

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
NEWARK INTERNATIONAL PLAZA
U.S. Routes 1-9 (Southbound) Newark, N. J. 07114

BULLETIN 2343

April 2, 1980

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April 2, 1980

1. APPELLATE DECISIONS - WATER HOLE, INC. v. BLOOMFIELD.

#4228

Water Hole, Inc.,

Appellant,

v.

Town Council of the
Town of Bloomfield,

----- Respondent. -----

} ON APPEAL

} CONCLUSIONS

} AND

} ORDER

D'Alessandro, Sussman, Jocovino & Dowd, Esqs., by
Edward G. D'Alessandro, Esq., Attorneys for Appellant.
John A. Bukowski, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

HEARER'S REPORT

This is an appeal from the action of the Town Council of the Town of Bloomfield (Council) which, on May 1, 1978, found appellant guilty of selling alcoholic beverages to a minor, age 16, in violation of Rule 1 of State Regulation No. 20, now N.J.A.C. 13:2-23.1, and Section 3-8, Chapter 3 of the Town Code of the Town of Bloomfield.

A de novo hearing was held in this Division pursuant to N.J.A.C. 13:2-17.6, at which the parties were permitted to introduce evidence and to cross-examine witnesses. In lieu thereof, counsel for the parties stipulated the following: (1) a sale was made within the appellant's licensed premises to a minor, age 16, by a clerk who was not then assisted by either of the principals of the licensee corporation; (2) the minor did look older than his sixteen years; and (3) the entire purchase took no more than ten or fifteen seconds.

Based upon this stipulation, no further evidence or testimony was introduced.

The burden of establishing that the action of the issuing authority is erroneous and should be reversed rests entirely upon appellant, in accordance with N.J.A.C. 13:2-17.6.

The absence of anything more renders the matter to be without substance, by virtue of the aforesaid stipulation which, in effect, alters appellant's "not guilty" plea to one of non vult.

Appellant contends that, as the sale to the minor was an act involving only seconds (the time consumed by the rushing in by the minor, grabbing his purchase and departing, on the run so to speak), this indicates that the appellant's employee who made the sale did not have an opportunity to make a conscious decision respecting the minor's age. It then argues that had an opportunity been present and the sale made, the penalty imposed would be justified. However, in these circumstances, the penalty should be considerably lessened due to the mitigating factors.

This contention by appellant is without merit. The burden of determining if a sale should or should not be made to any patron rests with the seller-licensee. By accomodating a minor to make a quick purchase and hasty retreat, mitigating factors are not created. Any young person attempting to purchase alcoholic beverages should be observed very carefully by the seller to prevent sales to minors. Such requirement should have been stressed by this appellant; it was obviously not done.

It is, thus, recommended that the action of the Council be affirmed, the stay of the suspension by the Director under Order of May 31, 1978 be vacated, and the suspension of twenty (20) days initially imposed be reimposed.

Conclusions and Order

Written Exceptions to the Hearer's Report were filed by the appellant pursuant to N.J.A.C. 13:2-17.14.

In its Exceptions the appellant reiterates its arguments advanced at the hearing. These factors go to mitigation of penalty, at best, but do not constitute a defense to the charge. N.J.S.A. 33:1-77. Moreover, the penalty imposed is not manifestly excessive, but is, in fact reasonable, and shall not be disturbed. Thus, I reject the Exceptions as without merit.

Having carefully considered the entire record herein, including the transcript of the testimony (the stipulation),

the pleadings, the Hearer's Report and the written Exceptions filed thereto by appellant, I concur in the findings and recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 21st day of August, 1979,

ORDERED that the action of the Town Council of the Town of Bloomfield be and the same is hereby affirmed, and the appeal be and is hereby dismissed; and it is further

ORDERED that my Order of May 31, 1978, staying the within suspension pending determination of the appeal be and the same is hereby vacated; and it is further

ORDERED that Plenary Retail Consumption License No. 0702-33-061-001, issued by the Town Council of the Town of Bloomfield to Water Hole, Inc. for premises 140-142 Bloomfield Avenue, Bloomfield be and the same is hereby suspended for twenty (20) days commencing 2:00 A.M. Tuesday, September 4, 1979 and terminating 2:00 A.M. Monday, September 24, 1979.

