

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

BULLETIN 1819

October 16, 1968

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

BULLETIN 1819

October 16, 1968

1. APPELLATE DECISIONS - WILLNER'S LIQUORS, INC. v. BRIDGETON.

Willner's Liquors, Inc.,)	
Appellant,)	
v.)	On Appeal
City Council of the City of)	CONCLUSIONS
Bridgeton,)	AND ORDER
Respondent.)	

Samuel J. Serata, Esq., Attorney for Appellant
Arnold L. Bauer, Esq., Attorney for Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Appellant appeals from the action of the City Council (hereinafter respondent) whereby on March 5, 1968, by a vote of five to one of its members, it denied appellant's application for place-to-place transfer of its plenary retail distribution license from premises 42 South Pearl Street to premises 39 North Laurel Street, Bridgeton. The distance from the present to the proposed location is approximately 1300 to 1400 feet.

Appellant contends in its petition of appeal that the action of respondent was erroneous and should be reversed for the following reasons:

"A. No valid reason existed for denial of Petitioner's application.

"B. Respondent, through its members, acted capriciously and arbitrarily in their denial of Appellant's application.

"C. The Appellant sought transfer of a license from an area designated for Urban Redevelopment to another area of the same zone designation where package goods stores are a permissive use in accordance with the Zoning Ordinance of the City of Bridgeton enacted by Respondent, City Council, and accordingly, the denial of this application was an abuse of discretion and inconsistent."

The answer filed by respondent denies appellant's contentions and avers that "the City Council acted in a sound and discretionary manner within their authority to grant or deny the application for transfer."

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

William C. Willner, president of appellant, testified that appellant has operated its business at the South Pearl Street address since 1951 and, because the property is in an area being taken by the Bridgeton Redevelopment Agency, appellant is compelled to seek another location. He and a real estate agent looked around for suitable premises and the one now sought by appellant appears to be the only one preferred. In the building under contract to be purchased with the provision that, if the transfer is not approved, the agreement will become null and void, are other stores which appellant intends to rent for other types of business. Mr. Willner also stated that there are approximately four liquor outlets within a one-block area from appellant's present premises.

On cross-examination, Mr. Willner was asked whether or not appellant made any attempt to obtain an available site in the redeveloped area and answered that he could not contemplate closing the business for a period of six months to a year in order to have a building constructed for use as licensed premises.

Donald H. Rainear, assistant director and relocation officer for the Bridgeton Redevelopment Agency, testified that he has been trying since May 1967 to negotiate the relocation of appellant's licensed business; that his first effort was to find areas which were properly zoned for appellant's package goods store. The land being taken for urban redevelopment will be made available after all the buildings on the site have been demolished and it has been the policy of the agency to have the land developed by one or two large developers. Some ground has been cleared which will be made available on a public bidding basis. Thus, the procedure will probably take from two to four months before it will be known who the developer would be. He stated that plans would have to be presented and the developer "go through certain federal red tape, which should take, I would estimate, another two to four months." In his opinion, if appellant had to be out of its present premises by September 1, it would be impossible to relocate appellant on available land now cleared in the redevelopment area. It was Mr. Rainear's understanding that the proposed premises sought by appellant is a large building and could yield substantial tax ratables to the municipality. To his knowledge, appellant operates a reputable, quality package goods store that would benefit the area. He felt that licensing the premises at the proposed site would add foot traffic to the area. Mr. Rainear further testified: "Our office made a survey of the area. We suggested several places to the various real estate agents in town, and particularly the real estate agent that consummated the present proposed site, and after reviewing them all, we felt that this probably was the most logical site in terms of obtaining City approval and also in terms of being a good business location for the package goods store."

Russell V. Tyson, director of the Bridgeton Area Chamber of Commerce, testified that in his opinion, a retail liquor establishment such as appellant's would not be detrimental to the proposed area. Transfer of appellant's license to the proposed site would be advantageous "as long as it is properly operated and properly policed... If police are necessary, the store isn't operated correctly."

