

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

BULLETIN 1505

APRIL 17, 1963

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

BULLETIN 1505

APRIL 17, 1963

1. APPELLATE DECISIONS - FRIEDMAN v. PASSAIC.

Jeanette Friedman,)	
t/a Friedman's Bar & Grill,)	
)	
Appellant,)	ON APPEAL
)	CONCLUSIONS
v.)	AND ORDER
)	
Board of Commissioners of the)	
City of Passaic,)	
)	
Respondent.)	

Feder & Rinzler, Esqs., by Jack Rinzler, Esq., Attorneys for
Appellant.
Martin Klughaupt, Esq., Attorney for Respondent.

BY THE ACTING DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the action of respondent Board of Commissioners of the City of Passaic (hereinafter respondent) wherein it denied the application of the appellant to renew her license for premises 194 Passaic Street, Passaic. The specific resolution failed to set forth any reasons for such denial.

"In her petition of appeal, appellant alleged that the action of the respondent was erroneous for the following reasons:

"(a) That the denial was 'harsh, severe, arbitrary, unjust, unfair and unwarranted and in violation of her property rights'; and

"(b) That respondent violated the due process clause of the United States Constitution and that no process was issued, no hearing was held, no evidence was taken, and no opportunity was afforded her to present evidence in her behalf.

"The answer of the respondent denied the essential allegations of the petition and stated that its action was based upon consideration of the following factors:

"(a) Appellant had 'allowed, permitted or suffered in or upon the licensed premises, brawls, acts of violence and disturbances', and had conducted her business as a notorious nuisance and a detriment to public welfare and safety.

"(b) Appellant disregarded repeated warnings by the police department.

"(c) Respondent concluded that its action was proper because continued operation of appellant's business would be hazardous to public welfare and safety.

"(d) Adequate hearing was granted to the appellant who was represented by counsel.

"(e) The action taken was in the best interest of the public welfare.

"Following the filing of the notice of appeal, an order was entered by the Director of this Division to show cause why the license should not be extended pending the determination of the appeal from the action of the respondent in denying said renewal. After a full hearing on the return date of said order, the Director entered an order dated September 26, 1962, extending the term of the 1961-62 license for the said premises, pending the determination of this appeal. In that order, the Director expressed his judgment that the extension of the said license pending such final hearing and determination would not constitute an immediate danger to public safety.

"The hearing on the Order to Show Cause produced substantial evidence which will be used in my consideration of this appeal, since much of it is pertinent to the issues raised and considered herein.

"The appeal before this Division was heard de novo, with full opportunity for counsel to present testimony under oath and cross examine witnesses. Rule 6 of State Regulation No. 15; Sidoroff, et al. v. Jersey City and Niebanck, Bulletin 1310, Item 1.

"In this matter, as in similar matters, the persuasive and guiding principles of Downie v. Somerdale, 44 N.J. Super. 84, 87, and Nordco v. State, 43 N.J. Super. 277, 287, were influential in establishing the legal perspective. In the cited cases, it was held that the burden of proof in all matters which involve discretion rests upon the appellant, and she must show manifest error, or that the local issuing authority clearly abused its discretion. Cf. Paul v. Brass Rail Liquors, Inc., 31 N.J. Super. 211, 214.

"It is well established that there is no inherent right to the renewal of a license. Zicherman v. Driscoll, 133 N.J.L. 586; Kleinberg v. Harrison, Bulletin 984, Item 2; Bumball v. Burnett, 115 N.J.L. 254. No one has a right to demand a license. A license is a special privilege granted to the few, denied to the many. Meehan v. Jersey City, 73 N.J.L. 382. As Justice Field stated in Crowley v. Christensen, 137 U.S. 86, 92:

There is no inherent right in a citizen to thus sell intoxicating liquors by retail.
As it is a business attended with danger to the community, it may, as already said, be entirely prohibited, or be permitted under such conditions as will limit to the utmost its evils. The manner and extent of regulation rests in the discretion of the governing authority.***

"The testimony herein was quite voluminous and no purpose would be served in setting forth the specifics thereof in extensive detail. A summary of the testimony reflects the following.

"Appellant has operated this tavern since 1946 and in 1947 she dissolved a partnership and continued the operation of these premises as the sole licensee. Her husband managed this

business and was usually in complete personal supervision of the premises from that time until the date of the hearing, except for some short periods of time in 1960 and 1961 when he was confined to the hospital because of certain physical disabilities.

