

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

BULLETIN 1905

April 29, 1970

TABLE OF CONTENTSITEM

1. LYONS FARMS TAVERN, INC. v. NEWARK, DIVISION OF ALCOHOLIC BEVERAGE CONTROL and NEWARK BETH ISRAEL HOSPITAL - DIRECTOR and APPELLATE DIVISION REVERSED.
2. APPELLATE DECISIONS - VINCE v. GUTTENBERG.
3. ACTIVITY REPORT FOR MARCH 1970.
4. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1969 TO MARCH 31, 1970 AS REPORTED TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19 (INCLUDING 53 ISSUED BY THE DIRECTOR PURSUANT TO R.S. 33:1-20).
5. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1969 THROUGH MARCH 31, 1970.
6. DISCIPLINARY PROCEEDINGS (Newark) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (Bayonne) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
8. STATE LICENSES - NEW APPLICATIONS FILED.

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

BULLETIN 1905

April 29, 1970

1. LYONS FARMS TAVERN, INC. v. NEWARK, DIVISION OF ALCOHOLIC BEVERAGE CONTROL and NEWARK BETH ISRAEL HOSPITAL - DIRECTOR and APPELLATE DIVISION REVERSED.

SUPREME COURT OF NEW JERSEY  
A-31 September Term 1969

LYONS FARMS TAVERN, INC. )  
Plaintiff-Respondent, )  
v. )  
MUNICIPAL BOARD OF ALCOHOLIC )  
BEVERAGE CONTROL OF THE CITY )  
OF NEWARK, )  
Defendant-Appellant, ) 55 N. J. 292  
and )  
DEPARTMENT OF LAW AND PUBLIC )  
SAFETY, DIVISION OF ALCOHOLIC )  
BEVERAGE CONTROL, )  
Defendant-Respondent, )  
and )  
NEWARK BETH ISRAEL HOSPITAL, )  
Objector-Appellant )

Argued November 3, 1969 -- Decided February 2, 1970.

On appeal from Superior Court of New Jersey, Appellate Division.

Mr. Clive S. Cummis argued the cause for objector-appellant Newark Beth Israel Hospital (Mr. Alan J. Gutterman, on the brief; Messrs. Cummis, Kent & Radin, attorneys).

Mr. Sam Weiss, Assistant Corporation Counsel of the City of Newark argued the cause for defendant-appellant (Mr. Philip E. Gordon, Corporation Counsel of the City of Newark, attorney).

Mr. Rocco F. Senna argued the cause for plaintiff-respondent Lyons Farms Tavern, Inc.

Mr. Arthur J. Sills, Attorney General of New Jersey, filed a Statement in Lieu of Brief on behalf of Division of Alcoholic Beverage Control (Mr. Stephen Skillman, Assistant Attorney General, of counsel).

The opinion of the Court was delivered by

FRANCIS, J.

Plaintiff Lyons Farms Tavern, Inc. operates a tavern at 368 Clinton Place, Newark, N.J. It is the holder of a plenary retail liquor license and, by virtue thereof, sells alcoholic beverages over the bar for on-premises consumption. Packaged goods for off-premises consumption are likewise sold over the bar; there is no separate room or department set aside for them. In early 1967 the volume of business having increased, and further increase being anticipated, plaintiff applied to the Municipal Board of Alcoholic Beverage Control for a place-to-place transfer of its license so as to include thereunder a 750 square foot addition to its building to be constructed in accordance with plans submitted with the application. After a full hearing the local board unanimously denied the request. Plaintiff appealed to the State Division of Alcoholic Beverage Control where the Director reversed and ordered transfer of the license so as to include as part of the licensed premises the enlargement described in the plans. (Lyons Farms Tavern, Inc. v. Newark, Bulletin 1815, Item 1.) Further review followed in the Appellate Division where in an unreported opinion the Director's order was affirmed. (Lyons Farms Tavern, Inc. v. Newark and Newark Beth Israel Hospital, Bulletin 1851, Item 1.) Thereafter we granted certification on the petitions of the City of Newark and Newark Beth Israel Hospital, one of the objectors in the proceedings below. Lyons Farms Tavern, Inc. v. Municipal Board of Alcoholic Beverage Control of the City of Newark, 54 N.J. 107 (1969).

At the local board hearing it appeared that plaintiff had conducted its business at this location since 1954. The tavern occupied the entire first floor and basement of the building. The second floor contained living quarters which according to a neighbor witness had been rented to transient roomers. That practice seemed to have been discontinued. In describing the use of the second floor at the time of the hearing, one of plaintiff's officers simply said "[w]e have tenants there." The plaintiff's plan is to extend the length of the building from 60 feet to 90 feet and to lengthen the bar so that it would run almost the entire length of the old and the new building. Some stools would be placed at the bar and tables and chairs would be added to the new area for convenience of patrons. Outside the building off-street parking would be provided for from 20 to 24 cars. At least four sizeable signs presently bedeck the building to draw the public's attention. Plaintiff agreed to remove one of them, described as "garish," if its application for extension was granted.