G. Stanley McCleave, pastor of the Central Methodist Church, appeared on behalf of the Bridgeton Ministerial Association. He testified that the transfer would be detrimental to the community "because it is located so close to our church areas. The parking lot is directly across the street from our past Presbyterian Church, which does not have a church at this time. It is located on Church Street. The overflow parking for this business would be in the Pep Boys parking lot, which is directly in back of my church. I have looked around the area of Willner's Liquor Store and have found it a place that is completely, and I do mean this, completely covered with liquor bottles. I picked some of these up this morning. I could take you to a place this morning, Judge, where I could show you a thousand liquor bottles within 200 feet of this liquor store, empty liquor bottles." On cross examination, Reverend McCleave testified that the bottles produced, and marked in evidence without objection, bore no indication to connect them with appellant's establishment.

Philip A. Borgese testified that he is president of the City Council and has been serving on that body for approximately twelve years; that he was familiar with the area where appellant is presently located and considered it to be a blighted area. He opposed the transfer of appellant's license to the proposed site because it would then be in an area where shopping is done by women and their children and, if the license were placed there, it would be detrimental to the shoppers. In his opinion, grant of the transfer would not be conducive to the welfare of the citizens and denial of the application was for the best interests of all the people in the community. Councilman Borgese stated that there are several probable locations where licensed premises would perhaps be looked on more favorably than the proposed site. Speaking as president of the Council, he added that it had no intent to eliminate any liquor license; that it would be to the best interests of the municipality to relocate appellant to an approved site at an early date. On cross examination, he stated that he was of the opinion that some of appellant's customers would follow it to its new establishment and, further, that this was one of the reasons for his negative vote.

Mayor James A. Yetman testified that he is employed at a retail clothing store in the vicinity of the proposed premises. Although he does not vote on applications for transfer, it was his opinion that the transfer of the license in question to the proposed location would be detrimental to the general welfare of the public. On cross examination, Mayor Yetman stated that he did not discuss the matter of the transfer with any of the councilmen.

Wilbert M. Bacon testified that he operates a clothing establishment near the proposed site for the transfer of the license. He was of the opinion that the transfer would not be conducive to the best interests of his business because the majority of his customers are women who bring their children, that they would refuse to use the parking lot and the store would lose many customers. He further stated that it was in the best interests of the community itself to refuse the transfer of appellant's license. Through his efforts, a petition with approximately 145 signatures was obtained from owners of businesses in the area and also from shoppers, petitioning for the denial of the transfer.

A survey produced by appellant and marked in evidence without opposition discloses that the entrance to the Second Presbyterian Church on North Pearl Street, measured in a direct airline from the rear door of the proposed premises, is 254 feet distant. Measured in accordance with the statute (R.S. 33:1-76), appellant's proposed premises would be located well in excess of the 200-foot requirement.

It has consistently been held that a desire by local authorities to keep free of liquor licensed premises a vicinity wherein a church is located might be deemed as civic sentiment which should command respect. Thus, transfer of a liquor license must be left to the sound discretion of the municipal issuing authority. In case after case, refusal of a municipality to permit a liquor establishment near a church, even though, as here, beyond the statutory 200-foot distance, has been affirmed. As early as 1934, the late Commissioner Burnett said in Staciewicz v. Trenton, Bulletin 35, Item 10:

"Section 76 expresses a legislative policy against licensing premises near churches and schools. The 200 feet provision was included in the statute as a workable minimum requirement. The Legislature did not contemplate depriving issuing authorities of the right to decline to issue licenses for premises reasonably considered by them as being too near churches or schools but, nevertheless, beyond 200 feet."

