

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

Director

BULLETIN 1911

June 23, 1970

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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 1911

June 23, 1970

1. APPELLATE DECISIONS - G.E.L.L. INC. v. NEWARK.

G.E.L.L. INC. (corp.),	)	
Appellant,	)	ON APPEAL
v.	)	CONCLUSIONS
	)	AND ORDER
MUNICIPAL BOARD OF ALCOHOLIC	)	
BEVERAGE CONTROL OF THE CITY	)	
OF NEWARK,	)	
Respondent.	)	

Paul E. Parker, Esq., Attorney for Appellant
Ronald Owens, Esq., Attorney for Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This appeal challenges the determination of respondent Municipal Board of Alcoholic Beverage Control of the City of Newark (hereinafter Board) which, by resolution dated July 16, 1969, suspended appellant's plenary retail consumption license for premises 43-A Branford Place, Newark, for fifteen days effective July 28, 1969, after finding it guilty in disciplinary proceedings of a charge alleging that appellant "did through its agents, servants and employees, and other persons in its behalf, fail to facilitate and hindered and delayed a certain investigation by the Newark Police Department contrary to R.S. 33:1-35."

Appellant in its petition of appeal contends that respondent's action was erroneous in that "the appellant did not by its servants, agents or employees so fail to facilitate nor hinder or delay an investigation; no probative evidence was produced by the respondent to such effect."

Respondent's answer admits the jurisdictional allegations in the petition and denies the substantive contentions.

Upon filing of the appeal, an Order was entered by the Director staying respondent's order of suspension pending further order herein.

The attorneys for the respective parties agreed to submit the appeal on the transcript of testimony taken in proceedings before respondent Board, pursuant to Rule 8 of State Regulation No. 15.

Respondent relied upon the testimony of three local police officers in substantiation of the charge.

Patrolman Raymond Zantarski testified that (accompanied by Patrolman Paul Pikul) on April 18, 1969, at 1:40 a.m. and while patrolling an area in the general neighborhood of the

licensed premises, he was approached by a male who apparently was suffering from a severe wound of the mouth. After questioning him, he conducted a search of several taverns, and finally knocked on the door of the licensed premises, which was found to be locked. Two males responded to the knocking, one of whom identified himself as the manager of the licensed premises. Upon informing them of what had happened and that he wanted to search the premises, he was denied access. Police Sergeant Alexander Grambor responded to a call and Sergeant Grambor identified himself to a male who identified himself as the owner. After Sergeant Grambor informed him that a crime had been committed, he finally gained access to the licensed premises. A period of between fifteen and twenty minutes elapsed from the time that he had initially sought entrance to the time that he was finally admitted.

On cross examination, the witness asserted that the apparently wounded male did not connect the licensed premises with the causation of the injury. He testified that the person who had responded to his knocking at the door was either the porter or the manager, he was not certain which, for he did hear both terms used. Although he saw eight or ten persons in the licensed premises, he did not find the person or persons causing the injury in the licensed premises. He reiterated that the person at the door "kept us waiting about fifteen minutes or so, approximately, fifteen or twenty minutes."

It was stipulated that the testimony of Patrolman Paul Pikul would be the same as the testimony offered by Patrolman Zantarski.

Sergeant Alexander Graham Grambor, upon being questioned as to what he did as a result of having conferred with Officer Zantarski in front of the licensed premises, testified that:

"A I then went to the door entrance where there were two colored gentlemen standing and asked them is it true that they refused entrance to the officers. And they said, 'Yes. We don't want them to come in here. We are closed. We know the law. We don't let nobody in, not even a policeman.'"

Q Did you have any further conversation with them?

A Yes. At that time I took it upon myself to give them a dissertation about the laws and the rights of the police to enter premises when conducting a search for people that are running away from a crime or other matters, and the necessity of the holders of the license to permit the same to search the premises. In short I gave them a three or four minute dissertation on the laws pertaining to this subject. At which time I again warned them if they did not step aside I would place them under arrest for interfering with the policemen in the proper performance of their duties. They stepped aside and let us in the premises, and we did not find the people we were looking for. And that was the end of it."

He had, on a prior occasion, seen one of the persons who was standing in the doorway, behind the bar.

