

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

BULLETIN 1600

February 3, 1965

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1. DISCIPLINARY PROCEEDINGS - ORDER AMENDING DATES OF LIFTING OF SUSPENSION.

In the Matter of Disciplinary Proceedings against)

NICHOLAS TALVACCHIA
t/a TALLY'S BAR
112 S. Georgia Avenue
Atlantic City, N. J.)

AMENDED ORDER

Holder of Plenary Retail Consumption License C-218, issued by the Board of Commissioners of the City of Atlantic City.)

James F. McGovern, Jr., Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

On October 29, 1964, I entered an order herein suspending the license for one hundred twenty days commencing November 2, 1964, with suspension lifted during the period of suspension from 7:00 a.m. Sunday, January 3, 1965, to 7:00 a.m. Saturday, January 9, 1965. Re Talvacchia, Bulletin 1594, Item 1.

Licensee has requested that the lifting of the suspension be postponed until the period February 12-18, 1965, in lieu of the previously fixed period of such lifting. For good cause appearing, I have granted the request.

Accordingly, it is, on this 30th day of December, 1964,

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

ORDERED that Plenary Retail Consumption License C-218, issued by the Board of Commissioners of the City of Atlantic City to Nicholas Talvacchia, t/a Tally's Bar, for premises 112 South Georgia Avenue, Atlantic City, be and the same is hereby suspended for one hundred twenty (120) days, commencing at 7:00 a.m. Monday, November 2, 1964, and terminating at 7:00 a.m. Friday, February 12, 1965, and again commencing at 7:00 a.m. Thursday, February 18, 1965, and terminating at 7:00 a.m. Monday, March 8, 1965.

JOSEPH P. LORDI
DIRECTOR

Robert Nash testified that "about seven o'clock or eight o'clock" on December 25, 1963, he entered appellants' licensed premises and remained there "about half an hour"; that while there, a patron held a knife at his throat and said, "Do you know what I will do to you, I will cut your throat"; that although the bartenders were behind the bar, "I don't think they heard the conversation"; that Nash "was going out of the door and the fellow rushed me. I tried to defend myself. I got running and the guy stabbed me. I don't remember me fighting the other guy"; that he was stabbed inside the premises but did not know it until he went outside thereof. Nash further testified that he had no drinks in appellants' premises and had never notified the manager or bartender that he had been cut.

The witness repeated his testimony when examined by the chairman of respondent Board and stated that the argument in which he was involved happened spontaneously and a bartender "came out and stopped the fight."

William H. Bey testified that he accompanied Nash to appellants' premises on the date in question and observed another patron hold "the knife to his face" and threaten Nash and "someone said 'Let's go' and this fellow rushed Nash"; that "they started to tussle and then this fellow broke loose and ran"; that the noise was not "too loud" and "the whole thing was kind of fast"; that he did not know if the bartender or any other person attempted to stop the fight.

Police Officer Anthony D. Macelli testified that at 7:22 p.m. he was dispatched to the City Hospital and after speaking to the "casualty", he immediately went to appellants' licensed premises and spoke to George Jennings; that the latter stated that an altercation had occurred in the premises but that he (Jennings) did not think it was anything; that after questioning bartender Brown, the latter handed him a knife that had been left at the scene, saying "the knife was dropped during the altercation and found there."

Detective Harry Braun testified that he began investigating the matter in question on December 26, 1963, and during the course thereof, he spoke to James Brown, James Boyd and George Jennings, who stated they were on the licensed premises the day prior. When he asked whether any of them called the police, all were in substantial agreement that they "didn't think there was any need for it, that the fight didn't seem to be that bad" and all informed him they had no knowledge that a man had been injured.

James Brown testified that while on duty on December 25, 1963, he saw a scuffle, came from behind the bar and took a knife from a patron and "let him go first and held the other one back"; that he was unaware that any person had been hurt or cut and that the whole thing lasted only a matter of seconds. He heard no argument nor were there any loud noises.

