

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

BULLETIN 2003

October 14, 1971

TABLE OF CONTENTS

ITEM

1. NOTICE TO SUBSCRIBERS RECEIVING OFFICIAL BULLETINS OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL.
2. APPELLATE DECISION - WEINER v. WOODBRIDGE, ET AL.
3. DISCIPLINARY PROCEEDINGS (Elizabeth) - SALE TO MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.
4. STATUTORY AUTOMATIC SUSPENSION (Long Branch) - ORDER LIFTING SUSPENSION.
5. STATUTORY AUTOMATIC SUSPENSION (Stanhope) - ORDER LIFTING SUSPENSION.
6. DISCIPLINARY PROCEEDINGS (Camden) - SALE TO MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.
7. STATE BEVERAGE DISTRIBUTOR'S LICENSE - ORDER DISMISSING APPLICATION FOR TRANSFER.
8. DISCIPLINARY PROCEEDINGS (Egg Harbor City) - SALE TO MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.
9. DISCIPLINARY PROCEEDINGS (Bloomfield) - SALE TO MINOR - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.
10. DISCIPLINARY PROCEEDINGS (Bayonne) - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.
11. DISCIPLINARY PROCEEDINGS (Orange) - SALE TO MINORS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
12. DISCIPLINARY PROCEEDINGS (Newark) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
13. DISCIPLINARY PROCEEDINGS (Passaic) - POSSESSION OF INDECENT MATTER (TABLOID PUBLICATION) - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.
14. STATE LICENSES - NEW APPLICATION FILED.

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

BULLETIN 2003

October 14, 1971

1. NOTICE TO SUBSCRIBERS RECEIVING OFFICIAL BULLETINS OF THE
DIVISION OF ALCOHOLIC BEVERAGE CONTROL.

September 30, 1971


For more than thirteen years the annual fee of \$9.00 for subscription to the official Division Bulletin Service has remained unchanged, despite steadily rising costs of salaries of staff members concerned with the Bulletin publication, as well as mailing costs, but more particularly mounting paper costs which have increased continually. While the Division has never sought a profit in providing certain services in connection with its activities, it is unreasonable and unrealistic to continue to subsidize such services with growing and considerable operating loss of State funds. Those members of the public concerned with information contained in the official Bulletins and who profit from the service should logically be expected to pay a subscription fee which at least covers the actual cost of compiling, collating and publishing the Bulletins.

I have given searching and long study to the matter of continuing the publication of Division Bulletins and the absolute necessity for increasing the annual subscription fee for the Bulletin service. As a choice between the discontinuance of Bulletin service (thus sparing the State any further financial losses in publication) or increasing the subscription fee, I am inclined toward the increase of the subscription fee and retaining the measure of helpful service which the Bulletins afford many classes of subscribers.

Accordingly, I have determined that commencing with the calendar year January 1, 1972, the subscription fee of the Division Bulletin Service will be \$25.00 per annum. The policy of furnishing the Bulletin service without fee to municipal issuing authorities, as well as to other municipal officials, was discontinued on December 31, 1958. Hence, if it is desired by any municipal issuing authority or other municipal official to continue receiving the Bulletins, subscription must be entered.

For convenience in subscribing or renewing subscription to the Bulletin service at the new fee of \$25.00 per year beginning January 1, 1972, a subscription form is provided for your use at the bottom of this notice from which it may be detached. It must be accompanied by cash, check or money order made payable to the Division of Alcoholic Beverage Control in the sum of \$25.00 and filed with this office well in advance of the annual subscription date of January 1, 1972.

Requests for additional copies of Division Bulletins by subscribers as well as requests for copies by non-subscribers has likewise been increased. The new fee shall be \$1.00 for each Bulletin requested.


Richard C. McDonough
Director

----- DETACH HERE -----

Richard C. McDonough, Director
Division of Alcoholic Beverage Control
1100 Raymond Blvd., Newark, N. J. 07102

Herewith subscription to the Bulletin service of the Division of Alcoholic Beverage Control for the calendar year beginning January 1, 1972.

