

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
25 Commerce Dr. Cranford, N.J. 07016

BULLETIN 2061

August 31, 1972

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From the transcript of testimony before Council it appeared that Robert M--- and Robert D--- were 17 and 20 years of age respectively; this they declared under oath but neither was asked his specific date of birth. However, such testimony was taken under oath and their place of residence was given as Kearny, New Jersey.

As the alleged sales were admitted, the testimony of the police officers before the Council will not be reviewed.

The sole and dispositive issue here involved is the ages of the alleged minors. The established rule in these proceedings is that normally testimony by a minor himself is legally sufficient to establish his age. State v. Girone, 91 N.J.L. 498 (1918); State v. Higgins, 83 N.J.L. 43 (1912); Malstan Corp. v. Randolph, Bulletin 1496, Item 1; A & C Liquors v. Newark, Bulletin 1607, Item 1; State v. Andoloro, 108 N.J.L. 47.

Upon the sworn testimony of each alleged minor indicating his age and that he is a minor, the burden fell upon appellant to refute such testimony by credible evidence. To that end, at the conclusion of the de novo hearing a further opportunity was afforded appellant to furnish proof of age of the minors if it could be established by appropriate official records that they had reached their majority on the date of the offense. Twenty days were allowed for such opportunity and, that period having passed without response, it must be conclusively presumed, absent such rebuttal testimony, that the ages of the minors were as Council concluded. Thus appellant has failed to sustain its burden of establishing that the action of Council was erroneous and should be reversed. Rule 6 of State Regulation No. 15.

Hence it is recommended that an order be entered affirming the action of Council, dismissing the appeal and fixing the effective dates for the suspension imposed by Council and stayed pending entry of the order herein.

Conclusions and Order

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

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

Accordingly, it is, on this 11th day of July 1972,

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

ORDERED that my order dated December 20, 1971, staying respondent's order of suspension pending determination of this appeal be and the same is hereby vacated; and it is further

ORDERED that Plenary Retail Distribution License D-8 (for the 1972-73 license period), issued by the Town Council of the Town of Kearny to James V. Sylvester, Inc., for premises 179-181 Kearny Avenue, Kearny, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Tuesday, July 25, 1972, and terminating at 2 a.m. Wednesday, August 9, 1972.

ROBERT E. BOWER
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION FOR IMPOSITION OF FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against Kingsway Tavern, Inc. t/a Club Al-Jo 1242 W. Kings Highway Mt. Ephraim, N. J., Holder of Plenary Retail Consumption License C-3, issued by the Board of Commissioners of the Borough of Mt. Ephraim. -----)

CONCLUSIONS and ORDER

Licensee, Pro se Peter E. Rhatican, Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on February 18, 1972 it sold alcoholic beverages to a minor, age 19, in violation of Rule 1 of State Regulation No. 20.

Absent prior adjudicated record within the past ten years, the license would normally be suspended for fifteen days with remission of five days for the plea entered, leaving a net suspension of ten days. Re Fanfarillo, Bulletin 2041, Item 9.

However, the licensee has made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of \$1,350 in lieu of suspension.

Accordingly, it is, on this 29th day of June 1972,

ORDERED that the payment of a fine in the amount of \$1,350 by the licensee is hereby accepted in lieu of the suspension of license for ten (10) days.

Robert E. Bower, Director.

3. DISCIPLINARY PROCEEDINGS - PROSTITUTION - FEMALE EMPLOYEES SOLICITING DRINKS - UNAUTHORIZED PURCHASES WHILE ON NON-DELIVERY LIST - LICENSE SUSPENDED FOR 170 DAYS, LESS 34 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Charlo Corp.)
 t/a Lee Castle's Bar)
 3 South Michigan Avenue)
 Atlantic City, N. J.,)

CONCLUSIONS
 and
 ORDER

Holder of Plenary Retail Consumption License C-202 (for 1971-72 license period), issued by the Board of Commissioners of the City of Atlantic City.)