In defense of the charge, appellant produced George C. Powell who, in substance, testified that he is friendly with the principal stockholder of the corporate licensee and that he actively assists her as an overseer in the operation of the licensed premises without compensation. He was not present at the time of the alleged occurrence and, therefore, had no first-hand knowledge thereof. A barmaid is hired to tend bar during the daytime hours, a male tends bar at night, and the corporation utilizes the services of a porter.

The appellant produced no other witnesses.

The major point of inquiry is whether in fact the appellant through its "agents, servants and employees, and other persons in its behalf" (emphasis added), failed to facilitate and hindered and delayed a certain investigation undertaken by the local Police Department. The determination of this issue presents a purely factual question.

Obviously the Board concluded that the prolonged refusal of admittance of the police officers into the licensed premises by some persons in the licensed premises constituted the failure to facilitate and the hindering of an investigation by a person or persons in its behalf, as charged. It is worthy of note that the testimony of Patrolman Zantarski (corroborated by Patrolman Pikul) clearly indicated that they observed the presence of eight or ten persons in the licensed premises, and that two males refused them admittance for a period of fifteen or twenty minutes while they were in the course of pursuing their duties as law enforcement officers. This testimony stood uncontradicted and clearly warranted the Board's conclusion that the corporate licensee's conduct through certain agents or employees acting in its behalf, was sufficient to sustain the charge.

Moreover, in order to meet the burden required by Rule 6 of State Regulation No. 15, appellant must show manifest error and that the action of the Board was clearly against the logic and effect of the presented facts. That burden was not met here. Hudson Bergen County Retail Liquor Stores Association et al v. Hoboken et al., 135 N.J.L. 502 (1947).

I, therefore, conclude that the Board has established the truth of the charge by a fair preponderance of the credible evidence, and that it acted reasonably thereon in reaching the determination that appellant was guilty of the said charge. Suppa v. Harrison, Bulletin 1783, Item 2; Greenberg v. Middlesex, Bulletin 1079, Item 5; Sussman v. Paterson, Bulletin 1817, Item 1.

A liquor license is a mere privilege. Paul v. Gloucester County, 50 N.J.L. 585 (1888); Mazza v. Cavicchia, 15 N.J. 498 (1954). In the exercise of that power, the Legislature invested the issuing authority (Board) with the power to suspend or revoke licenses, after hearing, for certain enumerated violations, including violation of the law or of State or local regulations. R.S. 33:1-31.

Accordingly, it is recommended that an order be entered affirming respondent's action, dismissing the appeal and fixing the effective dates of suspension which was stayed by the Director pending entry of the order 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 and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 13th day of April 1970,

ORDERED that Plenary Retail Consumption License C-732, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to G.E.L.L. Inc. (corp.), for premises 43-A Branford Place, Newark, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Monday, April 27, 1970, and terminating at 2 a.m. Tuesday, May 12, 1970.

RICHARD C. McDONOUGH
DIRECTOR

2. APPELLATE DECISIONS - ORLANDO v. NEWARK.

SAMUEL ORLANDO	)	
t/a SEA GULL LOUNGE,	)	
Appellant,	)	ON APPEAL
v.	)	CONCLUSIONS
	)	AND ORDER
MUNICIPAL BOARD OF ALCOHOLIC	)	
BEVERAGE CONTROL OF THE CITY	)	
OF NEWARK,	)	
Respondent.	)	

Rocco F. Senna, Esq., Attorney for Appellant
Ronald Owens, Esq., Attorney for Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This is an appeal from the unanimous action of respondent whereby on June 26, 1969 it denied renewal of appellant's plenary retail consumption license for the 1969-70 licensing period. It appears the resolution in which said renewal was denied reads as follows:

"WHEREAS, this Board, after due consideration, and following a full and complete public hearing on the renewal of license C-251 held by Samuel Orlando, t/a Sea Gull Lounge, for premises located at 523 So. Orange Avenue, Newark, New Jersey, has determined, in the exercise of its firm discretion, that the renewal of the license referred to, and for premises as indicated, shall be denied, and

"WHEREAS, this Board deems such renewal not to be in the interest of the public good and welfare, and more particularly, for reasons as set forth in the records of the Board and in the full transcript of the hearing on the application for renewal, does, therefore, unanimously, deny the same."

Upon the filing of this appeal an order was entered

by the Director extending appellant's 1968-69 license until further order herein.

