

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

BULLETIN 1811

September 6, 1968

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

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September 6, 1968

1. APPELLATE DECISIONS - SOVAT CORP. v. ATLANTIC CITY.

Sovat Corp., t/a Caldwell's )  
Liquor Stores, )

Appellant, )

v. )

Board of Commissioners of )  
the City of Atlantic City, )

Respondent. )

On Appeal

CONCLUSIONS

and

ORDER

-----  
Scapira, Steiner & Walder, Esqs., by Justin P. Walder, Esq.,  
Attorneys for Appellant

Murray Fredericks, Esq., by Daniel J. Dowling, Esq., Attorney  
for Respondent

Feinberg & Ginsburg, Esqs., by Edward I. Feinberg, Esq.,  
Attorneys for Objector, Atlantic-Cape May  
County Liquor Stores Association

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Appellant appeals from the action of respondent Board of Commissioners (hereinafter respondent) whereby on June 8, 1967, by a vote of three of its members (two members abstaining), it denied appellant's application for place-to-place transfer of a plenary retail distribution license from premises located at 400 North Massachusetts Avenue to premises to be constructed in accordance with plans submitted in the Two Guys Shopping Center located on North Albany Avenue, Atlantic City. The distance from the present location to the proposed location is three miles.

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

"(a) The Board of Commissioners of the City of Atlantic City improperly, unreasonably and arbitrarily denied the applicant's request for a place to place transfer;

"(b) The determination by the Board of Commissioners of the City of Atlantic City is contrary to the clear and credible facts presented to the local authorities;

"(c) The members of the Board of Commissioners of the City of Atlantic City were improperly motivated in denying the place to place transfer sought by the applicant."

The answer filed on behalf of respondent denies appellant's contentions and avers that "the evidence and testimony before the Board of Commissioners indicated that the public welfare and the convenience of the public would not be benefited by the proposed transfer, and that the public welfare and convenience would be adversely affected by the said transfer and, further, that the public order would not be benefited by granting the Application to Transfer the License in question."

The resolution adopted in this matter states that the reason for two of the commissioners not voting was that they were absent during part of the hearing before respondent.

The transcripts of the proceeding before the respondent were submitted in this matter, and it was agreed that the testimony of witnesses taken before respondent be considered without the necessity of producing said witnesses at the hearing herein. Nevertheless, this appeal was heard de novo pursuant to Rule 6 of State Regulation No. 15, with full and ample opportunity for all parties to present additional testimony if desired.

Mario Floriani (Chief of Police) testified that in his opinion, because of installation of traffic signals, the license at the shopping center would cause no traffic problem. Chief Floriani, in answer to a question whether the license at the proposed location might cause a law enforcement problem, said, "From looking at the people or knowing the people that are going to Two Guys I can't see where it would pose a problem."

Abram Simoff testified that he is a parking and traffic consultant associated with several municipalities and, in addition, was retained by various other municipalities and a public utilities company to conduct traffic studies. Mr. Simoff testified that on Saturday, March 4, and Monday, March 6, 1967, he made a study of conditions in the shopping center to ascertain what effect the proposed licensed premises would have on the traffic flow and parking situation. He remained at the location in question, on and off, for eight hours on Saturday, March 4, and observed that only half of the 1,171 parking spaces were used at any one time. Mr. Simoff concluded that "Overall it is a safe and workable traffic plan." He further testified that in his opinion "the effect of a package store creates the same traffic circulation and the same parking characteristics as any other use within the overall shopping complex."

Daniel Waters (who operates an insurance business) testified that an insurance company for which he writes insurance refused to renew a policy of insurance for appellant at its present location (400 North Massachusetts Avenue) because the neighborhood "had such an incidence of crime." Moreover, he stated that, although he contracted other companies, all refused to underwrite insurance on said business.

Harold Beuttel (manager of appellant's liquor store on North Massachusetts Avenue) testified that on December 17, 1966 and in January 1967, while employed in appellant's liquor store, the place was held up and on the latter date he was shot during the holdup.