 Sherman L. Kendis, Esq., Attorney for Licensee
 Peter E. Rhatigan, Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to separate charges alleging that on October 21, 1971 it (a) permitted the solicitation for prostitution on the licensed premises, in violation of Rule 5 of State Regulation No. 20; (b) on October 1, 6 and 21, 1971 it permitted female employees to accept drinks from patrons, in violation of Rule 22 of State Regulation No. 20; (c) on March 24, 1972 it permitted female employees to accept drinks from patrons, in violation of Rule 22 of State Regulation No. 20, and (d) on March 24, 1972 the licensee (then on the non-delivery list) made unauthorized purchases of alcoholic beverages, in violation of Rule 15 of State Regulation No. 20.

Investigation reports reveal that a female employee solicited patrons for drinks and also for prostitution purposes; the solicitation for drinks being a common practice within the licensed premises. Investigation further revealed that the licensee's employees were aware of the open solicitation for prostitution then occurring in the said premises.

Absent prior adjudicated record, the license will be suspended for ninety days on the charge of permitting prostitution solicitation (a) (Re Carmazino, Bulletin 2044, Item 2; Re Gilba's Bar Inc., Bulletin 2043, Item 7); for twenty days on the fourth charge herein (d) (Re Yrral Corp., Bulletin 2040, Item 6); for twenty days on the second charge (b) (Re Ol Ed's Inc., Bulletin 2028, Item 3); and, considering the situation aggravated by the repetition of similar offense within six months, an additional forty days on the third charge herein (c), making a total suspension of one hundred seventy days, with remission of thirty-four days for the plea entered, leaving a net suspension of one hundred twenty-six days.

Accordingly, it is, on this 7th day of July 1972,

ORDERED that Plenary Retail Consumption License C-202 (for the 1972-73 license period), issued by the Board of Commissioners of the City of Atlantic City to Charlo Corp., t/a Lee Castle's Bar, for premises 3 South Michigan Avenue, Atlantic City, be and the same is hereby suspended for one hundred twenty-six (126) days, commencing at 7 a.m. Friday, July 21, 1972, and terminating at 7 a.m. Friday, November 24, 1972.

ROBERT E. BOWER
 DIRECTOR

4. DISCIPLINARY PROCEEDINGS - AMENDED ORDER.

In the Matter of Disciplinary Proceedings against)

Charlo Corp.)
t/a Lee Castle's Bar)
3 South Michigan Avenue)
Atlantic City, N. J.,)

AMENDED ORDER

Holder of Plenary Retail Consumption License C-202 for 1971-72 license period, issued by the Board of Commissioners of the City of Atlantic City.)

Sherman L. Kendis, Esq., Attorney for Licensee
Peter E. Rhatican, Appearing for Division

BY THE DIRECTOR:

On July 7, 1972, Conclusions and Order were entered suspending the license for one hundred twenty-six days, which penalty was the result of the entry of a plea of non vult to four charges, the total and combined penalty for which was one hundred seventy days. The licensee was given remission on the plea entered of thirty-four days which, when subtracted from the penalty of one hundred seventy, should have left a net suspension of one hundred thirty-six days. By typographical error the net suspension was listed therein as one hundred twenty-six days instead of the proper number one hundred thirty-six days.

Accordingly, it is, on this 21st day of July 1972,

ORDERED that Plenary Retail Consumption License C-202, issued for the 1972-73 license period by the Board of Commissioners of the City of Atlantic City to Charlo Corp., t/a Lee Castle's Bar, for premises 3 South Michigan Avenue, Atlantic City, be and the same is hereby suspended for one hundred thirty-six (136) days, commencing 7 a.m. Friday, July 21, 1972, and terminating 7 a.m. Monday, December 4, 1972; and it is further

ORDERED that Conclusions and Order entered July 7, 1972, be and the same are amended accordingly.

Robert E. Bower,
Director.

5. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 35 DAYS, LESS 7 FOR PLEA - APPLICATION FOR IMPOSITION OF FINE IN LIEU OF SUSPENSION GRANTED IN THE PUBLIC INTEREST ONLY.

In the Matter of Disciplinary Proceedings against)

Thomm's (A Corp.))
74-80 Park Avenue)
Newark, N.J.)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-596, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

Citrino, Carella, Balsam & Ford, Esqs., by Charles C. Carella, Esq., Attorneys for Licensee)

Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

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

Absent prior record, the license would normally be suspended for thirty-five days with remission of seven days for the plea entered, leaving a net suspension of twenty-eight days. Re Gugala, Bulletin 1796, Item 6.

However, licensee has applied for the imposition of a fine in lieu of suspension, in accordance with the provisions of Chapter 9 of the Laws of 1971.

It is not the present policy of this Division generally to accept an offer in compromise by the licensee to pay a fine in lieu of suspension when a substantial number of bottles of alcoholic beverages are involved. However, in its application, licensee has supplied ample proof that its licensed facility is heavily booked for a constant series of social affairs which would require cancellation if occurring during the period of such suspension.

Having carefully considered the application in question, together with all the circumstances and the public interest involved, I have determined to accept an offer in compromise by the licensee to pay a fine of \$6,500.00 in lieu of suspension. However, it should be emphasized that the acceptance of such offer in the instant matter is not intended to change established Division policy with respect to this kind of violation.

Accordingly, it is, on this 7th day of July, 1972

ORDERED that the payment of a fine in the amount of \$6,500.00 by the licensee is hereby accepted in lieu of the suspension of license for twenty-eight days.

ROBERT E. BOWER
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - GAMBLING - NUMBERS GAME - POSSESSION OF OBSCENE PRINTED MATTER - LICENSE SUSPENDED FOR 120 DAYS, LESS 24 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Club 40, A Corporation t/a Club 40, Inc. 40-42 Bergen Avenue Jersey City, N. J.,)

CONCLUSIONS and ORDER

Holder of Plenary Retail Consumption License C-48 (for 1971-72 and 1972-73 license periods), issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

Licensee, by Robert Knapp, President, Pro se Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on January 30, February 6 and 13, 1971 it permitted gambling, i.e., "numbers game" and horse race bets, on its licensed premises, and on January 30 and February 13, 1971 it permitted gambling, i.e., "numbers game", on its licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20; and (2) it permitted lewd and obscene printed matter on licensed premises, in violation of Rule 17 of State Regulation No. 20.

Absent prior adjudicated record, the license will be suspended for ninety days on the first charge herein (Re Casale, Bulletin 2045, Item 4) and for thirty days on the second charge (Re Lo Schiavo, Bulletin 2003, Item 13; Re Manthey, Bulletin 2017, Item 5), making a total of one hundred twenty days, with remission of twenty-four days for the plea entered, leaving a net suspension of ninety-six days.

Accordingly, it is, on this 10th day of July 1972,

ORDERED that Plenary Retail Consumption License C-48, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Club 40, A Corporation, t/a Club 40, Inc., for premises 40-42 Bergen Avenue, Jersey City, be and the same is hereby suspended for ninety-six (96) days, commencing at 2 a.m. Monday, July 24, 1972, and terminating at 2 a.m. Saturday, October 28, 1972.

Robert E. Bower, Director.

7. DISCIPLINARY PROCEEDINGS - AMENDED ORDER.

In the Matter of Disciplinary)
 Proceedings against)
 Club 40, A Corporation)
 t/a Club 40, Inc.)
 40-42 Bergen Avenue)
 Jersey City, N. J.,)

AMENDED ORDER

Holder of Plenary Retail Consumption)
 License C-48 (for 1971-72 and 1972-73)
 license periods), issued by the)
 Municipal Board of Alcoholic Beverage)
 Control of the City of Jersey City.)

 Licensee, by Robert Knapp, President, Pro se
 Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

On July 10, 1972, Conclusions and Order were entered suspending the license for one hundred twenty days on charges alleging a gambling violation and that licensee permitted lewd printed matter on the licensed premises. Re Club 40, A Corporation, Bulletin , Item .

