

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

BULLETIN 1942

December 2, 1970

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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 1942

December 2, 1970

1. APPELLATE DECISIONS - B.S. & R.C. CORPORATION v. ASBURY PARK.

#3498)
B.S. & R.C. CORPORATION)
t/a MARTELL'S BAR-LIQUORS,)
Appellant,)

v.)

CITY COUNCIL OF THE CITY OF)
ASBURY PARK,)
Respondent.)

ON APPEAL
CONCLUSIONS
AND ORDER

-----)
#3499)
GENNARO SODANO and CIRO SODANO,)
t/a ZI TERESA RESTAURANT,)
Appellants,)

v.)

CITY COUNCIL OF THE CITY OF)
ASBURY PARK,)
Respondent.)

-----)
J. George Smith, Esq., Attorney for Appellant B.S. & R.C. Corporation)
Thomas F. Shebell, Esq., Attorney for Appellants Gennaro Sodano)
and Ciro Sodano)

James M. Coleman, Jr., Esq., Attorney for Respondent)
Anshelewitz, Barr, Ansell & Bonello, Esqs., by Max M. Barr, Esq.,)
Attorneys for Objectors Delabu, Inc. and Asbury Park)
Licensed Beverage Association)

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

The two appeals in question are from the denials of person-to-person and place-to-place transfers of plenary retail consumption licenses.

In view of the fact that the aforesaid cases are inter-related, it would be not only appropriate but necessary that the said cases be considered together in reaching the proper disposition thereof.

The appeals were heard de novo, pursuant to Rule 6 of State Regulation No. 15.

Case #3498 is an appeal from the action of respondent whereby it denied a transfer of a plenary retail consumption license (with broad package privilege) from Kurt H. Bielefeldt to appellant B.S. & R.C. Corporation and from premises 707 Mattison Avenue to premises 908 Main Street, Asbury Park.

Case #3499 is an appeal from the action of the respondent whereby it denied transfer of a plenary retail consumption license (without broad package privilege) from B.S. & R.C. Corporation to appellants Gennaro Sodano and Ciro Sodano and from premises 908 Main Street to premises 1113-1115 Ocean Avenue, Asbury Park.

In Case #3498 (referred to hereinafter as B.S. & R.C. Corporation) appellant alleges in its petition of appeal that the action of respondent was erroneous because appellant holds a plenary retail consumption license since 1967 and has never had any charges whatsoever preferred against it.

In Case #3499 (referred to hereinafter as Sodanos) appellants allege in their petition of appeal that the action of respondent was erroneous and therefore should be reversed.

Respondent in answers filed in both cases denies that the action of respondent was erroneous and contends that the transfers were denied because "no hardship or necessity was shown for the application" for transfers of the respective licenses.

It appears from the record in the B.S. & R.C. Corporation case that appellant is the holder of a plenary retail consumption license for its present premises at 908 Main Street, in which there is a bar with approximately twenty stools, while the remainder of the barroom is used mainly for the purpose of display and sale of alcoholic beverages in original containers for off-premises consumption. Appellant desires to obtain a plenary retail consumption license (with broad package privilege) so that the bar may, if it so desires, be eliminated.

Councilman Albarelli testified that his reason for voting to deny the transfer of the broad-package license to B.S. & R.C. Corporation was that the latter had a license and did not need another. Moreover, Councilman Albarelli stated that, if it were a situation where the B.S. & R.C. Corporation had no liquor license, he would consider that an economic hardship.

Councilman English voiced similar reasons as Councilman Albarelli for his vote to deny the transfer of the license in question.

Councilman Kramer stated that he opposed the transfer because, when B.S. & R.C. Corporation acquired its present license, it changed the operation of the license from a bar to a package store. He further testified that "within a half a block there was another package store. Within a block and a half there's an additional package store with some bars in the area."

Respondent produced an objector -- one Myron Jeck --- who said he lived "I think about five or six blocks" from the premises of appellant at 908 Main Street, and admitted that the type of license requested to be transferred by appellant would not affect him in any way.

