

STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
25 Commerce Drive Cranford, N.J. 07016

BULLETIN 2156

September 5, 1974

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STATE OF NEW JERSEY  
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1. APPELLATE DECISIONS - MARKO v. PISCATAWAY.

John F. Marko,	)	
Appellant,	)	On Appeal
v.	)	CONCLUSIONS
Township Council of the	)	and
Township of Piscataway,	)	ORDER
Respondent.	)	

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William D. Hackett, Esq., Attorney for Appellant  
M. Roy Oake, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

The Township Council of Piscataway Township (hereinafter Council) rejected the appellant's application as well as similar applications of seventeen others, for a new plenary retail distribution license, which by reason of a substantial increase of population of that municipality, was considered available. Sole appeal from the Council's action was by appellant.

In his petition of appeal, appellant contended that the resolution adopted by the Council rejecting all applications, was arbitrary and constituted an abuse of discretion, because it allegedly failed to investigate the application of the appellant and other applicants. The Council denied this contention.

At the de novo hearing held herein pursuant to Rule 6 of State Regulation No. 15, the testimony and exhibits reflected the following:

Council president Robert P. Huben, Councilman Richard F. Adams, Councilman Robert L. Garrenger, Jr., Councilman J. Paul Comiskey, Councilman Paul A. Abati, and Councilman Stephen L. Ritz each testified that applications for a prospective new license were entertained. Eighteen applications were received, of which the appellant was one. Each was reviewed and the prospective sites observed. Only one of the applications embraced a site desirable for a new license; but that site was in an area restricted to residential use. The appellant's proposed location contained existing licenses and was not considered either desirable or in the public interest, because there was no need

therefor in that area.

Appellant, John A. Marko, gave no testimony in support of his application other than to identify the site in relation to other licenses and to indicate that he proposed to erect a two story office building on the ground floor of which a retail distribution license would be located. He testified to inferences he drew from a brief conversation with the council president but the inferences were neither clear nor illuminating with respect to his application.

Each of the councilmen agreed that in determining the lack of need for a liquor establishment they did so on a personal basis and did not use statistical or demographic tools as a foundation for their opinion. The unanimous action of the council was a collection of the individual opinions of each based upon their individual experiences and knowledge of their community.

Preliminarily, it should be observed that the issuance of a liquor license is not an inherent or automatic right. If denied on reasonable grounds, such action will be affirmed. Richmon Inc. v. Trenton, Bulletin 1560, Item 4. On the other hand, where it appears that the denial was arbitrary or unreasonable, the action will be reversed. Tompkins v. Seaside Heights, Bulletin 1398, Item 1. The liquor business is an exceptional one and the courts have always dealt with it exceptionally. X-L Liquors, Inc. v. Taylor, 17 N.J. 444; Mazza v. Cavicchia, 15 N.J. 498 (1954).

Under the statute, municipal issuing authorities are vested with broad measures of discretion in the control of the liquor traffic. They are authorized to adopt ordinances including taverns and package stores (N.J.S.A. 33:1-12) or limiting their number (N.J.S.A. 33:1-40). Even where the municipal governing body passes an ordinance limiting the number of taverns and package stores, it may reasonably decline to issue a license beyond a number less than the maximum prescribed in the ordinance. Cf. Bumball v. Burnett, 115 N.J.L. 254.

"...there is a sharp and fundamental distinction between the power of the Director when a license is denied by the municipality and when one is granted, because refusing a license cannot lead to intemperance or to any of the other evils the act is intended to prevent." Fanwood v. Rocco, 59 N.J. Super. 306, 320 (App. Div. 1960) aff'd. 33 N.J. 404 (1960).

"In the present status of the State Law, a municipality cannot be compelled to grant appellant's application for license" Ridgepark Operating Corporation v. Ridgefield Park, Bulletin 1927, Item 4. No municipality is compelled to issue a new license even if there be no licensed premises in the city. Joa v. Pine Beach, Bulletin 1592, Item 3.

It is apparent that the action of the Council was the reasonable exercise of its powers. It examined the applications presented to it, inspected the sites proposed and determined that none fulfilled a need for an additional license. In the absence of proof of any improper motivation, and having concluded that there was reasonableness exercised by the Council, the Director should affirm the action. Fanwood v. Rocco, supra. I find, therefore, that the appellant has failed to establish that the action of the Council was erroneous and should be reversed, as required by Rule 6 of State Regulation No. 15.

