

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
25 Commerce Dr. Cranford, N. J. 07016

BULLETIN 2052

July 19, 1972

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STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
25 Commerce Dr. Cranford, N.J. 07016

BULLETIN 2052

July 19, 1972

1. APPELLATE DECISIONS - KEMPNER v. EDISON.

| | | |
|------------------------------------|---|-----------|
| Benjamin Kempner, t/a Ben's |) | |
| Wines & Liquors, et als., |) | |
| |) | |
| Appellants, |) | |
| v. |) | On Appeal |
| Municipal Council of the Township) | | |
| of Edison, and Enrico Ambrosio, | | O R D E R |
| t/a H & B Bar and Liquors, |) | |
| |) | |
| Respondents. |) | |

Wilentz, Goldman & Spitzer, Esqs., by John A.
Hoffman, Esq., Attorneys for Appellants
Roland A. Winter, Esq., Attorney for Respondent Council

BY THE DIRECTOR:

Appellants appeal from the grant of an application for a place-to-place transfer of Plenary Retail Consumption License C-2, held by Enrico Ambrosio, t/a H & B Bar and Liquors, for premises 433 Plainfield Avenue to premises at the Edison Mall, U.S. Route 1 and Old Post Road, Edison, for the current license period.

Prior to hearing, the attorney for appellants, by letter dated May 11, 1972, advised me that a resolution was adopted by respondent Municipal Council of the Township of Edison on April 26, 1972, rescinding the aforementioned transfer of license, and requests that the appeal be dismissed. Since the appeal has now become moot, I shall grant the request.

Accordingly, it is, on this 15th day of May 1972,

ORDERED that the appeal herein be and the same is hereby dismissed.

Robert E. Bower,
Director.

2. DISCIPLINARY PROCEEDINGS - FRONT - FALSE STATEMENT IN APPLICATION -
 PERMITTED UNQUALIFIED PERSON TO EXERCISE INTEREST IN PREMISES - AIDED AND
 ABETTED SUCH INTEREST - VIOLATIONS OF N.J.S.A. 33:1-25, 52 - LICENSE SUSPENDED
 FOR BALANCE OF TERM WITH LEAVE TO CORRECT AFTER 72 DAYS ON PLEA.

In the Matter of Disciplinary)
 Proceedings against)

Leonard Ladd, Inc.)
 516 Kennedy Boulevard)
 Union City, N. J.,)

CONCLUSIONS
 and
 ORDER

Holder of Plenary Retail Consumption)
 License C-53, issued by the Board of)
 Commissioners of the City of Union)
 City.)

 Victor E. Mullica, Esq., Attorney for Licensee
 Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that it
 (a) made false statements on May 27, 1971 in its license appli-
 cation and failed to reveal that substantial ownership of the
 licensed premises was in the name of a person who was criminally
 disqualified from having an interest in a plenary retail consump-
 tion license, and it permitted such person to exercise the privi-
 lege of its plenary retail consumption license, in violation of
 N.J.S.A. 33:1-25; and (b) it aided and abetted such disqualified
 person to exercise the rights and privileges of such license, in
 violation of N.J.S.A. 33:1-52.

Absent prior violation, the license will be suspended
 for ninety days, with remission of eighteen days for the plea
 entered, leaving a net suspension of seventy-two days. Re
Bilrose, Inc., Bulletin 2039, Item 5.

However, as the unlawful situation has not to date been
 corrected, the license will be suspended for the balance of its
 term, with leave granted to the licensee or any bona fide transfer-
 ee of the license to apply to the Director by verified petition for
 lifting of the suspension whenever the unlawful situation has been
 corrected, but such lifting shall not be granted in any event
 sooner than seventy-two days from the commencement of the sus-
 pension herein.

Accordingly, it is, on this 22nd day of May 1972,

ORDERED that Plenary Retail Consumption License C-53,
 issued by the Board of Commissioners of the City of Union City to
 Leonard Ladd, Inc., for premises 516 Kennedy Boulevard, Union City,
 be and the same is hereby suspended for the balance of its term,
 viz., until midnight June 30, 1972, effective 3 a.m. Monday,
 June 5, 1972, with leave to the licensee or any bona fide
 transferee of the license, or any renewal of said license, to
 apply to the Director by verified petition for lifting of
 the suspension whenever the unlawful situation has been cor-
 rected, but in no event sooner than seventy-two (72) days from
 the commencement of the suspension herein.

