

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

BULLETIN 2020

January 4, 1972

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

BULLETIN 2020

January 4, 1972

1. APPELLATE DECISIONS - GLAD-ED TAVERN, INC. v. NEWARK.

Glad-Ed Tavern, Inc., t/a)	
Mary's Lounge,)	
Appellant,	)	On Appeal
v.	)	CONCLUSIONS
Municipal Board of Alcoholic	)	and
Beverage Control of the City	)	ORDER
of Newark,)	
Respondent.)	
-----))	
Martin Gelber, Esq., Attorney for Appellant)	
William H. Walls, Esq., by Althea A. Lester, Esq., Attorney for)	
Respondent)	

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Appellant, holder of Plenary Retail Consumption License C-567 for the 1970-71 licensing period for premises 492 Market Street, Newark, was found guilty by respondent (hereinafter Board) of violating Rules 4 and 5 of State Regulation No. 20, in that it permitted, allowed and suffered the sale of a narcotic in its licensed premises, on December 11, 1969, whereupon the Board revoked its license, effective April 7, 1971.

In its petition of appeal, appellant alleged that the Board's action was erroneous because it was against the weight of the evidence; and the penalty of revocation was too severe. These contentions were denied by the Board in its answer.

The Board's order of revocation was stayed by the Director by order dated April 16, 1971 pending determination of the appeal.

The matter was heard de novo pursuant to Rule 6 of State Regulation No. 15, with full opportunity for counsel to present testimony under oath and cross-examine witnesses. Both parties relied at this plenary de novo hearing upon the stenographic transcript of the proceedings held before the Board, which was admitted into evidence pursuant to Rule 8 of State Regulation No. 15. Additionally, appellant filed a written memorandum in which it urges that the penalty was unduly harsh.

In support of the charges, the record reflects the following: Detective Mitchel McGuire, who was assigned to the Narcotics Division of the local police department, entered the licensed premises on December 11, 1969 at approximately 1:00 p.m. while other local police officers were stationed at a designated location, approximately one-block distant.

A black female was tending bar. A black male, later identified as Billie Charles Jones was observed to be working behind the bar stacking boxes. Approximately fifteen minutes after the detective's entrance into the licensed premises, he observed two white males and two white females enter and ask the barmaid for Charlie. She replied that he was not there. Billie also informed them that Charlie was not there and requested that they enter his "parlor" and he would take care of them.

Billie started to walk towards the rear of the tavern, followed by the quartet. One of the white males handed Billie some paper currency of an unknown amount. The entire group walked through some tight bamboo curtains which, to some extent, separated the barroom from the bandstand and dining area. Billie climbed up on the bandstand and reached down underneath the carpet on the bandstand, and picked up a bundle of what appeared to be glassine envelopes. He pulled out a few and returned some to underneath the rug, proceeded to where the quartet were seated and handed the objects to the male who had given him the money.

Thereafter, the two white males and two white females emerged from the tavern. Detective McGuire rejoined his fellow police officers. In the meantime the quartet had left the area. McGuire reentered the tavern, followed by the other officers. He identified himself as a police officer and proceeded to the spot where he had observed Billie remove what he had believed to be narcotics and pulled out from under the rug a stack of glassine envelopes containing twenty-five decks of what was later determined to be heroin. The narcotics were confiscated and Billie and Wilbert Merrit (described by the detective as the manager of the licensed premises) were placed under arrest.

In defense of the charge, Mary Bennett, president of the corporate appellant, testified that she had personally operated the tavern business including tending bar. However, because of the illness of a daughter in a southern State, she stayed with this daughter for a period of seven months, commencing December 1969. Mrs. Bennett entrusted her son, Charles Albright, an officer of the corporate licensee, with the management of the business during her absence. She was unaware of the alleged narcotics violation until she saw some letters behind the cash register. Except for a five-day suspension meted out by the local board for a "minor" violation, licensee had no prior record of suspension.

She asserted that she did not hire Merrit to manage the premises and did not know of any connection that he might have had with the tavern during her absence. She is not at all acquainted with Billie Jones. She has not seen her son Charles Albright since the subject incident and does not know where he resides. Her son informed her that he had hired Merrit to work at the tavern; however, during the seven months that she was not in the tavern she did not know who was employed in the tavern. Her son had the full responsibility of managing the tavern.

