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

BULLETIN 2215

February 23, 1976

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ITEM

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1. APPELLATE DECISIONS - OLD MILL STREAM, INC. v. PARAMUS.

Old Mill Stream, Inc., t/a Cuss from Hoe,

Appellant,

v.

Mayor and Council of the Borough of Paramus,

Respondent.

On Appeal

CONCLUSIONS AND ORDER

Citrino, Balsam & Ford, Esqs., by Robert J. Citrino, Esq., Attorneys for Appellant
Joseph S. Di Maria, Esq., Attorney for Respondent
Clare R. Petti, Esq., Attorney for Objectors

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Appellant, the holder of a plenary retail consumption license for premises 205 Paramus Road, Paramus, appeals from the action of the respondent Mayor and Council of the Borough of Paramus (hereinafter Council) which, by resolution dated June 26, 1975, suspended the subject license for twenty days, effective July 6, 1975, after finding the appellant guilty of alleged violation of an agreement entered into between the appellant and the respondent on June 29, 1974 and for alleged violation of Rule 5 of State Regulation No. 20.

In its petition of appeal, appellant alleges that the action of the Council was erroneous and should be reversed for the following reasons: (1) On June 19, 1975, a hearing was held by the Council on objections to the renewal of the said license for the current license period; (2) no statutory notice was given to the appellant that a hearing on the said alleged violations would take place on June 19, 1975, nor was the appellant represented by an attorney or prepared to defend itself against the alleged charges; (3) that, on June 19, 1975 the Council determined that the appellant was guilty of certain violations and suspended the subject license; and (4) the appellant was never given proper statutory notice of any alleged charges, nor was it "afforded the opportunity to have a fair hearing".

In its answer, the Council sets forth that: (a) at its June 12, 1975 meeting to consider appellant's application (among others) for renewal of its plenary retail consumption license, certain "objections and protestations were received on that date from residents in the neighborhood"; (b) as a result of these complaints, the Council sent a notice to the appellant, which notice was "never actually received" advising the appellant that a hearing would take place on June 19, 1975 with respect to the said "objections"; and (c) a representative of the corporate appellant was actually present "in the audience" on June 12, 1975 and June 19, 1975 and, therefore, this constituted notice.

Upon the filing of the appeal, the Director entered an order, dated July 3, 1975, staying the Council's order of suspension pending the determination of this appeal.

This is an appeal de novo pursuant to Rule 6 of State Regulation No. 15, with full opportunity afforded both parties to present testimony herein and cross-examine witnesses.

From my examination of the pleadings and after considering the evidence presented herein, I am persuaded that appellant's motion to reverse the action of the Council because of lack of jurisdiction should be granted.

I make the following findings: Appellant made application for renewal of its license and complied with the statutory requisites. Written objections having been filed with the Council, the said Council at its June 12, 1975 meeting noted that such "objections" have been filed, and notified those present that a hearing on the said objections would take place on June 19, 1975. Ciro Barcellona, the Secretary-Treasurer of the corporate appellant and its principal stockholder was "in the audience" at both June 12th and June 19th meetings.

The Council sent a notice to Barcellona by certified mail addressed to him at his home address. The letter was "unclaimed" and returned to the Council (subsequent to June 19, 1975) after which the Council sent a letter by regular mail to Barcellona. The notice did not contain any specifications of charges, nor did it indicate that the June 19th meeting would constitute a meeting in disciplinary proceedings.

At the June 19th meeting, objections to the renewal of the license were made by residents, including representatives of the Paramus Interested Citizens Association. The appellant was not represented by an attorney, was not notified of any specific charges and, therefore, could not adequately defend itself against any specific charges. Nevertheless, the Council determined that the appellant had violated resolution No. 74-6-54 (which embodied an agreement made in 1974 wherein the appellant agreed to certain special conditions attached with reference to

the renewal of its license), and for violation of Rule 5 of State Regulation No. 20. Its resolution, adopted on June 26, 1975, contained the following pertinent parts:

"WHEREAS the Governing Body of the Borough of Paramus was in receipt of written objections by Borough residents protesting the disturbances caused by three retail consumption liquor licensees, namely MAXIES, THE CUSS FROM HOE, and LIFT THE LATCH, and;

WHEREAS, under State Regulation No. 2 Rule 6 of the Rules and Regulations of the Division of Alcoholic Beverage Control it shall then become the duty of the issuing Authority to afford a public hearing to all parties, and;