The penalty imposed on the gambling charge was ninety days (Re Casale, Bulletin 2045, Item 4) which, absent prior violation, is the precedent penalty for such offense. However, it appearing that the infraction occurred in January and February 1971 when the then precedent penalty was sixty days (see Re Arnone, Bulletin 1973, Item 3), the licensee should have received the precedent penalty imposed at the time the offense occurred.

Hence the license will be suspended for sixty days (Re Arnone, supra) on the gambling charge and for thirty days on the second charge (Re Lo Schiavo, Bulletin 2003, Item 13; Re Manthey, Bulletin 2017, Item 5), making a total of ninety days, with remission of eighteen days for the plea entered, leaving a net suspension of seventy-two days.

Accordingly, it is, on this 19th day of July 1972,

ORDERED that Plenary Retail Consumption License C-48, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Club 40, A Corporation, t/a Club 40, Inc., for premises 40-42 Bergen Avenue, Jersey City, be and the same is hereby suspended for seventy-two (72) days, commencing 2 a.m. Monday, July 24, 1972, and terminating at 2 a.m. Wednesday, October 4, 1972.

Robert E. Bower,
 Director.

8. DISCIPLINARY PROCEEDINGS - APPLICATION TO PAY FINE IN LIEU OF SUSPENSION IMPOSED BY LOCAL ISSUING AUTHORITY ON SALE TO MINOR GRANTED.

In the Matter of Disciplinary Proceedings against)

James C. Yelverton)
t/a Jim's Wines & Liquors)
408 Jefferson Ave.)
Elizabeth, N.J.)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Distribution License D-11 issued by the Municipal Board of Alcoholic Beverage Control of the City of Elizabeth)

Schanerman and Schanerman, Esqs., by Nathan A. Schanerman, Esq. Attorney for Licensee
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge, before the local issuing authority, alleging that on November 25, 1971, he sold alcoholic beverages to a minor, age 19, in violation of Rule 1 of State Regulation No. 20, in consequence of which his license was suspended for fifteen days with remission of five days for the plea entered, leaving a net suspension of ten days. The effective date of the suspension was deferred pending an opportunity afforded the licensee to apply to the Director for the imposition of a fine in lieu of suspension, in accordance with Chapter 9 of the Laws of 1971.

The licensee has now made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of \$400.00 in lieu of suspension.

Accordingly, it is, on this 5th day of July, 1972

ORDERED that the payment of a fine in the amount of \$400.00 by the licensee is hereby accepted in lieu of the suspension of license for ten days.

Robert E. Bower,
Director

9. DISCIPLINARY PROCEEDINGS - APPLICATION TO PAY FINE IN LIEU OF SUSPENSION IMPOSED BY LOCAL ISSUING AUTHORITY ON SALE TO MINOR GRANTED.

In the Matter of Disciplinary Proceedings against)

Village Inn Liquors, Inc.)
518 Washington Road)
P. O. Parlin)
Sayreville, New Jersey)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Distribution)
License D-2 issued by the Mayor and)
Council of the Borough of Sayreville.)

Kolodziej and Cohen, Esqs., by Edward S. Bloch, Esq., Attorneys for Licensee
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleaded non vult before the municipal issuing authority to charges that it sold alcoholic beverages to a minor, in violation of Rule 1 of State Regulation No. 20., whereupon its license was suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. The effective date thereof was deferred pending determination of licensee's application to the Director to pay a fine in lieu of suspension, in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of \$650.00 in lieu of suspension.

Accordingly, it is, on this 6th day of July, 1972

ORDERED that the payment of a fine of \$650.00 by the licensee is hereby accepted in lieu of the suspension of license for ten days.