Finally, the following was elicited:

"Q This son Charles Albright that you left this place with, is it a fact that -- were you aware at the time you left this place with him that he had been arrested for other narcotic activities?

A Yes. That is why I put him in the tavern, so that he would get away from that.

Q You knew at the time you entrusted him that he was, or that he had other arrests for narcotic activities?

A But he was --

Q (Interrupting) You let him have the management of the bar for the purpose of trying to get him away from that?

A Yes."

It is apparent that appellant did not controvert the testimony of Detective McGuire respecting the sale of a narcotic (heroin) in the licensed premises as charged. It is unfortunate that the chief officer of the corporate appellant exercised what proved to be extremely poor judgment in entrusting the management of the tavern to a person who she knew had a prior record of arrests for engaging in narcotic activities. I find that appellant has failed to meet the burden of establishing that the action of the respondent was erroneous and should be reversed. Rule 6 of State Regulation No. 15.

Appellant's attorney urges that the penalty of revocation was excessive under the circumstances. R.S. 33:1-31 authorizes the local issuing authority to either suspend or revoke the license upon finding the licensee guilty of violation of the Alcoholic Beverage Law or the rules and regulations of this Division. It has been generally held by this Division that a suspension or revocation imposed in disciplinary proceedings rests in the first instance within the sound discretion of the local issuing authority. The power of the Director to reduce or modify it will be sparingly exercised, and only with the greatest caution. Harrison Wine and Liquor Co., Inc. v. Harrison, Bulletin 1296, Item 2; Buckley v. Wallington, Bulletin 1772, Item 1. Penalties may vary in different municipalities and according to the circumstances surrounding each offense. The fact that a penalty may be considered relatively severe does not of itself justify reduction on appeal. The Ebony Corporation et al. v. Trenton, Bulletin 958, Item 1; DeLuccia v. Paterson, Bulletin 1781, Item 1. See also Lou's Liquors v. Plainfield, Bulletin 1692, Item 1; aff'd Lou's Liquors v. Plainfield and Div. of Alcoholic Beverage Control (App. Div. 1967), not officially reported, reprinted in Bulletin 1719, Item 1.

In fixing the penalty herein, I am persuaded that the Board was well aware of the serious, tragic and devastating effects of trafficking in narcotics and has emphasized that it will not tolerate such a base activity.

A liquor license is a mere privilege. Paul v. Gloucester County, 50 N.J.L. 585 (E. & A. 1888); Mazza v. Cavicchia, 15 N.J. 498 (1954). And, as Judge Jayne, speaking for the court In re 17 Club, Inc., 26 N.J. Super. 43, 52 (App. Div. 1953), said:

"The governmental power extensively to supervise the conduct of the liquor business and to confine the conduct of that business to reputable licensees who will manage it in a reputable manner has uniformly been accorded broad and liberal judicial support."

It is therefore recommended that an order be entered affirming the Board's action, dismissing the appeal and reimposing the revocation.

Conclusions and Order

No exceptions were taken to the Hearer's report within the time limited by Rule 14 of State Regulation No. 15.

Having carefully considered the entire record herein, including the transcript of the testimony, the exhibit and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt his recommendation..

Accordingly, it is, on this 12th day of November 1971,

ORDERED that the action of respondent Municipal Board of Alcoholic Beverage Control of the City of Newark be and the same is hereby affirmed, and the appeal herein be and the same is hereby dismissed; and it is further

ORDERED that the order dated April 16, 1971, staying the Board's order of revocation pending the determination of this appeal, be and the same is hereby vacated; and it is further

ORDERED that Plenary Retail Consumption License C-567, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Glad-Ed Tavern, Inc., t/a Mary's Lounge, for premises 492 Market Street, Newark, be and the same is hereby revoked, effective immediately.

Richard C. McDonough
Director

2. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS) - LICENSE
SUSPENDED FOR 60 DAYS.

In the Matter of Disciplinary Proceedings against)	
Marie R. Connolly)	
t/a Ye Olde Town Tavern	)	CONCLUSIONS
8 Main Street	)	and
West Orange, N. J.,	)	ORDER
Holder of Plenary Retail Consumption License C-42, issued by the Municipal Board of Alcoholic Beverage Control of the Town of West Orange.)	
-----)		
Judge, Sheeran, Mascia and Dowd, Esqs., by Charles M. Judge, Esq.		
Attorneys for Licensee		
Edward F. Ambrose, Esq., Appearing for Division		

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

The licensee pleaded not guilty to a charge alleging that on March 15, 17 and 18, 1971, she permitted numbers bets to be placed in the licensed premises, in violation of Rule 6 of State Regulation No. 20.

