

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

BULLETIN 1577

August 27, 1964

TABLE OF CONTENTSITEM

1. DISCIPLINARY PROCEEDINGS (Newark) - LEWDNESS AND IMMORAL ACTIVITY (PROCUREMENT FOR PROSTITUTION) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - SALE BELOW FILED PRICE - LICENSE SUSPENDED FOR 240 DAYS, LESS 5 FOR PLEA.
2. APPELLATE DECISIONS - SCHWARTZ v. PATERSON.
3. DISCIPLINARY PROCEEDINGS (East Newark) - GAMBLING (NUMBERS BETS)-PREVIOUS DISSIMILAR RECORD - LICENSE SUSPENDED FOR 65 DAYS, LESS 5 FOR PLEA.
4. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - SALE IN VIOLATION OF MUNICIPAL HOURS REGULATION - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Bayonne) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
6. DISQUALIFICATION REMOVAL PROCEEDINGS - GRAND LARCENY - ATROCIOUS ASSAULT AND BATTERY - ORDER DENYING PETITION.
7. STATUTORY AUTOMATIC SUSPENSION (Oakland) - ORDER TEMPORARILY STAYING SUSPENSION.
8. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PREVIOUS DISSIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
9. DISQUALIFICATION REMOVAL PROCEEDINGS - LARCENY - ORDER REMOVING DISQUALIFICATION.
10. DISCIPLINARY PROCEEDINGS (Harrison) - SALE TO A MINOR - PREVIOUS DISSIMILAR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (Newark) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
12. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE DURING PROHIBITED HOURS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
13. STATE LICENSES - NEW APPLICATION FILED.

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

BULLETIN 1577

August 27, 1964

1. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITY
(PROCUREMENT FOR PROSTITUTION) - SALE IN VIOLATION OF
STATE REGULATION NO. 38 - SALE BELOW FILED PRICE -
LICENSE SUSPENDED FOR 240 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

Dude's Bar, Inc.)
t/a Dude's Bar)
1126 Broad Street)
Newark, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-198, issued by the Municipi-)
pal Board of Alcoholic Beverage)
Control of the City of Newark)
-----)

Nathan D. Weiss, Esq., Attorney for Licensee
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges as follows:

"1. On Saturday, April 18, 1964, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., in that you, through a person employed on your licensed premises, made offers to male patrons and customers on your licensed premises to procure and did procure a female to engage in acts of illicit sexual intercourse with them and participated in and allowed, permitted and suffered the making of overtures and arrangements in and upon your licensed premises by said female with male patrons and customers for acts of illicit sexual intercourse, as aforesaid; in violation of Rule 5 of State Regulation No. 20.

"2. On Saturday, April 18, 1964, at about 1:00 A.M., you allowed, permitted and suffered the removal from your licensed premises of an alcoholic beverage in an opened container, viz., in an opened pint bottle of Seagram's Seven Crown Blended Whiskey; in violation of Rule 1 of State Regulation No. 38.

"3. On Saturday, April 18, 1964, at about 1:00 A.M., you sold and offered for sale, at retail, directly or indirectly, the above-mentioned one pint bottle of Seagram's Seven Crown Blended Whiskey, an alcoholic beverage, at less than the price thereof filed with the Director of the Division of Alcoholic Beverage Control; in violation of Rule 5 of State Regulation No. 30."

Licensee has a previous record of suspension of license by the Director for twenty days effective April 21, 1959, for sale to intoxicated person and permitting foul language on the licensed premises. Re Dude's Bar, Inc., Bulletin 1278, Item 3.

The license will be suspended on the first charge for two hundred ten days (Re Starr & Rose, Bulletin 1528, Item 1), on the second charge for fifteen days (Re Maria, Bulletin 1561, Item 8), and on the third charge for ten days (Re Urban, Bulletin 1563, Item 11), 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 Vamos, Bulletin 1541, Item 5), or a total of two hundred forty days, with remission of five days for the plea entered, leaving a net suspension of two hundred thirty-five days.

