

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

BULLETIN 1744

August 15, 1967

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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

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August 15, 1967

1. DISCIPLINARY PROCEEDINGS - PROCUREMENT FOR
PROSTITUTION - HOSTESS ACTIVITY - FOUL LANGUAGE -
LICENSE REVOKED.

In the Matter of Disciplinary)
Proceedings against)

Vito Perlingiero and Angelina)
T. Perlingiero)
t/a The 500 Club)
500-502 Hudson Street and)
107 Mott Street)
Trenton, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption)
License C-232, issued by the City)
Council of the City of Trenton.)

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

BY THE DIRECTOR:

Licensees plead non vult to charges as follows:

- "1. On Sunday night, April 2, 1967, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., in that you, through persons employed on your licensed premises, made offers to male patrons and customers to engage in acts of illicit perverted sexual relations and/or in acts of illicit sexual intercourse with them, and in furtherance of those offers, made arrangements with a female and procured said female to engage in acts of illicit perverted sexual relations and/or acts of illicit sexual intercourse with patrons and customers; in violation of Rule 5 of State Regulation No. 20.
- "2. On March 17 and April 2, 1967, you allowed, permitted and suffered females employed on your licensed premises to accept beverages at the expense of or as a gift from customers and patrons; in violation of Rule 22 of State Regulation No. 20.
- "3. On April 2, 1967, you allowed, permitted and suffered foul, filthy and obscene language in and upon the licensed premises; in violation of Rule 5 of State Regulation No. 20."

Licensees have a previous record of suspension of license by the municipal issuing authority for ten days effective June 18, 1962 for sale to minors, and for ten days effective November 5, 1962 and again for twenty days effective January 24, 1966, both for permitting minors on the licensed premises, in violation of a local ordinance.

violation of State Regulation 20, Rule 5 of the Division of Alcoholic Beverage Control;

"4. That, on February 8, 1967, you employed one Robert Turner as a bartender in the licensed premises, the said Robert Turner having been convicted of possession of narcotics, in violation of State Regulation 13, Rule 1 of the Division of Alcoholic Beverage Control;

"5. That, during the months of May and June of 1966, you employed another person of ill repute as a bartender in the licensed premises, in violation of State Regulation 13, Rule 1 and in violation of State Regulation 20, Rule 4 of the Division of Alcoholic Beverage Control;

"6. That you have been convicted of a violation of a Borough Ordinance in permitting a dance to be held in the licensed premises, without obtaining a permit therefor, in violation of State Regulation 20, Rule 4 of the Division of Alcoholic Beverage Control."

In his petition of appeal, as amended at the hearing on appeal, appellant challenges the action of the Borough for the following reasons:

1. "The sentence imposed is so unjust as to be therefore arbitrary, capricious, and oppressive."
2. The Borough prejudged appellant's guilt without a hearing "since said complaint set forth the penalty imposed."
3. Appellant was denied the right to enter a plea of non vult and now seeks the right to withdraw the plea of guilty and have the matter heard on the appeal de novo.

The Borough in its answer, as amended at the hearing, denied the substantive allegations of the appeal and set forth the following separate defenses:

- (a) Its action was a proper exercise of discretion based on a voluntary plea of guilty.
- (b) The Borough properly rejected an offer to enter a plea of non vult and appellant elected to enter a plea of guilty.
- (c) Since such plea was entered voluntarily, the right to withdraw it at this stage is improper.
- (d) Revocation of the license was based upon the charges and the plea of guilty thereto.

Upon the filing of this appeal an order was entered on March 16, 1967, staying respondent's order of revocation until the further order of the Director.

The hearing on appeal was de novo pursuant to Rule 6 of State Regulation No. 15, with full opportunity for both appellant and the Borough to present witnesses in their behalf and cross-examine opposing witnesses.