Robert E. Bower,
 Director.

3. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION
NO. 38 - LICENSE SUSPENDED FOR 15 DAYS.

In the Matter of Disciplinary
Proceedings against

Raymond W. & Vivian Pavlick
237 Palisade Avenue
Garfield, N. J.,

Holders of Plenary Retail Consumption
License C-17, issued by the Mayor and
Council of the City of Garfield.
-----)
Edward Piechota, Esq., Attorney for Licensees
Walter H. Cleaver, Esq., Appearing for Division

CONCLUSIONS
and
ORDER

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensees pleaded not guilty to the following charge:

"On Tuesday, August 31, 1971, at about 10:50 P.M., you sold and delivered and allowed, permitted and suffered the sale and delivery of an alcoholic beverage, viz., one 1/2 pint bottle of Fleischmann's Vodka, at retail, in its original container for consumption off your licensed premises and allowed, permitted and suffered the removal of said alcoholic beverage in its original container from your licensed premises; in violation of Rule 1 of State Regulation No. 38."

In behalf of the Division ABC agent D testified that, accompanied by agent R, he entered the licensed premises (consisting of a neighborhood type bar with a package goods section adjoining) on August 31, 1971 at approximately 9:35 p.m. The agents seated themselves at the bar. An unidentified male was tending bar. He was later relieved by Raymond Pavlick, a co-licensee.

At approximately 10:50 p.m. agent D approached Pavlick while he was in the package goods store and asked him for a half-pint of vodka to take out. Pavlick obtained a half-pint of Fleischmann's Vodka and placed it on the counter in a paper bag. The agent handed Pavlick a \$10 bill in payment and Pavlick handed agent D change from his pocket. The agent had observed Pavlick check the cash register, and then remove the tape and monies from the register prior to this transaction. Pavlick advised the agent to conceal the bottle in his pocket.

Thereupon both agents left the premises; they re-entered shortly thereafter, identified themselves to Pavlick and informed him of the violation. In response, Pavlick denied that the bottle was purchased there and asserted that there was no tape in the register which reflected the sale.

On cross examination, the witness testified he entered the licensed premises at approximately 9:30 p.m. and had four drinks of vodka and Seven-up prior to purchasing the bottle of liquor which he reiterated occurred at 10:50 p.m. He had checked the time on his watch with the car radio.

Agent R's substantive testimony was corroborative of the testimony offered by agent D. Additionally, agent R denied that he was in the premises at 7:00 p.m. of the day mentioned in the charge.

In defense of the charge, Raymond W. Pavlick testified that he left the licensed premises to go to a hospital in Hasbrouck Heights on August 31, 1971 at 6:55 p.m., and instructed a friend, James Ryan, to tend bar. Upon returning to the licensed premises at 8:10 p.m. he observed agents D and R at the bar and served each three drinks.

He asserted that he sold agent D a bottle of Fleischmann's at the liquor store counter at 9:55 p.m. Thereafter the ABC agents returned to the bar, finished consuming their drinks and left. They returned to the premises at 10:50 p.m., identified themselves to him as ABC agents and informed him of the charge.

On cross examination, Pavlick reiterated that the sale of the half-pint of vodka took place at 9:55 p.m. Ryan was not regularly employed by him as a bartender, he was doing him (Pavlick) a favor by tending bar.

James J. Ryan testified that the two ABC agents entered the licensed premises on August 31st shortly prior to 8:00 p.m. and he served each a drink. Pavlick returned at approximately 8:15 p.m. He (Ryan) left at 9:30 p.m. He did not witness the alleged sale.

Ernest Kovalencik testified that he entered the licensed premises on August 31st at 8:45 p.m. and recalled observing the two ABC agents sitting at the bar because they were "strange looking". They purchased a bottle of liquor in the package goods area, returned to the barroom, played a game of pool, then consumed their drinks and departed from the premises. He left the barroom at midnight.

On cross examination the witness testified that he had been acquainted with Pavlick for approximately two years and patronizes his tavern regularly.

Robert Hughes testified that he entered the tavern on August 31st at approximately 7:00 p.m. and observed both ABC agents come in between 7:30 and 7:45 p.m. They drank and played pool. The agents proceeded to the package goods area at approximately 9:45 or 9:50 p.m. where they were waited upon by Pavlick. Thereafter, the agents returned to the bar, consumed their drinks and departed from the tavern.