Accordingly, it is, on this 16th day of July, 1964,

ORDERED that Plenary Retail Consumption License C-198, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Dude's Bar, Inc., t/a Dude's Bar, for premises 1126 Broad Street, Newark, be and the same is hereby suspended for two hundred thirty-five (235) days, commencing at 2:00 a. m. Wednesday, July 23, 1964, and terminating at 2:00 a. m. Monday, March 15, 1965.

JOSEPH P. LORDI
DIRECTOR

2. APPELLATE DECISIONS - SCHWARTZ v. PATERSON

Harry Schwartz, t/a Charmurs,)
Appellant,)
v.)
Board of Alcoholic Beverage)
Control for the City of)
Paterson,)
Respondent.)
-----)

ON APPEAL

CONCLUSIONS AND ORDER

Sylvan G. Rothenberg, Esq., Attorney for Appellant
Theodore D. Rosenberg, Esq., by William J. Rosenberg, Esq.,
Attorney for Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report.

This is an appeal from respondent's action on March 4, 1964, whereby it revoked, effective immediately, appellant's Plenary Retail Consumption License C-191 issued for premises 26-28 Washington Street, Paterson.

Upon filing of the appeal, an order dated March 6, 1964, was entered by the Acting Director staying respondent's order of revocation until further order herein. R.S. 33:1-31.

Appellant contends in his petition of appeal that the evidence presented at the hearing before respondent was insufficient to substantiate a finding of guilt on the charge preferred, and prays that the action of respondent be reversed.

The resolution and order dated March 5, 1964, reads as follows:

"WHEREAS, a charge having been preferred against the above named licensee, charging that on August 25, 1963, November 2, 1963, November 11, 1963, February 1, 1964, and February 16, 1964, he allowed, permitted and suffered his licensed place of business to be conducted in such manner as to become a nuisance, in that he allowed, permitted and suffered disturbances, brawls and acts of violence, in and upon his licensed premises, in violation of Rule 5 of Regulation 20 of the Rules and Regulations of the Division of Alcoholic Beverage Control of the State of New Jersey; and at a hearing held thereon, the evidence adduced substantiated the charge made, except to that part of same pertaining to November 2, 1963; and,

"WHEREAS, the licensee has a prior similar record of two suspensions of license and one warning; IT IS, THEREFORE,

"On this 4th day of March, 1964, on motion duly made and seconded, that Plenary Retail Consumption License C-191, heretofore issued by this Board to the above named licensee, be and the same is hereby revoked immediately."

The first past adjudicated record referred to in the resolution and order was a suspension of the license for five days effective June 3, 1963, and the other adjudicated record was a suspension of the license for ten days effective December 1, 1963, both for permitting a brawl, act of violence or disturbance on the licensed premises.

Although the date of November 2, 1963, was set forth in the charge in question, the respondent found insufficient evidence to substantiate it and, furthermore, at the instant appeal hearing no evidence was adduced to substantiate the incident allegedly occurring on November 11, 1963. Thus the dates of August 25, 1963, February 1, 1964 and February 16, 1964 will be considered.

Detective John M. Docherty, Jr. testified that at approximately 1 a.m. on August 25, 1963, he spoke to Hayward Brown (a bartender employed by appellant) concerning an injury sustained by one Samuel Cook in appellant's licensed premises; that Hayward Brown stated to him that he was standing at the bar speaking to Cook when a man threw a bottle which struck Cook on the head; that he (Hayward Brown) stated that he was unaware that there had been any trouble until Cook was hit with the bottle.

Detective Robert Troyano testified that at approximately 3 a. m. on February 1, 1964, he visited the appellant's premises and questioned Herschel Brown (a bartender employed by appellant) about Daniel Johnson who had allegedly been assaulted at the premises; that Herschel Brown stated that Johnson was in the bar-room early that evening and had an argument with two men; that he (Herschel Brown) called the police but, when they arrived, all the participants in the argument had left; that a short time later Johnson came back, followed shortly thereafter by the same two men who struck him on the head repeatedly with a mop handle and then fled; that appellant was in the premises but could not give him any information concerning the incident.