I

I shall first consider the matters raised in the

petition which relate to certain jurisdictional questions. Appellant argues that he was denied the right to enter a plea of non vult but was required to enter either a plea of not guilty or guilty. The record reveals that appellant was duly served with the notice and copy of the charges hereinabove set forth, and appeared at the hearing before respondent on February 16. At that time the charges were read to him and fully explained to him by the attorney for the Borough. Appellant sought to enter a plea of non vult, and this request was considered by the members of the Borough Council in executive session. They returned to the hearing and informed appellant that the Borough would not accept a non vult plea but would insist upon a plea of guilty or not guilty, whereupon appellant entered a plea of guilty.

It is very difficult to see how appellant was prejudged by the entry of such plea. Since appellant was not represented by counsel, the Borough wanted to be certain, out of an abundance of caution, that appellant was not being misled or lulled into any false sense of security by reason of the entry of a non vult plea. Some people have the feeling that there is a certain mystique about a non vult plea which carries with it certain immunities. Presumably, "non vult" means the person pleads guilty and throws himself upon the mercy of the court. Nevertheless, a tribunal may act just as effectively after the entry of a plea of non vult as after a plea of guilty.

Appellant further charges that the Borough prejudged his guilt "since said complaint set forth the penalty imposed." My examination of the notice of charges fails to reveal any such statement. The Notice to Licensee of Charges and Hearing is the standard form, and merely stated that a hearing will be held pursuant to Revised Statutes of New Jersey 33:1-31, at which time appellant will be afforded an opportunity to be heard on the said charges and to show cause why "C License No. 44 ... should not be suspended or revoked" etc., and further informed appellant that he "must enter a plea of guilty or non vult or not guilty not later than February 11, 1967" Appellant's contention is inaccurate, not based upon anything contained in the notice served upon him, and must be rejected.

Appellant now seeks the right to withdraw his plea of guilty and enter a plea of not guilty "so that he may be afforded the opportunity to have a formal hearing on the charges alleged by the respondent." Appellant would be entitled to such action if he could establish that the entry of his plea of guilty was the result of mistaken or involuntary action on his part, or that he was fraudulently or improperly induced to enter that plea; that as a matter of fairness and simple justice he should be entitled to a full hearing on the charges preferred against him.

The record discloses the contrary. Appellant appeared at the hearing before the Borough after being duly served with the charges and was asked to enter a plea. When he sought to enter a plea of non vult, the Borough refused to accept the same and insisted that he enter either a plea of guilty or not guilty. He then entered a plea of guilty. At the hearing before me he testified that, before seeking to enter the plea of non vult, he discussed this matter with Captain Janiec of the municipal Police Department and Captain Janiec informed him that, if he pleaded non vult, he would probably get a thirty to ninety day suspension. He was then asked:

"Q After the governing body came back and they told you they were not going to accept your non vult plea, do you recall Mr. Gruen [attorney for the Borough] asking whether you enter a plea of guilty or not guilty?

A Yes.

Q And what was your response?

A I figured I might as well get it over with. Guilty."

Captain Edward F. Janiec's recollection of the conversation differed in an important respect, namely, at the hearing herein he testified that appellant did indeed ask him what the consequences would be to his pleading non vult and he informed appellant that penalties vary, "Some we had a tavern closed for two months, some for thirty days, some for fifteen, but I had told him I wasn't the judge of that." (emphasis supplied).

The testimony indicates that appellant entered the plea of guilty knowingly, voluntarily and without any illusions. The implication in his testimony is that he was lulled into seeking to enter a plea of non vult because of some alleged misrepresentation by Captain Janiec as to the extent of penalty which might be imposed by the Borough. The fact is that Captain Janiec was not a member of the Borough Council and never led appellant to believe that he had any authority to speak in its behalf. Furthermore, after the Borough considered his request to enter a non vult plea and informed him they refused to do so, appellant did not consult Captain Janiec or any other person as to what his position would be upon the entry of a guilty plea. By its action the Borough made it clear to appellant that it was determined to impose the penalty required under the circumstances. I am equally persuaded that appellant understood the full consequences of his plea.