David Feinstein testified that he is a licensed real estate broker since 1933 and has been retained to do appraisal work by the State of New Jersey and the City of Atlantic City. Mr. Feinstein further testified that he is familiar with the area wherein appellant seeks transfer of its license and with

traffic conditions in the surrounding area; that there is "an automatic stop light signal, directly in front of the entrance to Two Guys" and "a large parking area in front of the main structure, and surrounding the main structure, that I would estimate would hold about well over a thousand automobiles" and that he has never seen more than fifty per cent. of the parking area occupied. He stated, "From my personal observation, I have seen the successful operation of a liquor retail store in many shopping centers throughout the State of New Jersey and the United States through my reading." He also expressed the opinion that the operation of a retail package goods store at the proposed site would be beneficial to the public. On cross examination Mr. Feinstein, in answer to a question whether it would be advisable to have a liquor store in the shopping center which is patronized by men, women and children, stated, "Yes, sir. And, the reason that I make that answer is because it is easier to buy alcoholic beverages there."

Bernard F. Murphy (supervisor of alcoholic beverage licenses) testified that on August 18, 1966, an application for transfer of a plenary retail consumption license to North Albany Avenue, across from the Two Guys Shopping Center, had been approved but the building to constitute the licensed premises had not been constructed to date. He further testified that there were no objections to the transfer of the said license.

Meridith B. Kerstetter testified that he has been a member of the respondent since September 1957 and that he voted against the transfer of appellant's license to the shopping center. His reason was that there was no need for a liquor outlet in the shopping center because there are already two licensees on North Albany Avenue on the Atlantic City side of Two Guys within a distance of one mile of the proposed location. He also stated that "Within my term of office it has been the policy of the Board of Commissioners not to grant any license of any type to any supermarket or shopping areas." Moreover, he stated that there is another shopping center in town, not quite as large as Two Guys, known as Garwood Mills, wherein there is no liquor licensed premises.

Fred Oliver (president of the Atlantic-Cape May County Liquor Stores Association) and Harry Goodelman (both operators of package goods stores in Atlantic City) testified that in their opinion there is no need for a liquor license in the shopping center.

Several other witnesses appeared and objected to the transfer of the license to the shopping center, based, among other things, upon the fact that many children frequent the Two Guys Department Store.

Appellant is apparently of the opinion that, because of the fact that other municipalities have permitted liquor licensed premises to be located in shopping centers and because of high crime incidence in the area where the licensed premises are presently located, it is entitled to the transfer of the license to the proposed site.

However, in Fam-Bar Liquors, Inc., v. Berkeley Heights (1963), not officially reported, recorded in Bulletin 1560, Item 3, affirming the Director's conclusion in Fam-Bar Liquors v. Berkeley Heights, Bulletin 1518, Item 1, the court expressly agreed that, because one or more municipalities approve retail liquor outlets in shopping centers, it is not incumbent upon the

members of all issuing authorities to follow such example. Moreover, the court was in accord that each case stands upon its individual merits, depending on the facts presented therein. In addition thereto, the court restated the well established principles that a transfer of a liquor license is not an inherent or automatic right; that the issuing authority may grant or deny the transfer in the exercise of reasonable discretion; that, if the transfer is denied on reasonable grounds, such action will be affirmed by the Director; that the Director's function on appeal is not to substitute his opinion for that of the issuing authority but, rather, to determine whether valid cause exists for the municipal authority's opinion and, if so, to affirm; that the applicant has the burden of showing that the issuing authority abused its discretion in denying the transfer; and that, on review, the court will not interfere with the Director's action unless it was so clearly against the logic and effect of the presented facts as to be deemed unreasonable and illegally grounded.

Appellant alleges that the members of respondent were improperly motivated in denying the application for transfer. There is nothing in the record herein to support this contention. The fact that members of respondent voted to deny the appellant's application for the transfer in question cannot be construed to impugn their action with improper motives.

