

STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1100 Raymond Blvd. Newark 2, N. J.

BULLETIN 1447

May 8, 1962

TABLE OF CONTENTS

ITEMS

1. APPELLATE DECISIONS - GRANDO v. BUENA, ET AL.
2. DISCIPLINARY PROCEEDINGS (Buena Vista Twp.) - FRONT - FALSE STATEMENTS IN LICENSE APPLICATION - FAILURE TO KEEP TRUE BOOKS OF ACCOUNT - NO ORDER OF SUSPENSION IN VIEW OF CANCELLATION OF LICENSE. CANCELLATION PROCEEDINGS - CLUB NOT BONA FIDE - LICENSE CANCELLED.
3. DISCIPLINARY PROCEEDINGS (Hoboken) - ORDER ACCELERATING TERMINATION OF SUSPENSION.
4. STATUTORY AUTOMATIC SUSPENSION - ORDER TEMPORARILY STAYING SUSPENSION PENDING TERMINATION OF DISCIPLINARY PROCEEDINGS.
5. DISCIPLINARY PROCEEDINGS (Pohatcong) - FRONT - FALSE STATEMENT IN LICENSE APPLICATION - NO ORDER OF SUSPENSION IN VIEW OF CANCELLATION OF LICENSE. CANCELLATION PROCEEDINGS - LICENSE ISSUED IN VIOLATION OF STATE LIMITATION LAW CANCELLED.
6. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE DURING HOURS PROHIBITED BY MUNICIPAL ORDINANCE - FAILURE TO AFFORD PUBLIC VIEW OF PREMISES - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - SECOND SIMILAR VIOLATION WITHIN 5 YEARS - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (Ewing Twp.) - SALE TO MINORS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (Paterson) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR RECORD OF ANOTHER CORPORATION WITH COMMON STOCKHOLDER - SECOND SIMILAR VIOLATION - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
10. STATUTORY AUTOMATIC SUSPENSION - ORDER TEMPORARILY STAYING SUSPENSION PENDING CONDUCT OF DISCIPLINARY PROCEEDINGS.
11. DISCIPLINARY PROCEEDINGS (Neptune Twp.) - ORDER IMPOSING DEFERRED SUSPENSION.
12. STATE LICENSES - NEW APPLICATION FILED.

STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1100 Raymond Blvd. Newark 2, N. J.

BULLETIN 1447

May 8, 1962

1. APPELLATE DECISIONS - GRANDO v. BUENA, ET AL.

Michael Grando,

Appellant,

v.

Borough Council of the Borough  
of Buena, and Paul Fanucci, t/a  
Village Inn,

Respondents.

On Appeal

CONCLUSIONS and ORDER

Michael Grando, Pro se.

Clarence J. Mattioli, Esq., Attorney for Respondent Borough  
Council.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the action of the respondent Borough Council, whereby it approved an application for place-to-place transfer of a plenary retail consumption license (for the 1961-62 licensing year), held by the respondent Paul Fanucci from premises located on Harding Highway, Landisville, to proposed premises designated as Martinelli Avenue, Minotola.

"Appellant contends, in his petition of appeal, that the action of the respondent Council was erroneous for the following reasons:

- (a) The site for respondent's tavern is close to a school and church.
- (b) Children in the area going to school would have to pass by said premises, and the said action would be detrimental to their general welfare.
- (c) The area is residential and the transfer would depreciate the value of properties in that area.
- (d) That it would be a general nuisance because of its hours of operation.

"Michael Grando, the appellant, testified that he objects to the transfer of the license in question because 'There is a school not too far from it. They have to cross the street where this bar is being located, and I think it would devalue our properties in that vicinity. And there is a church not too far from it in either direction, west and north of where he is going to put his bar'.

"He further testified that he did not appear at the hearing before the respondent Council because he didn't see the advertised Notice of Application. He had no opinion as to whether or not the action of the respondent Council was erroneous or based upon improper motivation.

"Harold Sbertoli testified that he resides about 500 feet from the proposed location and that, in his opinion, this location creates a 'dangerous element' because children have to pass nearby to go to school, and it would also create a traffic hazard. However, he asserted that he could not say that the proposed transfer would affect children or that it would 'harm anything'. He could not impute any improper motivation on the part of the respondent Council, and further asserted that the Council acted within its authority and discretion, and not in abuse thereof.