The appeal herein was heard de novo pursuant to Rule 6 of State Regulation No. 15 and the attorneys for the respective parties were given full opportunity to present testimony and to cross-examine witnesses.

The petition of appeal alleges that on June 17, 1969 appellant herein received written notice from the respondent that the renewal of his license for the current licensing period had been approved and advised that he should call at the office of respondent in order to obtain his license. Petition sets forth that thereafter, without notice to appellant, a hearing was held with reference to the renewal of his license and the Board, after reconsideration thereof, denied the renewal of the license for the current licensing period.

No answer was filed by the respondent in the matter.

Initially, I shall discuss appellant's contention that the respondent lacked jurisdiction to reconsider its prior action and then reverse after it had granted renewal of appellant's license for the 1969-70 period. It has been consistently held by the courts that, in the absence of statute, or fraud having been perpetrated upon the issuing authority, it cannot reconsider its action. Lantz v. Hightstown, 46 N.J.L. 102; White v. Atlantic City et al., 62 N.J.L. 644; Vanaman v. Adams, 74 N.J.L. 125; Gulnac v. Freeholders of Bergen, 74 N.J.L. 543 (E. & A. 1906).

In the syllabus in Gulnac v. Freeholders of Bergen, supra, it is stated, "The right of a deliberative body to reconsider its action in a matter of judicial or quasi-judicial character ceases when a final determination has been reached." This doctrine has been followed in this Division since the beginning of its administration of alcoholic beverage control. See Re Hendrickson, Bulletin 47, Item 10; Plager v. Atlantic City et al., Bulletin 80, Item 11. It was recently also followed in 111 Park Street Corporation v. Orange, Bulletin 1859, Item 2, and Barone's Lounge, Inc. v. Paterson, Bulletin 1901, Item 2.

In the Barone case it provides that the respondent has the power to proceed against the appellant in disciplinary proceedings although the renewal of the license had been granted. If the respondent feels that the appellant's licensed premises is being operated in an improper manner and such conduct warrants disciplinary action, it may institute such proceedings by complying with R.S. 33:1-31 which in pertinent part reads as follows:

"Any license, whether issued by the director or any other issuing authority, may be suspended or revoked by the director, or the other issuing authority may suspend or revoke any license issued by it, for any of the following causes:

- a. Violation of any of the provisions of this chapter;
* * * * *
- g. Any violation of rules and regulations;
* * * * *
- j. For any other cause designated by this chapter.

"No suspension or revocation of any license shall be made until a 5-day notice of the charges preferred

against the licensee shall have been given to him personally or by mailing the same by registered mail addressed to him at the licensed premises and a reasonable opportunity to be heard thereon afforded to him."

It is my conclusion in the instant case that the respondent made a final determination with respect to appellant's renewal application when it notified appellant that same had been approved as hereinabove stated. It is unnecessary to consider in this appeal the merits of the substantive charges presented by objectors at the hearing in support of its latter determination.

It is therefore recommended that this action of the respondent be reversed without prejudice to its right to institute disciplinary proceedings upon compliance with the procedural statutory requisites.

It is suggested because of the testimony of the witnesses which is contained in the transcript of the appeal hearing that, if disciplinary proceedings are instituted by the respondent for suspension or revocation of the license, the testimony herein be made available to respondent for consideration in such proceedings and that all parties be given opportunity to introduce supplemental testimony in order to insure a full and fair hearing on the merits of the case.

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, I concur in the conclusions and recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 21st day of April 1970,

ORDERED that the action of respondent be and the same is hereby reversed, and respondent is directed to renew appellant's plenary retail consumption license for the 1969-70 licensing period in accordance with the application filed therefor.

RICHARD C. McDONOUGH
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITY
(INDECENT ENTERTAINMENT) - HOSTESS ACTIVITY - PRIOR
DISSIMILAR RECORD - LICENSE SUSPENDED FOR 100 DAYS, LESS
5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

ANTHONY MILLER & GRACE MILLER
t/a The Kay Bar
8 Washington Street
South River, New Jersey

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption
License C-23, issued by the Borough
Council of the Borough of South River.