"The operation of these premises, according to the testimony of her husband, Sam Friedman, became very difficult during that period because he was compelled, by illness, to stay away from the tavern and depend upon others for its supervision and control. Friedman testified particularly that in 1961, when he returned to his place of business and learned that his bartender had been involved in certain violations of the Alcoholic Beverage Law, he immediately discharged the bartender.

"Friedman also testified that these premises had been operated as a tavern for over one hundred years and was a landmark in this community. He had conscientiously done everything in his power to exercise full control over its operation. He stated that the reason that he notified the police on the many occasions of disturbances and other incidents at the tavern which required police action was that he had been specifically directed to do so by officials of the police department.

"He admitted that on four occasions, he was warned by the deputy chief of police that tighter control must be effected so that incidents involving alleged acts of violence could be eliminated; and that a special police officer must be engaged, particularly on weekends, in order to control the conduct of the patrons therein. He insisted that he had made every effort to engage such special police officers, even seeking the help of the local police officials, but was unable to find any person willing to work in this capacity.

"Evidence was produced on cross examination to show that prior to the charges made against this tavern for conducting the premises as a nuisance and permitting brawls and acts of violence, the police department was called to these premises on thirty-eight separate occasions during 1961. However, Friedman denied that any of these incidents occurred during the time he was actually present. Most of these calls were clearly preventive in nature.

"Before calling any additional witnesses, the records of this Division were introduced into evidence, including Conclusions and Order of the Director of this Division, dated March 29, 1962, based upon the plea of non vult by appellant to charges that on two successive days she sold liquor to patrons for consumption off the premises during prohibited hours, permitted foul language on the premises, and failed to have a copy of the license application on the premises, resulting in suspension for thirty days. Re Friedman, Bulletin 1448, Item 1. The records further reflected that appellant was found guilty by the respondent on May 22, 1962, of operating her premises in violation of Rule 5 of State Regulation No. 20 and suffering in and upon the licensed premises brawls, acts of violence and disturbances and suffering the licensed place of business to be conducted in such manner as to become a nuisance during the period from February 3, 1961 to January 16, 1962. A resolution and order dated May 22, 1962, suspended appellant's license for ninety days. The vote on this resolution was unanimous on the part of the respondent.

"Thereafter, an application was made for renewal of the said license and, by vote of three to two, the respondent on

September 11, 1962, denied the said application. This action was taken after the period the appellant's license was under suspension but prior to appellant's resumption of operation of the said premises.

"In further support of this appeal, appellant called John F. Campbell, the chief of police, who was questioned in great detail concerning a number of the items set forth in the police record, for the purpose of showing that many of those items referred to incidents occurring outside the premises and were also matters which did not involve acts of violence. One item particularly referred to a report on 'teenagers dancing' on March 3, 1961. The chief testified that when the police responded, they had all persons under 21 years of age evicted from the premises and advised the bartender that the responsibility was his for keeping the teenagers out.

"The chief was carefully examined about an incident of March 18, 1961, on which date the police records reflect an incident wherein a man was allegedly shot and wounded on the premises. The chief insisted that there was ample evidence to indicate that the shooting actually took place in the tavern. The substance and import of the chief's testimony was that many of the incidents upon which he was very carefully examined occurred in the tavern or on the outside of the premises. He admitted, however, that he had not visited the tavern during his tenure as police chief, testifying entirely from his general knowledge and from the police record. Finally, Chief Campbell stated that, in his opinion, the termination of liquor activity on this corner by the licensee would serve the best interests of the City of Passaic and he, therefore, would not recommend a renewal of the license.

"The appellant produced Mayor Paul G. DeMuro and Councilman David B. Kaplan in her behalf. Both officials testified that they had voted in favor of the renewal of said license because it was their opinion that the appellant had been adequately disciplined by the previous imposition of the ninety-day penalty for the charge referred to hereinabove. Since the appellant had not operated in the period between the imposition of the said penalty and the date of the hearing on her application for renewal, it was their opinion that all the facts and circumstances had been taken into consideration in their action. As Mayor DeMuro expressed it, 'My reasons for the opinion (in support of renewal) were that this man, this licensee, had been suspended for a period of 90 days as a result of a hearing on charges preferred by the City of Passaic. 90 days was a long suspension, in my judgment, a severe penalty, and when the time came up for renewal it was my considered judgment that he had suffered as a result of these charges. He was found guilty and had suffered a suspension of 90 days. And the reasons was that it should be renewed and give him another opportunity with the admonition that if he made one further mistake, then he would be dealt with severely.'