WHEREAS, the Governing Body of Paramus held a public hearing on June 19, 1975, and heard objections and protestations of Borough residents and also testimony of certain Borough officials, such as the Chief of Police, Chief Building Inspector, Fire Prevention Chief and the Health Officer, and;

WHEREAS the Governing Body has found and determined that

a. Maxies is an eating and drinking establishment on Paramus Road conducting the least amount of business of the three and the only objection of this licensee is that its parking lot is being allowed to be used by the patrons of the Cuss From Hoe.

b. Lift the Latch is a drinking and eating establishment on Paramus Road and its patrons are being allowed to park on property owned by Saddle River Country Club with its permission; also, the parking lot of Lift the Latch has not been resurfaced with macadam because of a septic tank system under the surface of said lot, as a result causing dust to circulate from the use of the parking lot.

c. The Cuss From Hoe is an eating and drinking establishment on Paramus Road which had entered into an agreement with the Borough of Paramus on June 29, 1974, agreeing to some eleven conditions in an attempt to alleviate the disturbing conditions associated with this business. The licensee agreed to eliminate the annoying conditions and to comply within 60 days of the dated of the June 29, 1974 agreement. This agreement was incorporated into Resolution 74-6-54 which was passed June 24, 1974.

d. The Governing Body of the Borough of Paramus has determined that the Cuss From Hoe has failed to comply, within 60 days, the following paragraphs in said agreement.

Paragraph 1 (Survey); Paragraph 2 (Parking layout); Paragraph 3 (Security personnel); Paragraph 6 (Layout for fire prevention); and Paragraph 10 (Notice of change in operating policy).

e. The Governing Body has further determined that the Cuss From Hoe has violated State Regulation No. 20 Rule 5 in that the licensee has allowed, permitted or suffered disturbances, unnecessary noise and has allowed the place of business to become a nuisance to the discomfort and annoyance of the residents in the surrounding neighborhood.

NOW THEREFORE, be it resolved by the Governing Body of the Borough of Paramus as follows:

1. There lacks sufficient evidence or reasons to warrant any disciplinary action against Maxies and Lift The Latch licensees.

2. As a result of the aforementioned violation of Resolution 74-6-54 and violations of State Regulation No. 20 Rule 5 by the Cuss From Hoe, the plenary retail consumption licensee No. C-25 owned by Cuss From Hoe, shall be suspended for a period of twenty days, commencing July 6, 1975."

My careful reading of the subject resolution indicates that the Council clearly sought to transport and convert this hearing on "objections" to the application for renewal pursuant to Rule 6 of State Regulation No. 2, to an action in disciplinary proceedings pursuant to N.J.S.A. 33:1-31 and State Regulation No. 16. This is statutorily impermissible. As the Director recently delineated in Bernie Feldman's Liquor Store, Inc. v. Bayonne, Bulletin 1870, Item 1, the Council has broad powers under N.J.S.A. 33:1-35 to

"...make, or cause to be made, such investigations as he or it shall deem proper in the administration of this chapter and of any and all other laws now or which may hereafter be in force and effect concerning alcoholic beverages...."

Under the authority of this section, the Council was fully authorized to conduct the hearing on June 19, 1975 and obtain evidence which it required in the investigation of the present status of the appellant's license and in its consideration of the application for renewal thereof. However, if it determines, from the testimony of the witnesses that sufficient evidence has developed which may form a basis for an action to suspend or revoke the said license, it was required to proceed in the manner prescribed by N.J.S.A. 33:1-31. That section in its pertinent part provides:

"Any license, whether issued by the director or any other issuing authority, may be suspended or revoked by the director, or the other issuing authority may suspend or revoke any license issued by it, for any of the following causes:

a. Violation of any of the provisions of this chapter;

* * * * *

g. Any violation of rules and regulations;

* * * * *

j. For any other cause designated by this chapter.

No suspension or revocation of any license shall be made until a 5-day notice of the charges preferred against the licensee shall have been given to him personally or by mailing the same by registered mail addressed to him at the licensed premises and a reasonable opportunity to be heard thereon afforded to him."

