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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 1996

August 31, 1971

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August 31, 1971

1. APPELLATE DECISIONS - TRADE WINDS COCKTAIL LOUNGE, INC.
v. SEA BRIGHT.

TRADE WINDS COCKTAIL)	
LOUNGE, INC.,)	
)	
Appellant,)	ON APPEAL
)	CONCLUSIONS
v.)	AND ORDER
)	
MAYOR AND COUNCIL OF THE)	
BOROUGH OF SEA BRIGHT,)	
)	
Respondent.)	

Howard Isherwood, Esq., Attorney for Appellant.
Richard L. Bonello, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Appellant, a plenary retail consumption licensee for premises 1305 Ocean Avenue, Sea Bright, was found guilty in disciplinary proceedings conducted by respondent on two charges. By stipulation the first charge was not subject to this appeal. Appellant entered a not guilty plea to the second charge under Rule 5 of State Regulation No. 20 which alleged that it did allow, permit and suffer a brawl to take place on the licensed premises. Respondent (hereinafter Council) ordered suspension of said license for a period of five days, which suspension was stayed by the Director pending determination of this appeal.

In its petition appellant alleges that the Council's action was erroneous in that there was insufficient proof to substantiate the same, and that licensee is being discriminated against as compared to other similar licensees in the Borough. To the latter contention no proof whatever was presented.

The Council denied the allegations of the petition and alleged that its finding was based on testimony of the police concerning a fight and brawl on the licensed premises which occurred on November 7, 1970.

The matter was heard de novo pursuant to Rule 6 of State Regulation No. 15, with full opportunity for counsel to present testimony under oath and for cross-examination.

Council relied upon the testimony of four local police officers to substantiate its charge. Louis Schuff (a police officer of the Borough) testified that on November 7, 1970 at 1:40 a.m. he was on duty and received a radio call to respond to premises of licensee where a fight was in progress. He arrived in five or six minutes and found a fight going on in an entrance

area, which fight spilled into the "southwest part of the bar." He tried unsuccessfully to enter and break up the fight but the crowd (about 300 to 350 patrons were in the premises) and commotion were so great that he was unsuccessful. In the melee he was struck twice by an unidentified person. Fighting continued all over the parking lot which he and other officers attempted to quell. People were bleeding from cuts and bruises sustained in the several fights. On cross-examination the witness admitted no arrests were made nor was medical attention required of anyone, so far as he knew.

Special Officer Michael Murray was on duty on November 7, 1970; was in the same car as the prior witness, and accompanied Schuff to the premises. He found a large number of persons coming out of the premises with fighting in progress. He, with his partner, tried to get into the building but was deterred because there were numerous fights going on in the parking lot which the witness attempted to stop.

The testimony of Sergeant Harry Lake revealed that he was on duty about 1 a.m. on November 7, 1970 and in a police vehicle in another section of the Borough. He heard the radio call pertaining to the licensed premises and drove directly to it. On arrival he found two other police vehicles there with Officers Schuff and Murray trying to get into the building. Seeing the commotion, fighting and fracas, he returned to his vehicle and summoned help from adjacent municipalities. Four other officers from two neighboring towns thereupon responded. He returned to another entrance of the building where people were emerging with such fury that a railing was torn off of the building. The witness was kicked and sustained an injured finger as he attempted to quell one of the fights. On cross-examination he pinpointed the time to be 1:40 a.m., saw numerous patrons with marks on their faces, nosebleeding and clothing disarrayed. He admitted that no one was arrested and he did not know how many people took part in the fights. It was his estimate that there could have been five hundred people in the area at that time.

Peter J. Lange (a special officer of the Sea Bright Police Department) testified he was on duty in the headquarters on the evening of November 6, 1970 and was on duty into the morning of November 7 when a call came in from Patrolman Holden of the Monmouth Beach Police Department who gave notice that a fight was in progress at the licensed premises and that he was responding. A ten minute interval elapsed between that call and the call from Sergeant Lake summoning help from the adjoining municipalities.

The licensee (Irwin P. Levy) testified that he is the principal officer of the licensee corporation and that in its twelve years as a licensee there were no prior problems nor violations. On November 7 he had employed three bouncers and a bartender to assist in keeping order and they were assisted by two doormen. The patronage on that evening was between two hundred and two hundred twenty-five. He recounted his version of the incident beginning at 1:30 a.m. (the time of the last call when service of drinks would stop). About then a fight broke out at the bar among people he did not recognize and he opened a door, not usually opened, to accommodate the departing patrons. His bouncers stopped a fight, and all the difficulties that ensued as recounted by the police officers were the result of their trying to get in when all the patrons were trying to get out. This action by the police in preventing the departure of the patrons so angered them that indignation resulted. While the identities of the persons who began the fight were unknown at the time, he later learned who those persons were and they are now barred from the premises. There were no charges leveled against any of the participants. He never called the police that night.