Substantial opposition to the enlargement was voiced by neighbors, local residents, three neighborhood and civic associations with sizeable memberships, two Rabbis serving local and community interests, and by representatives of the nearby Beth Israel Hospital. These objectors spoke of Newark as being a tense, troubled city in which serious disturbances had occurred in the recent past. Crime in the streets, particularly muggings and other types of assaults, had been increasing not only at night but during the day as well. Although no witness could connect any specific criminal incident or neighborhood disturbance with plaintiff's tavern, it was suggested that consumption of alcohol frequently provides the stimulation for unlawful activity. In this connection, we take judicial notice of the fact that in recent times when riots have taken place in urban areas around the country, including Newark, one of the first acts of government to bring about peace was to order the closing of liquor-selling establishments. See, Lieberman v. Saddle River Tp.,

37 N. J. Super. 62, 64 (App. Div. 1955); Reilly v. 180 Club, Inc., 14 N. J. Super. 420, 424 (App. Div. 1951); State v. Chandler, 98 N. J. Super. 241, 243-244 (Cty. Ct. 1967); Von Eye v. Harunes, 147 F. Supp. 174, 182 (D. Minn. 1956), aff'd sub nom. Mounds Park Hospital v. Von Eye, 245 F. 2d 756 (8th Cir. 1957); O'Connor v. Board of Zoning Appeals, 140 Conn. 65, 98 A. 2d 515, 517 (1953); State v. Boles, 5 Conn. Cir. 22, 240 A. 2d 920 (Cir. Ct. 1967); Smith v. Ballas, 335 Ill. App. 418, 82 N. E. 2d 181, 183 (App. Div. 1948); Klopp v. Benevolent Protective Order of Elks, 309 Ill. App. 145, 33 N. E. 2d 161, 165 (App. Div. 1941); Safee v. City of Buffalo, 204 App. Div. 561, 198 N.Y.S. 646, 650 (App. Div. 1923); Garcia v. Gusmack Restaurant Corporation, 150 N. Y. Supp. 2d 232 (Cty. Ct. 1954). In the briefs before us the objectors point out that the number of liquor licenses presently outstanding in Newark exceeds the statutory maximum. See, N.J.S.A. 33:1-12.14. They suggest also that this condition will not be alleviated simply by denying new licenses, if enlargements of licensed premises are authorized for the purpose of accommodating and encouraging increased business thereby attracting additional customers to the neighborhood. In this connection they note that there is another tavern a block from plaintiff's place and a second one two blocks away.

At the hearing attention was called to the fact that for residential purposes there has been a movement away from the core of the city and toward its perimeters. This has brought new residents to the plaintiff's largely middle-income-housing neighborhood. Although some commercial activities are present, much of the locality is devoted to residences. The organizations whose representatives testified were composed of hundreds of old and new residents of the locality. These groups were formed among other reasons to preserve the character of the neighborhood against the erosion and deterioration that are attacking urban areas. One of their objectives was to oppose any increase in liquor licenses or facilities for sale of liquor. It was their view that such increases are associated inevitably with physical and moral decay of the section of the community involved, as well as with an upsurge in the rate of crime. One association presented petitions of 700 or more persons who opposed plaintiff's application; the representative of the second testified that he expressed the opposition of 400 to 500 other persons who lived in the immediate area; the third spoke on behalf of the Weequahic Community Council which consisted of approximately 50 block organizations representing "thousands of people." He expressed it sentiments in part in this fashion:

"We are not overly impressed that the tavern has a good record. We only know one thing: Whiskey is the root of much evil. In a changing community it brings all kinds of problems: slums, crime, lawlessness and degradation. It is as simple as that."

One Rabbi, Chaplain of the City of Newark, testified as co-chairman of an organization composed of the clergy of all faiths in the Weequahic community (the section of the City in which plaintiff's tavern is located). His group was concerned with improving the area and preventing any further deterioration of its residential character. He expressed the belief of the clergy that expansion of plaintiff's liquor facilities undoubtedly would lead to further tensions and increased hazards for the citizens of the general area. In this connection he said that in his nearby synagogue he has four services every day. Many of his

people refuse to attend the evening services because they are afraid to leave their homes and walk on the public streets.

A second Rabbi, pastor of the Torah Chaim Jewish Center located five blocks away from plaintiff's tavern, restated the opposition sentiments of his colleague. He spoke for the Center, its affiliated organizations, the Hebrew School (whose children come "from all directions" and attend the school in the late afternoon and early evening hours), its youth group and for King David Towers, Inc. The last named corporation was about to build, only four blocks from the tavern, a high-rise apartment for elderly people. It will involve an expenditure of about one and a half to two million dollars and was expected to house at least 200 elderly persons. These people and other members of the Rabbi's faith are expected to attend evening services, some of which do not end until 9:30 P.M. It was the Rabbi's opinion that expansion of the tavern would attract more people to the area and create additional hazards for the locality. He pointed out that the tavern premises and parking area are on the corner of Clinton Place and Lyons Avenue. Lyons Avenue is a county road and the estimate was that 5000 motor vehicles using it daily would pass the tavern. He said also that about five weeks before the hearing his own secretary was the victim of a holdup in a nearby bank and that about two weeks later she was mugged, knocked down and her purse stolen. Although he could not say that these offenses were committed by a tavern patron, he was "trying to build a fence" against an increase in such hazards and thus protect against further deterioration of the neighborhood. The testimony of the owner of a one-family house located at 225 Lyons Avenue, 50 feet away from the tavern, might be noted here. He said among other things that patrons park in the area, buy package liquor in the tavern, consume it in their cars and then throw the empty bottles on his lawn or leave them near a tree in front of his home. The next day he has the burden of removing them. He feared that this condition would get worse if the tavern premises were expanded and made more attractive to customers.

