

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

Deputy Director Saum

BULLETIN 1716

MARCH 1, 1967

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

BULLETIN 1716

MARCH 1, 1967

1. DISCIPLINARY PROCEEDINGS - SERVICE OF ALCOHOLIC BEVERAGES OTHER THAN ORDERED - SALE TO MINORS - FALSE STATEMENT IN LICENSE APPLICATION - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 45 DAYS.

In the Matter of Disciplinary Proceedings against)

Joseph Bonanno)
t/a The Open Door)
33 Crystal Street)
North Arlington, N. J.,)

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption License C-5, issued by the Mayor and Council of the Borough of North Arlington.)

-----)

Theodore Rabinowitz, Esq., Attorney for Licensee
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charges:

- "1. On Thursday night, March 24, 1966, you served and allowed, permitted and suffered the service of alcoholic beverages other than ordered; in violation of Rule 23 of State Regulation No. 20.
- "2. On Thursday night, March 24, 1966, you sold, served and delivered and allowed, permitted and suffered the sale service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years, viz., Barbara ---, age 20 and Mary Ann ---, age 20, and allowed, permitted and suffered the consumption of alcoholic beverages by such persons in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.
- "3. In your application filed with the Mayor and Council of the Borough of North Arlington and upon which you obtained your current plenary retail consumption license, you falsely stated 'No' in answer to Question No. 41 which asks: 'Have you or has any person mentioned in this application ever had any interest, directly or indirectly, in any alcoholic beverage license or permit in New Jersey or any other state which was surrendered, suspended, revoked or cancelled? If so, state details with respect to each surrender, suspension, revocation or cancellation', whereas in truth and fact plenary retail consumption licenses held by you for the same premises had been suspended by the license issuing authority of the

Borough of North Arlington on two occasions for sales of alcoholic beverages to minors, viz., for five (5) days effective June 20, 1943 and for five (5) days effective February 10, 1963; such false answer, statement, evasion and suppression being in violation of R.S. 33:1-25."

The Division offered the testimony of the two minors and three ABC agents to substantiate the respective charges.

Barbara --- testified that she was born April 14, 1945, being twenty years of age on March 24, 1966 (the date when she was in the licensed premises); that she and two girl companions arrived at the licensed premises after 10 p.m. and sat at a table; that one of the girls ordered three bottles of beer which were served to them by a waitress called "Judy;" that she (Barbara) drank a bottle of beer and another round was ordered from Judy who placed a bottle in front of her (Barbara); that she was not questioned concerning her age on this occasion, but on a former visit a couple of weeks previous she was asked her age by the licensee and told him she was twenty-one years old and also showed him a birth certificate whereon her date of birth was April 14, 1944, which certificate a friend had "photocopied" for her.

Mary Ann --- testified that she was born December 31, 1945; that shortly after 10 p.m. on March 24, 1966 she arrived at the licensee's premises; that her husband played in the band performing that evening, and that her husband handed her a bottle containing beer when he had to resume playing; that the bottle had "hardly anything" in it but what it did contain she drank; thereafter one of her husband's friends ordered a bottle of beer for her husband and, when it was placed on the bar by the bartender during her husband's absence, she "took a drink of it;" that she had visited the licensed premises on previous occasions but only had soda; that on the night in question the place was quite crowded and noisy.

ABC Agent S testified that he and Agent P entered the licensed premises at 9:30 p.m. on March 24, 1966 and he observed John Pizzuro tending bar and Julianne Chirichillo acting as waitress; that the licensee was "seated at a table with some friends;" that "at the height of activity there were about forty people" present, twenty of whom were at the bar, and a four-piece male band entertained; that "the waitress every time she came to the bar and ordered Cutty Sark or J and B the bartender would substitute Inver House Green Plaid Scotch whisky, and every time the waitress came and ordered Seagram's VO he would substitute Canadian Lord Calvert whisky;" that at 11:15 p.m. Agent R came into the place and sat in the dining area; that between the time Agent P and Agent R arrived, he (Agent S) observed "ten to twenty" substitutions of drinks; that, after the waitress came from Agent R's table, she asked the bartender for "VO and ginger on the side;" that the bartender "picked up a bottle of Canadian Lord Calvert and poured it in a shot glass and got a glass of ginger ale and laid it on the waitress' tray;" which drinks the waitress served to Agent R; that he (Agent S) went to Agent R's table and "asked the waitress to please bring me J and B and water;" that the waitress went to the bar and brought back a glass of whiskey and a glass of water; that he (Agent S) asked the waitress "Is this J and B whiskey?" and "she nodded in affirmative;" that thereafter Agent R gave the waitress a five-dollar bill and she returned with \$2.50 in change; that he (Agent S) and Agent R each took a small sip of their respective drinks from the shot glasses and then they rejoined Agent P at the bar;

