

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

BULLETIN 1861

June 12, 1969

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

BULLETIN 1861

June 12, 1969

1. APPELLATE DECISIONS - R. H. MACY & CO., INC. v. WAYNE.

R. H. MACY & CO., INC., )

Appellant, )

v. )

Municipal Council of the )  
Township of Wayne, )

Respondent. )  
----- )

ON APPEAL  
ORDER

Lum, Biunno & Tompkins, Esqs., by Joseph R. McMahon, Esq.,  
Attorneys for Appellant  
Jerome A. Vogel, Esq., Attorney for Respondent

BY THE DIRECTOR:

Appellant appeals from denial by respondent on November 27, 1968 of its application for renewal for the year 1968-69 of its plenary retail consumption license for premises at Willowbrook Shopping Center at Southside of Rt. 46 between Rt. 23 and Riverside Drive, Wayne.

Prior to hearing, appellant's attorneys advised that the appeal was withdrawn.

Accordingly, it is, on this 16th day of April 1969,

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

JOSEPH M. KEEGAN  
DIRECTOR

2. APPELLATE DECISIONS - R. H. MACY & CO., INC. v. WAYNE.

R. H. MACY & CO., INC., )

Appellant,)

v. )

ORDER

Municipal Council of the )  
Township of Wayne, )

Respondent. )

----- )

Lum, Biunno & Tompkins, Esqs., by Joseph R. McMahon, Esq.,  
Attorneys for Appellant.  
Jerome A. Vogel, Esq., Attorney for Respondent

BY THE DIRECTOR:

On April 16, 1969 I entered an order herein dismissing the appeal on recital of advice from appellant's attorneys that the appeal was withdrawn.

Appellant's attorneys now request that the appeal be reinstated for the reason that their previous advice was in error resulting from misinformation to them from appellant.

Accordingly, it is, on this 21st day of April 1969,

ORDERED that the previous order of dismissal is hereby vacated, and the appeal herein be and the same is hereby reinstated.

JOSEPH M. KEEGAN  
DIRECTOR

3. APPELLATE DECISIONS - UNION COUNTY PACKAGE STORES ASSOCIATION v. ELIZABETH AND GROCHMAL.

UNION COUNTY PACKAGE STORES )  
ASSOCIATION, )

Appellant, )

v. )

City Council of the City of )  
Elizabeth; and Walter Grochmal, )  
t/a Walt's Beverages, )

Respondents. )

----- )

ON APPEAL  
ORDER

Kein, Scotch, Pollatschek, Iacopino & Kein, Esqs., by  
Julius R. Pollatschek, Esq., Attorneys for  
Appellant

Edward W. McGrath, Esq., by William J. McCloud, Esq.,  
Attorney for Respondent City Council

Sauer and Boyle, Esqs., by John M. Boyle, Esq.,  
Attorneys for Respondent Walter Grochmal

BY THE DIRECTOR:

Appellant appeals from the grant on June 25, 1968, of renewal of plenary retail distribution license for the year 1968-69 by respondent City Council of the City of Elizabeth to respondent Grochmal for premises 757-769 S. Park Street, Elizabeth.

Prior to hearing, appellant's attorneys advised that the appeal was withdrawn.

Accordingly, it is, on this 9th day of April 1969,

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

JOSEPH M. KEEGAN  
DIRECTOR

4. APPELLATE DECISIONS - MORRIS COUNTY LICENSED BEVERAGE ASSOCIATION v. DOVER AND BLACK.

MORRIS COUNTY LICENSED BEVERAGE )  
ASSOCIATION, )

v. Appellant, )

ON APPEAL  
CONCLUSIONS  
AND ORDER

Board of Aldermen of the Town of )  
Dover, and Harry Black and Lucy )  
Black, )

Respondents. )

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Skoloff & Wolfe, Esqs., by Saul A. Wolfe, Esq.,  
Attorneys for Appellant  
Maraziti & Maraziti, Esqs., by Robert E. Yadlon, Esq.  
and George E. Sabbath, Esq.,  
Attorneys for Respondent  
Board of Aldermen  
Fullerton, Kenihan & Porfido, Esqs., by Eugene J.  
Porfido, Esq., and Scerbo,  
Glickman & Kobin, Esqs., by  
Arthur R. Kobin, Esq., Attorneys  
for Respondents Black

BY THE DIRECTOR:

The Hearer has filed the following report  
herein:

Hearer's Report

This is an appeal from the action of respondent Board of Aldermen of the Town of Dover (hereinafter Board) whereby it transferred a plenary retail consumption license from North Jersey Hotel Corporation, t/a Dutton Hotel & Motor Lodge, to Harry Black and Lucy Black, and from premises 63-75 N. Sussex Street to premises 9 West Clinton Street, Dover.