It is apparent by the petitions that several of the business establishments in the area of the proposed licensed premises have indicated opposition to the transfer in question. There were no petitions filed on behalf of appellant's favoring grant of the transfer. The testimony herein indicates that there are other locations which may be utilized for licensed premises. In fact, Mr. Willner testified that he made inquiries concerning many places but the North Laurel Street site was the place he preferred on behalf of appellant.

Each case stands solely upon its individual merits, depending on the facts presented therein. In order for appellant to be successful in the instant appeal, it must show that respondent abused its discretion in denying the application for transfer. Appellant's obligation to overcome this burden, especially in a matter of discretion, such as this, is to show manifest error or some abuse of discretion by respondent. Nordco, Inc. v. State, 43 N.J. Super. 277 (App. Div. 1957); Rajah Liquors v. Div. of Alcoholic Beverage Control, 33 N.J. Super. 598 (App. Div. 1955).

Transfer of a liquor license is not an inherent or automatic right. If the transfer is denied on reasonable grounds, such action will be affirmed by the Director. The Director's function on appeal is not to substitute his opinion for that of the issuing authority but, rather, to determine whether valid cause exists for the municipal issuing authority's opinion and, if so, to affirm. On review, the court will not interfere with the Director's action unless it was so clearly against the logic and effect of the presented facts as to be deemed unreasonable and illegally grounded. Fanwood v. Rocco, 59 N.J. Super. 306 (App. Div. 1960), aff'd 33 N.J. 404 (1960); Lublimer v. Paterson, 59 N.J. Super. 419 (App. Div. 1960), modified 33 N.J. 428 (1960).

The question in every case is whether reasonable men, acting reasonably, could have reached the decision under review, from the evidence found in the entire record, including the inferences to be drawn therefrom. Freud v. Davis, 64 N.J. Super. 242 (App. Div. 1960). In Fanwood v. Rocco, supra, Judge Gaulkin, among other things, stated at p. 323:

"The Director may not compel a municipality to transfer licensed premises to an area in which the municipality does not want them, because there more people would be able to buy liquor more easily. Such 'convenience' may in a proper case be a reason for a municipality's granting a transfer but it is rarely, if ever, a valid basis upon which the Director may compel the municipality to do so."

Moreover, it was stated in Fanwood that "no person is entitled to either [transfer or issuance of a license] as a matter of law," and "If the motive of the governing body is pure, its reasons, whether based on morals, economics, or aesthetics, are immaterial."

The existence of local sentiment is a legitimate factor for consideration by the municipal issuing authority. Fanwood held that the municipality may reasonably honor local sentiment by declining to transfer a package store license to a designated area, even though it be a central business district.

After reviewing the testimony and the exhibits, I find that respondent's action was neither arbitrary, capricious, unreasonable, nor did it constitute an abuse of discretion. I conclude that appellant has failed to sustain the burden of proof necessary to establish that the action of respondent was erroneous so as to warrant reversal thereof. Rule 6 of State Regulation No. 15. Hence, it is recommended that an order be entered affirming respondent's action and dismissing the appeal.

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 record herein, including the exhibits 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 21st day of August, 1968,

ORDERED that the action of respondent City Council of the City of Bridgeton be and the same is hereby affirmed and that the appeal herein be and the same is hereby dismissed.

JOSEPH M. KEEGAN
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

Jacob F. Rittmann)
t/a Rittmann's Grill & Package Store)
1181-1183 Hamilton Avenue)
Trenton, N. J.,)

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption License C-195, issued by the City Council of the City of Trenton.)

Donald M. Ducko, Esq., Attorney for Licensee
Louis F. Treole, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on divers dates between August 18 and September 21, 1967 he variously permitted acceptance of horse race and numbers bets on the licensed premises, in violation of Rules 6 and 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. Re Tony Pratts, Inc., Bulletin 1797, Item 4.