Payment of \$25.00 enclosed in	cash	()
	check	()
	money	
	order	()

Name of subscriber _____

Address of subscriber _____

Sidney Weiner, t/a Economy
Wine and Liquors, Inc.,

Appellant,

v.

Municipal Council of the Township
of Woodbridge, and Curley's Corral
Incorporated,

Respondents.

BY THE DIRECTOR:

Hearer's Report

"[It] will result in increased congestion of stores with liquor licenses in the area ... [and] ... will create a traffic problem in the area and will result in substantial detriment to the public good."

Curley's denied the action granting its' transfer was detrimental to the public good or to the public parking available in that adequate off-street parking is provided.

Appellant testified that he operates a retail distribution business for off-premises consumption of alcoholic beverages in a store on Main Street; the subject premises were transferred directly

adjacent to his, i.e., right next door. Prior to the transfer there were five licensed premises within one hundred-fifty feet of the new site, and now there are six, in this immediate area. The witness admitted on cross examination that there had been another licensed premises nearby which had been moved quite recently to a shopping center across town.

Saul Schachter, a real estate expert, testified on behalf of appellant that the location of the transferred premises would not be the best use for such location. He indicated that he had made a study of the area and that another licensed premises there would constitute a negative influence for that vicinity.

Police Captain Joseph McLaughlin of the Woodbridge Police Department testified on behalf of respondent. He declared that Curley's contained a restaurant, no public bar, had off-street parking and offered no particular detriment to traffic flow; nor would the transfer cause appreciable congestion of traffic.

Harold J. Mortensen, president of Curley's testified that prior to the transfer, the then-licensed premises was located in a building on Front Street, the condition of which was so bad that it would have had to have been rebuilt. The business, at time of purchase, was not in operation and the license was acquired so that a first class restaurant could be established at the new location.

His testimony revealed that the restaurant operated by Curley's offers full course dinners; it is the only restaurant within a radius of almost a mile. A parking lot has been secured for the convenience of the customers, although that was not a requirement of the municipality; the lot will hold twenty-five to thirty cars. The only alcoholic beverages served in the restaurant are served to the tables from a service bar. There is no bar in the premises that will accommodate direct use by patrons. The restaurant will accommodate about one hundred patrons at a time; there are a total of twenty employees. A cocktail lounge may be added.

The testimony offered by the appellant was insufficient to ground a conclusion that Curley's restaurant at the corner of Main and William Streets will, because of liquor served to its patrons, impede traffic flow or cause traffic congestion. The testimony of Police Captain McLaughlin discounted the conjecture of traffic increase generated from the restaurant.

The function of the Director on appeals of this kind is not to substitute his personal opinion for that of the issuing authority, but merely to determine whether reasonable cause exists for its action and, if so, to affirm irrespective of his personal views. Somerset County Tavern Owners Association v. Bridgewater et al., Bulletin 1653, Item 1. See also Lyons Farms Tavern, Inc. v. Newark, 55 N.J. 292, 303 (1970) to the effect that the Director should not reverse if reasonable support for the Board's judgment can be found in the record. The decision as to whether or not a license shall be issued rests within the sound discretion of the municipal issuing authority in the first instance. Blanck v. Magnolia, 38 N. J. 484 (1962).

Undoubtedly the most compelling reason for this appeal was the adjacency of the licensed premises on William Street, between Main and New Streets, to others nearly contiguous. Three licensed premises there are nearly contiguous and they, in turn, have another three either directly across the street or along the street two lots away. To add a sixth licensed premises to an

area of such tight concentration of five existing licenses leads to an inescapable conclusion, in the absence of a transcript of the meeting before the Council when the resolution approving the offending transfer was adopted, that either the Council wishes licensed premises in very close proximity of one another, for supervision purposes or that the use of Curley's license will differ from all of the others.