George W. Jennings, manager of appellants' establishment, testified that he was present on the evening in question when a fight suddenly broke out and Brown rushed from behind the bar and ejected one man; that Jennings held another man saying "From now on you get out and stay out, I am barring you out of the place"; that he did not hear a prolonged argument or noise and was unaware that any person was injured.

James Boyd testified that on December 25, 1963, he was sitting with a girl friend at the bar in appellants' premises

when he observed a man with a knife and then saw Brown come from behind the bar and take the knife from him; that he did not see anyone stabbed and the affair lasted only about "a minute and a half."

The testimony presented by the injured person and a friend who had accompanied him to appellants' premises is in substantial agreement that there was no noise of any moment prior to the men coming into physical contact with one another. The three witnesses produced by appellants also testified this to be so.

In Snug Tavern, Inc. v. Orange (Case 2), Bulletin 1425, Item 1, the Director stated:

"It would be unfair to hold the licensee liable where a disturbance occurs as a sudden flareup without warning, or whether there is an occurrence of an event which could reasonably be construed as a warning.

* * *

"Sudden flareups cannot, of course, be either prophesied or anticipated by licensees and where the evidence preponderates in support thereof, the licensee will not be held responsible. Zicherman v. Newark, Bulletin 613, Item 5; Woodland Rod and Gun Club v. Belleville, Bulletin 569, Item 3; Engel v. Belleville, Bulletin 694, Item 5."

Nash, cut during the disturbance, was not aware of it until after he had left the licensed premises. Neither was any of appellants' employees aware of this fact. The testimony from all the witnesses present at the time in question indicates that the occurrence happened very quickly and that the bartender immediately broke up the disturbance. A reading of the transcript below leads me to believe that the members of respondent Board placed great emphasis on the fact that the police were not immediately notified. However, Officer Macelli testified that at 7:22 p.m. on the night in question he was dispatched to the hospital and, after speaking to Nash, proceeded immediately to appellants' licensed premises. In view of the fact that a knife had been taken by Brown from one of the participants, it would have been better judgment on his part had he notified the police. I am satisfied that the incident happened without warning to the employees of appellants and that they immediately took steps to prevent its continuance. Seidel v. Hightstown, Bulletin 1158, Item 2, and cases cited therein.

Under the circumstances present herein, I am satisfied that appellants should not be held responsible for allowing, permitting or suffering a brawl within the contemplation of the rule applicable thereto and I conclude that respondent's action in finding appellants guilty of the charge should be reversed. It is recommended that an order be entered accordingly.

Conclusions and Order

No exceptions to the Hearer's Report were filed with me within the time limited by Rule 14 of State Regulation No. 15. However, on my own motion, pursuant to such Rule 14, oral argument was had before me by both parties.

I have carefully considered the entire record herein and,

as a result, am unable to concur in the recommended findings and conclusions of the Hearer. The evidence adduced herein establishes without dispute that an act of violence and a disturbance occurred on appellants' licensed premises on the night of December 25, 1963. The issue to be decided is whether appellants, through their agents or employees (Rule 33 of State Regulation No. 20), "allowed, permitted or suffered" such occurrence.

In Essex Holding Corp. v. Hock, 136 N.J.L. 28 (Sup. Ct. 1947), the court said that, within the meaning of the Alcoholic Beverage Regulations, the word "suffer" imposes disciplinary responsibility on a licensee, regardless of knowledge, where there is a "failure to prevent prohibited conduct by those occupying the premises with his authority." The question involved here is whether the licensees could reasonably have taken steps to prevent the act of violence and disturbance that took place on their licensed premises, but failed to do so.

This Division has consistently held that:

"Licensees may not avoid their responsibility for the conduct of their premises by merely closing their eyes and ears. On the contrary, licensees must use their eyes and ears, and use them effectively, to prevent the improper use of their premises." Bilowith v. Passaic, Bulletin 527, Item 3.