After carefully examining the entire record herein, I find that appellant has failed to sustain the burden of establishing that the action of respondent in denying the transfer of license in question was unreasonable, arbitrary, capricious or constituted an abuse of its discretionary powers. Rule 6 of State Regulation No. 15. The evidence establishes that appellant was given a full and complete hearing in this matter and that denial of the transfer of the license to the proposed site was, in the opinion of respondent, for the best interests of the city. Under the circumstances herein, based on the evidence presented, I recommend that an order be entered affirming the action of respondent and dismissing the appeal.

#### Conclusions and Order

Pursuant to Rule 14 of State Regulation No. 15, exceptions to the Hearer's report and argument thereto were filed by appellant and answering argument was filed by respondent and the objecting trade association. Additionally, I heard oral argument by the parties' attorneys. Although several grounds are included in the exceptions of appellant, it is deemed necessary to discuss only one herein, namely, that respondent failed to set forth in its resolution of June 8, 1967 and its answer filed to the petition of appeal the specific reasons for its denial of the transfer application.

The said denial resolution contains language similar to respondent's answer quoted in the Hearer's report. However, such language is only general in nature, consisting of conclusions, without specificity which would advise appellant and the public of the precise basis for respondent's action. The only indication of the actual basis for respondent's action is contained in the testimony of Commissioner Kerstetter, who stated that although he could not speak for the other two members who voted on the resolution, he personally believed that there were already "adequate stores to service the area" of the proposed licensed premises and that he took into consideration a policy of respondent in existence since 1957 not to grant any license of any type to any

"supermarket or shopping areas."

Rule 10 of State Regulation No. 6, dealing with transfers of license, states in pertinent part that "In any action adverse to an applicant or objector, the issuing authority shall state the reasons therefor." Rule 4 of State Regulation No. 15, dealing with appeals to the Division, states in pertinent part that "The answer filed by the respondent issuing authority shall include a statement of the grounds for the action."

It is clear that respondent's resolution and answer in question do not comply with the intent of these two rules because of the vagueness of language and lack of specific information conveyed to the interested persons. But what corrective action should be taken in this matter? Respondent and the objector contend that no corrective action is warranted because no prejudice was shown by reason of respondent's failure to set forth adequately the factual basis for its denial of appellant's application.

When former Director Lordi on May 7, 1965 promulgated the amendment to Rule 10 of State Regulation No. 6 adding the sentence hereinabove quoted, he stated in the preamble thereof that the lack of supporting statements of reasons by issuing authorities "places adverse parties and objectors in a disadvantageous position in deciding whether to appeal to this Division the municipal issuing authority's determination and tends to foster local decisions which are neither carefully thought out nor supported by evidence, or which are grounded upon illegal considerations." See Bulletin 1618, Item 1, for the full preamble and rule amendment.

The instant case is an example of what the amendment sought to remedy. At the appeal hearing herein, for the first time an alleged long-standing policy against licenses being granted to any supermarket or shopping area was projected as the reason for respondent's action. In its exceptions and argument, appellant states that despite diligent research (including examination of the resolutions in the Garwood Mills and Larion cases involving so-called shopping areas), no announcement or promulgation of any such policy could be found. Respondent has not proffered any documentation of the existence or extent of such a policy.

Commissioner Kerstetter sought to speak only for himself in delineating the reasons for his voting against the application. The transcript of the hearing below offers no assistance concerning the existence of such a policy, although it would seem only natural for respondent's members to have confronted appellant with, and afforded it an opportunity to overcome, such a formidable obstacle if, in fact, its proposed licensed premises were deemed to be part of a "shopping area" or "shopping areas." In the absence of any official pronouncement by respondent, in its resolution, answer or otherwise, it is difficult, to say the least, to make any finding on this offered ground for its denial of the transfer.

Furthermore, I have examined the entire record herein with respect to the other assigned ground that there is an adequate number of licensed stores already serving the proposed area and find that such ground is not supported by the record when such area is compared to appellant's existing location. The testimony and exhibits show that there are one hundred licensed premises (thirteen plenary retail distribution licenses, fifteen plenary retail consumption licenses with broad package privilege, and seventy-two plenary retail consumption licenses) within less

than a mile of appellant's existing licensed premises, which is located in a congested, high-crime area, and that a large number of these are located within only a few blocks thereof. This high concentration of clusters of licensed premises is in sharp contrast with the proposed location in a newly developed section of Atlantic City with a very limited number of existing or proposed licensed premises (one existing and one proposed within one mile). Of course, in view of the lack of specified reasons or findings, it is not known whether respondent, as a body, in fact relied upon this ground.

