

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

BULLETIN 1346

July 29, 1960

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STATE OF NEW JERSEY
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BULLETIN 1346

July 29, 1960

1. APPELLATE DECISIONS - LASKOWSKI v. GLOUCESTER CITY.

TADENSY LASKOWSKI,)	
Appellant,)	ON APPEAL
v.)	CONCLUSIONS
COMMON COUNCIL OF THE CITY OF)	AND ORDER
GLOUCESTER CITY,)	
Respondent.)	

Milton C. Nurock, Esq., Attorney for Appellant.
William E. Hughes, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the action of the respondent Council whereby it denied an application by appellant for the issuance of a plenary retail consumption license for premises to be constructed at Broadway and Jersey Avenue, Gloucester City. The respondent Council consists of nine members, eight of whom were present on the night in question and voted unanimously to deny the appellant's application for the license aforementioned.

"The respondent in a resolution approved December 4, 1959, gave the following reasons for its action:

- '(a) That application is not made in good faith, but is made solely to afford the applicant an opportunity to immediately transfer the license to another party which has been demonstrated by various moves and representations made to the members of the governing body of Gloucester City and to the Office of the Director, Division of Alcoholic Beverage Control;
- (b) That said application mis-represents the times and places of publication;
- (c) That said application was not published in a newspaper published locally as required;
- (d) That there are no premises 549 South Broadway, Gloucester City, New Jersey, there being no building on the land at present;
- (e) That a person other than the applicant by word and act to the officials of Gloucester City and the Office of Director, Division of Alcoholic Beverage Control, has demonstrated that he and not the applicant is actually the party in interest. Passed Common Council this 3rd day of December, 1959.'

"In the petition of appeal filed herein, appellant takes issue with the various reasons given by respondent for denial of the

application and avers that the decision 'was the result of a mistake and/or prejudice' on the part of the respondent and will cause appellant to suffer undue hardship.

"For the sake of better understanding, it appears necessary that the pertinent matters be set forth in chronological order.

"Appellant testified that in 1954 he entered into a five-year lease for premises 549 South Broadway (with an option to purchase the premises at a stipulated price) and that he continued to operate a liquor establishment at said premises until April or May 1959. The appellant further testified that the lease expired on August 6, 1959 and that he failed to file application for renewal of the license for the 1959-60 licensing period. Appellant submitted an affidavit to the Director on September 24, 1959 wherein he requested favorable determination pursuant to R.S. 33:1-12.18 (the 'hardship' section of the State Limitation Law). The Director determined that appellant's failure to apply for a renewal of his 1958-59 license for the current licensing period was due to circumstances beyond his control and, therefore, permission was granted to appellant to apply for a new plenary retail consumption license.

"On September 28, 1959 appellant applied to the respondent for a renewal of his expired license and also a place-to-place transfer from 549 South Broadway to Lot 2882, Plot #1, Jersey Avenue, and published a notice of said application on September 30 and October 7, 1959, respectively, in the Courier-Post, a newspaper published and circulated in the County of Camden. Thereafter, appellant published notices on November 19 and 26, respectively, in the Gloucester City News, a newspaper published in the City of Gloucester for (a) a transfer from his former premises 549 South Broadway to premises to be constructed in accordance with plans and specifications on file 'at Block 126, Lot #3, Jersey Avenue and Broadway', and (b) for a plenary retail consumption license for premises 549 South Broadway.

"Inasmuch as there is no evidence appearing to the contrary, it may properly be assumed for the purpose of this appeal that the newspapers aforementioned are legal newspapers within the meaning of R.S. 35:1-2.2 and are published and circulated in Camden County. However, the provision of R.S. 33:1-25 applicable hereto requires that the Notice of Intention must be published in a newspaper (published and circulated in the municipality in which the licensed premises are located; but if there shall be no such newspaper, then such notice shall be published in a newspaper...published and circulated in the County in which the licensed premises are located'. From the facts presented herein, it is apparent that the Gloucester City News is published in Gloucester City whereas the Courier-Post, although perhaps circulated in Gloucester City, is not published there. Cf. Lending v Palisades Park, et al., Bulletin 1329, Item 1.