Appellant in its petition of appeal alleges that the action of the Board was erroneous in that "Dover Plenary Retail Consumption License No. C-25 was obtained by the North Jersey Hotel Corporation, the licensee at the time of the application from which this appeal arises, through fraud and misrepresentation, that said license was issued by the Mayor and Board of Aldermen as a result of mistake induced by North Jersey Hotel Corporation, that said license was and is void ab initio, and that the action of the respondent was in violation of the ordinances of the Town of Dover and the New Jersey Statutes."

The Board in its answer denies the aforesaid allegations and asserts that appellant is barred from raising the said allegations and that the Board "acted within the full power and authority to grant said transfer."

Respondents Harry Black and Lucy Black in answer filed deny the aforementioned allegations set forth in appellant's petition of appeal.

A brief history of the license in question will be conducive to a proper understanding of the matter now under consideration.

It appears that on June 24, 1946 the Board approved an application for a plenary retail consumption license filed by the North Jersey Hotel Corporation by virtue of the exception contained in Chapter 147 of the Laws of 1946 (stateside limitation of retail licenses) effective April 24, 1948, which provided that "Nothing in this act shall prevent the issuance, in a municipality, of a new license to a person who operates a hotel containing fifty sleeping rooms or who may hereafter construct and establish a new hotel containing at least fifty sleeping rooms." R.S. 33:1-12.20.

On October 14, 1946, because of irregularity in the adoption of the law, Justice Donges, speaking for the New Jersey Supreme Court, declared the same to be null and void. In re Chapter 147 of the Laws of 1946, 134 N.J.L. 529. Subsequent thereto the statute containing the provision with reference to hotels was reenacted by the Legislature effective May 15, 1947 in its original form. P.L. 1947, c. 94, sec. 8, p. 503.

On August 26, 1940 an ordinance was adopted by the Mayor and Board of Aldermen providing that the number of plenary retail consumption licenses issued and outstanding shall not exceed twenty-four, and effective May 13, 1946 an amendment to the said ordinance provided that the aforesaid limitation shall not prevent the issuance of a plenary retail consumption license to a bona fide hotel containing at least fifty sleeping rooms. Effective October 28, 1946 the said ordinance was again amended whereby the words "containing at least fifty sleeping rooms" were deleted.

On November 12, 1946, pursuant to a new application, the license in question was issued to North Jersey Hotel Corporation effective December 12, 1946, without restriction other than that the premises should constitute a bona fide hotel. There was no statewide limitation statute in existence at the time the license was issued to North Jersey Hotel Corporation.

Appellant contends that, at the time of the issuance, the licensed premises was not a bona fide hotel nor was it a bona fide hotel for several years thereafter. However, the building was converted into a bona fide hotel approximately five years after the liquor license had originally been issued to it.

On October 14, 1968, at the hearing before the Board, according to the certified transcript of a recording made at the time, Mr. H.A.R. Dutton stated that he informed the members of the Board when application for the license was filed on November 12, 1946 that he had no

bona fide hotel at the time. However, in April 1952 the building had been transformed into a bona fide hotel. There is no evidence to the contrary.

The question to be resolved in this proceeding is whether a collateral objection to the issuance of the license in question may be considered in the matter of the transfer herein.

It has been ruled that, when an issuing authority reaches a final determination on an application for license or transfer thereof, it then has no jurisdiction to reconsider its action at a subsequent meeting. Re Hendrickson, Bulletin 47, Item 10; Flager v. Atlantic City et al., Bulletin 80, Item 11, and bulletins and court decisions cited therein.

No appeal was taken because of the alleged violation of the local ordinance herein cited either by appellant or by anyone else over the years with reference to the issuance of the license or the renewals thereof.

