

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

BULLETIN 1846

April 8, 1969

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STATE OF NEW JERSEY
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BULLETIN 1846

April 8, 1969

1. COURT DECISIONS - MURPHY'S BAR AND LOUNGE, INC. v. KEEGAN -
DIRECTOR REVERSED AS TO PENALTY IMPOSED.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
A-1816-67

MURPHY'S BAR AND LOUNGE, INC.,
Appellant,

v.

JOSEPH M. KEEGAN, Director, Division
of Alcoholic Beverage Control,
Respondent.

Argued February 3, 1969 - Decided February 17, 1969

Before Judges Gaulkin, Collester and Labrecque.

On appeal from Director, Division of Alcoholic
Beverage Control.

Mr. Harvey L. Stern argued the cause for appellant.

Mr. Jerome M. Katz, Deputy Attorney General, argued
the cause for respondent (Mr. Arthur J. Sillis,
Attorney General of New Jersey, attorney; Mr. Stephen
Skillman, Deputy Attorney General, of counsel).

The opinion of the court was delivered by

LABRECQUE, J. A. D.

(Appeal from Director's decision in Re Murphy's Bar
and Lounge, Inc., Bulletin 1818, Item 1. Director reversed
as to penalty imposed; remanded for redetermination of penalty.
Opinion not approved for publication by the Court committee
on opinions).

2. APPELLATE DECISIONS - JAXSON BAR & GRILL v. PASSAIC.

Jaxson Bar & Grill (a corp.),)	
Appellant,)	
v.)	On Appeal
Municipal Board of Alcoholic)	CONCLUSIONS
Beverage Control of the City)	AND ORDER
of Passaic,)	
Respondent.)	

Walter J. Tencza, Esq., Attorney for Appellant
 Charles E. Miller, Esq., by Milton J. Pashman, Esq.,
 Attorney for Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This is an appeal from the action of the respondent (hereinafter Board) whereby on June 24, 1968, by unanimous vote of its members, it denied the application of appellant (hereinafter Jaxson) for renewal of its plenary retail consumption license for premises 22 Jackson Street, Passaic.

The resolution adopted by the Board sets forth as its reason for denial "that the public necessity and convenience dictates that they not be renewed."

Jaxson's petition of appeal alleges that the Board's action was erroneous in that "it was arbitrary and an abuse of discretion."

The Board's answer filed herein asserts that it "considered all the facts and circumstances pertaining to the refusal to renew the license, and that the grounds not to renew same was reasonable and proper and in the best interest of public welfare."

Upon filing of the appeal the Director entered an order extending the term of Jaxson's 1967-68 license pending the determination of the appeal.

The matter herein was heard de novo pursuant to Rule 6 of State Regulation No. 15, and full opportunity was afforded both parties to the appeal to present testimony and to cross-examine witnesses.

Prior to consideration of the question of renewal of Jaxson's license for the current licensing period, and to afford an intelligent understanding in the matter, it will be necessary to discuss the events which occurred at the time of and subsequent to approval of the person-to-person transfer of the license to Jaxson on May 13, 1968.

It appears from the record that on May 13, 1968, after a hearing, the transfer of the Jaxson license was

approved by a two-to-one vote of the members of the Board. On June 10, 1968, after learning of public criticism because the Board had approved the transfer, Jaxson's license was rescinded by unanimous vote of the Board, without any formal notice to Jaxson that reconsideration of the matter of transfer was contemplated. However, where an issuing authority reaches a final determination on an application for a liquor license, in the absence of mistake of law or fact or fraud perpetrated upon the issuing authority (not claimed herein) it may not reconsider its action. Salisbury et als. v. Point Pleasant et al., Bulletin 1799, Item 1; Cascio v. Roselle Park, Bulletin 1579, Item 1; Essex County Retail Liquor Stores Assn. v. Newark et al., Bulletin 1457, Item 3; Lantz v. Hightstown, 46 N.J.L. 102. This doctrine has been followed in this Division since the beginning of its administration of alcoholic beverage control. See Re Hendrickson, Bulletin 47, Item 10; Tyler's Country Club, Inc. v. Woodbridge, Bulletin 1311, Item 1. Therefore it is apparent that respondent had no jurisdiction to reconsider the matter after it had made its final determination on May 13, 1968. Although no appeal was taken from the alleged reconsideration of the transfer in question, and because the Board lacked jurisdiction to take such action, the license remained valid and in force for the balance of its term which ended June 30, 1968.