ROBERT E. BOWER,
Director

By:

Joseph H. Lerner,
Deputy Director

10. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION FOR IMPOSITION OF FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against)

Kwiatek Brothers, Inc. t/a Blue Moon Tavern 101-103 Bayway Elizabeth, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-122 issued by the City Council of the City of Elizabeth.)

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 4, 1972, at about 10:16 P.M., it sold alcoholic beverages during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license would normally be suspended for fifteen days with remission of five days for the plea entered, leaving a net suspension of ten days. Re Ryglicki, Bulletin 2046, Item 6.

However, the licensee has made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of \$550.00 in lieu of suspension.

Accordingly, it is, on this 6th day of July, 1972

ORDERED that the payment of a fine in the amount of \$550.00 by the licensee is hereby accepted in lieu of the suspension of license for ten days.

ROBERT E. BOWER, Director

11. DISCIPLINARY PROCEEDINGS - LICENSE IMPROVIDENTLY ISSUED TO ORGANIZATION NOT A BONA FIDE CLUB - LICENSE CANCELLED.

In the Matter of Cancellation)
 Proceedings against)
)
 Clearwater Pool & Cabana Club, Inc.)
 Highway #36)
 Middletown Township)
 PO Box 258)
 Atlantic Highlands, N. J.,)
)
 Holder of Club License CB-6 (for 1971-)
 72 license period), issued by the)
 Township Committee of the Township of)
 Middletown.)

CONCLUSIONS
and
ORDER

 Saling, Moore, O'Mara & Coogan, Esqs., by Daniel M. Waldman, Esq.,
 Attorneys for Licensee
 Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that its club license was improvidently issued in violation of R.S. 33:1-12(5) in that it is not a non-profit corporation consisting of bona fide members and exists for private profit, both in violation of said statute (and Rule 2 of State Regulation No. 7).

Investigation disclosed that the licensee corporation is organized under the corporation act for business corporations and has neither bona fide nor actually participating members or officers, and was not organized with sixty or more persons operating solely for benevolent, charitable, fraternal, social, religious, recreational, athletic or similar purpose, as required both by the aforesaid statute and Rules 1 and 2 of State Regulation No. 7.

In entering its plea of non vult counsel for the licensee indicated that the license was about to be surrendered to the Township Clerk in recognition of its improvident issuance.

Accordingly, it is, on this 7th day of July 1972,

ORDERED that any renewal that may be granted of Club License CB-6 by the Township Committee of the Township of Middletown to Clearwater Pool & Cabana Club, Inc., for premises on Highway #36, Middletown, for the 1972-73 license period, be and the same is hereby cancelled, effective immediately.

ROBERT E. BOWER,
 Director

12. DISCIPLINARY PROCEEDINGS - AMENDED ORDER.

In the Matter of Disciplinary Proceedings against)

Raymond W. & Vivian Pavlick)
237 Palisade Avenue)
Garfield, N. J.,)

AMENDED ORDER

Holders of Plenary Retail Consumption License C-17, issued by the Mayor and Council of the City of Garfield.)

Edward Piechota, Esq., Attorney for Licensees
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

On May 15, 1972, Conclusions and Order were entered suspending the subject license for fifteen days, commencing Monday, May 29, 1972, upon its conviction of a charge alleging that on Tuesday, August 31, 1971, it sold an alcoholic beverage in its original container for off-premises consumption in violation of Rule 1 of State Regulation No. 38.

However, the licensee has now made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the laws of 1971. The said suspension was deferred pending consideration of this application.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of \$600.00 in lieu of suspension.

Accordingly, it is, on this 10th day of July, 1972

ORDERED that the order entered on May 15, 1972 be and the same is hereby amended as follows:

ORDERED that the payment of a \$600.00 fine by the licensee be and is hereby accepted in lieu of a suspension of license for fifteen days.

ROBERT E. BOWER
Director

13. DISCIPLINARY PROCEEDINGS - WHOLESAL LICENSEE OFFERED REBATES TO DISTRIBUTION LICENSEES - VIOLATION OF RULE 11 OF STATE REGULATION NO. 34 - ON DISSIPATION OF PROOFS CHARGES NOLLE PROSSED.