In view of these circumstances, and after having carefully considered the entire record of this case, I have determined that the proper course herein requires that this matter be remanded to respondent for a new complete hearing, at which it may delineate any general policy it may have with respect to the proposed licensed premises and the basis thereof, and at which appellant may introduce evidence to meet the existence of such policy, if any, or its application to its proposed licensed premises. The hearing will be unrestricted as to scope, but will include as part of the record thereof all of the evidence (including the transcripts of testimony and exhibits part of the instant record) and pleadings herein in order that such hearing may be facilitated and so that all of the members of respondent may participate therein, whether or not they heard the original case. And all parties in interest are to be advised of the new hearing. Cf. Hudson-Bergen County Retail Liquor Stores Association v. Cliffside Park and Najarian, Bulletin 1767, Item 1.

Accordingly, it is, on this 8th day of July, 1968,

ORDERED that the appeal herein be and the same is hereby remanded to the Board of Commissioners of the City of Atlantic City for a full hearing by all of its members in accordance with the Conclusions entered herein.

JOSEPH M. KEEGAN  
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - PURCHASE FROM UNAUTHORIZED SOURCE - LICENSE SUSPENDED FOR 75 DAYS, LESS 5 FOR PIEA.

In the Matter of Disciplinary Proceedings against	)	CONCLUSIONS
Gold-Ross, Inc.	)	and
590 Springfield Avenue	)	ORDER
Newark, N. J.,	)	
Holder of Plenary Retail Consumption License C-740, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.	)	
-----	)	

William Osterweil, Esq., Attorney for Licensee  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on or about December 1, 1967 it purchased or obtained six cases of quarts of scotch whisky from a person not the holder of a New

Jersey manufacturer's or wholesaler's license, in violation of Rule 15 of State Regulation No. 20.

Reports of investigation and other documents in the file disclose that a quantity of Cutty Sark Scots Whisky found stacked on shelves in a storage room located on the licensed premises could have been part of a shipment stolen from a wholesaler's truck on November 16, 1967, in the City of Newark. The investigation further disclosed that the manager admitted that he purchased the same for \$250 in cash from a patron (whose full name or address he did not know) which he conceded might have been stolen.

The attorney for the licensee set forth in alleged mitigation in his letter dated March 26, 1968, that Harry Goldman, fifty percent stockholder of the licensee corporation, who was in charge of the operation of the licensed business, was unaware of the activity of his employee with respect to this charge. However, the public impact is the same and the licensee is responsible for the acts of its agents and employees in the operation of the said premises.

Under all of the circumstances herein, the license will be suspended for seventy-five days, with remission of five days for the plea entered, leaving a net suspension of seventy days. Re Sabbia, Bulletin 1373, Item 3; Re Chinsky Enterprises, Inc., Bulletin 1492, Item 1.

Accordingly, it is, on this 1st day of July 1968,

ORDERED that Plenary Retail Consumption License C-740, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Gold-Ross, Inc., for premises 590 Springfield Avenue, Newark, be and the same is hereby suspended for seventy (70) days, commencing at 2 a.m. Monday, July 8, 1968, and terminating at 2 a.m. Monday, September 16, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against )

Anthony Pacella )  
4015 Palisade Ave. )  
Union City, N. J. )

CONCLUSIONS

and

Holder of Plenary Retail Consumption License C-18 issued by the Board of Commissioners of the City of Union City )

ORDER

-----  
Licensee, Pro se  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging

that on divers dates between April 11 and May 2, 1968, he permitted acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Hub Corp., Inc., Bulletin 1794, Item 4.

