

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

BULLETIN 1751

September 12, 1967

TABLE OF CONTENTS

1. APPELLATE DECISIONS - ANN'S TAVERN, INC. v. BELLMAWR
2. DISCIPLINARY PROCEEDINGS (KEARNY) - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS - NO REMISSION FOR PLEA ENTERED AT HEARING.
3. DISCIPLINARY PROCEEDINGS (NEWARK) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
4. DISCIPLINARY PROCEEDINGS (UNION CITY) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (GLOUCESTER CITY) - GAMBLING (WAGERING) - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (PRINCETON) - SALE TO A MINOR - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (PASSAIC) - SALE TO A MINOR - PRIOR SIMILAR AND DISSIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (GALLOWAY) - SALE TO A MINOR - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
9. DISQUALIFICATION REMOVAL PROCEEDINGS - CONSPIRING TO CHEAT AND DEFRAUD EMPLOYER - ORDER REMOVING DISQUALIFICATION.
10. DISCIPLINARY PROCEEDINGS (RIDGEWOOD) - SALE AT LESS THAN FILED PRICE - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (RARITAN, MONMOUTH COUNTY) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.
12. DISCIPLINARY PROCEEDINGS (TRENTON) - ORDER TERMINATING SUSPENSION FOR BALANCE OF TERM UPON CORRECTION OF UNLAWFUL SITUATION.
13. DISCIPLINARY PROCEEDINGS (PASSAIC) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - AGGRAVATING CIRCUMSTANCE - LICENSE SUSPENDED FOR 65 DAYS, LESS 5 FOR PLEA.
14. DISCIPLINARY PROCEEDINGS (Ridgefield) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - POSSESSION OF INDECENT MATTER - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
15. STATE LICENSES - NEW APPLICATIONS FILED.

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

BULLETIN 1751

September 12, 1967

1. APPELLATE DECISIONS - ANN'S TAVERN, INC. v. BELLMAWR.

Ann's Tavern, Inc., )

Appellant, )

v. )

On Appeal

Mayor and Council of the )  
Borough of Bellmawr, )

CONCLUSIONS and ORDER

Respondent. )

-----  
Robert F. Grenhart, Esq., Attorney for Appellant  
John R. Bennie, Esq., Attorney for Respondent  
Richman, Berry & Ferren, Esqs., by Edwin T. Ferren, III, Esq.,  
Attorneys for Objector South Jersey Retail Liquor  
Stores Association

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This is an appeal from the unanimous denial by respondent of an application for place-to-place transfer of appellant's plenary retail consumption license. The application seeks permission to erect an addition on the side of the licensed premises, the front portion of the new section to be used by appellant for display and sale of alcoholic beverages in original containers for off-premises consumption.

Appellant's petition of appeal alleges that respondent's action was not based upon the evidence but was capricious, capricious and constituted an abuse of discretion.

Respondent's answer denies the allegations set forth in appellant's petition of appeal. The answer further contends that respondent's action, based upon the presented facts, was justified because the lay-out of the new addition and the proposed operation would, in effect, constitute "a package goods store" and thus be in violation of the Alcoholic Beverage Law.

The matter was heard de novo pursuant to Rule 6 of State Regulation No. 15.

Joseph Scola, president of appellant, testified that because of limited space in the existing licensed premises for display of package goods, appellant sought permission from respondent to enlarge the premises by constructing an addition thereto; that at the present time, a quantity of the bottles of liquor is stored on the second floor, whereas beer and soda are stored in the basement. Scola further stated that the outside side door near the front of the proposed addition will be used only by employees and for the purpose

of making deliveries.

Councilman Philip Marcella testified that he voted to deny the transfer in question as it was his opinion "that this was an infringement on the package store license."

Councilman James Ryan testified that he voted to deny the transfer "because it was not to the best interest of the Borough, and by that we meant that it was -- one of the reasons, the prime consideration was on the plans and specifications that were submitted to us that it was, we thought, a circumvention of the idea that that is strictly another package store, and that's what they were applying for on the prints that were submitted to us on the specifications. It specified, denoted the words 'Package Store' on it."