On cross examination, Hughes testified that he patronizes Pavlick's tavern regularly; he considers himself a friend of Pavlick's and wouldn't hesitate to do him a favor.

Emory John Tursick, Jr. testified that he entered the licensed premises on August 31 between 8:30 and 8:45 p.m. and sat at the bar. He observed both ABC agents seated at the bar with drinks in front of them. He saw the agents leave at approximately 10 p.m. and re-enter the tavern at approximately 10:50 p.m. and depart again at 11:20 p.m. Upon re-entering the barroom they conferred with Pavlick and then Pavlick and the agents went to the package goods area. He departed the premises at 11:30 p.m.

On cross examination the witness asserted that he saw no bottled goods sale made to the agents.

Lawrence M. DeRose testified that he commenced tending bar on August 31st at approximately 10:30 p.m. At that time Pavlick was already upstairs and both ABC agents were in the licensed premises. Pavlick returned to the tavern at approximately 11:00 p.m. He did not observe a sale of bottled goods.

The licensee having admitted making a sale of bottled goods to the agents, it is, therefore, apparent that the exact time of the said sale is crucial to a determination of this matter.

Preliminarily, I observe that it is a firmly established principle that disciplinary proceedings against liquor licensees are civil in nature and require proof by a preponderance of the believable evidence only. Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373 (1956); Freud v. Davis, 64 N.J. Super. 242 (App. Div. 1960); Howard Tavern, Inc. v. Division of Alcoholic Beverage Control, (App. Div. 1962), not officially reported, reprinted in Bulletin 1491, Item 1.

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 observations of mankind can approve as probable in the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546, 555 (1954). The finding must be based on competent legal evidence and must be grounded on a reasonable certainty as to the probabilities arising from a fair consideration of the evidence. 32A C.J.S. Evidence, sec. 1042. "...Every fact or circumstance tending to show ... the witness' relation to the case or the parties is admissible to the end of determining the weight to be given to his evidence." State v. Spruill, 16 N.J. 73, 78 (1954). "It is fundamental that the interest or bias of a witness is relevant in evaluating his testimony." In re Hamilton State Bank, 106 N.J. Super. 285, 291 (App. Div. 1969).

Based on the foregoing principles, I am persuaded that the testimony of the agents, presented in a forthright and detailed manner, was not a fabrication but was factual and credible and that the sale and delivery of alcoholic beverages in contravention of Rule 1 of State Regulation No. 38 was made at approximately 10:50 p.m.

I reject the testimony offered by the licensee and several of his patrons to the effect that the sale was made shortly before 10:00 p.m. as being contrived and offered in an attempt to exculpate a licensee who was discovered to have acted in violation of the rule quoted in the cited charge. Additionally, I fail to find any semblance of improper motivation on the part of the ABC agents herein nor has there been any evidence or allegation that they were improperly motivated.

Accordingly, after considering the entire record and the various precedents cited, I am persuaded by the proofs in this case that the charge has been sustained by a fair preponderance of the credible evidence. I therefore recommend that the licensees be found guilty of the charge.

Licensees have no prior adjudicated record of suspension of license. I, further, recommend that an order be entered suspending the license for fifteen days. (Re Madonna Liquors, Bulletin 2007, Item 4.)

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 testimony, the exhibit and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 15th day of May 1972,

ORDERED that Plenary Retail Consumption License C-17, issued by the Mayor and Council of the City of Garfield to Raymond W. & Vivian Pavlick for premises 237 Palisade Avenue, Garfield, be and the same is hereby suspended for fifteen (15) days, commencing at 3:00 a.m. on Monday, May 29, 1972, and terminating at 3:00 a.m. on Tuesday, June 13, 1972.

ROBERT E. BOWER
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - SUSPENSION BY MUNICIPAL ISSUING AUTHORITY FOR 15 DAYS - APPLICATION FOR THE IMPOSITION OF A FINE IN LIEU OF SUSPENSION - APPLICATION DENIED.

In the Matter of Disciplinary
Proceedings against

Freddie's Tavern Inc.
t/a Freddie's Tavern
11 South Broadway
Long Branch, N.J.

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption
License C-61 issued by the City
Council of the City of Long Branch.

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

BY THE DIRECTOR:

Licensee pleaded guilty before the municipal issuing authority to a charge that it sold alcoholic beverages to a minor in violation of Rule 1 of State Regulation No. 20 whereupon its license was suspended for fifteen days. The effective date thereof was deferred pending licensee's application to the Director to pay a fine in lieu of suspension in accordance with Chapter 9 of the Laws of 1971.

