

STATE OF NEW JERSEY Mrs. Dora P. Rothschild
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark 2, N. J.

BULLETIN 1460

July 20, 1962

TABLE OF CONTENTS

ITEM

1. APPELLATE DECISIONS - ROBINSON, ET ALS. v. GLASSBORO and GLASS BOWL, INC.
2. DISCIPLINARY PROCEEDINGS (Seaside Heights) - ORDER IMPOSING DEFERRED SUSPENSION.
3. DISCIPLINARY PROCEEDINGS (Somers Point) - ORDER IMPOSING DEFERRED SUSPENSION.
4. DISCIPLINARY PROCEEDINGS (Seaside Heights) - ORDER IMPOSING DEFERRED SUSPENSION.
5. COUPONS - TRADING STAMPS - ISSUANCE IN CONJUNCTION WITH SALE FOR OFF-PREMISES CONSUMPTION PROHIBITED BY STATE REGULATION.
PRACTICES UNDULY DESIGNED TO INCREASE CONSUMPTION - ISSUANCE OF TRADING STAMPS IN CONJUNCTION WITH SALE FOR ON-PREMISES CONSUMPTION PROHIBITED BY SPECIAL RULING.
6. PRACTICES UNDULY DESIGNED TO INCREASE CONSUMPTION - FURNISHING DISCOUNTS WITH SALE OF ALCOHOLIC BEVERAGES BY DRINK DISAPPROVED.
DISCOUNTS - FURNISHING WITH SALE OF ALCOHOLIC BEVERAGES IN ORIGINAL CONTAINERS PROHIBITED BY STATE REGULATIONS.
7. STATE LICENSES - OBJECTIONS TO APPLICATION FOR PLENARY WHOLESALE LICENSE - APPLICATION GRANTED. (Newark).
8. DISCIPLINARY PROCEEDINGS (Union City) - FRONT - NO ORDER ENTERED IN VIEW OF CANCELLATION OF LICENSE.
CANCELLATION PROCEEDINGS - APPLICATION FOR LICENSE NOT SUBMITTED BY LICENSEE - LICENSE CANCELLED.
9. DISCIPLINARY PROCEEDINGS (Jersey City) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Manchester Township) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (Jersey City) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR SIMILAR RECORD DISREGARDED - LICENSE SUSPENDED 15 DAYS, LESS 5 FOR PLEA.
12. DISQUALIFICATION REMOVAL PROCEEDINGS - INTENT TO COMMIT BURGLARY - ORDER REMOVING DISQUALIFICATION.
13. STATUTORY AUTOMATIC SUSPENSION (Paterson) - ORDER LIFTING SUSPENSION.
14. DISCIPLINARY PROCEEDINGS (Brielle) - ORDER IMPOSING DEFERRED SUSPENSION.
15. DISCIPLINARY PROCEEDINGS (Jersey City) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark 2, N. J.

BULLETIN 1460

July 20, 1962

1. APPELLATE DECISIONS - ROBINSON, ET ALS. v. GLASSBORO and
GLASS BOWL, INC.

DR. THOMAS E. ROBINSON, ROBERT E. ZIMMERMAN, AUSTIN CATTELL, REV. ROBERT B. HOWE, WILLIAM LOWTHER, T. MILTON MEADOWS, AND OTHER NUMEROUS OBJECTORS,)	
)	
Appellants,)	ON APPEAL SUPPLEMENTAL CONCLUSIONS AND ORDER
v.)	
MAYOR AND COUNCIL OF THE BOROUGH OF GLASSBORO, AND GLASS BOWL, INC.,)	
)	
Respondents.)	

BY THE DIRECTOR:

On February 16, 1962, I entered an order to remand for further action the matter of the grant of a person-to-person and place-to-place transfer of plenary retail consumption license C-3 from Sadowski and Grillo, Inc., t/a "Two G's", to Glass Bowl, Inc., and from premises 354 Main Street to premises 500 Block N. Delsea Drive, Borough of Glassboro.

The objections to the transfer, as expressed by the testimony of the various witnesses, were general in nature and were not sufficient in themselves to justify the reversal of the action of the respondent Mayor and Council. However, I was concerned, after a careful reading of the record in this case, about the possible failure of the respondent Mayor and Council to take into consideration the question of public necessity and convenience for a license at the proposed premises.