Mayor Mattice testified that he had voted against the motion to deny the transfer and his reasons were as follows:

"Bielefeldt at the present time is located, or has a location, at 707 Mattison Avenue in the City of Asbury Park. He's been in financial difficulties. The store was not opened. He wanted to transfer his license to Martell's Bar because Martell has a package store and a bar combined. And my understanding was Martell did not want the bar because it interfered with his package store business, and so he wanted the broad C. He wanted the broad package license. And there's only one package store -- the package store of Frankel's is the following block. Martell's been operating there some time, also, and operating as a package store. I had in mind, also, the fact that eliminating Bielefeldt, being in financial straits, his license would be transferred to Martell, Martell in turn would eliminate a bar and that would be the elimination of a bar on Main Street, which is sorely needed to eliminate bars, not a package store."

I shall now consider the Sodanos case. Gennaro Sodano (one of the appellants herein) testified that he and his brother Ciro operate a restaurant at 1113-1115 Ocean Avenue, specializing in Italian cuisine; that the restaurant is a new building containing a kitchen, a large dining-room which seats 204 persons; that appellants intend to operate a small bar to accommodate the diners who patronize their establishment, and intend to keep their restaurant open all year around.

Ciro Sodano (the other appellant) corroborated the testimony of his brother Gennaro and, in addition thereto, confirmed the fact that the restaurant should remain open all year and that no licensed premises from Asbury Avenue to the Berkeley-Carteret Hotel (a distance of six blocks) is open during the winter.

Juliet Klein (a waitress employed by the Sodanos since June 1, 1970) testified that during that time many customers leave when they find that no alcoholic beverages are sold in the restaurant.

Julia Bruno (also a waitress employed by Sodanos at their present establishment since January 1970, and who had been employed by them for two years prior thereto at their other restaurant) testified that, when customers ascertained that they could not obtain a drink of alcoholic beverages with their meals, nine out of ten said customers would leave the premises.

Nicholas Mattesich (a local resident) testified that he is a customer of Sodanos but does not patronize the restaurant very often because "with Italian meal I enjoy a good glass of wine. They don't have it."

Edward Carcich (who spends five weeks during the summer in Asbury Park) testified that, although he is a friend of Gennaro Sodano, he does not patronize appellants' restaurant because he enjoys either a cocktail or wine with his food.

Peter Genovese testified that he is president of two clubs and vice president of a service organization, and would like to have banquets at Sodanos' but, because they are unable to serve alcoholic beverages, the said organizations are compelled to have their functions elsewhere.

Mayor Mattice testified that "we have nothing on Ocean Avenue in the dead of the winter. The place is closed through the avenue. If a restaurant being open there, it's good for the public, general public, having something there, especially

weekends when they have no place to go." Another reason given by Mayor Mattice for voting against the motion to deny the transfer is that there is a need for a liquor license at appellants' restaurant which specializes in Italian food. Moreover, the Mayor was impressed with appellants' cooperation in closing an old building which had been unused for many years located to the rear of the new restaurant which, as the Mayor expressed it, was an "eyesore and also a nuisance." Furthermore, he said "any time we can get a business to bring people to Asbury Park and beautify the city, I say yes."

Councilman Albarelli testified that there was no testimony given on behalf of the appellants and "being familiar with the neighborhood I felt that there was an over abundance of licenses during our summer operation." On cross examination Councilman Albarelli testified that he did not know the Sodanos, as the only Sodano he knows is John because "he's a client of mine" and John Sodano operates the DeLorenzo Restaurant. When questioned about DeLorenzo Restaurant being an objector, Councilman Albarelli said, "No, they're not." When further questioned if DeLorenzo Restaurant was not an objector through Delabu Corporation, Councilman Albarelli stated, "I don't have any knowledge of Delabu." When the attorney for appellants attempted to press the matter, Councilman Albarelli said, "On the basis, if your Honor please, of an attorney and a client relationship, and I am an attorney and been a member of this bar for twenty-one years, I mean I do not wish to violate any of my client's rights on that relationship." Councilman Albarelli was then asked the following:

"Q You have been in DeLorenzo's Restaurant, haven't you?

A Yes.

Q And isn't it a fact that the restaurant joins in, it's in the same floor, with Steve Brody's Bar operated by Delabu, all one place, isn't that so?

A I believe so.

Q You believe so. And isn't it a fact that Delabu supplies the cocktails and liquor and wines to the restaurant?

A They've done that for years before we bought it.

Q You admit that?

A I mean I would think so. I know it was done before we even bought it.

Q And isn't it a fact that your client receives remuneration from the operation of this restaurant, and particularly saving the --

A I don't know anything about that.

Q You don't know anything about that?

A No, sir. You would have to ask my client.

Q Is your client here today?