While there is ample authority for a municipality to preclude licenses from a substantial area within its boundaries (Fanwood v. Rocco, 59 N.J. Super. 306, 320 (App. Div. 1960)), the corollary of this rule would appear to be equally applicable. If, however, the municipality has added to the concentration of licenses in this area in the belief that the respondent (Curley's) will operate the business for a different purpose than that of the other licensed premises there, it should have so conditioned the license.

The Council in adopting the resolution approving the transfer gave no basis upon which it founded such action save for the sentence "...the Municipal Council see no reason why the transfer should not be granted;....". It is obvious from the testimony, however, that Curley's is a restaurant and not a "bar" or "tavern" as those that surround it. From the testimony of Curley's principal stockholder and officer, his intention of creating a good restaurant for that business area must have so impressed the Council that the transfer was approved, for it is inconceivable that another "tavern" or "bar" would have been approved where such density of licensed premises exist. The Council did not however take the precaution of conditioning the license to the use intended.

In view of the declaration of the agent of the licensee as to the intended use of the licensed premises and upon its obvious reliance by the Council, the license should be conditioned upon premises being used as a bona fide restaurant, with privilege to the licensee to install a cocktail lounge and with provision for the maintenance of suitable off-street parking. The resolution granting the transfer in the instant matter should have expressly embodied such a condition (be operated and conducted as a bona fide restaurant) as well as a condition requiring the maintenance of suitable off-street parking facilities for the patrons. Lubliner v. Board of Alcoholic Beverage Control of the City of Paterson, 33 N.J. 428 at p.447 (1960).

Therefore, after considering all of the evidence herein, including the transcript of the testimony, the exhibits and the argument of counsel, it is concluded that the appellant has failed to sustain the burden of establishing that the action of the Council was unreasonable or constituted an abuse of its discretionary power. Rule 6 of State Regulation No. 15.

It is accordingly recommended that an order be entered affirming the action of the Council and dismissing the appeal, subject to these special conditions:

1. That the licensed premises be operated as a bona fide restaurant having provisions for seated patrons, with privilege to install a cocktail lounge; and
2. That suitable off-street parking facilities for the patrons be maintained.

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 transcript of the testimony, the exhibits and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 23rd day of August 1971,

ORDERED that the action of respondent Municipal Council of the Township of Woodbridge be and the same is hereby affirmed and the appeal herein be and the same is hereby dismissed, subject to the following conditions:

1. That the licensed premises be operated as a bona fide restaurant having provisions for seated patrons, with privilege to install a cocktail lounge; and
2. That suitable off-street parking facilities for the patrons be maintained.

Richard C. McDonough,
Director.

3. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary
Proceedings against

BORES LIQUOR STORE, INC.
702 E. Jersey Street
Elizabeth, N. J.

Holder of Plenary Retail Consumption
License C-197 issued by the City
Council of the City of Elizabeth.

)
) CONCLUSIONS
) AND ORDER
)
)
)

Licensee, Pro Se.
Edward F. Ambrose Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleaded guilty of a charge preferred against it by the City Council of the City of Elizabeth-Municipal Board of Alcoholic Beverage Control that on April 10, 1971 it sold an alcoholic beverage to a minor, in violation of the City Ordinance applicable and of Rule 1 of State Regulation No. 20. whereupon its license was suspended for fifteen days with remission of five days for the plea entered, leaving a net suspension of ten days. However, the licensee has made application to the Director for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of \$400. in lieu of the suspension.

Accordingly, it is, on this 18th day of August 1971,

ORDERED that the payment of a fine of \$400. by the licensee is hereby accepted in lieu of a suspension of license for ten (10) days.

