

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

BULLETIN 1958

March 18, 1971

TABLE OF CONTENTSITEM

1. DISCIPLINARY PROCEEDINGS (Newark) - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.
2. DISCIPLINARY PROCEEDINGS (Newark) - FALSE ANSWERS IN APPLICATION - FRONT - FAILURE TO KEEP BOOKS OF ACCOUNT - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.
3. DISCIPLINARY PROCEEDINGS (Southampton Township) - SALE DURING PROHIBITED HOURS - SALE TO MINOR - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
4. DISCIPLINARY PROCEEDINGS (Hanover Township) - SALE TO MINORS - LICENSE SUSPENDED FOR 20 DAYS.
5. DISCIPLINARY PROCEEDINGS (Vineland) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Paterson) - PURCHASE FROM RETAILER - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (Atlantic City) - FAILURE TO KEEP EMPLOYEES RECORD ON LICENSED PREMISES - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA - EFFECTIVE DATES OF SUSPENSION DEFERRED.
8. DISCIPLINARY PROCEEDINGS (Bogota) - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (Garfield) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Passaic) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (Newark) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
12. DISCIPLINARY PROCEEDINGS (Perth Amboy) - SALE TO MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

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

BULLETIN 1958

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

In the Matter of Disciplinary )  
Proceedings against )

CENTER MARKET BAR & GRILL, INC. )  
94 Mulberry St. )  
Newark, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )  
License C-431, issued by the Municipal )  
Board of Alcoholic Beverage Control of )  
the City of Newark. )

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William Osterweil, Esq., Attorney for Licensee  
Francis P. Meehan, Jr., Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on September 4, 11 and 14, 1970 it permitted the acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for fifteen days effective August 15, 1949 for permitting a brawl on the licensed premises. Center Market Bar & Grill, Inc. v. Newark, Bulletin 851, Item 3.

This previous record of suspension of license for dissimilar violation disregarded since occurring more than five years ago (Re Tom's Cafe & Tavern, Inc., Bulletin 1940, Item 6), and for the further reason of intervening change of stockholders (Re James Place Corporation, Bulletin 1918, Item 4), 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 Tom's Cafe & Tavern, Inc., supra.

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

ORDERED that Plenary Retail Consumption License C-431, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Center Market Bar & Grill, Inc., for premises 94 Mulberry Street, Newark, be and the same is hereby suspended for fifty-five (55) days, commencing at 2 a.m. Friday, February 5, 1971, and terminating at 2 a.m. Thursday, April 1, 1971.

RICHARD C. McDONOUGH  
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - FALSE ANSWERS IN APPLICATION - FRONT - FAILURE TO KEEP BOOKS OF ACCOUNT - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against G.E.L.L., Inc. (Corp.) 43-A Branford Place Newark, N. J., Holder of Plenary Retail Consumption License C-732, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

CONCLUSIONS and ORDER

Herrmann and Blasi, Esqs., by Anthony C. Blasi, Esq., Attorneys for Licensee Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to the following charges:

- "1. In your application filed May 29, 1969 with the Municipal Board of Alcoholic Beverage Control of the City of Newark and upon which you obtained your current plenary retail consumption license, in answer to Question No. 21, you listed Lee Vandus Spencer, Loretta Spencer and Elaine Patricco as holders of 2%, 1% and 97%, respectively, of your issued and outstanding stock, and falsely stated 'No' in answer to Question No. 22, which asks: 'Has any corporation, partnership, association or individual other than the stockholders hereinbefore set forth any beneficial interest, directly or indirectly, in the stock held by said stockholders?', whereas in truth and fact Charles C. Powell had such an interest in that he was the real and beneficial owner of all of the said stock listed in the names of Lee Vandus Spencer, Loretta Spencer and Elaine Patricco; said false statements, representations, evasions and suppression of material facts being in violation of R.S. 33:1-25.
"2. In your aforesaid application, you falsely stated 'No' in answer to Question No. 30, which asks: 'Has the applicant agreed to permit any person to receive, or agreed to pay to any employee or other persons (by way of rent, salary or otherwise), all or any portion or percentage of the gross or net profits or income derived from the business to be conducted under the license applied for?', whereas in truth and fact you had agreed to permit the said George C. Powell to retain all of the profits and income from your licensed business; said false statement, misrepresentation, evasion and suppression of a material fact being in violation of R.S. 33:1-25.
"3. From on or about December 2, 1968 until the present, you employed and had connected with you in a business capacity a person interested, directly or indirectly, in

the wholesaling of alcoholic beverages, viz., the aforesaid George C. Powell, holder of a solicitor's permit for employment by F & A Distributing Company, holder of a plenary wholesale license; in violation of Rule 29 of State Regulation No. 20.