The Beth Israel Hospital was a strenuous objector to the proposed expansion. The hospital is a complex of 15 buildings representing an investment of \$9,000,000. Plans in existence contemplate a further expenditure of \$15,000,000 within the next five years, for a total of \$24,000,000. There is presently an employee force of 1100 persons, with more expected when the additional plant is constructed. The hospital and its employees are busy around the clock. The emergency entrance to the hospital is about a block away from plaintiff's tavern. During the last six years the annual emergency room load has increased from 6500 to 24,000 patients.

At the time of the hearing and prior thereto the hospital maintained a school of nursing on its premises. A decision had been reached effective the following September to have the nearby Essex Community College take over the school and it was expected that there would be a substantial increase in the number of student nurses, many of whom would work at the hospital, arriving there both during the day and the evening.

The Director of Public Relations of the hospital said a security problem existed in the immediate area. He mentioned a number of criminal incidents, e. g., the mugging of a resident physician as he was leaving the hospital in the early morning hours. This assault was committed by four young men who were apparently intoxicated. On several occasions student nurses and other female employees were molested in the immediate hospital vicinity. According to a hospital supervisor the institution then had about 250 nurses who lived on Lyons Avenue and also 130

exchange nurses and other female personnel who lived on Lehigh Avenue, a nearby street. The female personnel work around the clock in three shifts. The supervisor testified that their attitude is changing. They are afraid to work at night or even to put in overtime. Many of them are afraid to walk to the theater at night because of the increased muggings and harassment. Student nurses are not allowed to go out alone, and are forbidden to go into plaintiff's tavern. This witness said also that "everyone is afraid of Lyons Farms expanding" because it will bring more young men to the area. The record shows that because of the security situation, the hospital had been hiring off-duty city policemen to guard the area.

After hearing all of the evidence offered by interested parties, the local board "in consideration of the general welfare of the neighborhood" unanimously denied plaintiff's application. On appeal the Director observed that the licensee's request was simply to enlarge its existing establishment. He said the fact that enlargement would attract more business to the place was not sufficient reason for rejecting the request. In his view the significant fact was that a favorable decision for plaintiff would not increase the number of licenses presently existing in the area. Reference was made to the absence of any complaint of violation of any of the Division's rules or regulations over the years of plaintiff's operation.

The Director regarded the apprehension of the objectors as mere conjecture. <sup>1</sup> He said, on rehearing, that it was "understandable that apprehension may exist for the welfare of hospital personnel. However if the premises are conducted in a law-abiding manner (and it must be assumed that such will be the case) neither children nor persons employed or residing in the area have anything to fear." Consequently, he held that the action of the local board in denying plaintiff's application was unreasonable and arbitrary. Our study of the record has led us to the opposite conclusion.

Responsibility for the administration and enforcement of the alcoholic beverage laws relating to the transfer of a liquor license from place to place or so as to cover enlarged premises is primarily committed to municipal authorities. N.J.S.A. 33:1-19, 24; Laurinov. State of N. J., Div. of Alcoh. Bev. Control, 81 N. J. Super. 220, 227 (App. Div. 1963). In allocating spheres of operation between the State Division and municipal authorities the Legislature wisely recognized that ordinarily local officials are thoroughly familiar with their community's characteristics, the nature of a particular area and the dangers associated with the sale of alcoholic beverages. Consequently it provided for acceptance of local sentiments in a number of fields of liquor control. Fanwood v. Rocco, 33 N.J. 404, 412 (1960). Obviously when the lawmakers delegated to local boards the duty "to enforce primarily" the provisions of the act it invested them with a high responsibility, a wide discretion, and intended their principal guide to be the public interest. Lubliner v. Bd. of Alcoholic Bev. Con., Paterson, 33 N. J. 428, 446 (1960).

---

1 Two Directors were involved in the appeal. The Director who rendered the original decision accepted a public appointment elsewhere. A supplemental hearing followed before the new Director who concurred in the original decision.

The conclusion is inescapable that if the legislative purpose is to be effectuated the Director and the courts must place much reliance upon local action. Once the municipal board has decided to grant or withhold approval of a premises-enlargement application of the type involved here, its exercise of discretion ought to be accepted on review in the absence of a clear abuse or unreasonable or arbitrary exercise of its discretion. Although the Director conducts a de novo hearing in the event of an appeal, the rule has long been established that he will not and should not substitute his judgment for that of the local board or reverse the ruling if reasonable support for it can be found in the record. On judicial review the Director's factual findings as well as his ultimate determination ordinarily are accepted unless unreasonable or illegally grounded. Fanwood v. Rocco, supra, 33 N. J. at 414.

