

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

BULLETIN 1904

April 17, 1970

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

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April 17, 1970

1. APPELLATE DECISIONS - CLARK v. PATERSON - ORDER STAYING  
REVOCATION DENIED.

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

-----  
BY THE DIRECTOR:

Notice and petition of appeal from respondent's order revoking License No. C-189, issued to appellant for premises 50-52 Spring Street, Paterson, having been filed herein; and

It appearing that R.S. 33:1-31 provides that an appeal from revocation of a license shall not act as a stay of such revocation pending determination of the appeal unless the Director shall otherwise order; and

It appearing from the nature of the charge involved that it would be contrary to public interest to permit in advance of hearing the operation of the licensed premises;

It is, on this 19th day of March 1970,

ORDERED that a hearing be held on Wednesday, May 13, 1970, at ten o'clock in the forenoon, at the offices of the Division of Alcoholic Beverage Control, 1100 Raymond Blvd., Newark, New Jersey, to determine whether the appeal herein shall stay the effect of respondent's order of revocation pending determination of the appeal; and it is further

ORDERED that the appeal herein shall not act as a stay of the order of revocation pending the aforesaid hearing and the entry of a further order by the Director.

RICHARD C. McDONOUGH  
DIRECTOR

2. APPELLATE DECISIONS - R.H. MACY & CO., INC. v. WAYNE - ORDER DENYING PETITION FOR REHEARING.

#3434

R. H. MACY & CO., INC.,	)	
Appellant,	)	
v.	)	On Appeal
Municipal Council of the	)	On Petition for Rehearing
Township of Wayne	)	
Respondent.	)	CONCLUSIONS

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Lum, Biunno & Tompkins, Esqs., by Joseph R. McMahon, Esq.,  
Attorneys for Appellant  
Jerome A. Vogel, Esq., by Robert S. Moraff, Esq., Attorney  
for Respondent

BY THE DIRECTOR:

On October 16, 1969, Conclusions were filed (Appeal #3375, R. H. Macy & Co., Inc. v. Wayne, Bulletin 1888, Item 2) wherein the action of respondent in denying the application for renewal of appellant's plenary retail consumption license for 1968-69 was reversed by Director Keegan and respondent was ordered to grant appellant's application for renewal of its license subject to the special condition hereinafter mentioned.

The special condition provided that respondent withhold issuance of the license to appellant until the proposed premises shall have been duly completed in keeping with the filed plans.

The petitioner now seeks a rehearing (although application for renewal of the license in question was granted for the license years 1963 to and inclusive of 1967-68) because of the discovery of alleged new evidence based on two affidavits annexed to and made part of the instant petition.

An affidavit submitted by Dorothy McDevitt, Township Clerk, among other things stated that an application requesting place-to-place transfer of appellant's license "from the proposed site to the Bamberger's store presently in operation" was not given "to Mr. Moraff inasmuch as the Township Counsel, Jerome A. Vogel, had ruled that such application could not be considered by the Council until the application for renewal was resolved."

An affidavit submitted by Robert S. Moraff, Assistant Township Counsel, among other things (referring to the application of appellant for a place-to-place transfer of its license) states:

"... It now appears that this application not only is material and relevant to the present matter but also has substantial impact on at least one of the

issues before the Division, namely, whether or not R. H. Macy & Co., Inc. had a bona fide intention of constructing and proceeding with the construction of their proposed building."

I agree with the ruling of the Township Counsel Vogel that the application for place-to-place transfer should not be considered in the present appeal.

I have examined the affidavits submitted by respondent and find nothing therein to warrant a rehearing in the matter.

The petition for rehearing is denied.

Richard C. McDonough,  
Director.

Dated: March 16, 1970

3. DISCIPLINARY PROCEEDINGS - AFFIRMED - SUPPLEMENTAL ORDER -  
SUSPENSION REIMPOSED.

In the Matter of Disciplinary Proceedings against

Tube Bar, Inc.  
T/a Tube Bar  
12 Tube Concourse  
Jersey City, N. J.