"An examination of the notices of intention published in the Gloucester City News shows both of them to be defective. One notice set forth that appellant made application to respondent Council for transfer of his license from its former location at 549 South Broadway to premises to be constructed 'at Block 126, Lot #3, Jersey Avenue and Broadway, Gloucester City' whereas the other notice makes application for issuance of a new license to 549 South Broadway. Appellant testified that he formerly operated his licensed business at the latter address but his lease expired on August 6, 1959, and, since that time, he had no right to possession of said premises.

"It has been ruled by this Division that a notice of intention, proper in all respects, is a jurisdictional requisite which the issuing authority may not waive or overlook. Tritte v. Trenton,

Bulletin 46, Item 11; Methodist Episcopal Church v. Verona, et als.,
Bulletin 101, Item 5; Emmans v. Eatontown, Bulletin 362, Item 7;
Parker v. Newark, Bulletin 425, Item 12; Kay v. Linden, Bulletin 525,
Item 4.

"Thus, under the circumstances, the respondent's action in disapproving appellant's application was proper. In view of the foregoing, there appears no need to inquire as to the other issues raised by the parties hereto.

"It is recommended that the action of the respondent Council be affirmed and that the appeal filed herein be dismissed."

Pursuant to the provisions of Rule 14 of State Regulation No. 15, exceptions to the Hearer's Report and written argument thereto were filed by the attorney for appellant. Written answering argument to said exceptions was filed by the attorney for respondent.

After carefully considering the evidence and exhibits herein, the exceptions to the Hearer's Report and the written argument of appellant in support thereof, I concur in the conclusions of the Hearer and adopt his recommendations.

The attorney for respondent has notified me that at the request of the appellant the fee deposited when the application for the license in question was filed has been returned. Thus, in effect, the appellant has withdrawn his application. See McDonald v. Clayton, Bulletin 161, Item 5.

Accordingly, it is, on this 1st day of June 1960,

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

WILLIAM HOWE DAVIS
DIRECTOR

2. APPELLATE DECISIONS - MEMORIAL PRESBYTERIAN CHURCH v. VINELAND AND LEE TAYLOR'S, INC.

MENDINI AND TUBERTINI v. VINELAND AND LEE TAYLOR'S, INC.

MEMORIAL PRESBYTERIAN CHURCH, A CORPORATION OF THE STATE OF NEW JERSEY,

Appellant,

v.

CITY COUNCIL OF THE CITY OF VINELAND AND LEE TAYLOR'S INC., t/a ANTOINE'S LIQUOR STORE,

Respondents.

ON APPEAL CONCLUSIONS AND ORDER

PETER MENDINI AND ALFRED TUBERTINI,

Appellants,

v.

CITY COUNCIL OF THE CITY OF VINELAND AND LEE TAYLOR'S INC., t/a ANTOINE'S LIQUOR STORE,

Respondents.

Lipman & Casella, Esqs., by Philip L. Lipman, Esq., Attorneys for Appellant Memorial Presbyterian Church. Cahill and Wilinski, Esqs., by Robert Wilinski, Esq., Attorneys for Appellants Peter Mendini and Alfred Tubertini. Philip A. Gruccio, Esq., Attorney for Respondent City Council. Robert J. Halpin, Esq., Attorney for Respondent Lee Taylor's Inc.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"These are appeals from the action of respondent City Council (hereinafter referred to as Council) whereby, on February 9, 1960, the members thereof by a 4 to 1 vote, granted to respondent Lee Taylor's, Inc. (hereinafter referred to as Taylor), its application for place-to-place transfer of its plenary retail consumption license C-6 from 516 Landis Avenue to 631 Chestnut Street, Vineland. The application was granted subject to the following special condition approved ex parte by the Director of the Division of Alcoholic Beverage Control:

'That there shall be no transfer of said license unless and until the building at 631 Chestnut Street is altered or fixed up and deemed to be suitable by the Council for use as a licensed premises.'