- "4. From on or about December 2, 1968 to date, you knowingly aided and abetted the said George C. Powell to exercise, contrary to R.S. 33:1-26, the rights and privileges of your successive plenary retail consumption licenses; in violation of R.S. 33:1-52.
- "5. From on or about December 2, 1968 to date, you failed to have and keep a true book or books of account in connection with the operation and conduct of your licensed business, viz., a record of all monies received, a record of the source of all monies received other than in the ordinary course of business, and a record of all monies expended from such receipts and the names of the persons receiving such monies and the purpose for which such expenditures were made; in violation of Rule 36 of State Regulation No. 20."

The facts are sufficiently set forth in the quoted charges when there is added the fact to charges 1, 2 and 4 that George C. Powell, named therein, then holder of a solicitor's permit for employment by F. & A. Distributing Company, a plenary wholesale licensee, was not only ineligible to be employed by a retail licensee (charge 3) but also to have any interest, directly or indirectly, in the retailing of alcoholic beverages. R.S. 33:1-43.

During the pendency of these proceedings, by letter dated July 16, 1970, F. & A. Distributing Company notified this Division that the services of George C. Powell had been terminated and, by order entered November 2, 1970, the Director cancelled Powell's solicitor's permit effective immediately (Re Powell, Bulletin 1946, Item 7), in consequence of which the unlawful situation has been corrected.

Licensee has a previous record of suspension of license by the Director for fifteen days effective April 27, 1970, for hindering an investigation. G.E.L.L. Inc. (Corp.) v. Newark, Bulletin 1911, Item 1.

This record of suspension of license disregarded because imposed subsequent to the occurrence of the violation herein (Re Getcliffe, Inc., Bulletin 1911, Item 9), the license will be suspended on charges 1, 2, 3 and 4 for thirty days, and on charge 5 for ten days (Re O.K. Corral Inc., Bulletin 1832, Item 6), or a total of forty days, with remission of five days for the plea entered, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 15th day of January 1971,

ORDERED that Plenary Retail Consumption License C-732, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to G.E.L.L., Inc. (Corp.), for premises 43-A Branford Place, Newark, be and the same is hereby suspended for thirty-five (35) days, commencing at 2 a.m. Friday, January 29, 1971, and terminating at 2 a.m. Friday, March 5, 1971.

RICHARD C. McDONOUGH  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against Leffler Hob N Nob Tavern, Inc. #206 Southampton Township PO Vincentown, N. J., Holder of Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Southampton.

CONCLUSIONS and ORDER

Licensee, by Peter G. Leffler, President, Pro se Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to the following charges:

- "1. On Sunday, September 20, 1970, between 3:40 P.M. and 4:00 P.M., you sold, served, delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages on your licensed premises; in violation of Section 4 B of an Ordinance adopted by the Township Committee of the Township of Southampton on August 15, 1961. "2. On October 17, 1970, you sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., Carmen ---, age 18; in violation of Rule 1 of State Regulation No. 20."

Absent prior record, the license will be suspended on the first charge for fifteen days (Re Schoell's Tavern, Inc., Bulletin 1893, Item 2), and on the second charge for fifteen days (Re H.W.J. Tavern Corporation, Bulletin 1939, Item 10), or a total of thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days.

Accordingly, it, on this 13th day of January 1971,

ORDERED that Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Southampton to Leffler Hob N Nob Tavern, Inc., for premises #206, Southampton, be and the same is hereby suspended for twenty-five (25) days, commencing at 2 a.m. Thursday, January 28, 1971, and terminating at 2 a.m. Monday, February 22, 1971.

RICHARD C. McDONOUGH DIRECTOR

+. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 20 DAYS.

In the Matter of Disciplinary Proceedings against )

Anthony Grumka )  
t/a Tony's )  
1003 Route 10 )  
Hanover Township )  
PO Whippany, N. J., )

CONCLUSIONS and ORDER

Holder of Plenary Retail Consumption License C-1, issued by the Township Committee of Hanover Township. )

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Skoloff & Wolfe, Esqs., by Saul A. Wolfe, Esq., Attorneys for Licensee Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charge:

"On December 6, 1969, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years, viz., Arlene ---, age 17, and Marie ---, age 17, and allowed permitted and suffered the consumption of alcoholic beverages by such persons in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20."

