

*January*

Ambrose

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

BULLETIN 1779

February 15, 1968

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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 1779

February 15, 1968

1. COURT DECISIONS - IN RE CLUB ALI-BABA, INC. - DIRECTOR  
AFFIRMED.

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
A 1318-66

In the Matter of Disciplinary  
Proceedings against,

CLUB ALI-BABA, INC.  
t/a Club Ali-Baba  
98 Straight Street  
Paterson, N.J.

Holder of Plenary Retail Consumption  
License C-123, issued by the Board  
of Alcoholic Beverage Control for the  
City of Paterson.

Submitted December 4, 1967 Decided December 14, 1967

Before Judges Gaulkin, Lewis and Kolovsky.

On appeal from the Division of Alcoholic Beverage Control.

Messrs. DeRose & Serratelli submitted brief for  
defendant-appellant, Club Ali-Baba, Inc.

Mr. Victor Librizzi, Jr., Deputy Attorney General,  
submitted brief for plaintiff-respondent (Mr. Arthur  
J. Sills, Attorney General, attorney).

PER CURIAM.

(Appeal from the Director's decision in Re Club  
Ali-Baba, Inc., Bulletin 1749, Item 4. Director affirmed.  
Opinion not approved for publication by the Court committee  
on opinions.)

2. DISCIPLINARY PROCEEDINGS - ORDER REIMPOSING SUSPENSION STAYED DURING PENDENCY OF APPEAL.

In the Matter of Disciplinary Proceedings against )

CLUB ALI-BABA, INC. )  
t/a Club Ali-Baba )  
98 Straight Street )  
Paterson, N.J. )

SUPPLEMENTAL ORDER

Holder of Plenary Retail Consumption License C-123 issued by the Board of Alcoholic Beverage Control for the City of Paterson )

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DeRose and Serratelli, Esqs., by Ralph C. DeRose, Esq.,  
Attorneys for Licensee  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

On June 20, 1967, I entered Conclusions and Order herein suspending the license for fifty-five days for sale in violation of State Regulation No. 38. Re Club Ali-Baba, Inc., Bulletin 1749, Item 4.

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

The court affirmed my action on December 14, 1967. In re Club Ali-Baba, Inc. (App. Div. 1967), not officially reported, recorded in Bulletin 1779, Item 1. Mandate on affirmance having been received, the suspension may be re-imposed.

Accordingly, it is, on this 9th day of January, 1968,

ORDERED that the fifty-five-day suspension heretofore imposed and stayed during the pendency of proceedings on appeal be reinstated against Plenary Retail Consumption License C-123, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Club Ali-Baba, Inc., t/a Club Ali-Baba, for premises 98 Straight Street, Paterson, commencing at 3:00 a.m. Tuesday, January 16, 1968, and terminating at 3:00 a.m. Monday, March 11, 1968.

JOSEPH P. LORDI  
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - AGGRAVATING CIRCUMSTANCE - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

RALPH & JOHN'S TAVERN, INC. )  
384 Monmouth Street )  
Jersey City, New Jersey )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-123 issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City. )

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Licensee, by Ralph Faccone, President, 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 23, 1967, it sold a pint bottle of gin for off-premises consumption during hours prohibited by Rule 1 of State Regulation No. 38.

Licensee has a previous record of suspension of license by the Director for thirty days effective January 9, 1956, for sale off the licensed premises and during hours prohibited by State Regulation No. 38 and local regulation; for twenty days effective August 29, 1961, for permitting acceptance of numbers bets, and for ten days effective October 2, 1967, for sale in violation of State Regulation No. 38. Re Ralph & John's Tavern, Inc., Bulletin 1094, Item 4; Bulletin 1414, Item 3; Bulletin 1762, Item 3. In addition, the license of Old Spot Clambroth Tavern, Inc. for premises 352 First Street, Jersey City, of which Ralph Faccone, president of the licensee corporation, was then secretary-treasurer, was suspended by the Director for twenty days effective February 13, 1952, for sale during prohibited hours in violation of State Regulation No. 38 and local regulation and false statement in the license application. Re Old Spot Clambroth Tavern, Inc., Bulletin 927, Item 3.

The prior record of suspensions of license for similar violations more than ten years ago and for dissimilar violations more than five years ago disregarded, but the prior record of suspension for similar violation within the last five years considered, and especially the aggravating circumstance of the occurrence of the instant violation in close proximity to the suspension for similar violation, the license will be suspended for forty-five days, with remission of five days for the plea entered, leaving a net suspension of forty days. Re Russo, Bulletin 1636, Item 11; Re Garrett, Bulletin 1689, Item 5.