Officer Edward J. Holden of the Monmouth Beach Police Department was called by the licensee and testified he was on duty on November 7, 1970 at 1:41 a.m. in his police vehicle. At that moment he was near to the border of his community and Sea Bright and also near to the licensed premises. A young woman came to his police car on foot and informed him that there was a fight going on there. The witness immediately called the Sea Bright police, transmitted this information, and proceeded to the premises. Upon arrival he found a fight in progress. There was a fracas involving twenty-two or more individuals and another fight broke out by the door. The fighting started to multiply and broke out outside the building. There were quite a few disturbances in the area. He believed there were several brothers involved. He saw no injuries that needed medical attention, nor could he estimate the number of people present. On cross-examination he admitted the crowd was large. He was not injured but he was knocked over and his hat was knocked off.

A patron (George Moore) testified that he is a building contractor and was in the premises at 1:45 a.m. on November 7, 1970. It was then ready to close and people were leaving. He was sitting at the bar when he saw a scuffle begin down the bar from him. He saw the bouncers charge into the middle of the group, break up the fight and escort the participants out. He left by the front door.

One of the bouncers (James Novembre) testified he was employed by the licensee on the night of November 7, and when the fight started he was on the other side of the dance floor. He saw one of his fellow bouncers and three persons, who he later learned were brothers, engaged in a scuffle. He assisted in having the participants removed. There were about two hundred persons present at the time, which was average for a Friday evening.

Ronald MacKnight testified he was a bartender at the licensed premises on November 7 and his portion of the bar was nearest to the dance floor. He corroborated the previous witness in fixing the location of the fight, and indicated it upon the sketch in evidence. As the fight began, the bouncers tried to move the fight to the table area. It lasted only four or five minutes. The patrons numbered about two hundred. On cross examination he admitted giving one of the patrons a napkin with which to wipe off the blood from his face.

The son of the licensee (Thomas Levy) testified that he too was working in the premises on that evening and was in charge of a service bar. He indicated his position and that of the fight on the sketch in evidence. He saw a scuffle but, before he could close up his bar and get to the place where the fight was in progress, it was over as the bouncers had it under control. He stated that Sergeant Lake told him he had two minutes to get the people out or he would be closed up.

Sergeant Lake, called in rebuttal, testified that he did not get in to talk to young Levy until the fight was all over and that there was a reference by him to getting the people out but by that time almost all the people were out anyway.

Testimony was elicited by both appellant and respondent from most of the witnesses pertaining to a police visit to the licensed premises that occurred in the previous week (as

indicated in an extract of the police blotter in evidence). As these incidents had no relevancy to the occurrence on November 7, there will be no reference to them herein.

The burden of establishing that the Council acted erroneously and in abuse of its discretion is upon appellant. The ultimate test is one of reasonableness on the part of the Council. Or, to put it another way, could the members of the Council, as reasonable men, acting reasonably, have come to their determination based upon the evidence presented? The Director should not reverse unless he finds as a fact that there was a clear abuse of discretion or unwarranted finding of fact or mistake of law by the Council. Craner & Pilon v. Paterson, Bulletin 1893, Item 1; aff'd Pilon and Craner v. Paterson, 112 N.J. Super. 436 (App.Div. 1970); cf. Hudson Bergen County Retail Liquor Stores Ass'n et al. v. Hoboken et al., 135 N.J.L. 502 (1947); Nordco, Inc. v. State, 43 N.J. Super. 277 (App.Div. 1957).

The critical inquiry is whether in fact the brawl or acts of violence which admittedly did take place were such as were "allowed, permitted or suffered" by appellant contrary to the applicable State regulation.

While it is true that a licensee has been held not to be responsible for a sudden flare-up on his premises, where he could not have been reasonably aware of its imminence, such is not the case here. Jackson v. Newark, Bulletin 1600, Item 2. The evidence indicates that fighting took place over a period approximating twenty minutes and the many acts of violence took place at several points within the licensed premises as well as in their exterior parking lot.