I have now before me a certified copy of a resolution adopted on April 10, 1962, by the respondent Mayor and Council which recites:

"WHEREAS, Borough Council having received the Conclusions and Order of William Howe Davis, Director of the Division of Alcoholic Beverage Control under date of February 16, 1962, respecting the transfer of a plenary retail consumption license from Sadowski and Grillo, Inc. trading as Two G's to Glass Bowl, Inc.; and

"WHEREAS, Borough Council having considered the content thereof; and

"WHEREAS, the Director has requested some indication that the Borough Council took into consideration the need, necessity or convenience to be served by the transfer of the license to the proposed premises.

"NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Glassboro that the Director of the Division of Alcoholic Beverage Control be advised that the Borough Council, and more particularly, those members voting either for or against the proposed transfer, did prior to voting thereon consider the need, necessity or convenience to be served by the transfer of the license to the proposed premises. Said consideration was evidenced from time to time throughout the entire proceedings.

"BE IT FURTHER RESOLVED, that Council notes at this time that the question of public need, necessity or convenience was never before the Division of Alcoholic Beverage Control as a stated ground for appeal by the appellants and that this Resolution is adopted solely upon the request of the Director of the Division of Alcoholic Beverage Control and for no other reason. Borough Council hereby does not waive any of its rights by the adoption of this Resolution."

The contents of the aforementioned resolution indicate that the three members voting to approve respondent-licensee's application for the transfer in question and the member opposed thereto actually considered the question of need and convenience for the transfer of the liquor license to the proposed site. I might say that, if I had been a member of the respondent Council, I might have voted to deny the instant application for transfer. However, by the same token, it must be understood that it is not my function on appeal to substitute my opinion for those of the members of the issuing authority who voted for approval of the transfer. DeStefano et als. v. Jersey City et al., Bulletin 1289, Item 4, and cases cited therein. Cf. Fanwood v. Rocco and Division of Alcoholic Beverage Control, 59 N.J. Super. 306 (App.Div. 1960), aff'd 33 N.J. 404 (Sup.Ct. 1960).

The burden of proof to establish that the action of respondent Mayor and Council was erroneous rests with appellants. Rule 6 of State Regulation No. 15. The evidence presented does not indicate any improper motivation on the part of any of the members of the Council, and the grant of the transfer appears to be a reasonable exercise of discretion. In my opinion, appellants have failed to sustain the burden of proof which is necessary in order to reverse the action of the respondent Mayor and Council.

Under the circumstances, and after full examination of the entire record, I shall affirm the action of the respondent Mayor and Council and dismiss the within appeal.

Accordingly, it is, on this 10th day of May 1962,

ORDERED that the action of the respondent Mayor and Council be and the same is hereby affirmed, and that the petition of appeal filed herein be and the same is hereby dismissed.

WILLIAM HOWE DAVIS
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - ORDER IMPOSING DEFERRED SUSPENSION.

In the Matter of Disciplinary Proceedings against)

TRIPLE T, INC.)
t/a KIT-KAT BAR)
135 Hamilton Avenue)
Seaside Heights, N. J.)

ORDER

Holder of Plenary Retail Consumption License C-9, issued by the Mayor and Borough Council of the Borough of Seaside Heights.)

David Resnikoff, Esq., Attorney for Licensee.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

On November 2, 1961, I entered an order in the above matter deferring the license suspension of thirty days because it appeared that the licensed business was conducted only on a limited basis. Bulletin 1427, Item 5.

I am now satisfied that the suspension should be imposed.

Accordingly, it is, on this 16th day of May, 1962,

ORDERED that Plenary Retail Consumption License C-9, issued by the Mayor and Borough Council of the Borough of Seaside Heights to Triple T, Inc., t/a Kit-Kat Bar, for premises 135 Hamilton Avenue, Seaside Heights, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m. Monday, May 28, 1962, and terminating at 2:00 a.m. Wednesday, June 27, 1962.