Licensee has a prior record of suspensions by the municipal issuing authority (1) for five days effective March 9, 1970 on an "hours" violation and (2) for fifteen days for sale to a minor on July 7, 1971.

In view of the two recent suspensions, the latter being for a similar offense committed within the present licensing term, the application is hereby disapproved, and the suspension will be ordered as initially determined.

Accordingly, it is on this 15th day of May, 1972

ORDERED that Plenary Retail Consumption License C-61 issued by the City Council of the City of Long Branch to Freddie's Tavern Inc. for premises 11 South Broadway, Long Branch be and the same is hereby suspended for fifteen days commencing 3:00 A.M. on Monday, May 29, 1972 and terminating 3:00 A.M. on Tuesday, June 13, 1972.

Robert E. Bower,
Director

5.

ACTIVITY REPORT FOR MAY 1972

ARRESTS:

| | |
|----------------------------------|----|
| Total number of persons arrested | 59 |
| Licensees and employees | 21 |
| Bootleggers | 9 |
| Minors | 29 |

SEIZURES:

| | |
|---|-------|
| Motor vehicles - cars | 1 |
| Stillis - 50 gallons or under | 1 |
| Alcohol - gallons | 116 |
| Mash - gallons | 880 |
| Distilled alcoholic beverages - gallons | 9.20 |
| Wine - gallons | .45 |
| Brewed malt alcoholic beverages - gallons | 54.07 |

COMPLAINTS AND INVESTIGATIONS:

| | |
|--|--------|
| Inspections & visits made on assigned investigations | 1,955 |
| Complaints assigned for investigation | 392 |
| Investigations completed | 370 |
| Investigations pending | 354 |
| Premises where alcoholic beverage were gauged | 808 |
| Bottles gauged | 14,130 |
| Premises where violations were found | 293 |
| Number of violations found | 422 |
| License applications investigated | 19 |
| Contacts made with other law enforcement agencies | 488 |

LABORATORY:

| | |
|--|-----|
| Analyses made | 106 |
| Refills from licensed premises - bottles | 63 |
| Bottles from unlicensed premises | 11 |

IDENTIFICATION:

| | |
|--|-----|
| Criminal fingerprint identifications made | 20 |
| Persons fingerprinted for non-criminal purposes | 539 |
| Identification contacts made with other enforcement agencies | 333 |

DISCIPLINARY PROCEEDINGS:

| | |
|------------------------------|----|
| Cases instituted at Division | 31 |
| Violations involved | 35 |

| | | | |
|---------------------------------|----|--|---|
| Sale during prohibited hours | 8 | Purchase from improper source | 4 |
| Sale to minors | 10 | License improvidently issued | 1 |
| Permitting lottery act. on prem | 2 | Fail. reveal susp. on lic. application | 1 |
| Sale below filed price | 1 | Hindering | 1 |
| Fraud and front | 5 | Prostitution | 1 |
| Possessing indecent matter | 1 | | |

| | |
|--|----|
| Cases brought by municipalities on own initiative and reported to Division | 37 |
|--|----|

| | | | |
|-----------------------------------|----|--|---|
| Violations involved | 60 | | |
| Sales to minors | 25 | Employment of minor | 1 |
| Conducting business as a nuisance | 5 | Employment non-resident w/o requisite permit | 1 |
| Sale during prohibited hours | 4 | Employment person convicted of crime | 1 |
| Permitting narcotic act. on prem. | 1 | Gambling | 4 |
| Permitting brawl on lic. premises | 4 | Consumption by minor | 1 |
| Act of violence | 5 | Hostess activity | 1 |
| No Form E-141-A on premises | 2 | Sale to intoxicated person | 1 |
| Hindering investigation | 1 | Alterations & repairs w/o approval | 1 |
| No copy of lic. appl. on premises | 2 | | |

HEARINGS HELD AT DIVISION:

| | |
|-------------------------------|----|
| Total number of hearings held | 75 |
| Appeals | 6 |
| Disciplinary proceedings | 65 |
| Eligibility | 4 |