Accordingly, it is, on this 27th day of August 1968,

ORDERED that Plenary Retail Consumption License C-195, issued by the City Council of the City of Trenton to Jacob F. Rittmann, t/a Rittmann's Grill & Package Store, for premises 1181-1183 Hamilton Avenue, Trenton, be and the same is hereby suspended for fifty-five (55) days, commencing at 2 a.m. Tuesday, September 3, 1968, and terminating at 2 a.m. Monday, October 28, 1968.

JOSEPH M. KEEGAN
DIRECTOR

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

In the Matter of Disciplinary)
Proceedings against)

George E. Horner and Emma H. Horner)
t/a Horse Shoe Grill)
29 Mill Street)
Mount Holly, N. J.)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption)
License C-7 issued by the Township)
Committee of the Township of Mount)
Holly.)

Martin L. Haines, Esq., Attorney for Licensees
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Licensees plead guilty to a charge alleging that on
divers days between March 7 and May 1, 1968, they permitted
acceptance of horse race bets on the licensed premises, in
violation of Rule 7 of State Regulation No. 20.

Licensee George E. Horner has a previous record of
suspension of license by the municipal issuing authority for
seven days effective April 24, 1955, for sale to a minor.

The prior record of suspension of license for dis-
similar violation occurring more than five years ago disre-
garded, 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 Anisko, Bulletin 1797,
Item 12.

Accordingly, it is, on this 28th day of August, 1968,

ORDERED that Plenary Retail Consumption License C-7,
issued by the Township Committee of the Township of Mount Holly
to George E. Horner and Emma H. Horner, t/a Horse Shoe Grill,
for premises 29 Mill Street, Mount Holly, be and the same is
hereby suspended for fifty-five (55) days, commencing at
1:00 a.m. Wednesday, September 4, 1968, and terminating at
1:00 a.m. Tuesday, October 29, 1968.

JOSEPH M. KEEGAN
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - FALSE STATEMENT IN LICENSE APPLICATION - LICENSE SUSPENDED FOR 30 DAYS.

In the Matter of Disciplinary Proceedings against)

Esposito's, Inc.)
t/a Honey Bee Inn)
U. S. Route #9)
Woodbridge, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-36 issued by the Township Council of the Township of Woodbridge.)

Wilentz, Goldman & Spitzer, Esqs., by Warren W. Wilentz, Esq., Attorneys for Licensee
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charges:

"1. On January 29, 1968, you possessed, had custody of and allowed, permitted and suffered in and upon your licensed premises, alcoholic beverages in bottles which bore labels which did not truly describe their contents, viz.,

Three one quart bottles labeled 'J & B Rare Blended Scotch Whisky, Justerini & Brooks, 86 Proof', and

One quart bottle labeled 'Cutty Sark Blended Scots Whisky, 86 Proof';

in violation of Rule 27 of State Regulation No. 20.

"2. In your application files with the Council of the Township of Woodbridge Township and upon which you obtained your current plenary retail consumption license, you falsely stated 'No' in answer to Question 35, which asks: 'Has the applicant or has any person mentioned in this application having a beneficial interest in the license applied for or in the business to be conducted under said license ever had any interest, directly or indirectly, in any alcoholic beverage license or permit in New Jersey or any other state which was surrendered, suspended, revoked or cancelled? If so, state details with respect to each surrender, suspension, revocation or cancellation', whereas in truth and fact plenary retail consumption license held by you for these premises had been suspended by the Council of Woodbridge Township for five (5) days, effective September 10, 1962, for sale of alcoholic beverages to minors; such false answer,

evasion and suppression being in violation of R.S. 33:1-25."

ABC Agent G testified that on January 29, he visited the licensed premises, checked the copy of the license application and tested the open stock of alcoholic beverages found thereon. He seized, among other bottles of liquor, three quart bottles of J & B Whisky and one quart bottle of Cutty Sark Whisky after his preliminary tests indicated that the contents of the respective bottles did not correspond with their labels, and a sealed original bottle of each brand for comparison. The bottles were brought to the Division laboratory for chemical analysis.

