

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

Director

BULLETIN 1864

June 26, 1969

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STATE OF NEW JERSEY
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DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark, N.J. 07102

BULLETIN 1864

June 26, 1969

1. APPELLATE DECISIONS - SMITH, ET ALS. v. NEWARK and HI-LITE TAVERN, INC.

William J. Smith, Sr., et als.,)

Appellants,)

v.)

Municipal Board of Alcoholic Beverage Control of the City of Newark, and Hi-Lite Tavern, Inc.,)

Respondents.)

On Appeal

CONCLUSIONS
AND ORDER

Levy & Krauss, Esqs., by Bernard Levy, Esq. and Norman A. Kurtz, Esq., Attorneys for Appellants.
Charles S. Okin, Esq., Attorney for Respondent Hi-Lite Tavern, Inc.
No appearance for Respondent Municipal Board

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This is an appeal from the unanimous action of respondent Municipal Board of Alcoholic Beverage Control of the City of Newark (hereinafter Board) on January 15, 1969, whereby it granted a transfer of the plenary retail consumption license of respondent Hi-Lite Tavern, Inc. (hereinafter licensee) from premises at 94 - 12th Avenue to premises at 110 - 12th Avenue, Newark.

Appellants allege in their petition of appeal that the Board erred in granting the transfer of the said license to the proposed premises at 110 - 12th Avenue as the latter premises are "within 200 feet of a church and school, in contravention of the prohibition contained in R.S. 33:1-76 N.J.S.A.; and within 600 feet of a present alcoholic beverage outlet, in contravention of section 4:2-17 of the ordinances of the City of Newark. Respondent issuing authority abused its discretion in granting a waiver of the 1000 foot rule and granting the transfer itself, in that public good clearly does not require a tavern at the site in question."

No answer was filed on behalf of the Board.

Licensee's answer denies the allegations contained in the appellants' petition of appeal and avers that the Board acted within its discretion and properly in the matter.

The reasons given by the Board in support of its action are as follows:

- "One. The distance from the old location, to the new location, is less than 300 feet, and complies under the City Ordinance with all hardship provisions, and has determined the existence of a hardship.
- "Two. There are no schools or churches within 200 feet as prescribed by law and as outlined under the Statute.
- "Three. The licensee, by this transfer, will bring a new and improved building to the neighborhood in keeping with the entrance into the same neighborhood of the new State College of medicine and Dentistry.
- "Four. The Board has acquainted the licensee with the fact that it is taking (with its eyes wide open) all responsibility for remaining at the new location, particularly when the neighborhood in the future will be changed. The Board has also informed the licensee's attorney that the move may be shortlived.
- "Five. The Board has considered the present licensee's operation and has found it to be a good one, with no record of adverse operation since the new owners have operated.
- "Six. The Board, by permitting this transfer, is not adding a new outlet to the neighborhood but instead feels that the new improved location will better the neighborhood by its new construction, and will brighten up this section at night."

The appeal herein was heard de novo pursuant to Rule 6 of State Regulation No. 15. The transcript of the proceedings before the Board was received in evidence and additional and supplemental testimony was presented by appellants and respondent-licensee in accordance with Rules 6 and 8 of said regulation.

The transcript of the hearing before the Board discloses that eight persons voiced objections to the transfer of the license in question -- two were clergymen associated with churches in the area, two associated with the State College of Medicine and Dentistry, two residing in the neighborhood, and two persons alleging to be representatives of civic organizations. The gist of the respective objections was that the parking and traffic conditions near the site of the proposed licensed premises would become greatly aggravated. Moreover, additional objections were to the effect that the proposed premises were too near the emergency entrance to the hospital located across the street from the said licensed premises, and that there were four churches located in the area thereof.

At the instant hearing, in addition to witnesses who had objected below and who amplified their objections as given by them before the Board, a contention most emphasized was that the footage ordinance with reference to transfer of liquor licenses was violated by approval of the transfer of the license to the proposed premises.

The pertinent portion of the ordinance applicable to the matter now under consideration is Section 4:2-17 of the

Revised Ordinances of the City of Newark as amended, as follows:

"4:2-17. One thousand foot rule; exceptions.