JOSEPH H. LERNER
DIRECTOR

2. APPELLATE DECISIONS - 203 SOUTH 4TH STREET CORPORATION v. HARRISON.

#4252	}	
203 South 4th Street Corporation, t/a 203 South 4th Street,		ON APPEAL
Appellant,	}	CONCLUSIONS
vs.		AND
Town Council of the Town of Harrison,	}	ORDER
Respondent.		

 Robert J. Jerome, Esq., Attorney for Appellant.
 Walter P. Kennedy, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

HEARER'S REPORT

This is an appeal from the action of the Town Council of the Town of Harrison (hereafter Council) which, on June 21, 1978, denied the application for a person-to-person transfer of Plenary Retail Consumption License No. 0904-33-057-001 from William F. Neely, Jr. to Ramia Gomez; and further, denied application for renewal of the said license for the 1978-79 licensing year.

Although the resolutions appealed from embraced a response to a person-to-person transfer, the Petition of Appeal filed by appellant indicated that there was no application for such person-to-person transfer; rather, the ownership of the licensed premises had devolved upon a successor to all of the corporate stock of appellant corporate licensee. Hence, the appeal refers solely to the denial of renewal of its license.

A *de novo* appeal was heard in this Division pursuant to N.J.A.C. 13:2-17.6, at which time the parties were permitted to introduce evidence and cross-examine witnesses. Additionally, pursuant to N.J.A.C. 13:2-17.8, a transcript of the proceedings before the Council was accepted into evidence.

Upon the filing of the appeal, the Director of this Division, by Order of July 6, 1978, extended the appellant's license pending the determination of this appeal.

The burden of establishing that the action of the Council is erroneous and should be reversed rests entirely with appellant, in accordance with N.J.A.C. 13:2-17.6.

A review of the transcript of the proceedings before the Council, which resulted in the resolution, reveals that numerous neighbors to appellant's premises made declarations describing the conditions which are caused by appellant. In brief, those conditions described a continual situation of noise, litter, loitering and generally anti-social behavior emanating from appellant's premises. None of the individual instances cited were, in themselves, serious enough to have resulted in charges before the Council, but the cumulative effect of them could have resulted in disciplinary proceedings grounded on charges of maintaining the premises in such manner as to constitute a nuisance.

At the hearing in this Division, one of the next-door neighbors, Patrick Giordano, testified that the premises are apparently managed by barmaids. They have permitted infant children to roam the sidewalk very late at night; and allowed the doorways, both front and back, to be open continuously with the blare of record-player noise sounding in the street and at the back. He recited a litany of instances where the barmaids and their boy friends loitered on the sidewalk outside the premises, with its concomitant noise and disruption. Litter was strewn about, and some of it was tossed on his property.

Giordano had sought police intervention to obtain affirmative corrective action, and when a hearing was held on renewal of license, he and his fellow neighbors detailed to the Council their complaints.

The owners of the corporate stock of appellant corporation, Ramia and Jose Gomez, testified concerning their management of the premises. Firstly, they explained that the premises had been sold to one McNeely, who ran the business to the ground and failed to make note payments. This forced them to take back the capital stock of the corporation. This take-over occurred merely four months before the expiration of the license, and less than three months prior to the hearing before the Council.

They are presently the owners of a restaurant in Newark and they both work full-time in their restaurant. The business at the subject premises is so bad that the premises are only open part-time, approximately half of the number of days a week it could be open. They had employed barmaids who were previously employed by McNeely, but they are not employed at the present time.

The crucial issue in this appeal is: does appellant's

record in the management of its licensed premises justify the Council's action in denying renewal of license? In short, did the Council act reasonably in the proper exercise of its discretion, and in a manner consonant with its quasi-judicial function?

It is firmly established that the grant or denial of an alcoholic beverage license rests in the sound discretion of the Council in the first instance. In order to prevail on this appeal the appellant must show unreasonable action on the part of the Council constituting a clear abuse of such discretion. Rajah Liquors v. Div. of Alcoholic Beverage Control, 33 N.J. Super. 598 (App. Div. 1955); Blanck v. Magnolia, 38 N.J. 484 (1952).

Although renewal of license may be denied, even absent prior record of violations, (Ocean Club Corp. v. Jersey City, Bulletin 2122, Item 2, aff'd in an unreported opinion of the Appellate Division, Docket No. A-293-73, cited in Bulletin 2148, Item 2) such situations are usually the result of long records of adjudicated violations emanating from the licensed premises. A litany of unacceptable conditions involving police reports and myriad calls by the police to the premises are offered into evidence. Such background situation may often result in denial of renewal. Cf. Nordco, Inc. v. State, 43 N.J. Super. 277 (App. Div. 1957).