SUPPLEMENTAL  
ORDER

Holder of Plenary Retail Consumption License C-184, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

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Michael Halpern, Esq., by Robert H. Wall, Esq., Attorney for Licensee  
Edward F. Ambrose, Esq., Appearing for the Division

BY THE DIRECTOR:

On March 6, 1969 an order was entered herein suspending the license for sixty days effective March 13, 1969, after finding the licensee guilty of allowing, permitting and suffering gambling on its licensed premises, namely, the making and accepting of bets in a lottery commonly known as the "numbers game", and permitting the sale of tickets in a lottery on the licensed premises. Re Tube Bar, Inc., Bulletin 1852, Item 2.

Prior to the effectuation of the suspension, upon appeal filed the Appellate Division of the Superior Court stayed the operation of the suspension until the outcome of the appeal.

The court affirmed the action of the Director on January 30, 1970. In re Tube Bar, Inc., (App. Div. 1970), not officially reported, recorded in Bulletin 1898, Item 2. The suspension may now be reimposed.

Accordingly, it is, on this 11th day of February 1970,

ORDERED that the sixty-day suspension heretofore imposed and stayed during the pendency of the proceedings on appeal be reinstated against Plenary Retail Consumption License C-184, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Tube Bar, Inc., t/a Tube Bar, for premises 12 Tube Concourse, Jersey City, commencing at 2 a.m. Thursday, February 19, 1970, and terminating at 2 a.m. Monday, April 20, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) -  
LICENSE SUSPENDED FOR 60 DAYS.

In the Matter of Disciplinary Proceedings against

ESTRELLA MARTINEZ  
t/a Spanish Tavern  
104 McWhorter Street  
Newark, N. J.

)  
)  
) CONCLUSIONS  
) AND ORDER  
)

Holder of Plenary Retail Consumption License C-413 issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark

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Robert J. Jerome, Esq., Attorney for Licensee  
Louis F. Treole, Esq., Appearing for the Division

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charges:

"1. On May 2, 14, 19 and 23, 1969, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of bets in a lottery, commonly known as the 'numbers game', and on said date of May 23, 1969, you allowed, permitted and suffered in and upon your licensed premises, slips, tickets, records, documents, memorandum and other writings pertaining to the aforementioned gambling activity; in violation of Rule 7 of State Regulation No. 20.

"2. On May 2, 14, 19 and 23, 1969, you allowed, permitted and suffered tickets and participation rights in a lottery, commonly known as the 'numbers game', to be sold and offered for sale in and upon your licensed premises and on said date of May 23, 1969, you also allowed, permitted and suffered such tickets and participation rights in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20."

Three ABC agents participated in the investigation which resulted in the lodging of these charges.

Agent S, who possessed considerable experience in gambling investigations, including numbers betting, testified that on May 2 at noontime, accompanied by Agent C, he entered the licensed premises (described as containing a barroom in the front with a semi-circular bar and tables and chairs and a dining room in the rear), sat at the bar and ordered food and beverages. A male, identified as Herman Alvarez, was tending bar. Approximately twelve patrons were in the barroom.

He observed a stockily built male about 65 years of age (later identified as Mr. Rosa) enter the barroom, proceed "to a couple of males, and he had conversation with them, and I observed a few males hand him money, and he took a piece of paper from his pocket and he made notations of three-digit numbers on his little piece of paper and put it into his pocket. He also put the money that the males had gave him into his pocket. I observed him take a seat at one of the tables opposite the bar about at the end of the bar in the front. At that point I waved to him and I ordered a drink for him and Mr. Herman served him. Shortly thereafter he departed from the premises, and I departed with him." It was the agent's opinion that this male had engaged in numbers betting activity.

Agent S entered the barroom on May 14 at approximately 11:30 a.m. and joined Agents G and M who had preceded him into the premises. Alvarez was tending bar. He observed Rosa enter the tavern and then observed that he "went around the bar to certain few people, and there were a few transactions, accepting some money and he made some notations, and he took a position this time on the left side of the premises, to the left front entrance."

