

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

November 5, 1969

BULLETIN 1882

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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 1882

November 5, 1969

1. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) -
LICENSE SUSPENDED FOR 60 DAYS.

In the Matter of Disciplinary)
Proceedings against)
)
Son-Streat, Inc.)
t/a New Village Tavern)
935-37-39 Jackson Street)
Camden, N.J.,)

Holder of Plenary Retail Consumption)
License C-154 (for the 1968-69 li-)
cense period) and C-181 (for the)
1969-70 license period), issued by)
the Municipal Board of Alcoholic)
Beverage Control of the City of)
Camden.)

CONCLUSIONS
and
ORDER

Novack & Trobman, Esq., by Malcolm H. Trobman, Esq., Attorneys
for Licensee
Louis F. Treole, Esq., Appearing for the Division
BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charges:

- "1. On July 1, 9, 11 and 18, 1968, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of bets in a lottery, commonly known as the 'numbers game'; in violation of Rule 7 of State Regulation No. 20.
- "2. On July 1, 9, 11 and 18, 1968, you allowed, permitted and suffered tickets and participation rights in a lottery, commonly known as the 'numbers game', to be sold and offered for sale in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20."

In behalf of the Division, Frank Roller (an investigator employed by the New Jersey State Police for more than eight years) testified that on July 11, 1968, as a result of certain information he had received and working in collaboration with Investigator John Carney, he dialed the telephone number 963-9881 (which is listed in the public telephone directory to the New Village Tavern, the trade name used by the corporate licensee, at premises, 939 Jackson Street, Camden, New Jersey) and handed the telephone to his informer. Carney was at an extension telephone for the purpose of hearing the conversation and Roller was listening at the earpiece of the telephone used by him and the informer. Roller continued his testimony as follows:

"The answer on the phone on the other end was, 'Village.' My informer asked, 'Is Monk there?' The reply from the other end of the phone was, 'Yeh.' My informer then gave this following bet: 'I got two for a dollar, 215 and 439.' The reply on the other end of the telephone was, 'Okay.'"

Due to a surveillance of the licensed premises which he and Carney had conducted prior to the telephone call where it was observed that a male identified as Joseph Brooks (also known as "Monk" Brooks) was behind the counter of the bar on that day, Roller had anticipated that Monk would answer the telephone.

On July 9 Investigators Roller and Carney returned to the licensed premises. Roller saw Brooks behind the bar. Continuing, Roller testified as follows:

"At 12:15 p.m. myself and Investigator Carney again met with my informer, at which time I again dialed the phone number 963-9881 and heard the following conversation: Phone rang three times and a male voice answered, again stating, 'Village.' My informer asked, 'Monk?' The reply was, 'Yeh.' My informer again made the following bet: 'Give me 315 for fifty cents and 232 for twenty-five cents.' The reply on the telephone was, 'Okay,' and we hung up."

On July 11 at 12:03 p.m. Roller and Carney parked in front of the licensed premises. Roller looked through the door and observed Brooks behind the bar. At 12:30 p.m. Roller met his informer, dialed 963-9881 and a male voice was heard to say, "Village." The following conversation ensued: "My informer said, 'Monk?' The reply was, 'Yeh.' My informer stated one number, '972 for a dollar.' The reply was, 'Okay,' and we hung up."

On July 18, shortly prior to 2:00 p.m., Roller again met with his informer and, following the procedure used on the days previous, a bet was placed on the telephone over the same telephone number. Shortly thereafter Roller and several other law enforcement officers entered the licensed premises for the purpose of executing a search warrant against the licensed premises and Brooks. He observed Brooks standing behind the bar facing several customers seated at the bar. Nothing evidentiary of the lottery was found either in the barroom or on Brooks' person. Another telephone located in an office to the rear, with an extension located underneath the counter of the bar, was found in the premises. This telephone bore the number 966-4535.

