

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

April 15, 1969

BULLETIN 1848

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1. RETAIL LICENSES - NOTICE TO MUNICIPAL ISSUING AUTHORITIES RE GRANTING OF LICENSES TO PERSONS CONVICTED OF CRIME OR TO FRONTS FOR UNDISCLOSED BENEFICIAL INTERESTS - HEREIN OF MUNICIPAL RESPONSIBILITY FOR INVESTIGATION OF APPLICANTS.

MORAL TURPITUDE - SCHEDULE OF CRIMES NECESSARILY INVOLVING MORAL TURPITUDE.

TO ALL MUNICIPAL LICENSE ISSUING AUTHORITIES:

Question has recently been raised by the State Legislature concerning the personal qualifications of holders of retail alcoholic beverage licenses, particularly with respect to the application and administration of the State Alcoholic Beverage Law to insure that no person who is a member of or associated with organized crime is granted an alcoholic beverage license or has an indirect connection with such a license. Since instructions for the processing of license renewal applications are now being forwarded to all municipal license issuing authorities, it is deemed appropriate at this time to take this opportunity to set forth herein certain principles concerning the criminal qualifications of retail licensees with which all members of such issuing authorities should be familiar.

The Alcoholic Beverage Law (R.S. 33:1-25) prohibits the issuance of any retail license to any person "convicted of a crime involving moral turpitude", or to any partnership in which any partner has been so convicted, or, with certain exceptions, to any corporation in which any owner, directly or indirectly, of more than 10% of its shares of stock or any officer or director has been so convicted. Persons so criminally disqualified may not be employed by or connected in a business capacity with any licensee. R.S. 33:1-26; Rule 1 of State Regulation No. 13.

Information with respect to the criminal record of all applicants for retail license and of all persons having a beneficial interest in the license applied for must be set forth in answer to Question No. 32 of the uniform application for retail license. Many of the crimes which the Division has heretofore determined, in decisions and rulings published in the Division's Bulletin disseminated throughout the State, necessarily involve moral turpitude, without consideration of the underlying facts and circumstances leading to the conviction, are set forth in the attached schedule, with accompanying Bulletin citations. Situations involving other crimes, most of which may or may not involve moral turpitude, depending upon the underlying facts and circumstances leading to the conviction, should be referred to this Division for determination in order to maintain uniform interpretation of the law throughout the State. However, it should be noted that mere disorderly persons offenses and municipal ordinance violations are not deemed "crimes" within the meaning of the hereinabove mentioned section of the Alcoholic Beverage Law.

Of course, municipal issuing authorities should also be aware of the fact that the issuance of all licenses is discretionary with the issuing authority. The original issuance, transfer or renewal of a license may be denied, in the reasonable exercise of the issuing authority's discretion and subject to review on appeal to the Director of Alcoholic Beverage Control, where the applicant or any of its principals, although not having a record of a mandatorily disqualifying conviction of a crime involving moral turpitude, nevertheless has a record of convictions of other offenses, is a person of questionable character or ill-repute or has a disciplinary record of license suspension or revocation, which affects the applicant's general fitness to hold a license. The fitness of all such applicants should therefore be thoroughly investigated by issuing authorities in order not only to screen out criminally disqualified persons from the industry, but other undesirable persons as well.

Additionally, the Alcoholic Beverage Law prohibits anyone from holding an undisclosed beneficial interest in a license. No person other than the licensee may exercise or attempt to exercise the rights and privileges of a license. R.S. 33:1-26. Violation of this provision of the law is cause for suspension or revocation of license. Information as to any such possible "front" situation is elicited by Questions No. 22, 23, 24, 29, 30 and 31 of the aforementioned license application. Full investigative powers to obtain supplementary information is afforded all issuing authorities. R.S. 33:1-35.

All applicants for licenses and their principals should be investigated by the issuing authority to ascertain possible undisclosed interests in the licensed business (source of capital funds, identification of management personnel, recipients of profits of licensed business, etc., should be investigated). Violations of this nature should be vigorously investigated and prosecuted, particularly if they involve undisclosed interests by criminals or members of organized crime.