I shall now consider the instant appeal from denial of the application for renewal of Jaxson's license.

Milton Mostel (chairman of the Board) testified that he was in possession of a letter from Acting Police Chief MacCulloch and a police report attached thereto regarding the officers and stockholders of the appellant corporation which sought transfer of the license. Mostel further stated that he read the Chief's letter suggesting denial of the transfer but did not examine the contents of the police report. He further said that he voted to deny but that the two other Board members voted to approve the transfer. The chairman further testified that, because of the furor that arose in the community, and especially the criticism in the local newspaper, the members of the Board voted to rescind its action relative to approval of the person-to-person transfer. Thereafter, when appellant applied for renewal of its license, the Board on its own motion denied the application for renewal.

Acting Chief MacCulloch testified that he had submitted the letter to the Board requesting that the transfer of the license to the appellant be denied. He further stated that the report contained the result of an investigation of the three officers and stockholders in appellant corporation especially with reference to the criminal record of Angelo Volaroso (president of the appellant corporate licensee) and with reference to others related to the other two officers of the appellant licensee.

Lieutenant James Lumley (one under whose jurisdiction the investigation was made with reference to the officers and stockholders of the appellant licensee) testified that, as a result thereof, the investigation disclosed that Angelo Volaroso had been arrested in Paterson, New Jersey, for card playing on December 17, 1950, and forfeited a \$25 bail bond on non-appearance; also on February 10, 1968 Volaroso was

arrested in East Newark by the New Jersey State Police and charged with gaming (monte game) and that the case is still pending; that, in so far as Martha Genardi and Ann Ferrante are concerned, neither has been found to have a criminal record. However, the report submitted by Lieutenant Lumley states that Martha Genardi is a sister of one Thomas Bonfonti (a convicted bookmaker) and that Bonfonti might be seen in the licensed premises during afternoon and evening hours. Moreover, according to the report, Mrs. Genardi's husband has served time in the New Jersey State Prison on assault and robbery charges and also had been convicted of possession of lottery slips and maintaining a gambling resort. It appears also in the report that Ann Ferrante (Mrs. Ferrante) is married to Anthony Ferrante who has served time for bookmaking and conspiracy to violate the gambling statutes. Furthermore, Mr. Ferrante at the time of the submission of the report was indicted by the Bergen County grand jury and charged with attempting to bribe a State Police officer, which case was at that time still pending.

Lieutenant Anthony R. Domino (a member of the Passaic Police Department) testified that he was assigned in charge of the gambling squad and visited the premises in question on April 18, 1968, when the license was held by the former licensee; that at the time of his visit the premises were being renovated for reopening and trading as the Jaxson Lounge; that, upon entering the premises, he approached Bonfonti (brother of Mrs. Genardi) and inquired of him whether or not he intended to be the bartender after the license had been transferred to Jaxson, and Bonfonti stated, "You know I can't work behind the bar" and that, when he pressed him further with reference to the manager, he said, "I'm the manager."

On cross examination of the three police officers aforementioned, all were in agreement that, since the establishment was being operated by appellant, no complaints had been lodged with the Police Department.

