

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

BULLETIN 2026

January 25, 1972

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DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
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January 25, 1972

1. APPELLATE DECISIONS - MURRAY v. CLIFTON - SUPPLEMENTAL  
ORDER IMPOSING SUSPENSION.

Josephine V. Murray, t/a )  
Murray's Lounge, )  
Appellant, )  
v. )  
Municipal Board of Alcoholic )  
Beverage Control of the City )  
of Clifton, )  
Respondent. )  
----- )

SUPPLEMENTAL  
ORDER

Simon, Denstman & Noonan, Esqs., by John W. Noonan, Esq.,  
Attorneys for Appellant  
Arthur J. Sullivan, Jr., Esq., by G. Dolph Corradino, Esq.,  
Attorney for Respondent

BY THE DIRECTOR:

On April 28, 1971 Conclusions and Order were entered herein affirming the action of respondent, dismissing the appeal and suspending appellant's license for sixty days, commencing May 13, 1971, for permitting bookmaking and maintaining a gambling resort on her licensed premises. Murray v. Clifton, Bulletin 1982, Item 1.

Prior to the effectuation of the order of suspension, on appeal filed the Appellate Division of the Superior Court stayed the operation of the suspension pending determination of the appeal. On November 29, 1971 the court dismissed the appeal and vacated the stay of the said sixty-day license suspension for failure of the appellant to file a brief. Clifton and McDonough, Director, v. Murray (App.Div. 1970), not officially reported. The suspension may now be reimposed.

Accordingly, it is, on this 16th day of December 1971,

ORDERED that the sixty-day suspension heretofore imposed and stayed during the pendency of the proceedings on appeal be reinstated against Plenary Retail Consumption License C-135, issued by the Municipal Board of Alcoholic Beverage Control of the City of Clifton to Josephine V. Murray, t/a Murray's Lounge, for premises 1104 Main Avenue, Clifton, commencing at 2 a.m. Tuesday, January 4, 1972, and terminating at 2 a.m. Saturday, March 4, 1972.

Richard C. McDonough,  
Director.

2. APPELLATE DECISIONS - OL ED'S INC. v. PASSAIC - ORDER  
DISMISSING APPEAL.

Ol Ed's Inc.,	)	
Appellant,	)	
v.	)	On Appeal
Municipal Board of Alcoholic	)	
Beverage Control of the City	)	O R D E R
of Passaic,	)	
Respondent.	)	
-----	)	

Joseph M. Keegan, Esq., Attorney for Appellant  
 August C. Michaelis, Esq., by William P. Schey, Esq., Attorney  
 for Respondent

BY THE DIRECTOR:

Appellant appeals from denial of its application for renewal of its plenary retail consumption license for premises 82 President Street, Passaic, for the current licensing period.

Prior to the hearing, respondent's attorney advised me by letter dated December 16, 1971, that, upon reconsideration by respondent, the said license has now been renewed and has requested that the appeal be dismissed. A copy of the adoptive resolution was enclosed with said request.

Accordingly, it is, on this 3rd day of January 1972,

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

Richard C. McDonough,  
 Director.

3. DISCIPLINARY PROCEEDINGS - POSSESSION OF NARCOTICS - NUISANCE - LICENSE SUSPENDED FOR 180 DAYS.

In the Matter of Disciplinary Proceedings against )

Alan Cafe, Inc. )  
t/a C & T Lounge )  
N E corner North Carolina & Arctic Aves. )  
Atlantic City, N. J., )

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption License C-53, issued by the Board of Commissioners of the City of Atlantic City. )

-----  
Roy Baylinson, Esq., Attorney for Licensee  
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charges:

- "1. On March 2, 1971, you allowed, permitted and suffered unlawful activity pertaining to narcotic drugs, as defined by R.S. 24:18-2, in and upon your licensed premises, and on said date, you allowed, permitted and suffered the unlawful possession of such narcotic drugs in and upon your licensed premises; in violation of Rule 4 of State Regulation No. 20.
- 2. On March 2, 1971, you allowed, permitted and suffered immoral activity in and upon your licensed premises and your licensed place of business to be conducted in such manner as to become a nuisance, viz., in that on said date, you allowed, permitted and suffered the sale of a narcotic drug to customers and patrons on your licensed premises; in violation of Rule 5 of State Regulation No. 20."