It is the affirmative statutory duty of municipal issuing authorities to investigate all applicants for retail licenses, whether for original issuance, transfer or renewal, and to enforce primarily the provisions of the Alcoholic Beverage Law and Regulations so far as applicable to such licenses. R.S. 33:1-24. The primary responsibility for excluding criminally disqualified and other unfit persons from acquiring or holding disclosed or undisclosed interests in the retail alcoholic beverage industry therefore rests with the more than five hundred municipal issuing authorities in this State. The full, conscientious and stringent discharge of this responsibility is essential to maintain sound liquor control under our dual system of State and municipal licensing administration.

Your cooperation and support is enlisted in maintaining alcoholic beverage control at the highest level of public service to the people of New Jersey by continuing to insure that retail licensed businesses are conducted by reputable people in a reputable manner.

Joseph M. Keegan
Director

Dated: April 10, 1969

SCHEDULE OF CRIMES DETERMINED NECESSARILY
TO INVOLVE MORAL TURPITUDE

<u>CRIME</u>	<u>BULLETIN and ITEM</u>
Abduction of female under 18	1691-4
Abortion	319-13
Adultery	942-10
Arson	1565-10
Malicious burning	1650-7
Conspiracy to burn a building	1650-7
Atrocious assault and battery	1577-6
Assault with a deadly weapon	1714-8
Assault with intent to kill	1663-5
Assault with intent to rob	1511-6
Assault with intent to rape	933-12
Bigamy	1164-9
Blackmail (Extortion)	954-11
Breaking and entering	1480-9
Unlawful entry	1734-5
Bribery, demanding and receiving a labor bribe	1559-5
Burglary	1559-6
Carnal abuse	1701-6
Concealing assets in bankruptcy	1616-4
Conspiracy to commit:	
Armed robbery	1451-6
Arson	1443-8
Bribery	1601-8
Extortion	1705-6
Fraud	1751-9
Larceny	1488-3
Robbery	1604-3
Violation of the Federal Internal Revenue Laws	1769-5
Desertion of and willful neglect to support minor child	1593-7
Disorderly house (prostitution), maintaining a	719-9
Embezzlement	1538-10
Extortion	966-5
Attempted extortion	707-5
False pretense, obtaining money under	1654-7
False swearing	1561-5
Forgery	1587-10
Fraud, all crimes involving	122-4
Grand larceny	1577-6
Illicit still, operating	1766-5
Impairing morals of children	1596-7
Incest	688-12
Indecent exhibition	1478-4
Interstate transportation of stolen property	1574-10
Theft from interstate shipment	1481-8
Possession of goods stolen from interstate shipment	840-8
Kidnapping	606-5
Larceny	1577-9
Petty larceny	1553-6
Lewdness, open	1623-6
Aiding and abetting a lewd exhibition	859-7

CRIME

BULLETIN and ITEM

Mann Act, transporting female across state line for immoral purposes	637-13
Manslaughter, voluntary	1102-9
Murder	1675-8
Narcotics, fraudulently obtaining	1681-6
Pandering	447-12
Perjury (and subornation of perjury)	1699-5
Prostitution	1510-7
Aiding and abetting prostitution	1168-6
Maintaining house for prostitution	719-9
Soliciting for prostitution	1675-5
Rape	1538-9
Receiving stolen goods	1571-7
Riot (and conspiracy to riot)	1695-9
Robbery	981-9
Armed robbery	1788-5
Attempted robbery	1760-8
Smuggling	1746-6
Sodomy	1587-14

4/10/69

2. APPELLATE DECISIONS - GREEN v. WILDWOOD.

IRWIN GREEN)	
t/a GREEN'S LIQUOR STORE,)	
)	
Appellant,)	ON APPEAL
)	CONCLUSIONS
v.)	AND ORDER
)	
BOARD OF COMMISSIONERS OF THE)	
CITY OF WILDWOOD,)	
)	
Respondent.)	

 Staller, Hayman & Gorelick, Esqs., by Henry Gorelick, Esq.,
 Attorneys for Appellant
 Charles Henry James, Esq., Attorney for Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

The appellant challenges the action of respondent Board of Commissioners of the City of Wildwood (hereinafter Board) which, by unanimous action, denied the application of the appellant for a place-to-place transfer of his plenary retail distribution license from premises 3420 Pacific Avenue to premises to be constructed at 5301 Pacific Avenue, Wildwood.