Angelo Volaroso verified the fact that he had been apprehended in 1950 and forfeited \$25 bail on a gaming charge. Moreover, he stated that, with reference to the monte game in East Newark, the grand jury failed to indict him of the charge. He further testified that he is president of the appellant corporate licensee and also is the owner of fifty per cent. of its capital stock. Mr. Volaroso said that, for the alterations made in the licensed premises, the expense therefor amounted to \$5,000. Volaroso further stated that he had no knowledge that Thomas Bonfonti (brother of Mrs. Genardi), who holds twenty-five per cent. of the stock in the corporation, had been involved with the law. On cross examination Volaroso stated that the alterations to the premises started before the license was actually transferred. According to Mr. Volaroso's testimony, in so far as Mrs. Ferrante's husband was concerned, he never socialized but knew that he had been incarcerated for bookmaking and conspiracy to violate the gambling statutes of the State.

Martha Genardi testified that she has a twenty-five per cent. interest in appellant's premises and that she is employed as a barmaid in the establishment. Mrs.

Genardi further said that her brother (Thomas Bonfonti) assisted her husband in making the alterations in the licensed premises.

Anni Ferrante, who has twenty-five per cent. of the stock of appellant, testified that she is treasurer of the corporation and is at the licensed premises "on a Monday evening and on the week-ends", at which time she tends bar. Mrs. Ferrante also stated that her husband had pleaded guilty to a charge of bribing a State Police officer.

The appellant produced two persons residing in the immediate area of the licensed premises and their testimony was in agreement that the place is operated in a very orderly and quiet way.

Although Mrs. Genardi and Mrs. Ferrante testified that they hold twenty-five per cent. of the capital stock of the appellant corporate licensee, there was no evidence produced at the hearing whether the money for the purchase of the respective interests of the two persons had been supplied by themselves or had come from some other source. Both the brother of Mrs. Genardi and her husband have criminal records and also the husband of Mrs. Ferrante had served time on criminal charges. In fact, Mrs. Ferrante's husband, according to her testimony, recently pleaded guilty with reference to bribing a State Police officer.

From the evidence in this matter it is quite apparent that these two women are merely fronting for others who have been disqualified because of criminal records from being associated with the alcoholic beverage industry in this State. In the case of Florence Methodist Church v. Township Committee of Florence Township, 38 N.J. Super. 85 (App. Div. 1955), reprinted in Division Bulletin 1089, Item 1, it was stated by the court that:

"There is no question but that a license may be denied to one who acts in name only, just to serve the interest of some person disqualified under the statute. Cf. Wilks v. Liquor Control Commission, 122 Conn. 443, 190 A. 262, 263 (Sup. Ct. Err. 1937); State ex rel. Bismark Grill v. Keirnan, 238 Mo. App. 507, 181 S.W. 2d 798, 803 (Ct. App. 1944); State ex rel. Nixon v. McCanless, 176 Tenn. 352, 141 S.W. 2d 885 (Sup. Ct. 1940)...."

In the aforesaid case the Director reversed the action of the local issuing authority in approving the transfer of a liquor license to Gertrude Christy whose husband had been disqualified because of a conviction of a crime involving moral turpitude. The court further stated (at p. 90):

"The matter lay within the discretion of the committee, and hence the Division could not reverse in the absence of a manifest mistake or other abuse of discretion on the committee's part. However a discretion also is committed to the Division, and hence we will not interfere with its action unless we find that it has manifestly erred or otherwise abused its discretion. Rajah Liquors v. Division of Alcoholic Beverage Control, 33 N.J. Super. 598, 600 (App. Div. 1955)."

The question to be determined is whether, because the transfer of the license in question was approved, is it a requirement that the original mistake made by the Board must continue when it is against the public interest and welfare of those residing in the community. In issuing or renewing liquor licenses there is a wide discretion on the part of the local issuing authority, and its action should be guided by the public interest. Lubliner v. Paterson, 33 N.J. 428, 446 (1960).

After careful consideration of the evidence presented herein, especially under the circumstances in this matter, there is but one conclusion that may be properly reached which is that it is to the best interests of the municipality to refuse to renew Jaxson's license for the current licensing year.

It is therefore recommended that the Board's action be affirmed, and that the appeal herein be dismissed.