"The notice of application for transfer published in the newspaper did not set forth that plans and specifications of the proposed alterations had been filed with the application. Actually, no plans or specifications had been filed with the application. The present building at the new location is a gas station including two

'bays' for servicing motor vehicles. Taylor proposes to make extensive alterations whereby these two 'bays' will be separated from the other portion of the building and a newly constructed addition is to be erected in the rear thereof. A crude outline of the proposed floor plan was submitted by Taylor indicating the floor space of the addition to these 'bays' to be constructed in the rear thereof.

"Appellant Memorial Presbyterian Church in its petition of appeal sets forth (1) that the proposed licensed premises will be within 200 feet of its church and, additionally, will be in too close proximity to its activities and its proposed extended facilities; (2) sufficiency of licensed premises in the area; (3) the location of licensed premises there will create a traffic hazard and (4) the lack of plans and specifications of proposed changes in the present structure.

"Appellants Mendini and Tubertini attack the grant of aforesaid application on the grounds that (1) the advertising was improper in that the lack of plans and specifications deprived the residents and taxpayers of an opportunity to determine the exact location and type of building to which the license was to be transferred and, additionally, an ability to determine whether or not the entrance to such premises would comply with the local ordinance concerning the distance between licensed premises and the statutory 200 feet distance requirement from a nearby church; (2) a restatement of ground one in different language; that (3) there is no need or necessity for an additional liquor outlet there and that (4) the location of a licensed premises there would create or add to an undesirable traffic hazard.

"The first and foremost problem which is thus presented is whether (aside from the seeming absence of knowledge by residents of the community as to the appearance of the proposed premises after the alterations and addition to the present building) the Council had any clear idea of the appearance of the licensed premises when altered and with the new addition.

"On this score the president of the Council testified at the appeal hearing that it did not have any clear idea of what the building would look like other than the crude floor plan and that he did not know whether the addition would be constructed of brick or cinder blocks. Seemingly, the Council relied upon Taylor's representation that the unspecified changes in the present structure would be acceptable to the Council.

"The requirement of filing plans and specifications with the application and inserting notice thereof in advertising such notice of application (Rules 1 and 2 of State Regulation No. 2; Rules 2 and 4 of State Regulation No. 6) is to enable the local issuing authority and any other person interested therein to determine if such proposed building will be sufficient and satisfactory. Passarella v. Atlantic City and Venafro, Bulletin 818, Item 1.

"Failure to file such plans and specifications with the application and to insert notice that they have been filed when advertising the notice of application, in a case where the building is not yet constructed, deprives the local issuing authority of jurisdiction to act upon the application. Woodbridge Twp. Liquor Dealers, Inc. & Starrick v. Woodbridge and Chicken Barn, Inc., Bulletin 1315, Item 2.

"The rules governing issuance of a new license and transfer of a license are similar where the licensed premises are to be newly constructed. Cf. Mossman v. Irvington and Brauer, Bulletin 715, Item 1; Garrigues v. Wildwood and Stuski, Bulletin 731, Item 8 (a transfer to include a new addition to the existing licensed premises); Essex County Retail Liquor Stores Assn., et al. v. Newark and Pere, Inc.

Bulletin 1302, Item 2 (a transfer to add a vacant store to the existing licensed premises with plans filed specifying the alterations to be made to make the new premises accessible). The requirement of filing plans and specifications is equally applicable to a situation as here, where the proposed transfer is to an existing unlicensed building to which an addition is to be newly constructed, because in all instances the objective of the requirement is to furnish everyone interested with an opportunity to determine that the exterior and the interior appearance of the proposed licensed premises is not objectionable before the application is acted upon.