The Board's determination was made after holding a public hearing on October 16, 1968. The denying resolution dated October 21, 1968 sets forth in its pertinent part the following:

"WHEREAS a petition containing more than 100 names objecting to the transfer and a letter from Marvin D. Perskie, Esquire, representing Elise Allsop, t/a Rio Grande Liquor Store, objecting the the transfer, were filed with this authority, and

"WHEREAS a public hearing was held on this application on October 16, 1968, at which time the application and the objections thereto were considered, as was the oral testimony of persons speaking both on behalf of and against said transfer, and

"WHEREAS at said public hearing, public convenience, need and necessity were shown to be more amply served by the present location of this license at 3420 Pacific Avenue, than by its relocation to 5301 Pacific Avenue."

In his petition of appeal appellant alleges that the action of the Board was erroneous because (a) he is required to seek "an alternative location to operate his business" because his present location is earmarked for demolition in conjunction with an urban renewal project; (b) the proposed new location is zoned for commercial purposes and situated at least six blocks from the nearest licensed alcoholic beverage facility; (c) the action of the Board was arbitrary and capricious and disregarded the "privilege appellant acquired through his investment in a business which he has maintained and carried on for 34 years."

The answer of the Board admits the jurisdictional facts and denies the substantive allegations of the petition. It defends that the appellant was given a full hearing after objections were filed against said transfer and that the Board was compelled to deny the application because "public convenience, need and necessity were shown to be more amply served by the present location"

This appeal was heard de novo pursuant to Rule 6 of State Regulation No. 15, with full opportunity for the parties herein to present evidence and cross-examine witnesses.

Irwin Green (the appellant) testified that he has held a liquor license for thirty-four years and would be quite content to remain at his present location. However, he felt that, with the urban renewal project acquiring properties in his immediate area, he would soon be compelled to move from that place. Furthermore, he felt that, even if he should relocate within the area of the urban renewal project, "prices are going to be far beyond what a retail liquor store can pay."

The urban renewal program has not made any arrangements to relocate his particular business. The site to which he proposes to have his license transferred is owned by his sister and has been owned by his family for the past forty-six years. That site is in a commercial zone. Appellant asserts that it would add more ratables to the community and would be located on one of the main commercial arteries.

On cross-examination the appellant admitted that in 1965 he had filed an application for place-to-place transfer to the same proposed site and that application was denied. He also admitted that he has personally not consulted with the director of the urban renewal program and, with the exception of one property on Hildreth and Pacific Avenues, he had made no inquiries

of any real estate brokers with respect to any other alternative sites in the urban renewal area. Furthermore, he was not certain whether his property would be acquired as part of that program for at least two or three years. Nevertheless he is prepared to invest at least \$50,000 for a new building to be constructed at the proposed transfer site. His stated reason for making this application at this time was, "I think that the fire is getting closer to me. I think this urban renewal, I can see an operation now that I couldn't see four or five years ago, a few years ago."

Peter P. Yecco (executive director of the City of Wildwood Urban Renewal Agency) gave the following account: This community is engaged in a substantial urban renewal project encompassing eight blocks, 30.9 acres. The licensed premises are located within that area. The completion of the entire project is scheduled for some time in 1972. Whether or not the program will be completed by that target date is uncertain.

However, there is no intention of acquiring the appellant's location at this time, and it is quite likely that it may not be acquired for at least several years. In fact, they have no present plans with respect to this property. Indeed, the Agency has not even contacted the appellant with respect to any alternative sites, nor did the appellant contact the executive director or members of his staff. He felt that, since it would be at least another two years, "there is no sense in contacting him at this particular time."

The witness explained that, based on his experience, the actual time necessary to relocate an uprooted business is four to six months. Prior to that time the prospective displacee is interviewed and his staff makes every effort to relocate. In this renewal area there are presently thirteen licensees, of which eleven will be displaced; of the eleven the appellant's license is the sole "D" license. The witness indicated that there are a number of business sites within the urban renewal area which could be used as an alternative site for this license.

Yecco was called on behalf of the Board to supplement the above testimony, and he explained that the urban renewal program did not intend a complete demolition of the area taken. There were one hundred seventy-one properties, of which only one hundred forty-one properties will be taken in various phases. This means that there will be thirty properties that will remain standing. Therefore there will be a considerable number of properties which will be available for reuse and possible relocation by the appellant. Demonstrating from a disposition map the witness showed that, if the appellant was merely concerned about relocating his license within the urban renewal project, he could certainly qualify as one of the displacees and find relocation most likely on a permanent basis. However, as noted hereinabove, appellant had not discussed this matter with this witness or any member of his staff.