Two ABC agents participated in the investigation leading to the charges preferred herein.

Agent J testified that, pursuant to a specific assignment to investigate an allegation that narcotics were sold in the licensed premises and accompanied by agent B, he entered the licensed premises (described by him as a neighborhood bar) on March 2, 1971, at 11:30 p.m..

The agents took positions at the front end of the bar. A male identified as "Tony", "Antonio" and "Anthony" Patterson was on duty as bartender; there were approximately twelve patrons in the premises. The witness observed a male identified as Stanley Harris walking about the tavern premises and receiving money from various males after which he would hand them glassine bags of the type which usually contain heroin. Agent J called to

Harris and informed him that he would like to have two bags. Stanley responded that he had only one bag left. Agent J replied that he needed change and called to Patterson and handed him a \$10 bill requesting change stating "...because I wanted to buy a bag of shit from Stanley so I could get on Cloud 9." Patterson proceeded to the cash register, returned to agent J and handed him a \$5 and 5-\$1 bills.

Continuing, agent J testified:

"I then handed Stanley 3 of the \$1 bills. Stanley then openly handed me a glassine bag of alleged heroin. I then waved the bag above the bar showing it to agent B...and at this time Mr. Patterson was behind the bar directly in front of me. I then said, 'Now I can get into my world.'"

At the time of the purchase Patterson was a few feet away from the agent, and did nothing to interrupt the activity. Shortly thereafter, the agents departed the premises.

It was stipulated that the glassine bag contained heroin.

On cross examination the agent testified that he observed Harris make approximately four sales to various individuals in the licensed premises.

It was stipulated that agent B's testimony would be similar to the testimony offered by agent J.

In defense of the charges, Isadore Sacks, a member of the New Jersey bar for more than fifty years, testified that he and his wife were owners of one-third of the stock of the corporate licensee since the year 1944. He and Philip Shick, also a lawyer and a shareholder of corporate licensee visited the bar several times a day.

He is well acquainted with the bartender Patterson, who was employed by him for nineteen years. He has found him to be trustworthy.

During the latter part of the year 1969, he became aware of a narcotics problem in the area, including the corner where the tavern is located. He conferred with the local Police authorities concerning the problem. The bartenders were instructed to call the police in the event anyone looking suspicious entered the tavern. Hoping that the narcotics users and traffickers would desert the corner where the tavern was located, the licensed premises were voluntarily closed for a period of almost two months in the early part of the year 1970. However, upon reopening that group (of suspected traffickers in narcotics) returned to the corner.

A communication addressed to Sacks by the Commissioner of Public Safety of the City of Atlantic City, dated January 27, 1971, thanking him for his concern and recommendation in connection with the control of the narcotics traffic was received in evidence. At Sacks' request, the local Chief of Police ordered patrol cars to pass the corner where the tavern was located in order to disperse whoever was there. He hired off-duty policemen and an employee of the Sheriff's office in order to keep out the narcotic traffickers from the subject premises.

Raids conducted by the State Police on January 15 and again on March 9, 1971, pursuant to search warrants obtained to search for narcotics in the licensed premises or on any person therein, in each instance, proved negative.

In January 1971 Shick and Sacks entered into an agreement to sell all of their corporate stock in the licensee corporation to an Austin T. Johnson and Lois Jefferson. The settlement was held some time prior to May 25, 1971, the date on which they received notice of the pendency of the within charges. After the raid of March 9, Sacks was so concerned about the situation that he voluntarily discontinued its operation prior to settlement. The new owners kept the premises closed for an additional period of three or four weeks and hired new personnel.

Philip Shick, also a practising attorney of the State of New Jersey, testified that his testimony would be corroborative of the testimony offered by Sacks.

Antonio Patterson testified that he had been employed as a bartender at the licensed premises for nineteen years and was on duty at the time of the alleged occurrence. He changed many \$10 bills; however, he had no recollection of conversing with the ABC agents, or even that they were in the premises on the night alleged in the charges.

On cross examination, the witness denied ever seeing agents J or B prior to seeing them in the hearing room.

Austin T. Johnson testified that he and Lois Jefferson have purchased all of the stock of the corporate licensee and after extensive remodeling began operating the liquor business in April, 1971. He retained none of the previous employees. The junkies and peddlers no longer frequent the corner. He is not acquainted with Stanley Harris.