It is a well established principle that a licensee is responsible for conditions both inside and outside the licensed premises. Tyrone's Haven, Inc. v. South River, Bulletin 2214, Item 1, aff'd in unreported opinion of Appellate Division, Docket No. A-881-75, cited in Bulletin 2242, Item 2.

As previously indicated, it is suggested that much of the complaints registered against the premises in the testimony of the neighbors concerned the prior owner's management, rather than the present circumstances. Giordano, however, cited a continuance of the conditions following appellant's take-over of the business.

Absence of any evidence of police intervention respecting the management of the premises, or institution of disciplinary proceedings predicated upon the complaints of the neighbors, the conclusion is unavoidable that a denial or renewal of license, without any prior steps, is unquestionably harsh.

However, this is not to imply that the conditions as described to the Council may continue unabated. The Director of this Division has never knowingly permitted a licensed premises to be operated to the despair of the citizenry.

If the license be continued, there should be conditions attached thereto as will effectively prevent this continuance of the described conditions. Wenzler v. Hillside, Bulletin 2182, Item 3.

It is, thus, recommended that the action of the Council be reversed and the license be renewed, however with the following conditions attached and made part of the license:

1. Doors and windows of the licensed premises shall be closed at all times except for ingress and egress;
2. Noise or music shall not be audible on the exterior of the premises;
3. No litter or debris shall be permitted to collect at or about the licensed premises;
4. No loitering in front of or adjacent to the premises shall be permitted at any time; and
5. A special police officer or security guard shall be forthwith employed during the hours of 8:00 p.m. to closing.

The imposition of the hereinabove designated special conditions is a final endeavor to ameliorate the complained of situation. The failure of appellant to seize this final opportunity and insure that the licensed premises will be conducted in a lawabiding manner, may result in future disciplinary proceedings or denial of renewal of license for the next licensing year. Kaplan v. Englewood, Bulletin 1745, Item 1, aff'd Bulletin 1790, Item 1. Mr. Christian's Pub, Inc. v. Palisades Park, Bulletin 2300, Item 1.

Thus, I recommend as above that the action of the Council be reversed, and that the license be renewed for the 1978-79 license term with the special conditions above specified attached thereto.

CONCLUSIONS AND ORDER

Written Exceptions to the Hearer's Report were filed by the appellant pursuant to N.J.A.C. 13:2-17.14.

In its Exceptions, appellant argues that Special Condition No. 5 requiring the employment of a special police officer or security guard is not supported by the record as necessary and would impose an excessive economic hardship.

I am satisfied that the record supports a finding of a substantial nuisance situation at appellant's premises. Whether the offending activities commenced as a result of the improper management by a prior owner, or through improvident employment of agents by the appellant, the Town of Harrison is required to protect its citizens from abuses. While the non-renewal of license was selected as the remedy and shall be reversed herein, the final chance afforded appellant clearly must be predicated upon substantial conditions to hopefully eliminate the past difficulties and regulatory violations.

The appellant by its actions or inactions has created the offending situations and its argument of economic hardship has no merit. See Dol Roth v. Division of Alcoholic Beverage Control, 28 N.J. Super 246, 25 (App. Div. 1953). Appellant's attorney advises that appellant's license "is presently up for sale."

At such time as the local issuing authority determines that the appellant or its transferee is complying with its requirement to adequately maintain its patrons' activities, it may then, in its discretion, modify the said special condition.

Therefore, I reject the Exceptions as without merit.

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 recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 24th day of August, 1979,

ORDERED that the action of the Town Council of the Town of Harrison be and the same is hereby reversed, and/said Council be and is hereby directed to renew said license for the 1978-79 license term in accordance with the application filed therefore expressly subject to the following special conditions:

1. Doors and windows of the licensed premises shall be closed at all times except for ingress and egress;

2. Noise or music shall not be audible on the exterior of the premises;

3. No litter or debris shall be permitted to collect at or about the licensed premises;

4. No loitering in front of or adjacent to the premises shall be permitted at any time; and

5. A special police officer or security guard shall be forthwith employed during the hours of 8:00 p.m. to closing.

JOSEPH H. LERNER
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - SALE AND REMOVAL FROM PREMISES OF AN ALCOHOLIC BEVERAGE IN AN OPENED CONTAINER.