The logical and realistic reaction of a licensee who is confronted with an alarming situation as described here is to call the police. Testimony offered by the licensee indicated that police information came from an unidentified young woman who, within walking distance of the premises, came upon a police car of a neighboring community and told of the fight. In the chain of events, a police sergeant, eventually coming on the scene on the heels of two other police cars, called for reinforcements, the fighting being then so severe. Ten or more minutes had elapsed from the initial call which was again some period of time from the beginning point of the fight. See Jackson v. Newark, *supra*. No other reasonable conclusion could result than that a brawl was suffered on the licensed premises. Such conclusion was reached by the Council.

In order to meet the burden required under Rule 6 of State Regulation No. 15, appellant must show manifest error and that indeed the action of the Council was clearly against the logic and effect of the presented facts. Suppa v. Harrison, Bulletin 1783, Item 2. That burden was not met here. A liquor license is a mere privilege. Paul v. Gloucester County, 50 N.J.L. 585 (1888). In the exercise of that power, the Legislature invested the issuing authority (Council) with the power to suspend or revoke licenses, after hearing, for certain enumerated violations, including violation of the law or of State or local regulations. R.S. 33:1-31; Rule 5 of State Regulation No. 20.

It has generally been held by this Division that a suspension imposed in a disciplinary proceeding rests in the first instance within the sound discretion of the municipal issuing authority. The power of the Director to reduce or modify it will be

sparingly exercised, and only with the greatest caution. Harrison Wine and Liquor Company, Inc. v. Harrison, Bulletin 1296, Item 2; Buckley v. Wallington, Bulletin 1772, Item 1.

While it is here conceded that the appellant did not want or encouraged the development of a brawl on its premises, the primary duty of prevention rests with it. It is the licensee who determined the amount of deterrent necessary to control the anticipated crowds and it is its responsibility to assure that the actions of its employees are geared to the ever potential hazard of violent acts. The agents did not properly foresee the possibilities and the resultant brawl that injured policemen as well as unnumbered patrons. It is therefore conclusive that acts of violence were suffered on the premises because of poor or absent foresight. The Council so found. Parenthetically it might be said that the length of the suspension, in view of the gravity of the risk to the public involved, was quite reasonable.

It is therefore recommended that an order be entered affirming the action of the Council, dismissing the appeal and fixing the effective dates for the suspension which was stayed by the Director pending entry of a further order herein.

Conclusions and Order

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

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

The appellant has now applied 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 \$300 in lieu of the suspension of five days stayed on appeal.

Accordingly, it is, on this 6th day of July 1971,

ORDERED that the action of respondent be and the same is hereby affirmed and the appeal herein be and the same is hereby dismissed; and it is further

ORDERED that the payment of a \$300 fine by the appellant be and is hereby accepted in lieu of the five-day suspension imposed by the respondent, and affirmed on this appeal.