On cross examination the witness reiterated the testimony which he had offered on direct concerning the telephone calls made on the dates mentioned in the charges to Monk at the licensed premises. Additionally, Roller testified that he checked the telephone in the licensed premises which bore the number that he had dialed on the dates mentioned in the charges. The telephone was a coin box type public telephone located on the wall to the right of the front entry approximately twenty feet from the bar.

Investigator John Carney (who was also employed by the New Jersey State police and who possessed amply experience in conducting gambling investigations including numbers betting) testified that he drove Investigator Roller to the licensed premises on July 1 and observed Roller approach the front door of the building for the purpose of viewing the interior of the barroom. Thereafter they proceeded to the home of the informant, whereupon Roller was to dial the telephone number which he ascertained was listed for the public telephone at the licensed premises. After a telephone number was dialed, Investigator Carney picked up the extension telephone and heard the informant and

another male who answered to the name Monk engage in a conversation similar to the conversation heretofore described by Roller.

Carney's testimony of the telephone conversations (made from the informer's apartment) between the informer and a male who responded to the name Monk made on July 9 and 11 was mainly corroborative of the testimony offered by Investigator Roller. It was Carney's opinion that "the person on the other end of the phone who answered to the name of Monk was conducting a lottery operation, accepting telephone numbers bets."

Jerome Spratley (employed by the City of Camden as a patrolman assigned to gambling investigation) testified that he entered the licensed premises with Investigator Roller on July 18. Roller assigned him to answer the telephone. At 2:05 p.m. the public telephone near the front door (assigned number 963-9881) rang. Spratley answered the telephone and the reported conversation ensued:

"The voice on the other end said, 'This is John.' And I said, 'Yeh.' The voice on the other end then stated, 'Is this Monk?' And I said, 'Yes.' And he proceeded to give me 309-50; 905-50; 609-50; 412-50; 311-50; 618-50. Then stated, 'I'll see you after I get off from work,' and hung up."

He identified the bartender as Monk Brooks (a person whom he had known for a period of approximately ten years) who had been identified in the hearing room as Joseph Brooks.

On cross examination the witness asserted that he had searched the immediate area of the telephone and found no physical evidence of a numbers lottery.

In defense of the charges, Franklin Streater (president of the corporate licensee) testified that he works "about sixteen, seventeen hours a day there, six days a week." Approximately four hundred to five hundred persons frequent his barroom during the course of a week. Eleven, twelve or thirteen of them have the nickname Monk. One of them is Joseph Brooks whom he has known since he was four years of age.

Streater was in the barroom from 7:30 a.m. to 6 p.m. on July 1, 1968. Joseph Brooks was not in the barroom on that day. On the last Wednesday in June, Monk was helping Streater take a buffing machine out of his automobile when Monk dropped it on his foot. Monk was not seen in the tavern for at least ten days thereafter. He was never employed by him in the licensed premises.

Streater did not accept a telephone call on the public telephone on July 1 at noon time. He explained that, if it rings, "anybody picks it up. I usually don't want to be bothered with it because the phone calls that I get, business calls that I get come over the business phone that I have."

On July 9 Brooks came into the barroom some time in the morning prior to proceeding to the doctor's office. His visit to the barroom was of fifteen or twenty minutes duration. He did not answer the public telephone to his knowledge. He does not employ males to tend bar; he employs females only to tend bar.

On cross examination the witness asserted that, although Monk assisted him in renovating the premises prior to the time that he obtained his liquor license, he never did any work for him subsequent to receiving his license.

The barmaids did not come in until the very late afternoon and not later than 6:00 p.m. He opened the tavern at 7:30 a.m. to clean up the place and would tend bar if a patron should enter the barroom.

At the conclusion of the Division's case licensee moved to dismiss the charges, arguing that there was insufficient evidence to support a finding of guilt. I reserved decision. I now recommend that the motion be dismissed.

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

In appraising the factual picture presented herein, the credibility of witnesses must be weighed. Testimony, to be believed, must not only proceed from the mouth of a credible witness but must be credible in itself. It must be such as the common experience and observation of mankind can approve as probable in the circumstances. Spagnuolo v. Bonnet, 16 N.J. 545 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App.Div. 1961).