that he observed Mary Ann Standing three stools away from him and his fellow agents, holding a bottle of beer in her hand and drinking from the bottle; that, after she placed the bottle on the bar, the bartender removed it and one of the males with Mary Ann ordered "a bottle of Pabst Blue Ribbon" from the bartender who placed it on the bar, at which time Mary Ann picked up the bottle and took a drink; that he (Agent S) on two occasions observed the waitress serve Barbara a bottle of beer and "both of them she consumed;" that thereafter the agents identified themselves to Mary Ann and Barbara and both girls said they were twenty-one but thereafter "revealed they were twenty." After identifying themselves and informing the bartender of the violations, he said, with reference to Mary Ann, that "the first bottle was for her husband; he assumed the second bottle was for her husband also." When he (Agent S) informed the bartender of his observations concerning the substitution of drinks, the reason given by the bartender was that "the band was very loud. I couldn't hear the waitress." When questioned about the service of beer to Barbara, the waitress said that Barbara "looked as if she was twenty-one years of age;" that, when the licensee was informed about the alleged violation, he "told us he usually supervises the entire premises but this evening he had some guests, friends, he was seated at a table and didn't observe everything taking place."

On cross examination Agent S, when asked how the waitress would order from the bartender, said "she would come up to the bar, 'VO and water,' holler it out. Scotch, she would list the name brand and say --- she said J and B a few times throughout this time and Cutty Sark and J and B." Also, that the waitress, when ordering Scotch or rye, did so by use of brand names.

The attorney for the licensee engaged in extensive cross examination of Agent S with relation to the consumption of beer by the two minors in question in an attempt to discredit his testimony, but Agent S testified substantially as he had done in the testimony given by him on direct examination.

Agent P, who accompanied Agent S on the investigation of the licensee's premises on the night in question, testified substantially similar and in corroboration of the testimony given by Agent S concerning the occurrences taking place on the agents' visit to the licensed premises on March 24, 1966.

However, with reference to the orders of alcoholic beverages by Agent R and Agent S, he (Agent P) stated that Agent R sat at a table in the dining area and the waitress approached him and thereafter came to the bar, at which time he heard her order Seagram's VO and ginger ale; that the bartender poured Canadian Lord Calvert in a shot glass and also ginger ale in another glass; put the glasses on a tray, and the waitress proceeded to Agent R's table. Thereafter Agent S joined Agent R at the table while the waitress was still there, and she then came to the bar and ordered J and B Scotch and water. The bartender poured Inver House Scotch into the shot glass and got a glass of water, gave it to the waitress who went to the agents' table. Shortly thereafter Agent R and Agent S joined him (Agent P) at the bar, each carrying his drink.

Agent R testified that he entered the licensed premises at 11:15 p.m. on March 24, 1966 and sat at a table in the dining area and saw Agents S and P seated at the bar. He said the wait-

ress came to his table and he ordered a drink of VO whiskey and ginger ale and told her not to mix the drinks. The waitress proceeded to the bar and returned with "a shot glass with an amber colored liquid and a clear glass." He further stated that Agent S joined him at the table and the waitress came over and took an order for Agent S for J and B Scotch and, after going to the bar, returned with a tray containing a shot glass with an amber colored liquid and a glass containing a clear liquid. In response to an inquiry of Agent S whether it was J and B Scotch, the waitress nodded her head in the affirmative. Agent R said that he gave her a five-dollar bill and she returned with \$2.50 in change. Thereafter Agent R testified that he identified himself to the bartender and then Agent S questioned him (the bartender) about the substitution of drinks and, in response thereto, the bartender said that, because the band was so loud, he could not hear the orders of the waitress and if any drinks were served other than those ordered it was an oversight on his part. Agent P said to the bartender that he (Agent P) heard the orders; that the bartender just looked at him and remained mute.