Detective Joseph Meola testified that at 12:03 on the morning of February 16, 1964, he and Sergeant Esposito intercepted a radio call and went to appellant's premises where they found

Danny Thompson, lying on the floor at the foot of the pool table bleeding from the mouth; that he spoke to the three bartenders (Hayward, Herschel and William Brown) and all denied witnessing "the shooting;" that during the interrogation a man named Donnie McCoy claimed that an hour or two prior to the shooting he was struck on the head with a beer bottle and then he left the premises; that at headquarters McCoy admitted he was in a fight at appellant's premises and the other man "came at him with either a knife or some similar instrument. In so doing he had slashed his coat and his trousers;" that Herschel Brown said that, when the fight occurred, he called the police and immediately thereafter "he heard two shots ring out" but did not see the shooting of Thompson.

Danny Thompson testified that he was in appellant's premises on February 16, 1964, and, after listening for "about two or three minutes" to an argument between his friend and another man, he walked over to them and, without warning, was shot.

Hayward Brown testified that he is employed as a bartender by appellant and, while on duty on August 25, 1963, he spoke to Cook who said he was having "a little argument" with two men who had left the barroom and, as he and Cook were talking, one of the men came in and threw a bottle which struck Cook in the head, and then ran from the premises; that Herschel Brown called the police.

Herschel Brown testified that he is employed as a bartender by appellant and, while on duty on August 25, 1963, he called the police when Cook was struck by a bottle. He further testified that on February 1, 1964, three men were having "a discussion in the bar, talking loud, and I see they were going to start a fight so I asked them all to leave. They left. Left out of the bar, they didn't want to leave, so I called Police Headquarters;" that the men had already left the premises when the police arrived but soon thereafter one of the men came into the premises; that he (Herschel Brown) warned him against starting any trouble and, as the man walked to the juke box, the two fellows who had previously been arguing with him returned and started "hitting him with a stick" and again he called the police. He further testified that on February 16, 1964, Jessie Jacobs (an assistant bartender), although not on duty at the time, told him that he should call the police as two male patrons were getting ready to fight; that he directed Jessie to call the police but he said that he couldn't get them; that he (Herschel Brown) then called the police and, as he was hanging up the receiver of the telephone, he "heard two shots, Danny Thompson was laying on the floor;" that he did not see who shot Danny.

Appellant testified that he has held the license for "about two and a half years" and comes to the licensed premises each day in the morning and remains there until "two or three in the afternoon" and returns at night and stays "until closing;" that he knew nothing about any of the incidents which resulted in the charge aforementioned.

During cross examination appellant testified that he is employed as a waiter in a restaurant in Paramus during weekdays from 3 p. m. to 12 midnight; that on Friday and Saturday nights, when he finishes work at the restaurant at 2 a. m., he then proceeds to the licensed premises which ordinarily takes him "ten, fifteen minutes" to reach, and that Herschel Brown manages the business and "arranges everything."

By the appellant's own admission, he was not present on the licensed premises when the incidents set forth in the charge occurred. In fact, the record discloses that he is never on the licensed premises during the evening. Although he may not have any knowledge of the occurrences aforementioned, this in itself does not excuse him. His absence during the evenings constitutes in effect a substantial abandonment of the supervision of the licensed premises. Nonetheless he is responsible for the acts of his agents and employees in his business. Rule 33 of State Regulation No. 20. Cf. Re Filippone, Bulletin 875, Item 6; Re Schumacher, Bulletin 901, Item 5.

It is axiomatic that licensees or those in charge of the licensed premises may not avoid responsibility for the conduct of the premises by merely closing their eyes and ears. On the contrary, licensees or other employees must use their eyes and ears and use them effectively to prevent the improper use of their premises. Cf. Bilowith v. Passaic, Bulletin 527, Item 3.

The privilege of selling alcoholic beverages at retail to the public -- one granted to the few and denied to the many (Paul v. Gloucester, 50 N.J.L. 585) -- must be exercised in the public interest. It is apparent by the manner in which the license premises has been conducted that the appellant has demonstrated a shocking lack of appreciation for and understanding of the fundamental decencies and proprieties in the operation of the licensed premises. Although he did not personally participate in the matters under consideration, which apparently have been occurring over a fairly long period of time, it was appellant's responsibility to see that the establishment was conducted in a manner conducive to the best interests of the liquor industry.