The following account was woven through the testimony of the Division's witnesses: On December 6, 1969, Arlene --- (born on March 16, 1952) drove her motor vehicle to the home of Marie --- (born on February 13, 1952) and Marie's younger sister, Joanne, who was fifteen on the date of this incident. Marie and Joanne entered Arlene's automobile and they drove to the home of Marie's brother in Morris Plains.

After remaining there for a while they left and drove around in the vicinity of the subject premises. Upon arriving at the subject premises, Arlene drove her vehicle into a parking lot at the rear of the said premises; Marie and Arlene left the motor vehicle and entered the premises. Joanne remained in the car.

Arlene testified that when they entered the tavern, she and Marie sat at the bar, ordered and were served beers. After consuming the said beers they each purchased a six-pack of Schaefer beer from the bartender on duty at that time. No inquiry was made of them as to their age, nor were these two seventeen-year old minors requested or required to make any

written representation with respect thereto.

They left the premises and returned to the car. Joanne, who was in the car, recalled that both girls entered the premises empty handed and that each girl carried a six-pack of beer as they re-entered the vehicle. The three females were seated in the front seat of the car, and the three minors consumed some of the beer.

Sometime later that evening, this vehicle was involved in a tragic accident, as the result of which Marie was killed and Joanne and Arlene sustained serious head and bodily injuries. In fact, Arlene stated that she was in shock for at least one week following the accident.

Arlene maintained that this was the first time that she had ever entered the subject premises, and she could not remember who was employed as a bartender on that evening; however, she was certain that he was a white male. She also recalls that the patrons in the premises at that time were predominantly male.

The age of Marie was verified by her father who testified that she was born on February 13, 1952. He also identified a photograph of his deceased daughter.

As a result of an investigation of the aforementioned accident by local police the matter was reported to this Division and ABC agents D and Z were assigned to make a further investigation of the alleged sale of intoxicating beverages to these minors.

Agent D testified that in furtherance of his assignment, in the company of agent Z, he visited the home of Joanne and questioned her and her father. At his request, Joanne led him to the premises and showed him where Arlene's car was parked at the time that Arlene and Marie entered the said premises.

Agent Z corroborated the testimony of Agent D and added that because of Joanne's injuries at the time of their interrogation they did not obtain a written statement from her. Of course, since Joanne was not in the premises at the time of the alleged sale, she could disclose no further facts to them other than that she witnessed the two minors enter the tavern and return with two six-packs of beer.

James F. Pillion, Jr., testifying on behalf of the licensee stated that he was the bartender on duty on the night of the date alleged herein. He denied that either of the minors were in this tavern and were served alcoholic beverages: "It's possible that she (Arlene) could have passed through, but to my knowledge I never saw her in that tavern that night."

He explained that they cater mostly to a racially mixed patronage and that it is unusual for unaccompanied females to patronize this establishment. He asserted that he knew Arlene, since she was an acquaintance of his stepdaughters. Although he had not seen her for several years prior to the date alleged herein, he would have remembered if she had been in these premises.

On cross examination he admitted that this tavern does have Schaefer's beer in six-packs for sale. He also acknowledged that Arlene does not have any grievance against him nor did he ever have any argument with her at any time.

Anthony Grumka, the licensee, stated that shortly after he acquired the licensed premises he changed the sign on the

outside from "George's" to "Tony's". He further insisted that the girls must have been mistaken when they stated that they visited the premises known as "George's". However, he admitted that he was not present on the date and time alleged herein, and therefore could not say whether or not these minors were served therein.

In adjudicating this matter, we are guided by the long established principle that disciplinary proceedings against liquor licensees are civil in nature, and not criminal, and require proof by a preponderance of the believable evidence only. Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373 (1956); Freud v. Davis, 64 N.J. Super. 242 (App.Div. 1960).

Since the testimony sub judice presents a sharp factual conflict, the credibility of witnesses must be weighed. Evidence, to be believed, must not only proceed from the mouths of credible witnesses but must be credible in itself, and must be such as common experience and observation of mankind can approve as probable in the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super 1 (App.Div. 1961).