Earl W. Calloway (a real estate and insurance broker) felt that the transfer will "have no adverse effect" and that it will result in an increase in ratables. He also believed that there would be lesser traffic problems at the proposed site than at the present site. However, he admitted that he is not an expert on traffic flow.

Edward J. Whalen, Jr. (a service station operator) testified that his station, located at Pacific and Hildreth Avenues, would find no adverse traffic condition created as a

result of the proposed transfer. He also added that he has no objection to the proposed relocation; that business generally has increased in that area, and that the proposed transfer would benefit his business.

Edward Baker (clerk of the City of Wildwood) testified that petitions containing approximately one hundred names were filed in opposition to the said proposed transfer. He also verified the fact that on August 11, 1965 this Board denied a similar application by the appellant for a place-to-place transfer to the same proposed site.

Mayor Charles Masciarella, testifying on behalf of the Board, summed up the reasons why he, together with the other members of the Board, unanimously voted to deny this application for a place-to-place transfer. He felt that the present location served a larger volume of people both in the winter and summer-time; that the appellant has adequate parking facilities; that the proposed transfer site, while zoned commercial, is actually surrounded by a residential area.

The witness was convinced that this is not a hardship situation because there were other possible sites within the urban renewal area to which this facility might be transferred, and that its relocation within the renewal area would serve the best interests of the community. In that connection he explained that the appellant would not have to move twice, as seemed to be the impression of the attorney for the appellant, but, rather, an alternative location could be found where appellant could operate on a permanent basis. Finally, the Mayor indicated that there is no imminence at this stage of the urban renewal program in so far as it affects the appellant because "he isn't close enough to the point to be relocated." The Mayor concluded by saying that both he and the staff of the urban renewal agency would surely assist appellant in seeking a suitable relocation within the urban renewal area when that time arrives.

Wilbur J. Ostrander and Dr. Joseph A. Fury (members of the Board) both testified that they voted to deny this application for substantially the same reasons as those given by the Mayor. Ostrander particularly felt that the public need and necessity would be better served by denying this application. It was his feeling that the appellant could serve the public interest better by remaining at his present location or within the urban renewal area. Ostrander added that he was particularly impressed that public sentiment opposed the proposed transfer by the fact that "112 people had signed their signatures in a petition opposing it."

The central issue raised in this appeal is whether or not the Board acted in abuse of its discretionary authority in denying this application for a place-to-place transfer. In the consideration of this issue it would be well to restate the applicable legal criteria and principles which guide us in the determination of this action. In order for the appellant to succeed in this appeal it is necessary to present proof that the Board abused its discretion in denying the application for the transfer. The proof must show, further, that there was manifest error on the part of the Board. Nordco, Inc. v. State, 43 N.J. Super. 277 (App.Div. 1957); Rajah Liquors v. Div. of Alcoholic Beverage Control, 33 N.J. Super. 598 (App.Div. 1955).

It has been consistently ruled that the transfer of a liquor license is not an inherent or automatic right. The

issuing authority may grant or deny a transfer in the exercise of reasonable discretion. If denied on reasonable grounds, such action will be affirmed. Gentes v. Middletown, Bulletin 1327, Item 1; Biscamp v. Teaneck, 5 N.J. Super. 172 (App.Div. 1949). Or, to put it another way: The question to be posed is -- could reasonable men, acting reasonably, have arrived at the determination being attached? If the answer is in the affirmative, the Director should not reverse. Discretion must be based on right judgment, governed by reason fair and suitable in the circumstances. 75 C.J.S. 634, and cases therein cited. What is reasonable must, of course, be determined according to the context and circumstances in each particular case. As the court pointed out in Blanck v. Magnolia, 38 N.J. 484, 491:

"The test in the establishment and issuance of liquor licenses is whether the public good requires it."