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

In appraising the factual picture presented herein the credibility of witnesses must be weighed. Testimony, to be believed, must not only proceed from the mouth of a credible witness but must be credible in itself. It must be such as the common experience and observation of mankind can approve as probable in the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961).

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

I am persuaded that the narcotic activity complained of was actually engaged in by Stanley Harris in the licensed premises, as charged. Therefore, it is apparent that the dispositive issue in this proceeding is whether the licensee did "allow, permit or suffer" the immoral activity alleged in the charge.

Applying the legal principles cited above, I am convinced that agent J's testimony of his conversation with the bartender, Patterson, concerning the purchase of the narcotic drug (amply corroborated by the testimony of agent B) was not a fabrication and preconceived in order to falsely inculcate an innocent licensee. Although the Division witnesses were subjected to intensive cross examination by the attorney for the licensee, their testimony remained unshaken.

From the evidence presented it is manifest that the licensee, through its employee permitted and suffered the sale of the narcotic drug to take place on the licensed premises, as charged.

As the Supreme Court said in Essex Holding Corp. v. Hock, 136 N.J.L. 28 (Sup. Ct. 1947), at p.31:

"Although the word 'suffer' may require a different interpretation in the case of a trespasser, it imposes responsibility on a licensee, regardless of knowledge, where there is a failure to prevent the prohibited conduct by those occupying the premises with his authority. Guastamachio v. Brennan, 128 Conn. 356; 23 Atl. Rep. (2d) 140."

The licensee is clearly inculcated by the misconduct of his employee. Such conduct constitutes a grave threat to the public welfare and morals and, unless eliminated, tends towards the abuse and abasement. Kravis v. Hock, 137 N.J.L. 252 (Sup. Ct. 1948); In re Schneider, 12 N.J. Super. 449 (App. Div. 1951). Furthermore, it is a basic principle that, in disciplinary proceedings, the licensee is fully accountable for all violations committed, or permitted and suffered by his servants, agents or employees. Rule 33 of State Regulation No. 20; In re Schneider, supra.

After carefully considering and evaluating all of the evidence adduced herein, and the legal principles applicable thereto, I conclude that the Division has proved its case by a fair preponderance of the credible evidence - indeed, by clear and convincing evidence. I, therefore, recommend that the licensee be found guilty as charged.

In considering the penalty to be recommended, I am mindful that, normally, the penalty is revocation. El Torero, Inc. v. Newark, Bulletin 1989, Item 1; Re Elite, Inc., Bulletin 1951, Item 1. I find that the sale of the narcotics was conducted openly; that no attempt was made to conceal the several sales witnessed by the agents or the sale engaged in by the "pusher" with one of the agents and, that the bartender must have been aware of the narcotic activity. Even in the absence of such knowledge of such activity, a licensee cannot escape the consequences of the occurrence of the incidents as related herein which took place in the licensed premises. Greenbrier, Inc. v. Hock, 14 N.J. Super. 39 (App. Div. 1951). Licensee or others in charge may not avoid their responsibility for the conduct of their premises by merely closing their eyes and ears. On the contrary, licensees or employees 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; Re One-Thirty-Five Mulberry St. Corp., Bulletin 892, Item 2; Re Ehrlich, Bulletin 1441, Item 5; Re DiMattia, Bulletin 1645, Item 1; Re Schuler, Bulletin 1787, Item 1; Re Perla's, Inc., Bulletin 1946, Item 3.

Revocation would be recommended as the penalty herein except for the fact that licensee voluntarily closed its establishment on two occasions for varying periods in an attempt to eliminate the narcotics activity. Additionally, it appears that licensee cooperated with the local enforcement authorities in an attempt to stamp out the evil.

The Director of this Division has said, in connection with a similar matter, "...Since revocation is such a harsh penalty, it seems to me that each case should be thoroughly reviewed and its particular facts carefully scrutinized to determine if the penalty accomplishes its purpose, that is, to penalize the violator and to deter others from future similar conduct...." Re Gi-Mo-Do Enterprises (A Corp.), Bulletin 1979, Item 1.

Licensee has a previous record of suspension of license by the municipal issuing authority as follows:

- (1) for five days, effective April 21, 1947, for Fair Trade Violations;
- (2) for five days, effective June 22, 1959, for sale to minors.