Judge Jayne, speaking for the court in In re 17 Club, Inc., 26 N.J. Super. 43, 52 (App. Div. 1953), said:

"The governmental power extensively to supervise the conduct of the liquor business and to confine the conduct of that business to reputable licensees who will manage it in a reputable manner has uniformly been accorded broad and liberal judicial support."

The State Regulations prescribe the rules of conduct which licensees are duty bound to observe. The word "nuisance", as it is used in Rule 5 of State Regulation No. 20, is not to be restricted by technical definition applicable in criminal cases. One readily apparent reason for this distinction is that the licensee is engaged in the exercise of a privilege and not a property right. The word "nuisance" has been defined as "an offensive, annoying, unpleasant or obnoxious thing, practice or person; a cause or source of annoyance" (Webster's New International Dictionary). Cf. Alpine Village Tavern v. Newark, Bulletin 629, Item 3. Appellant's employees have attempted to explain the various incidents which resulted from assaults practiced upon patrons, and also a shooting of one patron. I am not impressed by the testimony given by the employees with reference thereto. Their testimony appears shaded in an attempt to excuse the appellant from responsibility therefor. There is no doubt in my mind that the incidents occurred because of the careless and slipshod manner in which the establishment was conducted. The nuisance accusation is the gravamen of the charge herein, and it is my opinion that appellant's guilt on the basic nuisance charge has been established by a fair preponderance of the believable evidence. It is apparent that disturbances and acts of violence

frequently occur on and about the licensed premises despite the efforts of the police. Appellant has, as noted in this report, two prior and separate convictions during 1963 on charges of permitting brawls on his licensed premises. This, according to the resolution and order aforementioned, was taken into consideration by the respondent when imposing the penalty herein. The measure or extent of penalty to be imposed in a disciplinary proceeding rests within the sound discretion of the issuing authority and will not be disturbed on appeal unless the evidence clearly shows an abuse of discretion. Dzieman v. Paterson, Bulletin 233, Item 10; Bacus v. Guttenberg, Bulletin 1332, Item 4.

For the foregoing reasons it is recommended that an order be entered affirming respondent's action and finding appellant guilty and revoking the license of appellant.

Conclusions and Order

Pursuant to Rule 14 of State Regulation No. 15, written exceptions to the Hearer's Report and written argument in support thereof were filed with me by the attorney for the appellant.

I have carefully considered the exceptions filed and the argument of appellant's attorney with reference thereto. I am in accord with the findings of the Hearer based on the evidence presented that appellant had relinquished his responsibility of supervising the licensed premises in favor of employees. The latter over a long period of time permitted the patrons to conduct themselves in such manner that it constituted not only a nuisance in the municipality but a detriment to the alcoholic beverage industry as well. It is apparent that respondent was very tolerant with such mismanagement in the belief that appellant would make an effort to eliminate the existing deplorable conditions. Appellant's failure to do so left no alternative on the part of respondent other than to take drastic action.

Appellant's attorney contends that the penalty imposed was too harsh. However, the legislature invested the issuing authority (respondent) with power to suspend or revoke licenses, after hearing, for certain enumerated violations including violation of the law or of state or local regulations. R.S. 33:1-31. The fact that a penalty is severe does not, of itself, justify reduction on appeal. Ebony Corporation, et al. v. Trenton, Bulletin 958, Item 1.

Under the circumstances and after careful examination of the transcript of the proceedings herein, the exceptions filed and the argument of the attorney for appellant in support thereof, I concur in the findings and conclusions of the Hearer and adopt his recommendation.

During the pendency of this appeal, respondent denied an application to renew appellant's license for the current licensing year. Appellant has appealed from said action and, by order dated July 2, 1964, I extended his 1963-64 license until the entry of a further order.

I shall affirm the action of respondent in both cases.

Accordingly, it is, on this 16th day of July, 1964,

ORDERED that the action of respondent in revoking appellant's 1963-64 license be and the same is hereby affirmed and the petition of appeal in the matter be and the same is hereby dismissed; and it is further

ORDERED that the action of respondent in denying renewal of appellant's license for 1964-65 be and the same is hereby affirmed and that my order extending the term of appellant's 1963-64 license be and the same is hereby vacated, effective immediately.