In the Matter of Disciplinary Proceedings against

Alan Cafe, Inc.
t/a Piggy's Bar & Liquor Store
N/E Corner No. Carolina and Arctic Avenues
Atlantic City, New Jersey

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption License No. 0102-32-015-001 issued by the Board of Commissioners of the City of Atlantic City.

S-11,963
X-16,504-X

Joseph T. Wikins, Esq., Appearing for Licensee.
Thomas Shar, Esq., Deputy Attorney General, Appearing for Division.

Initial Determination Below

Hon. Joseph F. Fidler, Administrative Law Judge - c/b

BY THE DIRECTOR:

Written Exceptions to the Initial Determination were filed by the licensee, pursuant to N.J.A.C. 13:2-19.6.

In its Exceptions, the licensee attributes error to the failure to require the Division to introduce in evidence the bottle and cap of the alcoholic beverage allegedly purchased in violation of N.J.A.C. 13:2-38.1. It further argues that various character descriptions, manner of redirect testimony and alleged long standing market practices in the licensee's area were omitted, improperly permitted or not correctly applied by the Hearer, respectively.

The Division's proofs, consisting of verbal testimony corroborated by other agents, is sufficient to establish the violation herein. No demonstrative evidence is required under the circumstances herein. The other factors set forth by the licensee are inconsequential to the ultimate determination.

The original container sale after 10:00 p.m., whether the licensee opened the bottle or not, imposed on it the highest obligation to insure that said container was not removed from the licensed premises. Such high-risk practice is not mitigated by the agent's size and appearance or alleged standard practices in the community. Thus, I reject these Exceptions as without merit.

Licensee also contends that this case evidenced "an inherently racially discriminatory enforcement pattern against black establishments, in violation of licensee's constitutional and statutory rights." Such Exception is totally unsupported in fact or law and is rejected.

Lastly, the licensee's alternate request to pay a fine, in compromise, in lieu of license suspension, is denied. The licensee had been permitted to pay a fine for a similar violation in 1976.

Having carefully considered the entire record herein, including the transcripts of the testimony, the Administrative Law Judge's report and the written Exceptions filed thereto by the licensee, I concur in the findings and recommendations of the Administrative Law Judge and adopt them as my conclusions herein. I find the licensee guilty of the charge and shall impose a fifteen (15) days suspension of license.

Accordingly, it is, on this 31st day of August, 1979

ORDERED that Plenary Retail Consumption License No. 0102-32-015-001 issued by the Board of Commissioners of the City of Atlantic City to Alan Cafe, Inc., t/a Piggy's Bar and Liquor Store, for premises N/E Corner of North Carolina and Arctic Avenues, Atlantic City, be and the same is hereby suspended for fifteen (15) days commencing 2:00 a.m. Thursday, September 13, 1979 and terminating 2:00 a.m. Friday, September 28, 1979.

JOSEPH H. LERNER
DIRECTOR

APPENDIX A

Initial Determination Below

IN THE MATTER OF:)
 DISCIPLINARY PROCEEDINGS)
 AGAINST ALAN CAFE, INC.)
 t/a PIGGY'S BAR AND)
 LIQUOR STORE)

INITIAL DECISION

OAL Dkt. No. ABC 102-79

APPEARANCES:

JOSEPH T. WIKINS, ESQ.
For the Licensee

JOHN J. DEGNAN, ATTORNEY GENERAL
By: THOMAS SHAR, DEPUTY ATTORNEY GENERAL
For the Division of Alcoholic Beverage Control
Department of Law and Public Safety

BEFORE THE HONORABLE JOSEPH F. FIDLER, A.L.J. c/b:

This matter concerns disciplinary proceedings against Alan Cafe, Inc., t/a Piggy's Bar and Liquor Store, the holder of plenary retail consumption liquor license #0102-32-015-001, issued by the Board of Commissioners of the City of Atlantic City. The licensed premises are located at North Carolina and Artie Avenues in Atlantic City, New Jersey.

By Notice dated December 19, 1978, the Division of Alcoholic Beverage Control preferred the following charge against Licensee, pursuant to New Jersey Revised Statutes 33:1-31:

On Thursday, September 7, 1978, at about 11:30 P.M., you allowed, permitted and suffered the removal from your licensed premises of an alcoholic beverage in an opened container, viz., in an opened 1/2 pint bottle labeled Bacardi Rum; in violation of N.J.A.C. 13:2-38.1.

