

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

BULLETIN 1856

May 19, 1969

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DIVISION OF ALCOHOLIC BEVERAGE CONTROL
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May 19, 1969

1. APPELLATE DECISIONS - INN MANAGEMENT CORPORATION v.
PARAMUS.

Inn Management Corporation,)
 Appellant,) On Appeal
 v.) ORDER
Mayor and Council of the)
Borough of Paramus,)
 Respondent,)

Daniel Amster, Esq., Attorney for Appellant
Gary S. Stein, Esq., Attorney for Respondent

BY THE DIRECTOR:

Appellant appeals from denial by respondent on August 8, 1968 of its application for a plenary retail consumption license for premises 601 Marginal Road, Paramus.

Prior to hearing the attorney for appellant advised me that the appeal has become moot.

Accordingly, it is, on this 19th day of March, 1969,

ORDERED that the appeal herein be and the same is hereby dismissed.

JOSEPH M. KEEGAN,
DIRECTOR.

2. SEIZURE - FORFEITURE PROCEEDINGS - UNLAWFUL SALE OF ALCOHOLIC BEVERAGES - MOTOR VEHICLE AND ALCOHOLIC BEVERAGES ORDERED FORFEITED - CASH NOT COMMINGLED (EXCLUSIVE OF "MARKED" MONEY) ORDERED RETURNED TO OWNER - CLAIM OF INNOCENT LIENOR RECOGNIZED.

In the Matter of the Seizure : Case No. 12,081
 on August 11, 1968 of five :
 containers of alcoholic bever- : On Hearing
 ages, \$56.00 in cash and one : CONCLUSIONS and ORDER
 1964 Pontiac near 45 Liberty :
 Street, in the City of Long :
 Branch, County of Monmouth :
 and State of New Jersey. :

Stanley R. Katz, Esq., appearing for claimant, William Jenrette Beneficial Finance Company of New Jersey, claimant, by Robert Emery, Jr., Manager.

I. Edward Amada, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This matter came on for hearing pursuant to the provisions of R. S. 33:1-66 and State Regulation No. 28 to determine whether five containers of alcoholic beverages, \$56.00 in cash and a 1964 Pontiac convertible, set forth in the inventory attached hereto, made part hereof and marked Schedule "A", seized on August 11, 1968 near 45 Liberty Street, Long Branch, N.J. constitute unlawful property and should be forfeited.

At the said hearing William Jenrette, represented by counsel, sought the return of his motor vehicle and the seized cash. No claim was made for the return of the seized alcoholic beverages.

In the course of the hearing it developed that the Beneficial Finance Company of New Jersey located in Red Bank, New Jersey had a lien claim on the said motor vehicle; and at a continued hearing in this matter the said Beneficial Finance Company of New Jersey sought recognition of its lien claim.

The Division's case was presented through the introduction of its file in evidence with the consent of the claimants, supplemented by testimony of ABC Agent M.

The following facts were established: On August 11, 1968 between 12:30 and 1:00 P.M. ABC agents observed the subject motor vehicle in the area of 45 Liberty Street with a number of males gathered around the vehicle, drinking what appeared to be alcoholic beverages. Agent M approached the male, later identified as the claimant, Jenrette, and asked him for a pint of Four Roses. Jenrette replied, "I just sold the last pint of Four Roses." "...All I have left is some Gordon's gin and some wine." Jenrette and the agent then walked around to the rear of the vehicle; Jenrette opened the trunk, reached in and retrieved one of the bottles of gin and gave it to the agent. Agent M then handed him a \$10.00 bill, (the serial number of which had been previously recorded), whereupon Jenrette took from his pocket a quantity of money from which he gave him \$6.00 as change.

The Agent observed that there were two alcoholic beverage cartons in the trunk, one containing wine, and one empty, bearing the label of a brand of whiskey. There were several pint

bottles lying loose in the trunk. Thereupon, the agent identified himself and placed Jenrette under arrest. The motor vehicle was driven to the local police headquarters where Jenrette produced the \$10.00 "marked" bill from his pocket.

The car was thereupon seized and a search of the vehicle revealed a quantity of bills which totaled approximately \$46.00. This money was similarly seized.