Accordingly, it is, on this 28th day of December, 1967,



5. ACTIVITY REPORT FOR DECEMBER 1967

<b>ARRESTS:</b>		
Total number of persons arrested - - - - -		5
Licenses and employees - - - - -	3	
Bootleggers - - - - -	2	
<b>SEIZURES:</b>		
Motor vehicles - trucks - - - - -		1
Distilled alcoholic beverages - gallons - - - - -		71.54
Wine - gallons - - - - -		.47
Brewed malt alcoholic beverages - gallons - - - - -		13.22
<b>RETAIL LICENSEES:</b>		
Premises inspected - - - - -		669
Premises where alcoholic beverages were gauged - - - - -		549
Bottles gauged - - - - -		8,565
Premises where violations were found - - - - -		113
Violations found - - - - -		136
No Form E-141-A on premises - - - - -	68	Disposal permit necessary - - - - - 3
Application copy not available - - - - -	19	Gambling devices - - - - - 2
Unqualified employees - - - - -	15	Other violations - - - - - 23
Other mercantile business - - - - -	6	
<b>STATE LICENSEES:</b>		
Premises inspected - - - - -		19
License applications investigated - - - - -		7
<b>COMPLAINTS:</b>		
Complaints assigned for investigation - - - - -		319
Investigations pending - - - - -		318
Investigations completed - - - - -		308
<b>LABORATORY:</b>		
Analyses made - - - - -		100
Refills from licensed premises - bottles - - - - -		78
Bottles from unlicensed premises - - - - -		2
<b>IDENTIFICATION:</b>		
Criminal fingerprint identifications made - - - - -		8
Persons fingerprinted for non-criminal purposes - - - - -		270
Identification contacts made with other enforcement agencies - - - - -		156
<b>DISCIPLINARY PROCEEDINGS:</b>		
Cases transmitted to municipalities - - - - -		5
Violations involved - - - - -		6
Sale during prohibited hours - - - - -	4	Failure to close premises during prohibited hours - - - - - 1
Sale to minors - - - - -	1	
Cases instituted at Division - - - - -		14*
Violations involved - - - - -		15
Beverage Tax Law non-compliance - - - - -	4	Permitting lottery activity - - - - - 2
Possessing liquor not truly labeled - - - - -	3	Permitting gambling on premises - - - - - 1
Sale during prohibited hours - - - - -	2	Sale below filed price - - - - - 1
Fraud in application - - - - -	2	
Cases brought by municipalities on own initiative and reported to Division - - - - -		11
Violations involved - - - - -		17
Sale to minors - - - - -	6	Sale to intoxicated persons - - - - - 1
Conducting business as a nuisance - - - - -	2	Permitting brawl on premises - - - - - 1
Sale during prohibited hours - - - - -	2	Failure to afford view into premises during prohibited hours - - - - - 1
Permitting gambling on premises - - - - -	1	Failure to close premises during prohibited hours - - - - - 1
Serving females at bar (local reg.) - - - - -	1	
Hindering investigation - - - - -	1	
<b>HEARINGS HELD AT DIVISION:</b>		
Total number of hearings held - - - - -		45
Appeals - - - - -	8	Seizures - - - - - 3
Disciplinary proceedings - - - - -	22	Tax revocations - - - - - 5
Eligibility - - - - -	7	
<b>STATE LICENSES AND PERMITS:</b>		
Total number issued - - - - -		1,289
Licenses - - - - -	3	Miscellaneous permits - - - - - 242
Solicitors' permits - - - - -	19	Wine permits - - - - - 29
Employment permits - - - - -	270	Transit insignia - - - - - 279
Disposal permits - - - - -	97	Transit certificates - - - - - 18
Social affair permits - - - - -	332	
<b>OFFICE OF AMUSEMENT GAMES CONTROL:</b>		
Licenses issued - - - - -	77	Premises where violations were found - - - - - 1
Enforcement files established - - - - -	23	Number of violations found - - - - - 1
Premises inspected - - - - -	13	

Joseph P. Lordi  
 Director of Alcoholic Beverage Control  
 Commissioner of Amusement Games Control

Dated: January 8, 1968

Includes one cancellation proceeding - license issued beyond limitation.

6. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN CANDY STORE - CLAIM OF OWNER REJECTED - MONEY DEPOSITED ON STIPULATION ORDERED RETURNED TO INNOCENT CLAIMANT, AND FORFEITED AS TO OTHER CLAIMANT'S ABSENT GOOD FAITH - CASH AND ALCOHOLIC BEVERAGES FORFEITED.

In the Matter of the Seizure )  
 on May 13, 1967 of a quantity of )  
 alcoholic beverages, \$243.60 in ) ON HEARING  
 cash, various fixtures, furnishings, ) CONCLUSIONS  
 equipment and foodstuffs in a candy store ) AND ORDER  
 located at 500 Main Street, in the City )  
 of Paterson, County of Passaic and )  
 State of New Jersey. )

-----  
 Peter A. Reda, trading as J and R Distributing Company, claimant  
 J.A.J. Vending Co., Inc., trading as Midtowne Amusements, by  
 Joseph Fiorito, vice-president and treasurer, claimant.  
 I. Edward Amada, Esq., appearing for the Division of Alcoholic  
 Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This matter came on for hearing pursuant to R.S. 33:1-66 and State Regulation No. 28, and further, pursuant to three stipulations, each dated July 5, 1967, executed by Peter A. Reda, Joseph Fiorito and Samuel Torres, respectively, to determine whether 46 containers of alcoholic beverages, \$243.60 in cash and various fixtures, furnishings and equipment, more particularly set forth in an inventory attached hereto, made part hereof and marked Schedule "A", seized on May 13, 1967 in a candy store located at 500 Main Street, Paterson, N.J. constitute unlawful property and should be forfeited; and further, to determine whether the sums of \$400.00 from Peter A. Reda, \$150.00 from Joseph Fiorito and \$350.00 from Samuel Torres, deposited under protest the aforementioned stipulations for the Director, representing the retail value of the fixtures, furnishings and equipment set forth separately thereunder, should be forfeited or returned to them.

The seizure was made by ABC agents because of alleged unlawful sales of alcoholic beverages at a speakeasy conducted at the said premises. At the said hearing Peter A. Reda appeared pro se and sought the return of the monies deposited under stipulation signed by him, representing the retail value of a pool table and pinball machine. J.A.J. Vending Company, Inc. entered an appearance pro se, sought the return of monies deposited under the stipulation, representing the retail value of a juke box and a cigarette machine. No appearance was entered on behalf of Torres nor did anyone seek the return of the alcoholic beverages, cash or the other seized personal property.

The file of this Division was admitted into evidence by stipulation of the said claimants, and contained the affidavit of mailing, affidavit of publication, chemist's report certifying to the alcoholic content of the alcoholic beverages seized, the inventory, three stipulations, and three copies of the certificates of cash payment.

The Division file established the following:  
 Pursuant to an investigation of a complaint alleging that gambling was taking place at the above described premises,

local police officers placed the premises under surveillance. On three separate occasions within twenty minutes on May 23, 1967, they observed one Samuel Torres take a can of beer from a refrigerator, and serve patrons after which he received cash payments which he deposited in the cash register. The officers then entered the premises and observed five male patrons consume beer, and one patron paid Torres for his purchase. The officers identified themselves, placed him under arrest on a charge of the unlawful sale of beer and for violation of a local ordinance immediately upon which the search of the premises and the seizure of the property were effected.

The records of this Division do not disclose any license or permit authorizing the sale of alcoholic beverages to Torres or for the premises where the violation took place.

On May 29, 1967 a sample of the contents of one of the seized cans of beer was analyzed by the Division chemist, who certified that it is an alcoholic beverage, fit for beverage purposes, with an alcoholic content by volume of 4.71 percent.

The seized alcoholic beverages are illicit because they were intended for sale without a license. R.S. 33:1-1(i). Such illicit alcoholic beverages, the personal property and the commingled cash as set forth in Schedule "A" herein constitute unlawful property and are subject to forfeiture. R.S. 33:1-2; R.S. 33:1-66; Seizure Case No. 11,860, Bulletin 1749, Item 5; Seizure Case No. 10,898, Bulletin 1500, Item 2.

Peter A. Reda, testifying in support of his claim for the return of \$400.00 deposited by him under a stipulation, representing the retail value of a pool table and a pinball machine gave the following account: He trades as the J & R Distributors and produced invoices to prove his ownership of the said pool table and pinball machine.