An examination of the floor plan drawn to scale, and marked in evidence herein, discloses that the present barroom in the licensed premises measures 26 feet in width by 34 feet in length and, located approximately in the center thereof, is a rectangular-shaped bar 10 x 17 feet; that the new one-story addition proposed to be built adjacent to the left side of the building will be 24 x 34 feet; that the front part of the said addition, the dimensions of which will be 17 x 24 feet, will constitute the proposed area for the display and sale of package goods; that there will be a 13 foot opening between the barroom as it now exists and the addition wherein package goods will be displayed. The plan shows that at the front of the new addition there is an entrance facing the street and also a door at the side which, according to appellant, will be used only by its employees and for deliveries of merchandise and not under any circumstances to be used by patrons. In the front of the new addition will be glass windows and to the rear of said room shelving will be installed against the wall for the display of alcoholic beverages in original containers. Two feet from the said shelving at the rear of said section and parallel thereto is to be a 2 x 8 foot counter. In effect, the enlarged public barroom will be L-shaped.

It is the practice of the Director on appeal to disregard prior ex parte Division approval of plans and specifications concerning the lay-out of licensed premises. Nomat, Inc. v. Maple Shade, Bulletin 1734, Item 2. Hence, such prior approval will be and is disregarded herein.

It is readily understandable that one unfamiliar with our retail license pattern would naturally assume that a plenary retail consumption license is one permitting sale and service of alcoholic beverages only by the drink for on-premises consumption. This, of course, is not so. See R.S. 33:1-12(1) authorizing the holder of a plenary retail consumption license to sell alcoholic beverages in original containers for off-premises consumption as well. Moreover, a person viewing the premises here in question might be curious and surprised to see in a retail consumption licensed premises a portion of the premises being used for display and sale of package goods. However, so long as such sale and display for sale are within the public barroom, there is no statutory impediment.

Judge Freund, in Totowa v. Chicken Barn, Inc., 41 N.J. Super. 459, 464 (App.Div. 1956), stated:

"The clear intent of the rule was to implement R.S. 33:1-12.23 so as to insure that a restricted consumption licensee should not establish a second public barroom and there sell packaged liquor. The statute and rule do not prohibit enlargement of an existing public barroom. To hold otherwise would prevent a licensee from enlarging or renovating his premises. The Director determined, and we agree, that since no walls were to be erected to separate the bar from the package goods display, the proposed changes merely enlarge the area wherein package goods are displayed, and thus there was no violation of either the statute or regulations."

In Coral Lounge and Cocktail Bar, Inc. v. Hock, 5 N.J. Super. 163, 167 (App.Div. 1949), Judge Colie said:

"... The requisite standard or guide appears in the section [R.S. 33:1-12.23] under attack wherein a barroom is defined as 'a room containing a public bar, counter or similar piece of equipment.' ... it seems clear to us that a barroom means that portion included within the four walls of the room in which the bar is located."

A municipal issuing authority, confronted with an application for an extension-of-premises transfer should look most carefully into the physical and structural set-up and should deny the transfer if no bona fide free public access is provided between the already licensed premises and additional premises sought to be licensed, thus resulting in the creation of a situation wherein sale and display for sale of package goods will occur in a portion of the licensed premises other than the public barroom.

An examination of the proposed plans and specifications shows in the instant case that adequate and free public access is afforded. Thus, it is apparent that the proposed lay-out of appellant's premises does not violate the requirements of R.S. 33:1-12.23. This being the case, appellant is not prohibited under the circumstances herein from displaying and selling alcoholic beverages in original containers in the proposed new section for off-premises consumption.

The attorney for respondent argued to the effect that the outward appearance of the proposed premises might give the impression that appellant's license has the broad package privilege. This contention has been fully and adequately answered by the Director in Nomat, Inc. v. Maple Shade, *supra*, and a repetition thereof appears apropos to the matter under consideration. The Director remarked as follows:

"... from the date of adoption of such law in 1948, this Division has consistently construed the definitional section of such statute as being

exclusive, permitting no implementation, by way of interpretation, regulation, ordinance or special condition, that would superimpose an 'appearance' requirement upon the definition of a 'public barroom' contained therein."