Richard C. McDonough
Director

2. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1970 TO JUNE 30, 1971

	1st Quarter			2nd Quarter			3rd Quarter			4th Quarter			Total
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	
ARRESTS:													
Total number of persons arrested	41			32			94			117			284
Licensees and employees	13			20			18			52			103
Bootleggers	28			12			18			24			82
Minors	-			-			31			41			72
SEIZURES:													
Motor vehicles - cars	3			1			1			-			5
- trucks	1			-			-			1			2
Still - 50 gallons or under	-			2			-			1			3
Alcohol - gallons	2.64			45			-			75			122.64
Mash - gallons	-			500			-			65			565
Distilled alcoholic beverages - gallons	39.988			43.833			12.845			49.82			146.486
Wine - gallons	79.456			10.250			33.325			25.535			148.566
Brewed malt alcoholic beverages - gallons	226.502			19.921			133.43			80.832			460.685
RETAIL LICENSEES:													
Premises inspected	1,463			2,118			1,997			1,913			7,491
Premises where alc. bevs. were gauged	1,276			1,702			1,555			1,571			6,104
Bottles gauged	21,505			28,286			26,896			24,232			100,919
Premises where violations were found	425			507			479			513			1,924
Violations found	688			756			713			710			2,867
Unqualified employees	232			169			189			212			802
No Form E-141-A on premises	164			165			116			107			552
Form E-141-A incomplete	78			115			115			96			404
Application copy not available	51			106			102			106			365
Disposal permit necessary	19			21			12			48			100
Other mercantile business	13			3			6			3			25
Prohibited signs and practices	3			4			2			3			12
Improper beer taps	1			1			1			-			3
Other violations	127			172			170			188			657
STATE LICENSEES:													
Premises inspected	30			22			24			69			145
License applications investigated	12			12			22			41			87
COMPLAINTS:													
Complaints assigned for investigation	1,190			1,279			1,184			1,116			4,819
Investigations completed	1,187			1,362			1,203			1,244			4,996
Investigations pending	(311)			(294)			(312)			(312)			(312)
LABORATORY:													
Analyses made	235			328			311			374			1,248
Refills from licensed premises - bottles	147			207			214			272			840
Bottles from unlicensed premises	34			16			11			21			84
Narcotic drugs	-			-			-			2			2
Firearms	-			-			-			1			1
Ammunition - shells	-			-			-			4			4
IDENTIFICATION:													
Criminal fingerprint identifications made	5			11			49			65			130
Persons fingerprinted for non-criminal purp.	1,535			1,148			1,021			1,596			5,300
Ident. contacts w/other enforce. agencies	1,018			890			872			1,424			4,204
DISCIPLINARY PROCEEDINGS:													
Cases transmitted to municipalities	13			20			9			9			51
Violations involved	16			22			9			12			59
Sale during prohibited hours	7			15			3			3			28
Sales to minors	8			5			6			5			24
Fail. to close prem. during proh. hrs.	1			2			-			2			5
Sale to non-members by clubs	-			-			-			2			2
Cases instituted at Division	71*			86*			77*			172*			406*
Violations involved	83			101			94			187			465
Sales to minors	11			12			15			31			69
Sale during prohibited hours	15			13			22			12			62
Possession liquor not truly labeled	12			12			15			13			52
Beverage Tax Law non-compliance	-			15			2			20			37
Permitting immoral activity on premises	10			3			8			10			31
Retailer accepting gifts from wholesaler	-			-			-			27			27
Permitting lottery activity on premises	9			5			1			-			15
Solicitor furn. gifts with retail sale	-			-			-			12			12
Fraud in application	4			1			6			1			12
Permitting misc. gambling on premises	3			2			6			1			11
Fail to close prem. during proh. hours	1			2			4			4			11
Purchase from improper source	-			5			1			4			10
Sale to non-members by clubs	1			1			2			6			10
Hindering investigation	3			4			-			1			8
Furnishing gifts with retail sale	-			-			-			8			8
Sale to retailer while on non-delivery	-			-			-			6			6
Delivery without bona fide invoices	-			-			-			5			5
Sol. Pert. engage in cond. proh. to employer	-			5			-			-			5
Unqualified employees	3			-			-			2			5
No Form E-141-A on premises	-			3			-			2			5
Permitting foul language on premises	2			2			-			-			4
Permitting hostess activity on premises	1			2			1			-			4
Sales outside scope of license	1			2			-			1			4
Possession indecent matter	-			2			-			2			4
Permitting illegal activity on premises	-			-			-			4			4