In the present case in reversing the action of the local board the Director emphasized that grant of plaintiff's application would not increase the number of licenses now in existence. That observation was true and concededly it is a factor for consideration. But its significance is not great in a community already burdened with outstanding licenses beyond the statutory saturation point. Moreover, as a further counterbalancing factor, the persuasive statement of one of the objectors should not be ignored. He said that from the affected neighborhood standpoint there is little difference between the grant of an additional license and the grant of permission for a substantial enlargement of an existing licensed premises to accommodate increased business and to encourage further increase. Additionally the Director noted that over the years plaintiff had never been charged with violation of any of the rules and regulations of the Division pertaining to the operation of the tavern; and further, that none of the muggings or criminal assaults or acts of molestation had ever been traced to plaintiff's patrons. The good operating record, although commendable, cannot be deemed either a decisive or a major influence in this case. We are living in a parlous period and applications such as this must be reviewed in the ambience of the times. It would not do to apply the same test in populous Newark as would be utilized in a rural or suburban community. Time, place and circumstances make such an approach unrealistic.

Administrators and courts cannot close their eyes to what all others sense, see and understand. It is known generally that in the recent past Newark was a riot-torn city. The tensions responsible had varied origins and causes that are common to many urban communities and not to Newark alone. Crime and violence in the streets of cities, including Newark, have increased substantially in recent years making people reluctant to be abroad at night. Common knowledge tells us that peculiar evils are associated with the sale of alcoholic liquors in public taverns. The release of inhibitions because of consumption of alcohol is commonplace and is more apt to be associated with taverns than with other types of business. Fanwood v. Rocco, supra, 33 N. J. at 413. Drunken brawls are more likely to occur in taverns than elsewhere. It is common knowledge that the use of intoxicants frequently unduly excites the tempers, emotions and actions of those who indulge in them, and that a large percentage of serious crime stems from their excessive use. Reilly v. 180 Club, Inc., supra, 14 N. J. Super. at 420-424; O'Connor v. Board of Zoning Appeals, supra, 98 A. 2d at 517; Smith v. Ballas, supra, 82 N. E. 2d at 183; Klopp v. Benevolent Protective Order of Elks, supra, 33 N. E. 2d at 165;

Fisher v. Robbins, 78 Wyo. 50, 319 P. 2d 116, 126 (1957). Thus it is fair to say that the fears expressed by the objectors in this case about the likelihood of increased street hazards stemming from the additional patronage of plaintiff's enlarged tavern, are not mere gossamer threads; they are real and empirically sound. It is no answer to say that the tavern is and will continue to be well conducted or that patrons who show that they have had enough or too much to drink will be denied further service or be asked to leave the premises. It is what such persons do after they take to the public streets and byways that the neighbors fear.

We have no doubt that a municipal alcoholic beverage control board may reasonably honor local sentiment against the grant of a new liquor license or a place-to-place transfer of an existing one. Fanwood v. Rocco, supra, clearly expounded that view. In that case the holder of a package store license whose place of business was located on the outskirts of Fanwood, sought a transfer of the license to premises about a mile and a half away in the midst of the borough's only business center. The proposed new location was opposite the railroad station, two doors away from a confectionery store where local teenagers congregated, about a block away from a church and two and a half blocks from a public school. There was strong public sentiment against a package store in this section of the borough. Proximity of the church and school (although at least as far away as the Beth Israel Hospital in the present case) was the basis of much objection.

The governing body refused to grant the transfer on the ground that it would be contrary to the public interest, and contrary to the feeling of most of the people of Fanwood. On appeal the Director of the Division of Alcoholic Beverage Control reversed. He said that the general objections of the citizens in themselves did not justify the local body's denial of the transfer. In ordering approval of the transfer he said "the proposed location of the license is in a business section and the operation of a package goods store under proper supervision would not, in any way, be detrimental to the community."

In declaring the Director's reversal to be erroneous mention was made of the "inherently far reaching dangers" of the liquor business and the need for strict regulation of it. The Court spoke of the wise stipulation of the Legislature for recognition of local sentiments in the administration of the alcoholic beverage law. It referred also to previous decisions holding that a local board may reasonably decline to issue a license because of proximity to the premises of a church or school, even though the church or school is beyond the restricted distance specified by N.J.S.A. 33:1-76. With particular reference to the considerations which are crucial to the present case, Justice Jacobs wrote for a unanimous Court:

"In the instant matter, the Director grounded his action on the view that the general objections advanced by the municipality were insufficient since the proposed new location was in a business section and the operation of a package store under proper supervision would not, in his opinion, be detrimental to the community. This view erroneously disregarded the municipal governing body's authority to decline to license the operation of any taverns or package stores in Fanwood's business center. The record leaves no room for doubt that widespread local sentiment favors keeping the area free of taverns and package stores and it matters little that

this sentiment may have resulted in part from moral precepts and in part from the general objections voiced in the testimony of the councilmen. The fact is that the sentiment does exist and in honoring it the governing body did not act at all unreasonably. The interests of effective liquor control are best advanced where the municipal licensing program displays fair regard not only for the convenience of residents who purchase alcoholic beverages but also for the sentiments of residents who are unsympathetic or hostile to their sale." 33 N. J. at 415.