Thus, unless it can be established that the action of the Board was "clearly against the logic and effect of the presented facts", the Director must affirm. Hudson Bergen County Retail Liquor Stores Ass'n, Inc. v. Board of Com'rs. of City of Hoboken, 135 N.J.L. 502, at 511. Further, the rationale for giving considerable weight to the determination of the issuing authority is well stated in Ward v. Scott, 16 N.J. 16 (a Supreme Court decision of an appeal from a zoning ordinance), which is cited in Fanwood v. Rocco, 59 N.J. Super. 306, at p. 322, as follows:

"Local officials who are thoroughly familiar with their community's characteristics and interests and are the proper representatives of its people, are undoubtedly the best equipped to pass initially on such applications And their determinations should not be approached with a general feeling of suspicion, for as Justice Holmes has properly admonished: 'Universal distrust creates universal incompetence.' Graham v. United States, 231 U.S. 474, 480, 34 S. Ct. 148, 151, 58 L. Ed. 319, 324 (1913)."

In the Fanwood case the court further stated, at p. 321:

"The legislature has entrusted to the municipal issuing authority the right and charged it with the duty to issue licenses (R.S. 33:1-24) and place-to-place transfer thereof '[O]n application made therefor setting forth the same matters and things with reference to the premises to which a transfer of license is sought as are required to be set forth in connection with an original application for license, as to said premises.' N.J.S.A. 33:1-26. As we have seen, and as respondent admits, the action of the local board may not be reversed by the Director unless he finds 'the act of the board was clearly against the logic and effect of the presented facts.' Hudson Bergen County Retail Liquor Stores Ass'n, Inc. v. Board of Com'rs. of City of Hoboken, supra, 135 N.J.L., at page 511."

As Mr. Justice Jacobs pointed out in Fanwood v. Rocco, 33 N.J. 404, 414:

"Although New Jersey's system of liquor control contemplates that the municipality shall have the original power to pass on an application for a tavern or package store license or the transfer thereof, the municipality's action is broadly subject to appeal to

the Director of the Division of Alcoholic Beverage Control. The Director conducts a de novo hearing of the appeal and makes the necessary factual and legal determinations on the record before him Under his settled practice, the Director abides by the municipality's grant or denial of the application so long as its exercise of judgment and discretion was reasonable."

See Common Council of Hightstown v. Hedy's Bar, 86 N.J. Super. 561 (App.Div. 1965).

My evaluation and assessment of the testimony satisfies me that the Board acted circumspectly and quite logically in denying this application. The proofs establish that the Board felt that the present location was more in consonance with the public need and convenience than the proposed transfer site. This reflects its conscientious attitude because a similar application made by the appellant in 1965 was denied by the Board which was constituted of the same majority of its membership at that time as it was at the time of its consideration of the present application. Cf. Lubliner v. Paterson, 59 N.J. Super. 419, aff'd 33 N.J. 428.

Furthermore, the Board was satisfied that this was not really a hardship case because there was no imminence of acquisition of the property in which the license is presently located, and it appears unlikely that any action with respect thereto will take place for at least two or three years. During this period the appellant would have ample opportunity to relocate within the urban renewal area or any other suitable location. The record shows that the appellant has not made any serious effort to relocate within the renewal area or find any prospective site therein; nor did he even consult with the executive director of the urban renewal agency or any members of his staff with reference thereto.

The situation in this case is substantially distinguishable from that presented in Common Council of Hightstown v. Hedy's Bar, supra. In that case the owner had made an exhaustive investigation in an effort to find a site which would comply with the distance regulations of the Borough. The proposed location was the only site in the entire Borough to which the license could be transferred and still be in compliance with the applicable license ordinance. The court there held that the denial of the application for a place-to-place transfer to the only site then available was clearly based upon the desire of the Council to "reduce the number of licenses in the community." Therefore the court affirmed the Director's order reversing the action of the issuing authority.

In the matter sub judice, it is abundantly clear that the appellant is not so limited; that in fact there may be numerous other desirable locations within the urban renewal area to which the appellant may relocate when he is required to do so. The proofs further show that the Board felt that, although the proposed site was in an area zoned commercial, it was surrounded by residential areas and was considered undesirable. Also, they took into consideration the public sentiment as manifested by objectors at the public hearing held herein, and by a petition signed by one hundred twelve objectors to this proposed transfer.

The appellant contends that, with the development of this urban renewal program, his rent may be raised to a point where it

would be uneconomical for him to continue his operation. However, his personal financial consideration must be subordinated, in the final analysis, to the primary consideration of the general welfare of the municipality; that, in a conflict between private interests and the interests of the community, the latter must prevail. Sylvestri v. Jersey City, Bulletin 1554, Item 2; Roweit Liquors, Inc. v. Lakewood, Bulletin 1815, Item 2.