The attorney for Jenrette conceded, at this hearing, that this claimant had sold alcoholic beverages and stipulated the aforementioned facts, with the exception of the statement by Agent M., that he asked for "Four Roses" whiskey.

Analysis by the Division chemist of a sample of the contents of one pint full of Gordon's Distilled London Dry Gin, 90 proof disclosed that it is an alcoholic beverage, fit for beverage purposes, with an alcoholic content by volume of 45.3%.

The records of this Division disclose that there was no license or permit issued authorizing Jenrette to sell alcoholic beverages, nor was there a permit or license authorizing the sale of alcoholic beverages from this vehicle at these premises. The file which was admitted into evidence contained the affidavit of mailing, affidavit of publication, the "marked" \$10.00 bill, the inventory and the chemist's report as certified by the Director.

William Jenrette, claimant herein, testified as follows: The agent approached him and asked him for a "little nip" and he looked at him and said, "I might help you out a little bit because I have some whiskey for a party. My sister was going south and going to give her a party. I had whiskey in the car which I had bought the night before"...."I only have a couple of pints of gin. If you would like one of those I will let you have it." The agent then gave him the \$10.00 bill and he returned \$6.00 or \$7.00 in change, which he took from his pocket. The money that was seized from under the seat of the car after his arrest was money that he had put there because he wanted to hide it from his wife. This money was part of his salary which he had drawn from his employment as a maintenance man several days before this incident.

On cross-examination he frankly admitted that he did sell the bottle of gin to the agent. With respect to the motor vehicle, he stated that he purchased the car recently and paid \$300.00 as down payment, which sum was loaned to him by the Bell Company. The outstanding balance of \$900.00 was financed by the claimant, Beneficial Finance Company.

Prior to the seizure he made two payments, each in the sum of \$49.00 and is now one month in arrears.

The seized alcoholic beverages are illicit because they were intended for unlawful sale. R.S. 33:1-1 (i). Such illicit alcoholic beverages, and the motor vehicle in which the said alcoholic beverages were transported and found constitute unlawful property and are subject to forfeiture. R.S. 33:1-50; R.S. 33:1-66; Seizure Case No. 10,759, Bulletin 1469, Item 5; Seizure Case No. 11,164, Bulletin 1565, Item 5. In view of the admitted

sale of alcoholic beverages, it is recommended that the said alcoholic beverages and motor vehicle be ordered forfeited. However, with respect to the money which was hidden under the seat of the motor vehicle, there is no affirmative evidence to clearly establish that this money was obtained through the sale of alcoholic beverages although the record indicates that other individuals were observed around the motor vehicle, drinking alcoholic beverages. The \$10.00 "marked" bill which was surrendered to the ABC agent by Jenrette was not commingled with that money.

Under these facts and circumstances I believe that this claimant should be given the benefit of the doubt and that the sum of \$46.00 (which excludes the \$10.00 "marked" bill) should be ordered returned to him. R.S. 33:1-66.

Robert Emery, Jr., manager of the Red Bank office of the Beneficial Finance Company testified that he participated, on behalf of this claimant, in the financing of this motor vehicle. Before purchasing this account from the F and J Auto Sales in Long Branch, he made a complete background investigation of Jenrette. He ascertained from Jenrette's landlord that he was married, had one child and was a good tenant. He spoke to his employer who stated that Jenrette had been employed by Red Bank Manor for seven or eight years, received \$400.00 a month and had a satisfactory employment record.

Jenrette also had obtained loans from the Bell Finance Company for the past seven years. The investigation disclosed that Jenrette had never been involved in any unlawful liquor activity. The witness further stated that there is now due on this claim the sum of \$960.00 and that the vehicle would have a wholesale value of \$800.00 if it were in good condition.

I am satisfied from the evidence presented that the claimant acted in good faith and did not know, or have any reason to believe that Jenrette was, or would be, involved in the unlawful possession and sale of alcoholic beverages for which this motor vehicle would be used. Seizure Case No. 11,765, Bulletin 1715, Item 7; Seizure Case No. 10,975, Bulletin 1507, Item 3.