I further recommend that the prior record of suspension for dissimilar violation having occurred more than five years ago disregarded and that an order be entered suspending the license for one hundred eighty days.

#### Conclusions and Order

No exceptions to the Hearer's report were filed pursuant to Rule 6 of State Regulation No. 16.

Having carefully considered the entire record herein, including transcript of the testimony, the exhibits and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 16th day of December 1971,

ORDERED that Plenary Retail Consumption License C-234, issued by the Board of Commissioners of the City of Atlantic City to Alan Cafe, Inc., t/a C & T Lounge, for premises N.E. corner North Carolina & Arctic Avenues, Atlantic City, be and the same is hereby suspended for one hundred eighty (180) days, commencing at 7 a.m. Saturday, January 1, 1972, and terminating at 7 a.m. Thursday, June 29, 1972.

Richard C. McDonough,  
Director.

4. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS) - PRIOR DIS-SIMILAR RECORD - LICENSE SUSPENDED FOR 65 DAYS - NO REMISSION OF PENALTY FOR PLEA ENTERED AFTER PARTIAL HEARING.

In the Matter of Disciplinary Proceedings against )

Hilary Stanczyk )  
478 Henderson Street )  
Jersey City, N. J. )

Holder of Plenary Retail Consumption License C-230, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City. )

CONCLUSIONS and ORDER

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Miller, Hochman, Meyerson & Miller, Esqs., by Gerald D. Miller, Esq. Attorneys for Licensee  
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 19, 20, 28, February 4 and 8, 1971, he permitted the acceptance of numbers bets on the licensed premises, in violation of Rule 6 of State Regulation No. 20.

Licensee has a previous record of two suspensions of license by the municipal issuing authority: (1) for seven days, effective February 13, 1936 for sales to minors, and (2) for five days, effective October 13, 1953 for permitting gambling (lottery activity) on the licensed premises; and by the Director for ten days, effective October 5, 1970 for selling alcoholic beverages for off-premises consumption during prohibited hours. Re Stanczyk, Bulletin 1939, Item 8.

The prior record of suspensions of license by the municipal issuing authority for dissimilar violations occurring more than five years ago disregarded for penalty purposes, the license will be suspended for sixty days (the offenses here occurring prior to March 23, 1971. Cf. Arnone, Bulletin 1971, Item 3) to which will be added five days by reason of suspension of license for dissimilar violation within the past five years making a total of sixty-five days, without remission for the plea, since it was entered after partial hearing. Re Village Tap Room, Inc., Bulletin 2010, Item 16.

Accordingly, it is, on this 20th day of December 1971,

ORDERED that Plenary Retail Consumption License C-230, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Hilary Stanczyk for premises 478 Henderson Street, Jersey City be and the same is hereby suspended for sixty-five (65) days, commencing at 2:00 a.m. on Tuesday, January 4, 1972, and terminating at 2:00 a.m. on Thursday, March 9, 1972.

Richard C. McDonough  
Director

5. DISCIPLINARY PROCEEDINGS - ORDER AMENDING PERIOD OF SUSPENSION.

In the Matter of Disciplinary Proceedings against	)	
	)	
Michael Guglielmi	)	CONCLUSIONS
t/a U-Needa Cafe	)	and
2224 Federal Street	)	ORDER
Camden, N.J.,	)	

Holder of Plenary Retail Consumption License C-64, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.

-----)  
Piarulli and Vittori, Esqs., by Frank E. Vittori, Esq., Attorneys for Licensee  
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

On December 16, 1971, Conclusions and Order were entered in the above matter suspending the license for ninety days, with remission of eighteen days for the plea entered, leaving a net suspension of seventy-two days, commencing January 4, 1971, after licensee pleaded non vult to a charge alleging that he permitted gambling, viz., "numbers game" on the licensed premises. Re Guglielmi, Bulletin 2025, Item 4.

The violation occurred on February 6, 1971, which date was prior to the establishment of the present policy increasing the penalty of suspension for such violation from sixty to ninety days. Since the present policy was intended to be prospective, the Order herein entered will be amended to reduce the said suspension from ninety days to sixty days, with remission of twelve days for the plea entered, leaving a net suspension of forty-eight days. Re Arnone, Bulletin 1971, Item 3; Re DeAngelo & Merlino, Bulletin 2000, Item 4.