"Moreover, entirely aside from the failure to file plans and specifications, it was an unreasonable exercise of the Council's discretionary authority to leave itself and other persons interested in the matter entirely in the dark as to the specific description and details of the proposed alterations and addition to space presently used for greasing racks and similar purposes and thus unable to determine whether the building, as altered and added, would be fit for use as licensed premises.

"The proper procedure is to remand the matter to the Council to consider the original application if Taylor amends it by filing plans and specifications and readvertises notice of the application in proper form, or to consider any new application filed by Taylor in substitution thereof. Schwartz v. Kingwood and Wizner, Bulletin 1267, Item 1.

"I, therefore, recommend that an order be entered directing that the matter be remanded to the respondent Council with instructions to act upon appellant's pending application for transfer or any substitute application in accordance with the opinion herein, with all parties free to offer testimony in addition to that already offered in these proceedings either with respect to the present issues or such additional issues as may be raised.

"When considering any such application, if filed and advertised in the proper form, the Council may take into consideration and be guided by the following comments on the other grounds urged by appellants for reversal of its action: (1) objections that a door leading to the boiler room of the church from which a door leads to a small men's room where mops and pans are stored and from thence leading to one of the Sunday school rooms should be considered an entrance to the church although the church has a main entrance door generally used by adults and another entrance door generally used by Sunday school pupils, should be considered in the light of the principle illustrated by Presbyterian Church of Livingston v. Division of Alcoholic Beverage Control and Columbian Assn. of Livingston, Bulletin 1256, Item 1, wherein it is stated that a door used as a fire exit and not intended to afford ingress from the outside and with regular entrance to the temple elsewhere, was not to be considered an entrance door to the temple; (2) objections that the application and notice thereof designated the premises as 631 Chestnut Street, whereas that number may be proper only after separation of the service station from the proposed licensed premises, should be considered in the light of the principle illustrated by Proctor v. Glen Rock and Grand Union Co., Bulletin 1229, Item 1, wherein it was stated that it did not appear that the appellant or any other person was misled in any way by the address which appeared in the published notice of application; (3) objections based upon alleged undue concentration of licensed liquor premises in the area, possible traffic hazard and objections based upon too close proximity to the church should be considered in the light of the principle illustrated by Miles, Cappio, et als. v. Paterson and Stefonich, Bulletin 1306, Item 2, relating to concentration of licenses and traffic hazard wherein it was stated that the number of licensed premises to be permitted in any particular area has been held to be a matter confided to the sound discretion of the

issuing authority and the judgment of the local board in determining the number of liquor stores in a given area must be given considerable weight on appeal. (It may be noted that the present automobile traffic presumably is that normal to an automobile gas service station); and as to proximity to a church, that objection should be considered in the light of Geltzeiler v. Newark, Bulletin 1171, Item 1, wherein it is stated that the exercise of a local issuing authority's discretion includes the power to determine the policy question of whether or not any particular premises (although beyond the 200-foot distance) are too close to a church or school. However, such denial to have merit should be pursuant to a reasonable and bona fide municipal policy.

"It is recommended, therefore, that an order be entered remanding the matter to respondent, City Council of the City of Vineland."

No exceptions to the Hearer's Report were filed within the time limited by Rule 14 of State Regulation No. 15. Having carefully considered the facts and circumstances herein, I concur in the Hearer's findings and conclusions and adopt his recommendation.

Accordingly, it is, on this 2nd day of June, 1960,

ORDERED that the matter be and the same is hereby remanded to respondent City Council of the City of Vineland to consider the merits of the present application for transfer of the license filed by the licensee, or any application in substitution thereof, if proper notice of such application is published, in accordance with the opinion herein.

WILLIAM HOWE DAVIS
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - UNQUALIFIED EMPLOYEES - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
VIENNA CAFE (A CORP.)
12 Easton Avenue
New Brunswick, New Jersey
Holder of Plenary Retail Consumption License C-41, issued by the Board of Commissioners of the City of New Brunswick.

CONCLUSIONS
AND ORDER

Adler, Mezey & Pressler, Esqs., by Samuel M. Adler, Esq.,
Attorneys for Defendant-licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On April 23, 1960, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., Philip --- age 18; in violation of Rule 1 of State Regulation No. 20.