In In re 17 Club, Inc., 26 N.J. Super. 43, which involved an appeal from this Division wherein the Director had refused the licensee permission to retract its plea of non vult after the imposition of a penalty of revocation of its license, it was said:

"The allowance by the Director of a formal hearing on the petition to reinaugurate the proceedings was essentially a discretionary matter. Cf. Clark v. State, 57 N.J.L. 489 (Sup.Ct. 1895), affirmed 58 N.J.L. 383 (E. & A. 1895); State v. Piracci, 14 N.J. Super. 319 (App.Div. 1951); State v. Pometti, 23 N.J. Super. 516 (App.Div. 1952). Our courts do not after the imposition of sentence interfere with the denial of a motion to withdraw a plea of nolo contendere unless it is necessary to do so to correct manifest injustice."

The same principle is applicable to such action by a municipal issuing authority. Schepis v. Paterson, Bulletin 1469, Item 2.

Appellant has admitted at least three or four times during his testimony on this plenary de novo appeal that he acted voluntarily in entering the said plea. At one point he was asked the following questions:

"The Hearer: Well, when they told you that, they were not going to accept a non-vult plea, did you then discuss this thing with anybody?"

"The Witness: No, sir.

"The Hearer: You didn't speak to the captain after that, did you, to ask him what would happen if you pleaded guilty?

"The Witness: No. I figured I would get it over with, you know.... I figured maybe I'd get thirty days.

"The Hearer: Did you think you would get thirty days even after they didn't want to accept your plea of non vult and insisted on a plea of guilty?

"The Witness: I figured they were out to hang me and so I pleaded guilty, let them hang me.

"The Hearer: So the question of thirty days no longer entered in your mind at that time, did it?

"The Witness: No, sir."

Additionally, it should be noted that no application by appellant to the Borough was made prior to the filing of this appeal to withdraw the said plea of guilty.

I conclude, therefore, that the action of the Borough in accepting the plea entered and imposing the revocation based thereon was in all respects reasonable and an exercise of its proper discretion after the voluntary action by appellant. The request to retract, after the imposition of the penalty, comes as an after-thought, cannot be sustained on the record and should, accordingly, be denied.

II

Appellant argues that the penalty of revocation "is so unjust as to be therefore arbitrary, capricious, and oppressive." In order to determine whether or not the penalty was reasonable and proper under the circumstances, testimony was entertained with respect to the specific charges at this hearing.

Captain Janiec presented a startling picture of the operation of these licensed premises. In support of the first charge (that appellant allowed and permitted on his premises a notorious criminal and other persons of ill repute), this witness visited the premises on February 8, 1967, and observed one Robert E. Turner working as a bartender. Turner executed a statement wherein he stated "I do help him out" as a bartender. Turner's criminal record (introduced into evidence) shows that he pleaded guilty to the unlawful possession of narcotics on January 7, 1963, and served an indeterminate term at Bordentown Reformatory.

It was also established that one Louis Ryan, a bartender employed by appellant, was also a person of ill repute.

The captain further identified Walter Stanley Kosinski, appellant's brother, as a person whom he had seen on two or three occasions during the past year in the said premises. The criminal record of Walter Stanley Kosinski was introduced in evidence and reflects a number of convictions of crimes involving moral turpitude, on the last of which he was sentenced on June 24, 1966 to a term in State Prison.

This witness also identified one Raymond Sadrianna as a patron who frequented the premises "quite often." The criminal record of Sadrianna indicates that he had been convicted of crimes involving moral turpitude.

Janiec then described the incident of February 8,

1967. On that occasion Turner and another patron were the victims of a gun-shooting incident, as a result of which they were taken to the local hospital. Appellant had appeared at police headquarters on February 8, 1967 and informed the police officials that he had been beaten by two acquaintances (Brooklyn hoods whom he knew only by their first names - Jerry and Vinny) at the tavern on Monday, February 6, 1967, because he refused to put up bail money for one of their mutual friends. Appellant also stated that he expected these two men to return. However, this information was given to the police almost three days after the said beating.