I recommend that the lien of Beneficial Finance Company of New Jersey be recognized to the extent due on its conditional sales contract in the sum of \$960.00. It appears that the appraised retail value of the said motor vehicle would not exceed the amount of the claim, the costs of seizure and storage. It is, therefore, further recommended that the motor vehicle be released to the Beneficial Finance Company of New Jersey upon payment by this claimant of the costs of seizure and storage.

Conclusions and Order

No exceptions were taken to the Hearer's report pursuant to Rule 4 of State Regulation No. 28.

After carefully considering all of the facts and circumstances, I concur in the recommended conclusions in the Hearer's report and adopt them as my conclusions herein.

Accordingly, it is on this 19th day of March, 1969

DETERMINED and ORDERED that the seized cash in the sum of

\$46.00 (which excludes the \$10.00 "marked" bill) be and the same shall be returned to William Jenrette; and it is further

DETERMINED and ORDERED that if, on or before the 2nd day of April, 1969, the Beneficial Finance Company of New Jersey pays the costs of the seizure and storage of the Pontiac Catalina convertible, more fully described in Schedule "A" attached hereto, said motor vehicle will be returned to it; and it is further

DETERMINED and ORDERED that the alcoholic beverages seized herein constitute unlawful property, and the same be and hereby are forfeited in accordance with the provisions of R.S. 33:1-66, and that they be retained for the use of hospitals and State, county and municipal institutions, or destroyed, in whole, or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

JOSEPH M. KEEGAN
DIRECTOR

SCHEDULE "A"

- 5 - containers of alcoholic beverages
\$56.00 in cash
- 1 - 1964 Pontiac Catalina Convertible,
Serial No. 834L98228, Engine No.
1914885, N.J. Registration NYR-384

3. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN CANDY STORE - CLAIM OF OWNER REJECTED - PROPERTY RETURNED TO INNOCENT CLAIMANT, AND FORFEITED AS TO OTHER CLAIMANTS ABSENT GOOD FAITH - CASH AND ALCOHOLIC BEVERAGES FORFEITED.

In the Matter of the Seizure : Case No. 12,092
 on August 25, 1968 of 219 :
 containers of alcoholic beverages, : On Hearing
 miscellaneous fixtures, furnishings, : CONCLUSIONS and ORDER
 equipment and \$96.42 in cash in a :
 candy store at 34 Cutler Street, in :
 the City of Newark, County of Essex :
 and State of New Jersey. :

.....
 Warren Pacelli, t/a Coin Amusements, claimants, Pro Se.
 Laura McFarland, t/a McFarland Music Service, by Milton Jarrett,
 Manager, claimant.
 Joseph Zappulla, claimant, Pro Se.
 Robert M. Green, claimant, Pro Se.
 Esther Green, claimant, Pro Se.
 I. Edward Amada, Esq., appearing for the Division of Alcoholic
 Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This matter came on for hearing pursuant to R.S. 33:1-66 and State Regulation No. 28 to determine whether 219 containers of alcoholic beverages, miscellaneous fixtures, furnishings, and equipment and \$96.42 in cash, as set forth in a schedule attached hereto, made part hereof, and marked Schedule "A", seized on August 25, 1968 in a candy store located at 34 Cutler Street, Newark, N.J. constitute unlawful property and should be forfeited.

The seizure was made by ABC agents because of alleged unlawful sales of alcoholic beverages at a speakeasy conducted at the said premises.

At the said hearing, Robert M. Green appeared pro se and sought the return of certain miscellaneous fixtures, furnishings and personal property. Mrs. Esther Green appeared pro se and sought the return of miscellaneous personal property. However, she refused to testify in support of her claim. Warren Pacelli, trading as Coin Amusements, appeared pro se and sought the return of the seized pinball machine. Milton Jarrett, trading as McFarland Music Service sought the return of the seized juke box. Joseph Zappulla appeared pro se and sought the return of the seized pool table. No claim was entered for the return of the alcoholic beverages or the seized cash.