"2. On April 23, 1960, and prior thereto, you employed and allowed, permitted and suffered the employment of in and upon your licensed premises of persons not citizens of the United States or nationals of a country with which the United States has an existing trade treaty affording reciprocal privileges to respective nationals; contrary to and in violation of Rule 6 of State Regulation No. 13."

On Saturday, April 23, 1960, at about 9:25 p.m., two ABC agents at defendant's licensed premises observed a bartender, later identified as Bela Kocsis, the holder of Employment Permit #3674 issued by this Division, sell six cans of schaefer beer to Philip --- (age 18), without requiring him to make any written representation of his age. The agents, in the presence of Philip, identified themselves to George Gruber (an officer of the corporate-licensee) and Kocsis, and informed them of the unlawful sale. Kocsis verbally admitted the violation.

The investigation further discloses that every Saturday night for a period of three months the licensee had employed three musicians who were not citizens of the United States (born in Hungary) and who had not obtained employment permits from the Director.

By way of mitigation, the attorneys for the defendant have submitted a letter setting forth therein that Kocsis had been instructed not to sell to minors; that the sale to the minor was made without the licensee's consent or knowledge and that the aforesaid employment of the musicians without permits was due to a misunderstanding of the rules. However, a licensee is under duty to exercise close supervision over his licensed premises, and violations occurring therein cannot be excused because it had no personal knowledge of them (Rule 33 of State Regulation No. 20); Re Clinton Point Corp., Bulletin 1337, Item 7. Nor does ignorance of the law or the regulation afford any excuse. Licensees and their employees must know the rules and scrupulously adhere to them. Cf. Re Krynicki, Bulletin 1238, Item 5.

Defendant has no prior adjudicated record. I shall suspend the defendant's license for fifteen days (the minimum suspension for a sale of alcoholic beverages to an 18-year-old minor) on Charge 1 (Re E. F. Jenkins, Inc., Bulletin 1337, Item 6) and for an additional period of five days on Charge 2 (Re T-Bar & Grill, Inc., Bulletin 1163, Item 6). Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 31st day of May, 1960,

ORDERED that Plenary Retail Consumption License C-41, issued by the Board of Commissioners of the City of New Brunswick to Vienna Cafe (A Corp.), for premises 12 Easton Avenue, New Brunswick, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m., Tuesday, June 7, 1960, and terminating at 2:00 a.m., Wednesday, June 22, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - HOLDER OF EMPLOYMENT PERMIT ENGAGING IN CONDUCT PROHIBITED TO HIS EMPLOYER - PERMIT SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

BELA KOCSIS)
297 Neilson Street)
New Brunswick, N. J.)

CONCLUSIONS AND ORDER

Holder of Unlimited Employment Permit No. 3674, issued by the Director of the Division of Alcoholic Beverage Control.)

Adler, Mezey, & Pressler, Esqs., by Samuel M. Adler, Esq.,
Attorneys for Defendant-permittee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On April 23, 1960, you, holder of an unlimited employment permit for a person failing to qualify as to citizenship, engaged in conduct prohibited to your employer, Vienna Cafe (A Corp.), holder of a plenary retail consumption license for premises 12 Easton Avenue, New Brunswick, N. J. by regulations adopted under the Alcoholic Beverage Law as follows:

On April 23, 1960, you, while employed as a bartender at the licensed premises of said Vienna Cafe (A Corp.) sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., Philip ---, age 18, said sale, service and delivery of alcoholic beverages, as aforesaid, being prohibited to your employer by Rule 1 of State Regulation No. 20, all of which constituted conduct by you in violation of Rule 12 of State Regulation No. 13."

The facts upon which the charge herein is based are set forth in Re Vienna Cafe (A Corp.) (decided herewith), and disclosed that the defendant engaged in the prohibited conduct on the date alleged in the charge.