The Notice of December 19, 1978 also advised the Licensee that it must enter a plea of guilty, non-vult or not guilty to the charge, and that if the plea were not guilty, a hearing on the matter would be scheduled. By letter to the Di-

vision of Alcoholic Beverage Control dated January 16, 1979, Licensee entered a plea of not guilty and requested a hearing. The matter was thereafter transmitted to the Office of Administrative Law for a determination as a contested case pursuant to N.J.S.A. 52:14F-1 et seq. The hearing was held on April 12, 1979.

The testimony adduced at the hearing established that on the evening of Thursday, September 7, 1978, six inspectors for the Division participated in an investigation of the licensed premises. On behalf of the Division, Inspector Willard E. Banks testified that he entered the licensed premises at Artie and North Carolina Avenues in Atlantic City, New Jersey, at 11:30 P.M. for the purpose of observing another inspector attempt to purchase an alcoholic beverage. Inspector Nathaniel Vestal entered the premises approximately 30 seconds after Inspector Banks entered, and went up to the bar while Inspector Banks observed from just inside the doorway. Both men were dressed in casual clothing. Inspector Banks testified that he heard Inspector Vestal order a one-half pint bottle of Bacardi Rum from the barmaid, who was the only observable employee. In a transaction that took approximately two minutes in its entirety, Inspector Vestal obtained the requested bottle in the presence of Inspector Banks, and exited the premises.

Inspector Vestal testified that he entered the licensed premises after Inspector Banks, went up to the bar, and asked the barmaid for a one-half pint bottle of Bacardi Rum. The barmaid produced the requested bottle for Inspector Vestal, and in response to his inquiry, told him the price was \$3.00. Inspector Vestal paid the \$3.00 and left the premises with Inspector Banks following shortly thereafter. Outside, the bottle was handed to other inspectors who then went inside to advise of the violation.

On cross-examination, Inspector Vestal testified that a Regulation 38 inspection must be made after 10:00 P.M., and that the licensed premises herein was one of approximately eight inspected the same evening. He testified these were more inspections than he had ever before conducted in one evening.

Inspector Stephen Klaszky testified that he observed Inspector Vestal exit the licensed premises after 11:30 P.M., with the one-half pint bottle of Bacardi Rum. Inspector Klaszky and three other inspectors then entered the premises to inform the manager or an employee that a violation of Regulation 38 had been committed.

On cross-examination, Inspector Klaszky testified that Inspector Pellegrino carried the bottle and Inspector Jones spoke to the barmaid, who was identified as Nancy Jones. Testifying that to the best of his knowledge the seal on the bottle had been broken by the barmaid, Inspector Klaszky explained that if the bottle of rum purchased by Inspector Vestal had been consumed on the premises there would not have been a violation.

Inspector Vestal was re-called as a witness and he testified that after entering the licensed premises he asked the barmaid for a one-half pint bottle of Bacardi Rum to go. He then testified on cross-examination that he had forgotten during his earlier testimony to mention that he had asked for the bottle to go. He explained that the barmaid heard him say "to go" because she leaned over toward him to hear his words. When she brought the bottle, he stuck it in his belt in front of her and then paid her with 3 one dollar bills. Inspector Vestal further testified that the bottle was tucked on his right side under his belt and that he had

an authorized service revolver tucked under his belt on his left side, covered by a sweater which overlapped his waist. He said he did not know if the barmaid watched him leave the premises.

In defense of the charge, testimony was given by Austin Johnson, sole owner of the corporate licensee. He testified that he was not present on September 7, 1978, at 11:30 P.M., but that the general custom in his establishment concerning purchases of bottles after 10:00 P.M. was to have the barmaid crack the seal on the bottle to indicate that it was to be for consumption on the premises. He testified that the barmaid would not be able to stop someone from leaving with a bottle after permissible hours. Although Mr. Johnson testified that he did not believe the barmaid sold the bottle with the intent that it be taken off the premises, he also testified that he fired the barmaid as a result in part of the sale to the Division inspector.