Sumner N. Weener, Esq., Attorney for Licensees
Edward F. Ambrose, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensees plead non vult to charges alleging that (1) on August 30, 1969 they permitted lewdness and immoral activity (indecent entertainment) on the licensed premises, in violation of Rule 5 of State Regulation No. 20, and (2) on divers days between June 27 and August 30, 1969 they permitted females employed on the licensed premises as entertainers and in other capacities to accept drinks at the expense of male patrons, in violation of Rule 22 of State Regulation No. 20.

Licensees have a previous record of suspension of licensed by the municipal issuing authority for fifteen days effective June 29, 1968 for permitting the licensed premises to be open during hours prohibited by local regulation.

With respect to charge (1), reports of investigation disclose that on the date alleged two female go-go dancers, one a daughter of the licensees, performed on a stage in the barroom and on top of the bar, during which they engaged in bumps, grinds, posturings, gestures and other bodily movements, in standing position and supine on the floor of the stage, simulating and suggesting sexual intercourse, and when performing on top of the bar, with an assist from the licensees, to come into physical contact with male bar patrons, many of whom at the suggestion of the performers inserted paper currency through the top of their panties and, in so doing, extending their hands to the public area. The reports also disclose that, at the start of the bar performance, partner-licensee Anthony Miller locked the entrance door and stationed himself in front of it and the other partner-licensee Grace Miller took a place behind the bar, from which they were in position to view the performance. The facts of the allegation in charge (2) are sufficiently set forth above.

The license will be suspended on the first charge for seventy-five days (Re Canterbury Caterer's, Inc., Bulletin 1863, Item 3) and on the second charge for twenty days (Re Saulen, Inc. Bulletin 1861, Item 10), to which will be added five days by reason of the record of suspension of license for dissimilar violation within the past five years (Re The 331 Broad Ave. Corp., Bulletin 1895, Item 2), or a total of one hundred days, with remission of five days for the plea entered, leaving a net suspension of ninety-five days.

Accordingly, it is, on this 16th day of April 1970,

ORDERED that Plenary Retail Consumption License C-23, issued by the Borough Council of the Borough of South River to Anthony Miller & Grace Miller, t/a The Kay Bar, for premises 8 Washington Street, South River, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1970, commencing at 2 a.m. Tuesday, May 5, 1970; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2 a.m. Saturday, August 8, 1970.

RICHARD C. McDONOUGH
DIRECTOR

4. STATUTORY AUTOMATIC SUSPENSION - ORDER STAYING SUSPENSION.

Auto. Susp. #327	)	
In the Matter of a Petition to Lift	)	
the Automatic Suspension of Plenary	)	ON PETITION
Retail Distribution License D-19,	)	ORDER
Issued by the Municipal Board of	)	
Alcoholic Beverage Control of the	)	
City of Passaic to	)	
ETTORE PERROTTI & JOSEPH PERROTTI	)	
t/a Dundee Liquors	)	
128 Passaic Street	)	
Passaic, N. J.	)	

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on April 6, 1970, Ettore Perrotti, co-licensee-petitioner was fined \$50 and \$5 costs in the Passaic Municipal Court after plea of guilty to a charge of sale of an alcoholic beverage to a minor on April 3, 1970, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of petitioners' license for the balance of its term. R.S. 33:1-31.1. Because of the pendency of this proceeding, the statutory automatic suspension has not been effectuated.

It further appears that disciplinary proceedings are in contemplation but have not yet been instituted by the municipal issuing authority against the licensees because of said sale of alcoholic beverage to the minor. In fairness to petitioner, I conclude at this time the effect of the automatic suspension should be temporarily stayed. Re Kornblau, Bulletin 1662, Item 7.

Accordingly, it is, on this 20th day of April 1970,

ORDERED that the aforesaid automatic suspension of license D-19 be stayed pending the entry of a further order herein.