In Re Board of Commissioners of West New York, Bulletin 166, Item 9, the late Commissioner Burnett, in an opinion prepared by then Chief Deputy Commissioner and Counsel Nathan L. Jacobs, stated that error in the issuance of a license "should be corrected upon direct appeal in the manner and within the limitations expressly provided by the Legislature and not collaterally. Licensees who have received their licenses in good faith and have operated their businesses pursuant thereto should not be subjected to the possibility of an attack, after the statutory time for appeal has elapsed, on the propriety of the original procedure resulting in the issuance of the license." Cf. Atlantic County Licensed Beverage Assn. et al. v. Hamilton et als., Bulletin 879, Item 5; Balzer v. Pennsauken et als., Bulletin 1064, Item 2; Union County Retail Liquor Stores Assn. v. Elizabeth et als., Bulletin 1154, Item 1; Clifton Licensed Beverage Association v. Clifton et al., Bulletin 1670, Item 1.

In Haba Realty Corp. v. Long Branch et al., Bulletin 1033, Item 1, the Director posed a query: "Even assuming there had been lack of jurisdiction and impropriety in the granting of the 1952-53 transfer, would the license properly and fairly be cancelable, under all the circumstances, at this late date?"

Appellant alleges that fraud was committed by North Jersey Hotel Corporation at the time the license under consideration was originally issued to said corporation. I find from the record herein that there is insufficient proof to establish such contention.

After careful consideration of the record herein, I further find that the appeal herein constituted a collateral attack against the action of respondent Board in granting the transfer of the

license in question. Hence I recommend that said action be affirmed and that the appeal herein be dismissed.

Conclusions and Order

Pursuant to Rule 14 of State Regulation No. 15, exceptions and argument thereon were filed by the attorneys for the appellant. The attorney for the respondent Board filed answer thereto.

Having carefully considered the entire record, including the petition of appeal and the answers thereto, the evidence adduced at the hearing, the exhibit, the Hearer's report, the exceptions to the Hearer's report, and the answer thereto, I adopt the Hearer's recommendation. I find that the burden of establishing (Rule 6, State Regulation No. 15) that the action of the respondent Board was erroneous and should be reversed was not sustained by the appellant.

Accordingly, it is, on this 17th day of April 1969,

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

JOSEPH M. KEEGAN  
DIRECTOR

5. ACTIVITY REPORT FOR APRIL 1969

<b>ARRESTS:</b>		
Total number of persons arrested - - - - -		18
Licensees and employees - - - - -	10	
Bootleggers - - - - -	8	
<b>SEIZURES:</b>		
Motor vehicles - cars - - - - -		1
Distilled alcoholic beverages - gallons - - - - -		.23
Wine - gallons - - - - -		13.27
Brewed malt alcoholic beverages - gallons - - - - -		2.57
<b>RETAIL LICENSEES:</b>		
Premises inspected - - - - -		822
Premises where alcoholic beverages were gauged - - - - -		687
Bottles gauged - - - - -		10,758
Premises where violations were found - - - - -		165
Violations found - - - - -		249
No Form E-141-A on premises - - - - -	74	Prohighted signs - - - - - 3
Unqualified employees - - - - -	74	No disposal permit - - - - - 1
Application copy not available - - - - -	26	Improper beer taps - - - - - 1
Form E-141-A incomplete - - - - -	23	Other violations - - - - - 47
<b>STATE LICENSEES:</b>		
Premises inspected - - - - -		22
License applications investigated - - - - -		9
<b>COMPLAINTS:</b>		
Complaints assigned for investigation - - - - -		444
Investigations completed - - - - -		431
Investigations pending - - - - -		177
<b>LABORATORY:</b>		
Analyses made - - - - -		120
Refills from licensed premises - bottles - - - - -		78
Bottles from unlicensed premises - - - - -		7
<b>IDENTIFICATION:</b>		
Criminal fingerprint identifications made - - - - -		4
Persons fingerprinted for non-criminal purposes - - - - -		523
Identification contacts made with other enforcement agencies - - - - -		370
Motor vehicle identifications via N.J. State Police teletype - - - - -		1
<b>DISCIPLINARY PROCEEDINGS:</b>		
Cases transmitted to municipalities - - - - -		9
Violations involved - - - - -		9
Sale to minors - - - - -	5	
Sale during prohibited hours - - - - -	3	
Possessing chilled beer (DL Lic.) - - - - -	1	
Cases instituted at Division - - - - -		34
Violations involved - - - - -		35
Beverage Tax Law non-compliance - - - - -	10	Permitting misc. gambling on prem. - - - - - 1
Possessing liquor not truly labeled - - - - -	8	Permitting immoral acty. on prem. - - - - - 1
Sale during prohibited hours - - - - -	5	Sale outside scope of license - - - - - 1
Sale to minors - - - - -	3	Employee working while intoxicated - - - - - 1
Permitting bookmaking & lottery on prem. - - - - -	2	Sale to intoxicated person - - - - - 1
Permitting lottery on premises - - - - -	1	Sale below filed price - - - - - 1
Cases brought by municipalities on own initiative and reported to Division - - - - -		19
Violations involved - - - - -		22
Sale to minors - - - - -	9	Employment w/o Ident. card (local reg.) - 1
Sale during prohibited hours - - - - -	4	Unqualified employee - - - - - 1
Permitting gambling on premises - - - - -	2	Permitting minor in barroom unaccomp. - 1
Conducting business as a nuisance - - - - -	2	by parent (local reg.) - - - - - 1
Permitting brawl on premises - - - - -	1	Fail. to afford view into premises during proh. hours - - - - - 1
<b>HEARINGS HELD AT DIVISION:</b>		
Total number of hearings held - - - - -		59
Appeals - - - - -	6	Seizures - - - - - 5
Disciplinary proceedings - - - - -	29	Tax revocations - - - - - 9
Eligibility - - - - -	10	
<b>STATE LICENSES AND PERMITS:</b>		
Total number issued - - - - -		3,633
Licenses - - - - -	6	Miscellaneous permits - - - - - 202
Solicitors' permits - - - - -	37	Transit insignia - - - - - 19
Employment permits - - - - -	2,874	Transit certificates - - - - - 2
Disposal permits - - - - -	76	
Social affair permits - - - - -	417	
<b>OFFICE OF AMUSEMENT GAMES CONTROL:</b>		
Licenses issued - - - - -	94	
Enforcement files established - - - - -	2	