We regard the rule of Fanwood v. Rocco as sound and we consider its basic thesis as providing the determinant for this case. Service of the public interest in licensing, in transferring of licenses and in controlling this exceptional business requires an attentive and sympathetic attitude toward the sentiments of substantial numbers of persons in the locality, whether they be residents, commercial operators, or representatives of a nearby church, school or hospital. When their views are hostile to a licensee's request for enlargement of his existing business, and the views are reasonably associated with dangers to the public health, safety, morals and general welfare commonly recognized as incidents of the sale and consumption of alcohol, the local regulatory body does not act arbitrarily in honoring them. In fact, in our view, the local board would be remiss in its duty if it failed to give such views serious consideration. The Director regarded the fears and objections of the many protesters as more chimerical than real, and so felt that the equities favored the license holder. But the local board, which may be assumed to have a more intimate awareness of the needs and interests of the neighborhood in relation to a projected increase in liquor traffic felt otherwise, and acted accordingly. Our study of the record satisfies us that the board's finding that the paramount equities favored the objectors was reasonably grounded. There being no abuse of discretion present, it was improper for the Director to intervene and to substitute his judgment for that of the board.

The Appellate Division concluded from its examination of the record that the determination of the Director "was supported by substantial evidence presented in the whole of the record." Our penetrating review of all the evidence was engaged in by re-treating to the fundamental issue in these cases: Did the decision of the local board represent a reasonable exercise of discretion on the basis of evidence presented? If it did that ends the matter of review both by the Director and by the courts. We agree with the local board that there was adequate and reasonable basis in the evidence considered in light of relevant time, place and circumstances to warrant its decision denying plaintiff's application.

Accordingly the judgment of the Appellate Division affirming the Director's action is reversed, and the matter is remanded for reinstatement of the order of the Newark Municipal Board.

2. APPELLATE DECISIONS - VINCE v. GUTTENBERG.

JOHN VINCE,	)	
Appellant,	)	ON APPEAL
v.	)	ORDER
MAYOR AND BOARD OF COUNCIL	)	
OF THE TOWN OF GUTTENBERG,	)	
Respondent.	)	

-----  
Mocco and Mocco, Esqs., by Peter M. Mocco, Esq., Attorneys  
for Petitioner.

BY THE DIRECTOR:

On October 27, 1969 Conclusions and Order were entered herein suspending the license for the balance of its term, with leave to any bona fide transferee of the license to apply to the Director for lifting the suspension. Vince v. Guttenberg, Bulletin 1889, Item 1.

It appearing from verified petition submitted by the transferee A. Park Incorporated that, by resolution dated March 16, 1970 Plenary Retail Consumption License C-22 held by John Vince for premises 340 - 69th Street, Guttenberg, was transferred to A. Park Incorporated subject to the approval of the said transfer by the Division of Alcoholic Beverage Control and that written order of the Division of Alcoholic Beverage Control be delivered to the Town Clerk of Guttenberg prior to the transfer and delivery of the said License C-22 to the new owner A. Park Incorporated and further subject to title and satisfactory evidence of the legal right of A. Park Incorporated to possession of the licensed premises; and it further appearing that A. Park Incorporated, the transferee, entered into a contract with John Vince, the licensee, on February 28, 1970, for the sale of the said plenary retail consumption license, and that the unlawful situation has been corrected, I shall grant the petition requesting the termination of the suspension, effective immediately.

Accordingly, it is, on this 25th day of March 1970,

ORDERED that the suspension heretofore imposed herein be and the same is hereby terminated, effective immediately.

RICHARD C. McDONOUGH  
DIRECTOR

3.