Finally, where the Board has denied a transfer, rather than granted it, it is sufficient to show that this was done in good faith, not with the intention of oppressing the individual applicant or merely because the Board wanted it that way. "Convenience" to persons seeking to purchase liquor "is rarely, if ever, a valid basis upon which the Director may compel the municipality to grant the transfer." If the motive of the governing body is pure, its reasons, whether based on morals, economics, or aesthetics, are immaterial. Fanwood v. Rocco, *supra*, at pp. 320 and 323.

There is no evidence, nor even the suggestion in the record, that the Board's refusal to grant this application was inspired by improper motives. Indeed, as pointed out hereinbefore, it was consistent with the Board's action on the prior similar application made by the appellant. Cf. Shop-Rite of Monmouth, Inc. v. Middletown, Bulletin 1728, Item 1.

After considering all of the allegations set forth by the appellant and the totality of the record herein, it is my conclusion that the appellant has failed to sustain the burden of establishing that the action of the Board was arbitrary or capricious or in any manner constituted an abuse of discretion. Rule 6 of State Regulation No. 15.

Accordingly, I recommend that an order be entered affirming the Board's action and dismissing the appeal.

Conclusions and Order

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

After carefully considering the entire record herein, including the transcript of the testimony, the exhibits, the Hearer's report and the exceptions thereto (which I find to be without merit), I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 11th day of February, 1969,

ORDERED that the action of respondent be and the same is hereby affirmed and the appeal herein be and the same is hereby dismissed.

JOSEPH M. KEEGAN
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - TRANSPORTATION WITHOUT DELIVERY SLIPS - TRANSPORTATION IN VEHICLE WITHOUT INSIGNIA - SALE BELOW FILED PRICE - POSSESSION OF INDECENT MATTER - PRIOR SIMILAR AND DISSIMILAR RECORD - LICENSE SUSPENDED FOR 360 DAYS.

In the Matter of Disciplinary Proceedings against)

ANTON'S WINES & LIQUORS, INC.)
257 Broad Avenue)
Palisades Park, N. J.)

CONCLUSIONS AND ORDER

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

Milton A. Waldor, 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 November 7, 1968, it (1) transported 694 bottles of alcoholic beverages without requisite accompanying delivery slips, in violation of Rule 3 of State Regulation No. 17, (2) in a vehicle bearing no transit insignia, in violation of Rule 2 of State Regulation No. 17, of which (3) seven cases and twelve bottles were sold below filed price, in violation of Rule 5 of State Regulation No. 30, and (4) on November 8, 1968, it transported 984 bottles of alcoholic beverages without requisite accompanying delivery slips, in violation of Rule 3 of State Regulation No. 17, and (5) on November 13, 1968, it possessed on its licensed premises twenty-six booklets of obscene and indecent photographs, in violation of Rule 17 of State Regulation No. 20.

Licensee has a previous chargeable record of suspension of license by the Director for forty-five days effective June 22, 1964, for sale below filed price, transportation without delivery slips and hindering investigation; and for 270 days effective January 9, 1967, for accepting delivery during suspension, purchase from other retailers and transportation in a vehicle without insignia. Re Anton's Wines & Liquors, Inc., Bulletin 1571, Item 2; Bulletin 1655, Item 1; Bulletin 1716, Item 10.

All of the circumstances considered, including the aggravated nature of the charges, the confessional plea entered, and the previous record of suspensions for similar and dissimilar violations within the past five years, the license will be suspended for three hundred sixty days.

Accordingly, it is, on this 11th day of February, 1969,

ORDERED that 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, be and the same is hereby suspended for the balance of its term, viz., until midnight, June 30, 1969, commencing at 9:00 a.m. Tuesday, February 18, 1969; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 9:00 a.m. Friday, February 13, 1970.

JOSEPH M. KEEGAN
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - GAMBLING (HORSE RACE BETS) -
 LOTTERY (NUMBERS AND FOOTBALL POOL TICKETS) - LICENSE
 SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
 Proceedings against)

ALLANA R. & HERBERT S. MAJESKY)
 t/a The Colonial Lodge)
 495-499 Chestnut Street)
 Union, N. J.)