The Director further stated in Nomat that the "statute may not be enlarged upon in the name of local discretion."

The objections expressed during the hearing appear insufficient to warrant denial of the application for transfer of appellant's license.

The burden of proof to establish that the action of respondent was erroneous rests with appellant. Rule 6 of State Regulation No. 15. After careful examination of the exhibits and the evidence presented, it is apparent that appellant has sustained the burden imposed upon it. Under the circumstances, I conclude that the action of respondent was unreasonable and constituted an abuse of discretion on its part.

It is therefore recommended that respondent's action be reversed and that the transfer of the license be granted if and when the addition to the licensed premises has been completed in accordance with the plans submitted therewith.

#### 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, I concur in the findings and conclusions of the Hearer and adopt his recommendations, with the additional comment that I have construed the phrase "free public access", as used by the Hearer, to mean an unobstructed openway constituting an enlargement of an existing room, rather than a mere, possibly narrow, connecting passageway between two rooms.

Accordingly, it is, on this 7th day of July 1967,

ORDERED that the action of the respondent be and the same is hereby reversed; and it is further

ORDERED that the respondent transfer appellant's license to include as part of its licensed premises the addition thereto when completed in accordance with the plans submitted with appellant's application.

JOSEPH P. LORDI,  
DIRECTOR.

2. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS - NO REMISSION FOR PLEA ENTERED AT HEARING.

In the Matter of Disciplinary )  
 Proceedings against )  
 )  
 Nicholas Callahan )  
 t/a Club Rendezvous )  
 829 Harrison Avenue )  
 Kearny, New Jersey, )

CONCLUSIONS  
 and  
 ORDER

Holder of Plenary Retail Consumption )  
 License C-19, issued by the Mayor )  
 and Council of the Town of Kearny. )

-----  
 Louis R. Cerefice, Esq., Attorney for Licensee  
 Edward F. Ambrose, Esq., Appearing for Division of  
 Alcoholic Beverage Control

BY THE DIRECTOR:

After partial hearing, licensee pleaded non vult to charges (1) and (2) alleging that on March 18, April 13, May 2, 12 and 17, 1967, he permitted acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Licensee has a previous disciplinary record, having received a "suspended sentence" from the municipal issuing authority on December 13, 1961 on a charge of sale to a minor.

The prior disciplinary record for dissimilar violation occurring more than five years ago disregarded, the license will be suspended for sixty days, without remission for the confessional plea entered after partial hearing. Re Samjac, Inc., Bulletin 1728, Item 2.

Accordingly, it is, on this 10th day of July 1967,

ORDERED that Plenary Retail Consumption License C-19, issued by the Mayor and Council of the Town of Kearny to Nicholas Callahan, t/a Club Rendezvous, for premises 829 Harrison Avenue, Kearny, be and the same is hereby suspended for sixty (60) days, commencing at 2 a.m. Monday, July 17, 1967, and terminating at 2 a.m. Friday, September 15, 1967.

JOSEPH P. LORDI,  
 DIRECTOR.

- 3. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
 Proceedings against )  
 )  
 Lonzie B. Jackson and Ruby )  
 P. Jackson )  
 t/a Jackson's Lounge )  
 150-152 Springfield Avenue )  
 Newark, N. J., )

CONCLUSIONS  
 and  
 ORDER

Holder of Plenary Retail Consumption )  
 License C-5 for the year 1966-67 and )  
 C-576 for the year 1967-68, issued by )  
 the Municipal Board of Alcoholic )  
 Beverage Control of the City of Newark. )

Rocco F. Senna, Esq., Attorney for Licensees  
Edward F. Ambrose, Esq., Appearing for Division of  
Alcoholic Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on November 4, 1966 they possessed alcoholic beverages in six bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensees have a previous record of suspension of license by the Director for twenty days effective November 17, 1959 for permitting a brawl on the licensed premises (Re Jackson, Bulletin 1314, Item 6) and by the municipal issuing authority for fifteen days effective (after affirmance on appeal) January 25, 1965 (Jackson v. Newark, Bulletin 1600, Item 2; Bulletin 1603, Item 1; Bulletin 1603, Item 2).