The file of this Division, which was admitted into evidence with the consent of the claimants herein, contained the affidavit of mailing, affidavit of publication, the inventory, the two "marked" one-dollar bills, the chemist's report and the record of the "marked" bills. The said file, which included reports of ABC agents and other documents, disclosed the following: Pursuant to a specific assignment to investigate unlawful sales at the aforementioned premises, ABC agents made two visits to the said premises; the first was made on July 27, 1968 and the second was made on August 25, 1968.

On the first visit, one of the agents purchased a bottle of

Twister wine from Robert Green, making payment with a one-dollar bill, and receiving fifteen cents in change. He returned to these premises on August 25, 1968 and ordered two bottles of Twister wine from Green. Green went behind the counter, picked up two bottles of Twister wine, handed them to the agent and told him to hid them. The agent concealed the bottles of wine on his person. In payment for this wine, he gave Green two "marked" one-dollar bills, which Green forthwith deposited in a cash register and gave the agent forty cents in change.

The agent thereupon summoned another ABC agent and the local police, who entered the premises and informed Green of the violation. Green was then arrested, charged with the sales of alcoholic beverages without a license on July 27, 1968 and August 25, 1968 contrary to R.S.33:1-2 in violation of R.S.33:1-50(a), and for possession of alcoholic beverages without a license with intent to sell the same on August 25, 1968 contrary to R.S.33:1-2 in violation of R.S.33:1-50(b). He was held in bail for arraignment in the Newark Municipal Court.

At the time of the seizure of the property a search of the cash register revealed the sum of \$96.42 in which were commingled the "marked" two one-dollar bills.

The records of this Division do not disclose any license or permit authorizing the sale of alcoholic beverages to Robert M. Green, Esther Green or for the premises where the violation took place.

A sample of a one pint bottle full of Gallo Twister wine seized herein was analyzed by the Division chemist, whose report, certified by the Director, established that it is an alcoholic beverage fit for beverage purposes, with alcohol by volume of 18.65%.

Since there was no permit or license authorizing the sale of alcoholic beverages to any person or for the premises in question, they are illicit because they were intended for sale without a license. Such alcoholic beverages, the personal property and the cash as set forth in Schedule "A" herein, constitute unlawful property and are subject to forfeiture. R.S.33:1-2; R.S.33:1-66; Seizure Case No. 11, 597, Bulletin 1679, Item 7. This applies with equal force to the cash in the register which was clearly commingled with the "marked" bills received from the agent in payment for the said bottles of wine. Seizure Case No. 11, 182, Bulletin 1568, Item 5; Seizure Case No. 10, 898, Bulletin 1500, Item 2.

Robert Green, testifying in support of his claim for the return of certain personal property, seized herein, denied that he made any sale on July 27, 1968 but admits that he did make a sale on August 25, 1968. He explained that this was only the second time that he has been selling wine, the first time being in the spring of the year. With respect to the August 25th sale, he admitted that when the agent came in and asked for the wine, he told his employee, one Raymond Lobo to "give him what he want".

The basis for his claim for the return of a refrigerator, air-conditioner, tape recorder, short wave radio and the furniture was that this property was purchased "a long time ago before I thought of selling".

With respect to this property, this claimant was unable to

produce any evidence or indicia of ownership. In view of this claimant's admitted unlawful sale of alcoholic beverages and in further view of his failure to produce any indicia of ownership, it is clear that he has not fulfilled the statutory requirements necessary to establish a valid claim for the return of the said property. Hence, where such unlawful sales occur, all of the personal property on the premises, including the alcoholic beverages and the commingled cash constitute unlawful property subject to forfeiture.

Accordingly, I recommend that an Order be entered forfeiting the alcoholic beverages, the personal property, furnishings and equipment claimed by this claimant and the cash. R.S.33:1-2; R.S.33:1-66; Seizure Case No. 11,431, Bulletin 1644, Item 3.

Joseph Zappulla sought the return of a seized pool table which he alleges is his property. However, he failed to produce any evidence of ownership of the said pool table and was asked to forward it to this Division as soon as possible. Up to the date of this report, no evidence of his ownership of the said pool table has been received. He gives the following account: He is in the vending machine business and originally installed this pool table at this premises after making arrangements with Green thereat.