STATE LICENSES AND PERMITS:

| | | | |
|-----------------------|--------|-----------------------|-------|
| Total number issued | 13,372 | | |
| Licenses | 4 | Wine permits | 2 |
| Solicitors' permits | 11 | Miscellaneous permits | 1,350 |
| Employment permits | 829 | Transit insignia | 9,141 |
| Disposal permits | 61 | Transit certificates | 1,404 |
| Social affair permits | 570 | | |

OFFICE OF AMUSEMENT GAMES CONTROL:

| | |
|-------------------------------|-----|
| Licenses issued | 109 |
| Enforcement files established | 3 |

Dated: June 22, 1972

ROBERT E. BOWER
 Director of Alcoholic Beverage Control,
 Commissioner of Amusement Games Control

6. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION
NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Julius Nutes & Harry B. Liebowitz
t/a Nutes Tavern
220 Belmont Avenue
Newark, N.J.

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption
License C-427 issued by the Municipal
Board of Alcoholic Beverage Control of
the City of Newark.

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

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on Sunday,
December 5, 1971, about 12:15 P.M. it sold alcoholic beverages
in original container for off premises consumption, in viola-
tion of Rule 1 of State Regulation No. 38.

Absent prior adjudicated record within the past ten years,
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 Barrel Tavern, Inc., Bulletin 2043, Item 12.

Accordingly, it is on this 15th day of May, 1972

ORDERED that Plenary Retail Consumption License C-427 issued
by the Municipal Board of Alcoholic Beverage Control of the City
of Newark to Julius Nutes and Harry B. Liebowitz, t/a Nutes Tavern,
for premises 220 Belmont Avenue, Newark be and the same is hereby
suspended for ten (10) days commencing 2:00 A.M. on Monday, May 29,
1972 and terminating 2:00 A.M. on Thursday, June 8, 1972.

Robert E. Bower,
Director

7. DISCIPLINARY PROCEEDINGS - SOLICITOR PERMITTEE SALE TO LICENSEE ON NON-DELIVERY LIST - SALE BY NON-LICENSEE - TRANSPORTATION OF ALCOHOLIC BEVERAGES WITHOUT LICENSE - PERMITTEE COOPERATIVE IN ANCILIARY INVESTIGATION - PERMIT SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

Sheldon Seavey)
1501 Parkside Avenue)
Trenton, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Unlimited Solicitor's)
Permit No. 899, issued by the)
Director of the Division of)
Alcoholic Beverage Control.)

Permittee, Pro se
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

Permittee pleads non vult to three charges alleging that (1) on divers dates between September 13, 1971 and November 23, 1971 he, the holder of an unlimited solicitor's permit with a plenary wholesale license, sold alcoholic beverages to a licensee then on the non-delivery list and delivered such beverages without accurate delivery slip, these offenses being in violation of Rule 4(b) of State Regulation No. 39 and Rule 12 of State Regulation No. 14, respectively, and (2) in October and November 1971, without then being the holder of any license, sold alcoholic beverages contrary to N.J.S.A. 33:1-2 and N.J.S.A. 33:1-50(a), and (3) between September 23, 1971 and November 23, 1971 he transported alcoholic beverages without license so to do, in violation of N.J.S.A. 33:1-2 and N.J.S.A. 33:1-50(a).

Normally the period of suspension of permittee's privileges for the above offenses would be severe (Re Harrington & Burns, Bulletin 1882, Item 5; Re Halphen, Bulletin 1819, Item 8; Re Zeilmeier, Bulletin 1472, Item 6; Re Ratner, Bulletin 1943, Item 6). However, the permittee here charged has manifested an unusual willingness to cooperate with this Division in connection with the investigation of matters of a serious nature presently pending. Therefore, the above permit will be suspended for a period 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 16th day of May 1972,

ORDERED that Unlimited Solicitor's Permit No. 899, issued by the Director of the Division of Alcoholic Beverage Control to Sheldon Seavey, 1501 Parkside Avenue, Trenton, be and the same is hereby suspended for twenty-five (25) days, commencing at 9 a.m. Monday, May 29, 1972, and terminating at 9 a.m. Friday, June 23, 1972.

Robert E. Bower,
Director.

8. DISCIPLINARY PROCEEDINGS - SALE TO NON-MEMBERS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

German American Society of Trenton, Inc.
215 Uncle Pete's Road
Hamilton Township (Mercer Co.)
PO Box 2421, Trenton, N.J.

CONCLUSIONS
and
ORDER

Holder of Club License CB-2 issued by the Township Committee of the Township of Hamilton.