CONCLUSIONS
 AND ORDER.

 Holders of Plenary Retail Consumption)
 License C-27, issued by the Township)
 Committee of the Township of Union)
 (Union County).)

 Lindabury, McCormick & Estabrook, Esqs., by George W. Canellis,
 Esq., Attorneys for Licensees
 Louis F. Treole, Esq., Appearing for Division of Alcoholic
 Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to charges (1) and (2) alleging that on divers days between October 3 and 15, 1968, they permitted acceptance of horse race bets, and on October 15, 1968 they possessed numbers and football pool tickets, on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Licensee Allana R. Majesky has a previous record of suspension of license by the municipal issuing authority for three days effective May 26, 1958 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 sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Hayes, Bulletin 1726, Item 4.

Accordingly, it is, on this 11th day of February, 1969,

ORDERED that Plenary Retail Consumption License C-27, issued by the Township Committee of the Township of Union (Union County) to Allana R. & Herbert S. Majesky, t/a The Colonial Lodge, for premises 495-499 Chestnut Street, Union, be and the same is hereby suspended for fifty-five (55) days, commencing at 2 a.m. Tuesday, February 18, 1969, and terminating at 2 a.m. April 14, 1969.

JOSEPH M. KEEGAN
 DIRECTOR

5. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) -
LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

R & M LOUNGE, INC.)
t/a COMMERCE LOUNGE)
205 Commerce St.)
Newark, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-166 issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark)

B. Dennis O'Connor, Esq., Attorney for Licensee
Louis F. Treole, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on October 17, 18 and 29, 1968, it permitted acceptance of numbers bets 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 Ben's Place, Inc., Bulletin 1836, Item 3.

Accordingly, it is, on this 11th day of February, 1969,

ORDERED that Plenary Retail Consumption License C-166, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to R & M Lounge, Inc., t/a Commerce Lounge, for premises 205 Commerce Street, Newark, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. Tuesday, February 18, 1969, and terminating at 2:00 a.m. Monday, April 14, 1969.

JOSEPH M. KEEGAN
DIRECTOR

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

In the Matter of Disciplinary Proceedings against
 MONOPRISE, INC.
 t/a Howell Lanes
 w/s Highway 9
 Howell Township
 PO RD 4, Freehold, N. J.
 Holder of Plenary Retail Consumption License C-9, issued by the Township Committee of the Township of Howell

CONCLUSIONS
AND ORDER

 Hanlon, Argeris & Amdur, Esqs., by Robert M. Hanlon, Esq.,
 Attorneys for Licensee
 Walter H. Cleaver, Esq., Appearing for Division of Alcoholic
 Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on November 21, 1968 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 Triple Lake Ranch, Inc., Bulletin 1831, Item 6.

Accordingly, it is, on this 11th day of February 1969,

ORDERED that Plenary Retail Consumption License C-9, issued by the Township Committee of the Township of Howell to Monoprise, Inc., t/a Howell Lanes, for premises w/s Highway 9, Howell, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Tuesday, February 18, 1969, and terminating at 2 a.m. Wednesday, March 5, 1969.

JOSEPH M. KEEGAN
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JER-BARB, INC.)
148 W. Broad Street)
Burlington, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-14 issued by the Common Council of the City of Burlington)

Victor Friedman, Esq., Attorney for Licensee
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

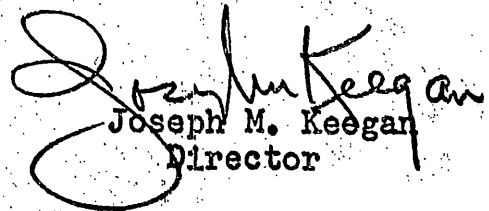
BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 3, 1969, it sold two six-packs of beer to a minor, age 18, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered leaving a net suspension of ten days. Re Brown & Cunniff Enterprises, Inc., Bulletin 1831, Item 9.

Accordingly, it is, on this 11th day of February, 1969

ORDERED that Plenary Retail Consumption License C-14, issued by the Common Council of the City of Burlington to Jer-Barb, Inc. for premises 148 W. Broad Street, Burlington, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Tuesday, February 18, 1969, and terminating at 2:00 a.m. Friday, February 28, 1969.


Joseph M. Keegan
Director