Janiec related another visit he made in November 1966, at which time, armed with a search warrant, he inspected the premises. The search warrant was obtained on information received that certain checks and other stolen property were hidden in these licensed premises. The search revealed a set of license plates which belonged to a car stolen in Lodi, as well as checks and money orders which belonged to the Sears Roebuck Company. In the course of the search a loaded revolver and three skiing masks were also uncovered. This officer stated that "It's unusual to find stolen plates, a gun and masks for any legal purpose" and that "They're primarily used in stickups today." The gun was identified by appellant, who admitted it was his property.

Finally, this witness stated that appellant was convicted in the local magistrate's court for conducting a dance on his premises without obtaining a permit, in violation of local ordinance.

On cross examination the witness was asked whether it was unusual for a tavern owner to own a loaded revolver, to which he replied, "This is the first one I came upon."

Joseph Susicke, a local police officer, gave further details with respect to the shooting which occurred on these premises on February 8. He denied that appellant had ever informed him or any other police officer in his presence that they anticipated trouble at the tavern.

Frank Kosinski, the appellant, admitted that Ryan was employed at his premises, but denied that he was aware of his criminal record. He specifically denied that Sadrianna ever patronized the premises. He also denied that Turner was ever employed by him, although he did help out on occasion. He admitted that Turner did work behind the bar at the time he went to police headquarters to complain about the beating he had received. With respect to Turner, he was asked the following:

"Q When Turner helped you out, what did you used to do, give him a free beer or a free shot of whiskey or something like that?

A No. I usually took him out. Like that night we went out for breakfast after.

Q So you didn't pay him money?

A No, I didn't pay him money."

So far as his brother is concerned, he said it was difficult to keep brothers out of his tavern.

With respect to the loaded revolver, the witness frankly admitted that he kept this revolver on the premises because there had been numerous burglaries in the area and, while admitting that he had no permit for the same, felt it

was a common practice among tavern owners to keep revolvers. He also frankly admitted that he was guilty of permitting a dance on his premises without a prior permit having been obtained therefor.

From the totality of the evidence presented at this hearing it is clear that the proof of these charges was supported by a fair preponderance of the credible evidence, indeed by substantial evidence. Butler Oak Tavern v. Div. of Alcoholic Beverage Control, 20 N.J. 373 (1956); In re Schneider, 12 N.J. Super. 449 (App.Div. 1951). Nor could the Borough have conceivably found otherwise if the testimony had been presented before it. Despite the protestations of appellant that he pleaded guilty because the Borough was going to "hang him anyway", the beginnings of wisdom would have dictated no other possible course on his behalf.

The Borough was faced with the resolution of two questions: (a) was appellant a worthy person to continue this operation? and (b) under the circumstances, would a suspension or revocation better serve the public interest?

A liquor license is a mere privilege. No person is entitled as a matter of law to a liquor license. Paul v. Gloucester County, 50 N.J.L. 585; Bumball v. Burnett, 115 N.J.L. 254. Just as in the consideration of applications for the grant or renewal of licenses, so the continuance of such licenses must be vested in persons who are worthy of that privilege. The liquor business is one that must be carefully supervised and should be conducted by reputable people in a reputable manner. The common interest of the general public should be the guide post in the issuance or operation of such licenses. Zicherman v. Driscoll, 133 N.J.L. 586. As the court said in In re 17 Club, Inc., supra:

"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."

In the exercise of that power, the Legislature invested the issuing authority (the Borough) with the power to suspend or revoke licenses, after hearing, for certain enumerated violations including violations of the law or of state or local regulations. R.S. 33:1-31.