A No. He wasn't subpoenaed. I didn't bring him up.

Q You say he doesn't object to the transfer of this license?

A As far as I know he didn't object at city hall. I know that.

Q Have you asked him whether or not he objects to the transfer of this license from the B.S. & R.C. Corporation to Zi Teresa?

A I haven't gone into it. It's a family affair.

Q You say you haven't gone into it?

A No, sir.

Q Now, sir, how many restaurants are open there in the wintertime on Ocean Avenue?

A What time? I mean, are you talking about the dead of wintertime?

Q Yes, dead of winter.

A Well, Howard Johnson usually opens if there's some affairs. But most of them are closed. Even Vesuvio's and Corrubia's on Lake Avenue is closed."

Councilman Albarelli admitted that in the winter there are no Italian restaurants remaining open in the area of Sodanos' premises.

Councilman English testified that he has been a councilman for five years and he voted to deny appellants' application for the transfer of the license in question; that, although he expressed no opinion at the hearing before respondent, he testified herein that the basis of his vote was there are "enough licenses in the area." Councilman English further stated that, before appellants took over the corner on which the restaurant is located since 1959 when a fire destroyed the premises which had a liquor license, the owners abandoned the place. Councilman English said that he would have no objection to a "service bar only" for Sodanos' patrons whereby beer, wine and cocktails might be served with meals.

Councilman Kramer testified that his reasons for voting to deny transfer of the license to Sodanos was that "it's impossible to move any license without infringing on others. Every area of the city contains licenses almost adjacent to each other."

On cross examination Councilman Kramer testified that he is the owner of a restaurant in a nearby municipality which has a liquor license and, when asked whether an establishment like his could operate without such a license, he said "it would be a little difficult, I would say." Asked further if he "cut out" the liquor license what would happen to his business, Councilman Kramer remarked "I can't use mine as an example. We're talking about a different operation, and I think we should discuss the operation in question." Councilman Kramer said he has never been in Sodanos' restaurant but it was unnecessary for him to make a personal investigation because "I know the area well enough that I didn't have to." When asked, since he has never visited the restaurant, how he can determine if there is need for a liquor license, Councilman Kramer said that it is a matter of his judgment.

George Howard (who is the holder of a liquor license for a bar in Asbury Park and also president of the Asbury Park Licensed Beverage Association) opposed the transfer of the license in question because there are too many licenses in the area. When Howard was questioned about Sodanos' restaurant, he stated that, although he had driven by the establishment, he never took any notice of whether or not it is in a respectable condition. Thereafter he testified that "I know he has a nice restaurant there from what people say. That's all."

The transfer of the plenary retail consumption license (with broad package privilege) to B.S. & R.C. Corporation, which had a consumption license, did not increase the number of licenses in the area. Moreover, the said appellant corporation theretofore had a comparatively small bar in its premises. Thus the acquisition of a license with the extended privilege will make little difference in the operation thereof.

The given reasons for the denials of the respective transfers, i.e., "no hardship or necessity was shown for the application [s]", do not apply in the cases sub judice to warrant

the actions taken by the respondent. Although there is no local requirement that a hardship must exist by those seeking a place-to-place transfer of a license, the only evidence produced was by appellants' witnesses, employees and customers, whose testimony indicated a need for the license at Sodanos' restaurant whereby alcoholic beverages could be sold to customers with their meals.

An examination of the photographs marked in evidence in the Sodanos case, wherein the inside of the restaurant and the outside thereof, shows the appellants' establishment to be an asset to the community. For more than ten years prior to this new building, there was nothing on the site except an old, dilapidated building which was described by Mayor Mattice as an "eyesore" and also a "nuisance."

Another feature which must be considered is that the Sodanos will remain open for the accommodation and convenience of customers in the wintertime when many other restaurants are closed.

As was stated in Common Council of Hightstown v. Hedy's Bar, 86 N.J. Super. 561 (at pp. 562-3):

"The standards of review controlling the Director and the court on appeal are set out in Borough of Fanwood v. Rocco, 33 N.J. 404 (1960), affirming 59 N.J. Super. 306 (App.Div. 1960). The court there pointed out that under New Jersey's system of liquor control the municipality has the original power to pass on an application for an alcoholic beverage license or the transfer thereof. However, its action is subject to appeal to the Director of the Alcoholic Beverage Control Division. On such appeal the Director conducts a de novo hearing 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. *** However, where the municipal action was unreasonable *** or improperly grounded *** the Director will grant such relief or take such action as is appropriate. *** On judicial review, the court will generally accept the Director's factual findings *** and not interfere with his action so long as it was not unreasonable or illegally grounded. ***'"

I am satisfied from an examination of the entire record relative to the cases now under consideration that the action of respondent was arbitrary, unreasonable and an abuse of discretion in denying both transfers in question. Under the circumstances I recommend that the action of respondent in each case be reversed.