It is, thus, recommended that an Order be entered affirming the action of the Council, and dismissing the appeal.

#### Conclusions and Order

No exceptions to the Hearer's Report were filed pursuant to Rule 14 of State Regulation No. 15.

Having carefully considered the entire record herein, including the transcripts of the testimony, the exhibits and the Hearer's Report, I concur in the findings of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 24th day of June 1974,

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

Joseph H. Lerner  
Acting Director

## 2. OBJECTIONS TO APPLICATION FOR SPECIAL PERMIT - STOCKTON STATE COLLEGE.

In the Matter of Objections to )  
the Application of )

Cuisine Limited, Inc. )  
2000 Bennett Road )  
Philadelphia, Pennsylvania )

For a Special Permit under N.J.S.A. )  
33:1-74 and R.S. 33:1-42, to Sell )  
and Serve Light Wines and Beer in )  
Premises situated )

CONCLUSIONS

Wing C, on Campus at )  
Stockton State College )  
Pomona, Galloway Township, N.J. )

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Hughes, McElroy, Connell, Foley and Geiser, Esqs., by Kevin J. )  
Coakley, Esq., Attorneys for Applicant )  
Skoloff & Wolfe, Esqs., by Saul A. Wolfe, Esq., Attorneys for )  
Objectors, New Jersey Licensed Beverage Association )

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

On March 14, 1974, the applicant Cuisine Limited, Inc., filed an application for a special permit for the period April 1 to June 30, 1974, subject, upon application for annual renewal to sell alcoholic beverages for on-premises consumption within the building known as Wing C, Ground Level, located on the campus of Stockton State College, Pomona, Galloway Township.

Objections were filed by several objectors, including individuals and organizations, and hearings were held thereon on March 27, April 2 and April 10, 1974.

Cuisine Limited, Inc., in its application agreed to comply with the following conditions:

(1) Permittee shall not sell or serve any alcoholic beverages, or allow, permit or suffer the consumption of any alcoholic beverages on the premises covered by this permit, between the hours of 2:00 a.m. and 11:00 a.m. (The municipality of Galloway Township has unlimited hours of serving for licensees).

(2) Permittee shall abide by and comply with the provisions of R.S. Title 33, C-1, and any rules and

regulations promulgated heretofore and hereafter by the Director of the Division of Alcoholic Beverage Control including the provisions of State Regulation Nos. 13, 20, 34 and 39.

(3) Permittee shall not advertise directly or indirectly, the availability of alcoholic beverages in any publication, circular or similar media, unless permission has first been submitted to, and approved by the Director of the Division of Alcoholic Beverage Control.

(4) Permittee shall file all reports required by the Director of the Division of Taxation, Beverage Tax Bureau, and hereby confers upon such Director and the Director of the Division of Alcoholic Beverage Control, their investigators and agents full and complete authority to examine all of its books and records.

Further it agreed that the permit would not be transferable.

Applicant sought to support its application through oral testimony and by the introduction of documentary evidence.

It appears from the testimony of Don Battles, assistant to the president of Cuisine Ltd. and supportive exhibits, that the applicant, which had filed the application for the pub to be located on the campus of Stockton State College is a foreign corporation authorized to do business in this State; that it is in the business of providing in-plant food services to various organizations and industries; that it holds a contract with the Division of Purchase and Property of the State of New Jersey, to provide food services to Stockton State College; that the Trustees of Stockton State College have authorized the applicant to obtain the subject permit for the sale of beer and wine only; that the permit is sought for the on-premises dispensing and consumption of beer and wine only; that admittance to the pub would be limited to the Stockton community consisting of its students, faculty, staff, trustees, alumni graduates and to one guest for each patron thereof, all of whom must be at least eighteen years of age.

In order to assure that admission would be strictly limited to the Stockton community identification cards would be issued to the members thereof. The pub manager and its other employees and the campus police would be authorized to prohibit admittance or expel, therefrom, any individual who fails to offer proper identification or who acts in a manner contrary to the orderly conduct of the pub, or is in violation of any rule or regulation.