Upon the plea of guilty, the Borough had the mandate to determine whether appellant's license should be suspended or revoked. It is clear that it took into consideration the continuous and flagrant employment of persons who had records of conviction of crime involving moral turpitude; the congregation on appellant's premises of persons of ill repute; the use of the premises for illegal activities such as the storing of stolen property; the admitted possession on these premises of a loaded revolver without lawful permit; appellant's association with criminals and gunmen; his failure to report a clear and open threat upon his life and property for three days after he knew or should have known that that threat would be carried out, as it was by the shooting which occurred at the said premises; and appellant's violation of other rules and regulations as enumerated in the charges. Thus the Borough, by its action, determined that the appellant was not worthy to continue operation as a liquor licensee, and that his continuance would adversely serve the best interests of the community.

The penalty to be imposed in disciplinary proceedings instituted by the Borough rests within its sound discretion in the first instance; and the power of the Director to reduce or modify it on appeal should be exercised sparingly and only where such penalty is manifestly unreasonable and clearly excessive. Harrison Wine and Liquor Company, Inc. v. Harrison, Bulletin 1296, Item 2; Rajah Liquors v. Div. of Alcoholic Beverage Control, 33 N.J. Super. 598 (App.Div. 1955); Stueber v. Washington, Bulletin 1107, Item 2; Skripko v. Raritan Township, Bulletin 1081, Item 1.

Under the facts and circumstances herein, I find that the Borough acted soundly in revoking said license. Such action was eminently dictated as the proper penalty, and there is no basis for reversal or even modification on this appeal.

Appellant has failed to sustain the burden of establishing that the Borough's action in revoking the said license was erroneous and should be reversed. I recommend, therefore, that an order be entered affirming the Borough's action and reimposing the order of revocation.

Conclusions and Order

No exceptions to the Hearer's report were filed pursuant to Rule 14 of State Regulation No. 15.

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

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

ORDERED that the action of respondent be and the same is hereby affirmed and the appeal herein be and the same is hereby dismissed; and it is further

ORDERED that Plenary Retail Consumption License C-44, issued by the Borough Council of the Borough of Wallington to Frank Kosinski, for premises 115 Main Avenue, Wallington, be and the same is hereby revoked, effective immediately.

JOSEPH P. LORDI,
Director

- 3. DISCIPLINARY PROCEEDINGS - GAMBLING (HORSE RACE BETS) - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 70 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Yusko's Tavern, Inc.)
t/a Yusko's Tavern)
66 Easton Avenue)
New Brunswick, N. J.)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-38 issued by the Board of Commissioners of the City of New Brunswick.)

Wilentz, Goldman & Spitzer, Esqs., by Robert W. Lewandowski, Esq., Attorneys 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 January 25, February 4 and 9, 1967, it permitted the acceptance of horse race bets 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 three days effective May 20, 1962, for sale during prohibited hours, and by the Director for fifteen days effective June 20, 1966, for sale to minors. Re Yusko's Tavern, Inc., Bulletin 1685, Item 8.

The license will be suspended for sixty days (Re Ludwiczak, Bulletin 1720, Item 6), to which will be added ten days by reason of the prior record of suspensions of license for dissimilar violations occurring within the past five years (Re Basralian, Bulletin 1712, Item 6), or a total of seventy days, with remission of five days for the plea entered, leaving a net suspension of sixty-five days.

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

ORDERED that Plenary Retail Consumption License C-38, issued by the Board of Commissioners of the City of New Brunswick to Yusko's Tavern, Inc., t/a Yusko's Tavern, for premises 66 Easton Avenue, New Brunswick, be and the same is hereby suspended for the balance of its term, viz., until midnight, June 30, 1967, commencing at 2:00 a.m. Wednesday, June 7, 1967; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2:00 a.m. Friday, August 11, 1967.

JOSEPH P. LORDI, Director.

4. DISCIPLINARY PROCEEDINGS - GAMBLING (HORSE RACE AND NUMBERS BETS, WAGERING) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Park Temple Bar (A Corporation))
t/a Santa Marie Tavern)
1163-1165 Raritan Avenue)
Highland Park, New Jersey)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-4 issued by the Borough Council of the Borough of Highland Park.)