	1st Quarter			2nd Quarter			3rd Quarter			4th Quarter			Total
	Jan.	Feb.	Mar.	Apr.	May.	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	
DISCIPLINARY PROCEEDINGS (CONTINUED)													
Cases instituted at Division (Continued)													
Sale to intoxicated persons	-	-	-	2	-	-	1	-	-	3	-	-	3
Fraud and Front	1	-	-	1	-	-	-	-	-	1	-	-	3
Unauthorized transportation	-	-	-	-	-	-	-	-	-	3	-	-	3
Sale below filed price	-	-	-	-	-	-	-	-	-	2	-	-	2
Permitting bookmaking on premises	-	-	-	1	-	-	1	-	-	-	-	-	2
Permitting lottery & bookmaking on prem.	-	-	-	1	-	-	1	-	-	-	-	-	2
Permitting bookmaking & raffle on prem.	-	-	-	1	-	-	1	-	-	-	-	-	2
Permitting gambling on prem.(numbers)	-	-	-	-	-	-	-	-	-	1	-	-	1
Permitting illegal activity (narcotics) on premises	-	-	-	-	-	-	1	-	-	-	-	-	1
Permitting lottery, bookmaking and cards on premises	1	-	-	-	-	-	-	-	-	-	-	-	1
Single instance of other violations	4	-	-	4	-	-	6	-	-	8	-	-	22
* Includes 7 cancellation proceedings - Licenses improvidently issued since they were the latest renewals for new licenses originally issued in 1966 and 1967. Four cases of licensee disqualified by reason of conviction of crime involving moral turpitude; license improvidently issued for premises at which sale of foodstuffs is not primary and principal business.													
Cases brought by municipalities on own initiative and reported to Division													
Violations involved	56	-	-	55	-	-	86	-	-	79	-	-	276
Sale to minors	21	-	-	17	-	-	32	-	-	28	-	-	98
Conducting business as nuisance	6	-	-	7	-	-	6	-	-	3	-	-	22
Sale during prohibited hours	3	-	-	4	-	-	11	-	-	15	-	-	33
Permitting gambling on premises	6	-	-	6	-	-	6	-	-	6	-	-	24
Permitting brawl, etc on premises	7	-	-	4	-	-	3	-	-	9	-	-	23
loitering by minors unacom. by adults (local ordinance)	3	-	-	2	-	-	7	-	-	-	-	-	12
Failed to close prem. during proh. hrs.	3	-	-	2	-	-	6	-	-	4	-	-	15
Hindering investigation	1	-	-	2	-	-	3	-	-	2	-	-	8
Permitting prem. to be used for illegal activity	2	-	-	3	-	-	-	-	-	4	-	-	9
Failure to afford view into prem. during proh. hours.	-	-	-	-	-	-	3	-	-	-	-	-	3
Permitting immoral activity on prem.	1	-	-	1	-	-	-	-	-	1	-	-	3
Permitting narcotic activity on prem.	-	-	-	-	-	-	2	-	-	-	-	-	2
Unqualified employees	2	-	-	-	-	-	-	-	-	1	-	-	3
Sale on Election Day (Local ord.)	-	-	-	2	-	-	-	-	-	-	-	-	2
Single instance of other violations	1	-	-	5	-	-	7	-	-	5	-	-	18
HEARINGS HELD AT DIVISION:													
Total number of hearings held	162	-	-	139	-	-	117	-	-	140	-	-	558
Appeals	27	-	-	25	-	-	15	-	-	9	-	-	76
Disciplinary proceedings	94	-	-	78	-	-	77	-	-	81	-	-	330
Eligibility	36	-	-	18	-	-	16	-	-	27	-	-	97
Seizures	5	-	-	7	-	-	3	-	-	4	-	-	19
Tax Revocations	-	-	-	11	-	-	5	-	-	18	-	-	34
Application for license	-	-	-	-	-	-	1	-	-	-	-	-	2
STATE LICENSES AND PERMITS ISSUED:													
Total number issued	5,726	-	-	4,822	-	-	3,424	-	-	21,708	-	-	35,680
Licenses	583	-	-	2	-	-	11	-	-	4	-	-	600
Solicitors' permits	153	-	-	137	-	-	116	-	-	2,670	-	-	3,076
Employment permits	1,621	-	-	965	-	-	678	-	-	4,528	-	-	7,792
Disposal permits	226	-	-	175	-	-	189	-	-	149	-	-	739
Social affair permits	1,349	-	-	1,372	-	-	1,212	-	-	1,440	-	-	5,373
Wine permits	87	-	-	438	-	-	15	-	-	4	-	-	544
Miscellaneous permits	879	-	-	1,029	-	-	798	-	-	1,632	-	-	4,338
Transit insigna	474	-	-	608	-	-	336	-	-	9,626	-	-	11,044
Transit certificates	354	-	-	96	-	-	69	-	-	1,615	-	-	2,134
OFFICE OF AMUSEMENT GAMES CONTROL:													
Licenses issued	21	-	-	71	-	-	337	-	-	251	-	-	720
State Fair licenses issued	130	-	-	-	-	-	-	-	-	29	-	-	159
Premises inspected	932	-	-	-	-	-	-	-	-	388	-	-	1,320
Premises where violations were found	54	-	-	-	-	-	-	-	-	15	-	-	69
Number of violations found	69	-	-	-	-	-	-	-	-	20	-	-	89
Enforcement files established	60	-	-	45	-	-	6	-	-	15	-	-	126

Richard C. Mc Donough
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

3. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #335)
 In the Matter of a Petition to)
 Lift the Automatic Suspension of)
 Plenary Retail Distribution License)
 D-1, issued by the Common Council) ON PETITION
 of the City of Egg Harbor to) SUPPLEMENTAL
) ORDER
)
 ALBERT A. ROESCH, JR.)
 t/a Roesch's Liquor Store)
 340 Philadelphia Avenue)
 Egg Harbor City, N. J.)

Licensee, Pro Se.

BY THE DIRECTOR:

On June 16, 1971 an order was entered temporarily staying the statutory automatic suspension of license of petitioner pending determination of disciplinary proceedings against the license.