Thereupon, Agent S handed Agent M a dollar bill and instructed him to bet the money on the number 711 with Rosa. He saw Agent M go to Rosa, hand Rosa the dollar and then saw Rosa make a notation on a piece of paper and place the dollar and paper in his pocket. He could not overhear the conversation between Agent M and Rosa. Shortly thereafter, the agents departed from the licensed premises.

Agent M, whose qualifications with respect to gambling investigations were admitted, testified that, accompanied by Agent G, he entered the licensed premises on May 14 at 11:05 a.m. and sat at the bar. Herman Alvarez was tending bar. Pursuant to instructions given by Agent S, who entered the licensed premises subsequent to his entry, Agent M approached Rosa. He handed Rosa a dollar bill and requested him to place a bet on number 711. The "male nodded his head, took my money, and marked 711 with a dollar on a piece of paper and put it in his pocket."

Accompanied by Agent G, Agent M revisited the licensed premises on May 19 at approximately 11:50 a.m. and positioned himself at the bar. Alvarez was tending bar. Shortly thereafter, Rosa entered the tavern and sat at the bar. Agent G asked Alvarez if this male "was allright, if he would pay up." Alvarez replied, "Sure." Alvarez cautioned him not to give Rosa anything at that time because there was a "tax man" in the premises. Alvarez called out to Rosa in the Spanish language (which Agent M. understood) not to take anything. Rosa left the premises and returned after the so-called "tax man" left.

Agents M and G approached Rosa, who was then seated at the bar approximately two seats distant. Agent M bet number 285 for a dollar and Agent G bet numbers 879 and 711, each for a dollar. Rosa wrote the numbers on a piece of paper and placed the money and the paper in his pocket.

Continuing the investigation, Agent M returned to the licensed premises on May 23 at approximately 11:30 a.m., accompanied by Agent G and a Prosecutor's detective, and sat at the bar. A male, usually employed as a helper, was tending bar. When Rosa entered the barroom and proceeded to the agents' position, Agent M told Rosa that he wished to play number 285 for a dollar and handed him a "marked" one-dollar bill. Rosa wrote the number on a piece of paper and placed the paper and currency in his pocket. The same procedure was followed when Agent G played numbers 879 and 711, each for a dollar and a dollar. At this moment another ABC agent, who had been in the premises, walked out. Other ABC agents and police officers then entered the premises. Agent M identified himself to Rosa. A search of Rosa's person revealed that he had the "marked" money and several numbers bet slips in his possession.

The testimony of Agent G, who had accompanied Agent S into the licensed premises on May 2, accompanied Agents S and M on May 14 and accompanied Agent M on May 19, was corroborative of the observations of the aforesaid agents concerning the matters relative to the charges.

On the morning of May 23, Agent G met with several Division agents and with Prosecutor's detectives in the Prosecutor's Office where a "marked" money list of five one-dollar bills was prepared. At approximately 11:30 a.m. Agent G (who had five marked one-dollar bills in his possession) entered the barroom accompanied by Agents M, R and Ga and they positioned themselves at the bar. A male identified as Bonito Fernandez was tending bar. A short time thereafter, Rosa entered the premises and proceeded to the place where the agents were positioned. Agent G handed Agent M a "marked" dollar bill and told Rosa that they had some bets to place. Rosa took a pen and a piece of paper from his pocket. Agent M said to Rosa to give him 285 for a dollar. Agent G asked Rosa to give him 879 for a dollar and a dollar and 711 for a dollar and a dollar. Rosa marked the bets on the slip of paper and placed the slip and the "marked" dollar bills given to him by the agents in his pocket.

Rosa was observed to walk around to the other side of the bar and accept numbers bets and money from other patrons. Upon receiving a signal, other law enforcement officers entered the licensed premises. Detective Scanlon, who had been seated next to Agent G at the bar, went to Rosa and placed him under arrest. A search of Rosa revealed that he had in his possession the five "marked" one-dollar bills, a slip containing the numbers bets given to Rosa by the agents, and slips containing other numbers bets. The betting slips, the marked money and a marked money list prepared prior to entering the barroom were received in evidence.