"Francis W. Finn testified that he resides about three blocks from the proposed new location and stated that his objection is based upon the fact that he didn't think that any bar is an asset to a community. However, he did not volunteer an opinion as to whether or not the respondent Council abused its discretion or acted against the public interest in granting the said application.

"Reverend Harold Coles testified that a number of his parishioners had voiced objection to him to the establishment of any tavern because they have children of school and pre-school age who might be in close contact with these premises and, in their opinion, this would not be a 'proper environment' for children in the community. He admitted on cross-examination that notice of the hearing on this application was properly advertised in a newspaper circulated in Atlantic County.

"Paul Fanucci, respondent-licensee, testified that he complied with every statutory requirement prior to the hearing and that at the hearing, no one appeared to voice any objections to the said proposed transfer. He further testified that the reason for his action was that the new location would permit more adequate parking facilities with greater safety to the community.

"Michael Grando was recalled in order to permit him to offer into evidence a petition signed by a number of residents of the Township of Minotola. In the said petition, the petitioners 'appeal the decision of the Borough Council of the Borough of Buena' and 'ask that a new public hearing be held to reconsider the premission granted'.

"It appears that the primary concern of the appellant seems to be that the proposed new location of respondent's tavern would be too close to a school and church and that children going to school would be affected. However, there is not the slightest scintill of evidence to indicate just where the schools and churches are located and just how far from these premises they are. There is also no testimony on behalf of anyone to indicate the number of children who would be passing by the street, nor how these children would be affected by this facility. The fact of the matter is that the location is a substantial distance from the main artery on a dead-end street, and would appear to be much more distant from the main street than most licensed premises. It is significant that not a single parent came forth to testify, either at the hearing below or on this appeal with respect to any possible deleterious effect that such proposed transfer may have on his or her child. Nor was the member of any church nearby called upon to testify directly with respect to any adverse effect that this facility might have upon the members. The clergyman who did testify was careful to state that he was expressing merely the opinion of some parishioners which, at best, was hearsay.

"The appellant and his witnesses testified that the reasons that they did not appear before the local Board to voice their objections was that notice of the said meeting was not advertised in the newspaper that was more widely read in that community.

However, they admitted that notice was given by publication in a newspaper circulated in that community. See Rule 1 of State Regulation No. 2 and Rule 2 of State Regulation No. 6. Respondent has clearly complied with these rules. Thus, the record discloses that there was a full and complete hearing, within the contemplation of the statute, before the respondent Council below, and that the appellants were afforded an opportunity to be heard.

"The appellants introduced a petition which does not state that the action of respondent was arbitrary, capricious, unreasonable or improperly motivated. The petition merely requests a rehearing on this matter. While a petition serves as a mass character recommendation, it cannot outweigh the considered determination of the issuing authority. Re Powell, Bulletin 59, Item 15. As Commissioner Burnett stated in Lackowitz v. Waterford, Bulletin 125, Item 12:

'There is no objection to any person or group presenting a petition. It serves as a convenient medium for presenting to the governing body the views of the group, but the weight to be accorded it, after proper discount for self-interest and the irresponsible way in which petitions are often signed as friendly accommodation without any considered thought of contents or effect or the argument on the other side, depends on what the petition states, who signs it, and how it accords with the policy and common sense of the officials responsible for the administration of the law and whose duty and privilege it is to hear both sides.'

See also Dunster v. Bernards, Bulletin 99, Item 1.

"There appears to be no contention on the part of the appellant that the respondent Council was improperly motivated or acted arbitrarily or capriciously. The burden of proof to establish that action of the respondent Council was erroneous rests with the appellant. Rule 6 of State Regulation No. 15. Young Men's and Young Women's Christian Association of Newark v. Newark et al., Bulletin 1367, Item 4. The evidence presented does not indicate any improper motivation upon the members of the Council and its grant of the transfer appears to be a reasonable exercise of its discretion. In cases of this kind, the Director's function is to determine whether reasonable cause exists for the respondent's opinion and, if so, to affirm its action. Zelenka et al. v. Clifton et al., Bulletin 1361, Item 3; Fanwood v. Rocco, 59 N.J.S. 306.