Defendant has no prior record. I shall suspend his employment permit for fifteen days. Five days will be remitted for the plea, leaving a net suspension of ten days. Re Gay, Bulletin 1234, Item 7.

Accordingly, it is, on this 31st day of May, 1960,

ORDERED that Unlimited Employment Permit No. 3674, issued by the Director of the Division of Alcoholic Beverage Control to Bela Kocsis, 297 Neilson Street, New Brunswick, be and the same is hereby suspended for ten (10) days, commencing at 9:00 a.m., Tuesday, June 7, 1960, and terminating at 9:00 a.m., Friday, June 17, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ANNA PALOTI)
t/a RIVERSIDE BAR & RESTAURANT)
16 Emerson Street)
East Brunswick Township)
PO Old Bridge, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-8, issued by the Township Committee of the Township of East Brunswick.)

Defendant-licensee, Pro se
William F. Wood, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to the following charges:

1. "On April 18, 1960, you possessed, had custody of and allowed, permitted and suffered in and upon your licensed premises, an alcoholic beverage in a bottle which bore a label which did not truly describe its contents, viz.,
One quart bottle labeled 'Seagram's Seven Crown American Blended Whiskey 86 Proof';
in violation of Rule 27 of State Regulation No. 20.
2. "On Friday, May 6, 1960 at about 11:40 P.M., you sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages, viz., twelve 12-ounce cans of Schaefer beer and six 12-ounce cans of Ballantine beer, at retail in their original containers for consumption off your licensed premises, and allowed, permitted and suffered the removal of said alcoholic beverages from your licensed premises; in violation of Rule 1 of State Regulation No. 38."

On April 18, 1960, an ABC agent tested defendant's open bottles of alcoholic beverages and seized a quart bottle labeled "Seagram's Seven Crown American Blended Whiskey 86 Proof" for further tests by the Division chemist. Subsequent analysis by the chemist disclosed that the contents of the seized bottle were high in solids, low in acids and off in color when compared with an analysis of the genuine product.

On May 6, 1960, two ABC agents visited defendant's licensed premises and at 11:40 p.m. one of them ordered eighteen 12-ounce cans of beer for off-premises consumption. William Paloti (the bartender) obtained the beer, put it in a paper bag and then placed it outside the rear door. He returned to the barroom, received payment for the beer and, when the agent and his fellow agent were leaving, the bartender showed where he had placed the bag. The agents left the premises and picked up the beer, but returned immediately thereafter and made their identities known to the bartender. The latter admitted the sale but refused to give a written statement with reference thereto.

Defendant has no prior adjudicated record. I shall suspend defendant's license on charge 1 for the minimum period of ten days (Re Picklo, Bulletin 1338, Item 12) and on charge 2 for an additional fifteen days (Re City Gardens, Inc., Bulletin 1337, Item 10), making a total suspension of twenty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 31st day of May 1960,

ORDERED that plenary retail consumption license C-8, issued by the Township Committee of the Township of East Brunswick to Anna Paloti, t/a Riverside Bar & Restaurant, for premises 16 Emerson Street, East Brunswick Township, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Tuesday, June 7, 1960, and terminating at 2 a.m. Monday, June 27, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - DATES FIXED FOR SUSPENSION PREVIOUSLY IMPOSED UPON RESUMPTION OF BUSINESS.

In the Matter of Disciplinary Proceedings against)

LILLIAN WEINBLATT)
t/a METROPOLITAN HOTEL)
305-315 Asbury Avenue)
Asbury Park, N. J.)

ORDER

Holder of Plenary Retail Consumption License C-72, issued by the City Council of the City of Asbury Park.)

Seymour S. Weinblatt, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

By order dated November 24, 1959, I suspended defendant's license for fifteen days. Because it appeared that the business was not then being conducted, the order provided that the effective dates for said suspension would be fixed by a subsequent order after the licensed premises reopened for business. Bulletin 1318, Item 3.