A certified copy of the chemist's report, which was admitted into evidence pursuant to R.S. 33:1-37, established that the contents of the three J & B bottles were high in solids and, in addition, two of them were low in proof; and that the contents of the Cutty Sark bottle were low in solids. The chemist therefore concluded that the contents of all four bottles were not genuine as labeled, based upon comparison with sealed original bottles of the same whisky seized at the same time and numerous other sealed original bottles of the same brands tested in the ABC laboratory.

The agent further testified with respect to the application for license that no mention was made therein of the suspension of license by the then Woodbridge Township Committee for five days effective September 10, 1962, for sale to minors, non-disclosure of which being the subject of the second charge. The file of this Division (Rev. 5964) was admitted into evidence to support the second charge.

No testimony was offered by the licensee in defense of the first charge. Although the attorney for the licensee requested an opportunity to consider whether to produce expert testimony at a later date, he subsequently advised that he had decided to rest his case upon the record.

With respect to the second charge, Joseph G. Chiera, president of the corporate licensee, gave the following account: When he and Chester Swistock purchased all the shares of stock in the corporation on March 21, 1963, they were represented by a Woodbridge attorney. He assumed that the attorney had made a search of the record of the licensee and was unaware of any prior suspension of license. The original application by these stockholders was filed by their attorney and all subsequent applications were completed in accordance with the said application. They did not contain any record of the prior violation and suspension. He insisted that he first learned about the adjudicated record when these proceedings were instituted.

With respect to the first charge, I find that the Division has established by a fair preponderance of the credible evidence that the licensee is guilty of the charge. In fact, no proof was offered to refute the Division's evidence. A licensee is responsible for any alcoholic beverages not truly labeled found upon its licensed premises. Cedar Restaurant & Cafe Co. v. Hock, 135 N.J.L. 156; Re Dorf, Bulletin 1727, Item 7. Accordingly, I recommend that the licensee be found guilty of the said charge.

With respect to the second charge, the evidence is clear and convincing that this charge has been established by a fair preponderance of the believable evidence. Under the Alcoholic Beverage Law (R.S. 33:1-25), applicants must truthfully answer all questions in the license application, hence all prior suspensions of license must be set forth in response to the appropriate question therein. Corporate applicants, regardless of intervening change of stockholders (since the corporation is a continuing legal entity distinct from its stockholders) must do likewise. Any licensee is, of course, accountable for the failure of its attorney or agent to cite such adjudicated record of suspension in the said application. Although it appears that there was no intention on the part of the licensee to practice a fraud upon the local issuing authority, the explanation offered by the licensee's president does not go to guilt or innocence but, rather, must be considered only as in mitigation of any penalty imposed. Accordingly, I recommend that the licensee be found guilty of the second charge.

It is further recommended that the prior adjudicated record of license suspension for a dissimilar violation occurring more than five years ago be disregarded in admeasuring the penalty, and that the license be suspended on the first charge for twenty days and on the second charge for ten days, making a total of thirty days. Re Beb's, Inc., Bulletin 1784, Item 10.

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, 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 recommendations.

Accordingly, it is, on this 28th day of August 1968,

ORDERED that Plenary Retail Consumption License C-36, issued by the Township Council of the Township of Woodbridge to Esposito's, Inc., t/a Honey Bee Inn, for premises on U. S. Route #9, Woodbridge, be and the same is hereby suspended for thirty (30) days, commencing at 2 a.m. Wednesday, September 4, 1968, and terminating at 2 a.m. Friday, October 4, 1968.

JOSEPH M. KEEGAN
DIRECTOR

6. DISQUALIFICATION REMOVAL PROCEEDINGS - RAPE - CONDUCT DURING PAST 5 YEARS DEEMED NOT LAW-ABIDING - PETITION DENIED.

In the Matter of an Application to)
Remove Disqualification because of)
a Conviction, pursuant to R.S. 33:)
1-31.2)

CONCLUSIONS
AND ORDER

Case No. 2218

Spinrad, Steinberg and Marshall, Esqs., by Joel M. Steinberg,
Esq., Attorneys for Petitioner

BY THE DIRECTOR:

Petitioner's criminal record discloses that on May 21, 1941, he was convicted in the Essex County Court of rape, and as a result thereof, was sentenced to Rahway Reformatory and paroled on June 16, 1942.