The general rule in these cases is that the finding must be based on competent legal evidence and must be grounded on reasonable certainty as to the probabilities arising from a fair consideration of the evidence. 32A C.J.S. Evidence, sec. 1042.

A review of the record impels me to find that Joseph "Monk" Brooks was more than a patron or a mere "hanger-on" in the licensed premises. Brooks was seen behind the counter of the bar on July 1. He was again observed behind the bar on July 9 and on July 11. On July 18 Brooks was observed standing behind the bar facing several customers seated at the bar. Police Officer Spratley identified Joseph "Monk" Brooks as the bartender on July 18.

Re Jacobs (Bulletin 935, Item 3) and Re Neim (Bulletin 1772, Item 2) stand for the principle that the question of compensation is irrelevant to the determination of the issue of employment.

Brooks' services were being utilized in the furtherance of the licensed business. This constituted him an employee of the licensee notwithstanding the absence of a technical employer-employee relationship. Kravis v. Hock, 137 N.J.L. 252, 255 (Sup.Ct. 1948). It was of no moment that he worked irregularly or was not paid for his services. Freud v. Davis, supra. Despite Streater's protestations to the contrary, I find that Joseph Brooks was an employee within the intentment of Rule 33 of State Regulation No. 20. Brooks' conduct, therefore, is the responsibility of the licensee. It is a well established and fundamental principle that a licensee is responsible for the misconduct of persons employed and is fully accountable for their activities during their employment on licensed premises. In re Olympic, Inc., 49 N.J. Super. 299; In re Schneider, 12 N.J. Super. 449; Rule 33 of State Regulation No. 20. Furthermore, the responsibility of the licensee does not depend upon his personal knowledge or participation. In fact, it has been held that a licensee is not relieved even if the employee violates his explicit instructions. Greenbrier, Inc. v. Hock, 14 N.J. Super. 39 (App.Div. 1951); F. & A. Distrib

Co. v. Division of Alcoholic Beverage Control, 36 N.J. 34 (1961).

I also find as a fact that the telephone number called by Investigator Roller was that of the licensee and that the informer spoke with Joseph Monk Brooks. Brooks was sufficiently identified as being one and the same person who attended the hearing held herein and who was seen behind the bar by two of the law enforcement officers who testified herein.

It is worthy of note that, shortly prior to the making of the telephone calls through the informer to the licensed premises, in each instance the State Police investigator proceeded to the licensed premises and ascertained that Joseph Monk Brooks was in the licensed premises.

Additionally I find that the telephone conversations engaged in by the informer with Brooks plainly indicated that Brooks was accepting numbers bets in violation of Rule 7 of State Regulation No. 20. This impression is buttressed by the testimony of police officer Spratley who testified that on July 18 he answered the same public telephone used by the informer in calling numbers bets to Brooks and that the person calling asked for Monk and then placed a series of numbers bets. I deem this telephone conversation corroborative of the fact that numbers betting had been accepted on the premises by Monk. Re Tumulty (Bulletin 1502, Item 3) recognizes the degree of care needed to be exercised before testimony in form of telephone conversations may be admitted, citing, among other court decisions, State v. O'Donnell, 8 N.J. Super. 13 (1950). In that case the court stated (at p.16):

"... The nature of the conversation made it competent as a material circumstance in the case. Of course, such evidence should be admitted with caution (because of the ease with which it may be counterfeited) and, should not be received at all, except when the circumstances rebut every suspicion that it may be spurious. Commonwealth v. Prezioso, 41 A. 2d 350 (Pa. Sup. Ct. 1945). Here there is nothing to suggest that the evidence is not genuine. Identification of the person calling is not, in a case of this kind, essential to the admissibility of the conversation. What is said by one initiating a call, by disclosing intimate knowledge, may so identify him and the person whom he calls as associates in the enterprises, as to make the whole conversation admissible. Commonwealth v. Prezioso, supra; Commonwealth v. Palace, 63 A. 2d 511 (Super. Ct. of Pa. 1949). The admissibility of evidence of this kind, has been inferentially recognized by our courts, in cases of this nature. State v. Meola, 6 N.J. Super. 214 (App.Div. 1950)."