Accordingly, it is, on this 27th day of December 1971,

ORDERED that the Conclusions and Order entered on December 16, 1971 be and the same is hereby amended as follows:

ORDERED that Plenary Retail Consumption License C-64, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Michael Guglielmi, t/a U-Needa Cafe, for premises 2224 Federal Street, Camden, be and the same is hereby suspended for forty-eight (48) days, commencing at 2:00 a.m. Tuesday, January 4, 1972, and terminating at 2:00 a.m. Monday, February 21, 1972.

Richard C. McDonough  
Director

6. DISCIPLINARY PROCEEDINGS - AMENDED ORDER - DEFERRED DATE OF SUSPENSION.

In the Matter of Disciplinary Proceedings against )

Mike Kerwin's, Inc. )  
353 Bound Brook Road )  
Middlesex, N. J., )

AMENDED ORDER

Holder of Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Middlesex. )  
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Blatz and Feiring, Esqs., by Frank H. Blatz, Jr., Esq., Attorneys for Licensee  
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

On December 15, 1971 I entered an order suspending the subject license for forty-five days commencing January 4, 1972, after finding licensee guilty of a charge alleging that it allowed, permitted and suffered in and upon its licensed premises lewdness and immoral activity and foul, filthy and obscene conduct, in violation of Rule 5 of State Regulation No. 20. Re Mike Kerwin's, Inc., Bulletin 2024, Item 6.

The attorney for the licensee has requested that the said order be amended to provide that the suspension shall commence on Tuesday, January 18, 1972. Good cause appearing, I shall grant the request.

Accordingly, it is, on this 22nd day of December 1971,

ORDERED that Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Middlesex to Mike Kerwin's, Inc., for premises 353 Bound Brook Road, Middlesex, be and the same is hereby suspended for forty-five (45) days, commencing at 2 a.m. Tuesday, January 18, 1972, and terminating at 2 a.m. Friday, March 3, 1972.

Richard C. McDonough,  
Director.

7. DISCIPLINARY PROCEEDINGS - ORDER LIFTING SUSPENSION FOR ONE DAY AND EXTENDING SUSPENSION FOR ONE DAY.

In the Matter of Disciplinary Proceedings against )

Long Branch Lodge #742 )  
B.P.O. Elks )  
150 Garfield Avenue )  
Long Branch, N.J., )

O R D E R

Holder of Club License CB-2, issued by the City Council of the City of Long Branch. )

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Anshelewitz, Barr, Ansell & Bonello, Esqs., by Richard L. Bonello, Esq., Attorneys for Licensee  
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

On December 16, 1971 I entered an order suspending the license herein for a period of thirty days, commencing Tuesday, January 4, 1972, and terminating on Thursday, February 3, 1972. Re Long Branch Lodge #742, B.P.O. Elks, Bulletin 2025, Item 12.

By letter dated December 23, 1971, the attorneys for the licensee have requested that the effect of the suspension be lifted for one day, viz., Sunday, January 23, 1972, to permit the conduct of a previously arranged wedding affair, at which alcoholic beverages will be sold on the licensed premises on that day. Good cause appearing, I shall grant the request. Re Stolarz, Bulletin 1512, Item 4.

Accordingly, it is, on this 3rd day of January 1972,

ORDERED that the previous order of suspension herein be and the same is hereby amended as follows:

ORDERED that Club License CB-2, issued by the City Council of the City of Long Branch to Long Branch Lodge #742, B.P.O. Elks for premises 150 Garfield Avenue, Long Branch, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m. on Tuesday, January 4, 1972, and terminating at 2:00 a.m. on Sunday, January 23, 1972; and again commencing at 2:00 a.m. on Monday, January 24, 1972 and terminating at 2:00 a.m. on Friday, February 4, 1972.

Richard G. McDonough  
Director

8. DISCIPLINARY PROCEEDINGS - HOURS - LOCAL ORDINANCE - LICENSE  
SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against	)	
	)	
Primo's Tavern, a Corp	)	CONCLUSIONS
18 Erie Street	)	and
Jersey City, N.J.,	)	ORDER
Holder of Plenary Retail Consumption License C-192, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.	)	

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Turteltaub & Turteltaub, Esqs., by Leo Turteltaub, Esq.,  
Attorneys for Licensee  
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on Saturday, October 9, 1971, between 2:00 a.m. and 2:20 a.m. it (1) conducted its licensed business, and (2) permitted others than employees of the licensee upon the premises, and (3) failed to afford interior view of the licensed premises, all in violation of local regulation.