It now appearing to my satisfaction that defendant's licensed premises have reopened for the 1960 season,

It is, on this 1st day of June 1960,

ORDERED that the fifteen-day-suspension heretofore imposed shall commence at 3 a.m. Monday, June 13, 1960, and terminate at 3 a.m. Tuesday, June 28, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - DATES FIXED FOR SUSPENSION PREVIOUSLY IMPOSED UPON RESUMPTION OF BUSINESS.

In the Matter of Disciplinary Proceedings against)

FENIMORE HOTEL CORP.)
t/a FENIMORE HOTEL)
213 Second Avenue)
Asbury Park, N. J.)

ORDER

Holder of Plenary Retail Consumption License C-74, issued by the City Council of the City of Asbury Park.)

Defendant-licensee, by Haig Ellian, President, and George Leylegian, Treasurer.
William F. Wood, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

By order dated September 29, 1959, I suspended defendant's license for fifteen days. Because it appeared that the business was not then being conducted, the order provided that the effective dates for said suspension would be fixed by subsequent order after the licensed premises reopened for business. Bulletin 1307, Item 5.

It now appearing to my satisfaction that defendant's licensed premises have reopened for the 1960 season,

It is, on this 1st day of June 1960,

ORDERED that the fifteen-day-suspension heretofore imposed shall commence at 3 a.m. Monday, June 13, 1960, and terminate at 3 a.m. Tuesday, June 28, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

8. ELIGIBILITY - CRIME OF POSSESSING NARCOTICS HELD TO INVOLVE MORAL TURPITUDE UNDER CIRCUMSTANCES.

June 3, 1960

Re: Eligibility No. 690

Applicant seeks a determination as to whether or not he is ineligible for employment by the holder of a liquor license in New Jersey by reason of his convictions of crime.

Applicant's fingerprint returns disclose that on June 19, 1950 he was adjudged a disorderly person (common drug addict) and sentenced to one year in the county penitentiary; that the case was reopened and he was sentenced to a jail term of three months as of June 22, 1950 and placed on probation for nine months; that on April 19, 1951 he violated his probation and was sentenced to a term of one year, three months to be served in the penitentiary, the balance on probation; that on November 19, 1951 he pleaded non vult to an indictment charging him with possession of narcotics and on December 19, 1951 he was sentenced to a term of two to five years in State Prison, the penitentiary sentence was vacated and he was fined \$100 and credited with time served; that on November 30, 1953 he pleaded non vult to an Accusation charging him with possession of narcotics (herein) and on December 16, 1953 was sentenced to a term of two to

three years in State Prison and fined \$100, the sentence was to run concurrently with a sentence of one year imposed by a police court upon his conviction of being a disorderly person (common drug addict); that he was paroled from State Prison on April 15, 1957 and on December 11, 1959 he was found guilty of disturbing the peace and sentenced to thirty days in jail or a fine of \$50.

Unlawful possession of narcotics may or may not involve moral turpitude. Where aggravated circumstances appear, it has been held that such crime involves moral turpitude. Re Case No. 663, Bulletin 1052, Item 9, and cases cited therein.

Because of the convictions hereinabove set forth, the severity of the sentences and the fact that he has had several clashes with the law, the latest in 1959, it is my opinion that applicant's convictions involve moral turpitude.

It is recommended that applicant be advised that, in the opinion of the Director, he is disqualified by statute because of said convictions from being associated with the alcoholic beverage industry in this State. It is further recommended that applicant be advised that he may apply to have his disqualification removed, in accordance with R.S. 33:1-31.2 on or after April 15, 1962.

Joseph A. Burns
Attorney

APPROVED

William Howe Davis
Director

9. DISCIPLINARY PROCEEDINGS - DATES FIXED FOR SUSPENSION PREVIOUSLY IMPOSED UPON RESUMPTION OF BUSINESS.

In the Matter of Disciplinary Proceedings against
LINCOLN HOTEL OF ASBURY PARK, INC.
t/a LINCOLN HOTEL
200 Fourth Avenue
Asbury Park, N. J.
Holder of Plenary Retail Consumption License C-65, issued by the City Council of the City of Asbury Park.