I have had an opportunity to observe the demeanor of the witnesses as they testified and, in view of the testimonial conflict, I have made a careful analysis and evaluation thereof. I am imperatively persuaded that the version given by Arlene had a substantial ring of truth with respect to her visit to, and purchase and consumption of alcoholic beverages, at the said licensed premises. Although Arlene could not remember some of the details, particularly with respect to the physical appearance of the bartender (due undoubtedly to the traumatic effects of the automobile accident) she was unshaken in her primary inculpatory testimony under skillful cross examination.

Furthermore, the testimony of Joanne, the fifteen-year old sister of the deceased minor, was a forthright recital which was sincere and unequivocal, and corroborated in vital aspects, the testimony of Arlene.

The attorney for the licensee has moved that these charges herein be dismissed because of the delay on the part of the Division in instituting the same and in bringing this matter to trial.

The attorney for the Division explained, however, that the initial investigation was made by local police over a period of several months, and they did not bring this matter to the attention of this Division for some time.

While the delay is regrettable, there is no merit to the contention of the licensee that the Division was guilty of laches or that the licensee has been unduly prejudiced. In any event, the Alcoholic Beverage Law does not contain any time limit within which disciplinary proceedings may be brought. Re Bernstein v. Paterson, Bulletin 1356, Item 1; Re Kinney Club, Inc., Bulletin 502, Item 7; See McCarter, Atty.-Gen. v. Lehigh Valley R.R. Co., 78 N.J. Eq. 346, 364. I therefore recommend that the motion be denied.

Since the licensee has denied the sale, there is no need to refer to the provisions of the statute and the rules of this Division with respect to the requirements for a complete defense to the sale to minors.

It should be noted, parenthetically, that the tragic incident which resulted in the death of this minor and which may have well been caused in part by their consumption of alcoholic beverages dramatically demonstrates that the regulations of this Division to the effect that no licensee shall permit any minor to be served or consume any alcoholic beverages was not intended to benefit minors alone, but was intended for the protection of members of the general public as well. R.S. 33:1-77; Cf. Rappaport v. Nichols, 31 N.J. 188. The prevention of sales of intoxicating liquors to minors not only justifies, but necessitates the most rigid control. Hudson Bergen County Retail Liquor Stores Association et al. v. Hoboken et al., 135 N.J.L. 502 (1947); In re Schneider, 12 N.J. Super. 449, 456.

I conclude that a fair evaluation of the totality of the evidence clearly preponderates in favor of a finding of guilt, and I so recommend.

Licensee has no prior adjudicated record. It is, further, recommended that the license be suspended for twenty days. Re Naegele, Bulletin 1939, Item 12.

#### Conclusions and Order

No exceptions to the Hearer's report were filed pursuant to Rule 6 of State Regulation No. 16.

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

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

ORDERED that Plenary Retail Consumption License C-1, issued by the Township Committee of the Township of Hanover to Anthony Grumka, t/a Tony's, for premises 1003 Route 10, Hanover, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Thursday, January 28, 1971, and terminating at 2 a.m. Wednesday, February 17, 1971.

RICHARD C. McDONOUGH  
DIRECTOR

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

In the Matter of Disciplinary )  
Proceedings against )

BUD'S THREE OAKS, INC. )  
t/a Bud's Three Oaks )  
136 Chestnut Avenue )  
Vineland, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )  
License C-23, issued by the City )  
Council of the City of Vineland. )

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Adamo & Pagliughi, Esqs., by Martin L. Pagliughi, Esq., Attorneys  
for Licensee  
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 21, 1970 it possessed alcoholic beverages in two bottles which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for twenty-five days effective May 11, 1970 for sales of bottles of beer to a minor and for off-premises consumption during prohibited hours. Re Bud's Three Oaks, Inc., Bulletin 1911, Item 10.

The prior record of suspension of license for dissimilar violation occurring within the past five years considered, 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 Ward, Bulletin 1898, Item 7.

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

ORDERED that Plenary Retail Consumption License C-23, issued by the City Council of the City of Vineland to Bud's Three Oaks, Inc., t/a Bud's Three Oaks, for premises 136 Chestnut Avenue, Vineland, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Monday, January 25, 1971, and terminating at 2 a.m. Tuesday, February 9, 1971.