The prior record of suspension of license for dissimilar violation in 1959 occurring more than five years ago disregarded, but the record of suspension for dissimilar violation in 1965 within the past five years considered, the license will be suspended for thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days. Re Wolfie's Wagon Wheels, Bulletin 1641, Item 5.

Accordingly, it is, on this 10th day of July 1967,

ORDERED that Plenary Retail Consumption License C-576, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Lonzie B. & Ruby P. Jackson, t/a Jackson's Lounge, for premises 150-152 Springfield Avenue, Newark, be and the same is hereby suspended for twenty-five (25) days, commencing at 2 a.m. Monday, July 17, 1967, and terminating at 2 a.m. Friday, August 11, 1967.

JOSEPH P. LORDI,  
DIRECTOR.

4. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Morrow Castle, Inc. )  
3800 New York Avenue )  
Union City, N. J., )

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption License C-199, issued by the Board of Commissioners of the City of Union City. )

-----  
Licensee, by Enrique Mateo, President, Pro se  
Leon Chorkavy, Jr., Esq., Appearing for Division of  
Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on March 28, 1967 it possessed alcoholic beverages in five 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-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re Club 435, Inc., Bulletin 1728, Item 10.

Accordingly, it is, on this 6th day of July 1967,

ORDERED that Plenary Retail Consumption License C-199, issued by the Board of Commissioners of the City of Union City to Morro Castle, Inc., for premises 3800 New York Avenue, Union City, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Thursday, July 13, 1967, and terminating at 2 a.m. Wednesday, August 2, 1967.

JOSEPH P. LORDI,  
DIRECTOR.

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

In the Matter of Disciplinary Proceedings against )

Francis J. Orlando Corporation )  
t/a Francis J. Orlando Co., Inc. )  
500 Paul Street )  
Gloucester City, N.J., )

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption License C-1, issued by the Common Council of the City of Gloucester City. )  
----- )

Francis J. Orlando, Licensee, Pro se  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 28, 1967 it permitted gambling (wagering at cards) on the licensed premises, in violation of Rule 7 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for twenty days effective September 6, 1954, for sale to minors and sale in violation of State Regulation No. 38. In addition, Francis J. Orlando, secretary-treasurer of the licensee corporation, has a record of four suspensions of his license then held by him for the same premises for various dissimilar violations between the years 1940 and 1944. See Re Orlando, Bulletin 606, Item 8.

The prior record of suspensions of license for dissimilar violations occurring more than five years ago disregarded, 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 Molnar, Bulletin 1712, Item 9.

Accordingly, it is, on this 10th day of July 1967,

ORDERED that Plenary Retail Consumption License C-1, issued by the Common Council of the City of Gloucester City to Francis J. Orlando Co., Inc., t/a Francis J. Orlando Co., Inc., for premises 500 Paul Street, Gloucester City, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Tuesday, July 18, 1967, and terminating at 2 a.m. Friday, July 28, 1967.

JOSEPH P. LORDI,  
DIRECTOR.

6. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )  
 )  
Wine & Game Shop, Inc. )  
t/a Wine & Game Shop ) CONCLUSIONS  
6 Nassau Street ) and  
Princeton, New Jersey, ) ORDER

Holder of Plenary Retail Distribution License D-7, issued by the Mayor and Council of the Borough of Princeton. )

-----  
George Warren, Esq., Attorney for Licensee  
Edward F. Ambrose, Esq., Appearing for Division of  
Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on May 6, 1967 it sold six cans of beer to a minor, age 18, in violation of Rule 1 of State Regulation No.20.