In arriving at a determination of the factual issues presented herein, I am mindful of the reasoning expressed by Justice Minturn in Miller v. New Amsterdam Casualty Co., 94 N.J.L. 508 (E. & A. 1920) wherein he said (at p.511):

"And, so, it has been declared that a greater or less probability leading on the whole to a satisfactory conclusion, is all they can be reasonably required to establish controverted facts. Devine v. Dilano, 272 III. 166; Ann. Cas. 1918 A.

"We may add that it is this preponderance of the aggregate probabilities juridically termed 'the weight of the evidence' which furnishes the legal standard of proof in civil causes, as contradistinguished from the rigid rule applicable in the trial of criminal causes, based on circumstantial evidence, which requires as a basis for convic-

tion the elimination of every other reasonable hypothesis which could afford a rational explanation for the commission of the crime. *People v. Sexton*, 187 N.Y. 495; 13 R.C.L. 213, and cases."

In more recent case of *Ciuba v. Irvington Varnish & Insulator Co.*, 27 N.J. 127 (1958), at pp. 139, 140, Justice Heher reasoned:

"... Circumstantial or presumptive evidence, as a basis for deductive reasoning in the determination of civil issues, is defined as 'A mere preponderance of probabilities, and, therefore, a sufficient basis for decision.' *Jackson v. Delaware, L. & W. R.R. Co.*, 111 N.J.L. 487 (E. & A. 1933). It need not have the attribute of certainty, but it must be a presumption well founded in reason and logic; mere guess or conjecture is not a substitute for legal proof. The determinative inquiry is whether the evidence demonstrates the offered hypothesis as a rational inference, that is to say, a presumption grounded in a preponderance of the probabilities according to the common experience of mankind. The accepted standard of persuasion is that the determination be probably based on truth. A bare quantitative preponderance is not enough. The evidence must be such in quality as to lead a reasonably cautious mind to the given conclusion. The measure of the weight of the evidence is 'the feeling of probability which it engenders.' *Joseph v. Passaic Hospital Association*, 26 N.J. 557 (1958)."

It is noteworthy that Joseph "Monk" Brooks attended the morning session of the hearing with the licensee. The licensee did not call him as a witness. This does not lead me to draw a presumption of suppression of evidence nor does it lead me to draw an inference that Brooks could not deny the testimony of the law enforcement officers. However, I may reasonably draw therefrom an inference that the evidence would not have been favorable to the licensee. Vide, *Parentini v. Klein Department Stores*, 94 N.J. Super. 452 (App.Div. 1967); *Re C & C Restaurant & Bar*, Bulletin 1823, Item 1.

Licensee's argument that it was prejudiced in not being furnished the identity of the informer is without merit in this instance. Rule 36 of the New Jersey Rules of Evidence (N.J.S.A. 2A: 84A-28) provides:

"A witness has a privilege to refuse to disclose the identity of a person who has furnished information purporting to disclose a violation of a provision of the laws of the State or of the United States to a representative of the State or the United States or a governmental division thereof, charged with the duty of enforcing that provision, and evidence thereof is inadmissible, unless the judge finds that (a) the identity of the person furnishing the information has already been otherwise disclosed or (b) disclosure of his identity is essential to assure a fair determination of the issues."

The genesis of this proceeding is not based upon the credibility of any statement that the informer may have made; it is grounded upon the testimony of two State police officers who heard the conversations between the informer and an individual whom I am persuaded has been adequately identified as Joseph Monk Brooks. See *State v. Oliver*, 50 N.J. 39 (1967). Additionally, we could not lose sight of the fact that the instant proceeding

is civil in nature and not criminal and there is a difference between them.