ABC agent D testified that on March 15, 1971, about noon, pursuant to specific assignment he visited the licensed premises, accompanied by agent S. Their arrival was immediately followed by three members of the State Police detective squad. The agents sat at the bar and the troopers sat at a table directly behind them. Present in the licensed premises was John Connolly, husband of the licensee who served in a managerial capacity. Christine Cowley was on duty as a barmaid.

The agents placed a numbers bets with John Connolly and paid him \$2 for the bets. They then spoke to the barmaid and advised her of the bets which were placed. Her comment was that she hoped that the bets come our right "this time". By "this time" agent D said was meant that once before at another place they bet on the correct numbers and did not designate the proper track to which the bets referred. The agent testified that the bets placed with Connolly were readily observable by the troopers seated behind them. The agents departed, followed by the troopers.

Agent D returned to the premises on March 17, 1971, St. Patrick's Day, accompanied by State Trooper Beh. Agent S remained outside the premises. They arrived at 11:30 a.m. when about fifteen patrons were present. This number increased to about thirty-five very shortly. Connolly was seated at the bar, Christine Cowley and Joe Millani were tending bar. The number of patrons was increasing rapidly, so after a short conversation, Connolly suggested to the agent that if they wanted to get "anything in", meaning the placing of a bet, they should do so promptly. He directed them to write the bet down but to indicate the numbers in the form of dollars and cents. Following this direction, they wrote 6.21 and 2.39 on a coaster, handed this and \$6.00 to Connolly. Upon informing the barmaid of the bet, she replied "Maybe you will be lucky. Maybe St. Pat will bring you some luck." They departed about 12:30 p.m.

Continuing his recital, agent D testified that about noon on the day following, March 18, 1971, he returned to the licensed premises accompanied by agent S and State Trooper Beh. Connolly was seated at the bar and they joined him. Again numbers were written on a coaster which, together with \$3.00, was given to Connolly. The barmaid asked him if he had won on the previous day to which he replied that, had he won, he wouldn't be there. They departed the premises at 1:45 p.m.

On March 24, 1971, agent D, together with two other agents and two State Troopers returned to the licensed premises where they identified themselves to the licensee and apprised her of the charges about to be made against the licensed premises. Neither the licensee nor the barmaid, Christine Cowley, made any comment either to the allegation or to the recounting of the previous conversations had with the barmaid.

Cross examination of the agent developed information that he and Connolly had met in another tavern where the barmaid, Christine, had also been present. At the licensed premises here, Connolly introduced himself to patrons as they entered, issued instructions as to their seating and on March 17, served as relief bartender. Agent D stated that while he had returned to the premises subsequent to March 18 and talked to Connolly, he placed no bets because Connolly indicated that the State Police were in town and he must be careful.

Agent S testified in substantial corroboration of the testimony of agent D. While he did not enter the premises on March 17, 1971, he accompanied agent D and the State Troopers on March 15 and March 18. He described the making of the bets with Connolly in a similar manner as did agent D and asserted that Connolly referred to the licensed premises as "his place". He watched Connolly seat patrons, and instructed a beer salesman what

quantity of beer to send and where it should be set. He affirmed agent D's conversation with the barmaid pertaining to her knowledge that the bets were being placed with Connolly. Mrs. Connolly was present during this conversation, but he thought that she acted only as a waitress as she was so engaged at that time.

Upon the unexpected absence of State Trooper Beh, counsel stipulated that Beh's testimony would be fully corroborative of that of the agents.

The licensee introduced the testimony of Clifford J. Sturm, a realtor with offices immediately adjacent to the licensed premises. He represented the licensee in her purchase of the business and building in which it is located. As his place of business is so close, he has his luncheon in the licensed premises four or five times weekly. While Connolly is there almost every day, Mrs. Connolly is both manager and director of the premises and her husband merely assists her when they are busy. While Connolly assisted in tending bar on St. Patrick's Day, he has never seen him tending bar at any other time. He neither saw any evidence of gambling nor recollected having seen either agent, although he was present in the premises on the dates herein charged. He admitted being Connolly's friend for twenty-five years and has a greater than patron interest in the establishment. He described Connolly as a boastful type who often referred to the tavern as "his".