It is crystal clear that the authorization to conduct an investigation and a public hearing does not thereby clothe the Council with authority to suspend a license without strict compliance with the statutory imperatives. Thus, the procedure invoked by the Council herein was fatally defective for two reasons: (1) The appellant was not served with a specification of charges in disciplinary proceedings as required by the said statute. It is true that Barcellona was present at the meetings of the Council on June 12th and June 19th. On each of these occasions, he heard "complaints" by residents and may very well have been aware of their grievances. However, these "complaints" were never formalized into specific written charges by the Council.

The attorney for the Council argues that, since a representative of appellant was present "in the audience" and was aware of these complaints, that such presence was the equivalent of lawful service. This contention is patently frivolous. The statute specifically provides that appellant must be served with a notice of charges preferred against it. Since this was not done, the appellant was not statutorily afforded due process, and a fair opportunity to meet the said charges. See Tyler's Country Club, Inc. v. Woodbridge, Bulletin 1311, Item 1; 111 Park Street Corporation v. Orange, Bulletin 1859, Item 2; Drozdowski v. Sayreville, 133 N.J.L. 536 (Sup. Ct. 1946).

In Pepe & Ferrazano v. River Vale, Bulletin 1198, Item 2, involving the same jurisdictional issue, the local issuing authority renewed the applicant's license and, in the same resolution, suspended the license for thirty days "for

conduct in the operation of the premises heretofore, which, in the opinion of the Township Committee, is not in the best interest of the community". On appeal to the Director the appellants alleged that the action of the Township Committee was erroneous because no charges were ever served by the respondent upon the appellants. The Director held that the suspension imposed may not be viewed as a condition within the meaning of the term as used in R.S. 33:1-32. Cf. Hoffman v. Orange and DeLascia, Bulletin 598, Item 7.

(2) The statute specifically provides that the 5-day notice of the charges preferred against the licensee must be "served upon him personally or by mailing the same, by registered mail, addressed to him at the licensed premises". Respondent forthrightly admits that a notice by certified mail was sent to Barcellona at his home address. This notice was merely a notice of hearing, and did not include a statement of any charges preferred. Furthermore, it was sent to the home address of Barcellona rather than to the licensed premises, as commanded by the statute. The fact is that it was never actually received by Barcellona on behalf of the corporate appellant.

Thus, neither of these two conditions was complied with. Since the statute prescribes a specific course and procedure in disciplinary proceedings involving the possible suspension or revocation of a license, an arbitrary or summary suspension without compliance with its terms denies the appellant due process, i.e., the opportunity to answer specific charges duly served upon it. Fanwood v. Rocco, 59 N.J. Super. 306, at p. 316 (App. Div. 1959). This statute does not permit any discretion with respect to its application and implementation. In Fanwood, the court stated that, where the issue involves a matter of law, and not of discretion, and the local issuing authority misapplied the statute, the court has unhesitantly reversed.

The owner of a liquor license acquires through his investment therein, an interest which is entitled to the protection of the law and may not, upon considerations of simple fairness, be taken from it capriciously or arbitrarily. Tp. Committee of Lakewood Tp. v. Brandt, 38 N.J. Super. 462 (App. Div. 1955); Drozdowski v. Sayreville, supra; Yates v. Mulrooney, 245 App. Div. 146 , 281 N.Y.S. 246 (1935). Municipal authorities do not have unlimited authority to revoke or suspend licenses, but must comply with statutory requirements. Bivona v. Hock, 5 N.J. Super 118, 121 (App. Div. 1949).

I, therefore, find and conclude that the action of the Council in ordering the suspension of the appellant's license without complying with the procedural requirements as delineated hereinabove was erroneous and should be reversed. In view of this recommendation, it is unnecessary to consider the merits of the substantive charges.

It is, accordingly, recommended that the action of the Council be reversed, without prejudice to its right to institute disciplinary proceedings, upon compliance with statutory prerequisites.

Conclusions and Order

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

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

Accordingly, it is, on this 26th day of November 1975,

ORDERED that the action of the respondent Mayor and Council of the Borough of Paramus be and the same is hereby reversed, without prejudice to any further action which may be taken by the Council against the appellant in accordance with the provisions of the Alcoholic Beverage Law.