It further appears that petitioner was convicted in a local magistrate's court in 1938 of assault and battery (fined \$10); in 1939 of a motor vehicle violation following the issuance of a traffic warrant (two days in jail); in 1939 of driving an automobile without owner's consent (fined \$25); in 1943 of a municipal ordinance (gambling with dice -- fined \$25); in 1945 of a motor vehicle violation (fined \$200 or thirty days in jail); in 1948 in bastardy proceedings (ordered to pay \$7 a week); in 1958 of contempt of court (traffic -- fined \$25); in 1958 of a motor vehicle violation following the issuance of a traffic warrant (fined \$25); in 1960 of a motor vehicle violation following the issuance of a traffic warrant (fined \$20); in 1961 in bastardy proceedings (ordered to pay \$8 a week); in 1963 following the issuance of three traffic warrants (fined \$35); on September 11, 1963 of contempt of court (traffic warrant -- fined \$25); on May 10, 1965 following the issuance of a traffic warrant (fined \$5); on April 26, 1966 of contempt of court resulting from failure to comply with an order to support an illegitimate child (thirty days in jail, suspended); on May 3, 1966 of a violation of municipal ordinance (gambling with dice -- fined \$50); on May 3, 1966 following the issuance of a traffic warrant (fined \$50) and on April 21, 1967 following the issuance of five traffic warrants (fined \$90).

Since the crime of which petitioner was convicted involves the element of moral turpitude (Re Case No. 1783, Bulletin 1538, Item 9), he was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this State. R. S. 33:1-25, 26.

Petitioner's convictions in the magistrate's court are not convictions of crime.

To afford petitioner the relief requested, it is necessary that I find that he has been conducting himself in a law-abiding manner for five years last past and that his association with the alcoholic beverage industry will not be contrary to the public interest. See R.S. 33:1-31.2.

In view of his convictions and involvements with the law between September 11, 1963 and April 21, 1967, as outlined above, I conclude that petitioner has not so conducted himself and, therefore, deny his petition. Re Case No. 1974,

Bulletin 1664, Item 5; Re Case No. 2109, Bulletin 1733, Item 9.

Petitioner, however, may re-apply for removal of his disqualification on or after April 21, 1972 (five years from April 21, 1967, the date of his last conviction) provided, however, that he has been law-abiding during said five years and has proven to be a fit person to become engaged in the alcoholic beverage industry in this State.

Accordingly, it is, on this 30th day of August, 1968,

ORDERED that the petition herein be and the same is hereby denied.

JOSEPH M. KEEGAN
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

Edward A. Kyle)
t/a Happy Kerwin's Tavern)
Route 22)
Green Brook Township)
PO Dunellen, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-5 issued by the Township Committee of the Township of Green Brook.)

Licensee, Pro se
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on May 3, 1968, he possessed an alcoholic beverage in one bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a prior record of suspension of license by the local issuing authority for five days effective February 5, 1956, for local "hours" violation.

The prior record of suspension for dissimilar violation in 1956 occurring more than five years ago disregarded, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Jean & Bill, Inc., Bulletin 1797, Item 13.

Accordingly, it is, on this 30th day of August, 1968,

ORDERED that Plenary Retail Consumption License C-5, issued by the Township Committee of the Township of Green Brook to Edward A. Kyle, t/a Happy Kerwin's Tavern, for premises on

Route 22, Green Brook, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, September 9, 1968, and terminating at 2:00 a.m. Saturday, September 14, 1968.