WILLIAM HOWE DAVIS
/ DIRECTOR

3. DISCIPLINARY PROCEEDINGS - ORDER IMPOSING DEFERRED SUSPENSION.

In the Matter of Disciplinary Proceedings against)
)
 RICHARD K. McCLAIN and RUTH M. McCANN)
 t/a BAY SHORES CAFE) ORDER
 998 Bay Avenue)
 Somers Point, N. J.)
)
 Holders of Plenary Retail Consumption License C-13, issued by the Common Council of the City of Somers Point.)

 Thomas W. Rauffenbart, Esq., Attorney for Licensees.
 Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

On November 8, 1961, I entered an order in the above matter deferring the license suspension of twenty-five days because it appeared that the licensed business was conducted only on a limited basis. Bulletin 1427, Item 6.

I am now satisfied that the suspension should be imposed.

Accordingly, it is, on this 16th day of May, 1962,

ORDERED that Plenary Retail Consumption License C-13, issued by the Common Council of the City of Somers Point to Richard K. McClain and Ruth M. McCann, t/a Bay Shores Cafe, for premises 998 Bay Avenue, Somers Point, be and the same is hereby suspended for twenty-five (25) days, commencing at 3:00 a.m. Monday, May 28, 1962, and terminating at 3:00 a.m. Friday, June 22, 1962.

WILLIAM HOWE DAVIS
 DIRECTOR

4. DISCIPLINARY PROCEEDINGS - ORDER IMPOSING DEFERRED SUSPENSION.

In the Matter of Disciplinary)
Proceedings against)

CHATTERBOX, INC.)
t/a CHATTERBOX BAR & GRILLE)
Lincoln Avenue and Boardwalk)
Seaside Heights, N. J.)

ORDER

Holder of Plenary Retail Consumption)
License C-7, issued by the Mayor and)
Borough Council of the Borough of)
Seaside Heights.)

Leo J. Berg, Esq., Attorney for Licensee.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

On December 6, 1961, I entered an order in the above matter deferring the license suspension of twenty days because it appeared that the licensed business was conducted only on a limited basis. Bulletin 1431, Item 4.

I am now satisfied that the suspension should be imposed.

Accordingly, it is, on this 16th day of May, 1962,

ORDERED that Plenary Retail Consumption License C-7, issued by the Mayor and Borough Council of the Borough of Seaside Heights to Chatterbox, Inc., t/a Chatterbox Bar & Grille, for premises Lincoln Avenue and Boardwalk, Seaside Heights, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. Tuesday, May 29, 1962, and terminating at 2:00 a.m. Monday, June 18, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

5. COUPONS - TRADING STAMPS - ISSUANCE IN CONJUNCTION WITH SALE FOR OFF-PREMISES CONSUMPTION PROHIBITED BY STATE REGULATION.

PRACTICES UNDULY DESIGNED TO INCREASE CONSUMPTION - ISSUANCE OF TRADING STAMPS IN CONJUNCTION WITH SALE FOR ON-PREMISES CONSUMPTION PROHIBITED BY SPECIAL RULING.

May 28, 1962

Plaza Management Corporation
Jersey City 6, New Jersey

Gentlemen:

This acknowledges your letter of May 17th inquiring whether at your licensed premises at the above address, you may give plaid stamps in connection with your sale of alcoholic beverages.

With respect to any sale of alcoholic beverages in original containers for off-premises consumption, the furnishing of any gift or coupon (such as trading stamps) is prohibited by Rule 20 of State Regulation No. 20. Re Philadelphia Yellow Trading Stamp Co., Bulletin 257, Item 3.

With respect to the distribution of trading stamps in conjunction with the sale of alcoholic beverages for on-premises consumption, the obvious purpose of trading stamps considered, I deem their issuance in conjunction with the sale of alcoholic beverages for on-premises consumption to be a practice unduly designed to increase consumption of alcoholic beverages, subject to prohibition by special ruling pursuant to R.S. 33:1-39.

Accordingly, trading stamps may not be furnished in conjunction with any sale of alcoholic beverages.

WILLIAM HOWE DAVIS
DIRECTOR

6. PRACTICES UNDULY DESIGNED TO INCREASE CONSUMPTION - FURNISHING DISCOUNTS WITH SALE OF ALCOHOLIC BEVERAGES BY DRINK DISAPPROVED.