JOSEPH M.KEEGAN  
 Director of Alcoholic Beverage Control  
 Commissioner of Amusement Games Control

Dated: May 8, 1969

6. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS AND HORSE RACE BETS) - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 65 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

DAVID ROSENSTEIN )  
t/a MAX'S TAVERN )  
506 Bloomfield Avenue )  
Newark, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-201, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark. )

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Licensee, Pro se  
Louis F. Treole, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on divers dates between September 19 and 26, 1968 he variously permitted acceptance of numbers and horse race bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days effective April 24, 1961, and thirty days effective August 1, 1966, both for sale during prohibited hours.

The prior record of suspension of license for dissimilar violation in 1961 occurring more than five years ago disregarded, the license will be suspended for sixty days (Re Summer's End Lounge, Inc., Bulletin 1839, Item 4), to which will be added five days by reason of the record of suspension for dissimilar violation occurring within the past five years (Re Zyry's Tavern, Inc., Bulletin 1840, Item 7), or a total of sixty-five days, with remission of five days for the plea entered, leaving a net suspension of sixty days.

Accordingly, it is, on this 14th day of April 1969,

ORDERED that Plenary Retail Consumption License C-201 issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to David Rosenstein, t/a Max's Tavern, for premises 506 Bloomfield Avenue, Newark, be and the same is hereby suspended for sixty (60) days, commencing at 2 a.m. Monday, April 21, 1969, and terminating at 2 a.m. Friday, June 20, 1969.

JOSEPH M. KEEGAN  
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - GAMBLING (WAGERING) -  
SALE IN VIOLATION OF STATE REGULATION NO. 38 -  
PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR  
35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )  
 )  
PELICAN'S TAVERN, INC. )  
t/a PELICAN'S TAVERN, INC. )  
130 Stevens Avenue )  
South Amboy, New Jersey )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )  
License C-31 issued by the Common )  
Council of the City of South Amboy )

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Licensee, by Anthony J. Pelican, President, Pro se  
Louis F. Treole, Esq., Appearing for Division of  
Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on February 14-15, 1969, it permitted gambling, viz., a card game for money stakes, on the licensed premises, in violation of Rule 7 of State Regulation No. 20, and (2) on February 15 and 19, 1969, it sold several six-packs of bottles of beer for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

Licensee has a previous record of suspension of license by the Director for fifty-five days effective June 8, 1966, for permitting acceptance of horse race bets on the licensed premises. Re Pelican's Tavern, Inc., Bulletin 1683, Item 5.