Agent R testified in compliance with his request he got the tab showing the two drinks served to him and Agent S from the waitress.

Agent R was cross-examined at length by the attorney for the licensee with little, if any, change in the testimony given by him during direct examination.

The licensee testified that the application for the 1965-66 license was prepared for him by a person now deceased, and March 24, 1966, when called to his attention by the agents, was the first time he was aware that the prior suspensions of his license had not been disclosed in the said application. The licensee further testified that he saw Barbara for the first time on the previous Thursday (March 17, 1966) when, in answer to a question concerning her age, she showed him "a birth certificate she was twenty-one." Furthermore, he testified that he saw Mary Ann seated at a table with a male but did not see her at any time being served a drink. He said at times when he tends bar, and when the band is playing, he experiences trouble in hearing the orders placed by the waitress.

John Pizzuro testified that he alone was tending bar on the evening of March 24, 1966, and the band entertaining that night was very loud so that he had difficulty in hearing the orders placed by the waitress. Pizzuro further testified that he recognized Barbara in the premises but had never spoken to her or at any time served her. He also stated that Mary Ann's husband (a member of the band) "would get Coke for her." He stated he remembered serving a bottle of beer ordered by Mary Ann's husband while her husband was talking to two friends at the bar. Pizzuro added that, if any drink of liquor was substituted for that ordered, it was an "honest mistake."

This proceeding with reference to Charge 1 presents a purely factual question and, pursuant thereto, I have set forth in detail a large amount of the pertinent material and testimony in order to arrive at a just and proper conclusion.

Evidence, to be believed, must be credible in itself and, thus, I have carefully observed the demeanor of the witnesses as they testified in order to properly evaluate their respective testimony.

I am satisfied after careful consideration of all the testimony that the testimony of the agents presented a true and accurate account concerning the substitution of drinks by the bartender at the time in question. The bartender attempted to excuse the practice of substituting less costly drinks of Scotch and rye whiskey for more expensive drinks by contending that, due to the loud playing of the band, he was unable to hear the orders given by the waitress. However, in each instance the bartender could hear the type of whiskey ordered, but the brand desired fell on deaf ears.

The licensee's testimony with reference to Charge 2 indicated that he had spoken to Barbara on a previous occasion concerning her age, and she showed him a photocopy of a birth certificate from which it appeared that she was twenty-one years old. It is apparent that the licensee had a doubt in his mind concerning Barbara's age which prompted him to inquire. Although the conduct of said minor in presenting a false birth certificate is not to be condoned, this in itself does not excuse a licensee or his employees from complying with the law.

The only complete defense in sale or service of alcoholic beverages to a minor is a written representation, among other things, as required under the rules and regulations of this Division. Rule 1 of State Regulation No. 20, and Special Note in Section 5 of Appendix to the 1957 pamphlet State Regulations; Re Dotal, Inc., Bulletin 1491, Item 4, and cases cited therein.

From my observation of both minors, I am satisfied that they appeared to be under the age of twenty-one. This was particularly true of Mary Ann. Under R.S. 33:1-77, a minor must also appear to be of age in addition to obtaining a written representation in order to establish a defense to the charge. I am convinced from the evidence presented herein, based on the testimony of the agents which in nowise was contradicted by either of the licensee's witnesses, that the bartender consistently substituted cheaper grades of whiskey for that ordered by the respective patrons. I am also satisfied that the licensee permitted or suffered the consumption of alcoholic beverages by the minors in violation of Rule 1 of State Regulation No. 20.

As to Charge 3, the answer given to Question 41 in the application for renewal of the license for the 1965-66 licensing term, there is no dispute that the answer thereto was false. Responsibility for truthful statements must remain upon the licensee, and he cannot escape responsibility therefor. However the misstatement occurred, in fact it was a misstatement, proscribed by the Alcoholic Beverage Law. In any event, the public impact of the violation is the same regardless of how it occurred. Re Club Rio (A Corp.), Bulletin 1594, Item 3.