It now appears from the records of this Division and information received from the Clerk of Egg Harbor that in disciplinary proceedings conducted by the municipal issuing authority the license was suspended for five days commencing June 28, 1971 and terminating on July 3, 1971, after the licensee was found guilty of a charge alleging sale of alcoholic beverages to a minor, which sale was the subject of the previous criminal conviction. Since it appears that the suspension has been served, I shall lift the automatic suspension. Re Sollecito's Corp., Bulletin 1558, Item 6.

Accordingly, it is, on this 6th day of July 1971,

ORDERED that the statutory automatic suspension of Plenary Retail Distribution License D-1 be and the same is hereby lifted, effective immediately.

Richard C. McDonough
Director

4. DISCIPLINARY PROCEEDINGS - SUPPLEMENTAL ORDER IMPOSING SUSPENSION.

In the Matter of Disciplinary Proceedings against)

Adele Kowal)
t/a Midway Tavern)
618 So. Orange Avenue)
Newark, New Jersey,)

SUPPLEMENTAL ORDER

Holder of Plenary Retail Consumption License C-271 (for 1969-70, 1970-71 and 1971-72 license periods), issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark)

Rocco F. Senna, Esq., Attorney for Licensee
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

On November 24, 1970 Conclusions and Order were entered herein suspending the license for eighty days effective December 8, 1970, after finding licensee guilty of (1) permitting and suffering lewdness and obscene conduct on the licensed premises, (2) permitting and suffering brawls and acts of violence on the licensed premises, (3) permitting and suffering the consumption of alcoholic beverages on the licensed premises in violation of local ordinance, and (4) failing to keep licensed premises closed during prohibited hours, in violation of local ordinance. Re Kowal, Bulletin 1950, Item 5.

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 determination of the appeal.

The court affirmed the action of the Director on June 22, 1971. Kowal v. Division of Alcoholic Beverage Control (App.Div. 1970), not officially reported, recorded in Bulletin 1988, Item 1. The suspension may now be reimposed.

Accordingly, it is, on this 6th day of July 1971,

ORDERED that Plenary Retail Consumption License C-271 (for the 1971-72 license year), issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Adele Kowal, t/a Midway Tavern; for premises 618 So. Orange Avenue, Newark, be and the same is hereby suspended for eighty (80) days, commencing at 2 a.m. Tuesday, July 20, 1971, and terminating at 2 a.m. Friday, October 8, 1971.

Richard C. McDonough,
Director.

5. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 45 DAYS, LESS 9 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Peter Della Rodolfa & Joseph Della Rodolfa t/a Rodolfa's 10-12 Nicholson Street Lodi, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-9 issued by the Mayor and Council of the Borough of Lodi.)

Licensees, Pro Se.
Walter H. Cleaver, Esq., appearing for Division.

BY THE DIRECTOR:

Licensees plead guilty to two charges alleging that (1) on April 16, 1971 they sold alcoholic beverages to a minor, age 19, in violation of Rule 1 of State Regulation No. 20 and (2) on the same date at 11:00 P.M. they sold six 12-ounce cans of beer for off-premises consumption in violation of Rule 1 of State Regulation No. 38.

Licensees have a previous record of suspension of license on three occasions for violation of Rule 1 of State Regulation No. 20, as above, for 10 days, effective September 10, 1951; for 10 days effective January 4, 1954 and for 10 days effective September 19, 1967, (Re Della Rodolfa, Bulletin 916, Item 16; Bulletin 997, Item 6; Bulletin 1760, Item 7). The first two offenses occurring more than 10 years ago disregarded, and the third offense occurring within the past five years considered, the license will be suspended on the first charge for fifteen days (Re Feola, Bulletin 1958, Item 12), and on the second charge for thirty days (Re Y & H Tavern, Inc., Bulletin 1971, Item 7) making a total of forty-five days, with remission of nine days for the plea entered, leaving a net suspension of thirty-six days.

Accordingly, it is, on this 8th day of July 1971,

ORDERED, that Plenary Retail Consumption License C-9, issued by the Mayor and Council of the Borough of Lodi to Peter Della Rodolfa & Joseph Della Rodolfa, t/a Rodolfa's for premises 10-12 Nicholson Street, Lodi, be and the same is hereby suspended for thirty-six (36) days, commencing at 3:00 a.m. on Monday, July 26, 1971 and terminating at 3:00 a.m. on Tuesday, August 31, 1971.

Richard C. McDonough
Director

6. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR SIMILAR AND DISSIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Edward A. Kyle t/a Eddie's Liquors U.S. Highway 22, Green Brook Township P.O. Dunellen, N.J.,)

CONCLUSIONS and ORDER

Holder of Plenary Retail Consumption License C-5, issued by the Township Committee of the Township of Green Brook.)