Paul R. McChesney, Jr. testified that he visits the licensed premises as much as six times weekly for the past two years. He, too, was present on March 15, 17 and 18, 1971, confirmed that Mrs. Connolly is always there but her husband is only there "sometimes". When Mr. Connolly is there, he is merely a patron as Mrs. Connolly is in full charge. He never saw gambling of any kind on the premises.

A friend of the licensee, William C. Kirbas, testified that while he visits the premises on the average of three days a week, it is always in the evenings. He substantiated that Mrs. Connolly is always present and in charge of the operation. He admitted he would not have knowledge of gambling if it was done on the premises during the day.

The night bartender, Eugene J. D'Aloia, testified that Mrs. Connolly is both manager and actual operator of the licensed premises, and from whom he takes orders. He knows no gambling is allowed there and were he to see gambling take place he would put a stop to it. Connolly comes in only as a patron.

The barmaid with whom the agents had conversations, Christine Cowley, testified that she has been a barmaid for twelve years in several places and once owner her own tavern. She joined the staff of the licensee in February 1971, and works from 11:00 a.m. to 5:00 p.m. She visits another tavern for breakfast and while there had conversations with the agents, which conversations, while general in nature, once touched upon one of the agents "hitting" at the wrong track. In her work she is extremely busy; Mrs. Connolly is in full charge; and she did not "notice" that Connolly took an active part in the business.

She denied all testimony of the agents relating to conversations with her, and she never heard of gambling activity in the licensed premises.

On cross examination she admitted meeting the agents in the other tavern, and that at that time, Connolly and the agents were in conversation concerning betting; but the conversation was general in nature. She recollected nothing of any conversations with the agents at the licensed premises save for those on March 24, 1971 when the agents identified themselves, obtained her name and age. She admitted Connolly did tend bar on St. Patrick's Day because the place was a "madhouse".

The licensee, Marie R. Connolly, testified that she owns the licensed premises which she purchased in December 1969, shortly after her marriage in May of that year. She obtained the licensed premises and the building containing it, in her own name, and her husband, John Connolly, gave her part of the purchase price. While she does not employ him, he does assist in an advisory capacity. Save for St. Patrick's Day, when the premises were so crowded that she described it as "wall to wall people", Connolly never tended bar. She spends twelve hours a day, six days a week as well as six to eight hours on Sunday in the licensed premises; her husband stops in each day, usually at lunch time. Gambling is not permitted on her premises and she had no knowledge of numbers bets having been placed there. Her husband has a very old friend who owned another tavern frequented by her husband daily; it was at that tavern where he was arrested for making bets.

She has known her husband for six years during which time he never discussed numbers bets with her. Her impression was that only people who needed money indulged in taking bets and, as her husband is financially secure, she cannot believe that he was so engaged. Besides herself, six other people work in her premises, the business of which has increased sevenfold since her acquisition.

We are dealing here with a purely disciplinary measure and its alleged infraction. Such proceedings are civil in nature, and not criminal. Kravis v. Hock, 137 N.J.L. 252 (Sup. Ct. 1948). Thus the Division is required to establish its case by a fair preponderance of the credible evidence only. Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373 (1956). The finding must be based upon a reasonable certainty as to the probabilities arising from a fair consideration of the evidence. 32A C.J.S. Evidence, sec. 1042.

The defense is based on two premises: firstly, the denial of conversations by the barmaid, as alleged to have been by the agents relating to their placing numbers bets on the licensed premises, is advanced in contention that the licensee did not permit gambling by way of the knowledge of her employee; secondly, that the licensee's husband was merely a patron and, as such, his actions could not bind the licensee unless knowledge of such acts could be imputed to her.

The testimony of the agents was detailed, clear and convincing. They are highly experienced in the field of gambling investigations. The barmaid admitted in participating in conversations surrounding betting but recollected that such conversations ensued in another establishment. Her recollection of this and most other matters upon which she testified was vague and indefinite. The agents, on the other hand, pinpointed the time and place when such conversations took place and the nature of its development. Testimony, to be believed, must not only proceed from the mouth of a credible witness but must be credible in itself. It must be such as common experience and observation of mankind can approve as probable in the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Freud v. Davis, 64 N.J. Super. 242 (App. Div. 1960). The testimony of the agents carried the greater preponderance of credibility.