"This statement was in effect repeated by Councilman Kaplan, who added, 'Once the penalty had been made, I thought they were entitled to a renewal of their license' and further, '...they were entitled to consideration and they had paid the penalty for the offense with which they were charged and that was a 90-day suspension. He explained also, my views were that if you were to revoke the license, revoke it immediately. Don't give him a suspension. I didn't feel that revocation was essential because it was the first offense that Mr. Friedman had ever been charged

with before the Excise Board of the City of Passaic.'

"The appellant also produced a number of witnesses, some of whom were her former employees, who testified both as to her good character and the manner of operation of these premises. Several employees testified with respect to some of the alleged incidents which occurred on the premises. Their testimony substantially corroborated that of Friedman that these incidents occurred without the presence of the appellant or Friedman and were either the result of sudden flare-ups, could not have prevented, and in most instances were minor in nature.

"Archie Boxley, a former employee, particularly testified with respect to the incident involving John Stock. He stated that on March 18, 1961, he first observed Stock near John's Tavern located about fifty yards from the appellant's premises. Stock was staggering up the street and entered the side door of appellant's tavern. He didn't observe what happened after Stock entered the tavern; other witnesses testified that Stock collapsed in the center of the tavern.

"In addition, two of the character witnesses produced by the appellant made a favorable impact. Julius J. Cinamon, who had served for sixteen years as Commissioner of Public Safety and for four years as Commissioner of Parks and Public Property in the City of Passaic, certified to the good character of the appellant and Friedman and stated that the place had an average reputation of premises of that nature. His testimony was important because of his position as such Commissioner of Public Safety. He was asked the following on cross examination:

'Q. Would you say that this is a tavern that should be permitted to operate in the City of Passaic?

'A. I would say a tavern should be permitted to operate.

'Q. Would you say that this tavern with this reputation and your knowledge of its operations justify your statement that this place should be permitted to operate in the City of Passaic, in your opinion?

'A. Yes sir.'

"Rabbi Max Zucker, the rabbi of Temple Emanuel in Passaic for the past thirty-six years and a distinguished clergyman, testified that he has known the appellant and her husband for approximately fifteen to twenty years and that their reputation in the City of Passaic with respect to morality, law and order, character and common decency was good.

"Respondent produced Councilman Hymen Siegendorf who explained the reason for his vote to deny renewal of the said license in the following language:

'Well, as head of the Department of Public Safety and particularly in this instance the police department, I was very much concerned with the welfare of the community from the standpoint of preserving law and order. And during the hearing which related to the charges that had been preferred against Mr. Friedman, a rather detailed review of

the activities in and about the premises of the Friedman Tavern had been held, and then of course it was developed at that time, and I might add that I too had knowledge of the fact that for a period of approximately one year, perhaps a year and a half prior to the consideration of this renewal, on four specific occasions and at the time of the hearing, Mr. Friedman had so testified, he confirmed this, that he had been called to police headquarters and admonished with regard to the conduct of the affairs of the premises and upon the premises by Captain Zislin who was then head of the detective bureau...someone should be on the premises at all times who was capable of maintaining peace and order so that we would have avoidance of these constant calls to the police department; that on the occasion of his fourth visit and interview by Captain Zislin, he acknowledged that he was unable to get someone so to do...I felt that in considering the renewal of the license for the continued period that he was seeking it, these were elements of consideration because the concern was as to the conduct of affairs in the future. And consequently I felt that under the circumstances he wasn't deserving of the privilege of continuing with the license and that's the reason why I voted for the refusal of the renewal.'

"It was stipulated that if Councilman Sullivan were to testify, his testimony would be corroborative of that of Councilman Siegendorf.

"Councilman Joseph Stanek also testified to the same effect as his colleagues, adding that he felt that the best interest of the community required the elimination of this license. He was asked on cross examination:

'Q. When you voted upon the 90-day suspension did you not take into consideration all of the factors that were in existence at the time?

'A. Yes, I took into consideration all the facts.

'Q. And you likewise took into consideration all of those same factors when you voted for a denial of the application for renewal of the license; isn't that right?