Richard C. McDonough
Director

4. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #337)
In the Matter of Automatic)
Suspension of Plenary Retail)
Consumption License C-11, issued)
by the City Council of the City)
of Long Branch to)
Ernest J.A. Tomaini)
t/a Ernest J.A. Tomaini)
Bar & Grill)
259-261 Morris Avenue)
Long Branch, N. J.)
-----)
O R D E R

BY THE DIRECTOR:

On July 1, 1971, the licensee was fined \$500, of which \$400 was suspended, in the Long Branch Municipal Court, upon his conviction of a charge of sale of alcoholic beverages to minors on June 16, 1971, in violation of R.S. 33:1-77. Said conviction resulted in the automatic suspension of his license for the balance of its term. R.S. 33:1-31.1.

By order dated July 20, 1971, I suspended the license for twenty-five days commencing at 2:00 a.m. Thursday, August 5, 1971 and terminating at 2:00 a.m. Monday, August 30, 1971, in disciplinary proceedings on a charge that the licensee sold alcoholic beverages to the same minors, which sale was the subject of the said charge. Tomaini, Bulletin 1998, 6. Under the circumstances, I shall, on my own motion, enter an order lifting the automatic suspension, effective at the termination of the current effective suspension. Re Royce, Bulletin 1614, Item 4.

Accordingly, it is, on this 16th day of August 1971,

ORDERED that the statutory automatic suspension of said license C-11 be and the same is hereby lifted, effective at 2:00 a.m. Monday, August 30, 1971.

Richard C. McDonough
Director

5. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #339)
In the Matter of a Petition to)
Lift the Automatic Suspension of)
Plenary Retail Distribution)
License D-2, issued by the Borough)
Council of the Borough of Stanhope)
to)
Francis E. Cannon)
t/a Dempsey's Highway Liquor)
Route 206)
Stanhope, New Jersey)
-----)
Licensee, Pro se

On Petition
ORDER

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on June 7, 1971, the petitioner was fined \$100 plus \$10 court costs in the Stanhope Municipal Court, upon his conviction of a charge of sale of alcoholic beverages to a minor on May 19, 1971, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of petitioner's license for the balance of its term. R.S. 33:1-31.1. Because of the pendency of the proceedings the statutory automatic suspension has not been effectuated.

By order dated July 16, 1971, upon application by petitioner, I imposed a fine of \$200 in lieu of five days suspension of the license, in accordance with the provisions of Chapter 9 of the Laws of 1971, after he pleaded guilty to a charge that he sold alcoholic beverages to the same minor, which sale was the basis for the criminal proceedings.

It appearing that this fine has been paid, I shall lift the automatic suspension.

Accordingly, it is, on this 18th day of August 1971,

ORDERED that the statutory automatic suspension of said License D-2 be and the same is hereby lifted effective immediately.

Richard C. McDonough
Director

6. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary)
Proceedings against)

STELLA BIL)
t/a Village Cafe)
697 Sylvan Street)
Camden, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-74 issued by the Board)
of Alcoholic Beverage Control of)
the City of Camden.)

Uliase and Uliase, Esqs., by Walter A. Uliase, Attorneys for Licensee.
Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on May 7, 1971 she sold alcoholic beverages to a minor, age 18, in violation of Rule 1 of State Regulation No. 20.

Absent prior record the license would normally be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Eana, Incorporated, Bulletin 1986, Item 5. However, the licensee has made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of \$400 in lieu of suspension.

Accordingly, it is, on this 18th day of August 1971,

ORDERED that the payment of a \$400 fine by the licensee is hereby accepted in lieu of a suspension of license for ten days.

Richard C. McDonough
Director

7. STATE BEVERAGE DISTRIBUTOR'S LICENSE - ORDER DISMISSING APPLICATION FOR TRANSFER.

In the Matter of Objections to)
the Transfer of State Beverage)
Distributor's License SBD-13)
from)
E. L. Kerns Co.) ORDER
302-304 North Broad Street)
Trenton, N.J.,)
to)
W/S Route 206, 1/2 Mile)
North of Intersection)
Amwell Road and Route 206)
Hillsborough Township, N.J.)