Agent G identified himself to Fernandez. Upon being summoned by Fernandez, Alvarez entered the barroom. Agent G also identified himself to Alvarez and reminded him that he had once questioned him as to whether a certain bookmaker was all right and that Alvarez responded that the agent didn't have to worry about the bookmaker. Alvarez replied, "I don't remember anything. I have a terrible memory"; and walked away.

In defense of the charges, Herman Alvarez, who had managed the business conducted by the licensee for approximately one year, testified that business is generally heavy at the luncheon hour which commences at 11 o'clock. Rosa had been patronizing the bar prior to the time Alvarez had commenced his employment with the licensee. He never observed Rosa accept numbers bets.

He recalled an incident wherein Agent G, while sitting at the bar, mentioned that he was booking numbers uptown and that he wanted to book numbers in the area of the licensed premises. Alvarez replied, "Why don't you do what I do? I take money from this pocket and I put it into that pocket and you are better off." He denied having a conversation with any of the agents wherein a "tax man" was mentioned. He insisted that he is too busy to engage in lengthy conversation with anyone.

On cross examination, the witness denied having been questioned by Agent G as to whether or not the bookmakers were "all right." He had not been acquainted with Rosa prior to commencing his employment at the licensed premises. He denied saying to Agent G, on the day of the raid, that he had a terrible memory and didn't remember anything.

Preliminarily, it should be observed that in matters of this nature we are guided by the established principle that disciplinary proceedings against liquor licensees are civil in nature and require proof by a preponderance of the believable evidence only. Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373 (1956); Freud v. Davis, 64 N.J. Super. 242 (App. Div. 1960); Howard Tavern, Inc. v. Division of Alcoholic Beverage Control, not officially reported, reprinted in Bulletin 1491, Item 1.

In appraising the factual picture presented herein, the credibility of witnesses must be weighed. Testimony, to be believed, must not only proceed from the mouth of a credible witness but must be credible in itself. It must be such as the common experience and observation of mankind can approve as probable in the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961).

The general rule in these cases is that the finding must be based on competent, legal evidence and must be grounded on a reasonable certainty as to the probabilities arising from a fair consideration of the evidence. 32A C.J.S. Evidence, Sec. 1042.

The evidence is overwhelming that Rosa operated a "numbers" book in licensed premises. On May 2, he was observed to accept numbers bets and money from patrons in the barroom. On May 14 Agent M played a number with Rosa for a dollar and Rosa made a notation of the bet and accepted a dollar bill from Agent M. Agents M and G graphically depicted in their testimony the numbers betting activity they engaged in with Rosa while they were at the bar on May 19. The numbers betting activity which Agents M and G engaged in with Rosa while they were on the premises on May 23 was overwhelmingly confirmed by the finding of the marked money and numbers bet slips in Rosa's possession.

I find that the bartenders should have been aware of the numbers betting activity hereinabove described and which was taking place openly and in plain view. It is an established principle that a licensee may not avoid his responsibility for conduct occurring on his premises by merely closing his eyes and ears. On the contrary, licensees or their agents or employees must use their eyes and ears, and use them effectively, to prevent the improper use of their premises. Bilowith v. Passaic, Bulletin 527, Item 3; Re Ehrlich, Bulletin 1441, Item 5; Re Club Tequila, Inc., Bulletin 1557, Item 1.

Furthermore, failure to prevent the prohibited activity is to "suffer" its occurrence. Essex Holding Corp. v. Hock, 136 N.J.L. 28, 31 (Sup. Ct. 1947). If the licensee's agents knew or should have known of the proscribed gambling on the licensed premises, and took no steps to prevent or stop such occurrence, she is guilty of the charges in question.