"After reviewing all of the evidence and the exhibits herein, I conclude that the appellant has failed to sustain the burden of proof in showing that the action of the respondent Council was erroneous. Rule 6 of State Regulation No. 15. Marchi et als. v. Clifton et al., Bulletin 1385, Item 1; Shiloh Baptist Church v. Atlantic City et al., Bulletin 1387, Item 2. For the reason aforesaid, it is recommended that an order be entered affirming the action of the respondent Borough Council and dismissing the appeal."

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

Having carefully considered the entire record, including the exhibits presented herein, I concur in the conclusions of the Hearer and adopt them as my conclusions herein. I shall enter an order in accordance with the recommendation.

Accordingly, it is, on this 20th day of March 1962,

ORDERED that the action of respondent Borough Council be and the same is hereby affirmed, and the appeal herein be and the same is hereby dismissed.

WILLIAM HOWE DAVIS  
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - FRONT - FALSE STATEMENTS IN LICENSE APPLICATION - FAILURE TO KEEP TRUE BOOKS OF ACCOUNT - NO ORDER OF SUSPENSION IN VIEW OF CANCELLATION OF LICENSE.  
CANCELLATION PROCEEDINGS - CLUB NOT BONA FIDE - LICENSE CONCELLED.

In the Matter of Disciplinary  
Proceedings against

Newtonville Country Club  
Eighth Street and West Park Avenue  
Buena Vista Township  
P O Newtonville, New Jersey

CONCLUSIONS

AND

Holder of Club License CB-2, issued  
by the Township Committee of Buena  
Vista Township.

ORDER

-----  
Lipman and Casella, Esqs., by Americo B. Antonelli, Esq.,  
Attorneys for Licensee  
David S. Piltzer, Esq., Appearing for the Division of  
Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Licensee pleaded not guilty to the following charges:

- '1. In your application dated June 3, 1961, filed by you with the Buena Vista Township Committee, upon which you obtained your current club license, you falsely stated "No" in answer to Question No. 29, which asks: "Has any individual, partnership, corporation or association, other than the applicant, any interest, directly or indirectly, in the license applied for or in the business to be conducted under said license?", whereas in truth and fact Hortense A. Hardeman had such an interest in that she was the real and beneficial owner of the licensed business and received all the proceeds therefrom; said false statement being in violation of R.S. 33:1-25.
- '2. From about February 15, 1960 until the present time you knowingly aided and abetted Hortense A. Hardeman to exercise, contrary to R.S. 33:1-26, the rights and privileges of your successive club licenses; in violation of R.S. 33:1-52.
- '3. In your aforesaid application, you falsely stated "Yes" in answer to Question No. 5, which asks: "Does applicant own premises to be licensed?", whereas in truth and fact the owner of the licensed premises was Hortense A. Hardeman; said false statement being in violation of R.S. 33:1-25.
- '4. From about February 15, 1960 until the present time,

you, a club licensee, failed to have and keep a true book or books of account wherein were entered all monies received and the source of such receipts and wherein were entered all monies expended from such receipts and the names of persons receiving such expenditures and the purpose for which such expenditures were made; in violation of Rule 12 of State Regulation No. 7.'

"The club was also served with an order to show cause why its liquor license should not be cancelled and revoked because at the time of the issuance of such license and prior thereto, it was not a bona fide club.

"The evidence presented at the hearing herein reflected the following: The defendant-licensee held a club license for the above described premises since February 15, 1960. An investigation was commenced in August 1961 by ABC Agent L, during the course of which he obtained a statement from one Hortense Hardeman, who represented herself as the president of the licensee club. She informed him that she is the owner of the land on which the club building is located, but that there is no written lease of the said premises, nor does the club pay rent to her. She further admitted that the club does not have a checking account; that all monies received from the sale of alcoholic beverages and other sources are turned over to her each week and she makes no accounting whatsoever, nor has she ever made any accounting for these funds. She supplements receipts with her own money in order to meet bills when necessary. He found that the club records were wholly inadequate to determine exactly how much monies were turned over to her or what money was paid out by her. Similarly, there were no records to reflect what exact amounts were advanced by her for the operation of this business. In her statement, she explained the lack of records by saying that some of the books of account had been removed by a former employee; the book introduced into evidence contained few entries and was insufficient to present any coherent financial picture of the club's operation.