Victor Walcoff, Esq., Attorney for Applicant
Joseph Zimmerman, for Somerset County Tavern Owners Association

BY THE DIRECTOR:

On July 22, 1971, I entered Conclusions and Order wherein an application for the transfer of State Beverage Distributor's License SBD-13, from E.L. Kerns Co., premises 302-304 North Broad Street, Trenton, to premises W/S Route 206, 1/2 Mile North of Intersection Amwell Road and Route 206, Hillsborough Township, be granted subject to the condition that no deliveries of alcoholic beverages to consumers be made on the licensed premises, and that the applicant notify the Director of its intention to comply with such condition.

On August 16, 1971, this office received a letter from the attorney for the applicant advising that E.L. Kerns Co. would not further pursue its application for transfer and therefore requests that the application be withdrawn.

Accordingly, it is, on this 18th day of August 1971,

ORDERED that the application of E.L. Kerns Co. for transfer of State Beverage Distributor's License SBD-13, be and the same is hereby dismissed.

Richard G. McDonough
Director

8. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary)	
Proceedings against)	
LOUIS A. REA & STELLA REA)	CONCLUSIONS
t/a Lou & Stell's)	AND ORDER
111 White Horse Pike)	
Egg Harbor City, N. J. 08215)	
Holder of Plenary Retail Consumption)	
License C-3 issued by the Common)	
Council of the City of Egg Harbor City.)	

Licensee, Pro Se.
Edward F. Ambrose, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on July 2, 1971 they sold an alcoholic beverage to a minor, age 19, in violation of Rule 1 of State Regulation No. 20.

Absent prior record the license would normally be suspended for 15 days, with remission of five days for the plea entered, leaving a net suspension of 10 days. Re J & N Inc., Bulletin 1982, Item 3. However, the licensee has made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of \$400. in lieu of suspension.

Accordingly, it is, on this 18th day of August 1971,

ORDERED that the payment of a \$400. fine by the licensee is hereby accepted in lieu of a suspension of license for 10 days.

Richard C. McDonough
Director

9. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary)	
Proceedings against)	
CLUB AN-DI, INC.)	CONCLUSIONS
t/a Williams Tavern)	AND ORDER
609-11 Bloomfield Avenue)	
Bloomfield, N. J.)	
Holder of Plenary Retail Consumption)	
License C-27 issued by the Town)	
Council of the Town of Bloomfield.)	

Marinello, Henkel, Soriano & Klein, Esqs., by Joseph Klein, Esq.,		
Attorneys for licensee.		
Walter H. Cleaver, Esq., Appearing for Division.		

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 16, 1971 it sold an alcoholic beverage to a minor, age 20, in violation of Rule 1 of State Regulation No. 20.

Absent prior record the license would normally be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Buckwald, Bulletin 1982, Item 8. However, the licensee has made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of \$370 in lieu of suspension.

Accordingly, it is, on this 18th day of August 1971,

ORDERED that the payment of a \$370 fine by the licensee is hereby accepted in lieu of a suspension of license for five days.

Richard C. McDonough
Director

10. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF
STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS
5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary)	
Proceedings against)	
WELCOME INN (A Corp.))	CONCLUSIONS
1020-1022 Broadway)	AND ORDER
Bayonne, N. J. 07002)	
Holder of Plenary Retail Consumption)	
License C-33 issued by the Municipal)	
Council of the City of Bayonne.)	

Licensee, Pro Se.
Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on
Sunday, April 25, 1971 it sold alcoholic beverages in original
container for off-premises consumption in violation of Rule 1
of State Regulation No. 38.

Absent prior record the license would normally be suspended
for fifteen days, with remission of five days for the plea entered,
leaving a net suspension of ten days. Re Shuffle Inn Incorporation,
Bulletin 1976, Item 9. However, the licensee has made application
for the imposition of a fine in lieu of suspension in accordance
with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I
have determined to accept an offer in compromise by the licensee
to pay a fine of \$430 in lieu of suspension.

Accordingly, it is, on this 19th day of August 1971,

ORDERED that the payment of a \$430 fine by the licensee is
hereby accepted in lieu of a suspension of license for ten days.