An additional basic principle is worthy of emphasis. In disciplinary proceedings, a licensee is fully accountable for all violations committed or permitted by his servants, agents or employees. Rule 33 of State Regulation No. 20. Cf. In re Schneider, 12 N.J. Super. 449 (App. Div. 1951).

I conclude that a fair evaluation of the evidence clearly and reasonably preponderates in favor of a finding of guilt of the charges alleged.

Licensee has no prior adjudicated record of suspension of license. I further recommend that the license be suspended for sixty days. Re Reminsky, Bulletin 1885, Item 4.

#### Conclusions and Order

No exceptions to the Hearer's report were filed pursuant to Rule 6 of State Regulation No. 16.

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 conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 12th day of March 1970,

ORDERED that Plenary Retail Consumption License C-413, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Estrella Martinez, t/a Spanish Tavern, for premises 104 McWhorter Street, Newark, be and the same is hereby suspended for sixty (60) days, commencing at 2 a.m. Thursday, March 26, 1970, and terminating at 2 a.m. Monday, May 25, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

5. MINIMUM CONSUMER RESALE PRICES - WHOLESALE PRICES - NOTICE OF EMERGENCY AND CONTINUATION OF CURRENT PRICES THROUGH APRIL 14, 1970.

NOTICE TO ALL LICENSEES:

Due to the current strike of the Post Office personnel, the second quarter Minimum Consumer Resale Price List and Wholesale Price List will not be able to be timely delivered to licensees prior to the expiration of the currently effective first quarter Lists on March 31, 1970. I therefore find that an emergency exists warranting an extension of the effective date of these two Lists.

Accordingly, pursuant to authority provided in Rule 4 of State Regulation No. 30 and Rule 7 of State Regulation No. 34, I have continued in effect the currently effective Minimum Consumer Resale Price List and Wholesale Price List through April 14, 1970.

All prices of alcoholic beverages published in said Lists shall continue to be in effect until the new prices become effective on April 15, 1970. The prices of private label and exclusive brands are not affected by this action.

RICHARD C. McDONOUGH  
DIRECTOR

Dated: March 25, 1970

6. EMPLOYMENT PERMITS - EXTENSION OF EXPIRATION DATE OF 1969-70 PERMITS - AUTHORIZATION OF EMPLOYMENT FROM APRIL 1, 1970 TO MAY 15, 1970 WITHOUT 1970-71 PERMIT FOR WHICH APPLICATION HAS BEEN MADE.

TO APPLICANTS FOR EMPLOYMENT PERMITS:

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

Applicants who have filed applications with this Division for renewal of their 1969-70 permits which expire March 31, 1970, may continue employment under authority of such permit until May 15, 1970 by which time they should be in possession of their renewal permit for 1970-71.

Applicants for new employment permits that are not "renewals" may be employed on licensed premises, for the period of April 1, 1970 to May 15, 1970, without benefit of such permit.

You should show this letter to your employer so that he may be apprised of the above stated situation.

RICHARD C. McDONOUGH  
DIRECTOR

Dated: March 25, 1970



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

In the Matter of Disciplinary Proceedings against  
 MAZDABROOK FARMS AND COUNTRY CLUB  
 t/a Mazdabrook Farms  
 Smith Road  
 Parsippany Troy-Hills  
 PO Parsippany, N. J.  
 Holder of Plenary Retail Consumption License C-13, issued by the Township Committee of the Township of Parsippany-Troy Hills.

CONCLUSIONS AND ORDER

Skoloff & Wolfe, Esqs., Attorneys for Licensee  
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to charge alleging that on October 31, 1969 it possessed alcoholic beverages in two bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Plain and Fancy Tavern (A Corp.), Bulletin 1896, Item 14.

Accordingly, it is, on this 19th day of March 1970,

ORDERED that Plenary Retail Consumption License C-13, issued by the Township Committee of the Township of Parsippany-Troy Hills to Mazdabrook Farms and Country Club, t/a Mazdabrook Farms, for premises on Smith Road, Parsippany-Troy Hills, be and the same is hereby suspended for ten (10) days, commencing \* at 3 a.m. Monday, March 30, 1970, and terminating at 3 a.m. Thursday, April 9, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

\*By order dated March 30, 1970, the suspension imposed was lifted for one day from 3:00 a.m. April 4 to 3:00 a.m. April 5, 1970, and termination date extended until 3:00 a.m. Friday, April 10, 1970.