Upon receipt of a telephone request by Torres for these machines, he entered into a lease agreement with Torres upon which he installed the said machines on these premises. He serviced these machines once a week, generally visiting the premises between 11:00 a.m. and 1:00 p.m., and at no time did he ever observe any alcoholic beverages on the premises, or being served to any of the patrons thereat. Prior to the actual placement of these machines, he had Torres execute an application for a license with the city and the application was admitted into evidence. The application contains the question:

"8. Have you or any person mentioned in this application ever been convicted of a crime or violation of any City Ordinance involving gambling."

Answer: "No".

He assumed that the municipal licensing division followed the usual procedure in having the background and record of the applicant checked by the police department. Apparently, it was his understanding that the local licensing division approved the license based upon the satisfactory report from the police department. He made no personal investigation of the background of Torres or of the premises.

He further explained that when he came to the premises on Friday morning Torres would "come out from his job and give us the collections and go back and close the place up".

Finally he added that he had been in this type of business for 30 years and had never known of any seizure nor had any of his equipment been seized on a prior occasion. It was his belief that since a license had been issued by the city after its investigation that the applicant was not engaged in any illegal operation.

On the basis of the evidence presented, I am persuaded that the claimant relied upon the investigation presumably made of Torres and the premises by the police department. While this does not excuse his failure to make a personal investigation of the background of Torres and the activities at the premises, there is no affirmative evidence to establish that he knew of the unlawful activities.

I believe that under the circumstances herein that the claimant merely acted imprudently, and should be given the benefit of the doubt. I, therefore, recommend that his claim for the return of the deposit posted under the stipulation be allowed.

The J.A.J. Vending Company, Inc. presented a claim for the return of the deposit upon which it secured the return of a juke box and a cigarette machine, as reflected in the stipulation, and more particularly itemized in Schedule "A" herein. Joseph Fiorito, the vice-president of the corporate claimant, testifying in support of the said claim, produced invoices which satisfied me that this claimant is the owner of the said property.

He gave the following account: This claimant has been in the vending machine business for about nine years. It placed these two machines at the hereinabove described premises upon request of Torres. Since no license was required by the city for these machines, it was unnecessary for Torres to file an application. Consequently, no information was elicited as to whether or not Torres had had a prior involvement relating to illegal liquor activity.

The witness frankly admitted that this claimant did not make any background investigation of Torres or of the premises where the machines were placed. He merely informed Torres that in the event that anything "happens to the machines he was responsible for it; any broken glass or any breaking of the machine other than mechanical defects inside the machine".

The witness also testified that he serviced the machines and visited the premises about once a month and that his partner, Angelo Bello, visited the premises about twice during the three months period in which this machine had been placed at these premises. Bello was not produced as a witness and therefore, any observations that he may have made with respect to the unlawful sale of alcoholic beverages were not offered in evidence.

On cross-examination this witness admitted that certain machines belonging to this claimant had been seized at premises in Paterson about four or five months ago because those premises were being operated as a speakeasy. He also admitted that several of his machines were recently seized (Seizure Case No. 11,899) and that the hearing in that matter is now pending before this Division.

Finally, he admitted that he didn't think it was necessary to make any inquiries of the police department or the

county prosecutor in reference to any prior liquor violation of Torres. In view of this claimant's prior experience with respect to seizure of property at a speakeasy, it is abundantly clear that it did not act reasonably or fulfill its statutory responsibility in the operation of its property in the said premises. The claimant was willing to take its chances because this apparently was a profitable location.

The Director has the discretionary authority to return property subject to forfeiture to a claimant who has established to his satisfaction that it has acted in good faith and did not know or have any reason to believe that the property would be used in unlawful liquor activity. R.S. 33:1-66(f). In the absence of such showing, the Director is without authority to return the said property. Accordingly, I conclude that there was an absence of good faith on the part of this claimant; that it failed to make the required investigation of alleged proscribed liquor activity. Thus, it has demonstrated a careless indifference to the use to which its property was being put.

It is, therefore, recommended that its claim be rejected; that the claimant's application for return of the deposit be denied; and, that an order be entered forfeiting the \$150.00 deposited by this claimant under protest under the aforementioned application. Seizure Case No. 11,620, Bulletin 1699, Item 3.

I further recommend that the deposit posted by Torres under the stipulation signed by him in this matter be ordered forfeited; and that an order be entered forfeiting the balance of the personal property, alcoholic beverages and cash. Seizure Case No. 11,850, Bulletin 1749, Item 6; R.S. 33:1-66.

#### Conclusions and Order

Exceptions to the Hearer's report were taken by the claimant, J.A.J. Vending Co., Inc. within the time limited by Rule 4 of State Regulation No. 28. No exceptions were filed on behalf of the other claimants herein.