Conclusions and Order

Exceptions to the Hearer's report and argument in substantiation thereof were filed by appellant's attorney pursuant to Rule 14 of State Regulation No. 15.

I have carefully examined the entire record, including the transcript of the proceedings, the exhibits, the Hearer's report and exceptions thereto. I find the exceptions to be without merit and hence I concur in the findings and conclusions of the Hearer and adopt his recommendation.

Accordingly, it is, on this 27th day of January 1969,

ORDERED that the action of respondent Municipal Board of Alcoholic Beverage Control of the City of Passaic be and the same is hereby affirmed and the appeal herein be and the same is hereby dismissed; and it is further

ORDERED that my order entered on July 1, 1968, extending the term of appellant's license pending determination of the appeal, be and the same is hereby vacated, effective immediately.

JOSEPH M. KEEGAN
DIRECTOR

3. APPELLATE DECISIONS - B & L TAVERN, INC. v. BAYONNE.

B & L Tavern, Inc., t/a)	
Max's Corner,)	
)	
Appellant,)	On Appeal
v.)	
)	CONCLUSIONS
Municipal Council of the City)	AND ORDER
of Bayonne,)	
)	
Respondent.)	

Irving Charles Picker, Esq., Attorney for Appellant
 James P. Dugan, Esq., by Michael Andryscak, Esq., Attorney
 for Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This is an appeal from the action of respondent Bayonne Municipal Council (hereinafter Council) whereby it suspended appellant's license for premises 477 Avenue C, Bayonne, for twenty days, effective October 21, 1968, after finding appellant guilty in disciplinary proceedings of "permitting or suffering minors to congregate in or about the licensed premises on January 7, 1968", in violation of local ordinance.

Upon the filing of the appeal, an order dated October 17, 1968 was entered by the Director staying the effect of the Council's order of suspension pending the determination of the appeal.

Appellant in its petition of appeal alleges that the action of the Council was erroneous in that (a) it was not based on facts before the Council, (b) the evidence adduced was incredible, (c) the matter was heard by the Council on May 9 and the order appealed from was not made until October 10, and (d) the action was prejudicial, arbitrary and based on mistake or passion.

The answer of the Council admits the jurisdictional allegations and denies the substantive allegations.

The appeal was submitted solely upon the transcript of testimony below, in accordance with Rule 8 of State Regulation No. 15.

The Council produced as its witnesses a minor and an adult patron. Their testimony may be summarized as follows: Sady Mae ---, 16 years of age, entered the premises at approximately 10:30 p.m. on January 7, went to the rear of the premises and remained there until 3:00 a.m. At about that time, her cousin, LeRoy James, entered the premises and remained for a short period of time. He left and, several minutes later, she, too, left the premises. During her stay in the tavern, she danced with other patrons, none of whom was identified.

On cross examination, she stated that when she entered the premises, she paid an admission charge and her hand was stamped, but she was not questioned about her age.

LeRoy James gave several contradictory versions of his stay at these premises. He stated at the beginning of his testimony that he arrived at the premises at about 12 or 12:30 on the morning in question, saw Sady Mae and had a conversation with her. He remained for a few minutes and left the premises, where he joined friends outside. It appears that some time during the early morning, he, Sady Mae and some of their friends were arrested by the local police.

On cross examination, James stated that he patronized both the front (barroom) and the rear portion of these premises and saw his cousin, the minor, in the rear portion. When he left the premises at 12:30, he waited outside for a bus to go home and both he and Sady Mae were arrested by the police at about 2:00 or 2:30 a.m.

A motion made by appellant's attorney for dismissal of the charge was denied. I am persuaded that the action of the Council in denying the said motion was erroneous.

Section 15 of the subject ordinance provides that "No licensee shall permit or suffer minor...to congregate in or about the licensed premises" (emphasis supplied).