I further recommend that, in the Sodanos case, they be limited to a service bar to be used solely for the purpose of serving alcoholic beverages to their customers to consume such drinks with their meals.

Conclusions and Order

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

I have carefully considered the entire record herein, including the transcript of the testimony, and the Hearer's report. I concur in the findings of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 13th day of October 1970,

ORDERED that the actions of the respondent in both cases herein be and the same are hereby reversed; and it is further

ORDERED that the respondent be and the same is hereby directed (in Case #3498) to grant the application for transfer of a plenary retail consumption license (with broad package privilege) from Kurt H. Bielefeldt to the appellant, B.S. & R.C. Corporation, and from premises 707 Mattison Avenue to premises 908 Main Street, Asbury Park, in accordance with the application filed therefor; and it is further

ORDERED that (in Case #3499) the respondent be and the same is hereby directed to grant the application for transfer of a plenary retail consumption license (without broad package privilege) from B.S. & R.C. Corporation to appellants Gennaro Sodano and Ciro Sodano and from premises 908 Main Street to premises 1113-1115 Ocean Avenue, Asbury Park, in accordance with the application filed therefor, subject, however, to the express condition that the said license shall be limited to the operation of a service bar, to be used solely for the purpose of serving alcoholic beverages to their customers for consumption with their meals.

RICHARD C. McDONOUGH
DIRECTOR

2. APPELLATE DECISIONS - SVENTY and WILSON, INC. v. POINT PLEASANT BEACH - AMENDED ORDER.

SVENTY and WILSON, INC.,)
t/a "FRANK'S RIP TIDE BAR",)
Appellant,)

v.)

ON APPEAL
AMENDED
ORDER

MAYOR and BOROUGH COUNCIL OF)
THE BOROUGH OF POINT PLEASANT)
BEACH,)
Respondent.)

Arthur J. Sabatino, Esq., Attorney for Appellant
Harold Feinberg, Esq., Attorney for Respondent

BY THE DIRECTOR:

On August 31, 1970 a Supplemental Order was entered herein reimposing the suspension of said license contained in the prior order entered on July 13, 1970 (Sventy and Wilson, Inc. v. Point Pleasant Beach, Bulletin 1930, Item 1) and fixing the

effective dates of suspension commencing on Monday, August 24, 1970 and terminating on Friday, October 23, 1970. Sventy & Wilson, Inc. v. Point Pleasant Beach, Bulletin 1938, Item 6.

It now appears from a letter of the attorney for the appellant dated September 1, 1970 and verified by a letter dated October 2, 1970 from Harold M. Leard, Chief of Police of Point Pleasant Beach, that five days of the suspension were actually served by the licensee prior to the effectuation of the stay of the Director's July 13, 1970 order by order of the Appellate Division of the Superior Court dated July 24, 1970. Hence, the appellant should receive credit for the five days suspension theretofore served.

Accordingly, it is, on this 13th day of October 1970,

ORDERED that the order entered herein on August 31, 1970 be and the same is hereby amended as follows:

ORDERED that Plenary Retail Consumption License C-14, issued by the Mayor and Borough Council of the Borough of Point Pleasant Beach to Sventy and Wilson, Inc., t/a "Frank's Rip Tide Bar", for premises Central Avenue & Boardwalk, Point Pleasant Beach, be and the same is hereby suspended for the fifty-five days balance of the sixty (60) days suspension heretofore imposed, commencing at 2 p.m. Monday, August 24, 1970 and terminating at 2 p.m. Sunday, October 18, 1970.