JOSEPH M. KEEGAN
DIRECTOR

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

In the Matter of Disciplinary Proceedings against

May E. Halphen, Executrix of the Estate of Marshall J. Halphen t/a Neunheuser's Family Liquor Store 237 North Broadway and 327-329 Morris St. Gloucester City, N. J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-3 issued by the Common Council of the City of Gloucester City.

William E. Hughes, 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 divers days between January 28 and October 3, 1967, she sold alcoholic beverages to another retail licensee, in violation of Rule 15 of State Regulation No. 20.

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 Huze and MacKenzie, Bulletin 1759, Item 18.

Accordingly, it is, on this 3d day of September, 1968,

ORDERED that Plenary Retail Distribution License D-3, issued by the Common Council of the City of Gloucester City to May E. Halphen, Executrix of the Estate of Marshall J. Halphen, t/a Neunheuser's Family Liquor Store, for premises 237 North Broadway and 327-329 Morris Street, Gloucester City, be and the same is hereby suspended for ten (10) days, commencing at 9:00 a.m. Monday, September 9, 1968, and terminating at 9:00 a.m. Thursday, September 19, 1968.

JOSEPH M. KEEGAN
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

STANLEY J. ZOLTANSKI, JR. & MARIAN A. ZOLTANSKI)
260 Home Avenue)
Trenton, N. J.)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-40, issued by the City Council of the City of Trenton.)

Licensees, Pro se
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to charges alleging that on August 3, 1968 they sold six bottles of beer (1) to a minor, age 18, in violation of Rule 1 of State Regulation No. 20, and (2) for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license will be suspended on the first charge for fifteen days (Re Mercurio, Bulletin 1798, Item 3) and on the second charge for fifteen days (Re Lotito, Bulletin 1802, Item 4), 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 26th day of August 1968,

ORDERED that Plenary Retail Consumption License C-40, issued by the City Council of the City of Trenton to Stanley J. Zoltanski, Jr. & Marian A. Zoltanski, for premises 260 Home Avenue, Trenton, be and the same is hereby suspended for twenty-five (25) days, commencing at 2 a.m. Monday, September 2, 1968, and terminating at 2 a.m. Friday, September 27, 1968.

JOSEPH M. KEEGAN
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

DEL-RI CORPORATION)
t/a Ship 'n Shore Bar)
434 W. Montgomery Ave.)
Wildwood, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-42, issued by the Board of Commissioners of the City of Wildwood)

Licensee, by Delema Scavetta, Secretary-Treasurer, Pro se Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on June 28, 1968, it permitted gambling (wagering on a horse race game) on the licensed premises, in violation of Rule 7 of State Regulation No. 20.

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. Cf. Re Belann Tavern, Inc., Bulletin 1510, Item 5.

Accordingly, it is, on this 27th day of August 1968,

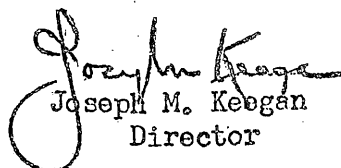
ORDERED that Plenary Retail Consumption License C-42, issued by the Board of Commissioners of the City of Wildwood to Del-Ri Corporation, t/a Ship 'n Shore Bar, for premises 434 W. Montgomery Avenue, Wildwood, be and the same is hereby suspended for ten (10) days, commencing at 3 a.m. Tuesday, September 3, 1968, and terminating at 3 a.m. Friday, September 13, 1968.

JOSEPH M. KEEGAN
DIRECTOR

11. STATE LICENSES - NEW APPLICATION FILED.

Joseph P. Kelly
t/a Kelly Beverages
628 Higgins Avenue
Brielle, New Jersey

Application filed October 9, 1968 for person-to-person and place-to-place transfer of State Beverage Distributor's License SBD-104 from Service Soda Manufacturing Co., Inc., rear 18-22 East 15th Street, Bayonne, New Jersey


Joseph M. Keegan
Director