In order for the Council to prevail on this appeal, it must show that there was a congregation of minors on the premises on the date alleged. To "congregate" means to come together, to assemble, to meet. 15A C.J.S. at p. 562. It necessarily implies the joint action or cooperation of two or more persons and is usually applicable to the coming together of a considerable number of persons. Powell v. State, 62 Ind. 531, 532; People v. Carcel, 144 N.E. 2d 81, 85; 3 N.Y. 2d 327; 165 N.Y.S. 2d 113, 117; 65 A.L.R. 2d 1145.

In Board of Health of the City of Paterson v. Clayton et al., 93 N.J.L. 64, an appeal by a tavern owner from a conviction of a charge based on local ordinance, Justice Parker considered the definition and import of the word "congregate". He stated at p. 65:

"The word 'congregate' is defined in Webster's International Dictionary as 'to come together; to assemble; to meet.' Perhaps, two persons cannot be said to congregate; three, certainly, can."

There has been no testimony introduced in the instant matter to support the charge that there was a congregation of minors on January 7. From the testimony, the only minor on the premises was Sady Mae. No testimony reflects the presence of any other minor. One minor does not a congregation make.

In order to find appellant guilty of this charge under the ordinance, there must be proof that at least several minors congregated at these premises. No conviction may be broader than the charge with which appellant is

confronted. DeBlasio v. Clifton, Bulletin 1593, Item 3; Jandoli v. Orange, Bulletin 233, Item 7. Also see Grouchy Oscar, Inc. v. Lodi, Bulletin 861, Item 10. Under the circumstances herein, it is clear that appellant has sustained the burden of establishing that the action of the Council was erroneous and should be reversed. Rule 6 of State Regulation No. 15.

It is, therefore, recommended that the action of the Council be reversed and the charge herein be dismissed.

Conclusions and Order

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

Having carefully considered the entire record herein, including the transcript of the testimony, the written memorandum of counsel for appellant and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 13th day of February, 1969,

ORDERED that the action of respondent be and the same is hereby reversed and the charge be and the same is hereby dismissed.

JOSEPH M. KEEGAN
DIRECTOR

4. APPELLATE DECISIONS - G.A.M. CORPORATION v. BRIELLE.

G.A.M. Corporation, t/a George Mauro's Ferry Boat,)	
)	
Appellant,)	
)	On Appeal
v.)	
)	O R D E R
Mayor and Council of the Borough of Brielle,)	
)	
Respondent)	
-----)	

Beekman, Ozzard & Mauro, Esqs., by George A. Mauro, Jr., Esq.,
Attorneys for Appellant
Stephen T. Keane, Esq., Attorney for Respondent

BY THE DIRECTOR:

Appellant appeals from the imposition by respondent by resolution of June 24, 1968, of special conditions upon the renewal for the license year 1968-69 of its plenary retail consumption license for premises 716 Ashley Avenue, Brielle.

After hearing, appellant's attorneys advised that the matters in issue having been amicably adjusted, the appeal was withdrawn.

Accordingly, it is, on this 20th day of February, 1969,

ORDERED that the appeal herein be and the same is hereby dismissed.

JOSEPH M. KEEGAN
DIRECTOR

- 5. DISCIPLINARY PROCEEDINGS - POSSESSION OF INDECENT MATTER - SERVICE OF ALCOHOLIC BEVERAGES OTHER THAN ORDERED - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 70 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 Delabu, Inc.
 t/a Steve Brody's Bar
 1101-03-05-07-09 Ocean Avenue
 Asbury Park, N. J.,

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption License C-10, issued by the City Council of the City of Asbury Park.

Hanlon, Argeris & Amdur, Esqs., by Robert M. Hanlon, Esq.,
 Attorneys for Licensee
 Edward F. Ambrose, Esq., Appearing for Division of
 Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charge (1) alleging that it possessed indecent photographs on the licensed premises, in violation of Rule 17 of State Regulation No. 20, guilty to charge (2) alleging that it served alcoholic beverages other than ordered, in violation of Rule 23 of State Regulation No. 20, and non vult to charge (3) alleging that it hindered investigation then being conducted by Division agents (by destruction of evidence, viz., the photographs, sought to be detained), in violation of Rule 35 of State Regulation No. 20, all on December 14, 1968.