While it is true that a licensee has been held not to be responsible for a "sudden flare-up" on his premises, where he could not have reasonably been aware of its imminence, such is not the case here.

The testimony of William Bey establishes that the persons involved in the fight in question were positioned, during the argument that preceded it, at appellants' bar, approximately four or five feet from the nearest bartender. Bey also corroborated the testimony of his companion, Robert Nash, that an argument first ensued, that then a patron held a knife to the face of Nash and said, "I will cut your throat", and that this patron and Nash started to "tussle" or "fight" around the bar prior to Nash's being knifed in the barroom by the patron.

Although there is a sharp dispute between the testimony of appellants' and respondent's witnesses as to whether any argument or fight preceded the knifing, I find that both of such incidents, in fact, precipitated the knifing and that the argument was loud enough, its duration long enough (at least about five minutes) and the fighting apparent enough ("a whole lot of people were standing up while the fight goes (sic) on"), to have made at least one of the bartenders aware of the existing altercation. I further find that none of appellants' agents took any steps to abate the disturbance until it progressed to the final act of violence, namely, the knifing of Nash. Proper supervision required that the licensees' agents should have attempted to nip the disturbance in the bud by quieting the participants, separating them or ejecting them if any one of them persisted in pursuing his belligerent attitude. If all this had failed to achieve its intended purpose, the police should have been called.

In arriving at these findings, I have not ignored several inconsistencies and discrepancies in the testimony of Nash and Bey. However, their basic versions of the incident, on direct

examination, although weakened somewhat on cross examination, in my opinion reflect a true picture of what actually happened, consistent with human experience in similar situations.

On the other hand, I am not impressed with the testimony of the licensees' witnesses. James Brown testified that there was no argument at all, the whole incident taking place in "about a second", while his fellow bartender, George Jennings, said that there was, in fact, an argument and a fight. Jennings asserted in his testimony that he was not aware that a knife had been involved in the fracas until the police arrived an hour later, though his fellow bartender Brown had retained the knife in question during such period. Brown, on direct testimony, claimed that he personally took a knife from the assailant, notwithstanding that Officer Anthony Macelli had testified that Brown had told him shortly after the knifing that the knife was dropped during the altercation and "found there". James Boyd, employed by the licensees as a maintenance man, said there was no fight at all--"nothing like that".

Further, it is noted that in both of the cases cited in the Hearer's Report, where the charges were dismissed upon the finding of a "sudden flare-up", the factual situations therein involved persons becoming participants in a barroom fight almost immediately after having entered a barroom. Here, the testimony discloses that Nash and Bey were in appellants' tavern for approximately a half hour before Nash was stabbed, thus giving the licensees' agents sufficient time and opportunity to observe their demeanor and actions before the actual knifing.

One other point deserves comment. As stated by the Hearer, where, as here, a dangerous weapon such as a knife has been wielded by a participant in a fight on licensed premises, a licensee or his employee, upon becoming aware of same, should exercise proper judgment by notifying the police of such fact. Indeed, where a licensee or his employee become aware of the apparent commission of any crime in connection with the licensed business, they should notify the police. I am taking this opportunity to impress this point upon licensees in order that they, as citizens with a strong stake in proper law enforcement, may assume a leading position in cooperating with law enforcement agencies.

In view of the aforementioned findings, I conclude that respondent has sustained the burden of establishing the charge in question (suffering an act of violence and a disturbance on the licensed premises) by a fair preponderance of the believable evidence. I will therefore affirm the action of respondent and reimpose the suspension of fifteen days.

Accordingly, it is, on this 29th day of December, 1964,

ORDERED that Plenary Retail Consumption License C-576, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Lonzie B. and Ruby P. Jackson, t/a Jackson's Lounge, for premises 150-152 Springfield Avenue, Newark, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Tuesday, January 5, 1965, and terminating at 2:00 a.m. Wednesday, January 20, 1965.