Licensee has a previous record of suspension of license (then held by Robert A. Benham and Robert D. McCarthy, Benham being president of the licensee corporation) by the Director for twenty days effective April 5, 1955, for sale below minimum price. Re McCarthy & Benham, Bulletin 1059, Item 4. In addition, the licensee has a record of suspension of its license by the Director for five days effective July 8, 1957, for sale to a minor. Re Wine & Game Shop, Inc., Bulletin 1180, Item 10; Bulletin 1183, Item 7.

The prior record of suspension of license in 1955 for dissimilar violation disregarded because occurring more than five years ago, but considering the record of suspension of license for similar violation in 1957, more than five but less than ten years ago, 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 Straus, Bulletin 1452, Item 3.

Accordingly, it is, on this 10th day of July 1967,

ORDERED that Plenary Retail Distribution License D-7, issued by the Mayor and Council of the Borough of Princeton to Wine and Game Shop, Inc., t/a Wine & Game Shop, for premises 6 Nassau Street, Princeton, be and the same is hereby suspended for fifteen (15) days, commencing at 9 a.m. Monday, July 17, 1967, and terminating at 9 a.m. Tuesday, August 1, 1967.

JOSEPH P. LORDI,  
DIRECTOR.

7. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - PRIOR SIMILAR AND DISSIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against Foster's Tavern, Inc. t/a Foster's Tavern, Inc. 312 Passaic Street Passaic, N. J.,

CONCLUSIONS and ORDER

Holder of Plenary Retail Consumption License C-146, issued by the Board of Commissioners of the City of Passaic.

H. Dick Cohen, Esq., Attorney for Licensee Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Friday night, May 12, and early Saturday morning, May 13, 1967, it allowed, permitted and suffered the sale and consumption of alcoholic beverages to a minor, age 19, in violation of Rule 1 of State Regulation No. 20.

The licensee has a prior record of suspension by the municipal issuing authority for (1) five days effective September 21, 1952 for sale to minors; (2) by the Director for twenty days effective March 19, 1953 for sale to minors (Re Foster's Tavern, Inc., Bulletin 961, Item 8); (3) by the Director for fifteen days effective June 16, 1958 for sale during prohibited hours (Re Foster's Tavern, Inc., Bulletin 1235, Item 6); (4) by the local issuing authority for fifteen days effective November 2, 1959 for sale during prohibited hours and failure to close during prohibited hours, and (5) by the municipal issuing authority for forty-five days effective July 18, 1961 for sale to minors.

I have considered an affidavit of Floyd Foster (a principal stockholder of the corporate licensee) in support of plea for mitigation of penalty and find that there is no warrant for the imposition of less than the usual penalty in these circumstances. The prior record (excluding the first four suspensions) which reflects a similar violation occurring more than five but less than ten years ago, before the instant violation, 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 (Re Straus, Bulletin 1452, Item 3).

Accordingly, it is, on this 10th day of July 1967,

ORDERED that Plenary Retail Consumption License C-146, issued by the Board of Commissioners of the City of Passaic to Foster's Tavern, Inc., t/a Foster's Tavern, Inc., for premises 312 Passaic Street, Passaic, be and the same is hereby suspended for fifteen (15) days, commencing\* at 3 a.m. Monday, July 17, 1967, and terminating at 3 a.m. Tuesday, August 1, 1967.

JOSEPH P. LORDI,  
DIRECTOR.

\*By order dated July 13, 1967, the suspension was deferred to commence at 3 a.m. Monday, August 14, 1967, and to terminate at 3 a.m. Tuesday, August 29, 1967.

- 8. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
Absecon Lanes, Inc.  
t/a Absecon Lanes, Inc.  
7th Ave. & White Horse Pike  
Galloway Township  
PO Absecon Highlands, N. J.,  
Holder of Plenary Retail Consumption License C-23, issued by the Township Committee of the Township of Galloway.  
-----

CONCLUSIONS  
and  
ORDER

Silvio Valore, Secretary-Treasurer, Pro se  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 15, 1967 it sold a mixed drink to a minor, age twenty, in violation of Rule 1 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days effective June 5, 1966 for sale to minors.