However, during the current licensing period, he was informed that Green could not obtain a license from the city and Mrs. Green told him that she was going to purchase the business from her husband and that the license is to be put in her name. He made no verification of that fact nor did he make any background investigation of either Mrs. Green or her husband.

The records of this Division disclose that Green had a substantial criminal record which includes convictions for robbery, assault with intent to kill and assault with intent to commit robbery.

Furthermore, this claimant has had a prior experience with this Division when in 1966, his claim for the return of personal property seized was denied because of his failure to make an adequate background investigation of the persons to whom his machines were rented. Seizure Case No. 11,763, Bulletin 1714, Item 5. In order for a claimant to obtain the return of seized property, he must furnish proof of ownership and must show that he has acted in good faith and had no knowledge of the unlawful use to which the property was put or of such facts as would have led a person of ordinary prudence to discover such use. Rule 3(c) of State Regulation No. 28; R.S.33:1-66.

In view of the claimant's failure to present proof of ownership and because I am persuaded that under all of the facts herein, this claimant did not act in good faith, it is recommended that an Order be entered denying his said claim and forfeiting the said property. Seizure Case No. 11,597, Bulletin 1679, Item 7.

Warren Pacelli, trading as Coin Amusements, seeking the return of a pinball machine, gave the following account: He is the owner of a pinball machine which he placed at these

premises. He was told to produce evidence of ownership and subsequently sent in to this Division a copy of a ledger account which shows that the pinball machine was placed at the premises with Esther Green. His dealings were solely with Mrs. Green who represented herself as the owner of these premises. He obtained an application from the License Bureau in Newark, filled it out for her and he asked her specifically whether she had any liquor law violations or any other kind of violations. He visited the premises weekly during the day and never saw any alcoholic beverages being stored, possessed or dispensed at these premises.

With respect to this claimant, he relied upon the background investigation made by the local license authorities. While this is not entirely satisfactory, I am persuaded that he acted in good faith and should be given the benefit of the doubt.

Accordingly, it is recommended that the said pinball machine be returned to him upon payment of the costs of seizure and storage.

Milton Jarrett, trading as McFarland Music Service, sought the return of a juke box. He was unable to produce any evidence of ownership and promised to deliver a bill of sale or any other indicia of ownership to this Division within one week from the date of the said hearing. Up to the date of this report, he had not produced the same. He further states that he made arrangements solely with Mrs. Green whom he assumed was the owner of these premises and he questioned her specifically about any probable involvement relating to unlawful liquor activity. She denied that she had ever been so involved. This claimant frankly admits that he made no background investigation of this claimant and placed the machine there because "...I was anxious to get the business". In view of the fact that this claimant has not established his ownership to the said property and has failed to make the barest background investigation or reasonable inquiry to determine whether his property would be used in unlawful liquor activity, such failure demonstrates a careless indifference to the use to which his property was being put. In the absence of establishing ownership and good faith as aforesaid, the Director is not authorized to return the said property. Seizure Case No. 11,597, supra; Seizure Case No. 11,909, Bulletin 1779, Item 6.

I, therefore, recommend that the application of the claimant, Milton Jarrett for the return of his claimed property be denied and that an Order be entered forfeiting the same.

Conclusions and Order

No exceptions to the Hearer's report were taken by the claimants herein pursuant to Rule 4 of State Regulation No.28.

After carefully considering all of the facts and circumstances, including the transcript of testimony and the Hearer's report, I concur in the recommended conclusions in the Hearer's report and adopt them as my conclusions herein.

Accordingly, it is on this 20th day of March, 1969

DETERMINED and ORDERED that the claim of Robert Green and Esther Green for the return of certain miscellaneous

fixtures, furnishings and personal property seized herein be and the same is hereby denied, and said property as set forth in Schedule "A" herein shall be and the same is hereby forfeited; and it is further

DETERMINED and ORDERED that the claim of Warren Pacelli, t/a Coin Amusements for the return of one pinball machine be and the same is hereby recognized, and shall be returned to him upon payment of costs of seizure and storage; and it is further

DETERMINED and ORDERED that the claim of Laura McFarland t/a McFarland Music Service for the return of a juke box be and the same is hereby denied; and it is further