"The evidence further disclosed that no dues were paid by any of the alleged members of the club during 1960 and 1961; that one meeting was held of the members during 1961 at which approximately twelve members appeared; that no elections were held since the organization of the club in 1955; that no meeting of the Board of Trustees was ever held. A sample of the membership card introduced into evidence indicates that one 'Hazel Hardeman' was the signatory, and under that name the legend 'proprietor' was imprinted. There is no known person as Hazel Hardeman and this was explained as a printer's typographical error for Hortense Hardeman.

"A list of ten names of so-called trustees was given to Agent L and, in the course of his investigation, he interviewed six of them. He was informed by these persons that they had no knowledge of the finances or affairs of the club; that they had nothing to do with the operation of the club; in most instances had not been in the club for long periods of time and, indeed, were not even members. Several appointments were made with Mrs. Hardeman to meet these alleged trustees at the licensed premises or in Philadelphia, where some of them reside, but these meetings never eventuated.

"The licensed premises consist of a one-story cinder-block structure, containing a barroom and a small kitchen. The interior was very scantily furnished, the sitting room of which contained a juke box, cigarette machine and a space for an orchestra. Agent L

further testified that although the husband of Mrs. Hardeman is listed as treasurer on the current license application, she admitted, in a written statement, that he has been separated from her for the past two years and that his present whereabouts are unknown. In the application, the licensee states that it is the owner of the licensed premises, whereas in truth and fact Mrs. Hardeman is the true owner, as charged in the third count herein.

"Mrs. Hardeman, testifying on behalf of the licensee, admitted that she is indeed the owner of the premises, and states that the answer to Question No. 5 was an inadvertence. She further testified that when this club was originally organized in 1955, she 'brought about the idea of organizing the club, so I was president'. Thereafter, she continued to be president and does not remember whether she was re-elected by the members or by the Board of Trustees. She explained that in the application she mistakenly believed that she was the applicant representing the club and, therefore, she represented that she was beneficial owner thereof. She further admitted that she had never made any written reports to either the club or the Board of Trustees and, in fact, since the club was organized, they never had any set of by-laws or regulations prepared. No dues were collected from 'members'; 'as a rule people didn't have the money or something'. Mrs. Hardeman stated that she always visited the premises on Fridays and Sundays and, at that time, the bartender would tell her how much money he had collected and, if he needed additional money with which to pay the outstanding bills, she would lend such sums. However, she was unable to produce any records indicating the loan of more than two items. She stated that her former secretary and an assistant manager had these records, but that they were no longer serving in that capacity and, therefore, the records were unavailable. A question and answer, in a statement signed by her during the preliminary investigation, was brought to her attention as follows:

Q. 'On July 14, 1961, didn't you tell Agents L and B that the weekly receipts of the club are turned over to you every Sunday night and that you pay the club bills with the money?'

A. 'Yes, I did; that was a mistake.'

Q. 'I invite your attention to page 3 (at the bottom of the signed statement), "Who takes the daily or weekly receipts of the club?" Answer: "The bartender turns the money over to me every Sunday night and I pay the club bills..." Did you tell the agents that?'

A. 'That is not true.'

"It is hard to conceive of a situation more convincingly delineated than in the present case, of the complete control of an operation by Mrs. Hardeman. It is my inescapable judgment that licensee was not a bona fide club, but was operated for the sole benefit of Mrs. Hardeman. It was she who had herself 'appointed' president. It was she who appointed the ten alleged trustees. (Significantly, five of the six trustees interviewed by the ABC agents admitted that they never took any part in the activities of the so-called club, knew nothing about its finances or operation, and, in fact, were not even members. Four of the trustees could not even be found at the addresses ascribed to them.) It was Mrs. Hardeman who employed the bartender and the night watchman, according to their testimony, and who received and disbursed all of the monies involved in the business of this enterprise. Further, it was Mrs. Hardeman who admittedly owned the property, although she



misrepresented that fact as set forth in Charge No. 3 herein. It is, therefore, not surprising that even the membership cards issued set forth her name (inadvertently called Hazel Hardeman), with the legend 'proprietor', because she was indeed the proprietor and not an agent of the defendant-licensee. The entire modus operandi of this club is inconsistent with its continued existence as a bona fide club licensee within the intendment of the Alcoholic Beverage Law and Regulations. Re Lakewood Golf Club, Bulletin 1386, Item 10; Cf. Re Eight Aces, Bulletin 1072, Item 5.