After carefully considering the facts and circumstances herein, including the transcript of testimony, the exhibits, the Hearer's report and the exceptions thereto, which I find to be without substantial merit, I concur in the recommended conclusions in the Hearer's report and adopt them as my conclusions herein.

Accordingly, it is on this 2nd day of January, 1968,

DETERMINED and ORDERED that the claim of Peter A. Reda, trading as J and R Distributing Company be recognized and that the sum of \$400.00 deposited by him under stipulation hereinabove referred to, be returned to him; and it is further

DETERMINED and ORDERED that the sum of \$150.00, representing the retail value of a juke box and cigarette machine which were returned to the J.A.J. Vending Co., Inc. paid under protest to the Director of the Division of Alcoholic Beverage Control, under a stipulation as hereinabove set forth, be and the same is hereby forfeited in accordance with the provisions of R.S. 33:1-66 to be accounted for in accordance with law; and it is further

DETERMINED and ORDERED that the sum of \$350.00,

representing the retail value of certain fixtures, furnishings and equipment, exclusive of the alcoholic beverages and \$243.60 in cash as set forth herein which was returned to Samuel Torres, paid under protest to the Director of the Division of Alcoholic Beverage Control by the said Samuel Torres, under the aforesaid stipulation is hereby forfeited in accordance with the provisions of R.S. 33:1-66 to be accounted for in accordance with law; and it is further

DETERMINED and ORDERED that the alcoholic beverages and the sum of \$243.60 constitutes unlawful property and the same is hereby forfeited in accordance with State Regulation No. 28 or retained for the use of hospitals and State, county and municipal institutions, or destroyed, in whole, or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

JOSEPH P. LORDI  
DIRECTOR

SCHEDULE "A"

46 - containers of alcoholic beverages  
Miscellaneous fixtures, furnishings and  
equipment \$243.60 - cash.

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

In the Matter of Disciplinary )  
Proceedings against )

STAMIN CORPORATION )  
t/a "MINGLE & STARR" )  
5 N. Black Horse Pike )  
Bellmawr, PO Mt. Ephraim, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )  
License C-1, issued by the Borough )  
Council of the Borough of Bellmawr. )

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Cahill and Wilinski, Esqs., by Robert Wilinski, Esq., Attorneys  
for Licensee.  
Edward J. Sheils, Esq., Appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on July 24, 1967, it possessed alcoholic beverages in four 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 Wesnan, Inc., Bulletin 1757, Item 2.

Accordingly, it is, on this 28th day of December 1967,  
ORDERED that Plenary Retail Consumption License C-1,



9. DISCIPLINARY PROCEEDINGS - SALE BELOW FILED PRICE - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

ISAACS DRUG COMPANY )  
507 Central Avenue )  
Newark, New Jersey )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-141, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark. )

-----  
Edward E. Pack, Esq., Attorney for Licensee.  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 4, 1967, it sold six cans of beer below filed price, in violation of Rule 5 of State Regulation No. 30.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Ridgewood Wine & Liquor Co., Bulletin 1751, Item 10.

Accordingly, it is, on this 2nd day of January 1968,

ORDERED that Plenary Retail Distribution License D-141, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Isaacs Drug Company, for premises 507 Central Avenue, Newark, be and the same is hereby suspended for five (5) days, commencing at 9 a.m. Monday, January 8, 1968, and terminating at 9 a.m. Saturday, January 13, 1968.

JOSEPH P. LORDI  
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR SIMILAR RECORD OF CORPORATION IN WHICH LICENSEE WAS STOCKHOLDER - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against S. EDWARD HAUSNER t/a Skyline Lounge 789 Dowd Avenue Elizabeth, N. J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-111 issued by the City Council of the City of Elizabeth.

Licensee, Pro se. Edward J. Sheils, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 9, 1967, he possessed alcoholic beverages in twelve bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Although the licensee has no previous record as an individual, the license then held by Penn Brook Inn, Inc. for premises 33-35 West Grand Street, Elizabeth, in which corporation she was secretary-treasurer, was suspended by the Director for sixty-five days effective September 13, 1960, for possession of alcoholic beverages not truly labeled. Re Penn Brook Inn, Inc., Bulletin 1358, Item 8.