ACTIVITY REPORT FOR MARCH 1970

<b>ARRESTS:</b>		
Total number of persons arrested	-----	18
Licensees and employees	12	
Bootleggers	6	
<b>SEIZURES:</b>		
Motor vehicles - cars	-----	1
- trucks	-----	1
Stills - 50 gallons or under	-----	1
Alcohol - gallons	-----	249,287
Mash - gallons	-----	495
Distilled alcoholic beverages - gallons	-----	3.50
Wine - gallons	-----	.290
Brewed malt alcoholic beverages - gallons	-----	2.06
<b>RETAIL LICENSEES:</b>		
Premises inspected	-----	715
Premises where alcoholic beverages were gauged	-----	550
Bottles gauged	-----	8,543
Premises where violations were found	-----	205
Violations found	-----	310
No Form E-141-A on premises	95	No disposal permit
Unqualified employees	71	Other mercantile business
Form E-141-A incomplete	47	Prohibited signs & practice
Application copy not available	30	Other violations
		57
<b>STATE LICENSEES:</b>		
Premises inspected	-----	9
License applications investigated	-----	9
<b>COMPLAINTS:</b>		
Complaints assigned for investigation	-----	517
Investigations completed	-----	438
Investigations pending	-----	288
<b>LABORATORY:</b>		
Analyses made	-----	68
Refills from licensed premises - bottles	-----	33
Bottles from unlicensed premises	-----	10
<b>IDENTIFICATION:</b>		
Criminal fingerprint identifications made	-----	9
Persons fingerprinted for non-criminal purposes	-----	365
Identification contacts made with other enforcement agencies	-----	321
<b>DISCIPLINARY PROCEEDINGS:</b>		
Cases transmitted to municipalities	-----	4
Violations involved	-----	5
Sale during prohibited hours	3	Failure to close premises during
Employing female bartender (local reg.)	1	prohibited hours
		1
Cases instituted at Division	-----	28
Violations involved	-----	32
Possessing liquor not truly labeled	9	Permitting illegal acty.(narcotics)
Sale to minors	6	on premises
Beverage Tax Law non-compliance	4	Purchase from improper source
Permitting immoral acty. on prem.	2	Filing false tax reports
Fraud in application	2	Unqualified employees
Sale during prohibited hours	2	Failure to keep list of employees on
Unauthorized transportation	1	premises
Broad package privilege violation	1	
Cases brought by municipalities on own initiative and reported to Division	-----	34
Violations involved	-----	44
Sale to minors	16	Failure to close prem. during
Conducting business as a nuisance	6	prohibited hours
Sale during prohibited hours	5	Permitting hostesses on premises
Permitting misc. gambling on prem.	3	Unqualified employees
Permitting illegal acty. (narcotics)	5	Acts of violence
Sale during prohibited hours	3	Permitting minors on prem. unaccompd
		by parents (local reg.)
		1
<b>HEARINGS HELD AT DIVISION:</b>		
Total number of hearings held	-----	42
Appeals	5	Seizures
Disciplinary proceedings	23	Tax revocations
Eligibility	10	
		3
<b>STATE LICENSES AND PERMITS:</b>		
Total number issued	-----	1,001
Licenses	2	Wine permits
Solicitors' permits	40	Miscellaneous permits
Employment permits	179	Transit insignia
Disposal permits	38	Transit certificates
Social affair permits	412	
		10
<b>OFFICE OF AMUSEMENT GAMES CONTROL:</b>		
Licenses issued	254	
Enforcement files established	1	

Dated: April 8, 1970

RICHARD C. McDONOUGH  
 Director of Alcoholic Beverage Control  
 Commissioner of Amusement Games Control

4. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1969 TO MARCH 31, 1970 AS REPORTED TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19 (INCLUDING 53 ISSUED BY THE DIRECTOR PURSUANT TO R.S. 33:1-20)

CLASSIFICATION OF LICENSES

County	Plenary Retail Consumption		Plenary Retail Distribution		Club	Limited Retail Distribution		Seasonal Retail Consumption		Licenses Surr. Revoked Retired	Number Licenses In Effect	Total Fees Paid	
	No. Issued	Fees Paid	No. Issued	Fees Paid		No. Issued	Fees Paid	No. Issued	Fees Paid				
Atlantic	485	\$ 209,085.80	74	\$ 26,621.00	29	\$ 2,565.00					588	\$ 238,271.80	
Bergen	812	357,231.40	301	97,072.20	167	15,546.43	44	\$ 2,106.50	5	\$ 1,398.75	1	1328	473,355.28
Burlington	201	96,697.00	43	15,189.00	60	7,736.70	1	50.00				305	119,672.70
Camden	449	244,954.22	86	40,553.00	81	9,223.35			1	450.00	1	616	295,180.57
Cape May	142	83,000.00	13	4,920.00	19	2,350.00						174	90,270.00
Cumberland	81	43,600.00	15	4,450.00	33	4,453.97						129	52,503.97
Essex	1191	770,082.00	334	221,270.00	94	12,987.12	23	1,150.00			2	1640	1,005,489.12
Gloucester	110	41,610.00	16	4,460.00	26	2,394.00						152	48,464.00
Hudson	1363	630,795.00	295	122,600.00	76	8,900.00	58	2,450.00			2	1790	764,745.00
Hunterdon	80	35,017.00	16	10,841.00	19	2,300.00						115	48,158.00
Mercer	398	287,363.99	51	28,190.00	66	9,775.48						515	325,329.47
Middlesex	632	324,490.00	89	31,045.00	145	11,739.65	4	200.00				870	367,474.65
Monmouth	546	292,388.26	128	46,837.00	67	7,695.29	10	492.00	18	11,007.90		769	358,420.45
Morris	358	157,647.00	105	46,351.00	72	7,072.50	13	650.00	5	1,560.00		553	213,280.50
Ocean	196	114,835.11	52	24,453.00	52	5,840.00						300	145,128.11
Passaic	777	335,184.00	167	53,520.00	51	5,950.00	6	300.00				1001	394,954.00
Salem	50	19,410.00	8	1,590.00	21	1,900.00						79	22,900.00
Somerset	191	95,240.00	41	13,770.00	41	4,990.00						273	114,000.00
Sussex	166	45,335.00	21	4,400.00	15	1,000.54	1	50.00	1	225.00		204	51,010.54
Union	543	332,140.88	145	77,405.00	93	10,254.38	25	1,193.00				806	420,993.26
Warren	145	45,060.00	22	5,940.00	33	3,475.00			1	225.00		201	54,700.00
Totals	8916	4,561,166.66	2022	881,477.20	1260	138,149.41	185	8,641.50	31	14,866.65	6*	12408	5,604,301.42