In any event, after carefully considering all of the evidence adduced herein, the legal arguments advanced and the legal principles applicable thereto, I conclude that the Division has proved its case by clear and convincing testimony and by a fair preponderance of the credible evidence. I therefore recommend that the licensee be adjudged guilty of said charges.

Licensee has no prior adjudicated record of suspension of license. I further recommend that the license be suspended for sixty days. Re Ordike Corporation, Bulletin 1869, Item 5.

Conclusions and Order

Written exceptions to the Hearer's report and argument thereto were filed by the licensee, pursuant to Rule 6 of State Regulation No. 16.

I find that the matters contained in the exceptions have either been considered in detail by the Hearer in his report or are without merit.

Consequently, having considered the entire record herein, including the transcript of the testimony, the exhibits, the memoranda of counsel, the Hearer's report and the exceptions and argument filed with reference thereto, I concur in the findings and recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 15th day of September 1969,

ORDERED that Plenary Retail Consumption License C-181, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Son-Streat, Inc., t/a New Village Tavern, for premises 935-37-39 Jackson Street, Camden, be and the same is hereby suspended for sixty (60) days, commencing at 2 a.m. Monday, September 22, 1969, and terminating at 2 a.m. Friday, November 21, 1969.

Joseph M. Keegan,
Director

2.

ACTIVITY REPORT FOR SEPTEMBER 1969

ARRESTS:		
Total number of persons arrested	-----	19
Licensees and employees	8	
Bootleggers	11	
SEIZURES:		
Stills - 50 gallons or under	-----	1
Alcohol - gallons	-----	.25
Mash - gallons	-----	54
Distilled Alcoholic Beverages - gallons	-----	2.40
Wine - gallons	-----	1.44
Brewed malt alcoholic beverages - gallons	-----	16.96
RETAIL LICENSEES:		
Premises inspected	-----	436
Premises where alcoholic beverages were gauged	-----	374
Bottles gauged	-----	5,438
Premises where violations were found	-----	108
Violations found	-----	182
No Form E-141-A on premises	66	Other mercantile business 4
Unqualified employees	34	Prohibited signs 2
Form E-141-A incomplete	21	Other violations 39
Application copy not available	16	
STATE LICENSEES:		
Premises inspected	-----	2
License applications investigated	-----	8
COMPLAINTS:		
Complaints assigned for investigation	-----	402
Investigations completed	-----	395
Investigations pending	-----	191
LABORATORY:		
Analyses made	-----	75
Refills from licensed premises - bottles	-----	19
Bottles from unlicensed premises	-----	30
IDENTIFICATION:		
Criminal fingerprint identifications made	-----	10
Persons fingerprinted for non-criminal purposes	-----	433
Identification contacts made with other enforcement agencies	-----	309
Motor vehicle identifications via N.J. State Police teletype	-----	4
DISCIPLINARY PROCEEDINGS:		
Cases transmitted to municipalities	-----	2
Violations involved	-----	3
Sale during prohibited hours	2	
Fail. to close prem. dur. proh. hrs.	1	
Cases instituted at Division	-----	31
Violations involved	-----	36
Purchase from improper source	7	Perm. bookmaking acty. on prem. 1
Sale to minors	4	Permitting immoral acty. on prem. 1
Sale during prohibited hours	4	Fraud in application 1
Possessing liquor not truly labeled	4	Fraud and front 1
Hindering investigation	3	Unauthorized transportation 1
Permitting lottery acty. on prem.	3	Fail. to close premises during prohibited hours 1
Perm. lottery & bookmaking on prem.	2	Filing false tax report 1
Retailer-to-retailer sales	2	
Cases brought by municipalities on own initiative and reported to Division	-----	33
Violations involved	-----	43
Sale to minors	19	Fail. to afford view into premises during prohibited hours 2
Sale during prohibited hours	6	Permitting illegal acty. on prem. 1
Permitting brawl on premises	4	Licensee working while intoxicated 1
Permitting immoral acty. on prem.	2	Hindering investigation 1
Fail. to close premises during proh. hours	2	Employing female bartender (local reg.) 1
Conducting business as a nuisance	2	Failure to display copy of license certificate 1
Employment w/o ID card (local reg.)	1	
HEARINGS HELD AT DIVISION:		
Total number of hearings held	-----	65
Appeals	-----	4
Disciplinary proceedings	12	Seizures 4
Eligibility	37	
Eligibility	12	
STATE LICENSES AND PERMITS:		
Total number issued	-----	1,699
Licenses	7	Wine permits 27
Solicitors' permits	41	Miscellaneous permits 289
Employment permits	385	Transit insignia 225
Disposal permits	60	Transit certificates 123
Social affair permits	542	
OFFICE OF AMUSEMENT GAMES CONTROL:		
State Fair licenses issued	51	Premises where violations were found 4
Enforcement files established	16	Number of violations found 8
Premises inspected	56	