JOSEPH P. LORDI
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

CLUB "D" LANE, INC.)
2005 East Linden Avenue)
Linden, N.J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-13 issued by the Municipal Board of Alcoholic Beverage Control of the City of Linden.)

Citrino, Carella & Balsam, Esqs., by Charles C. Carella, Esq., Attorneys for Licensee.
David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on May 25, 1964, it possessed alcoholic beverages in twenty-seven bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Cf. Re Madison Operating Co., Inc., Bulletin 1590, Item 3.

Accordingly, it is, on this 29th day of December 1964,

ORDERED that Plenary Retail Consumption License C-13, issued by the Municipal Board of Alcoholic Beverage Control of the City of Linden to Club "D" Lane, Inc., for premises 2005 East Linden Avenue, Linden, be and the same is hereby suspended for fifty-five (55) days, commencing at 2 a.m. Tuesday, January 5, 1965, and terminating at 2 a.m. Monday, March 1, 1965.

JOSEPH P. LORDI
DIRECTOR

5. DISQUALIFICATION REMOVAL PROCEEDINGS - CONSPIRACY TO MAKE BOOK-ORDER REMOVING DISQUALIFICATION.

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

CONCLUSIONS AND ORDER

Case No. 1874)

BY THE DIRECTOR:

Petitioner's criminal record discloses that on April 11, 1958, following a plea of guilty in the Bergen County Court to a charge of conspiracy to make book, he was sentenced to serve one year in New Jersey State Prison and was discharged therefrom on December 12, 1958.

Since the crime of which petitioner was convicted involves the element of moral turpitude, he was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this State. R.S. 33:1-25, 26.

At the hearing held herein, petitioner (34 years old) testified that he is married and living with his wife; that for the past eight years, he has lived in two neighboring municipalities; that as a result of an automobile accident in September 1961, he was confined to a hospital for two months; that by reason of the injuries sustained in the accident, he has been unable to work; that his wife (a toll collector) has been supporting him; that since his discharge from prison, he has not engaged in any unlawful gambling activities and that, prior to September 1961, he was self-employed doing odd jobs, washing and simonizing cars.

Petitioner further testified that he is asking for the removal of his disqualification to accept employment as a bartender and that ever since his discharge from prison on December 12, 1958, he has not been convicted of any crime.

The police department of the municipality wherein the petitioner resides reports that there are no complaints or investigations presently pending against petitioner.

Petitioner produced three character witnesses (a clerk, an insurance broker and a checker) who testified that they have known petitioner for more than five years last past, and that in their opinion he is now an honest, law-abiding person with a good reputation.

Considering all of the aforesaid facts and circumstances, I am satisfied that petitioner has conducted himself in a law-abiding manner for five years last past, and that his association with the alcoholic beverage industry in this State will not be contrary to the public interest.

Accordingly, it is, on this 10th day of December, 1964,

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

JOSEPH P. LORDI
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

PALLAMKIER, INC.)
t/a PORT O'CALL)
43 South Broadway)
Long Branch, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-40, issued by the City Council of the City of Long Branch.)

Edward F. Juska, 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 October 23, 1964, it sold mixed drinks of alcoholic beverages to four minors, ages 17, 18, 19 and 20, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Cf. Re Edgewood Inn, Inc., Bulletin 1551, Item 2.

Accordingly, it is, on this 29th day of December 1964,

ORDERED that Plenary Retail Consumption License C-40, issued by the City Council of the City of Long Branch to Pallamkier, Inc., t/a Port O'Call, for premises 43 South Broadway, Long Branch, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Tuesday, January 5, 1965, and terminating at 2 a.m. Monday, January 25, 1965.

JOSEPH P. LORDI
DIRECTOR

7. STATUTORY AUTOMATIC SUSPENSION - ORDER STAYING SUSPENSION.

Auto.Sups.#254)
 In the Matter of a Petition to Lift)
 the Automatic Suspension of Plenary)
 Retail Distribution License D-8,)
 issued by the Board of Alcoholic)
 Beverage Control for the City of)
 Paterson to) ON PETITION
 ORDER
 LARK, INC.)
 t/a Wayne Wine & Liquor Shop)
 356 Union Avenue)
 Paterson, N. J.)