RICHARD C. McDONOUGH
DIRECTOR

ACTIVITY REPORT FOR APRIL 1970

ARRESTS:			
Total number of persons arrested	-	-	6
Licensees and employees	3	-	
Bootleggers	3	-	
SEIZURES:			
Still - 50 gallons or under	-	-	1
Distilled alcoholic beverages - gallons	-	-	6.40
Wine - gallons	-	-	1.65
Brewed malt alcoholic beverages - gallons	-	-	17.16
TAIL LICENSEES:			
Premises inspected	-	-	764
Premises where alcoholic beverages were gauged	-	-	624
Bottles gauged	-	-	9,501
Premises where violations were found	-	-	180
Violations found	-	-	296
Unqualified employees	82	No disposal permit	8
No Form E-141-A on premises	77	Prohibited signs & practice	4
Form E-141-A incomplete	38	Other mercantile business	3
Application copy not available	37	Other violations	47
WINE LICENSEES:			
Premises inspected	-	-	6
License applications investigated	-	-	16
COMPLAINTS:			
Complaints assigned for investigation	-	-	468
Investigations completed	-	-	458
Investigations pending	-	-	272
LABORATORY:			
Analyses made	-	-	122
Refills from licensed premises - bottles	-	-	90
Bottles from unlicensed premises	-	-	7
IDENTIFICATION:			
Criminal fingerprint identifications made	-	-	3
Persons fingerprinted for non-criminal purposes	-	-	520
Identification contacts made with other enforcement agencies	-	-	471
DISCIPLINARY PROCEEDINGS:			
Cases transmitted to municipalities	-	-	2
Violations involved	-	-	3
Sale during prohibited hours	2	-	
Sale to minors	1	-	
Cases instituted at Division	-	-	30
Violations involved	-	-	46
Beverage Tax Law non-compliance	6	Solicitor employed by retailer	1
Sale to minors	6	Fail. to keep true books of account	1
Permitting misc. gambling on prem.	5	Sol. employed by and having interest	
Fraud in application	4	in retail licensee	1
Sale during prohibited hours	4	Permitting hostess acty. on prem.	1
Sale to non-members by club	3	Conducting business as a nuisance	1
Fraud and front	3	Possessing indecent matter	1
Permitting immoral activity on prem.	3	Possessing slot machine device	1
Fail. to close prem. dur. proh. hrs.	2	Perm. foul language on premises	1
Possessing liquor not truly labeled	2	-	
Cases brought by municipalities on own initiative and reported to Division	-	-	25
Violations involved	-	-	28
Sale to minors	9	Perm. illegal acty (narcotic)	2
Sale during prohibited hours	5	Fail. to afford view into premises	
Conducting business as a nuisance	4	during prohibited hours	2
Permitting gambling on premises	3	Fail. to close premises during	
Permitting immoral activity on prem.	2	prohibited hours	1
HEARINGS HELD AT DIVISION:			
Total number of hearings held	-	-	52
Appeals	11	Seizures	1
Disciplinary proceedings	19	Tax revocations	9
Eligibility	12	-	
WINE LICENSES AND PERMITS:			
Total number issued	-	-	3,945
Wine licenses	9	Wine permits	1
Solicitors' permits	49	Miscellaneous permits	320
Employment permits	3,013	Transit insignia	30
Disposal permits	58	Transit certificates	3
Social affair permits	462	-	
AMUSEMENT GAMES CONTROL:			
Amusement game licenses issued	61	-	

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

In the Matter of Disciplinary
Proceedings against

CONCLUSIONS AND ORDER

Licensee, by Ernest Henry, President, Pro se
Walter H. Cleaver, Esq., Appearing for the Division

Licensee pleads guilty to a charge alleging that on February 5, 1970 it possessed alcoholic beverages in four bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

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 Lomer Enterprises, Inc., Bulletin 1881, Item 10.

Licensee advises that the licensed business has been discontinued and is not presently being conducted. Thus no effective penalty can be imposed at this time. Hence the effective dates for the suspension will be fixed by the entry of a further order herein after the operation of the licensed business has been fully resumed on a substantial basis by the licensee or any transferee of the license.

Accordingly, it is, on this 17th day of April 1970,

ORDERED that Plenary Retail Consumption License C-8, issued by the Board of Commissioners of the Town of Belleville to Ernie's Nest, Inc., for premises 36 Holmes Street, Belleville, be and the same is hereby suspended for fifteen (15) days, the effective dates of such suspension to be fixed by further order as aforesaid.

RICHARD C. McDONOUGH
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - SALE TO NON-MEMBERS - PRIOR
SIMILAR RECORD - FALSE STATEMENT IN APPLICATION - LICENSE
SUSPENDED FOR 55 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

PROGRESSIVE DEMOCRATIC CLUB)
309 Green Street)
Burlington City, N. J.)

CONCLUSIONS
AND ORDER

Holder of Club License CB-11, issued)
by the Common Council of the City)
of Burlington.)