The pub would accommodate approximately one hundred-sixty people and would have accommodations for a bar service.

Richard Gajewski, vice president of business and finance for Stockton State College, since it was founded four and a half

years ago and who served as a college administrator for six years prior thereto at another college, maintains that the pub would render a service to the college community in addition to the traditional service of providing a place to live, eat, stores and laundry facilities. It would tend to increase the social relationship among the members of the college community.

The rules and regulations contained in the application and the supporting data pertaining to the operation of the pub were prepared by the college.

He stated that an on-campus pub would eliminate the driving hazards. The nearest off-campus drinking facility is located approximately three miles distant. There is no public transportation between the campus and those facilities.

In the past the college had obtained several one-day permits to sell alcoholic beverages.

Seymour Mandell, president of Cuisine Ltd., testified that all of its stock is owned by the Carlton Company and that all of the Carlton Company stock is owned by Samuel P. Mandell. None of these officers of Cuisine have been convicted of any crime involving moral turpitude.

James D. Cannon, divisional manager of Cuisine, who has had experience in the management of liquor licensed establishments, testified that he will be in overall charge of the proposed pub until it is completely organized. Cuisine planned to employ as manager an individual who had gained experience in the management of a pub at Newark State College (now Kean College). A security guard would be placed at the sole place of entry into the pub for the purpose of checking I.D. cards.

Phillip J. Carroll, who had been a special agent for the Federal Bureau of Investigation for twenty-eight years and Director of Security and Safety at Duquesne University in Pittsburgh, from September 1969 to November 1972, testified that he is in the employ of Stockton State College as Director of Security and Safety on the campus police force. The thirteen members of the campus police force are State employees, and have complete police power on the campus. They are authorized to carry weapons, and work full-time.

The distance between the dormitory area and the nearest tavern in the Township is approximately three miles. The campus police patrol the college campus. Although the Township police have the right to enter on campus grounds, they normally do not patrol the campus. The campus police force will be augmented if the college enrollment increases.

The witness foresaw no problems of enforcement of the hours regulations or the enforcement of any of the other regulations in connection with the operation of the pub. He asserted that, in his opinion, the proposed pub would not cause additional security problems that would be beyond the control of the campus police force.

Carol A. Kull, a third year student at the college, who resides off-campus, was in favor of the establishment of a pub because it would provide a facility where students could gather and relax and converse among themselves and with their professors. Its establishment would be socially and educationally beneficial.

Winston A. McKoy, a third year student at Stockton testified that, in his opinion, the establishment of the pub would be an asset to the educational facilities because it would facilitate the communication rapport which would develop among the faculty, the students and staff.

It was stipulated that the testimony of Stanley R. Torbar, a student at Stockton, who was present in the hearing room would be similar to the testimony offered by the two prior students.

In opposition to the grant of the permit, Edwin R. Fenton, Chief of Police of the Township of Galloway, articulated his objections thusly:

"My objection to this license is that we have 96 square miles of township. We have 29 licensees there, which are open seven days a week, 24 hours a day. I have a small police department consisting of 12 men and myself and we are already over-burdened with work. The taxpayers object to putting more men on to offset the work. This is one of my main objections. We have a high accident rate in the area. We have a lot of disturbances in the area. We are undermanned. We must assist and take care of criminal matters on Stockton State College. My basic objection as a law enforcement officer is that."

None of the Township police force is on duty at the college campus. The chief contended that, if it were not for the college, his force would not be undermanned. He conceded that he could call upon the campus police in the event of an emergency.

On cross examination the chief asserted that his specific objection to the establishment of the pub was that it would add to the accident rate.

Jay Upton who owns a tavern and marina in the community eight miles distant from the center of the campus objected to the issuance of the special permit because he has a considerable investment in his establishment, and he had made provisions to accommodate the faculty and students from Stockton who did patronize his tavern. He felt that the establishment of the pub would diminish his business.

He had no objections to college students drinking a glass of beer; he has had no problem with them, and he has tried to encourage their patronage.