RICHARD C. McDONOUGH  
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - PURCHASE FROM RETAILER - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against	)	
	)	
HOLIDAY LOUNGE, INC.	)	CONCLUSIONS
t/a Sportsman's Cafe	)	AND ORDER
183-185 Paterson Street	)	
Paterson, N. J.	)	
Holder of Plenary Retail Consumption License C-58, issued by the Board of Alcoholic Beverage Control for the City of Paterson.	)	

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 Evans, Hand, Allabough & Amoresano, Esqs., by Brian J. McGrievy, Esq., Attorneys for Licensee  
 Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on divers dates between June 29, 1970 and September 17, 1970, it purchased alcoholic beverages from other retailers, in violation of Rule 15 of State Regulation No. 20.

While licensee-corporation has no previous record of violations, a license held by Frank Carnevale and Louis Lembo (the latter a ninety-eight per cent. stockholder of licensee-corporation) for premises 6 Charles Street, Lodi, was suspended by the Director for twenty days effective October 25, 1960 for sales to a minor. Re Carnevale and Lembo, Bulletin 1366, Item 5.

This prior record of suspension for dissimilar violation occurring more than five years ago disregarded, 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 Club 339, Inc., Bulletin 1881, Item 11.

Accordingly, it is, on this 18th day of January 1971,

ORDERED that Plenary Retail Consumption License C-58, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Holiday Lounge, Inc., t/a Sportsman's Cafe, for premises 183-185 Paterson Street, Paterson, be and the same is hereby suspended for ten (10) days, commencing at 3 a.m. Monday, February 1, 1971, and terminating at 3 a.m. Thursday, February 11, 1971.

RICHARD C. McDONOUGH  
 DIRECTOR

7. DISCIPLINARY PROCEEDINGS - FAILURE TO KEEP EMPLOYEES RECORD ON LICENSED PREMISES - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA - EFFECTIVE DATES OF SUSPENSION DEFERRED.

In the Matter of Disciplinary Proceedings against  
 ROY DAVE ENTERPRISES (CORP.)  
 t/a Fort Pitt Cafe  
 170 South New York Avenue  
 Atlantic City, N. J.

CONCLUSIONS  
 AND ORDER

Holder of Plenary Retail Consumption License C-73, issued by the Board of Commissioners of the City of Atlantic City.

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on July 15, 1970 it conducted its licensed business without keeping on the licensed premises a requisite list of persons employed thereon, in violation of Rule 16(c) of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Club 232 Inc., Bulletin 1928, Item 5.

Reports of recent inspections disclose that the licensed business, since the end of the summer season of 1970, has been conducted, if at all, only on a minimal basis. Thus no effective penalty can be imposed at this time. Hence the effective dates for the suspension will be fixed by the entry of a further order herein after the operation of the licensed business shall have been fully resumed on a substantial basis.

Accordingly, it is, on this 18th day of January 1971,

ORDERED that Plenary Retail Consumption License C-73, issued by the Board of Commissioners of the City of Atlantic City to Roy Dave Enterprises (Corp.) t/a Fort Pitt Cafe, for premises 170 South New York Avenue, Atlantic City, be and the same is hereby suspended for five (5) days, the effective dates of such suspension to be fixed by further order, as aforesaid.

RICHARD C. McDONOUGH  
 DIRECTOR

8. DISCIPLINARY PROCEEDINGS - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

HARMONY PUB, INC. )  
t/a P. J.'s Plum )  
20 East Fort Lee Road )  
Bogota, N. J. )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-5, issued by the Borough Council of the Borough of Bogota. )

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Licensee, by Peter Van Lindenburg, President, Pro se  
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to the following charge:

"From on or about January 15, 1970 to date, you failed to facilitate and hindered and delayed and caused the hindrance and delay of an investigation of your licensed business by personnel of the Division of Alcoholic Beverage Control viz., in that you failed to answer or respond to any of the various communications sent to you in connection with such an investigation; in violation of Rule 35 of State Regulation No. 20."

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Cf. Re Grand Dukes Club (A Corporation), Bulletin 1934, Item 14.

Accordingly, it is, on this 18th day of January 1971,

ORDERED that Plenary Retail Consumption License C-5, issued by the Borough Council of the Borough of Bogota to Harmony Pub, Inc., t/a P. J.'s Plum, for premises 20 East Fort Lee Road, Bogota, be and the same is hereby suspended for five (5) days, commencing at 2 a.m. Monday, February 1, 1971, and terminating at 2 a.m. Saturday, February 6, 1971.