The second premise raised by the licensee is more acute. The licensee described the connection of her husband with the business as an adviser. The barmaid and night bartender confirmed that the licensee herself is in control and directs their activities. Three other witnesses for the licensee characterized Connolly as a mere patron, with Mrs. Connolly as the sole owner. To the agents, however, Connolly was more than a patron; he referred to the establishment as "his"; he escorted patrons to tables; he ordered beer from a beer salesman; he bought a

humidifier for the premises; and on one occasion at least, he tended bar. In addition to all of this, he acted as his wife's business adviser. Except for the past two years, Mrs. Connolly had been an executive secretary in municipal service. Her husband, however, had at one time been a tavern keeper and had experience in that business; it would be natural for her to rely upon his expertise.

"Webster defines the word 'employ': 'To use; to have in service; to cause to be engaged in doing something; to make use of as an instrument, a means, a material, etc. for a specific purpose'. The commissioner [now Director], since the adoption of this regulation in November 1940, has consistently construed the word 'employed' as used in said regulation to embrace 'all persons whose services are utilized in furtherance of the licensed business notwithstanding the absence of a technical employer-employee relationship'. Such a construction seems to be a logical one. Our courts have held that administrative interpretations of long standing given a statute by the official charged with its enforcement will not be lightly disturbed by the courts." Kravis v. Hock, supra. at p. 255.

The husband must therefore be considered to be in his wife's employ as above defined.

Connolly was not called upon to testify on behalf of the licensee. Such failure to testify leads to an inescapable conclusion that such testimony would be damaging to the defense. "Such failure of a party to testify may invite the indulgence against it of every inference warranted by the evidence presented by its adversary." 31A C.J.S. 156 (4) Evidence, p.422; Hackensack Motel Corporation v. Little Ferry, Bulletin 1648, Item 1.

My examination and evaluation of the entire record herein leads to the inevitable conclusion that the charges herein have been established by a clear preponderance of the credible evidence, and recommend that the licensee be found guilty as charged.

Absent of any prior record of suspension, it is, further, recommended that the license be suspended for ninety days. Re Jean Arnone, Bulletin 1971, Item 3.

Conclusions and Order

No exceptions to the Hearer's report were filed pursuant to Rule 6 of State Regulation No. 16.

Having carefully considered the entire record herein, including the transcript of the proceedings, the exhibits and the Hearer's report, I concur in the findings of the Hearer.

However, the Hearer has recommended that the penalty to be imposed be ninety days, basing such recommendation on Re Arnone, Bulletin 1971, Item 3. In Arnone, a new schedule of minimum penalty in matters involving similar violations was intended to be prospective. In the matter sub judice, the offenses took place on March 15, 17 and 18, of 1971, shortly prior to the effective date of the present policy. Hence, I shall modify the recommended penalty of ninety days to suspension of license for sixty days.

Accordingly, it is, on this 3rd day of November 1971,

ORDERED that Plenary Retail Consumption License C-42, issued by the Municipal Board of Alcoholic Beverage Control of the Town of West Orange to Marie R. Connolly, t/a Ye Olde Town Tavern, for premises 8 Main Street, West Orange, be and the same is hereby suspended for sixty (60) days, commencing at 2:00 a.m. Thursday, November 18, 1971, and terminating at 2:00 a.m. Monday, January 17, 1972.

Richard C. McDonough
Director

3. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against)	
)	
374 Midland Tavern, Inc.	)	CONCLUSIONS
t/a Persian Lamb	)	and
374 North Midland Avenue	)	ORDER
Saddle Brook Township, PO)	
Rochelle Park, N.J.)	
Holder of Plenary Retail Consumption License C-4, issued by the Township Committee of Saddle Brook Township.)	
-----)		
Licensee, Pro se		
Walter H. Cleaver, Esq., Appearing for Division		

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on September 5, 1971, it sold alcoholic beverages to three minors, ages 18, 19 and 19, in violation of Rule 1 of State Regulation No. 20.

Absent prior record the license would normally be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Blue Diamond Corp., Bulletin 1614, Item 10. 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 \$930 in lieu of suspension.

Accordingly, it is, on this 10th day of November 1971,

ORDERED that the payment of a \$930 fine by the licensee is hereby accepted in lieu of a suspension of license for fifteen days.