The license will be suspended for forty days (cf. Re Floyd's Bar, Inc., Bulletin 1751, Item 11; Re Coleman Bros., Inc., Bulletin 1566, Item 4), to which will be added five days by reason of the record of suspension of license of Penn Brook Inn, Inc. (Re Long, Bulletin 1666, Item 2) for similar violation occurring more than five but less than ten years ago (Re Strand Bar, Inc., Bulletin 1749, Item 7), or a total of forty-five days, with remission of five days for the plea entered, leaving a net suspension of forty days.

Accordingly, it is, on this 3d day of January, 1968,

ORDERED that Plenary Retail Consumption License C-111, issued by the City Council of the City of Elizabeth to S. Edward Hausner, t/a Skyline Lounge, for premises 789 Dowd Avenue, Elizabeth, be and the same is hereby suspended for forty (40) days, commencing at 2:00 a.m. Wednesday, January 10, 1968, and terminating at 2:00 a.m. Monday, February 19, 1968.

JOSEPH P. LORDI DIRECTOR

11. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS, HORSE RACE AND SPORTING EVENTS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

VAN TASSEL'S COLLEGE INN, INC. )  
112 Main Street )  
Woodbridge, N. J. )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-43 issued by the Township Council of the Township of Woodbridge )

-----  
Alfred D. Antonio, Esq., Attorney 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 divers dates between April 11 and May 18, 1967, it permitted acceptance of numbers and horse race bets and gambling (wagering on sports events) on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Richard A. Deighan, Inc., Bulletin 1752, Item 4.

Accordingly, it is, on this 3d day of January, 1968,

ORDERED that Plenary Retail Consumption License C-43, issued by the Township Council of the Township of Woodbridge to Van Tassel's College Inn, Inc. for premises 112 Main Street, Woodbridge, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. Wednesday, January 10, 1968, and terminating at 2:00 a.m. Tuesday, March 5, 1968.

JOSEPH P. LORDI  
DIRECTOR

12. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY  
LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED  
FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against	)	
	)	CONCLUSIONS
FRANK JOHN LANZI	)	AND ORDER
t/a Lanzi's-Lounge	)	
41 Liberty Street	)	
Trenton, New Jersey	)	
Holder of Plenary Retail Consumption License C-130, issued by the City Council of the City of Trenton.	)	

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George Pellettieri, Esq., Attorney 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 11, 1967 he possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its 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 March 6, 1967, for permitting minors to loiter on the licensed premises, in violation of local regulation.

The prior record of suspension of license for dissimilar violation within the past five years considered, 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 Englewood Golf Club, Bulletin 1767, Item 8.

Accordingly, it is, on this 5th day of January 1968,

ORDERED that Plenary Retail Consumption License C-130, issued by the City Council of the City of Trenton to Frank John Lanzi, t/a Lanzi's Lounge, for premises 41 Liberty Street, Trenton, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Tuesday, January 9, 1968, and terminating at 2 a.m. Friday, January 19, 1968.

JOSEPH P. LORDI  
DIRECTOR

13. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - CHARGE  
NOLLE PROSSED.

In the Matter of Disciplinary )  
Proceedings against )

THREE R'S, INC. )  
t/a "Dick Lee's Musical Bar & Lounge" )  
Kings Highway & Crescent Blvd. )  
Bellmawr, N. J. )

ORDER

Holder of Plenary Retail Consumption )  
License C-2 issued by the Mayor and )  
Council of the Borough of Bellmawr )

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Kmiec & Palumbo, Esqs., by Ralph J. Kmiec, Esq., Attorneys  
for Licensee  
Edward J. Sheils, Esq., Appearing for Division of Alcoholic  
Beverage Control

BY THE DIRECTOR:

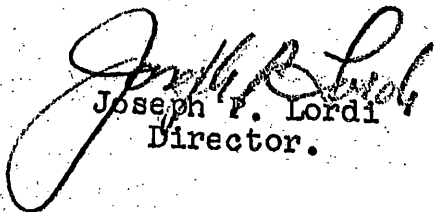
Charge was preferred against the licensee alleging that on October 13, 1967, it sold mixed drinks of alcoholic beverages to two minors, age 18 and 19, in violation of Rule 1 of State Regulation No. 20.

At the hearing herein, the attorney for the Division moved for a nolle pros of the charge because of refusal of the minors, essential witnesses, residents of Pennsylvania, voluntarily to appear and testify at the hearing, their attendance (because of their non-residence) not being compellable by subpoena.

Good cause appearing, I shall grant the motion.

Accordingly, it is, on this 4th day of January, 1968,

ORDERED that the charge herein be and the same is hereby nolle pros.

  
Joseph P. Lordi  
Director.