After careful consideration of all the evidence presented herein, I conclude that the Division has established the said violation by a preponderance of the evidence. Thus it is recommended that the licensee be found guilty on the three charges preferred herein.

Licensee has a previous record of suspension of his license. Effective June 20, 1943, his license was suspended by the municipal issuing authority for five days for a sale of alcoholic beverages to minors, and effective February 10, 1963, licensee's license was suspended by the local issuing authority for five days for sale of alcoholic beverages to minors.

I recommend that the suspension of license in 1943 for similar violation occurring more than ten years ago should be disregarded in fixing the penalty herein. I further recommend that the license be suspended on the first charge for fifteen days (Re Robert Treat Hotel Co., Bulletin 1631, Item 9); on the second charge for ten days (Re W. Realty Incorporated, Bulletin 1686, Item 8), to which should be added ten days by reason of the record of suspension of license for a similar violation occurring in 1963 less than five years ago (Re Scheltz, Bulletin 1690, Item 4); and on the third charge for ten days (Re Di Donato's Bowling Center, Bulletin 1681, Item 4), or a total suspension of forty-five days.

Conclusions and Order

Written exceptions to the Hearer's report and written argument thereto were filed pursuant to Rule 6 of State Regulation No. 16.

I find that the matters contained in the exceptions have been considered in detail by the Hearer in his report and that they are without merit. I further find that oral argument is not warranted and the request therefor is denied.

Having considered the entire record herein, including the exceptions filed, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 27th day of December, 1966,

ORDERED that Plenary Retail Consumption License C-5, issued by the Mayor and Council of the Borough of North Arlington to Joseph Bonanno, t/a The Open Door, for premises 33 Crystal Street, North Arlington, be and the same is hereby suspended for forty-five (45) days, commencing at 2 a.m. Tuesday, January 3, 1967, and terminating at 2 a.m. Friday, February 17, 1967.

JOSEPH P. LORDI,
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - POSSESSION OF "50-50 CLUB" LOTTERY TICKETS - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Cantore's Bar & Grill, Inc.)
Englishtown Rd.)
Madison Township)
Box 403, R.D.#1, Old Bridge, N. J.)

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption License C-29, issued by the Township Committee of the Township of Madison)

Wilentz, Goldman & Spitzer, Esqs., by Harold G. Smith, Esq., Attorneys for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on August 4, 1966, it permitted acceptance of numbers bets and possessed participation rights in a "50-50 club" lottery, in violation of Rules 6 and 7 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for five days effective May 12, 1958, 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 sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Cf. Re J & M Tavern, Inc., Bulletin 1691, Item 7.

Accordingly, it is, on this 28th day of December, 1966,

ORDERED that Plenary Retail Consumption License C-29, issued by the Township Committee of the Township of Madison to Cantore's Bar & Grill, Inc. for premises on Englishtown Road, Madison Township, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. Wednesday, January 4, 1967, and terminating at 2:00 a.m. Tuesday, February 28, 1967.

JOSEPH P. LORDI,
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - SALE TO INTOXICATED PERSONS - FOUL LANGUAGE - PRIOR SIMILAR RECORD - AGGRAVATING CIRCUMSTANCE - LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Ingeborg Fixler)
t/a Kentucky Inn)
23 S. Kentucky Ave.)
Atlantic City, N. J.)

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption License C-42, issued by the Board of Commissioners of the City of Atlantic City)

-----)

Angelo D. Malandra, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on September 17, 1966, she (1) sold drinks of alcoholic beverages to intoxicated persons, in violation of Rule 1 of State Regulation No. 20, and (2) permitted foul and filthy language (by patrons) on the licensed premises, in violation of Rule 5 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for twenty days effective August 11, 1966 (terminating August 31), for sale in violation of State Regulation No. 38 and permitting foul language on the premises. Re Fixler, Bulletin 1693, Item 9.