Absent prior record of suspension, 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 Pintozzi, Bulletin 1959, Item 3.

Accordingly, it is, on this 27th day of December 1971,

ORDERED that Plenary Retail Consumption License C-192, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Primo's Tavern, a Corp., for premises 18 Erie Street, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. on Tuesday, January 11, 1972, and terminating at 2:00 a.m. on Wednesday, January 26, 1972.

Richard C. McDonough  
Director

9. DISCIPLINARY PROCEEDINGS - HOURS - LOCAL ORDINANCE - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Lavallette Beach Hotel, Inc., 601 Grand Central Avenue Lavallette, N.J., )

CONCLUSIONS and ORDER

Holder of Plenary Retail Consumption License C-3, issued by the Borough Council of the Borough of Lavallette. )

Licensee, Pro se Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, October 3, 1971 it sold alcoholic beverages upon its licensed premises 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 Feeney, Bulletin 1936, Item 6.

Accordingly, it is, on this 20th day of December 1971,

ORDERED that Plenary Retail Consumption License C-3, issued by the Borough Council of the Borough of Lavallette to Lavallette Beach Hotel, Inc., for premises 601 Grand Central Avenue, Lavallette, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. on Monday, January 3, 1972 and terminating at 2:00 a.m. on Thursday, January 13, 1972.

Richard C. McDonough Director

10. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

John Velicka )  
t/a Club 168 )  
168 First Street )  
Elizabeth, N. J., )

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption License C-191, issued by the City Council of the City of Elizabeth. )

-----  
Grinchis and Timins, Esqs., by Charles J. Grinchis, Esq., Attorneys for Licensee  
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, September 12, 1971 he sold alcoholic beverages for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Licensee has a prior record of suspension of license for ten days by the Director effective May 10, 1965, for permitting gambling activity (pool game) on the licensed premises.

Prior record for dissimilar violation occurring more than five years ago disregarded for penalty purposes, 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 Welcome Inn, Bulletin 2003, Item 10.

Accordingly, it is, on this 20th day of December 1971,

ORDERED that Plenary Retail Consumption License C-191, issued by the City Council of the City of Elizabeth to John Velicka, t/a Club 168, for premises 168 First Street, Elizabeth, be and the same is hereby suspended for ten (10) days, commencing 2:00 a.m. on Monday, December 27, 1971 and terminating 2:00 a.m. on Thursday, January 6, 1972.

Richard C. McDonough  
Director

11. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Walter B. and Lillian M. Guterl t/a Cozy Corner Tavern 85 Niagara Street Newark, N. J., )

CONCLUSIONS and ORDER

Holder of Plenary Retail Consumption License C-85, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark. )

Licensee, Pro se Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 15, 1971, they sold alcoholic beverages to two minors, ages nineteen and twenty, in violation of Rule 1 of State Regulation No. 20.

Absent prior record of suspension of license 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 2705 Pacific Corporation, Bulletin 1946, Item 8.

Accordingly, it is, on this 28th day of December 1971,

ORDERED that Plenary Retail Consumption License C-85, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Walter B. and Lillian M. Guterl, t/a Cozy Corner Tavern, for premises 85 Niagara Street, Newark, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. on Tuesday, January 11, 1972 and terminating at 2:00 a.m. on Friday, January 21, 1972.

Richard G. McDonough Director

12. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against )

Joseph Russo )  
t/a Park Inn )  
172 North Main Street )  
Paterson, N. J., )

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption License C-41, issued by the Board of Alcoholic Beverage Control for the City of Paterson. )

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Licensee, Pro se  
Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 2, 1971, he permitted the sale of an alcoholic beverage in its original container for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Absent prior record the license would normally be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Welcome Inn (A Corp.), Bulletin 2003, Item 10. However, the licensee has made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of \$400 in lieu of suspension.

Accordingly, it is, on this 3rd day of January 1972,

ORDERED that the payment of a \$400 fine by the licensee is hereby accepted in lieu of a suspension of license for ten days.

  
Richard C. McDonough  
Director