Richard C. McDonough
Director

4. CANCELLATION PROCEEDINGS - ORDER TO SHOW CAUSE DISCHARGED ON CORRECTION OF UNLAWFUL SITUATION.

In the Matter of Cancellation)
 Proceedings against)
 James McCool)
 38 W. Demarest Avenue)
 Englewood, N. J.,)
 Holder of Limited Retail Distribution)
 License DL-3, issued by the Common)
 Council of the City of Englewood, and)
 transferred during the pendency of this)
 proceeding to)
 Wilma M. Zimmerman,)
 t/a Kelly's Delicatessen,)
 14 West Hamilton Avenue)
 Englewood, N. J.)

CONCLUSIONS
 and
 ORDER

 Lucianna and Sandow, Esqs., by Frank P. Lucianna, Esq.,
 Attorneys for Licensee
 Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee does not contest an order to show cause why his current limited retail distribution license should not be cancelled in that it was improvidently issued to him for premises not operated by him as a bona fide grocery store or other type of food store at which the sale of groceries or other foodstuffs is the primary business, in violation of R.S. 33:1-12(3b).

During the pendency of this proceeding, on October 19, 1971 the subject license, formerly held by James McCool for premises 38 W. Demarest Avenue, was transferred to Wilma M. Zimmerman, t/a Kelly's Delicatessen, for premises 14 West Hamilton Avenue, Englewood. Investigation by this Division reveals that the transferee is a bona fide delicatessen and luncheonette and complies with the requirements set forth in R.S. 33:1-12(3b). Hence the unlawful situation no longer exists, and the order to show cause will be discharged. Cf. Re Massa, Bulletin 1852, Item 5.

Accordingly, it is, on this 12th day of November 1971,

ORDERED that the order to show cause herein be and the same is hereby discharged.

Richard C. McDonough,
 Director.

5. 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)

Mar-May, Inc.)
t/a The Hickory Wine Cellar)
Store No. 8 & 9-B, Shunpike Road)
Chatham Township, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Distribution)
License D-2, issued by the Township)
Committee of the Township of Chatham.)

Rossmore and Morris, Esqs., by William Rossmore, Esq.,
Attorneys for Licensee
Edward F. Ambrose, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on September 9, 1971 it sold alcoholic beverages 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 fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten 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 \$1,150 in lieu of suspension.

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

ORDERED that the payment of a \$1,150 fine by the licensee is hereby accepted in lieu of a suspension of license for ten (10) days.

Richard C. McDonough,
Director.

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

In the Matter of Disciplinary Proceedings against)

Property Marketing Corp. and Aladco, Inc.)
t/a The Homestead Enterprises &)
t/a The Homestead)
1201 Allaire Road)
Spring Lake Heights, N.J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-3, issued by the Borough Council of the Borough of Spring Lake Heights.)

-----)
Greenbaum, Greenbaum, Rowe & Smith, Esqs., by Paul A. Rowe, Esq.,
Attorneys for Licensee
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 17, 1971, it possessed five bottles of alcoholic beverages 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-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re Jernee Mill Inn, Inc., Bulletin 1893, Item 12.

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

ORDERED that Plenary Retail Consumption License C-3, issued by the Borough Council of the Borough of Spring Lake Heights to Property Marketing Corp. and Aladco, Inc., t/a The Homestead Enterprises & t/a The Homestead, for premises 1201 Allaire Road, Spring Lake Heights, be and the same is hereby suspended for twenty (20) days, *commencing 2:00 a.m. on Thursday, December 2, 1971, and terminating 2:00 a.m. on Wednesday, December 22, 1971.

Richard C. McDonough
Director

*By amended order dated November 23, 1971 the effective dates of suspension were deferred to commence at 2 a.m. Wednesday, January 5, 1972 and to terminate at 2 a.m. Tuesday, January 25, 1972.

7. DISCIPLINARY PROCEEDINGS - LEWDNESS AND INDECENT ACTIVITY (INDECENT ENTERTAINMENT) - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 50 DAYS, LESS 10 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Tremley Point Center, Inc. t/a Tremley Point Center 3001-3003-3005 Tremley Point Road Linden, N. J.,)

CONCLUSIONS and ORDER

Holder of Plenary Retail Consumption License C-57, issued by the Municipal Board of Alcoholic Beverage Control of the City of Linden.)

Licensee, by Ralph Notarmaso, President, Pro se Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on June 24, 1971 it permitted lewdness on the licensed premises (indecent entertainment), in violation of Rule 5 of State Regulation No. 20.