During period 12/31/69-3/31/70

4 "C" issued under hardship

6 "C" previously operating under appeal

1 "C" New License

1 "D" New License

6 "CB" New Licenses

All Seasonals expired

\*Since 7/1/69-3/31/70

1 "C" Denied (previously operating under appeal)

1 "C" Surrendered

Richard C. McDonough  
Director

## 5. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1969 THROUGH MARCH 31, 1970

	1st Quarter		2nd Quarter			3rd Quarter			Total
	July	Aug. Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	
<b>ARRESTS:</b>									
Total number of persons arrested	55		33			36			124
Licensees and employees	19		22			23			64
Bootleggers	36		11			13			50
<b>SEIZURES:</b>									
Motor vehicles - cars	-		1			1			2
- trucks	-		-			1			1
Still - 50 gallons or under	2		-			3			5
Alcohol - gallons	3.11		3.10			292.397			303.507
Mash - gallons	104		-			680			784
Distilled alcoholic beverages - gallons	50.74		22.94			5.10			78.78
Wine - gallons	102.66		7.24			1,104.290			1,214.190
Brewed malt alcoholic beverages - gallons	78.50		53.16			27.11			158.77
<b>RETAIL LICENSEES:</b>									
Premises inspected	1,321		1,980			1,812			5,113
Premises where alcoholic beverages were gauged	1,126		1,604			1,384			4,114
Bottles gauged	18,010		24,288			21,207			63,505
Premises where violations were found	403		501			485			1,389
Violations found	659		691			708			2,058
No Form E-141-A on premises	251		225			224			700
Unqualified employees	181		127			155			443
Form E-141-A incomplete	57		109			117			283
Application copy not available	56		60			78			194
Disposal permit necessary	7		7			10			24
Other mercantile business	8		1			4			13
Prohibited signs & practices	5		3			4			12
Other violations	94		159			136			389
<b>STATE LICENSEES:</b>									
Premises inspected	22		48			32			102
License applications investigated	32		11			17			60
<b>COMPLAINTS:</b>									
Complaints assigned for investigation	1,249		1,195			1,194			3,638
Investigations completed	1,266		1,266			1,135			3,667
Investigations pending	(191)		(201)			(288)			(288)
<b>LABORATORY:</b>									
Analyses made	231		199			207			637
Refills from licensed premises - bottles	103		114			119			336
Bottles from unlicensed premises	73		31			29			133
<b>IDENTIFICATION:</b>									
Criminal fingerprint identifications made	32		13			10			55
Persons fingerprinted for non-criminal purposes	1,517		1,034			991			3,542
Ident. contacts w/other enforcement agencies	1,079		738			853			2,670
MV Identifications via NJ State Police teletype	4		-			-			4
<b>DISCIPLINARY PROCEEDINGS:</b>									
Cases transmitted to municipalities	7		16			11			34
Violations involved	9		19			12			40
Sale during prohibited hours	6		9			5			20
Sale to minors	1		5			5			11
Fail. to close prem. dur. prohibited hrs.	2		3			1			6
Single instance of other violations	-		2			1			3
Cases instituted at Division	70		78			74			222
Violations involved	90		94			82			266
Possessing liquor not truly labeled	11		11			17			39
Sale to minors	9		16			13			38
Sale during prohibited hours	11		12			8			31
Beverage Tax Law non-compliance	-		9			19			28
Permitting lottery activity on premises	5		11			5			21
Permitting immoral activity on premises	6		4			5			15
Purchase from improper source	12		-			1			13
Fraud in application	4		3			2			9
Hindering investigation	5		2			-			7
Fail. to close prem. dur. prohibited hrs.	3		4			-			7
Sale below filed price	4		2			-			6
Filing false tax reports	4		1			1			6
Unqualified employees	-		2			2			4
Permitting hostess activity on premises	-		4			-			4
Permitting female impersonators on prem.	4		-			-			4
Permitting misc. gambling on premises	-		2			1			3
Perm. lottery & bookmaking on premises	2		1			-			3
Permitting bookmaking on premises	2		1			-			3
Unauthorized transportation	2		-			1			3
Retailer-to-retailer sales	2		-			-			2
Fail. to keep true books of account	2		-			-			2
Perm. gambling apparatus on premises	-		2			-			2
Perm. lottery & raffle on premises	-		-			1			1
Perm. illegal activity (narcotics) on prem.	-		-			1			1
Perm. lottery, bookmaking & cards on prem.	-		1			-			1
Single instance of other violations	2		6			5			13