John E. Queenan, Jr., Esq., Attorney for Licensee
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging (1) and
(2) that, on March 6 and 20, 1970, it sold drinks of beer to non-
members in violation of Rule 8 of State Regulation No. 7, and
(3) in its application for current license failed to disclose
record of prior license suspensions.

Licensee has a previous record of two suspensions of
its license by the municipal license issuing authority, for ten
days, effective May 7, 1956, for sale of alcoholic beverages to
non-members, and for ten business days, effective April 27, 1957,
for sale of alcoholic beverages during hours prohibited by local
regulation, non-disclosure of which being the subject matter of
the third charge.

The prior record of suspension of license for similar
violation occurring more than ten years ago and for dissimilar
violation occurring more than five years ago disregarded, the
license will be suspended on the first charge for fifteen days
(Re Cranbury Vikings & Sportsmen's Club, Inc., Bulletin 1893,
Item 5), on the second charge for thirty days (considered as a second
similar violation within the past five years) (cf. Re La Freda &
Olive, Bulletin 1824, Item 2), and on the third charge for ten
days (Re Chip's Bar, Inc., Bulletin 1896, Item 7), or a total of
fifty-five days, with remission of five days for the plea entered,
leaving a net suspension of fifty days.

Accordingly, it is, on this 24th day of April 1970,

ORDERED that Club License CB-11, issued by the Common
Council of the City of Burlington to Progressive Democratic Club,
for premises 309 Green Street, Burlington City, be and the same is
hereby suspended for fifty (50) days, commencing at 2:00 a.m.
Monday, April 27, 1970, and terminating at 2:00 a.m. Tuesday,
June 16, 1970.

RICHARD C. McDONOUGH
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS -
 SALE IN VIOLATION OF STATE REGULATION NO. 38 - ALCOHOLIC
 BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 35
 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
 Proceedings against

LIPSHITZ, INC.
 497 Clinton Avenue
 Newark, N. J.

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Consumption
 License C-171, issued by the
 Municipal Board of Alcoholic Beverage
 Control of the City of Newark.

Charles Handler, Esq., Attorney for Licensee
 Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging (1) that on Sunday, October 26, 1969, before 12 o'clock noon, it sold a pint bottle of whiskey for off-premises consumption in violation of Rule 1 of State Regulation No. 38 and (2) and (3) during hours prohibited by municipal ordinance; and (4) that on January 31, 1970, it 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 suspension of license by the Director for five days, effective January 6, 1958, for sale of a bottle of whiskey at less than the consumer filed price, in violation of Rule 5 of State Regulation No. 30. Re Lipshitz, Inc., Bulletin 1207, Item 7.

The previous record of suspension of license for dissimilar violation occurring more than five years ago disregarded, the license will be suspended on the first, second and third charges for twenty days (Re O'Leary House, Inc., Bulletin 1768, Item 5), and on the fourth charge for fifteen days (Re Plain and Fancy Tavern (a corp.)), Bulletin 1896, Item 14, 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 23rd day of April 1970,

ORDERED that Plenary Retail Consumption License C-171, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Lipshitz, Inc., for premises 497 Clinton Avenue, Newark, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m. Tuesday, April 28, 1970, and terminating at 2:00 a.m. Thursday, May 28, 1970.

RICHARD C. McDONOUGH
 DIRECTOR

9. DISCIPLINARY PROCEEDINGS - HINDERING INVESTIGATION - LICENSE
SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

CONCLUSIONS
AND ORDER

GETCLIFFE, INC.)
t/a The Sand Box)
1819 "H" Street)
Wall Township)
PO West Belmar, N. J.)

Holder of Plenary Retail Consumption)
License C-7, issued by the Township)
Committee of Wall Township)

Ross E. Brown, Esq., Attorney for the licensee.
Edward F. Ambrose, Esq., Appearing for the Division.

BY THE DIRECTOR:

Licensee pleads non vult to charge alleging that, on August 3, 1969, it failed, on demand, to produce and make available to Division agents conducting an investigation at its premises copy of application for current license and list of employees, as required by Rule 16(a) and (b) respectively of State Regulation No. 20, and hindered and failed to facilitate the investigation, in violation of Rule 35 of State Regulation No. 20.

Licensee has a record of suspension of license by the municipal issuing authority for three days, effective April 9, 1970 for permitting alcoholic beverage activity on the licensed premises during hours prohibited by municipal ordinance.