'A. No, I can't say that. There were additional factors involved.'

"He later explained that the additional factor involved was the recommendation of the chief of police against renewal at renewal time although he admitted that nothing had developed since May 22, 1962, between that time and the time he voted against renewal of the application. He explained that it was his opinion that no license should be granted for these premises.

"In rebuttal, Sam Friedman reiterated that none of the incidents referred to in the record occurred while he or his wife were present. He admitted that he was called on several occasions by the chief of police who complained that there were too many telephone calls coming in from his place. His explanation of those calls was that he telephoned the police as a preventive measure to avoid the very brawls and disturbances which were complained of.

- A -

"The first contention of the appellant is that she did not receive a public hearing on the application for renewal, as contemplated and required by R.S. 33:1-24. The testimony appears to be abundantly clear that no notice was sent to the appellant or her counsel, nor was she permitted to introduce any evidence or testimony with respect to the application for renewal.

"However, it is equally clear that following the discussion of this application by respondent in a closed committee-of-the-whole session, it then proceeded to the regular business of the respondent at the open meeting.

"Counsel for appellant was then given an opportunity to present arguments in support of his client's application and he presented his arguments forcefully and without restriction as to time. Counsel contends that this did not meet the requirements of a fair hearing because it was quite evident that the members of the respondent had already made up their minds before entering the open meeting. Although testimony in this case appears to corroborate such contention, the fact is that counsel was given an opportunity to present the arguments in support of the application.

"There is abundant decisional authority to fortify the statutory injunction that an applicant is entitled to a hearing on an application for renewal of a license. Florence Methodist Church, et als. v. Florence and Christy, 38 N.J. Super. 85; Wilson v. Jersey City, 94 N.J.L. 119; Miner v. Larney, 87 N.J.L. 40. As the court said in Handlon v. Belleville, 4 N.J. 99, 105:

'***The requirement of a "hearing" has reference to the tradition of judicial proceedings in which evidence is received and weighed by the trier of the facts and the issue determined uninfluenced by extraneous considerations which might not be exceptionable in other fields involving purely executive action. The "hearing" is "the hearing of evidence and argument." Morgan v. United States, 298 U.S. 468, 56 S. Ct. 906, 80 L. Ed. 1288 (1936); Shields v. Utah Idaho Cent. R. Co., 305 U.S. 177, 59 S. Ct. 160, 83 L. Ed. 111 (1938); Pennsylvania R. R. Co. v. New Jersey Aviation Commission, 2 N.J. 64 (1949).'

As Professor Davis defined it in Davis, Administrative Law (1951), Sec. 67, p. 239:

'The Supreme Court once declared: "A hearing in its very essence demands that he who is entitled to it shall have the right to support his allegations by argument however brief, and, if need be, by proof, however, informal." Londoner v. Denver, 210 U.S. 373.'

Cf. Bi-Metallic Inv. Co. v. State Board of Equalization, 239 U.S. 441; see also 1 Davis, Administrative Law Treatise (1958), Requirement of Hearing, p. 421.

"Revoking or refusing to renew the license without giving the licensee a chance to be heard on the issues of fact about the business, is not fair treatment. See 1 Davis,

Administrative Law Treatise, Requirement of a Trial Type Hearing, Chapter 7, p. 498; 70 Harvard Law Review 193, 262, 274 (1956). Farrell v. Englewood, Bulletin 1489, Item 2.

"The situation presented herein is marginal and I am not prepared to determine that the hearing, although not as full and complete as would be desirable within the spirit and meaning of the statute, nevertheless can be considered as a deprivation of due process.

"In addition, the appellant has now had a full opportunity to be heard on this appeal de novo and the adjudication herein must be based upon the proofs as they have been adduced by this Division. Cino v. Driscoll, 130 N.J.L. 535; Florence Methodist Church, et als. v. Florence and Christy, supra.

"To remand for the purpose of providing the full hearing, as advocated by counsel, would appear to be entirely unnecessary and repetitious. To use the words of Justice Frankfurter, it would be 'marching the king's men up the hill, then marching them down again.' City of Yonders v. United States, 320 U.S. 685 (1944) (Dissenting opinion). I therefore conclude that the appellant's rights have not been abrogated, nor has she been deprived of due process.

- B -

"I can understand the dilemma of the members of respondent in their consideration of the application to renew. The fact that the vote in support of their denial of such application was three to two indicates an honest difference of opinion among those members.