The license will be suspended on the first charge for twenty days. Re Rudy & Frank, Inc., Bulletin 1695, Item 14. As to the second charge, the minimum penalty for an unaggravated second similar violation within the past five years is suspension of license for twenty days. Re Manruff Corp., Bulletin 1691, Item 1. However, in view of the occurrence of the instant offense in close proximity to the termination of the suspension for the previous similar offense, I deem the violation aggravated and will increase the minimum penalty by ten days (cf. Re McDermott, Bulletin 1692, Item 6; Re Scheltz, Bulletin 1690, Item 4), viz., to thirty days, for a total of fifty days on both charges, with remission of five days for the plea entered, leaving a net suspension of forty-five days.

Accordingly, it is, on this 28th day of December, 1966,

ORDERED that Plenary Retail Consumption License C-42, issued by the Board of Commissioners of the City of Atlantic City to Ingeborg Fixler, t/a Kentucky Inn, for premises 23 S. Kentucky Avenue, Atlantic City, be and the same is hereby suspended for forty-five (45) days, commencing at 7:00 a.m. Tuesday, January 3, 1967, and terminating at 7:00 a.m. Friday, February 17, 1967.

JOSEPH P. LORDI,
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO 38 - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Ocean Avenue Tavern, Inc.)
703 Ocean Avenue)
Jersey City, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-506, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

Louis R. Cerefice, Esq., Attorney for Licensee
Harry D. Gross, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, July 31, 1966 it sold a pint bottle of gin for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Licensee has a previous record of suspension of license by the Director (1) for ten days effective July 29, 1957, (2) for twenty days effective April 18, 1961 and (3) for thirty days effective August 26, 1963, all for sale in violation of State Regulation No. 38. Re Ocean Avenue Tavern, Inc., Bulletin 1187, Item 6; Bulletin 1390, Item 3; Bulletin 1528, Item 6.

The prior record of suspension of license for similar violation in 1963 within the past five years considered, the license will be suspended for thirty days (Re Alsto Enterprises, Inc., Bulletin 1686, Item 5), to which will be added ten days by reason of the record of two suspensions for similar violation in 1957 and 1961 more than five but less than ten years ago (Re Horak, Bulletin 1684, Item 5), or a total of forty days, with remission of five days for the plea entered, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 27th day of December, 1966,

ORDERED that Plenary Retail Consumption License C-506, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Ocean Avenue Tavern, Inc., for premises 703 Ocean Avenue, Jersey City, be and the same is hereby suspended for thirty-five (35) days, commencing at 2 a.m. Tuesday, January 3, 1967 and terminating at 2 a.m. Tuesday, February 7, 1967.

JOSEPH P. LORDI,
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)
)
 John Levito)
 t/a Cross Town Tavern)
 413 Pacific Avenue)
 Jersey City, New Jersey,)
 Holder of Plenary Retail Consumption License C-461, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)
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CONCLUSIONS and ORDER

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on November 4, 1966 he sold a pint bottle of whiskey for off-premises consumption during hours prohibited by Rule 1 of State Regulation No. 38.

Licensee has a previous record of suspension of license (then held in partnership with Vincent A. Marino, t/a Friendly House Tavern, for premises 319 First Street, Jersey City) by the Director for ten days effective July 5, 1960 (Re Levito and Marino, Bulletin 1349, Item 5) and again as an individual at the instant premises for fifteen days effective July 20, 1965 (Re Levito, Bulletin 1633, Item 6), both for violation of State Regulation No. 38.

The prior record of suspension of license for similar violation occurring in 1960 more than five but less than ten years ago and in 1965 within the past five years considered, the license will be suspended for thirty-five days, with remission of five days for the plea entered, leaving a net suspension of thirty days. Re Coleman, Bulletin 1641, Item 4.

Accordingly, it is, on this 28th day of December, 1966,

ORDERED that Plenary Retail Consumption License C-461, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to John Levito, t/a Cross Town Tavern, for premises 413 Pacific Avenue, Jersey City, be and the same is hereby suspended for thirty (30) days, commencing at 2 a.m. Wednesday, January 4, 1967, and terminating at 2 a.m. Friday, February 3, 1967.