Doménic Amendolia, a tavern owner in a nearby community and president of the Atlantic County Tavern Owners Association objected to the issuance of the permit because it would be economically detrimental to the existing licensees. He does not object to the on-campus sale of alcoholic beverages. However, he is against what he considers to be the issuance of an additional license. He would prefer to have an existing license transferred to the campus or to a location adjoining thereto.

Earl Longo, a tavern owner located approximately seven miles distant from Stockton and Atlantic Community College asserted that he has a sizeable investment in his establishment, and the grant of the permit would be economically detrimental. He has encouraged the college trade. He has had no problems with the students.

Bessie Berrien, a tavern owner in the community, asserted that the grant of the permit would be discriminatory to the other licensees who have investments in their establishments and who are burdened with the payment of taxes. The pub should purchase an existing license.

Angela M. Fusaro, stated that her objections were similar to the objections expressed by Berrien.

A letter was received from Peter J. Egan, Mayor of Galloway Township wherein he stated that the Township Committee was opposed to the grant of the permit because it would place an extra burden upon an already over-burdened police force; that the number of liquor licenses in existence were out of proportion to the size of the population; and that the grant thereof would create an economic hardship to the existing licensees, was received in evidence.

# I

At the outset of the hearing, counsel for the objector, New Jersey Licensed Beverage Association, sought to dismiss the proceedings on the ground that N.J.S.A. 33:1-42 by authority of which the application for the permit was based, required that the Director promulgate rules and regulations establishing procedure therefor and none were promulgated. He sought to buttress this contention by calling two Division employees to testify.

Dennis M. Brew, counsel to the Director, testified that as part of his duties, he has processed applications for special permits by State colleges for the sale of alcoholic beverages on their premises. In connection therewith, the Division has an application form; it advises that the applicant publish the notice of the application in a local newspaper once; that the application be supported by other documents, such as, certificate of incorporation, rules and regulations for operation, letter from the college

Board of Trustees authorizing the application; a sketch of the area to be licensed; applicant must submit proof of publication of notice of application and that all of the foregoing requirements are in conformance with the established Division policy which have not been actually incorporated into written rules and regulations. The applicant is instructed to make payment of a fee of \$300.00 which is within the limits prescribed in N.J.S.A. 33:1-74, which relates to temporary contingency permits. Rules and regulations have not been drawn relative to this topic. Prior to the making of the subject application, permits have been granted to four State colleges who have made application therefor under the authority of N.J.S.A. 33:1-42 and 33:1-74.

I find this motion to be without merit and recommend its denial.

## II

An objection was raised that the facility would place an undue burden upon an already over-burdened police force. Including the Chief of Police, there are thirteen men on the police force. The population of the Township is approximately 9,000 people and the Township covers an area of approximately ninety-six square miles. The campus of Stockton College covers an area of approximately forty-eight square miles within the Township. The Township police force does not normally patrol the campus.

There are approximately twenty-seven hundred students enrolled at Stockton, of whom, approximately nine hundred-fifty reside on-campus. The campus police force which patrols the entire campus consists of thirteen men.

None of the objecting tavern owners had any problem with students drinking at their facilities. As a matter of fact, they welcomed their patronage and decried its loss.

I am convinced and find that the security force supplemented by the student guards and the employees at the facility will be more than ample to ensure the proper and lawful operation of the pub. Further, it must be emphasized that the subject permit, if issued, will expire on June 30, 1974 and, application must then be made for renewal. If the applicant conducts these premises in violation of the law, or in violation of the rules and regulations of this Division or in a manner contra bonos mores, the Director would weigh such conduct carefully in his consideration of the applicant's application for renewal. Re 4 Leaf Liquors & Lounge v. Newark, Bulletin 1830, Item 1; Rehling v. South Orange, Bulletin 2104, Item 1.

## III

Objectors allege that the issuance of the special permit would visit an economic hardship upon the other licensees in the Township. However, it is a well established principle that, in

any conflict between a licensee's financial concern and the public interest, the latter must prevail. Re Marilyn Corporation v. Newark, Bulletin 2126, Item 2; Smith v. Bosco, 66 N.J. Super. 165 (App. Div. 1961). That the public interest would be benefited by the issuance of a club license to a college group has been affirmed in Rehling v. South Orange, Bulletin 2104, Item 1; compare, also, the issuance of a special permit under N.J.S.A. 33:1-74 in the matter of Faculty-Student Cooperative Association, Inc. of Montclair State College, Bulletin 2145, Item 2, decided March 21, 1974.