DISCOUNTS - FURNISHING WITH SALE OF ALCOHOLIC BEVERAGES IN ORIGINAL CONTAINERS PROHIBITED BY STATE REGULATIONS.

June 27, 1962

Universal Discount Association
Houston 6, Texas

Gentlemen:

This acknowledges your letter of June 22, 1962 in connection with your plan whereby hotels, motels, restaurants and other businesses give a 10% discount to UDA Courtesy Card holders for payment in cash at time of purchase.

You have asked whether it is lawful in New Jersey to permit a discount on alcoholic beverages, either by the drink or bottle.

Please be advised that such discount cannot be allowed

by retail licensees in New Jersey. Your plan is objectionable as a practice involving gifts of things of value by a licensee and as a practice unduly designed to increase the consumption of alcoholic beverages, concerning which the Director may make general rules and regulations and special rulings and findings. Accordingly, any plan whereby members of the public are induced to visit retail consumption licensed premises through the means of obtaining something of substantial value for nothing or, as here, at a reduced price has been disapproved. In such instances the patron, not unreasonably, feels inclined to reciprocate the licensee's generosity and may be impelled to purchase additional drinks of alcoholic beverages. The sale of alcoholic beverages should not be fostered in this manner, either intentionally or otherwise.

In addition, Rule 5 of State Regulation No. 30 prohibits the sale of alcoholic beverages at retail at less than the price thereof filed with the Director. Under that regulation "package goods" may not be sold at a discount. In addition, Rule 20 of State Regulation No. 20 prohibits the furnishing of discounts with the sale of any alcoholic beverage for consumption off the licensed premises.

WILLIAM HOWE DAVIS
DIRECTOR

7. STATE LICENSES - OBJECTIONS TO APPLICATION FOR PLENARY WHOLESALE LICENSE - APPLICATION GRANTED.

In the Matter of Objections to the)
Issuance of a Plenary Wholesale)
License to)

ADMIRAL WINE CO., INC.)
88 Shipman Street)
Newark, N. J.)

CONCLUSIONS

Leon M. Rosen, Esq., Attorney for Applicant.
Milton H. Cooper, Esq., Attorney for New Jersey Wine & Spirit Wholesalers Association, Objector.

BY THE DIRECTOR:

The applicant has filed an application for a plenary wholesale license for its premises at 88 Shipman Street, City of Newark. A written objection to the issuance thereof having been filed by the objector herein, a hearing was held thereon on April 27, 1962 pursuant to Rule 12 of State Regulation No. 1.

At the hearing, the attorney for the New Jersey Wine & Spirit Wholesalers Association, who is also its Executive Director, appeared on its behalf. No witnesses were called by the objector herein.

The objections, as set forth in a letter received by this Division, and restated orally by the attorney for the objector, are grounded primarily upon its contention that there is no public need or necessity for the issuance of the license for which the application is made.

The applicant herein now holds, and has held for the last two years, a wine wholesale license issued by the Director. The applicant intends to surrender the said license if and when it obtains a plenary wholesale license.

Michael Zeiger, Secretary and General Manager of the applicant corporation, testified that the applicant, at the present time, is a distributor of wine products throughout the State, and has found that by being limited to the sale of wine, it has been unable to meet its current expenses. Competition has been very keen and it has been requested by its customers to supply them with other types of alcoholic beverages. It is convinced that in order to stay in business, it must handle other lines.

This witness further stated that it has been engaged by the Montebello Liquors, Inc. of Baltimore, Maryland, to be its sole distributor of its products in New Jersey, and will undertake such distributorship if its application is hereby approved.

The Montebello Liquors, Inc. is not authorized to operate in New Jersey. It has a complete new line that has never been sold in the State of New Jersey. The witness introduced into evidence a list of products sold by this company, which includes five different types of prepared cocktails, certain off-brands of whiskies, gins, scotches and ryes, and various new formulas containing vodkas and cordials, all of which are unknown to the consumer of New Jersey. There are also products containing rum and French brandy; many of its products are unique and have consumer appeal.