JOSEPH P. LORDI,
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SALE TO INTOXICATED PERSON - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Hudimac, Inc.)
t/a Knotty Pine Inn)
68 Jackson St.)
South River, New Jersey,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-10, issued by the Borough Council of the Borough of South River.)

Licensee, by John A. Hudimac, President, Pro se
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads guilty to charges alleging that on October 28, 1966 it (1) sold drinks of alcoholic beverages to an intoxicated person, in violation of Rule 1 of State Regulation No. 20, and (2) sold six bottles of ale for off-premises consumption during hours prohibited by State Regulation No. 38.

Absent prior record, the license will be suspended on the first charge for twenty days (Re Rudy & Frank, Inc., Bulletin 1695, Item 14) and on the second charge for fifteen days (Re Rivera, Bulletin 1703, Item 5), or a total of thirty-five days, with remission of five days for the plea entered, leaving a net suspension of thirty days.

Accordingly, it is, on this 28th day of December, 1966,

ORDERED that Plenary Retail Consumption License C-10, issued by the Borough Council of the Borough of South River to Hudimac, Inc., t/a Knotty Pine Inn, for premises 68 Jackson Street, South River, be and the same is hereby suspended for thirty (30) days, commencing at 2 a.m. Wednesday, January 4, 1967, and terminating at 2 a.m. Friday, February 3, 1967.

JOSEPH P. LORDI,
DIRECTOR

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

In the Matter of Disciplinary)
Proceedings against)

Emanuel Ramo)
516 Mulberry Street)
Newark, New Jersey,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption)
License C-342, issued by the Municipal)
Board of Alcoholic Beverage Control of)
the City of Newark.)

Milton A. Waldor, Esq., Attorney for Licensee
Michael J. Mehr, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on July 27, 1966 he 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.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days effective September 30, 1957 for sale during prohibited hours.

The prior record of suspension of license for dissimilar violation occurring more than five years ago disregarded, 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 Francis, Bulletin 1693, Item 3.

Accordingly, it is, on this 27th day of December, 1966,

ORDERED that Plenary Retail Consumption License C-342, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Emanuel Ramo, for premises 516 Mulberry Street, Newark, be and the same is hereby suspended for twenty-five (25) days, commencing at 2 a.m. Monday, January 2, 1967, and terminating at 2 a.m. Friday, January 27, 1967.

JOSEPH P. LORDI,
DIRECTOR

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

In the Matter of Disciplinary)
Proceedings against)

Vitmar, Inc.)
t/a New B and M Bar)
57 Branford Place)
Newark, New Jersey)

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption)
License C-6, issued by the Municipal)
Board of Alcoholic Beverage Control)
of the City of Newark)

-----)
Clancy & Hayden, Esqs., by Joseph A. Hayden, Esq., Attorneys)
for licensee.)
Philip Margulies, Esq., Appearing for Division of Alcoholic)
Beverage Control.)

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on
October 14, 1966, it possessed alcoholic beverages in seven
bottles bearing labels which did not truly describe their contents,
in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for
thirty days, with remission of five days for the plea entered,
leaving a net suspension of twenty-five days. Re Sandusky,
Bulletin 1595, Item 3.

Accordingly, it is, on this 27th day of December, 1966,

ORDERED that Plenary Retail Consumption License C-6,
issued by the Municipal Board of Alcoholic Beverage Control of
the City of Newark to Vitmar, Inc., t/a New B and M Bar, for
premises 57 Branford Place, Newark, be and the same is hereby
suspended for twenty-five (25) days, commencing at 2:00 a.m.
Tuesday, January 3, 1967, and terminating at 2:00 a.m. Saturday,
January 28, 1967.

JOSEPH P. LORDI,
DIRECTOR

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

In the Matter of Disciplinary)
Proceedings against)
Agnes T. Paolino)
t/a Duke's Tavern)
63 Union Boulevard)
Wallington, N. J.)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption)
License C-6, issued by the Mayor and)
Council of the Borough of Wallington)

Licensee, Pro se.
Philip Margulies, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on
September 9, 1966, she possessed alcoholic beverages in five
bottles bearing labels which did not truly describe their contents,
in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for
twenty-five days, with remission of five days for the plea entered,
leaving a net suspension of twenty days. Re Stamato, Bulletin 1693,
Item 4.