"Counsel advocates that all of the facts and circumstances of this case, the record, the history, the character of the appellant, and the nature of the premises had been considered by the respondent at the time of the imposition of the ninety-day penalty, at which time the vote thereon was unanimous. Counsel energetically insists that there was no logical or reasonable foundation upon which to deny renewal of the license since the premises were not in operation between the time of the said suspension and of the denial. Thus, says counsel, the action of respondent was unconscionable, arbitrary, unreasonable and unfair.

"On the other hand, counsel for the respondent argues that certain additional factors were taken into consideration by the respondent at the time of denial of renewal which were not required to be considered at the time of the disciplinary suspension, citing Downie v. Somerdale, supra.

"As was cited hereinabove in Crowley v. Christensen, supra, 'The manner and extent of regulation rests in the discretion of the governing authority.' The municipal issuing authority has within its sound discretion the determining authority in the first instance to decide whether an applicant is worthy of his license. However, such exercise of discretion must be based on valid and substantial grounds, and may not be denied capriciously, or merely to reduce the number of licenses in the municipality. If such denial is not based on reasonable grounds, it will be reversed. Costa v. Red Bank, Bulletin 133, Item 5; B & L Tavern, Inc. v. Bayonne, Bulletin 1459, Item 1.

"This is particularly pointed up by my question directed to counsel for the respondent, as follows:

'THE HEARER: In other words, just let me get your position clear. Your position, as I apprehend it at this moment, is that regardless of who operates those premises, it will encourage the same situation as exists now. Is that your position?

'MR. KLUGHAUPT: We are satisfied that this is so.'

And before that, Mr. Klughaupt stated:

'As far as I am concerned, if your Honor please, this is a trouble spot; it's a dangerous one. If I thought that the public service would be impaired by denying them, the public, another liquor outlet which this represents, I would say, of course, we would be interested in a new operation. But that isn't this case. We are over-served, not under-served, and it seems to me the guidepost is public welfare.'

"I am persuaded by the above quoted statements that the underlying and probably the overriding consideration of the respondent is its desire to reduce the number of licenses in the community. While that may be commendable, this does not appear to me to be the proper and equitable way to do it.

- C -

"There is a practical, realistic and, indeed, Solomonic result which may be obtained without sacrificing the public welfare. There is evidence herein to the effect that the appellant and her husband have been in this business since 1946; that they invested substantially their entire life savings in this enterprise; and that they have recently made costly improvements. They are personally bound under a lease for these premises for the next nine years; and it is claimed that if the action of the respondent is affirmed, a great financial loss will result. In addition, Friedman testified that the appellant has entered into a contract for the sale of the business, subject to the approval by the respondent of the proposed purchaser as a licensee. This contract, which was admitted into evidence, indicates there is such a bona fide purchaser for the licensed business.

"In view of the fact that none of the violations occurred during the presence of appellant and her husband on the premises, the illness and disability of Friedman during the past year, and the other persuasive facts and circumstances which have been set forth hereinabove, I am of the conviction that it would be unduly inequitable and excessively harsh to deprive the appellant of her right to dispose of the business to another suitable licensee who presumably would give more time and closer personal supervision to this operation.

"Fairness is the touchstone of the administrative process and reflects the spirit of R.S. 33:1-23 that the Director shall 'do, perform, take and adopt all other acts, procedures and methods designed to insure the fair, impartial, stringent and comprehensive' enforcement of the Alcoholic Beverage Law.

"Therefore, I believe that the appellant should be given the opportunity to liquidate her investment in the manner indicated. Friedman has expressed a desire to dispose of his

interest and retire from the tavern business. His advanced age, illness and other problems make his decision understandable and desirable. At the same time, the respondent would not be prejudiced because a new licensee would be given the opportunity to correct any of the alleged malpractices attributed to the present licensee. The public interest would be served thereby.

"I recommend that the action of the respondent be reversed, and that it be required to renew the appellant's license; but the renewal shall be a modified one, subject to the express condition that the license of appellant be transferred to another and suitable person within ninety days of the date of the order. Friedland v. Newark, Bulletin 1402, Item 1; Farrell v. Englewood, supra. Cf. New Town Tavern, Inc. v. Pennsauken, Bulletin 1098, Item 2."