DETERMINED and ORDERED that the seized property (exclusive of the pinball machine belonging to Warren Pacelli), including \$96.42 in cash as set forth in Schedule "A" attached hereto, constitutes unlawful property and the same be and is hereby forfeited pursuant to the provisions of R.S. 33:1-66, to be accounted for in accordance with law; and it is further

DETERMINED and ORDERED that the seized alcoholic beverages be and the same are hereby forfeited, and shall be retained for the use of hospitals and State, county and municipal institutions, or destroyed, in whole, or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

JOSEPH M. KEEGAN
DIRECTOR

SCHEDULE "A"

219-containers of alcoholic beverages
Miscellaneous fixtures, furnishings, equipment
\$96.42 - cash

4. DISCIPLINARY PROCEEDINGS - ORDER VACATING ORDER OF SUSPENSION, PERMITTING WITHDRAWAL OF CONFESSIVE PLEA AND AFFORDING HEARING ON CHARGE.

In the Matter of Disciplinary Proceedings against)

Caggy's Inc.)
t/a Caggy's Cortillion Lounge)
100 E. Elizabeth Avenue)
Linden, N. J.)

AMENDED ORDER

Holder of Plenary Retail Consumption License C-8 issued by the Municipal Board of Alcoholic Beverage Control of the City of Linden)
-----)

Wilentz, Goldman & Spitzer, Esqs., by Warren W. Wilentz, Esq. Attorneys for licensee
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

On March 6, 1969, I entered an order herein suspending the license for forty days, effective March 20, 1969, upon recitation of the licensee's plea of non vult to a charge of permitting indecent entertainment on the licensed premises. Re Caggy's Inc., Bulletin 1852, Item 4.

Licensee's now attorneys have advised me that the confessive plea was entered by the licensee (then appearing pro se) in error resulting from misunderstanding. On the basis thereof, request has been made to withdraw the plea and thereafter have the matter proceed to hearing.

In view of the circumstances, I shall grant the request.

Accordingly, it is, on this 18th day of March, 1969,

ORDERED that the order of suspension heretofore entered herein be and the same is hereby vacated; and it is further

ORDERED that hearing be held on the charge preferred.

JOSEPH M. KEEGAN
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS AND HORSE RACE BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Ann Harrelson and Miriam Harrelson)
t/a Vine Tavern)
390 Union Avenue)
Paterson, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-98, issued by the Board of Alcoholic Beverage Control for the City of Paterson.)

-----)

Licenses, by Ann Harrelson, Pro Se Louis F. Treole, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licenseses plead non vult to charges (1) and (2) alleging that on divers dates between December 17, 1968 and January 2, 1969, they permitted acceptance of numbers and horse race bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Summer's End Lounge, Inc., Bulletin 1839, Item 4.

Accordingly, it is, on this 18th day of March, 1969,

ORDERED that Plenary Retail Consumption License C-98, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Ann Harrelson and Miriam Harrelson, t/a Vine Tavern, for premises 390 Union Avenue, Paterson, be and the same is hereby suspended for fifty-five (55) days, commencing at 3 a.m. Tuesday, March 25, 1969, and terminating at 3 a.m. Monday, May 19, 1969.

JOSEPH M. KEEGAN
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Wiljo, Incorporated
t/a Broadway Lounge
879 Broadway
Newark, New Jersey

)
) CONCLUSIONS
) and
) ORDER
)

Holder of Plenary Retail Consumption License C-623, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark

-----)
Samuel J. Kaufman, Esq., Attorney for Licensee
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on December 19, 1968 it possessed alcoholic beverages in eleven 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 forty days, with remission of five days for the plea entered, leaving a net suspension of thirty-five days. Re Floyd's Bar, Inc., Bulletin 1751, Item 11.

Accordingly, it is, on this 20th day of March 1969,

ORDERED that Plenary Retail Consumption License C-623, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Wiljo, Incorporated, t/a Broadway Lounge, for premises 879 Broadway, Newark, be and the same is hereby suspended for thirty-five (35) days, commencing at 2 a.m. Thursday, March 27, 1969, and terminating at 2 a.m. Thursday, May 1, 1969.