The license will be suspended on the first charge for fifteen days (Re Walker-Dyer Post No. 181 - American Legion, Bulletin 1828, Item 6) and on the second charge for fifteen days (Re Rodrigues, Bulletin 1839, Item 11), to which will be added five days by reason of the record of suspension for dissimilar violation (cf. Re Conrad's Wines & Liquors, Inc., Bulletin 1719, Item 4) within the past five years (Re Yellow Front Saloon, Inc., Bulletin 1842, Item 5), or a total of thirty-five days, with remission of five days for the plea entered, leaving a net suspension of thirty days.

Accordingly, it is, on this 9th day of April 1969,

ORDERED that Plenary Retail Consumption License C-31, issued by the Common Council of the City of South Amboy to Pelican's Tavern, Inc. for premises 130 Stevens Avenue, South Amboy, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m. Wednesday, April 16, 1969, and terminating at 2:00 a.m. Friday, May 16, 1969.

JOSEPH M. KEEGAN  
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - PRIOR SIMILAR AND DISSIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

GEORGE KOVAL )  
t/a CLUB SHAMROCK )  
94-96 Beachway )  
Keansburg, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-11, issued by the Municipal Council of the Borough of Keansburg. )

-----  
Licensee, Pro se  
Louis F. Treole, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 15-16, 1969 he sold drinks of alcoholic beverages to two minors, both age 19, in violation of Rule 1 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days effective May 8, 1967 for permitting foul language and a brawl on the licensed premises, and for fifteen days effective October 2, 1967 for sale to minors.

The license will be suspended for fifteen days (Re Vincitore, Bulletin 1824, Item 11), to which will be added five days by reason of the record of suspension for dissimilar violation in May 1967 (Re Yellow Front Saloon, Inc., Bulletin 1842, Item 5) and ten days by reason of the record of suspension in October 1967 for similar violation (Re J.J.C., Inc., Bulletin 1822, Item 6), both within the past five years, or a total of thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 14th day of April 1969,

ORDERED that Plenary Retail Consumption License C-11, issued by the Municipal Council of the Borough of Keansburg to George Koval, t/a Club Shamrock, for premises 94-96 Beachway, Keansburg, be and the same is hereby suspended for twenty-five (25) days, commencing at 2 a.m. Monday, April 21, 1969, and terminating at 2 a.m. Friday, May 16, 1969.

JOSEPH M. KEEGAN  
DIRECTOR

9. CANCELLATION PROCEEDINGS - ORDER LIFTING SUSPENSION FOR BALANCE OF TERM UPON PROOF OF CORRECTION OF UNLAWFUL SITUATION.

In the Matter of Cancellation )  
Proceedings against )

GEORGE MCGILLICK )  
t/a TICK TOCK BAR )  
189 - 16th Avenue )  
Paterson, N. J., )

SUPPLEMENTAL  
ORDER

Holder of Plenary Retail Consumption )  
License C-134, issued by the Board of )  
Alcoholic Beverage Control for the )  
City of Paterson. )

-----)

Licensee, Pro se  
Walter H. Cleaver, Esq., Appearing for Division of  
Alcoholic Beverage Control

BY THE DIRECTOR:

On March 25, 1969 I entered an order herein suspending the license for the balance of its term, commencing 3 a.m. Tuesday, April 1, 1969, because improvidently issued to the licensee, ineligible by reason of conviction of crime involving moral turpitude, with leave to any bona fide transferee of the license to apply for lifting of the suspension.

It now appearing that the license has been transferred to Virginia McGillick, effective April 15, 1969, I shall grant the transferee's request for lifting of the suspension.

Accordingly, it is, on this 17th day of April 1969,

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

JOSEPH M. KEEGAN  
DIRECTOR

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

In the Matter of Disciplinary )  
Proceedings against )

SAULEN, INC. )  
t/a HIALEAH CLUB )  
1917 Atlantic Avenue & )  
13-15 N. Michigan Avenue )  
Atlantic City, New Jersey )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption  
License C-139 issued by the Board of )  
Commissioners of the City of )  
Atlantic City )

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Feinberg & Ginsburg, Esqs., by Isaac C. Ginsburg, Esq.,  
Attorneys 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 16, 1969, it permitted a female enter-  
tainer to drink at the expense of a male patron, 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 14th day of  
April, 1969,

ORDERED that Plenary Retail Consumption  
License C-139, issued by the Board of Commissioners  
of the City of Atlantic City to Saulen, Inc., t/a  
Hialeah Club, for premises 1917 Atlantic Avenue and  
13-15 N. Michigan Avenue, Atlantic City, be and the  
same is hereby suspended for fifteen (15) days,  
commencing at 7:00 a.m. Monday, April 21, 1969, and  
terminating at 7:00 a.m. Tuesday, May 6, 1969.