Reports of investigation disclose that on the date alleged a female go-go dancer, in an abbreviated costume, engaged in bodily motions simulating sexual intercourse, permitting patrons to touch her body and performed on a platform and on the bar in close proximity to patrons seated there.

Licensee has a prior record of suspension for ten days by the Director, effective June 3, 1969, for possessing alcoholic beverages in bottles the labels of which did not truly describe their contents, in violation of Rule 1 of State Regulation No. 38. Re Tremley Point Center, Inc., Bulletin 1866, Item 8.

The license will be suspended for forty-five days (Re George F. Nevius, Inc., Bulletin 1868, Item 5), to which will be added five days by reason of the record of suspension for dissimilar violation within the past five years (Re Lafayette Bar, Inc., Bulletin 1889, Item 3), making a total of fifty days, with remission of ten days for the plea entered, leaving a net suspension of forty days.

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

ORDERED that Plenary Retail Consumption License C-57, issued by the Municipal Board of Alcoholic Beverage Control of the City of Linden to Tremley Point Center, Inc., t/a Tremley Point Center, for premises 3001-3003-3005 Tremley Point Road, Linden, be and the same is hereby suspended for forty (40) days, commencing at 6 a.m. Friday, December 3, 1971, and terminating at 6 a.m. Wednesday, January 12, 1972.

Richard C. McDonough Director

8. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Joseph J. Nieciecki & Eugene A. Grodzki)
300 Paterson Plank Road)
Union City, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-172, issued by the Board of Commissioners of the City of Union City.)

Victor F. De Vito, Esq., Attorney for Licensees
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on February 26, 1971 they sold alcoholic beverages to a minor, age 20, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Buckwald, Bulletin 1982, Item 8.

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

ORDERED that Plenary Retail Consumption License C-172, issued by the Board of Commissioners of the City of Union City to Joseph J. Nieciecki & Eugene A. Grodzki, for premises 300 Paterson Plank Road, Union City, be and the same is hereby suspended for five (5) days, commencing at 3 a.m. Monday, November 29, 1971, and terminating at 3 a.m. Saturday, December 4, 1971.

Richard C. McDonough,
Director.

9. DISCIPLINARY PROCEEDINGS - SALE TO NON-MEMBERS - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Cranbury Vikings & Sportsmen's Club, Inc.)
t/a Cranbury Golf Club)
Southfield Road, Dutch Neck)
West Windsor Township)
PO RD 1, Cranbury, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Club License CB-2, issued by the Township Committee of West Windsor Township.)

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Licensee, Pro se
Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 9, 1971, it sold alcoholic beverages to non-members, in violation of Rule 8 of State Regulation No. 7.

Licensee has a prior record of suspension for ten days for similar offense effective December 2, 1969. Re Cranbury Vikings & Sportsmen's Club, Inc., Bulletin 1893, Item 5.

Prior suspension for similar violation occurring 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 Progressive Democratic Club, Bulletin 1911, Item 7.

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

ORDERED that Club License CB-2, issued by the Township Committee of West Windsor Township to Cranbury Vikings & Sportsmen's Club, Inc., t/a Cranbury Golf Club, for premises Southfield Road, Dutch Neck, West Windsor Township, be and the same is hereby suspended for twenty-five (25) days, commencing 2:00 a.m. on Monday, December 6, 1971, and terminating 2:00 a.m. on Friday, December 31, 1971.

Richard C. McDonough
Director

10. DISCIPLINARY PROCEEDINGS - GAMBLING - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against)

Dunromin Corp.)
t/a The Dutch Room)
118 1/2-120 East Second Avenue)
Roselle, N.J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-7 issued by the Borough Council of the Borough of Roselle.)

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

BY THE DIRECTOR:

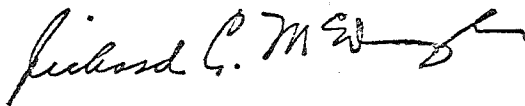
Licensee pleads non vult to a charge alleging that on August 26, 1971, it permitted gambling, viz., wagering on a game of "Liar's Poker", utilizing serial numbers on United States paper currency, for money stakes, on the licensed premises, in violation of Rule 7 of State Regulation No. 20.

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 Dowling, Bulletin 1945, Item 7. 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 \$530 in lieu of suspension.

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

ORDERED that the payment of a \$530 fine by the licensee is hereby accepted in lieu of a suspension of license for ten days.



Richard C. McDonough
Director