I find that the other objections advanced in opposition to the issuance of the special permit to be without merit.

It is, therefore, recommended that the application for a special permit be granted to applicant for the consumption of beer and wine in accordance with the application filed therefor.

#### Conclusions

No exceptions to the Hearer's report were filed herein.

Having carefully considered the entire record herein, including the transcript of the testimony, the exhibits and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein.

Accordingly, I shall grant the application for a Special Permit to permit the consumption of light wines and beer for the period commencing July 1, 1974 and terminating June 30, 1975, expressly subject to the conditions set forth in the said application.

Joseph H. Lerner  
Acting Director

Dated: June 24, 1974

Pal Moe Bar & Grill, Inc.,	)	
Appellant,	)	On Appeal
v.	)	CONCLUSIONS
Municipal Board of Alcoholic	)	and
Beverage Control of the City	)	ORDER
of Newark,	)	
Respondent.	)	

A de novo hearing was held in this Division pursuant to Rule 6 of State Regulation No. 15, with full opportunity afforded the parties to introduce evidence and to cross-examine witnesses. In addition, a transcript of the testimony taken at the hearing before the Board was admitted into evidence pursuant

to Rule 8 of State Regulation No. 15.

The transcript of the testimony taken before the Board indicates that only two witnesses appeared before it. A local police officer, Thomas Waters, stated that he observed the appellant's premises from the exterior on the morning of the date charged, and saw several males enter the premises. Joined by two additional police officers, Waters then approached a hallway which leads to a rear door of the tavern.

They observed a black male exiting the hallway carrying a bag with a six-pack of beer and a pint bottle of whiskey in it. Upon confrontation, that person insisted that he was coming from an apartment above the tavern and had obtained the alcoholic beverages the evening before. Knocking at the door in the hallway, between the tavern and the stairway to the upper apartments, that door was opened by a man who described himself as a bartender.

The officer noted that in addition to that bartender, there were two other men present. No other testimony was offered in support of the charge.

Testifying on behalf of the licensee, John Kenny stated that he visits the premises weekly on Sunday mornings to "clean up". His regular occupation is that of an employee of the Sanitation Department of the City of Newark.

At the hearing in this Division, Ralph DiDomico testified that he owns two-thirds of the capital stock of appellant corporation. He had opened the door of his licensed premises on the morning of the day herein charged, and, about ten minutes later, his brother-in-law, Ralph Del Guercio entered. His brother-in-law is not a bartender as had been related to the police, but, rather, stops in the premises merely to lend a hand in the cleaning of the premises. Similarly, John Kenny, a longtime friend of Di Domico, also visits to assist in the cleaning work.

After his brother-in-law appeared, DeDomico departed the establishment to get some coffee. When he returned half an hour later he found the police, a man whom they alleged had purchased alcoholic beverages, his brother-in-law, the abovementioned John Kenny and another friend, Ralph Zizza, all congregated in the licensed premises. He vigorously denied that any sale had been made by any one in his establishment. The tapes and cash register were locked and he had the only key. He admitted he could not account for the presence of Ralph Zizza but presumed only that his visit was to use the telephone.

The primary responsibility of enforcement of the laws pertaining to retail licenses rests upon the municipality. Benedetti v. Bd. of Com'rs. of Trenton, 35 N.J. Super 30 (App. Div. 1955); Rajah Liquors v. Div. of Alcoholic Beverage Control, 33 N.J. Super. 598 (App. Div. 1955). The power of the Director on appeal

to reduce or modify the suspension imposed by the local issuing authority is confined to cases where the suspension is manifestly unreasonable. Lou's Liquors v. Plainfield, Bulletin 1692, Item 1.

In order for appellant to prevail in the instant matter, it must appear that the evidence did not preponderate in support of the determination of the Board. Feldman v. Irvington, Bulletin 1969, Item 2.