The license will be suspended for ten days (Re Holly Distributors, Inc., Bulletin 1720, Item 7), to which will be added ten days by reason of the record of suspension of license for similar violation in the past five years (Re Blue Diamond Corp., Bulletin 1727, Item 4), or a total of twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days.

Accordingly, it is, on this 10th day of July 1967,

ORDERED that Plenary Retail Consumption License C-23, issued by the Township Committee of the Township of Galloway to Absecon Lanes, Inc., t/a Absecon Lanes, Inc., for premises 7th Ave. & White Horse Pike, Galloway Township, be and the same is hereby suspended for fifteen (15) days, commencing at 7 a.m. Monday, July 17, 1967, and terminating at 7 a.m. Tuesday, August 1, 1967.

JOSEPH P. LORDI,  
DIRECTOR.

9. DISQUALIFICATION REMOVAL PROCEEDINGS - CONSPIRING TO CHEAT AND DEFRAUD EMPLOYER - ORDER REMOVING DISQUALIFICATION.

In the Matter of an Application )  
to Remove Disqualification be- )  
cause of a Conviction, Pursuant ) CONCLUSIONS  
to R.S. 33:1-31.2. ) and  
) ORDER  
Case No. 2126 )  
----- )

Ruth Epstein Honig, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

Petitioner's criminal record discloses that on December 3, 1954, as a result of a plea of non vult in the Bergen County Court to a charge of conspiring to cheat and defraud his employer of goods valued at \$7,500, he was fined \$1,000 and sentenced to serve one to two years in New Jersey State Prison; he was paroled on September 4, 1955.

Since the crime of which petitioner was convicted involves the element of moral turpitude (Re Case No. 1720, Bulletin 1484, Item 3), he was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this State. R.S. 33:1-25, 26.

At the hearing held herein, petitioner (43 years old) testified that he is married and living with his wife; that for the past eleven years he has lived in two neighboring municipalities; that he has been self-employed in the trucking industry between July, 1963, and July, 1965; that, for the past two years, he has been employed as a truck driver by a transportation licensee; that in a Division questionnaire submitted to him on March 28, 1967 by his employer, he admitted his aforesaid conviction; and that, until recently, when notified by the Division, he had no knowledge that he was ineligible for employment by a transportation licensee.

Petitioner further testified that he is asking for the removal of his disqualification to be free to continue his present employment, and that, ever since his parole in 1955, he has not been convicted of any crime or arrested.

The Police Department of the municipality wherein the petitioner resides reports that there are no complaints or investigations presently pending against the petitioner.

Petitioner produced three character witnesses (a retired mechanic, a businessman and a housewife), who testified that they have known the petitioner for more than

five years last past, and that, in their opinion, he is now an honest, law-abiding person with a good reputation.

The only hesitation I have to grant the relief sought herein is based on the fact that the petitioner, although disqualified, worked for a licensee in this State. I am, however, favorably influenced by three factors -- (a) that petitioner's criminal record shows that he has not been convicted of any crime since his parole on September 4, 1955, (b) the testimony of his character witnesses, and (c) his sworn testimony that he was unaware of his ineligibility to be employed by a transportation licensee in this State. Knowledge of the law, moreover, is not a prerequisite to removal of disqualification in these proceedings. Re Case No. 1738, Bulletin 1510, Item 7.

Considering all of the aforesaid facts and circumstances, I am satisfied that the petitioner has conducted himself in a law-abiding manner for five years last past, and that his association with the alcoholic beverage industry in this State will not be contrary to the public interest.

Accordingly, it is, on this 11th day of July, 1967,

ORDERED that petitioner's statutory disqualification, because of the conviction described herein, be and the same is hereby removed, in accordance with the provisions of R.S. 33:1-31.2.

JOSEPH P. LORDI,  
DIRECTOR.

10. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN FILED PRICE - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
Ridgewood Wine & Liquor Co.  
45-47 Franklin Avenue  
Ridgewood (Village), New Jersey,  
Holder of Plenary Retail Distribution License D-8, issued by the Board of Commissioners of the Village of Ridgewood.