"The testimony of both the ABC agent and of the secretary of the licensee with reference to the books of account, clearly establish the fact that this licensee failed to have and keep a true book or books of account wherein were entered all monies received, the source of such receipts, all monies expended from such receipt, and the names of persons receiving such expenditures; in violation of Rule 12 of State Regulation No. 7. Re Whippoorwill Social Club, Bulletin 1376, Item 7.

"Based upon the clear and convincing evidence presented herein there is no doubt that the club (if one exists) is now merely a 'front' for Mrs. Hardeman and, in my judgment, has never been a bona fide club, entitling it to hold a liquor license. I am therefore constrained to recommend that the defendant be found guilty of the charges preferred herein. I further recommend that an order be entered cancelling the license now held by the licensee. Re Lower Penns Neck Township Republican Club, Bulletin 1398, Item 5. In view of this recommendation, I further recommend that no penalty be fixed with respect to the charges preferred herein."

No exceptions to the Hearer's Report were filed with me within the time limited by Rule 6 of State Regulation No. 16.

Having carefully considered the entire record, including the exhibits presented herein, I concur in the conclusions of the Hearer and adopt them as my conclusions herein. I shall enter an order in accordance with the recommendation.

Accordingly, it is, on this 20th day of March 1962,

ORDERED that Club License CB-2, issued by the Township Committee of Buena Vista Township to Newtonville Country Club, for premises at Eighth Street and West Park Avenue, Buena Vista Township, be and the same is hereby cancelled and declared null and void, effective immediately.

WILLIAM HOWE DAVIS  
DIRECTOR



### 3. DISCIPLINARY PROCEEDINGS - ORDER ACCELERATING TERMINATION OF SUSPENSION.

In the Matter of Disciplinary  
Proceedings against

Dolores Fiola  
151 First Street  
Hoboken, New Jersey

Holder of Plenary Retail Consump-  
tion License C-76, issued by the  
Municipal Board of Alcoholic Beverage  
Control of the City of Hoboken, and  
transferred during the pendency of  
these proceedings to

John F. O'Shea and Helen Felenczak

for the same premises

-----  
Florio, Dunn, Marciano & Lypinski, Esqs., by Joseph C. Dunn, Esq.,  
Attorneys for Licensee.

BY THE DIRECTOR:

On February 26, 1962, Conclusions and Order were entered herein suspending the license for one hundred ten days commencing at 2:00 A. M. Wednesday, February 28, 1962 and terminating at 2:00 A. M. Monday, June 18, 1962, with leave granted to the present holders of the license to apply for reduction of the suspension by the number of days the premises were voluntarily closed prior to the effective date of the suspension.

In accordance with leave granted, affidavits of the former and present licensees have been submitted establishing that the licensed premises were voluntarily closed by the former licensee on January 2, 1962 and were not thereafter reopened for business either by the former or present licensees. It therefore appears to my satisfaction that the licensed premises were voluntarily closed for a period of fifty-seven days prior to the effective date of the suspension and, accordingly, the suspension imposed will be terminated fifty-seven days sooner than heretofore ordered.

Accordingly, it is, on this 13th day of March, 1962,

ORDERED that the suspension heretofore imposed shall terminate at 3:00 A. M. Sunday, April 22, 1962.

WILLIAM HOWE DAVIS  
DIRECTOR

4. STATUTORY AUTOMATIC SUSPENSION - ORDER TEMPORARILY STAYING  
SUSPENSION PENDING TERMINATION OF DISCIPLINARY PROCEEDINGS.

Auto. Susp. #208 )

In the Matter of a Petition to Lift )  
the Automatic Suspension of Plenary )  
Retail Consumption License C-29, )  
issued by the Municipal Board of )  
Alcoholic Beverage Control of the )  
City of Clifton to )

On Petition

O R D E R

James Carroll and Lillian Carroll )  
t/a Red's Tavern )  
623 Van Houten Ave. )  
Clifton, N. J. )

-----  
Joseph M. Keegan, Esq., Attorney for Petitioners.