JOSEPH M. KEEGAN  
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against	)	
	)	
ELLEN SCHWARZROCK	)	
t/a BAVARIAN VILLAGE	)	CONCLUSIONS
1005 Hamburg Turnpike	)	AND ORDER
Wayne, N. J.,	)	
Holder of Plenary Retail Consumption License C-34, issued by the Municipal Council of the Township of Wayne.	)	

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Murner & Murner, Esqs., by James J. Murner, Jr., 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 January 16, 1969 she possessed an alcoholic beverage in one bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Juniewicz, Bulletin 1822, Item 13.

Accordingly, it is, on this 14th day of April 1969,

ORDERED that Plenary Retail Consumption License C-34, issued by the Municipal Council of the Township of Wayne to Ellen Schwarzrock, t/a Bavarian Village, for premises 1005 Hamburg Turnpike, Wayne, be and the same is hereby suspended for five (5) days, commencing at 3 a.m. Monday, April 21, 1969, and terminating at 3 a.m. Saturday, April 26, 1969.

JOSEPH M. KEEGAN,  
DIRECTOR

12. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES  
NOT TRULY LABELED - PRIOR DISSIMILAR RECORD -  
LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

JAMES A. SPINA )  
t/a TOWN TAVERN )  
130 Van Houten Street )  
Paterson, New Jersey )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )  
License C-278 issued by the Board of )  
Alcoholic Beverage Control for the )  
City of Paterson )

----- )

Licensee, Pro se  
Walter H. Cleaver, Esq., Appearing for Division of  
Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge al-  
leging that on February 19, 1969, he possessed  
alcoholic beverages in two bottles bearing labels  
which did not truly describe their contents, in  
violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of sus-  
pension of license by the municipal issuing authority  
for fifteen days effective July 1, 1966, for sale  
to a minor.

The prior record of suspension for dis-  
similar violation within the past five years con-  
sidered, 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 The Maples, Inc., Bulletin 1812, Item 15.

Accordingly, it is, on this 17th day of  
April, 1969,

ORDERED that Plenary Retail Consumption  
License C-278, issued by the Board of Alcoholic Beverage  
Control for the City of Paterson to James A. Spina, t/a  
Town Tavern, for premises 130 Van Houten Street,  
Paterson, be and the same is hereby suspended for fifteen  
(15) days, commencing at 3:00 a. m. Thursday, April 24,  
1969, and terminating at 3:00 a. m. Friday, May 9, 1969.

JOSEPH M. KEEGAN  
DIRECTOR

13. DISCIPLINARY PROCEEDINGS - ORDER IMPOSING DEFERRED SUSPENSION.

In the Matter of Disciplinary Proceedings against DOWNSEA BEACH HOTEL, INC. t/a DOWNSEA BEACH HOTEL, INC. 150 Ocean Avenue Sea Bright, N. J.

SUPPLEMENTAL ORDER

Holder of Plenary Retail Consumption License C-6 issued by the Mayor and Council of the Borough of Sea Bright

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Louis R. Aikins, Esq., Attorney for Licensee Louis F. Treole, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

On November 7, 1968, I entered an order here-in suspending the license for fifteen days for sale to an intoxicated person and deferring the effective date thereof because it appeared that the licensed business was then being conducted only on a minimal basis. Re Downsea Beach Hotel, Inc., Bulletin 1831, Item 8.

Report of recent investigation discloses that the licensed business is now being conducted on a substantial basis. Consequently, I am satisfied that the deferred suspension may now be imposed.

Accordingly, it is, on this 21st day of April, 1969,

ORDERED that Plenary Retail Consumption License C-6, issued by the Mayor and Council of the Borough of Sea Bright to Downsea Beach Hotel, Inc., t/a Downsea Beach Hotel, Inc., for premises 150 Ocean Avenue, Sea Bright, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a. m. Monday, April 28, 1969, and terminating at 2:00 a. m. Tuesday, May 13, 1969.

Handwritten signature of Joseph M. Keegan and typed name 'Joseph M. Keegan Director'.