Accordingly, it is, on this 28th day of December, 1966,

ORDERED that Plenary Retail Consumption License C-6,
issued by the Mayor and Council of the Borough of Wallington to
Agnes T. Paolino, t/a Duke's Tavern, for premises 63 Union Boule-
vard, Wallington, be and the same is hereby suspended for twenty
(20) days, commencing at 3:00 a.m. Wednesday, January 4, 1967,
and terminating at 3:00 a.m. Tuesday, January 24, 1967.

JOSEPH P. LORDI,
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - ORDER REIMPOSING SUSPENSIONS STAYED DURING PENDENCY OF APPEAL.

In the Matter of Disciplinary Proceedings against Anton's Wines & Liquors, Inc. 257 Broad Avenue Palisades Park, N. J.

Holder of Plenary Retail Distribution License D-8, issued by the Borough Council of the Borough of Palisades Park

SUPPLEMENTAL ORDER

In the Matter of Disciplinary Proceedings against Jackson Enterprises, Inc. t/a Jackson Liquors 220 Graham Avenue Paterson, New Jersey

Holder of Plenary Retail Distribution License D-70, issued by the Board of Alcoholic Beverage Control of the City of Paterson

Louis R. Cerefice, Esq., Attorney for Licensee Anton's Wines, etc. Herman W. Steinberg, Esq., Attorney for Licensee Jackson Enterprises David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

On December 20, 1965, Conclusions and Order were entered herein suspending the license of Anton's Wines & Liquors, Inc. for two hundred seventy days for accepting delivery of alcoholic beverages during suspension of its license, purchase of alcoholic beverages from another retailer and unlawful transportation of alcoholic beverages, and suspending the license of Jackson Enterprises, Inc. for twenty-five days for sale to another retailer and sale below filed price, both effective January 3, 1966. Re Anton's Wines & Liquors Inc. - Jackson Enterprises, Inc., Bulletin 1655, Item 1.

Prior to the effectuation of the orders of suspension, upon appeals filed, the Appellate Division of the Superior Court stayed the operation of the suspensions until the outcome of the appeals.

The Appellate Division affirmed the Division action on June 15, 1966. Anton's Wines & Liquors, Inc. and Jackson Enterprises, Inc. v. Lordi, Director, etc. (App. Div. 1966), not officially reported; recorded in Bulletin 1694, Item 2.

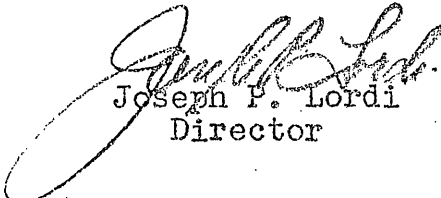
Prior to issuance of mandate on affirmance from the Appellate Division, petition for certification was filed with the New Jersey Supreme Court, which petition was denied on October 18, 1966. Anton's Wines & Liquors, Inc. et al. v. Lordi, 48 N.J. 142.

Mandate now having been received from the Appellate Division, the suspensions may be reimposed.

Accordingly, it is, on this 3d day of January, 1967,

ORDERED that the two-hundred-seventy-day suspension of license heretofore imposed and stayed during the pendency of proceedings on appeal, be reinstated against Plenary Retail Distribution License D-8, issued by the Borough Council of the Borough of Palisades Park to Anton's Wines & Liquors, Inc. for premises 257 Broad Avenue, Palisades Park, commencing at 9:00 a.m. Monday, January 9, 1967 for the balance of its term viz., until midnight, June 30, 1967, and any renewal license that may be granted be and the same is hereby suspended until 9:00 a.m. Friday, October 6, 1967; and it is further

ORDERED that the twenty-five-day suspension of license heretofore imposed and stayed during the pendency of proceedings on appeal, be reinstated against Plenary Retail Distribution License D-70, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Jackson Enterprises, Inc., t/a Jackson Liquors, for premises 220 Graham Avenue, Paterson, commencing at 9:00 a.m. Monday, January 9, 1967, and terminating at 9:00 a.m. Friday, February 3, 1967.



Joseph P. Lordi
Director