With respect to the second charge, reports of investigation disclose that orders for mixed drinks containing a name brand of whiskey were filled by substituting a cheaper brand.

Absent prior record, the license will be suspended on the first charge for forty-five days (Re Craner & Pilon, Bulletin 1825, Item 6), on the second charge for fifteen days (Re Bonanno, Bulletin 1716, Item 1), and on the third charge for ten days (Re LaBruno, Bulletin 1759, Item 2), or a total of seventy days, with remission of five days for the pleas entered, leaving a net suspension of sixty-five days.

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

ORDERED that Plenary Retail Consumption License C-10, issued by the City Council of the City of Asbury Park to Delabu, Inc., t/a Steve Brody's Bar, for premises

1101-03-05-07-09 Ocean Avenue, Asbury Park, be and the same is hereby suspended for sixty-five (65) days, commencing at 3 a.m. Monday, February 17, 1969, and terminating at 3 a.m. Wednesday, April 23, 1969.

JOSEPH M. KEEGAN
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - ORDER PERMITTING WITHDRAWAL OF NON VULT PLEA TO AFFORD HEARING ON ONE CHARGE AND DEFERRING EFFECTIVE DATE OF PENALTY PREVIOUSLY IMPOSED.

In the Matter of Disciplinary Proceedings against)

DELABU, INC.)
t/a Steve Brody's Bar)
1101-03-05-07-09 Ocean Avenue)
Asbury Park, N. J.)

AMENDED
ORDER

Holder of Plenary Retail Consumption License C-10 issued by the City Council of the City of Asbury Park)

Hanlon, Argeris & Amdur, Esqs., by Robert M. Hanlon, Esq., Attorneys for Licensee
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

On February 10, 1969, I entered an order herein suspending the license for sixty-five days, effective February 17, 1969, upon recitation of the licensee's plea of non vult to a charge (1) of possession of indecent photographs, guilty to a charge (2) of service of alcoholic beverages other than ordered, and non vult to a charge (3) of hindering investigation. Re Delabu, Inc., Bulletin 1841, Item 8.

Prior to the effectuation of the suspension, licensee's attorneys advised me that the confessional plea to the first charge was entered in error resulting from misunderstanding on the part of the licensee. On the basis thereof, request was made for permission to withdraw the plea to the first charge and thereafter have the matter proceed to hearing on that charge.

In view of the circumstances, I have granted the request and have deferred the effective date of the entire penalty heretofore imposed pending hearing to be held as above indicated.

Accordingly, it is on this 18th day of February, 1969,

ORDERED that the order of suspension heretofore entered be and the same is hereby vacated, effective February 14, 1969, nunc pro tunc; and it is further

ORDERED that hearing be held on the first charge herein preferred.

JOSEPH M. KEEGAN
DIRECTOR

7.