In the Matter of Disciplinary Proceedings against F & A Distributing Company 15 Pulaski Street Bayonne, N.J. Holder of Plenary Wholesale License W-54 (for the 1971-72 and 1972-73 license periods) issued by the Director of the Division of Alcoholic Beverage Control.

CONCLUSIONS and ORDER

Susskind & Susskind, Esqs., by M. Stanley Susskind, Esq., Attorneys for Licensee. Dennis M. Brew, Appearing for Division.

BY THE DIRECTOR:

Licensee entered a plea of not guilty to a charge alleging that on divers days between January 1, 1969 and December 31, 1969, it offered to plenary retail distribution licensees, i.e. Raritan Liquors, Inc. and Park Beverage Store, certain gifts, rebates and other inducements in violation of Rule 11 of State Regulation No. 34.

In view of the protracted period from the dates of the alleged offenses and the preferment of the charges, during which period the proofs dissipated, it is apparent that, in fairness to the licensee, the motion by counsel for the licensee that the charge herein be nolle prossed should be granted.

Accordingly, it is on this 10th day of July, 1972

ORDERED that the charge against F & A Distributing Company, 15 Pulaski Street, Bayonne, N.J., holder of Plenary Wholesale License W-54 issued by the Director of the Division of Alcoholic Beverage Control, be and the same is hereby nolle prossed.

Robert E. Bower, Director

14. DISCIPLINARY PROCEEDINGS - LOCAL HOURS VIOLATION - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

John Tuleya and Joyce Tuleya)
t/a John & Jo's)
24 3rd Ave.)
Paterson, N. J.,)

CONCLUSIONS
and
ORDER

Holders of Plenary Retail Consumption License C-85 (for 1971-72 and 1972-73 license periods), issued by the Board of Alcoholic Beverage Control for the City of Paterson.)

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

BY THE DIRECTOR:

Licensees plead guilty to charges alleging that on Sunday, February 20, 1972, at about 11:30 a.m., they permitted the sale of alcoholic beverages upon the licensed premises and failed to have premises closed, in violation of local "hours" ordinance.

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 Jadlyn, Inc., Bulletin 2041, Item 5.

Accordingly, it is, on this 10th day of July 1972,

ORDERED that Plenary Retail Consumption License C-85, issued by the Board of Alcoholic Beverage Control for the City of Paterson to John Tuleya and Joyce Tuleya, t/a John & Jo's, for premises 24 3rd Avenue, Paterson, be and the same is hereby suspended for ten (10) days, commencing at 3 a.m. Tuesday, August 1, 1972, and terminating at 3 a.m. Friday, August 11, 1972.

Robert E. Bower,
Director.

15. DISCIPLINARY PROCEEDINGS - OBSCENE PRINTINGS - TABLOIDS - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA - APPLICATION FOR THE IMPOSITION OF A FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against)

K & W Liquor & Delicatessen, Inc.)
101 Broadway)
East Paterson, N.J.)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Distribution License D-3 (for the 1971-1972 and 1972-73 license periods) issued by the Mayor and Council of the Borough of East Paterson)

Samuel J. Davidson, Esq., Attorney for Licensee
Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that October 4, 1971, it permitted lewdness, viz. obscene and filthy printings (tabloids) on the licensed premises and caused the same to be distributed, in violation of Rule 17 of State Regulation No. 20.

Absent prior adjudicated record, occurring within the past ten years, the license would normally be suspended for thirty days (Re Manthey, Bulletin 2017, Item 5) with remission of five days for the plea entered, leaving a net suspension of twenty-five days.

However, the licensee has made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of \$1,000.00 in lieu of suspension.

Accordingly, it is, on this 11th day of July, 1972

ORDERED that the payment of a \$1,000.00 fine by the licensee is hereby accepted in lieu of the suspension of license for twenty-five days.

Robert E. Bower
ROBERT E. BOWER
Director