JOSEPH P. LORDI
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - PREVIOUS DISSIMILAR RECORD - LICENSE SUSPENDED FOR 65 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

My Place, Inc.)
t/a My Place, Inc.)
352 John Street)
East Newark, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-8, issued by the Borough Council of the Borough of East Newark)

-----)
Saul C. Schutzman, Esq., Attorney for Licensee)
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control)

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on June 13 and 16, 1964, it permitted the acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

The minimum penalty imposed for an unaggravated first-offense case is sixty days. Re Mellolark, Inc., Bulletin 1573, Item 2.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days effective March 20, 1961, for an "hours" violation.

In view of the foregoing, the license will be suspended for sixty days, to which will be added five days by reason of the prior record of suspension of license for dissimilar violation occurring within the past five years (Re Vamos, Bulletin 1541, Item 5), or a total of sixty-five days, with remission of five days for the plea entered, leaving a net suspension of sixty days.

Accordingly, it is, on this 15th day of July, 1964,

ORDERED that Plenary Retail Consumption License C-8, issued by the Borough Council of the Borough of East Newark to My Place, Inc. for premises 352 John Street, East Newark, be and the same is hereby suspended for sixty (60) days, commencing at 2:00 a. m. Monday, July 20, 1964, and terminating at 2:00 a. m. Friday, September 18, 1964.

JOSEPH P. LORDI
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - SALE IN VIOLATION OF MUNICIPAL HOURS REGULATION - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against Samuel Friedenbergt/a Schultz Pharmacy 383 Communipaw Avenue Jersey City, New Jersey Holder of Plenary-Retail Distribution License D-88, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City

CONCLUSIONS AND ORDER

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

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on Sunday, June 14, 1964, at 11:25 a. m., he sold a pint bottle of wine (1) for off-premises consumption, in violation of Rule 1 of State Regulation No. 38 and (2) in violation of local hours regulation, and (3) hindered investigation (advising patron to deny said purchase), in violation of R.S. 33:1-35.

Absent prior record, the license will be suspended on the first and second charges for twenty days (Re Mandiberg's Delicatessen Corp., Bulletin 1541, Item 2) and on the third charge for ten days (Re 188 Boyd St., Inc., Bulletin 1518, Item 2), 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 13th day of July, 1964,

ORDERED that Plenary Retail Distribution License D-88, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Samuel Friedenbergt/a Schultz Pharmacy, for premises 383 Communipaw Avenue, Jersey City, be and the same is hereby suspended for twenty-five (25) days, commencing at 9:00 a. m. Monday, July 20, 1964, and terminating at 9:00 a. m. Friday, August 14, 1964.

JOSEPH P. LORDI DIRECTOR

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

In the Matter of Disciplinary)
 Proceedings against)

D.I.M.G. Corporation)
 55 East 21st Street)
 Bayonne, New Jersey)

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Consumption)
 License C-3, issued by the Municipal)
 Council of the City of Bayonne)

-----)
 Crummy, Gibbons & O'Neill, Esqs., by Andrew B. Crummy, Esq.,)
 Attorneys for Licensee)
 David S. Piltzer, Esq., Appearing for the Division of Alcoholic)
 Beverage Control)

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 29, 1964, it possessed alcoholic beverages in eight bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days. Re Riveredge Restaurant, Inc., Bulletin 1523, Item 6.

Accordingly, it is, on this 13th day of July, 1964,

ORDERED that Plenary Retail Consumption License C-3, issued by the Municipal Council of the City of Bayonne to D.I.M.G. Corporation for premises 55 East 21st Street, Bayonne, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m. Monday, July 20, 1964, and terminating at 2:00 a. m. Friday, August 14, 1964.

JOSEPH P. LORDI
 DIRECTOR

9. DISQUALIFICATION REMOVAL PROCEEDINGS - LARCENY - 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. 1840)
-----)

BY THE DIRECTOR:

Petitioner's criminal record discloses that on January 8, 1951, he was convicted in a local magistrates court under the Disorderly Persons Act (malicious injury to property) as a result of which he was fined \$10 and ordered to pay \$53 as damages and that on June 13, 1952, following a plea of non vult in a county court to a charge of larceny (motor vehicle), he was given a suspended sentence and was placed on probation for five years. Since the crime of larceny involves the element of moral turpitude (Re Case No. 1808, Bulletin 1559, Item 6), petitioner was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this State. R. S. 33:1-25, 26. A conviction under the Disorderly Persons Act is not a conviction of a crime.