James F. McGovern, Jr., 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

it permitted gambling on the licensed premises, viz., the acceptance of horse race bets on January 14, 21, 28, February 4 and 9, 1967, the playing of pool games for money stakes on January 14 and February 4, 1967, and the acceptance of numbers bets on January 21, 1967, in violation of Rule 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Cf. Re Farkas, Bulletin 1727, Item 5.

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

ORDERED that Plenary Retail Consumption License C-4, issued by the Borough Council of the Borough of Highland Park to Park Temple Bar (A Corporation), t/a Santa Marie Tavern, for premises 1163-1165 Raritan Avenue, Highland Park, be and the same is hereby suspended for the balance of its term, viz., until midnight, June 30, 1967, commencing at 1:30 a.m. Wednesday, June 7, 1967; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 1:30 a.m. Tuesday, August 1, 1967.

JOSEPH P. LORDI,
DIRECTOR.

5. DISCIPLINARY PROCEEDINGS - GAMBLING (HORSE RACE BETS) - LOTTERY (NUMBERS SLIPS AND 50-50 CLUB TICKETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against Katherine O'Donnell & Alice C. Bednar t/a O'Donnell's Bar & Grill 565 Roosevelt Avenue Carteret, N. J. Holders of Plenary Retail Consumption License C-15 issued by the Mayor and Council of the Borough of Carteret.

CONCLUSIONS and ORDER

Benedict W. Harrington, Esq., Attorney for Licensees. Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to charges alleging that they (1) on March 25 and April 1, 1967, permitted the acceptance of horse race bets on the licensed premises, in violation of Rule 7 of State Regulation No. 20, and (2) on April 1, 1967, possessed numbers slips and tickets in 50-50 club lotteries, in violation of Rule 6 of State Regulation No. 20.

Licensees have a previous record of suspension of license by the municipal issuing authority for three days effective September 14, 1959, for sale during prohibited hours.

The prior record of suspension of license for dissimilar violation occurring more than five years ago disregarded, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Farkas, Bulletin 1727, Item 5.

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

ORDERED that Plenary Retail Consumption License C-15, issued by the Mayor and Council of the Borough of Carteret to Katherine O'Donnell and Alice C. Bednar, t/a O'Donnell's Bar & Grill, for premises 565 Roosevelt Avenue, Carteret, be and the same is hereby suspended for the balance of its term, viz., until midnight, June 30, 1967, commencing at 2:00 a.m. Thursday, June 8, 1967; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2:00 a.m. Wednesday, August 2, 1967.

JOSEPH P. LORDI,
DIRECTOR.

6. 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 Causeway Inn, Inc. 15 Jackson Street South River, N. J. Holder of Plenary Retail Consumption License C-34, issued by the Borough Council of the Borough of South River.

CONCLUSIONS and ORDER

Benjamin Kleinberg, 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 1, 1967, it possessed alcoholic beverages in two bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for fifteen days effective February 17, 1965, for sale to a minor and permitting a brawl on the licensed premises, by the Director for twenty-five days effective April 26, 1965, for undisclosed interest in the license (Re Causeway Inn, Inc., Bulletin 1618, Item 5; Bulletin 1623, Item 7) and by the municipal issuing authority for thirty days effective April 9, 1966, for sale to a minor.

The license will be suspended for fifteen days (Re Sokocki, Bulletin 1732, Item 12), to which will be added fifteen days by reason of the record of three suspensions of license for dissimilar violations within the past five years (Re Bozzone, Bulletin 1732, 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 5th day of June, 1967,

ORDERED that Plenary Retail Consumption License C-34, issued by the Borough Council of the Borough of South River to Causeway Inn, Inc. for premises 15 Jackson Street, South River, be and the same is hereby suspended for the balance of its term, viz., until midnight, June 30, 1967, commencing at 2:00 a.m. Monday, June 12, 1967; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2:00 a.m. Friday, July 7, 1967.

JOSEPH P. LORDI,
DIRECTOR.