BY THE DIRECTOR:

Petition herein discloses that on March 6, 1962, James Francis Carroll, one of the licensees, was fined \$50 and \$5 costs in the Clifton Municipal Court after he was found guilty of sale of alcoholic beverages to a minor on January 24, 1962, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of license for the balance of its term. R.S. 33:1-31.1. Because of the pendency of this proceeding, the statutory automatic suspension has not been effectuated.

Disciplinary proceedings are presently pending against the licensees because of said sale of alcoholic beverages to the minor. A supplemental petition to lift the automatic suspension may be filled with me by petitioners after the disciplinary proceedings have been decided. In fairness to petitioners, I conclude that at this time the effect of the automatic suspension should be temporarily stayed. Re Faessler, Bulletin 920, Item 15.

Accordingly, it is, on this 13th day of March, 1962,

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

WILLIAM HOWE DAVIS  
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - FRONT - FALSE STATEMENT IN LICENSE APPLICATION - NO ORDER OF SUSPENSION IN VIEW OF CANCELLATION OF LICENSE.  
CANCELLATION PROCEEDINGS - LICENSE ISSUED IN VIOLATION OF STATE LIMITATION LAW CANCELLED.

In the Matter of Disciplinary  
Proceedings against

John Ross  
t/a Charcoal Hearth, Holiday Inn  
Northwest intersection of U.S.  
Rt. 22 & New Brunswick Turnpike,  
Pohatcong Township, PO Phillips-  
burg, N. J.

CONCLUSIONS

AND

ORDER

Holder of Plenary Retail Consumption  
License C-7, issued by the Township  
Committee of the Township of Pohat-  
cong.

Howard W. Swick, Esq., Attorney for Licensee.  
David S. Piltzer, Esq., Appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to the following charges:

- "1. From December 9, 1960 to date, you knowingly aided and abetted Charcoal Hearth, Inc. to exercise, contrary to R.S. 33:1-26, the rights and privileges of your successive plenary retail consumption licenses; in violation of R.S. 33:1-52.
- "2. In your application dated June 13, 1961, filed with the Township Committee of Pohatcong Township, upon which you obtained your current retail consumption license in answer to Question 9(a) you misrepresented and falsely stated that you would conduct a motel on your licensed premises, whereas in truth and fact you, yourself, did not conduct or intend to conduct a motel at said premises; such statement being in violation of R.S. 33:1-25."

In addition to the above charges, licensee was ordered to show cause why his plenary retail consumption license should not be cancelled and declared null and void for the following reason:

"The license was improvidently issued in violation of R.S. 33:1-12.14 in that it was the renewal of a new license issued to you on December 9, 1960, at which time the combined total number of plenary and seasonal retail consumption licenses existing in the Township of Pohatcong was greater than one for each two thousand of its population as shown by the last then preceding Federal census, and that the issuance of your license was not authorized by the exception of said cited statute contained in R.S. 33:1-12.20 in that you were not the person who operated the hotel at the address of the licensed premises."

The facts sufficiently appear from the recited charges and order to show cause.

The admitted charges and uncontested order to show cause considered, the license will be cancelled, without imposition of penalty of suspension or revocation with respect to the charges. Cf. Re Monterey Management Co., Bulletin 1429, Item 4.

Accordingly, it is, on this 13th day of March, 1962,

ORDERED that Plenary Retail Consumption License C-7, issued by the Township Committee of the Township of Pohatcong to John Ross, t/a Charcoal Hearth, Holiday Inn, for premises northwest intersection of U.S. Rt. #22 and New Brunswick Turnpike, Pohatcong Township for the current licensing year, be and the same is hereby cancelled, effective immediately.

WILLIAM HOWE DAVIS  
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SALE DURING HOURS PROHIBITED BY MUNICIPAL ORDINANCE - FAILURE TO AFFORD PUBLIC VIEW OF PREMISES - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

Blakjak, Inc.  
t/a Blakjak  
199 Warren Street  
Jersey City 2, New Jersey

CONCLUSIONS

AND

ORDER

Holder of Plenary Retail Consumption  
License C-333, issued by the Municipal  
Board of Alcoholic Beverage Control of  
the City of Jersey City.

Blakjak, Inc., by John R. Dwyer, Secretary-Treasurer, Pro se.  
Edward F. Ambrose, Esq., Appearing for the Division of  
Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on February 10, 1962 (1 and 2) it conducted its licensed business and (3) failed to afford public view of the interior of its premises, all in violation of municipal "hours" ordinance.