ORDER

Anshelewitz & Barr, Esqs., by Max M. Barr, Esq., Attorneys for Defendant-licensee.
William F. Wood, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

By order dated March 23, 1960, I suspended defendant's license for twenty days. Because it appeared that the licensed premises were operated only during the summer season, the order provided that the effective dates for said suspension would be fixed by subsequent order after the licensed business was resumed for the 1960 season. Bulletin 1337, Item 5.

It now appearing to my satisfaction that the licensed business has been resumed for the 1960 season,

It is, on this 1st day of June 1960,

ORDERED that the twenty-day-suspension heretofore imposed shall commence at 3 a.m. Saturday, June 11, 1960, and terminate at the expiration of the license at midnight Thursday, June 30, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

NOTE: By order dated June 7, 1960, the effective dates of the aforesaid suspension were changed to commence at 3 a.m. Monday, June 13, 1960 and to continue in effect until 3 a.m. Sunday, July 3, 1960.

10. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)	
)	
GUS JANULIS)	
t/a GREENVILLE DELICATESSEN & LIQUORS)	CONCLUSIONS AND ORDER
106 Ocean Avenue)	
Jersey City, New Jersey)	
)	
Holder of Plenary Retail Distribution License D-85, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)	

 Defendant-licensee, Pro se.
 Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendant pleaded guilty to a charge alleging that he sold during prohibited hours alcoholic beverages in their original containers for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

On Thursday, May 5, 1960 at about 10:18 p.m., an ABC agent at the defendant's licensed premises purchased twelve twelve-ounce cans of Schaefer beer from Anna Janulis, wife of the licensee. The agent left the premises with the alcoholic beverages and immediately re-entered with another agent. Both agents identified themselves to Gus Janulis, the licensee, and Anna Janulis, who verbally admitted the violation.

Defendant has no prior adjudicated record. I shall suspend his license for the minimum period of fifteen days and remit five days for the plea entered herein, leaving a net suspension of ten days. Re Deock, Bulletin 1338, Item 4.

Accordingly, it is, on this 13th day of June 1960,

ORDERED that Plenary Retail Distribution License D-85, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Gus Janulis, t/a Greenville Delicatessen & Liquors, for premises 106 Ocean Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 9:00 a.m., Monday, June 20, 1960 and terminating at 9:00 a.m., Thursday, June 30, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

12. DISCIPLINARY PROCEEDINGS - DATES FIXED FOR SUSPENSION PREVIOUSLY IMPOSED UPON RESUMPTION OF BUSINESS.

In the Matter of Disciplinary Proceedings against)

RICHARD W. & ROBERT R. STORCH t/a "SEA PLAY INN" 114-116 Beachway Keansburg, N. J.)

ORDER

Holders of Plenary Retail Consumption License C-31, issued by the Mayor and Council of the Borough of Keansburg.)

Joseph W. Jantausch, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

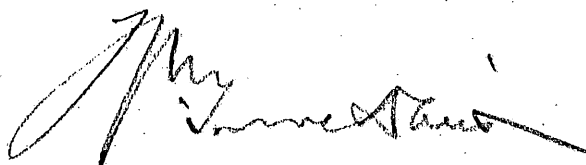
BY THE DIRECTOR:

By order dated September 16, 1959, I suspended defendants' license for fifteen days. Because it appeared that the business is conducted on a seasonal basis, the order provided that the effective dates for said suspension would be fixed by subsequent order after the licensed premises opened for business for the 1960 season. Bulletin 1303, Item 7.

It now appearing to my satisfaction that defendants' licensed premises have reopened for the 1960 season,

It is, on this 1st day of June 1960,

ORDERED that the fifteen-day-suspension heretofore imposed shall commence at 2 a.m. Monday, June 13, 1960, and terminate at 2 a.m. Tuesday, June 28, 1960.



William Howe Davis
Director.