It was further testified that about 75 per cent of its customers (which includes approximately 1,000 accounts), have requested that he adapt a new liquor line. He states that he and his brother, who is associated with him in his business, have found a substantial demand for reasonably priced cocktails and mixed drinks. The addition of these products will enable the applicant to meet the sales resistance which it encounters at the present time.

Shelley M. Zeiger corroborated the testimony of his brother, particularly to the effect that they have received requests from many customers for additional lines of alcoholic beverages, and that this license is absolutely necessary in order for this business to survive.

Counsel for the objector argued that this application should be denied for the reasons cited in Re Volpe, Bulletin 1313, Item 4; aff'd. Volpe v. Division of Alcoholic Beverage Control, N.J.S. decided March 11, 1960 (not reported), reprinted in Bulletin 1332, Item 1. However, that case involved an application for a plenary winery license filed by an individual without any prior experience in the winery business, who intended to manufacture a new type of wine, and the Director concluded that no public need for the new license had been shown.

In the case in issue, this applicant is not seeking a new license; it has held a license for two years and is now seeking the privilege of selling other alcoholic beverages in addition to the wines it now sells. While a license is not generally issuable merely to rescue a financially troubled private or individual interest, I believe that the evidence herein is sufficient to establish a public need for the license applied for by the applicant. Re Joeli Wine Distributors, Inc., Bulletin 1390, Item 10.

The applicant has shown that the products which it

intends to distribute exclusively for the Maryland corporation in New Jersey have certain unique features which might cater to certain public requirements, and would be entirely competitive. In addition, I do not believe that this Division is prepared to state that there is no public need or necessity, based on the present market, for the issuance of any such license. It should be noted that while technically this license is a new license, it is, in fact, merely an extension of an existing license issued to an experienced distributor. Under the facts and circumstances in this case, it is my opinion that the issuance of this license to permit applicant to operate competitively with products geared to a receptive market, would be in the public interest. Cf. Mauriello v. Driscoll, 135 N.J.L. 220 (Sup.Ct. 1947).

The preponderant evidence herein is sufficient to establish a public need for the license applied for by the applicant. Re Joeli Wine Distributors, Inc., supra.; Duggan's Distillers Products Corporation, Bulletin 1244, Item 9; Monsieur Henri Wines Ltd., Bulletin 1260, Item 6.

There has been no testimony offered on behalf of the objectors, and no reason of any substance advanced why this license should not be issued.

I shall grant the application.

WILLIAM HOWE DAVIS
DIRECTOR

DATED: May 24, 1962

8. DISCIPLINARY PROCEEDINGS - FRONT - NO ORDER ENTERED IN VIEW OF CANCELLATION OF LICENSE.

CANCELLATION PROCEEDINGS - APPLICATION FOR LICENSE NOT SUBMITTED BY LICENSEE - LICENSE CANCELLED.

In the Matter of Disciplinary Proceedings against

DOROTHY ROWAN
602 Paterson Plank Road
Union City, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-216, issued by the Board of Commissioners of the City of Union City.

Licensee, Pro se.
David S. Biltzer, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads guilty to the following charge:

"From June 9, 1961 to date, you knowingly aided and abetted Frank Onnen, James Moniello and William Neues to exercise, contrary to R.S. 33:1-26, the rights and privileges of the 1960-61 and 1961-62 plenary retail consumption licenses issued to you by the Union City Board of Commissioners; in violation of R.S. 33:1-52."

In addition to the above charge licensee was ordered to show cause why the license should not be cancelled and declared

null and void for the following reason:

"The license was improvidently issued in violation of R.S. 33:1-25 in that the application upon which the license was granted was not sworn to or signed by you and was not in fact your application in that the license was issued as a result of a fraudulent application filed by someone else in your name."

The facts sufficiently appear from the recited charge and order to show cause.

The admitted charge and uncontested order to show cause considered, the license will be cancelled. Cf. Re Ross, Bulletin 1447, Item 5. No order of suspension or revocation will be entered in view of the cancellation of the license.

Accordingly, it is, on this 24th day of May 1962,

ORDERED that Plenary Retail Consumption License C-216, issued by the Board of Commissioners of the City of Union City to Dorothy Rowan, for premises 602 Paterson Plank Road, Union City, be and is hereby cancelled, effective immediately.