	1st Quarter July Aug. Sept.	2nd Quarter Oct. Nov. Dec.	3rd Quarter Jan. Feb. March	Total
<b>DISCIPLINARY PROCEEDINGS (CONTINUED)</b>				
Cases brought by municipalities on own initiative and reported to Division	61	39	77	177
Violations involved	80	50	96	226
Sale to minors	28	10	36	74
Sale during prohibited hours	12	5	15	32
Conducting business as a nuisance	6	6	8	20
Fail. to close prem. dur. prohibited hrs.	4	9	5	18
Permitting gambling on premises	4	6	5	15
Permitting brawl, etc. on premises	6	3	5	14
Permitting narcotic acty. on premises	-	-	7	7
Hindering investigation	2	2	2	6
Perm. premises to be used for illegal acty.	3	2	-	5
Acts of violence	3	1	1	5
Permitting immoral activity on premises	2	2	-	4
Fail. to afford view into prem. dur. proh. hrs.	2	1	1	4
Employee w/o ID cards (local reg)	2	1	-	3
Employing female bartender (Local reg.)	2	-	-	2
Loitering by minors unaccomp. by parents (local reg)	-	-	3	3
Single instance of other violations	4	2	8	14
<b>HEARINGS HELD AT DIVISION:</b>				
Total number of hearings held	135	125	126	386
Appeals	22	34	21	77
Disciplinary proceedings	75	49	63	187
Eligibility	32	33	24	89
Seizures	4	5	1	10
Tax revocations	-	4	17	21
Applications for license	1	-	-	1
On petition	1	-	-	1
<b>STATE LICENSES AND PERMITS ISSUED:</b>				
Total number issued	6,087	5,221	3,413	14,721
Licenses	630	8	6	644
Solicitors' permits	123	248	128	499
Employment permits	1,538	929	673	3,140
Disposal permits	225	208	153	586
Social affair permits	1,320	1,295	1,186	3,801
Wine permits	57	675	7	739
Miscellaneous permits	1,004	941	686	2,631
Transit insignia	943	679	511	2,133
Transit certificates	247	238	63	548
<b>OFFICE OF AMUSEMENT GAMES CONTROL:</b>				
Licenses issued	9	40	391	440
State Fair licenses issued	154	-	-	154
Premises inspected	1,052	-	-	1,052
Premises where violations were found	60	-	-	60
Number of violations found	82	-	-	82
Enforcement files established	75	42	11	128

RICHARD C. McDONOUGH  
 Director of Alcoholic Beverage Control  
 Commissioner of Amusement Games Control

Dated: April 21, 1970



7. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

MICHAEL J. BARRETT )  
1325 Kennedy Blvd. )  
Bayonne, N. J. )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-38, issued by the Municipal Council of the City of Bayonne. )

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

BY THE DIRECTOR:

Licensee pleads non vult to charge alleging that, on November 19, 1969, he possessed alcoholic beverages in four bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for forty days, effective May 11, 1966, for (1) sale on a Sunday and during prohibited hours on a weekday of bottles of whiskey for off-premises consumption in violation of Rule 1 of State Regulation No. 38, (2) sale of drinks of alcoholic beverages during prohibited hours, in violation of local regulation, (3) sale of bottles of whiskey at less than consumer filed prices, in violation of Rule 5 of State Regulation No. 30, and (4) serving drinks of alcoholic beverages to females at the bar, in violation of local regulation. Re Barrett, Bulletin 1679, Item 6.

The previous record of suspension of license for dissimilar violations occurring within the past five years considered, the license will be suspended for twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re Simon, Bulletin 1750, Item 11.

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

ORDERED that Plenary Retail Consumption License C-38, issued by the Municipal Council of the City of Bayonne to Michael J. Barrett, for premises 1325 Kennedy Blvd., Bayonne, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. Tuesday, April 21, 1970, and terminating at 2:00 a.m. Monday, May 11, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

## 8. STATE LICENSES - NEW APPLICATIONS FILED.

The F. & M. Schaefer Brewing Co.  
1835 Burnett Avenue  
Union, New Jersey

Application filed April 20, 1970 for place-to-place transfer of Limited Wholesale License WL-6 from 56 Park Place, Newark, New Jersey.

The Black Prince Distillery, Inc.  
691 Clifton Avenue  
Clifton, New Jersey

Applications filed April 22, 1970 for place-to-place transfer of Plenary Wholesale License W-65 and Rectifier and Blender License R-46 from 311 Kingsland Road, Nutley, New Jersey.

Phillipsburg Beverage Company  
209-221 McLean Boulevard  
Paterson, New Jersey

Application filed April 24, 1970 for place-to-place transfer of Additional Salesroom License AW-74, from 4576 Crescent Boulevard, Camden, New Jersey to 1300 Industrial Highway, Pennsauken, New Jersey, operated under Plenary Wholesale License W-98.

Wenz Industries (A Corp.)  
209 McLean Boulevard  
Paterson, New Jersey

Application filed April 24, 1970 for place-to-place transfer of Additional Warehouse License AW-52, from 4576 Crescent Boulevard, Camden, New Jersey to 1300 Industrial Highway, Pennsauken, New Jersey, operated under Plenary Wholesale License W-100.

Jersey National Liquor Co., Inc.  
1300 Industrial Highway  
Pennsauken, New Jersey

Application filed April 24, 1970 for place-to-place transfer of Plenary Wholesale License W-66 from 4576 Crescent Boulevard, Camden, New Jersey.



Richard C. McDonough  
Director