Written exceptions to the Hearer's Report and written argument thereon were filed with me by the respondent's attorney and written reply to said argument was filed by appellant's attorneys pursuant to Rule 14 of State Regulation No. 15. The request for oral argument made by the respondent's attorney was considered unwarranted and the same is accordingly hereby denied.

I have carefully considered the facts and circumstances herein, including the evidence and the Hearer's Report, and approve the Hearer's recommendation that the respondent renew the appellant's license on condition that the said license be transferred to another within ninety days.

Accordingly, it is, on this 7th day of March 1963,

ORDERED that the action of the respondent be and the same is hereby reversed, but that the reversal be a modified one requiring respondent to renew appellant's license for the 1962-63 licensing year subject to the condition that the license be transferred to another and qualified person within ninety (90) days of the date of this order.

EMERSON A. TSCHUPP
ACTING DIRECTOR

2. DISCIPLINARY PROCEEDINGS - PERMITTING MINOR TO SELL ALCOHOLIC BEVERAGES - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

DISCIPLINARY PROCEEDINGS - MINOR PERMITTEE SELLING ALCOHOLIC BEVERAGES - PERMIT SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

BELLA-SAMSONS LIQUORS (A CORP.)
77-79 Jones Street
Newark 3, N. J.

Holder of Plenary Retail Distribution License D-163, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark

and

DAVID GERSHENBAUM
229 Shepard Avenue
Newark 6, N. J.

Holder of Limited Employment Permit No. 3481 issued by the Director of the Division of Alcoholic Beverage Control.

CONCLUSIONS AND ORDER

Licensee, by Sidney Gershenbaum, Vice-President and Secretary,
Pro se.

Permittee, Pro se.

Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 30, 1963, it permitted David Gershenbaum, a minor, to sell a pint bottle of wine, in violation of Rule 2 of State Regulation No. 13.

Permittee, age 20, pleads non vult to a charge alleging that on January 30, 1963, he sold a pint bottle of wine in contravention of the condition of his employment permit prohibiting his sale of alcoholic beverages, in violation of R.S. 33:1-26.

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 Fay's Wine & Licuor Co., Inc., Bulletin 1014, Item 7); and the permit will be suspended for thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days (Re Pease, Bulletin 1014, Item 7).

Accordingly, it is, on this 4th day of March, 1963,

ORDERED that Plenary Retail Distribution License D-163, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Bella-Samsons Liquors (A Corp.) for premises 77-79 Jones Street, Newark, be and the same is hereby suspended for five (5) days, commencing at 9:00 a.m. Monday, March 11, 1963, and

terminating at 9:00 a.m. Saturday, March 16, 1963; and it is further

ORDERED that Limited Employment Permit No. 3481, issued by the Director of the Division of Alcoholic Beverage Control to David Gershenbaum, for the fiscal year 1962-63, be and the same is hereby suspended for twenty-five (25) days, commencing at 9:00 a.m. Monday, March 18, 1963, and terminating at 9:00 a.m. Friday, April 12, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

3. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

BOB'S LAKEHURST INN, INC.
4 Union Avenue
Lakehurst, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-5, issued by the Borough Council of the Borough of Lakehurst.

Licensee, by Robert J. Sadowski, President, Pro se.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on December 17, 1962, it 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.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days effective March 19, 1962, for sale in violation of State Regulation No. 38.

The prior record considered, 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 Diesel Inn, Inc., Bulletin 1485, Item 9.

Accordingly, it is, on this 26th day of February, 1963,

ORDERED that Plenary Retail Consumption License C-5, issued by the Borough Council of the Borough of Lakehurst to Bob's Lakehurst Inn, Inc. for premises 4 Union Avenue, Lakehurst, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Tuesday, March 5, 1963, and terminating at 2:00 a.m. Friday, March 15, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

WILLIAM MAZUR & SOPHIE H. STRAT t/a MAZUR'S TAVERN 557 Grove Street Irvington, N. J.)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-47, issued by the Municipal Council of the Town of Irvington.)

Licensees, by Sophie H. Strat, Pro se.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensees plead non vult to a charge alleging that on January 17, 1963, they 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.

Licensees have a previous record of suspension of license by the Director for five days, effective July 11, 1960, for similar violation. Re Mazur and Strat, Bulletin 1351, Item 6.

The prior record considered, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Cf. Re Sundown Bar & Grill, Inc., Bulletin 1477, Item 9.