Louis R. Cerefice, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on December 12, 1964, Kenneth Gottlieb, president of the licensee-petitioner, was fined \$50 in the Paterson Municipal Court after being found guilty of a charge of sale of alcoholic beverages to a minor on November 14, 1964, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of petitioner's license for the balance of its term. R.S. 33:1-31.1. Because of the pendency of this proceeding, the statutory automatic suspension has not been effectuated.

It further appears that Kenneth Gottlieb has appealed the conviction to the Passaic County Court, wherein such appeal is presently pending and undetermined.

It further appears that the municipal issuing authority has suspended petitioner's license for one hundred twenty days effective December 7, 1964, after finding the licensee guilty of a charge in disciplinary proceedings alleging the same sale to the minor. Licensee has appealed from this suspension of license to the Director and operation of the suspension has been stayed pending the determination of the appeal.

In fairness to petitioner, I conclude that at this time the effect of the automatic suspension should be temporarily stayed pending the outcome of the criminal and disciplinary appeals. Re Milan, Bulletin 1513, Item 4.

Accordingly, it is, on this 29th day of December, 1964,

ORDERED that the aforesaid automatic suspension be stayed pending the entry of a further order herein.

JOSEPH P. LORDI
DIRECTOR

8. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto.Susp.#253)
 In the Matter of a Petition to Lift)
 the Automatic Suspension of Plenary)
 Retail Consumption License C-144,) ON PETITION
 issued by the City Council of the) ORDER
 City of Trenton to)
)
 HARRY BERBON)
 366 Union Street)
 Trenton, New Jersey)

John J. Connell, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on December 18, 1964, licensee-petitioner was fined \$100 in the Mercer County Court after pleading guilty to a charge of sale of alcoholic beverages to a minor on February 7, 1964, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of the license for the balance of its term. R.S. 33:1-31.1. The suspension has not been effectuated because of the pendency of this proceeding.

It further appears that the municipal issuing authority has suspended the license for thirty days effective April 6, 1964, after the licensee's confessional plea to a charge in disciplinary proceedings alleging the same sale to the minor. It appearing that the suspension has been served, I shall lift the automatic suspension. Re Monahan, Bulletin 1561, Item 6.

Accordingly, it is, on this 29th day of December, 1964,

ORDERED that the statutory automatic suspension of said license C-144 be and the same is hereby lifted, effective immediately.

JOSEPH P. LORDI
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)

DIXIE LOUNGE, INC.)
201 Bruce Street & 46)
14th Avenue)
Newark, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-373, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

Samuel Raffaello, Esq., Attorney for Licensee.
Morton B. Zemel, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on September 10, 1964, 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.

Although the licensee has no previous record of suspension of its license, the license then held by Bertha Bolton (1% stockholder of the licensee corporation) for premises 220 Graham Avenue, Paterson, was suspended by the Commissioner for fifteen days effective August 18, 1947, for sale during prohibited hours (Re Bolton, Bulletin 774, Item 5) and by the Director for five days effective March 21, 1955, for sale below filed price (Re Bolton, Bulletin 1056, Item 1).

The prior record of suspension for dissimilar violation 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 West End Casino, Inc., Bulletin 1587, Item 3.

Accordingly, it is, on this 28th day of December, 1964,

ORDERED that Plenary Retail Consumption License C-373, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Dixie Lounge, Inc. for premises 201 Bruce Street and 46 - 14th Avenue, Newark, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, January 4, 1965, and terminating at 2:00 a.m. Thursday, January 14, 1965.

10. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - FALSE STATEMENT IN LICENSE APPLICATION - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JACK ROSMAN)
642 Communipaw Avenue)
Jersey City, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-262, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

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

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on November 25, 1964, he sold a pint bottle of wine for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38, and (2) in his current application for license failed fully to disclose his record of prior license suspensions, in violation of R.S. 33:1-25.

Licensee has a previous record of suspension of license (then held in partnership with Nathan Rosman) by the Director for twenty days effective January 15, 1957, for sale in violation of State Regulation No. 38 and sale below filed price (Re Rosman, Bulletin 1155, Item 9), and for fifty days effective January 2, 1958, for permitting acceptance of numbers bets and sale in violation of State Regulation No. 38 (Re Rosman, Bulletin 1204, Item 2), non-disclosure of the suspension of license for the sale below filed price and for the numbers activity being the subject of the second charge.

The prior record of suspension of license for dissimilar violations occurring more than five years ago disregarded, the license will be suspended on the first charge for fifteen days (Re Rosenbauer, Bulletin 1590, Item 11), to which will be added ten days by reason of the record of suspension of license for the two previous similar violations occurring more than five but less than ten years ago (cf. Re Carabelli, Bulletin 1428, Item 7; Re Tooley's Bar, Inc., Bulletin 1533, Item 10), and on the second charge for ten days (Re Perry, Bulletin 1582, Item 2), or a total of thirty-five days, with remission of five days for the plea entered, leaving a net suspension of thirty days.

Accordingly, it is, on this 30th day of December 1964,

ORDERED that Plenary Retail Consumption License C-262, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Jack Rosman for premises 642 Communipaw Avenue, Jersey City, be and the same is hereby suspended for thirty (30) days, commencing at 2 a.m. Wednesday, January 6, 1965, and terminating at 2 a.m. Friday, February 5, 1965.

JOSEPH P. LORDI
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
Labeled - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

GOLDEN SLIPPER, INC.)
t/a THE GOLDEN SLIPPER)
841 Genesee Street)
Trenton, N. J.)

CONCUSSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-141, issued by the City Council of the City of Trenton.)

Licensee, By William Bromiley, Manager, Pro se.
Morton B. Zemel, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on November 25, 1964, it possessed alcoholic beverages in five 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 ten days effective February 10, 1959, for sale to intoxicated persons. Re Golden Slipper, Inc., Bulletin 1268, Item 7.

The prior record of suspension for dissimilar violation disregarded because occurring more than five years ago, the license will be suspended for twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re American Resort and Recreation, Inc., Bulletin 1589, Item 8.

Accordingly, it is, on this 30th day of December 1964,

ORDERED that Plenary Retail Consumption License C-141, issued by the City Council of the City of Trenton to Golden Slipper, Inc., t/a The Golden Slipper, for premises 841 Genesee Street, Trenton, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Wednesday, January 6, 1965, and terminating at 2 a.m. Tuesday, January 26, 1965.

JOSEPH P. LORDI
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)

ALEX DE ROGATIS)
t/a 322 CLUB)
322 Bloomfield Avenue)
Newark, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-840, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

Joseph A. D'Alessio, Esq., Attorney for Licensee.
Morton B. Zemel, Esq., Appearing for the Division of Alcoholic Beverage Control.

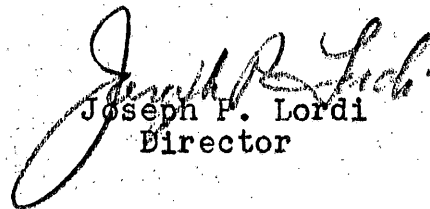
BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on November 19, 1964, 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.

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 West End Casino, Inc., Bulletin 1587, Item 3.

Accordingly, it is, on this 29th day of December, 1964,

ORDERED that Plenary Retail Consumption License C-840, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Alex DeRogatis, t/a 322 Club, for premises 322 Bloomfield Avenue, Newark, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Tuesday, January 5, 1965, and terminating at 2:00 a.m. Friday, January 15, 1965.


Joseph P. Lordi
Director