WILLIAM HOWE DAVIS
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

MARGARET L. HUGHES
t/a HUGHES' TAVERN
228 Old Bergen Road
Jersey City, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-344, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

Jeremiah J. O'Callaghan, Esq., Attorney for licensee.
David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 15, 1962, she possessed four bottles of alcoholic beverages bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Manning, Bulletin 1431, Item 5.

Accordingly, it is, on this 28th day of May, 1962,

ORDERED that Plenary Retail Consumption License C-344, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Margaret L. Hughes, t/a Hughes' Tavern, for premises 228 Old Bergen Road, Jersey City, be and the same is

hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Monday, June 4, 1962, and terminating at 2:00 a.m. Tuesday, June 19, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

MARY J. BEYER AND FRANK J. CILLO)
t/a AIRSHIP TAVERN)
Naval Air Station Road)
Manchester Township)
PO Lakehurst, N. J.)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-3, issued by the Township Committee of Manchester Township.)

Novins, Novins & O'Connor, Esqs., by Robert J. Novins, Esq., Attorneys for licensees.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on February 16, 1962, they possessed three bottles of alcoholic beverages bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Dellaira and Pietrowski, Bulletin 1440, Item 7.

Accordingly, it is, on this 28th day of May 1962,

ORDERED that Plenary Retail Consumption License C-3, issued by the Township Committee of Manchester Township to Mary J. Beyer and Frank J. Cillo, t/a Airship Tavern, for premises on Naval Air Station Road, Manchester Township, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Monday, June 4, 1962, and terminating at 2:00 a.m. Tuesday, June 19, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR SIMILAR RECORD DISREGARDED - LICENSE SUSPENDED 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

GEORGE STRENGER & JACOB ENDLICH)
397 Henderson Street)
Jersey City 2, N. J.)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-198, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

Licensees, Pro se.

David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on February 16, 1962, they possessed on the licensed premises alcoholic beverages in two bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensees have a previous record of suspension of license for ten days, effective July 24, 1951, for a similar violation. Re Strenger & Endlich, Bulletin 914, Item 5.

The prior record of similar violation occurring more than ten years ago disregarded, 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 Colucci, Bulletin 1435, Item 8.

Accordingly, it is, on this 28th day of May, 1962,

ORDERED that Plenary Retail Consumption License C-198, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to George Strenger and Jacob Endlich for premises 397 Henderson Street, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, June 4, 1962, and terminating at 2:00 a.m. Thursday, June 14, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

12. DISQUALIFICATION REMOVAL PROCEEDINGS - INTENT TO COMMIT BURGLARY - ORDER REMOVING DISQUALIFICATION.

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. 1687		

BY THE DIRECTOR:

In 1928 petitioner was found guilty of possession of explosives with intent to injure persons and property, possession of burglary tools and carrying concealed weapons. As a result, he was sentenced to an indefinite term in a state reformatory, being released therefrom, according to his testimony, in January of 1930.

All charges arose out of a single incident. Hence, in viewing them collectively, they possess all the indicia of an intent to commit burglary, a crime involving the element of moral turpitude (Re Case No. 831, Bulletin 883, Item 10), with every indication that extreme violence would be resorted to if necessary. Under the circumstances, in my opinion, the conviction involves the element of moral turpitude. Petitioner's conviction thereby rendered him ineligible to be associated with the alcoholic beverage industry in this state. R.S. 33:1-25, 26.

At the hearing herein, petitioner testified that he is unemployed at present but has been engaged in the restaurant business in another state for over twenty-five years. He further testified that he is a widower with two children and he seeks relief in these proceedings in order that he might make application for a liquor license in this State.

Three witnesses (an owner of a manufacturing corporation, an actor and producer and a salesman) testified that they have known petitioner for from sixteen to twenty-five years and for these periods of time he has had a reputation for being a law-abiding person.

The police department of the municipality wherein petitioner resides has advised that no complaint or investigation involving petitioner is pending.

I am satisfied that petitioner has conducted himself in a law-abiding manner for over five years last past and conclude that his association with the alcoholic beverage industry will not be contrary to the public interest.

Accordingly, it is, on this 21st day of May, 1962

ORDERED that petitioner's statutory disqualification because of the conviction described herein be and the same is hereby removed, in accordance with the provisions of R.S. 33:1-31.2.