Leonard D. Ronco
Director

2. APPELLATE DECISIONS - ALEXGOOD TAVERN, INC. v. PATERSON.

Alexgood Tavern, Inc., Appellant, v. Board of Alcoholic Beverage Control for the City of Paterson, Respondent.	On Appeal CONCLUSIONS and ORDER

Krugman, Chapnick & Grimshaw, Esqs., by Matthew M. Keshishian, Esq., Attorneys for Appellant
Joseph A. La Cava, Esq., by Ralph L. DeLuccia, Jr., Esq., Attorney for Respondent

BY THE DIRECTOR:

An appeal was filed from the action of the Board of Alcoholic Beverage Control for the City of Paterson (hereinafter Board) which, on June 25, 1975, denied renewal of appellant's plenary retail consumption license for premises 50 West Broadway, Paterson.

The Board had received reports from the Building Department and Health Department of the City of Paterson to the effect that the building housing appellant's licensed premises was "not fit for human habitation....". In consequence of these reports, the Board denied appellant's license.

At the outset of the de novo hearing held in this Division in accordance with Rule 6 of State Regulation No. 15, a thorough discussion of the merits of the respective positions of the parties took place at the request of the respective attorneys, and their proffers of proofs were explored.

The Board obviously determined to deny renewal of appellant's license stemming from a lack of understanding that the license could be renewed subject to the special condition attached that it not be actually issued until the licensed premises complied with the health and safety codes. As the appellant had previously been notified by the local urban renewal agency that the building it occupied was subject to demolition, the appellant considered itself placed in an untenable position of having to remodel a building due to be razed, in order to make it conform to the codes.

In consequence of the discussion between counsel, the Board agreed to the entry of an order by the Director requiring

the issuance of appellant's license nunc pro tunc to the commencement of the licensing year, expressly subject to the special condition that the license not be delivered unless and until the building in which the license is housed is made to conform to local health and safety requirements.

It is anticipated that an application for a place-to-place transfer would follow. The parties agreed to waive the Hearer's report and requested immediate entry of the Director's Conclusions and Order.

Accordingly, it is, on this 2nd day of December 1975,

ORDERED that the action of the Board of Alcoholic Beverage Control for the City of Paterson denying renewal of Plenary Retail Consumption License C-168, previously held by appellant Alexgood Tavern, Inc., for premises 50 West Broadway, Paterson, be and the same is hereby reversed; and it is further

ORDERED that the Board be and is hereby directed to renew appellant's plenary retail consumption license for the current licensing year nunc pro tunc, commencing July 1, 1975, expressly subject to the special condition that such license shall not be actually issued and delivered to appellant unless and until the building in which the said license is housed is repaired so that it fully complies with the codes and regulations applicable to buildings, construction, safety and health in the City of Paterson.

Leonard D. Ronco
Director

3. APPELLATE DECISIONS - HIGHLAND CASINO, INC. v. CLIFTON.

Highland Casino, Inc. t/a Zodiac Bar Appellant, v. Municipal Board of Alcoholic Beverage Control of the City of Clifton, Respondent.	)	On Appeal CONCLUSIONS and ORDER

Edwin J. Nyklewicz, Esq., Attorney for Appellant
Arthur J. Sullivan, Jr., Esq., by John D. Pogorelec, 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 Municipal Board of Alcoholic Beverage Control of the City of Clifton (hereinafter, Board) which, on March 21, 1975, found appellant guilty of a charge alleging that, on October 28, 1974 appellant violated Section 10-C, Article V of the Revised Ordinances of the City of Clifton, in that it failed to have its licensed premises closed during prohibited hours for sale of alcoholic beverages. In consequence of the finding, the Board suspended appellant's plenary retail consumption license for premises 94 Highland Avenue, Clifton, for a period of thirty days, effective April 7, 1975.

Upon the filing of the appeal, the Director, by Order dated April 4, 1975, stayed the effective dates of such suspension pending the determination of the appeal.

In its petition of appeal, appellant denied the factual allegations upon which the Board based its decision, and contended the licensed premises had been lawfully closed as required. The Board answered that its findings were based upon the factual testimony before it, upon which its conclusions were based.

At the hearing de novo herein, the parties agreed to submit the stenographic transcript of the proceedings held before the Board. This

was supplemented by the testimony of two witnesses produced by the appellant and the submission in evidence of the relevant hours ordinance by respondent in accordance with Rules 6 and 8 of State Regulation No. 15.

In support of the charge, the record reflects the following: Sergeant Frank LoGioco of the local police department, while conducting a routine check of appellant's premises about 4:00 a.m. on October 28, 1974 observed, from the exterior thereof, what appeared to him to be patrons within. He was joined by Police Officer Peter Paccioretti and both gained entry to the premises after loud knocking.