CONCLUSIONS  
and  
ORDER

-----  
Licensee, by Edwin R. Creswick, Treasurer, Pro se  
Edward F. Ambrose, Esq., Appearing for Division of  
Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on May 4, 1967 it sold two 4/5 quart bottles of whiskey at less than filed price, in violation of Rule 5 of State Regulation No. 30.

Licensee has a previous record of suspension of license by the Director for five days effective July 9, 1956 for similar violation. Re Ridgewood Wine & Liquor Co., Bulletin 1126, Item 5.

The prior record of suspension of license for similar violation more than ten years ago disregarded, 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 Jakenwes, Inc., Bulletin 1728, Item 6.

Accordingly, it is, on this 11th day of July 1967,

ORDERED that Plenary Retail Distribution License D-8, issued by the Board of Commissioners of the Village of Ridgewood to Ridgewood Wine & Liquor Co., for premises 45-47 Franklin Avenue, Ridgewood, be and the same is hereby suspended for five (5) days, commencing at 9 a.m. Monday, July 17, 1967, and terminating at 9 a.m. Saturday, July 22, 1967.

JOSEPH P. LORDI,  
DIRECTOR.

11. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
Floyd's Bar, Inc.  
t/a Floyd's Bar  
South side of Highway 36, about  
1000 feet west of Poole Avenue  
Raritan Township  
PO Hazlet, N. J.

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption License C-8 issued by the Township Committee of the Township of Raritan, County of Monmouth

-----  
Edward J. Donohue, Jr., Esq., Attorney for Licensee  
Leon Chorkavy, Jr., Esq., Appearing for Division of  
Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 20, 1967, it possessed alcoholic beverages in eleven 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 forty days, with remission of five days for the plea entered, leaving a net suspension of thirty-five days. Re Ciccone, Bulletin 1692, Item 8.

Accordingly, it is, on this 26th day of July, 1967,

ORDERED that Plenary Retail Consumption License C-8, issued by the Township Committee of the Township of Raritan, County of Monmouth, to Floyd's Bar, Inc., t/a Floyd's Bar, for premises south side of Highway 36 about 1000 feet west of Poole Avenue, Raritan Township, be and the same is hereby suspended for thirty-five (35) days, commencing at 2:00 a.m. Wednesday,

August 2, 1967, and terminating at 2:00 a.m.  
Wednesday, September 6, 1967.

JOSEPH P. LORDI,  
DIRECTOR.

12. DISCIPLINARY PROCEEDINGS - ORDER TERMINATING  
SUSPENSION FOR BALANCE OF TERM UPON CORRECTION  
OF UNLAWFUL SITUATION.

In the Matter of Disciplinary Proceedings against )

Scott's Tavern, Inc. )  
t/a Scott's Tavern )  
137-139 South Stockton St. )  
Trenton, N. J. )

O R D E R

Holder of Plenary Retail Consumption License C-260 for the 1966-67 licensing period and Plenary Retail Consumption License C-267 for the 1967-68 licensing period, issued by the City Council of the City of Trenton. )  
----- )

Leon M. Robinson, Esq., Attorney for Licensee.  
David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

On April 13, 1967, Conclusions and Order were entered herein suspending the license for the balance of its term, with leave to the licensee or any bona fide transferee of the license to file verified petition establishing correction of the unlawful situation for lifting of the suspension on or after July 19, 1967, after the license had been suspended for ninety days. Re Scott's Tavern, Inc., Bulletin 1733, Item 2.

It appearing from verified petition submitted by the licensee that the unlawful situation has been corrected, I shall grant the petition requesting termination of the suspension, effective immediately.

Accordingly, it is, on this 26th day of July, 1967,

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

JOSEPH P. LORDI,  
Director.

13. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF  
STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD -  
AGGRAVATING CIRCUMSTANCE - LICENSE SUSPENDED FOR  
65 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

Peter Scangarello )  
t/a Oak Inn )  
301 Oak Street )  
Passaic, N. J. )

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption )  
License C-106, issued by the Board )  
of Commissioners of the City of Passaic.)