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

In the Matter of Disciplinary)
Proceedings against)

Joseph Truncale & Helen Dolores)
Truncale)
t/a Notty Pyne Grill)
1270 Springfield Ave.)
Irvington, New Jersey,)

CONCLUSIONS
and
ORDER

Holders of Plenary Retail Consumption)
License C-55, issued by the Municipal)
Council of the Town of Irvington.)

Saul C. Schutzman, Esq., Attorney for Licensees
Louis F. Treole, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on July 9 and 15, 1969, they permitted acceptance of horse race bets on the licensed premises, in violation of Rule 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 Polonaise Lounge, Inc., Bulletin 1871, Item 7.

Accordingly, it is, on this 10th day of September 1969,

ORDERED that Plenary Retail Consumption License C-55, issued by the Municipal Council of the Town of Irvington to Joseph Truncale & Helen Dolores Truncale, t/a Notty Pyne Grill, for premises 1270 Springfield Avenue, Irvington, be and the same is hereby suspended for fifty-five (55) days, commencing at 2 a.m. Wednesday, September 17, 1969, and terminating at 2 a.m. Tuesday, November 11, 1969.

Joseph M. Keegan,
Director.

- 4. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - SALE BELOW FILED PRICE - PRIOR SIMILAR RECORD - INTERVENING CHANGE OF STOCKHOLDERS - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Lark's Liquor Store, Inc.)
 96 French Street)
 New Brunswick, New Jersey)

CONCLUSIONS and ORDER

Holder of Plenary Retail Distribution License D-5, issued by the Board of Commissioners of the City of New Brunswick.)

-----)
 Wilentz, Goldman & Spitzer, Esq., by Warren W. Wilentz, Esq.,
 Attorneys for Licensee
 Louis F. Treole, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee please non vult to charges alleging that on July 18, 1969 it (1) sold six 16-ounce bottles and six 12-ounce cans of beer to a minor, age 18, in violation of Rule 1 of State Regulation No. 20, and (2) sold the cans of beer below filed price, in violation of Rule 5 of State Regulation No. 30.

Licensee has a previous record of suspension of license by the director for ten days effective June 18, 1962 (Re Lark's Liquor Store, Inc., Bulletin 1467, Item 5) and by the municipal issuing authority for ten days effective July 21, 1969, both for sale to minors.

The prior record of suspension in 1962 disregarded by reason of intervening change of stockholders (Re Green Lantern, Inc., Bulletin 1859, Item 4), but considering the prior record of suspension for similar violation in 1969 within the past five years, the license will be suspended on the first charge for twenty-five days (Re Bromiley, Bulletin 1850, Item 11) and on the second charge for ten days (Re Redding, Bulletin 1871, Item 6), or a total of thirty-five days, with remission of five days for the plea entered, leaving a net suspension of thirty days.

(That the record of suspension effective July 21, 1969 is chargeable as a previous record notwithstanding that the violation herein occurred on July 18th, prior to the commencement of that suspension, since the instant violation occurred while the previous charge was pending, see, for example, Re Play Pen Incorporation, Bulletin 1841, Item 6).