.....
Dimon, Haines & Bunting, Esqs., by William R. Wood, Esq.,
Attorneys for Licensee.
Peter E. Rhatican, Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 11, 1972, it sold alcoholic beverages to persons other than bona fide members or guests in violation of Rule 8 of State Regulation No. 7.

Absent prior record the license will be suspended for fifteen days with remission of five days for the plea entered leaving a net suspension of ten days. (Re Cape May Loyal Order of Moose #1054, Bulletin 2017, Item 4)

Accordingly, it is on this 16th day of May, 1972

ORDERED that Club License CB-2 issued by the Township Committee of the Township of Hamilton to German American Society of Trenton, Inc., for premises 215 Uncle Pete's Road, Hamilton Township, P.O. Box 2421, Trenton be and the same is hereby suspended for ten (10) days commencing 2:00 A.M. Tuesday, May 30, 1972 and terminating 2:00 A.M. on Friday, June 9, 1972.

Robert E. Bower,
Director

9. DISCIPLINARY PROCEEDINGS - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

New McQueen's Lounge (Corp.))
t/a New McQueen's Lounge)
68 Eleventh Avenue)
Newark, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption)
License C-54, issued by the Municipal)
Board of Alcoholic Beverage Control)
of the City of Newark.)

-----)

Leon Sachs, Esq., Attorney for Licensee
Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on December 15, 1970 to April 30, 1971, through its officers, directors or stockholders, it hindered and delayed an investigation of the licensed business and premises, in violation of Rule 35 of State Regulation No. 20.

Absent prior record of suspension, 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 Harmony Pub Inc., Bulletin 1958, Item 8, and Re 1214 Absecon Blvd. Corp., Bulletin 1944, Item 5.

Accordingly, it is, on this 16th day of May 1972,

ORDERED that Plenary Retail Consumption License C-54, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to New McQueen's Lounge (Corp.), t/a New McQueen's Lounge, for premises 68 Eleventh Avenue, Newark, be and the same is hereby suspended for five (5) days, commencing at 2 a.m. Monday, May 29, 1972, and terminating at 2 a.m. Saturday, June 3, 1972.

Robert E. Bower,
Director.

10. DISCIPLINARY PROCEEDINGS - SOLICITOR PERMITTEE SALE TO LICENSEE ON NON-DELIVERY LIST - DELIVERY OF ALCOHOLIC BEVERAGES WITHOUT DELIVERY SLIPS - PERMIT SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Frank Toscano
4 Pine Street
Somerville, N.J.

CONCLUSIONS
and
ORDER

Holder of Solicitor's Permit :
#1254 issued by the Division :
of Alcoholic Beverage Control. :

.....
Permittee, Pro Se.

Edward F. Ambrose, Esq., Appearing for Division.

BY THE DIRECTOR:

Permittee pleads non vult to a charge alleging that on July 2, 9, 16, 18 and August 13, 1971 he, the holder of an unlimited solicitor's permit for employment with a plenary wholesale licensee, (1) sold alcoholic beverages to a licensee then on the "non-delivery" list in violation of Rule 4(b) of State Regulation No. 39, and (2) delivered alcoholic beverages to such licensee without accurate delivery slips, in violation of Rule 12 of State Regulation No. 14.

The above permit will be suspended for a period of thirty days with remission of five days for the plea entered, leaving a net suspension of twenty-five days. (Re Mendoz, Bulletin -- Item --)

Accordingly, it is on this 16th day of May, 1972

ORDERED that the Unlimited Solicitor's Permit No. 1254 issued to Frank Toscano by the Division of Alcoholic Beverage Control be and the same is hereby suspended for a period of twenty-five (25) days commencing at 9:00 A.M., Thursday, May 25, 1972 and terminating at 9:00 A.M., Monday, June 19, 1972.

Robert E. Bower,
Director

11. DISCIPLINARY PROCEEDINGS - LEWD ENTERTAINMENT (TOPLESS) - FEMALE
SOLICITING DRINKS - LICENSE SUSPENDED FOR 60 DAYS, LESS 12 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Perrig, Inc.
t/a Paddock International
1643 Atlantic Avenue
Atlantic City, N.J.

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption
License C-218 issued by the Board of
Commissioners of the City of Atlantic
City.