JOSEPH M. KEEGAN
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - HOSTESS ACTIVITY - LICENSE
SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)
Lee Castle, Inc.)
t/a Lee Castle's Bar)
3 S. Michigan Avenue)
Atlantic City, New Jersey)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption)
License C-160 issued by the Board)
of Commissioners of the City of)
Atlantic City)

- - - - -)
Edwin H. Helfant, Esq., Attorney for Licensee
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on February 15-16, 1969, it permitted female entertainers to drink at the expense of male patrons, in violation of Rule 22 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Bucci, Bulletin 1832, Item 8.

Accordingly, it is, on this 20th day of March, 1969,

ORDERED that Plenary Retail Consumption License C-160, issued by the Board of Commissioners of the City of Atlantic City to Lee Castle, Inc., t/a Lee Castle's Bar, for premises 3 S. Michigan Avenue, Atlantic City, be and the same is hereby suspended for fifteen (15) days, commencing at 7:00 a.m. Monday, March 24, 1969, and terminating at 7:00 a.m. Tuesday, April 8, 1969.

JOSEPH M. KEEGAN
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE
SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Joseph J. Nowalinski & Adella Nowalinski t/a Hi Hat Club 585 Roosevelt Street Trenton, N.J.,)

CONCLUSIONS and ORDER

-----)
Holders of Plenary Retail Consumption License C-168, issued by the City Council of the City of Trenton.)

Vincent Panaro, Esq., Attorney for Licensees
Louis F. Treole, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensees plead guilty to a charge alleging that on February 15, 1969 they sold twenty-four 12-ounce cans of beer to a minor, age 19, in violation of Rule 1 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 Ehrlich, Bulletin 1827, Item 5.

Accordingly, it is, on this 18th day of March 1969,

ORDERED that Plenary Retail Consumption License C-168, issued by the City Council of the City of Trenton to Joseph J. Nowalinski and Adella Nowalinski, t/a Hi Hat Club, for premises 585 Roosevelt Street, Trenton, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Tuesday, March 25, 1969, and terminating at 2 a.m. Friday, April 4, 1969.

JOSEPH M. KEEGAN
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE BELOW FILED PRICE - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Caputo's Liquor Corp.
2815 Bergenline Avenue
Union City, New Jersey

)
)
) CONCLUSIONS
) and
) ORDER
)

Holder of Plenary Retail Distribution License D-10, issued by the Board of Commissioners of the City of Union City

Harber & Freesman, Esqs., by Raymond Gorab, Esq., Attorneys for Licensee
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on February 21, 1969 it sold twenty-four cans of beer and a 4/5 quart bottle of whiskey below filed price, in violation of Rule 5 of State Regulation No. 30.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days effective January 7, 1968, for sale to minors.

The prior record of suspension of license for dissimilar violation occurring within the past five years considered, 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 Rose's Corner, Inc., Bulletin 1824, Item 6.

Accordingly, it is, on this 24th day of March 1969,

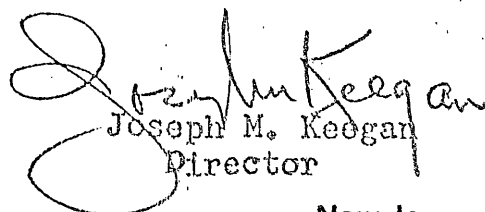
ORDERED that Plenary Retail Distribution License D-10, issued by the Board of Commissioners of the City of Union City to Caputo's Liquor Corp., for premises 2815 Bergenline Avenue, Union City, be and the same is hereby suspended for ten (10) days, commencing at 9 a.m. Monday, March 31, 1969, and terminating at 9 a.m. Thursday, April 10, 1969.

JOSEPH M. KEEGAN
DIRECTOR

10. STATE LICENSES - NEW APPLICATIONS FILED.

R & H Beer Distributors
t/a Premium Beer Distributors
226 Miller Street
Newark, New Jersey

Application filed May 15, 1969 for place-to-place transfer of Limited Wholesale License WL-70 from 303 Rhode Island Avenue, East Orange, New Jersey.


Joseph M. Keegan
Director