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

ORDERED that Plenary Retail Consumption License C-185, issued by the Board of Commissioners of the City of Union City to Anthony Pacella for premises 4015 Palisade Avenue, Union City, be and the same is hereby suspended for fifty-five (55) days, commencing at 3:00 a. m. Wednesday, July 10, 1968, and terminating at 3:00 a. m. Tuesday, September 3, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

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

In the Matter of Disciplinary )  
Proceedings against )  
Dominick Silecchia )  
t/a Blue Bird Lounge )  
670 Bergen Street )  
Newark, N. J. )

CONCLUSIONS

and

Holder of Plenary Retail Consumption )  
License C-208 issued by the Municipal )  
Board of Alcoholic Beverage Control )  
of the City of Newark )

ORDER

-----)  
Joseph S. Pecora, Esq., Attorney for Licensee  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic  
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on November 29 and December 7 and 20, 1967, he permitted acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Hub Corp., Inc. Bulletin 1794, Item 4.

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

ORDERED that Plenary Retail Consumption License C-208, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Dominick Silecchia, t/a Blue Bird Lounge, for premises 670 Bergen Street, Newark, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a. m. Wednesday, July 10, 1968, and terminating at 2:00 a. m. Tuesday, September 3, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - PRIOR SIMILAR RECORD DISREGARDED - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Agnes Byrnes )  
t/a Sweeney's )  
1292 E. State Street )  
Trenton, N.J. )

CONCLUSIONS

and

Holder of Plenary Retail Consumption License C-36 issued by the City Council of the City of Trenton )

ORDER

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Harvey L. Stern, Esq., Attorney for Licensee  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on divers days between June 2 and September 7, 1967, she permitted acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

By order entered April 22, 1968, I suspended the license for sixty days effective April 29 and terminating June 28, 1968, for similar violation. Re Byrnes, Bulletin 1795, Item 2. In view of the fact that several of the dates in the current proceedings pre-date the violation which is the basis of the above suspension, I shall not consider said suspension as a previous record warranting increase of the penalty.

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 Gonzales and Nazario, Bulletin 1795, Item 3.

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

ORDERED that Plenary Retail Consumption License C-36, issued by the City Council of the City of Trenton to Agnes Byrnes, t/a Sweeney's, for premises 1292 East State Street, Trenton, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a. m. Wednesday, July 10, 1968, and terminating at 2:00 a. m. Tuesday, September 3, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

6. APPEAL CASES -- July 1, 1967 through June 30, 1968

Undecided June 30, 1967	19
Filed July 1, 1966 through June 30, 1967	<u>70</u>
Total	89

Disposition

Affirmed . . . . .	34
Reversed . . . . .	17
Remanded . . . . .	2
Withdrawn (after hearing)	1
Withdrawn (no hearing)	18
Undecided (10 cases heard)	
7 " not " )	<u>17</u>

Total 89

Emerson A. Tschupp  
Deputy Director

Dated: August 9, 1968

7. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - HINDERING INVESTIGATION - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Meadow View Inn, Inc.  
t/a Meadow View Inn  
Main St., Route 46  
Independence Township  
PO Great Meadows, N. J.,

)  
)  
) CONCLUSIONS  
and  
) ORDER

Holder of Plenary Retail Consumption License C-1, issued by the Township Committee of the Township of Independence.

-----  
Hauck, McIntyre & Morrow, Esqs., by Anthony M. Hauck, Jr., Esq.,  
Attorneys for Licensee  
Louis F. Treole, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on April 3, 1968 it (1) sold twelve bottles of beer for off-premises consumption, in violation of Rule 1 of State Regulation No. 38, and (2) hindered investigation then being conducted by ABC agents by refusal to permit inspection of its back bar, in violation of Rule 35 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for fifteen days effective May 23, 1966, for sale to minors.