WILLIAM HOWE DAVIS
DIRECTOR

13. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #212)	
In the Matter of a Petition to)	
Lift the Automatic Suspension)	
of Plenary Retail Consumption)	
License C-201, issued by the)	
Board of Alcoholic Beverage)	ON PETITION
Control for the City of Paterson)	ORDER
to)	
ANNA HEIMANN)	
t/a JACK'S BAR)	
402 Main Street)	
Paterson, N. J.)	

Bernard L. Albert, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

It appears from the petition filed herein that on May 1, 1962, petitioner herein was fined a total of \$300. plus \$30. costs in Paterson Municipal Court after plea of guilty to three charges of sale of alcoholic beverages to minors in violation of R.S. 33:1-77 on March 17 and 18 and April 5, 1962. The conviction resulted in the automatic suspension of her license for the balance of its term. R.S. 33:1-31.1. The suspension has not been effectuated because of the pendency of this proceeding.

It further appears from the petition and the records of this Division that the municipal issuing authority suspended the license of petitioner for one hundred fifteen days, commencing June 1, 1962, after plea of guilty to charges in disciplinary proceedings alleging the same sales to the minors. It appearing that the suspension is adequate, I shall lift the automatic suspension in anticipation of the service of the municipal suspension.

Accordingly, it is, on this 15th day of May, 1962,

ORDERED that the statutory automatic suspension of said license C-201 be and the same is hereby lifted, effective immediately.

WILLIAM HOWE DAVIS
DIRECTOR

14. DISCIPLINARY PROCEEDINGS - ORDER IMPOSING DEFERRED SUSPENSION.

In the Matter of Disciplinary Proceedings against

THE BRIELLE CORPORATION, INC.)
t/a BRIELLE YACHT CLUB)
1 Ocean Avenue)
Brielle, N. J.)

ORDER

Holder of Seasonal Retail Consumption License CS-1 for the 1961 summer season and the 1962 summer season, issued by the Mayor and Council of the Borough of Brielle.)

Robert H. Doherty, Jr., Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

On October 30, 1961, I entered an order in the above matter deferring the license suspension of ten days because it appeared that the licensed business was conducted only on a limited basis and that the 1961 license would expire on November 1, 1961. Bulletin 1424, Item 6.

It now appearing that the licensee has been granted a seasonal retail consumption license for the 1962 summer season, I am now satisfied that the suspension should be imposed.

Accordingly, it is, on this 16th day of May 1962,

ORDERED that Seasonal Retail Consumption License CS-1, issued by the Mayor and Council of the Borough of Brielle to The Brielle Corporation, Inc., t/a Brielle Yacht Club, for premises 1 Ocean Avenue, Brielle, be and the same is hereby suspended for ten (10) days commencing at 2:00 a.m. Monday, June 11, 1962, and terminating at 2:00 a.m. Thursday, June 21, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

15. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
LABELED - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ANNA KULASHA
266 Pine Street
Jersey City 4, New Jersey

)
)
) CONCLUSIONS
) AND ORDER
)

Holder of Plenary Retail Consumption License C-193, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

Licensee, Pro se.
David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

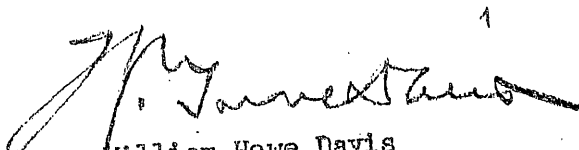
Licensee pleads non vult to a charge alleging that on March 7, 1962, she possessed on her licensed premises alcoholic beverages in seven bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days. Cf. Re Arcieri, Bulletin 1443, Item 2.

Accordingly, it is, on this 4th day of June, 1962,

ORDERED that Plenary Retail Consumption License C-193, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Anna Kulasha for premises 266 Pine Street, Jersey City, be and the same is hereby suspended for the balance of its term, commencing at 2:00 a.m. Monday, June 11, 1962; and it is further

ORDERED that any renewal license be and the same is hereby suspended until 2:00 a.m. Friday, July 6, 1962.


William Howe Davis
Director