RICHARD C. McDONOUGH  
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE  
REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS  
5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

JEAN PELTZ )  
199 Cambridge Avenue )  
Garfield, N. J. )

CONCLUSIONS )  
AND ORDER )

Holder of Plenary Retail Consumption )  
License C-45, issued by the Mayor and )  
Council of the City of Garfield. )

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Licensee, Pro se  
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on  
Sunday, October 11, 1970, she sold six cans of beer for off-  
premises consumption, in violation of Rule 1 of State  
Regulation No. 38.

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 Joy-Ken Corp.,  
Bulletin 1940, Item 10.

Accordingly, it is, on this 18th day of January 1971,

ORDERED that Plenary Retail Consumption License C-45,  
issued by the Mayor and Council of the City of Garfield to Jean  
Peltz, for premises 199 Cambridge Avenue, Garfield, be and the  
same is hereby suspended for ten (10) days, commencing at  
3 a.m. Monday, February 1, 1971, and terminating at 3 a.m.  
Thursday, February 11, 1971.

RICHARD C. McDONOUGH  
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ALBERT F. MERRIWEATHER, ADM. EST.  
of GLADYS M. HOUSTON  
t/a Merri-Corner Club  
930 Main Avenue  
Passaic, N. J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-5, issued by the Municipal Board of Alcoholic Beverage Control of the City of Passaic.

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John S. Wolchko, Esq., Attorney for Licensee  
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 22, 1970, he sold six cans of beer for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

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 Joy-Ken Corp., Bulletin 1940, Item 10.

Accordingly, it is, on this 20th day of January 1971,

ORDERED that Plenary Retail Consumption License C-5, issued by the Municipal Board of Alcoholic Beverage Control of the City of Passaic to Albert F. Merriweather, Adm. Est. of Gladys M. Houston, t/a Merri-Corner Club, for premises 930 Main Avenue, Passaic, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Monday, February 8, 1971, and terminating at 3:00 a.m. Thursday, February 18, 1971.

RICHARD C. McDONOUGH  
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ALFONSO CATALDO, PASQUALE AQUILINO AND ANN AQUILINO t/a Knotty Pine Tavern 334-336 Broad Street Newark, N. J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-516, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

Licensees, Pro se. Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on October 13, 1970, they possessed alcoholic beverages in two bottles which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensees have a prior record of suspension of license by the municipal license issuing authority for ten days, effective January 13, 1969, for sale of alcoholic beverages during prohibited hours in violation of Rule 1 of State Regulation No. 38.

The prior record of suspension of license for dissimilar violation occurring within the past five years considered, 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 Ward, Bulletin 1898, Item 7.

Accordingly, it is, on this 20th day of January 1971,

ORDERED that Plenary Retail Consumption License C-516, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Alfonso Cataldo, Pasquale Aquilino & Ann Aquilino, t/a Knotty Pine Tavern, for premises 334-336 Broad Street, Newark, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Thursday, February 4, 1971, and terminating at 2:00 a.m. Friday, February 19, 1971.

RICHARD C. McDONOUGH DIRECTOR

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

In the Matter of Disciplinary Proceedings against )

PETER FEOLA AND LUCY FEOLA t/a Madison Liquor Store 893 Convery Blvd. Perth Amboy, N. J. )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-105, issued by the Board of Commissioners of the City of Perth Amboy. )

Dalto and Gran, Esqs., by Angelo H. Dalto, Esq., Attorneys for Licensee Walter H. Cleaver, Esq., Appearing for Division

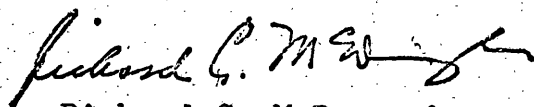
BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on October 3, 1970, they sold a bottle of wine to a minor, age 19, 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 Mitchell and Mitchell, Bulletin 1921, Item 5.

Accordingly, it is, on this 20th day of January 1971,

ORDERED that Plenary Retail Consumption License C-105, issued by the Board of Commissioners of the City of Perth Amboy to Peter Feola and Lucy Feola, t/a Madison Liquor Store, for premises 893 Convery Blvd., Perth Amboy, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, February 8, 1971, and terminating at 2:00 a.m. Thursday, February 18, 1971.



Richard C. McDonough Director