7. DISCIPLINARY PROCEEDINGS - SALE TO INTOXICATED PERSONS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against Lillian M. Humes t/a Broadway Grille 835 Broadway Camden, N. J. Holder of Plenary Retail Consumption License C-14, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.

CONCLUSIONS and ORDER

Anthony M. Lario, 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 March 17, 1967 she sold drinks of beer to two intoxicated patrons, in violation of Rule 1 of State Regulation No. 20.

Licensee (under her former name of Lillian M. Stackhouse) has a previous record of suspension of license by the municipal issuing authority for twenty-five days effective September 8, 1959, for sale to minors.

The prior record of suspension of license for dissimilar violation occurring more than five years ago disregarded, 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 Bozzone, Bulletin 1732, Item 2.

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

ORDERED that Plenary Retail Consumption License C-14, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Lillian M. Humes, t/a Broadway Grille, for premises 835 Broadway, Camden, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Tuesday, June 13, 1967, and terminating at 2:00 a.m. Friday, June 28, 1967.

JOSEPH P. LORDI,
DIRECTOR.

8. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 Adam & Sophie Rykowski
 t/a New Glue Pot Tavern
 9-11 Belmont Avenue
 Newark, New Jersey,
 Holders of Plenary Retail Consumption License C-457 issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

CONCLUSIONS and ORDER

Licensees, by Adam Rykowski, Pro se
 Leon Chorkavy, Jr., Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on February 17, 1967, they possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 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 New Irvington Hotel of Lakewood, Inc., Bulletin 1732, Item 13.

Accordingly, it is, on this 5th day of June 1967,

ORDERED that Plenary Retail Consumption License C-457, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Adam and Sophie Rykowski, t/a New Glue Pot Tavern, for premises 9-11 Belmont Avenue, Newark, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, June 12, 1967, and terminating at 2:00 a.m. Saturday, June 17, 1967.

JOSEPH P. LORDI,
DIRECTOR.

9. PETITION PROCEEDINGS - DISCRIMINATION AGAINST WHOLESALERS - ORDER FOR INTERLOCUTORY RELIEF.

Kasser Distillers Products Corp.,
 Petitioner,
 v.
 Glenmore Distilleries Co.,
 a Delaware Corporation,
 Respondent.

On Petition
ORDER FOR INTERLOCUTORY RELIEF

John A. Yacovelle, Jr., Esq., Attorney for Petitioner
 Fox, Yanoff and Fox, Esqs., by Leo Yanoff, Esq., Attorneys
 for Respondent

Accordingly, it is, on this 12th day of June, 1967,

ORDERED that Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Mansfield, Burlington County, to John and Wenceslaus Borko, t/a Corner House, for premises 1 E. Main Street, Mansfield Township, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, June 19, 1967, and terminating at 2:00 a.m. Saturday, June 24, 1967.

JOSEPH P. LORDI
DIRECTOR

11. STATE LICENSES - NEW APPLICATIONS FILED.

Majestic Wine & Spirits, Inc.

7800 Browning Road

Pennsauken, New Jersey

Application filed August 10, 1967 for place-to-place transfer of Plenary Wholesale License W-110 from 1423 Ferry Avenue, Camden, New Jersey.

Baxter Warehouse Corporation

591-629 Rahway Avenue

Union, New Jersey

Application filed August 10, 1967 for place-to-place transfer of Additional Warehouse License AW-56, issued pursuant to Plenary Wholesale License W-34, from 1423 Ferry Avenue, Camden, New Jersey to 7800 Browning Road, Pennsauken, New Jersey.

Joseph H. Reinfeld, Inc.

591-629 Rahway Avenue

Union, New Jersey

Application filed August 10, 1967 for place-to-place transfer of Additional Salesroom License AW-11, issued pursuant to Plenary Wholesale License W-11, from 1423 Ferry Avenue, Camden, New Jersey to 7802 Browning Road, Pennsauken, New Jersey


Joseph P. Lordi
Director