ACTIVITY REPORT FOR FEBRUARY 1969

ARRESTS:			
Total number of persons arrested	-----	12	
Licensees and employees	9		
Bootleggers	3		
SEIZURES:			
Motor vehicles - cars	-----	1	
Stillts - 50 gallons or under	-----	1	
Alcohol - gallons	-----	.50	
Mash - gallons	-----	770	
Distilled alcoholic beverages - gallons	-----	6.72	
Wine - gallons	-----	9.87	
Brewed malt alcoholic beverages - gallons	-----	10.40	
RETAIL LICENSEES:			
Premises inspected	-----	728	
Premises where alcoholic beverages were gauged	-----	607	
Bottles gauged	-----	9,981	
Premises where violations were found	-----	145	
Violations found	-----	212	
No Form E-141-A on premises	69	Prohibited signs & practice	2
Application copy not available	33	Other mercantile business	1
Unqualified employees	28	No disposal permit	1
Form E-141-A incomplete	23	Other violations	55
STATE LICENSEES:			
Premises inspected	-----	14	
License applications investigated	-----	6	
COMPLAINTS:			
Complaints assigned for investigation	-----	388	
Investigations completed	-----	345	
Investigations pending	-----	225	
LABORATORY:			
Analyses made	-----	144	
Refills from licensed premises - bottles	-----	98	
Bottles from unlicensed premises	-----	1	
IDENTIFICATION:			
Criminal fingerprint identifications made	-----	3	
Persons fingerprinted for non-criminal purposes	-----	338	
Identification contacts made with other enforcement agencies	-----	242	
DISCIPLINARY PROCEEDINGS:			
Cases transmitted to municipalities	-----	3	
Violations involved	-----	3	
Sale to minors	2		
Sale during prohibited hours	1		
Cases instituted at Division	-----	31	
Violations involved	-----	38	
Sale to minors	8	Permitting bookmaking on prem.	1
Possessing liquor not truly labeled	8	Permitting misc. gambling on prem.	1
Permitting lottery activity on prem.	4	Possessing chilled beer (DL lic.)	1
Fraud in application	4	Sale below filed price	1
Unqualified employees	4	Beverage Tax Law non-compliance	1
Sale during prohibited hours	2	Permitting immoral activity on prem.	1
Hindering investigation	2		
Cases brought by municipalities on own initiative and reported to Division	-----	34	
Violations involved	-----	50	
Sale to minors	18	Permitting gambling on prem.	2
Sale during prohibited hours	9	Employer working while intoxicated	2
Failure to close prem. dur. proh. hrs.	6	Unqualified employees	3
Hindering investigation	4	Application copy not available	1
Permitting brawl, etc. on premises.	4	Conducting business as a nuisance	1
HEARINGS HELD AT DIVISION:			
Total number of hearings held	-----	43	
Appeals	3	Seizures	3
Disciplinary proceedings	30	Tax Revocations	4
Eligibility	3		
STATE LICENSES AND PERMITS:			
Total number issued	-----	1,068	
Licenses	5	Wine permits	3
Solicitors' permits	51	Miscellaneous permits	132
Employment permits	310	Transit insignia	92
Disposal permits	38	Transit certificates	92
Social affair permits	345		
OFFICE OF AMUSEMENT GAMES CONTROL:			
Licenses issued	55		
Enforcement files established	3		

JOSEPH M. KEEGAN
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

Dated: March 6, 1969

8. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

William Killian)
42 West Pitman Street)
Penns Grove, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-1 issued by the Borough)
Council of the Borough of Penns Grove)

Narrow & Evans, Esqs., by John Ford Evans, Jr., Esq.,
Attorneys for Licensee
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that
on August 27, 1968, he possessed alcoholic beverages in three
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 twenty days, with remission of five days for the plea
entered, leaving a net suspension of fifteen days. Re Cakerts
Enterprises, Inc., Bulletin 1825, Item 10.

Accordingly, it is, on this 14th day of February 1969,

ORDERED that Plenary Retail Consumption License C-1,
issued by the Borough Council of the Borough of Penns Grove
to William Killian for premises 42 West Pitman Street, Penns.
Grove, be and the same is hereby suspended for fifteen (15)
days, commencing at 7:00 a.m. Monday, February 17, 1969, and
terminating at 7:00 a.m. Tuesday, March 4, 1969.

JOSEPH M. KEEGAN
DIRECTOR

- 9. DISCIPLINARY PROCEEDINGS - POSSESSION OF CHILLED BEER BY DL LICENSEE - FALSE STATEMENT IN LICENSE APPLICATION - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 Michael L. Bartone & Orlando J. Cusimano, t/a Bartone's Market
 55 Moonachie Avenue
 Moonachie, N. J.
 Holders of Limited Retail Distribution License DL-1 issued by the Borough Council of the Borough of Moonachie

 CONCLUSIONS AND ORDER

Louis D. Avolio, Esq., Attorney for Licensees
 Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to charges alleging that (1) on January 10, 1969, they possessed chilled malt alcoholic beverages on the licensed premises, in violation of Rule 21 of State Regulation No. 20, and (2) in their current application for license failed to disclose the prior record of suspension of license of Michael L. Bartone, in violation of R. S. 33:1-25.