Accordingly, it is on this 8th day of September 1969,

ORDERED that Plenary Retail Distribution License D-5, issued by the Board of Commissioners of the City of New Brunswick to Lark's Liquor Store, Inc., for premises 96 French Street, New Brunswick, be and the same is hereby suspended for thirty (30) days, commencing at 9 a.m. Monday, September 15, 1969, and terminating at 9 a.m. October 15, 1969.

Joseph M. Keegan,
 Director

- 5. DISCIPLINARY PROCEEDINGS - PURCHASE FROM WHOLESALE
WHILE ON A NON-DELIVERY LIST - TRANSPORTATION WITHOUT
TRANSIT INSIGNIA - PRIOR DISSIMILAR RECORD - LICENSE
SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

Harrington & Burns, Inc.)
178 Hackensack Street)
Wood-Ridge,)
PO Rutherford, N.J.,)

CONCLUSIONS
and
ORDER

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

-----)

Licensee, by Mack Sullivan, President, Pro se
Edward F. Ambrose, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on
divers days between December 9, 1968 and July 11, 1969, it (1)
purchased alcoholic beverages from a wholesaler while on the
non-delivery list, in violation of Rule 4(b) of State Regulation
No. 39, and (2) transported such beverages in a vehicle without
transit insignia, in violation of Rule 2 of State Regulation No. 17.

Licensee has a previous record of suspension by the
municipal issuing authority for fourteen days for permitting a brawl
on the licensed premises, effective August 15, 1969, after
affirmance on appeal to the Director. Harrington & Burns, Inc. v.
Wood-Ridge, Bulletin -----, Item---

The license will be suspended on the first charge for fifteen
days (cf. Re Bruno Hardcastle, Inc., Bulletin 1767, Item 5), and on
the second charge for ten days (Re M.V. Patterson, Inc., Bulletin 1849,
Item 5), to which will be added five days by reason of the record of
suspension of license for dissimilar violation within the past five
years, 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 8th day of September 1969,

ORDERED that Plenary Retail Consumption License C-7, issued
by the Mayor and Council of the Borough of Wood-Ridge to Harrington &
Burns, Inc. for premises 178 Hackensack Street, Wood-Ridge, be and the
same is hereby suspended for twenty-five (25) days, commencing at 2 a.m.
Monday, September 15, 1969, and terminating at 2 a.m. Friday, October
10, 1969.

Joseph M. Keegan,
Director.

6. DISCIPLINARY PROCEEDINGS - PURCHASE FROM ANOTHER RETAILER - FALSE BEVERAGE TAX BUREAU REPORTS - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against Club 232, Inc. 232 Mulberry St. Newark, New Jersey, Holder of Plenary Retail Consumption License C-459, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

CONCLUSIONS and ORDER

Licensee, by Domingo Fuentes, President, Pro se Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on divers dates between January 6, 1969 and June 17, 1969 it purchased alcoholic beverages from other retailers, in violation of Rule 15 of State Regulation No. 20, and (2) for the months of January, February, March and April 1969 it filed false Beverage Tax Bureau reports, in violation of R.S. 54:45-1 and 54:47-3.

Absent prior record, the license will be suspended on the first charge for fifteen days (Re M.V. Patterson, Inc., Bulletin 1849, Item 5) and on the second charge for ten days (Re Johnson, Bulletin ----, Item --), or a total of twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days.

Accordingly, it is, on this 9th day of September 1969,

ORDERED that Plenary Retail Consumption License C-459, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Club 232, Inc., for premises 232 Mulberry Street, Newark, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Tuesday, September 16, 1969, and terminating at 2 a.m. Monday, October 6, 1969.

Joseph M. Keegan, Director.

7. DISCIPLINARY PROCEEDINGS - ORDER VACATING ORDER OF SUSPENSION, PERMITTING WITHDRAWAL OF CONFESSIVE PLEA AND AFFORDING HEARING ON CHARGES.