The license will be suspended on the first charge for fifteen days (Re Kicey, Bulletin 1787, Item 4) and on the second charge for ten days (Re Finan, Bulletin 1711, Item 6), to which will be added five days by reason of the record of suspension of license for dissimilar violation occurring within the past five years (Re Diesel Inn, Incorporated, Bulletin 1786, Item 6), 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 July 1968,

ORDERED that Plenary Retail Consumption License C-1, issued by the Township Committee of the Township of Independence to Meadow View Inn, Inc., t/a Meadow View Inn, for premises Main Street, Route 46, Independence, be and the same is hereby suspended for twenty-five (25) days, commencing at 3 a.m. Monday, July 15, 1968, and terminating at 3 a.m. Friday, August 9, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - FALSE STATEMENT IN LICENSE APPLICATION - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Bruno Gallia  
t/a "Beef and Ale House"  
108 Haddonfield Road  
Cherry Hill, N. J.,

CONCLUSIONS

and

Holder of Plenary Retail Consumption License C-25, issued by the Township Council of the Township of Cherry Hill.

ORDER

-----  
Cahill and Wilinski, Esqs., by Robert Wilinski, Esq., Attorneys for Licensee  
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on March 23, 1968 he sold drinks of beer to three minors, one age 19 and two age 20, in violation of Rule 1 of State Regulation No. 20, and (2) in his application for license for 1967-68 license year failed to disclose his prior record of license suspension, in violation of R.S. 33:1-25.

Although the licensee has no record of suspension of license as an individual, the license then held by Circle Tavern, Inc. for premises in Pennsauken, in which corporation he was an officer, director and stockholder, was suspended by the municipal issuing authority for three days effective November 24, 1958, for permitting females at the bar in violation of local regulation, non-disclosure of which being the subject of the second charge.

The prior record of license suspension for dissimilar violation occurring more than five years ago disregarded in measuring the penalty, the license will be suspended on the first

charge for twenty days (Re Toth, Bulletin 1582, Item 12) and on the second charge for ten days (Re Makem, Inc., Bulletin 1785, Item 7) 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 1st day of July 1968,

ORDERED that Plenary Retail Consumption License C-25, issued by the Township Council of the Township of Cherry Hill to Bruno Gallia, t/a "Beef and Ale House", for premises 108 Haddonfield Road, Cherry Hill, be and the same is hereby suspended for twenty-five (25) days, commencing at 3 a.m. Monday, July 8, 1968, and terminating at 3 a.m. Friday, August 2, 1968.

JOSEPH M. KEEGAN,  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against )

Jesse Mason, Jr. )  
54 N. Franklin Street )  
Lambertville, N. J., )

CONCLUSIONS

and

Holder of Plenary Retail Consumption License C-8, issued by the Board of Commissioners of the City of Lambertville. )

ORDER

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 23, 1968 he possessed alcoholic beverages in two bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for thirty days effective August 29, 1944, for sale to minors (Re Mason, Bulletin 636, Item 1), and by the municipal issuing authority for seventy-five days effective May 12, 1958, for permitting an act of violence and persons of ill repute on the premises.

The prior record of suspensions of license for dissimilar violations occurring more than five 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 Gropp's Tavern, Inc., Bulletin 1794, Item 5.

Accordingly, it is, on this 8th day of July 1968,

ORDERED that Plenary Retail Consumption License C-8, issued by the Board of Commissioners of the City of Lambertville to Jesse Mason, Jr., for premises 54 N. Franklin Street, Lambertville, be and the same is hereby suspended for ten (10) days, commencing at 7 a.m. Monday, July 15, 1968, and terminating at 7 a.m. Thursday, July 25, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against

Thomas and Frank Beninato t/a Villa Roma 762-766 Lidgerwood Avenue Elizabeth, N.J.,

Holder of Plenary Retail Consumption License C-238, issued by the City Council of the City of Elizabeth.

CONCLUSIONS and ORDER

Licenses, by Frank Beninato, Pro se Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licenses plead non vult to a charge alleging that on March 13, 1968 they possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Licenses have a previous record of suspension of license by the municipal issuing authority for five days effective May 9, 1955, for sale to minors.

The prior record of suspension of license for dissimilar violation occurring more than five years ago disregarded, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Knudson, Bulletin 1792, Item 8.