The record of suspension of license effective April 9, 1970 disregarded because imposed subsequent to the occurrence of the violation herein (Re Cletzky, Bulletin 1659, Item 6), 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 Guadagno, Bulletin 1807, Item 1.

Accordingly, it is, on this 23rd day of April, 1970,

ORDERED that Plenary Retail Consumption License C-7, issued by the Township Committee of Wall Township to Getcliffe, Inc., t/a The Sand Box, for premises 1819 "H" Street, Wall Township, be and the same is hereby suspended for five (5) days, commencing *at 2:00 a.m. Monday, May 11, 1970, and terminating at 2:00 a.m. Saturday, May 16, 1970.

RICHARD C. McDONOUGH
DIRECTOR

* Amended Order dated April 30, 1970 vacated above order and imposed the 5 days suspension to commence 2:00 A.M. Saturday, May 16, 1970 and terminate 2:00 A.M. Thursday, May 21, 1970.

In the Matter of Disciplinary
Proceedings against

CONCLUSIONS AND ORDER

RICHARD C. McDONOUGH
DIRECTOR

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

In the Matter of Disciplinary
 Proceedings against

MACK, INC.
 t/a Gold Nugget
 69-71 Albany Street
 New Brunswick, N. J.

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Consumption)
 License C-4, issued by the Board of)
 Commissioners of the City of New)
 Brunswick.)

 Irving John Zwillman, Esq., Attorney for Licensee
 Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charge alleging that on
 August 15, 1969, it possessed alcoholic beverages in three
 bottles bearing labels which did not truly describe their
 contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of
 license by the municipal issuing authority for fifteen days,
 effective April 14, 1968, for sale to minors.

The prior record of dissimilar violation occurring
 within the past five years considered, the license will be suspended
 for twenty-five days, with remission of five days for the plea
 entered, leaving a net suspension of twenty days. Re Maczka
and Maczka, Bulletin 1638, Item 2.

Accordingly, it is, on this 11th day of May 1970,

ORDERED that Plenary Retail Consumption License C-4,
 issued by the Board of Commissioners of the City of New Brunswick
 to Mack, Inc., t/a Gold Nugget, for premises 69-71 Albany Street,
 New Brunswick, be and the same is hereby suspended for twenty (20)
 days, commencing at 2:00 a.m. Wednesday, May 27, 1970, and
 terminating at 2:00 a.m. Tuesday, June 16, 1970.

RICHARD C. McDONOUGH
 DIRECTOR

12. DISCIPLINARY PROCEEDINGS - GAMBLING (CARDS) - LICENSE
SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

JOHN KOLIBAS
41-43 Pershing Avenue
Carteret, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-20, issued by the Borough
Council of the Borough of Carteret.

John M. Kolibas, Esq., Attorney for Licensee
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charge alleging that on April 23, 1970, he permitted gambling, viz., the playing of a card game for money stakes on the licensed premises, in violation of Rule 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Walker-Dyer Post, No. 181, American Legion, Bulletin 1828, Item 6.

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

ORDERED, that Plenary Retail Consumption License C-20, issued by the Borough Council of the Borough of Carteret to John Kolibas, for premises 41-43 Pershing Avenue, Carteret, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, June 1, 1970, and terminating at 2:00 a.m. Thursday, June 11, 1970.

RICHARD C. McDONOUGH
DIRECTOR

13. STATE LICENSES - NEW APPLICATIONS FILED.

Marine Tobacco Company, Inc.
48-43 32nd Place
Long Island City, New York

Application filed June 12, 1970 for limited wholesale license.

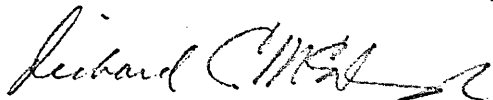
N. & V. Beverage, Inc.
1513 45th Street

North Bergen, New Jersey

Application filed June 16, 1970 for person-to-person and place-to-place transfer of State Beverage Distributor's License SBD-79 from Henry J. Ruhmschottel, 408-410 70th Street, Guttenberg, New Jersey.

Reading Brewing Company
9th and Laurel Streets
Reading, Pennsylvania

Application filed June 19, 1970 for limited wholesale license.


Richard C. McDonough
Director