Peter L. Hughes, III, Esq., Attorney for Licensee Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleaded non vult to a charge alleging that on January 20, 1971 he possessed alcoholic beverages in two bottles, the labels of which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a prior adjudicated record of suspensions: for five days effective February 5, 1956 and for ten days effective June 22, 1970, by the municipal issuing authority for local "hours" violations, and by this Division for five days effective September 9, 1968 for possessing bottles of alcoholic beverages not truly labeled (Re Kyle, Bulletin 1819, Item 7); and the license has been suspended by the Director for one hundred ninety days effective July 12, 1971, for permitting unlawful narcotics activity on the licensed premises (Re Kyle, Bulletin 1993, Item 1).

The prior record of dissimilar violation in 1956 occurring more than five years ago disregarded, but the record of similar and dissimilar violations occurring within the past five years considered, the license will be suspended for fifteen days on the instant charge (Re Piez, Bulletin 1975, Item 6), to which will be added five days for the past dissimilar record of suspension occurring in 1970 (Re Sussex Lanes, Bulletin 1915, Item 5), and ten days for record of suspension of license for similar violation occurring within the past five years (Re Luizzi, Bulletin 1947, Item 4), making a total of thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days.

The period of suspension imposed on the said license for the immediate prior violation will terminate on January 18, 1972.

Accordingly, it is, on this 13th day of July 1971,

ORDERED that Plenary Retail Consumption License C-5, issued by the Township Committee of the Township of Green Brook to Edward A. Kyle, t/a Eddie's Liquors, for premises U.S. Highway 22, Green Brook Township, be and the same is hereby suspended for twenty-five (25) days, commencing at 2 a.m. Tuesday, January 18, 1972, and terminating at 2 a.m. Saturday, February 12, 1972.

7. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)	
)	
J.B.T., INC.)	
t/a J.B. and E. Copa Lounge)	CONCLUSIONS
East side of Garton Rd., South)	AND ORDER
of Landis Ave.)	
Deerfield Twp., RD#7,)	
Bridgeton, N. J.)	
Holder of Plenary Retail Consumption License C-10 issued by the Township Committee of Deerfield Township.)	

Samuel Adler, Esq., Attorney for Licensee.
Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on May 21, 1971 it sold alcoholic beverages to a minor, age 16, in violation of Rule 1 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 Fekete, Bulletin 1970, Item 5.

Accordingly, it is, on this 14th day of July 1971,

ORDERED that Plenary Retail Consumption License C-10, issued by the Township Committee of Deerfield Township to J.B.T., Inc., t/a J.B. and E. Copa Lounge for premises East side of Garton Rd., South of Landis Ave., Deerfield Twp., RD#7, Bridgeton, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. Thursday, July 29, 1971 and terminating at 2:00 a.m. on Wednesday, August 18, 1971.

Richard C. McDonough
Director

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

In the Matter of Disciplinary)
Proceedings against)
)
WILLIAM DeVOS & NITA DeVOS)
t/a Bill's Highland Inn)
545 Highland Avenue)
Clifton, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consump-)
tion License C-93, issued by the)
Municipal Board of Alcoholic Beverage)
Control of the City of Clifton.)
-----)

Simon, Denstman & Noonan, Esqs., by John W. Noonan, Esq.,
Attorneys for licensees.
Walter H. Cleaver, Esq., Appearing for the Division.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that, on
October 8, 1970, they possessed alcoholic beverages in four
bottles bearing labels which did not truly describe their con-
tents, 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 Dor & Al, Inc.,
Bulletin 1917, Item 3.

Accordingly, it is, on this 7th day of July, 1971

ORDERED that Plenary Retail Consumption License C-93,
issued by the Municipal Board of Alcoholic Beverage Control of
the City of Clifton to William DeVos & Nita DeVos, t/a Bill's
Highland Inn, for premises 545 Highland Avenue, Clifton, be and
the same is hereby suspended for fifteen (15) days, commencing
at 3:00 a.m. Thursday, July 22, 1971, and terminating at 3:00
a.m. Friday, August 6, 1971.

Richard C. McDonough
Director

9. DISCIPLINARY PROCEEDINGS - ORDER.

In the Matter of Disciplinary Proceedings against)
)
 Pier Corp.)
 t/a The Beachcomber) ORDER
 DuPont Ave. and the Boardwalk)
 Seaside Heights, N. J.)
 Holder of Plenary Retail Consumption License C-12, issued by the Mayor and Borough Council of the Borough of Seaside Heights.)