Accordingly, it is, on this 8th day of July 1968,

ORDERED that Plenary Retail Consumption License C-238, issued by the City Council of the City of Elizabeth to Thomas and Frank Beninato, t/a Villa Roma, for premises 762-766 Lidgerwood Avenue, Elizabeth, be and the same is hereby suspended for five (5) days, commencing at 2 a.m. Monday, July 15, 1968, and terminating at 2 a.m. Saturday, July 20, 1968.

JOSEPH M. KEEGAN DIRECTOR

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

In the Matter of Disciplinary Proceedings against

Waters Restaurant Co., Inc. t/a 440 Restaurant Bar & Grill 273 Culver Ave. Jersey City, N. J.,

Holder of Plenary Retail Consumption License C-276, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

CONCLUSIONS and ORDER

Licensee, by Eleftherios Vlahakis, President, Pro Se  
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic  
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 23, 1968 it possessed alcoholic beverages in two 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 fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Mihal, Bulletin 1793, Item 12.

Accordingly, it is, on this 8th day of July 1968,

ORDERED that Plenary Retail Consumption License C-276, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Waters Restaurant Co., Inc., t/a 440 Restaurant Bar & Grill, for premises 273 Culver Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Monday, July 15, 1968, and terminating at 2 a.m. Thursday, July 25, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against

Green Brook Lanes, Inc.  
229-231 Route #22  
Green Brook Township  
PO Dunellen, N. J.

CONCLUSIONS

and

ORDER

Holder of Plenary Retail Consumption License C-6 issued by the Township Committee of the Township of Green Brook

Licensee, by Robert J. Phillips, President, Pro se  
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic  
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on May 3, 1968, it possessed alcoholic beverages in two 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 fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re The Bar Four, Inc., Bulletin 1797, Item 10.

Accordingly, it is, on this 15th day of July, 1968,

ORDERED that Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of Green Brook

to Green Brook Lanes, Inc. for premises 229-231 Route #22, Green Brook, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, July 22, 1968, and terminating at 2:00 a.m. Thursday, August 1, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

13. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

R - J Lounge, Inc.  
t/a R - J Lounge  
524 West Street  
Camden, N. J.

CONCLUSIONS

and

ORDER

Holder of Plenary Retail Consumption License C-143 for the year 1967-68 and C-56 for the year 1968-69 issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.

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Licensee, by Americo Cerasaro, President, and John P. Meloni, Secretary, Pro se  
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on May 18, 1968, it sold alcoholic beverages during hours prohibited by local regulation.

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 J-Three Lounge, Inc., Bulletin 1778, Item 1.

Accordingly, it is, on this 16th day of July, 1968,

ORDERED that Plenary Retail Consumption License C-56, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to R - J Lounge, Inc., t/a R - J Lounge, for premises 524 West Street, Camden, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Tuesday, July 23, 1968, and terminating at 2:00 a.m. Friday, August 2, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against

Amen Corner, Inc.  
t/a "Ernie's Cafe"  
41 Old York Road  
Bridgewater Township  
PO RD #4, Somerville, N.J.

CONCLUSIONS

and

ORDER

Holder of Plenary Retail Consumption License C-7 issued by the Township Committee of the Township of Bridgewater

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

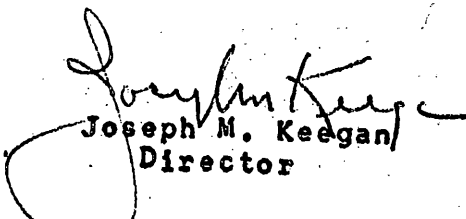
BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on February 1, 1968, it possessed alcoholic beverages in two 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 fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Mancuso, Inc., Bulletin 1785, Item 3.

Accordingly, it is, on this 22nd day of July, 1968,

ORDERED that Plenary Retail Consumption License C-7, issued by the Township Committee of the Township of Bridgewater to Amen Corner, Inc., t/a Ernie's Cafe, for premises 41 Old York Road, Bridgewater, be and the same is hereby suspended for ten (10) days commencing at 2:30 a.m. Monday, July 29, 1968, and terminating at 2:30 a.m. Thursday, August 8, 1968.

  
Joseph M. Keegan  
Director