Licensee Michael L. Bartone has a previous record of suspension of license by the municipal issuing authority for ten days effective July 27, 1962, for possession and sale of chilled beer and sale of less than seventy-two fluid ounces of beer, non-disclosure of which being the subject of the second charge.

The license will be suspended on the first charge for ten days (Re Barabas, Bulletin 1835, Item 8) and on the second charge for ten days (Re The Chestnut, Bulletin 1836, Item 4), to which will be added five days by reason of the record of suspension of license for similar violation more than five but less than ten years ago (Re Hausner, Bulletin 1832, Item 5), 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 18th day of February, 1969,

ORDERED that Limited Retail Distribution License DL-1, issued by the Borough Council of the Borough of Moonachie to Michael L. Bartone and Orlando J. Cusimano, t/a Bartone's Market, for premises 55 Moonachie Avenue, Moonachie, be and the same is hereby suspended for twenty-five days, commencing at 9:00 a.m. Thursday, February 20, 1969, and terminating at 9:00 a.m. Monday, March 17, 1969.

JOSEPH M. KEEGAN
 DIRECTOR

10. DISCIPLINARY PROCEEDINGS - GAMBLING (WAGERING) - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against Colony Inn, Inc. t/a Colony Inn 1110 Florence Avenue Union Beach, New Jersey

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-6 issued by the Borough Council of the Borough of Union Beach

William H. Burns, Jr., Esq., Attorney for Licensee Louis F. Treole, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 14-15, 1969, it permitted gambling (pool games for money stakes) on the licensed premises, in violation of Rule 7 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 Norato, Bulletin 1807, Item 3.

Accordingly, it is, on this 19th day of February, 1969,

ORDERED that Plenary Retail Consumption License C-6, issued by the Borough Council of the Borough of Union Beach to Colony Inn, Inc., t/a Colony Inn, for premises 1110 Florence Avenue, Union Beach, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m., Monday, February 24, 1969, and terminating at 2:00 a.m. Thursday, March 6, 1969.

JOSEPH M. KEEGAN DIRECTOR

11. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Horseshoe Bar & Grill, Inc.)
3204 Bergenline Avenue)
Union City, New Jersey)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-6 issued by the Board of Commissioners of the City of Union City)
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Licensee, by Charles Vasel, Secretary-Treasurer, 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 December 12, 1968, it possessed alcoholic beverages in three 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 municipal issuing authority for five days effective August 22, 1962, 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 twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Cakerts Enterprises, Inc., Bulletin 1825, Item 10.

Accordingly, it is, on this 25th day of February, 1969,

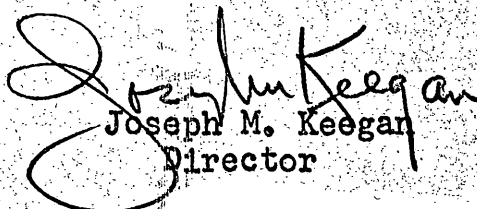
ORDERED that Plenary Retail Consumption License C-6, issued by the Board of Commissioners of the City of Union City to Horseshoe Bar & Grill, Inc. for premises 3204 Bergenline Avenue, Union City, be and the same is hereby suspended for fifteen (15) days, commencing at 3:00 a.m. Tuesday, March 4, 1969, and terminating at 3:00 a.m. Wednesday, March 19, 1969.

JOSEPH M. KEEGAN
DIRECTOR

12. STATE LICENSES - NEW APPLICATION FILED.

Galsworthy, Inc.
300 Frelinghuysen Avenue
Newark, New Jersey

Application filed April 3, 1969 for additional warehouse license, under Plenary Wholesale License W-1, for premises 711 Pine Street, also known as 620 Newton Avenue, Camden, New Jersey.


Joseph M. Keegan
Director