Absent prior record, the license will be suspended for twenty days (Re Rubino, Bulletin 1293, Item 9), with remission of five days for the plea entered, leaving a net suspension of fifteen days.

Accordingly, it is, on this 14th day of March, 1962,

ORDERED that Plenary Retail Consumption License C-333, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Blakjak, Inc., t/a Blakjak, for premises 199 Warren Street, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m., Monday, March 26, 1962, and terminating at 2:00 a. m., Tuesday, April 10, 1962.

WILLIAM HOWE DAVIS  
DIRECTOR

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

In the Matter of Disciplinary  
Proceedings against

Anthony Molluso  
t/a Tony's Tavern  
342 Montgomery Street  
Jersey City, New Jersey

Holder of Plenary Retail Consumption  
License C-128, issued by the Municipal  
Board of Alcoholic Beverage Control of  
the City of Jersey City.

CONCLUSIONS

AND

ORDER

Anthony Molluso, Pro se.

Edward F. Ambrose, Esq., Appearing for the Division of  
Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that at 11:10 p.m. on Saturday, February 24, 1962, he sold a pint bottle of whiskey for off-premises consumption, 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 September 18, 1961, for a similar violation. Re Molluso, Bulletin 1415, Item 3.

The prior record of similar violation considered, the license will be suspended for the minimum period of thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days. Re Corris & Riccardi, Bulletin 1407, Item 8.

Accordingly, it is, on this 14th day of March, 1962,

ORDERED that Plenary Retail Consumption License C-128, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Anthony Molluso, t/a Tony's Tavern, for premises 342 Montgomery Street, Jersey City, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m., Monday, March 26, 1962, and terminating at 2:00 a.m., Friday, April 29, 1962.

WILLIAM HOWE DAVIS  
DIRECTOR

**S. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.**

In the Matter of Disciplinary  
Proceedings against

Atwood Morris  
t/a Atwood's Bar  
1469 Princeton Avenue  
Ewing Township  
PO Trenton, New Jersey

CONCLUSIONS

AND

Holder of Plenary Retail Consumption  
License C-11, issued by the Township  
Committee of Ewing Township.

ORDER

-----  
Licensee, Pro se.

Edward F. Ambrose, Esq., Appearing for the Division of  
Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on February 28, 1962, he sold drinks of alcoholic beverages to four minors, one age 18 and three age 19, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for the minimum period of twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Club 75 Corporation, Bulletin 1395, Item 4.

Accordingly, it is, on this 15th day of March, 1962,

ORDERED that Plenary Retail Consumption License C-11, issued by the Township Committee of Ewing Township to Atwood Morris, t/a Atwood's Bar, for premises 1469 Princeton Avenue, Ewing Township, be and the same is hereby suspended for fifteen (15) days, commencing at 2:30 a.m., Monday, March 26, 1962, and terminating at 2:30 a.m., Tuesday, April 10, 1962.

WILLIAM HOWE DAVIS  
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR RECORD OF ANOTHER CORPORATION WITH COMMON STOCK-HOLDER - SECOND SIMILAR VIOLATION - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

Spring Bar & Grill, Inc.  
t/a Spring Inn  
50-52 Spring Street  
Paterson 3, New Jersey

Holder of Plenary Retail Consumption  
License C-189, issued by the Board  
of Alcoholic Beverage Control for  
the City of Paterson.

CONCLUSIONS

AND

ORDER

-----  
Melvin N. Fine, Esq., Attorney for Licensee.  
Edward F. Ambrose, Esq., Appearing for the Division of  
Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, February 18, 1962, it sold a pint bottle of whiskey for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Although the licensee has no previous record, Division records disclose that the license of The Lope Inn, 44 Temple Street, Paterson, was suspended by the Director of the Division for ten days effective June 1, 1954 for sale during hours prohibited by municipal ordinance (Re The Lope Inn, Bulletin 1021, Item 5) and for twenty-five days effective September 16, 1957 for sale in violation of State Regulation No. 38 (Re The Lope Inn, Bulletin 1191, Item 4) and that Benjamin Berman, presently an officer and stockholder of Spring Bar & Grill, Inc., the licensee herein, was an officer and stockholder of The Lope Inn, and personally participated in the violations of that licensee-corporation.