At the hearing held herein, petitioner (33 years old) testified that he is married and living with his wife and three children; that for the past six years he has lived at his present address; that he has been employed as a clerk for the past eight years by a plenary retail distribution licensee who operates a delicatessen store in conjunction therewith; that he has an opportunity to purchase the licensed business and that, until recently when notified by his attorney in the course of discussing the purchase of the licensed business, he did not know that he was ineligible for employment by a licensee.

Petitioner further testified that he is asking for the removal of his disqualification to be free to engage in the alcoholic beverage industry in this State and that, ever since his conviction on June 13, 1952, he has not been convicted of any crime.

Petitioner produced three character witnesses (a retired roofer, a retired salesman and a furnace tender) 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.

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

The only hesitation I have to grant the relief sought herein is based on the fact that the petitioner, although disqualified, worked on a licensed premises in this State. I am, however, favorably influenced by three factors- (a) the testimony of his character witnesses, (b) that petitioner has not been convicted of crime since June 13, 1952, and (c) his sworn testimony that he was unaware of his ineligibility to be employed by a licensee. Knowledge of the law, moreover, is not an essential prerequisite to removal of disqualification in these proceedings. Re Case No. 1738, Bulletin 1510, Item 7.

Considering all of the aforesaid facts and circumstances, I am satisfied that the 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 16th day of July, 1964,

ORDERED that petitioner's statutory disqualification because of the convictions 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

10. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - PREVIOUS DISSIMILAR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Joseph Reilly & Joseph Hart)
t/a Joseph's Cocktail Lounge)
307 North 4th Street)
Harrison, N.J.)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-46, issued by the Town Council of the Town of Harrison)

Licensees, Pro se)
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control)

BY THE DIRECTOR:

Licensees plead guilty to a charge alleging that on June 19, 1964, they sold a bottle of beer to a minor, age 20, in violation of Rule 1 of State Regulation No. 20.

Licensees have a previous record of suspension of license by the municipal issuing authority for ten days effective July 9, 1964, for permitting a brawl and disturbance on the licensed premises.

The License will be suspended for ten days (Re Paini, Bulletin 1538, Item 7), to which will be added five days by reason of the record of suspension of license for previous dissimilar violation within the past five years (Re Vamos, Bulletin 1541, Item 5), or a total of fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days.

Accordingly, it is, on this 15th day of July, 1964,

ORDERED that Plenary Retail Consumption License C-46, issued by the Town Council of the Town of Harrison to Joseph Reilly and Joseph Hart, t/a Joseph's Cocktail Lounge, for premises 307 North 4th Street, Harrison, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a. m. Monday, July 20, 1964, and terminating at 2:00 a. m. Thursday, July 30, 1964.

JOSEPH P. LORDI
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

THEODORE SCHMIDT & JOHN F. BROPHY)
t/a PERSHING BAR & GRILL)
178 Central Avenue)
Jersey City, N. J.)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-36, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

Licenses, by John F. Brophy, Pro se.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licenses plead non vult to charges (1) and (2) alleging that on June 20, 1964, they conducted their licensed business after 2:00 a.m. during hours prohibited by local ordinance.

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 Blakjak, Inc., Bulletin 1547, Item 11.

Accordingly, it is, on this 20th day of July, 1964,

ORDERED that Plenary Retail Consumption License C-36, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Theodore Schmidt & John F. Brophy, t/a Pershing Bar & Grill, for premises 178 Central Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, July 27, 1964, and terminating at 2:00 a.m. Thursday, August 6, 1964.

JOSEPH P. LORDI
DIRECTOR

13. STATE LICENSES - NEW APPLICATION FILED.

Cameron Craig Ltd.
t/a Cameron International Ltd.,
International Brands & Imported Beers, Ltd.
60 Park Place, Room 1704
Newark, New Jersey
Application filed August 25, 1964 for Limited Wholesale License.

Joseph P. Lordi
Joseph P. Lordi
Director