9. STATUTORY AUTOMATIC SUSPENSION - ORDER STAYING SUSPENSION.

Auto. Susp. #325 )  
In the Matter of a Petition to Lift )  
the Automatic Suspension of Plenary )  
Retail Consumption License C-77, )  
issued by the Municipal Board of Alco- )  
holic Beverage Control of the City of )  
Passaic to )

On Petition  
ORDER

Andro Rusin )  
t/a Rusin's Bar & Grill )  
174 Third Street )  
Passaic, N.J. )  
----- )

Licensee, Pro se

BY THE DIRECTOR:

It appears from an oral petition filed herein and the records of this Division that on January 23, 1970, Andro Rusin, the licensee was fined \$50 and \$5 costs of court in the Passaic Municipal Court after being found guilty of a charge that on November 8, 1969 and dates prior thereto he did sell alcoholic beverages to a minor, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of the license for the balance of the term. R.S. 33:1-31.1. The suspension has not been effectuated because of the pendency of this proceeding.

It further appears that disciplinary proceedings are in contemplation but have not yet been instituted by the municipal issuing authority against the licensee because of said sale of alcoholic beverages to the minor. In fairness to petitioner, I conclude that at this time the effect of the automatic suspension should be temporarily stayed. Re Walli, Bulletin 1675, Item 9.

Accordingly, it is, on this 12th day of March, 1970,

ORDERED that the aforesaid automatic suspension of license C-77 be stayed pending the entry of a further order herein.

RICHARD C. McDONOUGH  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against )

WALTER & ANNA FICZKO )  
615 So. 20th St. )  
Newark, N. J. )

CONCLUSIONS AND ORDER

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Holders of Plenary Retail Consumption License C-613, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark. )

Licensees, Pro se  
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on November 3, 1969 they 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.

Licensees have a previous record of suspension of license by the municipal license issuing authority for twenty days effective October 21, 1957, for permitting gambling (acceptance of horse race bets) on the licensed premises.

The prior record of suspension of license for dissimilar violation occurring more than five years ago disregarded, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Gosik & Gosik, Bulletin 1894, Item 7.

Accordingly, it is, on this 19th day of March 1970,

ORDERED that Plenary Retail Consumption License C-613, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Walter & Anna Ficzko, for premises 615 So. 20th St., Newark, be and the same is hereby suspended for five (5) days, commencing at 2 a.m. Monday, April 6, 1970, and terminating at 2 a.m. Saturday, April 11, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - AMENDED ORDER - SUSPENSION MODIFIED.

In the Matter of Disciplinary Proceedings against )  
 )  
 SHAMROCK BAR, INC. ) AMENDED  
 t/a Shamrock Bar ) ORDER  
 28 South Warren Street )  
 Trenton, N. J. )  
 Holder of Plenary Retail Consumption License C-214 issued by the City Council of the City of Trenton )

-----  
 Daniel F. Gilmore, Esq., Attorney for Licensee  
 Louis F. Treole, Esq., Appearing for the Division

BY THE DIRECTOR:

On November 17, 1969, Conclusions and Order were entered herein suspending the license for sixty days effective November 24, 1969, for permitting gambling on the licensed premises. Re Shamrock Bar, Inc., Bulletin 1892, Item 3.

Upon appeal filed, by orders dated November 26, 1969 and December 17, 1969, the Appellate Division of the Superior Court stayed the operation of the suspension until the outcome of the appeal. The license certificate, picked up by the municipal authorities on November 24th, was returned to the licensee on December 22, 1969.