-----  
Licensee, Pro se.  
Edward F. Ambrose, Esq., Appearing for Division of  
Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, June 25, 1967, he sold a pint bottle of gin for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Licensee has a previous record of suspension of license by the municipal issuing authority (1) for five days effective October 1, 1945, for permitting gambling on the licensed premises and (2) for ten days effective March 5, 1951, for sale during prohibited hours, and by the Director (3) for twenty days effective August 14, 1957, for sale to minors, (4) for twenty-five days effective November 28, 1958, for sale in violation of State Regulation No. 38 and municipal hours regulation, and (5) for twenty-five days effective July 12, 1965, for sale in violation of State Regulation No. 38 and false statement in license application. Re Scangarello, Bulletin 1188, Item 6; Bulletin 1255, Item 3; Bulletin 1631, Item 6.

The prior record of suspension of license for similar violation in 1958 more than five but less than ten years ago and in 1965 within the past five years considered, the usual suspension of license is thirty-five days. Re Palace Bar, Inc., Bulletin 1717, Item 9. However, the record of five prior violations is considered an aggravating circumstance and the license will be suspended for an additional thirty days, or a total of sixty-five days, with remission of five days for the plea entered, leaving a net suspension of sixty days.

The licensee is further cautioned that any further violation may well be cause for revocation of his license.

Accordingly, it is, on this 31st day of July, 1967,

ORDERED that Plenary Retail Consumption License C-106, issued by the Board of Commissioners of the City of Passaic to Peter Scangarello, t/a Oak Inn, for premises 301 Oak Street, Passaic, be and the same is hereby suspended for sixty (60) days, commencing at 3:00 a.m. Monday, August 7, 1967, and terminating at 3:00 a.m. Friday, October 6, 1967.

JOSEPH P. LORDI,  
DIRECTOR.

14. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - POSSESSION OF INDECENT MATTER - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

BIG RED'S, INC.  
t/a GOODY'S  
732 Bergen Boulevard  
Ridgefield, New Jersey

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Ridgefield.

-----  
Grabow, Verp & Rosenfelt, Esqs., by George S. Grabow, Esq.,  
Attorneys for Licensee  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on June 2, 1967 it (1) sold twelve cans of beer for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38, and (2) possessed obscene and indecent matter, viz., a printed placard and a collection of "Confucius sayings" on the licensed premises, in violation of Rule 17 of State Regulation No. 20.

Absent prior record, the license will be suspended on the first charge for fifteen days (Re Ambassador Tavern, Inc., Bulletin 1723, Item 9) and on the second charge for fifteen days (Re Toleno and Nagren, Bulletin 1512, Item 2), or a total of thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 1st day of August 1967,

ORDERED that Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Ridgefield to Big Red's, Inc., t/a Goody's, for premises 732 Bergen Boulevard, Ridgefield, be and the same is hereby suspended for twenty-five (25) days, commencing at 3 a.m. Monday, August 7, 1967, and terminating at 3 a.m. Friday, September 1, 1967.

JOSEPH P. LORDI  
DIRECTOR

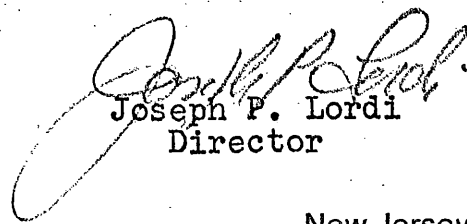
15. STATE LICENSES - NEW APPLICATIONS FILED.

Duggan's Distillers Prod. Corp.  
7-11 Paris St., Newark, N. J.

Application filed September 8, 1967 for place-to-place transfer of Plenary Wholesale License W-17 to include additional space.

The Black Prince Distillery, Inc.  
311 Kingsland Road, Nutley, N. J.

Application filed September 11, 1967 for Plenary Wholesale License.

  
Joseph P. Lordi  
Director