RICHARD C. McDONOUGH
DIRECTOR

- 3. DISCIPLINARY PROCEEDINGS - SOLICITATION FOR PROSTITUTION - AGGRAVATING CIRCUMSTANCES - HOSTESS ACTIVITY - POSSESSING INDECENT OBJECT ON PREMISES - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 270 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

POODLE CLUB, INC.
24 William Street
Newark, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-649 (for 1969-70 and 1970-71 license periods), issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

George R. Sommer, Esq., Attorney for Licensee
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on May 19-20, 1970 it permitted solicitation for prostitution on the licensed premises, in violation of Rule 5 of State Regulation No. 20, (2) on May 5-6, May 13-14 and May 19-20, 1970 it permitted female entertainers to drink at the expense of male patrons, in violation of Rule 22 of State Regulation No. 20, and (3) on May 20, 1970 it possessed an indecent object on the licensed

premises, in violation of Rule 17 of State Regulation No. 20.

Licensee has a previous record of three suspensions of license by the Director (1) for twenty days, effective July 2, 1963 for sales to minors, (2) for sixty-five days, effective December 1, 1964 for permitting acceptance of horse race and numbers bets, and (3) for one hundred days, effective August 12, 1968 for permitting solicitation for prostitution. Re Poodle Club, Inc., Bulletins 1525, Item 5, 1596, Item 2, and 1813, Item 3.

With respect to the first charge herein, were it established that a corporate member or employee had actually procured the female to engage in sexual intercourse, the license would be revoked. Re Merjack Corporation, Bulletin 998, Item 1 and cases therein cited. The proof herein just falls short of establishing such procurement, but nevertheless warrants the charge being deemed aggravated. The minimum penalty for a first offense of an aggravated offense of this kind is suspension of the license for one hundred twenty days (Re Chaika, Bulletin 1284, Item 1 and Re Weiner, Bulletin 1309, Item 2) and where, as here, there is a second similar offense of permitting solicitation for prostitution on the licensed premises within a period of five years, the penalty is doubled (cf. Re O.K. Corral, Inc., Bulletin 1718, Item 2), thus making the suspension on the first charge two hundred forty days, to which will be added twenty days on the second charge (Re Saulen, Inc., Bulletin 1861, Item 10), and ten days on the third charge (Re Tennaro & Mackin, Bulletin 1272, Item 6), or a total of two hundred seventy days with remission of five days for the plea entered, leaving a net suspension of two hundred sixty-five days. (The suspensions of license for dissimilar violation in 1963 and 1964 have not been considered in admeasuring the penalty since they occurred more than five years ago.)

In addition, licensee is pointedly warned that any future violation and in particular any similar violation of the first charge herein may well result in outright revocation of the license.

Accordingly, it is, on this 8th day of October, 1970,

ORDERED that Plenary Retail Consumption License C-649, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Poodle Club, Inc., for premises 24 William St., Newark, be and the same is hereby suspended for the balance of its term, viz., until midnight, June 30, 1971, commencing at 2:00 a.m. Thursday, October 22, 1970; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2:00 a.m. Wednesday, July 14, 1971.

RICHARD C. McDONOUGH
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
Labeled - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 3 D Tavern, A Corp.
 t/a 3 D Tavern
 468 Market Street
 Paterson, N. J.
 Holder of Plenary Retail Consumption License C-239, issued by the Board of Alcoholic Beverage Control for the City of Paterson.

CONCLUSIONS
AND ORDER

Licensee, by Albert DePalma, President, Pro se.
Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 7, 1970, it possessed alcoholic beverages in thirteen 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 forty-five days, with remission of five days for the plea entered, leaving a net suspension of forty days. Re Wilio, Incorporated, Bulletin 1881, Item 6.

Accordingly, it is, on this 8th day of October, 1970,

ORDERED that Plenary Retail Consumption License C-239, issued by the Board of Alcoholic Beverage Control for the City of Paterson to 3 D Tavern, A Corp., t/a 3 D Tavern, for premises 468 Market Street, Paterson, be and the same is hereby suspended for forty (40) days, commencing at 3:00 a.m. Thursday, October 22, 1970, and terminating at 3:00 a.m. Tuesday, December 1, 1970.

RICHARD C. McDONOUGH
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

SALVATORE J. SCAVONE & GRACE SCAVONE)

t/a Gracie's Bar East Side of U.S. Route #1, near Eastside Avenue Edison Township, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-1 (for 1969-70 license period) and C-21 (for 1970-71 license period), issued by the Municipal Council of the Township of Edison.)

Cohen and Cohen, Esqs., by Norman A. Cohen, Esq., Attorneys for Licensee.
Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on May 3, 1970, they sold containers of beer to a minor, age 15, in violation of Rule 1 of State Regulation No. 20.