Considering the prior record of The Lope Inn (Cf. Re Doc's Spa, Inc., Bulletin 1436, Item 5), the instant violation will be treated as a second similar violation within a five-year period and the previous dissimilar violation occurring more than five years prior to the instant violation will be disregarded in fixing the penalty. Hence, 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. Cf. Re Corris & Riccardi, Bulletin 1407, Item 8.

Accordingly, it is, on this 15th day of March, 1962,

ORDERED that Plenary Retail Consumption License C-189, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Spring Bar & Grill, Inc., t/a Spring Inn, for premises 50-52 Spring Street, Paterson, be and the same is hereby suspended for twenty-five (25) days, commencing at 3:00 a.m., Monday, March 26, 1962, and terminating at 3:00 a.m., Friday, April 20, 1962.

WILLIAM HOWE DAVIS  
DIRECTOR



10. STATUTORY AUTOMATIC SUSPENSION - ORDER TEMPORARILY STAYING SUSPENSION PENDING CONDUCT OF DISCIPLINARY PROCEEDINGS.

Auto. Susp. #209

In the Matter of a Petition to  
Lift the Automatic Suspension  
of Plenary Retail Consumption  
License C-41, issued by the  
City Council of the City of  
Hackensack to

)

)

)

)

On Petition

O R D E R

James Peter Sansone  
t/a Pete's Tavern  
315 Hudson Street  
Hackensack, N. J.

)

)

-----  
George W. Weleck, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

Petition herein discloses that on February 28, 1962, James Sansone, the petitioner herein, was fined \$100 and \$5 costs in the Hackensack Municipal Court after being found guilty of sale of alcoholic beverages to a minor on January 5, 1962, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of his license for the balance of its term. R.S. 33:1-31.1. Because of the pendency of this proceeding, the statutory automatic suspension has not been effectuated.

Disciplinary proceedings have not yet been instituted against the licensee because of said sale of alcoholic beverages to the minor. A supplemental petition to lift the automatic suspension may be filed with me by petitioner after the disciplinary proceedings have been decided. In fairness to petitioner, I conclude that at this time the effect of the automatic suspension should be temporarily stayed. Re Faessler, Bulletin 920, Item 15.

Accordingly, it is, on this 22d day of March, 1962,

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

WILLIAM HOWE DAVIS  
DIRECTOR

## 11. DISCIPLINARY PROCEEDINGS - ORDER IMPOSING DEFERRED SUSPENSION,

In the Matter of Disciplinary  
Proceedings against

Maebel M. Kellner  
t/a "The Tides"

State Highway #35-Shark River Island  
Neptune Township, PO 112 Brighton Ave.  
Neptune, New Jersey

O R D E R

Holder of Plenary Retail Consumption  
License C-14, issued by the Township  
Committee of Neptune Township

Braun and Hoey, Esqs., by Henry F. Hoey, Jr., Esq., Attorneys  
for Defendant-licensee.  
David S. Piltzer, Esq., Appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

On October 10, 1961 I entered an order in the above matter  
deferring the license suspension of twenty days because it appeared  
that the licensed business was conducted only on a limited bases.

I am satisfied that the licensed business is now fully  
operating and hence shall impose the suspension.

Accordingly, it is, on this 22d day of March, 1962,

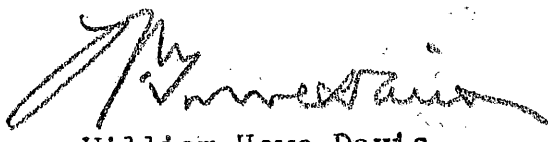
ORDERED that Plenary Retail Consumption License C-14,  
issued by the Township Committee of Neptune Township to Maebel  
M. Kellner, t/a "The Tides", for premises State Highway #35-Shark  
River Island, Neptune Township, be and the same is hereby suspended  
for twenty (20) days, commencing at 3:00 A. M. Tuesday, April 3,  
1962, and terminating at 3:00 A. M. Monday, April 23, 1962.

WILLIAM HOWE DAVIS  
DIRECTOR

## 12. STATE LICENSES - NEW APPLICATION FILED

Vincent Buonocore & Sons, Inc.  
148 Ferry Street  
New Haven, Conn

Application filed May 7, 1962 for  
WW license.

  
William Howe Davis  
Director

New Jersey State Library