Richard C. McDonough
Director

11. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED
FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)
Clementine Capawana)
t/a Cappy's Tavern)
51 So. Day Street)
Orange, N. J.,)
Holder of Plenary Retail Consumption)
License C-43, issued by the Municipal)
Board of Alcoholic Beverage Control)
of the City of Orange.)
-----)

CONCLUSIONS
and
ORDER

Licensee, Pro se
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on July 1, 1971 she sold alcoholic beverages to three minors, all age eighteen, in violation of Rule 1 of State Regulation No. 20.

Licensee has a previous record of two suspensions by the municipal issuing authority, the first for three days effective February 5, 1940, for sale to minors, and the second for ten days effective February 10, 1958 for sale during prohibited hours.

Prior record of suspensions disregarded for penalty purposes as occurring more than ten years ago, the license will be suspended for twenty days (Re Bamboo Bar Corp., Bulletin 1825, Item 8), with remission of five days for the plea entered, leaving a net suspension of fifteen days.

Accordingly, it is, on this 19th day of August 1971,

ORDERED that Plenary Retail Consumption License C-43, issued by the Municipal Board of Alcoholic Beverage Control of the City of Orange to Clementine Capawana, t/a Cappy's Tavern, for premises 51 So. Day Street, Orange, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Friday, September 3, 1971, and terminating at 2 a.m. Saturday, September 18, 1971.

Richard C. McDonough,
Director.

12. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
LAELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)
Bobo Bar, Inc.)
88-90 Central Avenue)
Newark, N. J.,)
Holder of Plenary Retail Consumption)
License C-689, issued by the Municipal)
Board of Alcoholic Beverage Control of)
the City of Newark.)

CONCLUSIONS
and
ORDER/

Leon Sachs, Esq., Attorney for Licensee
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on
June 2, 1971 it possessed alcoholic beverages consisting of three
bottles of whiskey, the labels of 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 Crystal Bay Inn, Inc.,
Bulletin 1968, Item 3.

Accordingly, it is, on this 19th day of August 1971,

ORDERED that Plenary Retail Consumption License C-689,
issued by the Municipal Board of Alcoholic Beverage Control of the
City of Newark to Bobo Bar, Inc., for premises 88-90 Central Avenue,
Newark, be and the same is hereby suspended for fifteen (15) days,
commencing at 2 a.m. Friday, September 3, 1971, and terminating at
2 a.m. Saturday, September 18, 1971.

Richard C. McDonough,
Director.

13. DISCIPLINARY PROCEEDINGS - POSSESSION OF INDECENT MATTER (TABLOID PUBLICATION) - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against)

WALLACE LOSCHIAVO
t/a Hogan's Cafe
931 Main Avenue
Passaic, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-35 issued by the Municipal Board of Alcoholic Beverage Control of the City of Passaic.)

Licensee, Pro Se.
Edward F. Ambrose, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on May 3, 1971 he possessed lewd and obscene tabloid publications, in violation of Rule 17 of State Regulation No. 20.

Absent prior record the license would normally be suspended for thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days. Re Hausner, Bulletin 1956, Item 1. However, the licensee has made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of \$1,150 in lieu of suspension.

Accordingly, it is, on this 19th day of August 1971,

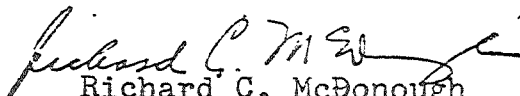
ORDERED that the payment of a \$1,150 fine by the licensee is hereby accepted in lieu of a suspension of license for twenty-five days.

Richard C. McDonough
Director

14. STATE LICENSES - NEW APPLICATION FILED.

Joeli Wine Distributors, Inc.
Building 56, Hackensack Avenue
Port Kearny, Kearny, N. J.

Application filed October 12, 1971 for place-to-place transfer of Plenary Wholesale License W-25 from 560 Bercik Street, Elizabeth, N. J.


Richard C. McDonough
Director