In the Matter of Disciplinary Proceedings against

Carl Johnson)
73 South Street)
Newark, N.J.,)

AMENDED ORDER

Holder of Plenary Retail Consumption)
License C-73, issued by the Municipal)
Board of Alcoholic Beverage Control of)
the City of Newark.)

Walter S. Pryga, Esq., Attorney for Licensee
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

On September 4, 1969 I entered an order herein suspending the license for twenty days effective September 11, 1969, upon recitation of the licensee's plea of non vult to charges of purchase of alcoholic beverages from other retailers and filing false Beverage Tax Bureau reports.

Licensee's now attorney has advised me that the confessional plea was entered by the licensee (then appearing pro se) in error resulting from his misunderstanding of the effect of the plea. On the basis thereof, request has been made to withdraw the plea and thereafter have the matter proceed to hearing.

In view of the circumstances, I shall grant the request.

Accordingly, it is, on this 10th day of September 1969,

ORDERED that the order of suspension heretofore entered herein be and the same is hereby vacated; and it is further

ORDERED that hearing be held on the charges preferred.

Joseph M. Keegan,
Director.

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

In the Matter of Disciplinary Proceedings against Juan Rios 153 Fourteenth Street Hoboken, N.J., Holder of Plenary Retail Consumption License C-109, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken. -----)

CONCLUSIONS and ORDER

Licensee, Pro se Louis F. Treole, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on August 9, 1969 he sold six cans of beer 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 for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Leftwich, Bulletin 1872, Item 8.

Accordingly, it is, on this 9th day of September 1969,

ORDERED that Plenary Retail Consumption License C-109, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Juan Rios, for premises 153 Fourteenth Street, Hoboken, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Tuesday, September 16, 1969, and terminating at 2 a.m. Friday, September 26, 1969.

Joseph M. Keegan, Director.

9. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Pall's New Bar, Inc.)
769 Lalor Street)
Hamilton Township)
PO Trenton, N.J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-32, issued by the Township Committee of the Township of Hamilton (Mercer County).)

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Edward A. Costigan, Esq., Attorney for Licensee
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on June 21, 1969 it sold two six-packs of beer to a minor, age 18 in violation of Rule 1 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 Jer-Barb, Inc., Bulletin 1848, Item 8.

Accordingly, it is, on this 9th day of September 1969,

ORDERED that Plenary Retail Consumption License C-32, issued by the Township Committee of the Township of Hamilton to Pall's New Bar, Inc., for premises 769 Lalor Street, Hamilton Township (Mercer County), be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Tuesday, September 16, 1969, and terminating at 2 a.m. Friday, September 26, 1969.

Joseph M. Keegan,
Director.

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

In the Matter of Disciplinary Proceedings against)

James S. Root and James S. Root, Jr.)
t/a The New Spa)
701-703-705 Broadway)
Bayonne, N.J.)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-108 issued by the Municipal Council of the City of Bayonne)

-----)

Feinberg, Dee & Feinberg, Esqs., by William M. Feinberg, Esq.,
Attorneys for Licensees
Walter H. Cleaver, Esq., Appearing for the Division

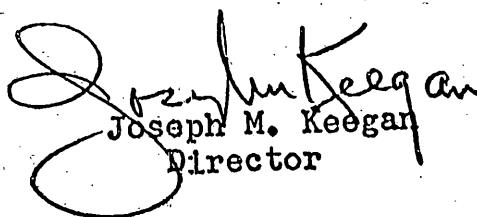
BY THE DIRECTOR:

Licensees plead guilty to a charge alleging that on divers days between February 5, 1968 and July 28, 1969, they 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 Sparacin, Inc., Bulletin 1820, Item 14.

Accordingly, it is, on this 3d day of October, 1969,

ORDERED that Plenary Retail Consumption License C-108, issued by the Municipal Council of the City of Bayonne to James S. Root and James S. Root, Jr., t/a The New Spa, for premises 701-703-705 Broadway, Bayonne, be and same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Tuesday, October 7, 1969, and terminating at 2:00 a.m. Friday, October 17, 1969.


Joseph M. Keegan
Director