The Sergeant observed approximately nine persons seated on the floor circled about a tablecloth upon which there were glasses containing alcoholic beverages. Upon entry, he observed one of the owners in the act of secreting a bottle of alcoholic beverage from their view. Sniffing at the glasses upon the floor, the Sergeant satisfied himself that those glasses contained alcoholic beverages. It was explained to him that the persons present were unpaid employees of the licensee assisting in the clean-up following a social affair.

Patrolman Paccioretti testified before the Board that, upon entry, the persons seated on the floor as he had observed through the window, arose and took seats at nearby tables. In front of them were glasses containing alcoholic beverages. The persons present were listed on a form containing the names of employees of the premises. The officers entered the premises at about 4:08 a.m.

In defense of the charge, the principal officer of the corporate appellant and two employees gave the following account: Both employees had participated in a social function after which the principal stockholder invited them to stay for breakfast. The tablecloth on the floor was placed there as a repository for unclean dishes and glasses. There were no members of the public present, no alcoholic beverages were served, and the premises were closed in conformity with the required ordinance.

The critical issue relates to the interpretaion of the controlling section of the ordinance applicable. That ordinance requires retail consumption licensed premises to be closed during the hours that the sale of alcoholic beverages is not permitted i.e., between 3:00 a.m. and 7:00 a.m. .

It was uncontroverted that the nine persons present were gathered around a tablecloth placed on the floor and were having or about to partake of a repast. One or more of these individuals were musicians whose duty hours had long since passed. Some cleaning had been done during the hour the premises were closed to the general public.

Ordinances pertaining to closing hours have been uniformly interpreted to mean that, if anyone is found on the premises, it shall be deemed a violation; the closing-of-premises provision means that all members of the public must be excluded. P.J. Mullins Bar, Inc. v. Paterson, Bulletin 1968, Item 1; Oliver Twist Pub v. North Bergen, Bulletin 1869, Item 3, and cases therein cited.

Hence, from the factual background the issue may be further distilled to the question: were the nine employees properly within the licensed premises during the prohibited hours so that as to them, the interdiction of the ordinance is not applicable?

If all nine of the employees had been individually busily engaged at their cleaning chores upon entry by the police, it is unlikely that a complaint would have resulted. Cf. The Big Top Cafe v. Newark, Bulletin 2109, Item 1.

The testimony was uncontroverted that glasses containing alcoholic beverages were upon the tablecloth lying in the middle of the floor. To suggest that they were in a collecting point for eventual cleaning, with all nine of the persons gathered around, is incredible. It is apparent and I so find, that at time of the entry by the police, a party or a social,albeit for the employees, was in progress. Such a party is prohibited under the closing provisions of the ordinance.

I conclude that appellant has failed to sustain the burden of establishing that the Board's action was erroneous and should be reversed, as required by Rule 6 of State Regulation No. 15.

Appellant finally contends that the penalty imposed was excessive. The measure or extent of a penalty to be imposed in disciplinary proceedings rests within the sound discretion of the issuing authority and will not be disturbed on appeal unless the evidence clearly shows an abuse of discretion. Schwartz v. Paterson, Bulletin 1577, Item 2; Bacus v. Guttenberg, Bulletin 1332, Item 4; P.J. Mullins Bar, Inc. v. Paterson, Bulletin 1968, Item 1.

The power of the Director to reduce or modify a penalty imposed by the local issuing authority will be sparingly exercised and then only with the greatest caution. Sventy & Wilson v. Point Pleasant Beach, Bulletin 1930, Item 1 and cases therein cited.

There appears to be no great or substantial variance between the penalty herein imposed by the Board and some precedential penalties imposed from time to time by this Division for such offense. Therefore, I find that this contention lacks merit.

It is, accordingly, recommended that an order be entered affirming the Board's action, dismissing the appeal, vacating the order staying

the suspension pending the determination of this appeal and fixing the effective dates for the suspension of license heretofore imposed by the Board.