Tested against the foregoing principles, it is clear that from all of the testimony there is not one scintilla of evidence supporting the charge that a sale of alcoholic beverage was made from appellant's premises in violation of Rule 1 of State Regulation No. 38. The mere presence in a common hallway of a male carrying alcoholic beverages can give rise to a suspicion only that those alcoholic beverages could have had appellant's premises as their place of origin. Suspicion is no substitute for proof. I find that this charge has not been established by a fair preponderance of the credible evidence. It is, therefore, recommended that the Board's determination of guilt to the first charge be reversed.

The second charge alleges that the premises were open during prohibited hours in violation of the local ordinance. There appears to be ample proof, affirmed in part by the testimony of appellant's corporate president, that persons other than employees were in the premises during the prohibited hours. The tinsel excuse that the men were engaged in "cleaning" or present to "use the phone" is obviously manufactured to avoid the penalty following the infraction. I find that this charge has been proved by substantial evidence. It is, accordingly, recommended that the Board's action on this charge be affirmed.

It is thus concluded that appellant has succeeded in sustaining the burden of establishing that the action of the Board was erroneous and should be reversed on its finding respecting the first charge, as required by Rule 6 of State Regulation No. 15. The appellant, however, has not met the burden required of establishing that the Board erred in its conclusion relative to the second charge.

It is, therefore, recommended that the suspension imposed by the Board of twenty days be modified to a suspension of license for ten days, which suspension relates to the guilty finding on the second charge herein.

#### Conclusions and Order

No exceptions to the Hearer's Report were filed pursuant to Rule 14 of State Regulation No. 15.

Having carefully considered the entire record herein, including the transcript of the testimony, the exhibits and the Hearer's Report, I concur in the findings of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 24th day of June 1974,

ORDERED that the action of the respondent in finding appellant guilty of the first charge herein be and the same is hereby reversed, and the said charge be and the same is hereby dismissed; and it is further

ORDERED that the action of the respondent in finding appellant guilty of the second charge herein be and the same is hereby affirmed, and the appeal with respect thereto be and the same is hereby dismissed; and it is further

ORDERED that the suspension of license of twenty days by the respondent be and the same is hereby modified to the imposition of a suspension of license of ten days; and it is further

ORDERED that the order dated March 20, 1974, staying the imposition of the suspension by the respondent Board pending the determination of this appeal be and the same is hereby vacated; and it is further

ORDERED that any renewal that may be granted of Plenary Retail Consumption License C-138 by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Pal Moe Bar & Grill, t/a Bill's Bar & Grill for premises for 43 Garside Street, Newark be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, July 8, 1974 and terminating, 2:00 a.m. Thursday; July 18, 1974.

Joseph H. Lerner  
Acting Director

## 4. APPELLATE DECISIONS - PAL MOE BAR &amp; GRILL, INC. v. NEWARK - AMENDED ORDER.

Pal Moe Bar & Grill, Inc.,	)	
Appellant,	)	On Appeal
v.	)	AMENDED ORDER
Municipal Board of Alcoholic	)	
Beverage Control of the City	)	
of Newark,	)	
Respondent.	)	

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Bell, Adubato & Ligham, Esqs., by Daniel S. Bell, Esq., Attorneys  
for Appellant  
Donald E. King, Esq., by John C. Pidgeon, Esq., Attorneys for  
Respondent

BY THE DIRECTOR

On June 24, 1974 Conclusions and Order were entered herein modifying a prior suspension of twenty days of appellant's Plenary Retail Consumption License, C-138 for premises 43 Garside Street, Newark, to a suspension of license to ten (10) days, commencing at 2:00 a.m. on July 8, 1974 following my determination of an appeal from the action of the respondent Board.

Subsequent to the entry of the above Order, the appellant applied for the imposition of a fine in compromise, in lieu of suspension pursuant to the provisions of Chapter 9 of the Laws of 1971. I shall, therefore, enter an order staying the said suspension pending my consideration of the aforesaid application.

Accordingly, it is, on this 3rd day of July 1974,

ORDERED that my Order of suspension dated June 24, 1974 of Plenary Retail Consumption License C-138, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Pal Moe Bar & Grill, Inc. for premises 43 Garside Street, Newark, be and the same is hereby stayed pending my consideration of appellant's application for the imposition of a fine in lieu of suspension, and until the entry of a further order herein.

Joseph H. Lerner  
Acting Director



Leonard D. Ronco  
Director