Accordingly, it is, on this 4th day of March, 1963,

ORDERED that Plenary Retail Consumption License C-47, issued by the Municipal Council of the Town of Irvington to William Mazur & Sophie H. Strat, t/a Mazur's Tavern, for premises 557 Grove Street, Irvington, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Monday, March 11, 1963, and terminating at 2:00 a.m. Tuesday, March 26, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

5. 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)

Pastrana's Bar, Inc.)
 t/a Pastrana's Bar)
 W/S Harding Highway north of)
 North Boulevard, Buena)
 PO Landisville, N. J.)

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Consumption License C-10, issued by the Borough Council of the Borough of Buena.)

 Adamo & Pagliughi, Esqs., Attorneys for Licensee.
 David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on December 4, 1962, 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.

Although licensee has no previous record, its vice-president and minority stockholder, from whom the license was transferred, has a record of suspension of license by the municipal issuing authority for five days, effective July 7, 1958, for an hours violation.

The prior record considered (cf. Re Half Way Inn, Bulletin 1496, Item 6), 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 The Arctic Corporation, Bulletin 1482, Item 14.

Accordingly, it is, on this 7th day of March, 1963,

ORDERED that Plenary Retail Consumption License C-10, issued by the Borough Council of the Borough of Buena to Pastrana's Bar, Inc., t/a Pastrana's Bar, for premises on west side Harding Highway north of North Boulevard, Buena, be and the same is hereby suspended for twenty (20) days, commencing at 3:00 a.m. Thursday, March 14, 1963, and terminating at 3:00 a.m. Wednesday, April 3, 1963.

EMERSON A. TSCHUPP
 ACTING DIRECTOR

6. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ANTHONY SCOLA AND JENNIE SCOLA t/a SCOLA'S BAR AND GRILLE 13 S. Egg Harbor Road Hammonton, N. J.)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-9, issued by the Town Council of the Town of Hammonton.)

Licensees, Pro se.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensees plead non vult to a charge alleging that on November 30, 1962, they 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.

Licensees have a previous record of suspension of license by the Director for thirty days, effective August 20, 1962, for aiding and abetting "wash" sales of alcoholic beverages. Re Scola, Bulletin 1476, Item 1.

The prior record considered, 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 Diesel Inn, Inc., Bulletin 1485, Item 9.

Accordingly, it is, on this 4th day of March 1963,

ORDERED, that Plenary Retail Consumption License C-9, issued by the Town Council of the Town of Hammonton to Anthony Scola and Jennie Scola, t/a Scola's Bar and Grille, for premises 13 S. Egg Harbor Road, Hammonton, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, March 11, 1963, and terminating at 2:00 a.m. Thursday, March 21, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

7. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

HEDWIG SZYMANSKI)
t/a BUCK'S TAVERN)
Route #50)
Corbin City, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-3, issued by the Common Council of the City of Corbin City.)

Lawrence Milton Freed, Esq., Attorney for Licensee.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on December 28, 1962, she 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.

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 McGuire, Bulletin 1492, Item 6.

Accordingly, it is, on this 5th day of March, 1963,

ORDERED that Plenary Retail Consumption License C-3, issued by the Common Council of the City of Corbin City to Hedwig Szymanski, t/a Buck's Tavern, for premises on Route #50, Corbin City, for ten (10) days, commencing at 2:00 a.m. Tuesday, March 12, 1963, and terminating at 2:00 a.m. Friday, March 22, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

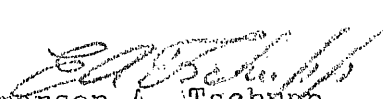
8. STATE LICENSES - NEW APPLICATIONS FILED.

Louis Cohen, Inc., U.S. Highway Route 130
Washington Township, N. J.

Application filed April 10, 1963 for person-to-person, place-to-place transfer of State Beverage Distributor's License SBD-30 from Clicquot Club Dist., Route No. 27 and Churchill Avenue, Franklin Township, N. J.

Edward Buchanan and Elizabeth Buchanan, t/a Buchanan's Beer Distributors, Herbertsville Rd., 17th Avenue, Brick Twp., N. J.
Application filed April 11, 1963 for State Beverage Distributor's License.

Hub Beer Distributors, Inc., 1181 Fairview St., Camden, N. J.
Application filed April 15, 1963 for Limited Wholesale License.


Emerson A. Tschupp
Acting Director