By letter dated October 6, 1975, Edward Kucharski, a member of the bar of the State of New Jersey informed this Division that he represents Waldemar Andes with whom he is personally acquainted and describes as an "honest, respectable and very hard-working" who, on October 2, 1975, purchased fifty-percent of the corporate appellant's stock and will participate actively in the operation of appellant's business. Kucharski fears the financial impact that would be suffered by the transferee of the stock by the imposition of a suspension. He requests that, in the event that the Director adopts the Hearer's recommended findings, that appellant may be permitted to pay a fine in lieu of suspension. Upon duly considering the above correspondence and the nature of the charge, I further recommend that, in the event this report is adopted, the appellant may be permitted to pay a fine, in compromise, in lieu of suspension upon proper application therefor.

Conclusions and Order

No Exceptions to the Hearer's report were filed on behalf of the appellant except that in a letter dated October 29, 1975, it urges imposition of a fine in lieu of suspension as recommended by the Hearer.

However, by letter dated October 28, 1975, the Board filed an exception to the Hearer's recommendation for the imposition of a fine, in lieu of suspension of license.

Having considered the entire record herein, including the transcript of the testimony, the exhibits and the Hearer's report, I concur in the finding and recommendation of the Hearer as to the affirmance of the action of the Board with respect to the guilt of the appellant on the subject charge, and adopt the said recommendation as my conclusion herein.

The Board, however objects to the Hearer's recommendation that I approve an application by the appellant for the payment of a fine, in compromise, in lieu of suspension of license. It argues that "the general welfare of the citizens of Clifton would be affected" by the acceptance of a fine.

N.J.S.A. 33:1-31 (Chapter 9 of the Laws of 1971) states as follows:

> "The Director may, in his discretion and subject to rules and regulations, accept from any licensee an offer in compromise in such amount as may in the discretion of the Director be proper under the circumstances in lieu of any suspension of any license by the Director or any other issuing authority.

Any sums of money so collected by the Director shall be paid forthwith into the State Treasury for the general purpose of the State."

Thus, while the sole discretion with respect to acceptance of a fine in lieu of suspension is vested in the Director, I have, as a matter of policy and normal procedure solicited the views of the local issuing authority before arriving at my determination as to whether or not to approve such application; and such views are given serious consideration and where I consider the objection to be reasonable, I have denied such applications.

In the instant matter, I have given careful consideration to the objections by the Board but have determined on the basis of the facts herein that its objection is unreasonable, for the following reasons: (1) The charged offense involved the alleged failure to have the licensed premises closed during prohibited hours of sale of alcoholic beverages. The testimony established that only the bartenders, waitresses and members of the band were in the premises, having a repast after they had served guests at a social affair; (2) No members of the public (other than appellant's employees) were present or were served after the legal hours for sale or service on the said premises; (3) This is the first adjudicated violation, and the appellant has no prior record; (4) The fifty percent stock interest of Irena Romond, the principal corporate officer, who was actually present when the alleged incident occurred, has been sold and transferred to a bona fide purchaser. Thus, she has now divested herself of her interest in the corporate appellant and, according to the letter of October 8, 1975 addressed to me by the attorney for the appellant, she has agreed to pay the fine if the application therefor is approved; and (5) Finally, I have computed the fine in the sum of $900.00 which I consider to be a substantial and reasonable penalty under the circumstances.

Therefore, I find that the objection of the respondent is without merit and is rejected. In the exercise of my discretion, I concur in the recommendation of the Hearer with respect to the imposition of a fine in lieu of suspension of license for thirty days; adopt it as my conclusion; and I shall approve appellant's application for the payment of a fine.

Accordingly, it is, on this 20th day of November 1975,

ORDERED that the action of the Municipal Board of Alcoholic Beverage Control of the City of Clifton in finding the appellant guilty of the subject charge, be and the same is hereby affirmed; and it is further

ORDERED that the appeal herein be and the same is hereby dismissed; and it is further

ORDERED that my order dated April 4, 1975, staying the effective dates of the suspension heretofore imposed by the respondent pending the determination of the appeal be and the same is hereby vacated; and it is further

ORDERED that the payment of a $900.00 fine by the appellant is hereby accepted in lieu of a suspension of license for thirty (30) days.

Leonard D. Ronco
Director

4. STATE LICENSES - NEW APPLICATION FILED.

P & R Beer & Soda Distributors, Inc.
t/a Wide Area Beverages
903 Bay Avenue, Stafford Twp.
PO Manahawkin, New Jersey
Application filed February 19, 1976
for person-to-person transfer of
State Beverage Distributor's License
SBD-6 from Frank A. Wenning and Walter
J. Tobin, t/a Wide Area Beverages.

Leonard D. Ronco
Director