 Licensee, Anthony Berardi, President Pro Se.
 Edward F. Ambrose, Esq., Appearing for Division.

BY THE DIRECTOR:

On June 24, 1971 Conclusions and Order were entered herein suspending the subject license for five days effective July 12, 1971 upon the licensee's plea of non vult to a charge alleging that on July 17, 1970 it conducted its licensed premises without keeping on the premises a list containing the names and addresses and other information concerning all persons employed on the licensed premises, in violation of Rule 16(c) of State Regulation No. 20. Re Pier Corp., Bulletin 1994, Item 5.

Prior to the effectuation of said suspension, in accordance with the provisions of Chapter 9 of the Laws of 1971 licensee has requested an opportunity to make application for the imposition of a fine in lieu of said suspension. Good cause appearing,

It is on this 9th day of July, 1971,

ORDERED that the suspension heretofore imposed upon Plenary Retail Consumption License C-12, issued by the Borough Council of the Borough of Seaside Heights to Pier Corp., t/a The Beachcomber, for premises DuPont Ave. and the Boardwalk, Seaside Heights, for five (5) days effective July 12, 1971, be and the same is hereby stayed until entry of a further order herein.

Richard C. McDonough
 Director

10. CANCELLATION PROCEEDINGS - ORDER DISMISSING CHARGES.

In the Matter of Cancellation)
 Proceedings against)
)
 Hotel Hamilton (A Corporation))
 t/a Hotel Hamilton)
 426 South Broad Street)
 Trenton, N. J.,)
)
 Holder of Plenary Retail Consumption)
 License C-108, issued by the City)
 Council of the City of Trenton.)

CONCLUSIONS
 and
 ORDER

 Paul J. Sollami, Esq., Attorney for Licensee
 Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee does not contest an order to show cause why its license should not be cancelled because improvidently issued, in violation of R.S. 33:1-25, in view of the fact that John J. Pietrowski (an officer and director of the corporate licensee and 50% stockholder thereof) was ineligible for license by reason of his conviction on or about April 24, 1970 of the crime of bookmaking (N.J.S. 2A:112-3), a crime involving moral turpitude, thereby rendering the licensee corporation ineligible for license.

During the pendency of this proceeding, an application for renewal for the current license period filed by the said corporate licensee reveals that John J. Pietrowski is no longer a stockholder or officer in the said corporate licensee and his name does not appear in the said application. Hence the unlawful situation no longer exists and the order to show cause will be discharged. Re Willow Park Taverns, Inc., Bulletin 1874, Item 7.

Accordingly, it is, on this 14th day of July 1971,

ORDERED that the order to show cause herein be and the same is hereby discharged.

Richard C. McDonough,
 Director.

11. DISCIPLINARY PROCEEDINGS - SALES TO NON-MEMBERS - SALE TO MINOR - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

BLACK HORSE PIKE V.F.W. POST #3324)
6th and Gravel Hill Rd.)
Runnemede, N. J.)

CONCLUSIONS AND ORDER

Holder of Club License CB-1 issued by the Borough Council of the Borough of Runnemede.)

Licensee, by William Hemmerle, Commander, Pro Se.
Edward F. Ambrose, Esq., Appearing for Division.

BY THE DIRECTOR:

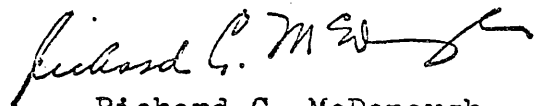
Licensee pleads guilty to charges alleging that (1) on May 22, 1971 it sold alcoholic beverages to non-members in violation of Rule 8 of State Regulation No. 7, and (2) that on the same date, it sold or permitted the sale of alcoholic beverages by a minor, age 20, in violation of Rule 2 of State Regulation No. 13.

Licensee has a prior record of suspension of license effective October 5, 1959 by the municipal issuing authority for a local "hours" violation.

The prior suspension occurring more than 10 years ago disregarded, the license will be suspended on the first charge for fifteen days (Re Veterans of Manville, Inc., Bulletin 1981, Item 6), and on the second charge for ten days (Re Zebro, Bulletin 1336, Item 1) making a total of twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days.

Accordingly, it is, on this 13th day of July 1971,

ORDERED that Club License CB-1, issued by the Borough Council of the Borough of Runnemede to Black Horse Pike V.F.W. Post #3324, for premises 6th and Gravel Hill Rd., Runnemede, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m., Thursday, July 29, 1971 and terminating at 2:00 a.m. Wednesday, August 18, 1971.



Richard C. McDonough
Director