.....
Feinberg & Ginsburg, Esqs., by Harold I. Garber, Esq., Attorneys
for Licensee.
Edward F. Ambrose, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on October 1, 1971 it permitted lewdness on the licensed premises, viz. indecent "topless" entertainment in violation of Rule 5 of State Regulation No. 20 and non vult to an additional charge that it permitted a female entertainer to solicit drinks from patrons, in violation of Rule 22 of State Regulation No. 20.

Reports of investigation disclose that the female entertainer was unclothed save for "pasties" and "G-string" and that, at the expense of male patrons, she was served champagne splits (6.4 ounces) of a domestic champagne retailing under one dollar, at a charge of \$7.00 each.

Absent prior adjudicated record within the past ten years, the license will be suspended on the first charge for thirty days (Re Petrucci, Bulletin 2033, Item 3) and on the second charge for thirty days (Re Joseph T. Burke, Bulletin 1959, Item 2) making a total of sixty days, with remission of twelve days for the plea entered, leaving a net suspension of forty-eight days.

Accordingly, it is on this 17th day of May, 1972

ORDERED that Plenary Retail Consumption License C-218 issued by the Board of Commissioners of the City of Atlantic City to Perrig, Inc., t/a Paddock International for premises 1643 Atlantic Avenue, Atlantic City, be and the same is hereby suspended for the balance of its term, viz., midnight June 30, 1972 commencing at 7:00 A.M., Tuesday, May 30, 1972; and it is further

ORDERED that any renewal of said license that may be granted be and the same is hereby suspended until 7:00 A.M., Monday, July 17, 1972.

Robert E. Bower,
Director

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

In the Matter of Disciplinary
Proceedings against

 Woodside Inn, Inc., A New Jersey
 Corporation
 s/s of Reeves Road
 Fairfield Township
 PO RD 7, Bridgeton, N.J.,

Holder of Plenary Retail Consumption
License C-2, issued by the Township
Committee of the Township of
Fairfield.

Paul Van Embden, Esq., Attorney for Licensee
Peter E. Rhatican, Appearing for Division

CONCLUSIONS
and
ORDER

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, March 5, 1972, at about 11:30 a.m. it sold alcoholic beverages for off-premises consumption in violation of the local "hours" ordinance, and in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license would normally be suspended for fifteen days with remission of five days for the plea entered, leaving a net suspension of ten days. Re Ann's Tavern, Bulletin 2029, Item 3.

However, the licensee has made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

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

Accordingly, it is, on this 22nd day of May 1972,

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

Robert E. Bower
Director

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

In the Matter of Disciplinary)
Proceedings against)

Loyal Order of Moose, Union)
City Lodge #848)
159- 60th Street)
West New York, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption)
License C-38, issued by the Board of
Commissioners of the Town of West)
New York.)
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Licensee, by Andrew Benedict, Secy., Pro se
Peter E. Rhatican, Appearing for Division

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on January 28, 1972, at about 11:30 p.m., it sold an alcoholic beverage for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license would normally be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re McGraw, Bulletin 2038, Item 5.

However, the licensee has made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

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

Accordingly, it is, on this 22nd day of May 1972,

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

Robert E. Bower,
Director.

14. DISCIPLINARY PROCEEDINGS - AMENDED ORDER.

In the Matter of Disciplinary)
Proceedings against)
Blue Piano, Inc.)
t/a Blue Piano) Amended Order
873-875 Bergen Avenue)
Jersey City, N.J.,)
Holder of Plenary Retail Consumption)
License C-478, issued by the Municipal)
Board of Alcoholic Beverage Control)
of the City of Jersey City.)
-----)
William J. Caputo, Esq., Attorney for Licensee)
Dennis M. Brew, Appearing for Division)

BY THE DIRECTOR:

On April 27, 1972 Conclusions and Order were entered suspending the license herein for fifteen days effective May 11, 1972, in consequence of a determination that licensee violated Rule 17 of State Regulation No. 20. Re Blue Piano, Inc., Bulletin 2049, Item 2. The period of suspension was stayed by reason of licensee's application for the imposition of a fine in lieu of suspension, in accordance with 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 \$1,500 in lieu of suspension. I shall, therefore, enter an amended order in accordance therewith.

Accordingly, it is, on this 22nd day of May 1972,

ORDERED that the order entered herein on April 27, 1972 be and the same is hereby amended as follows:

ORDERED that the payment of a fine in the amount of \$1,500 by the licensee is hereby accepted in lieu of a suspension of license for fifteen (15) days.

Robert E. Bower
Robert E. Bower
Director