Licensees have a previous record of suspension of license by the Director for two hundred days, effective November 27, 1959, for permitting immoral activity (renting of rooms for purpose of illicit sexual intercourse), possessing prophylactics against venereal disease, selling alcoholic beverages beyond scope of the license, viz., drinks by the glass for off-premises consumption, and sale of alcoholic beverages in original containers for off-premises consumption during prohibited hours. Re Scavone, Bulletin 1316, Item 2.

The prior record of suspension of license for dissimilar violation occurring more than five years ago disregarded, the license will be suspended for thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days. Re Hillcrest Inn, Inc., Bulletin 1734, Item 6.

Accordingly, it is, on this 9th day of October, 1970,

ORDERED that Plenary Retail Consumption License C-21, issued by the Municipal Council of the Township of Edison to Salvatore J. Scavone & Grace Scavone, t/a Gracie's Bar, for premises East Side of U. S. Route #1, near Eastside Avenue, Edison Township, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m. Monday, October 26, 1970, and terminating at 2:00 a.m. Friday, November 20, 1970.

RICHARD C. McDONOUGH
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SUPPLEMENTAL ORDER.

In the Matter of Disciplinary Proceedings against)

2705 Pacific Corporation)
t/a Haunted House)
2705 Pacific Avenue)
Atlantic City, New Jersey)

SUPPLEMENTAL ORDER

Holder of Plenary Retail Consumption License C-136, issued by the Board of Commissioners of the City of Atlantic City.)

Edwin H. Helfant, Esq., Attorney for Licensee.
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

On July 29, 1970 an order was entered herein suspending the license for twenty days after finding the licensee guilty of employing a person who had been convicted of crime involving moral turpitude, said employment being in violation of Rule 1 of State Regulation No. 13. Re 2705 Pacific Corporation, Bulletin 1936, Item 4.

Prior to the effectuation of the said suspension, upon appeal filed the Appellate Division of the Superior Court stayed the operation of the suspension pending the outcome of the appeal. By order dated October 5, 1970, the court dismissed the said appeal with prejudice by consent of the parties. Accordingly, the suspension may now be reimposed.

It is, therefore, on this 9th day of October 1970,

ORDERED that Plenary Retail Consumption License C-136, issued by the Board of Commissioners of the City of Atlantic City to 2705 Pacific Corporation, t/a Haunted House, for premises 2705 Pacific Avenue, Atlantic City, be and the same is hereby suspended for twenty (20) days, commencing at 7 a.m. Tuesday, October 27, 1970, and terminating at 7 a.m. Monday, November 16, 1970.

RICHARD C. McDONOUGH
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - PURCHASE FROM RETAILER - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 FORTUNA CLUB, INC.
 t/a Meadow Club
 579-581 Jackson Avenue
 Elizabeth, N. J.
 Holder of Plenary Retail Consumption License C-220, issued by the City Council of the City of Elizabeth.

CONCLUSIONS AND ORDER

Licensee, by Philip Cotroneo, President, Pro se
 Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on divers dates between November 10, 1969 and September 11, 1970 it purchased alcoholic beverages from other retailers, in violation of Rule 15 of State Regulation No. 20.

Licensee has a previous record of suspensions of license (1) by the municipal issuing authority for ten days effective November 4, 1968 for sale to a minor, and (2) by the Director for twenty-five days effective August 7, 1969 for sales during prohibited hours and below filed price. Re Fortuna Club, Inc., Bulletin 1880, Item 5.

The license will be suspended on the charge herein for fifteen days (Re Club 339, Inc., Bulletin 1881, Item 11), to which will be added ten days by reason of the record of the two suspensions of license for dissimilar violation within the past five years (Re Nazario, Bulletin 1840, Item 5), or 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 October 1970,

ORDERED that Plenary Retail Consumption License C-220, issued by the City Council of the City of Elizabeth to Fortuna Club, Inc., t/a Meadow Club, for premises 579-581 Jackson Avenue, Elizabeth, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Thursday, October 15, 1970, and terminating at 2 a.m. Wednesday, November 4, 1970.

RICHARD C. McDONOUGH
 DIRECTOR

8. DISCIPLINARY PROCEEDINGS - AMENDED ORDER.

In the Matter of Disciplinary Proceedings against)

FORTUNA CLUB, INC.)
t/a Meadow Club)
579-581 Jackson Avenue)
Elizabeth, N. J.)

