
Monmouth	548	292,043.00	127	45,950.00	65	7,116.25	10	492.00	18	11,003.84			768	356,605.
Morris	360	154,557.00	105	45,470.00	72	7,257.50	13	650.00	5	1,560.00			555	209,494.
Ocean	195	113,321.66	52	23,632.00	49	5,500.00							296	142,453.
Passaic	801	346,409.00	169	54,540.00	51	6,000.00	6	300.00				1	1026	407,249.
Salem	52	21,130.00	8	1,640.00	20	1,775.00							80	24,545.
Somerset	189	89,470.00	42	13,855.00	40	4,700.00							271	108,025.
Sussex	165	47,720.00	20	4,350.00	13	740.00	1	50.00	1	225.00			200	53,085.
Union	546	326,906.00	144	75,218.00	91	9,786.72	25	1,250.00					806	413,160.
Warren	146	45,060.00	22	5,740.00	32	3,500.00			1	225.00			201	54,525.
Totals	9013	\$4,556,444.58	2026	\$877,910.00	1223	\$132,588.79	186	\$ 8,748.50	33	16,262.59		3	12478	\$5,592,054.

During period October 1, 1968 to December 31, 1968:

- 5 "C" issued under hardship
- 12 "C" New Licenses
- 1 "C" denied
- 3 "C" surrendered
- 4 "C" operating under appeal-
- 1 "D" New License
- 8 "CB" New Licenses
- 32 Seasonal Expired
- 11/1/68

Joseph M. Keegan,  
Director

January 14, 1969.

7. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

RUBIN'S TAVERN, A CORP. )  
42 Paterson Street )  
Paterson, N. J. )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-112 issued by the Board of Alcoholic Beverage Control for the City of Paterson )

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Goodman and Rothenberg, Esqs., by Robert I. Goodman, Esq., Attorneys for Licensee  
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, September 15, 1968, it permitted removal from its licensed premises of an opened pint bottle of gin, in violation of Rule 1 of State Regulation No. 38.

Licensee has a previous record of suspension of license by the Director for ten days effective July 25, 1966, for a similar offense. Re Rubin's Tavern, Bulletin 1692, Item 12.

The prior record of suspension of license for similar violation occurring within the past five years considered, the license will be suspended for thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days. Re W. K. Inc., Bulletin 1824, Item 10.

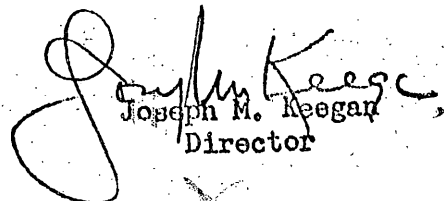
Accordingly, it is, on this 6th day of January, 1969,

ORDERED that Plenary Retail Consumption License C-112, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Rubin's Tavern, A Corp., for premises 42 Paterson Street, Paterson, be and the same is hereby suspended for twenty-five (25) days, commencing at 3:00 a.m. Monday, January 13, 1969, and terminating at 3:00 a.m. Friday, February 7, 1969.

JOSEPH M. KEEGAN  
DIRECTOR

8. STATE LICENSES - NEW APPLICATION FILED

Vermouth Industries of America, Inc. (A New Jersey Corporation)  
100 Hancock Street, Lodi, N. J. 07644  
Application filed February 18, 1969 for person-to-person transfer of Plenary Winery License V-15 from Vermouth Industries of America, Inc. (A New York Corporation)

  
Joseph M. Keegan  
Director