The appeal being withdrawn by stipulation entered into by the attorneys for the parties to the said appeal, I entered a Supplemental Order dated February 11, 1970, suspending the license for the full sixty days commencing February 19, 1970, and terminating April 20, 1970.

It now appears from petition filed by the licensee that twenty-eight days of the suspension were actually served by the licensee prior to the effectuation of the stay on appeal. Hence, the licensee should receive credit for said twenty-eight days of the suspension already served.

Accordingly, it is, on this 20th day of March, 1970,

ORDERED that the order dated February 11, 1970, be and the same is hereby amended to provide that the suspension of Plenary Retail Consumption License C-214, issued by the City Council of the City of Trenton to Shamrock Bar, Inc., t/a Shamrock Bar, for premises 28 South Warren Street, Trenton, imposed by said order, shall terminate at 2:00 a.m. Monday, March 23, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against  
 TIMBUKTU, INC.  
 t/a Timbuktu  
 1606-08 Arctic Avenue  
 Atlantic City, N. J.  
 Holder of Plenary Retail Consumption License C-218, issued by the Board of Commissioners of the City of Atlantic City

CONCLUSIONS AND ORDER

Licensee, by Clarence M. Nurse, President, Pro se.  
Walter H. Cleaver, Esq., Appearing for the Division.

BY THE DIRECTOR:

Licensee pleads non vult to charge alleging that on January 14, 1970, it 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.

Although the licensee corporation has no previous record of suspension of license, the license then held by Clarence M. Nurse (a 97% stockholder in the licensee corporation) for these same premises was suspended on two occasions (1) by the Commissioner for fifteen days, commencing October 23, 1945, for similar violation of possession of alcoholic beverages in bottles bearing labels which did not truly describe their contents (Re Nurse, Bulletin 680, Item 7), and (2) by the Director for ten days, commencing June 21, 1949, for dissimilar violation for sale and advertising the sale of alcoholic beverages below minimum consumer price (Re Nurse, Bulletin 847, Item 7).

The prior record for similar violation occurring more than ten years ago and the prior record for dissimilar violation occurring more than five years ago disregarded, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Gosik & Gosik, Bulletin 1894, Item 7.

Accordingly, it is on this 23rd day of March, 1970,

ORDERED, that Plenary Retail Consumption License C-218, issued by the Board of Commissioners of the City of Atlantic City to Timbuktu, Inc., t/a Timbuktu, for premises 1606-08 Arctic Avenue, Atlantic City, be and the same is hereby suspended for five (5) days, commencing at 7:00 a.m. Monday, April 6, 1970, and terminating at 7:00 a.m. Saturday, April 11, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against )

DENNY CALLOWAY, INC. )  
t/a Bob's Circle B Ranch )  
W/S Delsea Drive below Fox Run Rd. )  
Deptford Township )  
PO Box 172A, Delsea Drive )  
Sewell, N. J. )

CONCLUSIONS AND ORDER

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

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Wilinski, Coruzzi & Suski, Esqs., Attorneys for Licensee  
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on December 5, 1969 it 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 20th day of March 1970,

ORDERED that Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Deptford to Denny Calloway, Inc., t/a Bob's Circle B Ranch, for premises W/S Delsea Drive below Fox Run Rd., Deptford Township, be and the same is hereby suspended for five (5) days, commencing at 2 a.m. Sunday, April 5, 1970, and terminating at 2 a.m. Friday, April 10, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

14. STATE LICENSES - NEW APPLICATION FILED.

Hub City Distributors, Inc.  
649 Whitehead Road Extension &  
666 Cherry Tree Lane  
Trenton, N. J.

Application filed April 10, 1970 for additional warehouse license, pursuant to Limited Wholesale License WL-75, for premises 14-16 Ingham Ave., Trenton, N. J.

The F. & M. Schaefer Brewing Co.  
56 Park Place  
Newark, N. J.

Application filed April 10, 1970 for additional salesroom license, pursuant to Limited Wholesale License WL-6, for premises 4/17 Office Building, S-10 Route 17, Paramus, N. J.



Richard C. McDonough  
Director