AMENDED
ORDER

Holder of Plenary Retail Consumption License C-220, issued by the City Council of the City of Elizabeth.)

Licensee, by Philip Cotroneo, President, Pro se
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

On October 13, 1970 I entered an order herein suspending the said license for twenty days commencing October 15, 1970 and terminating November 4, 1970. Re Fortuna Club, Inc., Bulletin 1942, Item 7.

I have this day been advised by the Clerk of the municipal issuing authority that the said premises are closed and are not now in actual operation. Thus no effective penalty can be imposed at this time; therefore, the said order will be vacated and the effective dates of the suspension will be fixed by entry of a further order herein after the operation of the licensed business has been fully resumed on a substantial basis by the licensee or any transferee of the license (cf. Re Ernie's Nest, Inc., Bulletin 1911, Item 6).

Accordingly, it is, on this 19th day of October 13, 1970 be and the same is hereby amended as follows:

ORDERED that Plenary Retail Consumption License C-220, issued by the City Council of the City of Elizabeth to Fortuna Club, Inc., t/a Meadow Club, for premises 579-581 Jackson Avenue, Elizabeth, be and the same is hereby suspended for twenty (20) days, the effective dates of such suspension to be fixed by further order as aforesaid.

RICHARD C. McDONOUGH
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
WOODSTOCK II, INC.)
t/a Woodstock II)
181-183 So. South Carolina Avenue)
Atlantic City, N. J.)

Holder of Plenary Retail Consumption License C-227, issued by the Board of Commissioners of the City of Atlantic City and extended during the pendency of these proceedings to)

CONCLUSIONS AND ORDER

BERTRAM M. SAXE, Receiver in aid of execution of Woodstock II, Inc., t/a Woodstock II,)

for the same premises.

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Oshtry and Miller, Esqs., by Norman A. Oshtry, Esq., Attorneys for licensee
Francis P. Meehan, Jr., Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 8, 1970 it sold drinks of beer to four minors, two eighteen and two twenty years of age, in violation of Rule 1 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. Cf. Re Cochrane, Bulletin 1690, Item 5.

However, it appearing that the licensed business has been discontinued and that no business is presently being conducted under the license, no effective penalty can be imposed at this time. Hence, the effective dates for the suspension will be fixed by entry of a further order herein after the operation of the licensed business has been fully resumed on a substantial basis by the licensee or any transferee of the license.

Accordingly, it is, on this 9th day of October 1970,

ORDERED that Plenary Retail Consumption License C-227, issued by the Board of Commissioners of the City of Atlantic City to Woodstock II, Inc., t/a Woodstock II, for premises 181-183 So. South Carolina Avenue, Atlantic City, and extended during the pendency of these proceedings to Bertram M. Saxe, Receiver in aid of execution of Woodstock II, Inc., t/a Woodstock II, for the same premises, be and the same is hereby suspended for fifteen (15) days, the effective dates of such suspension to be fixed by further order as aforesaid.

RICHARD G. McDONOUGH
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)	
)	
OLD PHILADELPHIA HOUSE, INC.)	CONCLUSIONS
t/a Old Philadelphia House)	AND ORDER
224 E. Burk Avenue)	
Wildwood, N. J.)	
Holder of Plenary Retail Consumption License C-15, issued by the Board of Commissioners of the City of Wildwood.)	

Licensee, by Arlene Logue, Secretary, Pro se.
Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on July 1, 1970, it possessed alcoholic beverages in two 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 fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re The Willowbrook Inn, Inc., Bulletin 1919, Item 11.

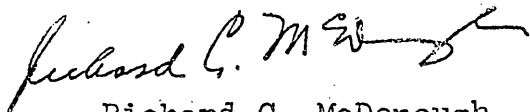
Accordingly, it is, on this 13th day of October 1970,

ORDERED that Plenary Retail Consumption License C-15, issued by the Board of Commissioners of the City of Wildwood to Old Philadelphia House, Inc., t/a Old Philadelphia House, for premises 224 E. Burk Avenue, Wildwood, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Monday, October 19, 1970, and terminating at 3:00 a.m. Thursday, October 29, 1970.

RICHARD C. McDONOUGH
DIRECTOR

11. STATE LICENSES - NEW APPLICATION FILED.

Federal Distillers, Inc.
15 Monsignor O'Brien Highway
Cambridge, Mass.
Application filed November 23, 1970 for a Plenary Wholesale License.


Richard C. McDonough
Director