Based upon the foregoing, I FIND:

1. At about 11:30 P.M. on Thursday, September 7, 1978, a Division of Alcoholic Beverage Control inspector entered the licensed premises and ordered from an employee of Licensee a one-half pint bottle of Bacardi Rum to go.
2. The employee of Licensee complied with the undercover agent's request and sold to him the requested alcoholic beverage, breaking the seal on the bottle before she handed it to him.
3. The inspector tucked the bottle under his belt in the presence of the barmaid, paid her \$3.00 for the bottle, then turned and exited the premises.
4. The inspector thereafter handed the bottle to one of four other inspectors, all of whom then entered the licensed premises to advise the manager or an employee of the violation of Regulation 38.

Former Alcoholic Beverage Control Regulation 38, rule 1, is now promulgated as N.J.A.C. 13:2-38.1, which provides:

No licensee shall sell or deliver, or allow, permit or suffer the sale or delivery of any alcoholic beverage at retail in its original container for consumption off the licensed premises or allow, permit or suffer the removal of any alcoholic beverage in its original or opened container from retail licensed premises, on Sunday, or before 9:00 A.M. or after 10:00 P.M. on any other day of the week; except that, whenever the sale of alcoholic beverages for consumption on the premises and off the premises or either thereof is authorized in any municipality by ordinance or rule or regulation of the Division of Alcoholic Beverage Control, by the holder of a retail consumption or retail distribution license such ordinance or rule shall authorize the sale by such licensees of malt alcoholic beverage in original bottle or can containers for consumption off the premises on the same days and during the same hours as the sale of alcoholic beverages for consumption on the premises is permitted and authorized in said municipality.

Disciplinary proceedings against liquor licensees are civil in nature and require that the truth of the charges against the licensee be established by a preponderance of the believable evidence. 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). On the basis of the foregoing discussion and specific findings of fact, I CONCLUDE that the Licensee, by allowing, permitting and suffering the removal from its licensed premises of an alcoholic beverage in an opened bottle, at about 11:30 P.M. on September 7, 1978, as established by a fair preponderance of the credible evidence, is guilty of a violation of N.J.A.C. 13:2-38.1.

It must be noted that a liquor licensee's responsibility regarding the manner in which the business premises are conducted is not dependent upon the doctrine of respondent superior or upon his personal knowledge, intent or participation, and he is not relieved of responsibility even if the violations were contrary to his express intentions. Olimpic, Inc. v. Director, Division of Alcoholic Beverage Control, Dept. of Law and Public Safety, 49 N.J. Super. 299 (App. Div. 1958).

Although the licensee acknowledged the existence of a prior, unspecified, violation committed by prior owners of the license, the Division declined to present at the hearing any evidence concerning prior offenses. There being insufficient information of record, the apparent prior violation cannot fairly be considered in imposing an appropriate penalty.

Therefore, it is ORDERED that plenary retail consumption liquor license #0102-32-015-001, issued by the Board of Commissioners of the City of Atlantic City to Alan Cafe, Inc., t/a Piggy's Bar and Liquor Store for premises at North Carolina Avenue and Artie Avenue, Atlantic City, New Jersey, be and the same is hereby suspended for a period of fifteen (15) days, commencing on the effective date of this decision. This decision shall not become final until forty-five (45) days after agency receipt of this order unless the agency head acts to affirm, modify, or reverse during the forty-five (45) day period, N.J.S.A. 52:14B-10.

I hereby file with Joseph H. Lerner, Director, Division of Alcoholic Beverage Control, my Initial Decision in this matter and the record in these proceedings.

May 25, 1979
DATE

Joseph F. Fidler
JOSEPH F. FIDLER, A.L.J. c/b
Receipt Acknowledged:

May 29, 1979
DATE

Israel Beer
AGENCY HEAD
Mailed to Parties:

DATE

FOR OFFICE OF ADMINISTRATIVE LAW

4. STATE LICENSES - NEW APPLICATIONS FILED.

American Distilled Spirits
Company Incorporated
300 Marcus Avenue
New Hyde Park, New York
Application filed March 24, 1980
for plenary wholesale license.

Continental Import & Export, Inc.
55 Morris Avenue
Springfield, New Jersey
Application filed March 31, 1980
for plenary wholesale license.

All World Brands, Inc.
121 Moonachie Avenue
Moonachie, New Jersey
Application filed March 31, 1980
for place-to-place transfer of plenary
wholesale license 3400-23-773-001 from
1200 Milik Street, Carteret, New Jersey.



Joseph H. Lerner
Director