(a) No plenary retail consumption license, except renewals for the same premises and transfers of licenses from person to person within the same premises, shall be granted or transfer made to other premises within a distance of one thousand feet from any other premises than covered by any other plenary retail consumption license or any plenary retail distribution license; provided, however, that the local license issuing authority may, in its discretion, grant a transfer of an existing license to the same licensee only, to other premises within 600 feet of the premises from which the transfer is made, notwithstanding that the premises to which the license is so transferred is within 1,000 feet of premises for which there is an existing plenary retail consumption license or plenary retail distribution license; provided, however, that such transfer shall be made in good faith and shall inure solely for the benefit of the same licensee....

* * * * *

(c) Where the 1,000 foot distance is referred to in this section, it shall be measured in the same manner as required by R.S. 33:1-76 for the measuring of 200 feet relative to schools and churches.

(d) Notwithstanding the above mentioned 1,000 foot limitation affecting the transfer of any retail plenary consumption or distribution licenses, the local issuing authority, at their discretion, may allow transfer of such licenses free of such 1,000 foot limitation herein fixed in the event of any licensee's premises being taken for any municipal, county, state or federal project; provided, nevertheless, the new location to which the license is to be transferred under this exception shall not be located within a distance of 600 feet of a then existing location licensed to do business under a like license as the one being transferred. Said 600 foot distance shall be measured in the same manner as herein provided for the measuring of the 1,000 foot distance. In the event any transfer of a license should be allowed under the exception, no license shall thereafter be transferred to the premises or any part thereof so vacated by such transfer, nor within, or a radius of 600 feet thereof; provided, however, that all other provisions of this title are complied with...."

Edwin E. Schumacher (a land surveyor) prepared the survey for the local issuing authority after filing of licensee's application for the transfer of the license, which disclosed that the distance from the main entrance of the old location (94 - 12th Avenue) to the main entrance of the new location (110 - 12th Avenue) to be 260 feet. At the hearing herein Mr. Schumacher testified that he also prepared a survey on behalf of the licensee which disclosed the distance from the main entrance of the proposed premises to the main entrance of the nearest licensee (at 275 - 13th Avenue) to be 620.75 feet. He testified that he made no measurement from either the side door or the rear door of the proposed premises, which doors

lead to Camden Street, or did he make any measurement between the rear door shown on the proposed premises to a door located on Camden Street of the K & K Tavern located on the northeast corner of 13th Avenue and Camden Street aforementioned.

S. Philip Filippone (a licensed surveyor) testified that he made a survey for the appellant wherein his measurements of the distance between the rear door of the proposed premises and the side door of the K & K Tavern were 518.3 feet. Mr. Filippone also testified that, upon measuring the distance between the back door of the K & K Tavern and the front entrance of the proposed licensed premises, he found it to be 563 feet. On cross examination Filippone testified that he did not observe any activity through the side door on Camden Street of the K & K Tavern while he was there taking the measurements.

Thomas A. Pierce (a police detective who was assigned to investigate the matter under consideration after the filing of the application for a place-to-place transfer of the license) testified that he stepped off the distance between the main entrances of the K & K Tavern and the proposed premises of the Hi-Lite Tavern and he found it to be approximately 605 feet. However, Detective Pierce stated that in matters of a place-to-place transfer of a license, he always checks "with the surveyor's office to see what their figures are." Detective Pierce further stated that he made no measurements from the Camden Street side door of the K & K Tavern because the said door was not used as an entrance to the said licensed premises.

Jerome Karl (one of the proprietors of the K & K Tavern) testified that he opposed the transfer in question "for selfish reasons." Karl also stated that the side door of the licensed premises is used as an entrance to the interior thereof.

Theodore Austin (associate dean of the New Jersey College of Medicine and Dentistry) and Rufus Grant, Jr. (assistant to the president of the New Jersey College of Medicine and Dentistry), both of whom had testified before the Board, reiterated their objection to the transfer to the proposed premises and, in the main, substantiated the testimony given before the local issuing authority.

Also, Reverend Wesley Lee (Pastor of the Ebenezer Baptist Church located at 119 Camden Street), who had testified before the Board, again testified in substantiation of his objections to the transfer in question for similar reasons given before the Board.

I am satisfied that the distance between the nearest entrance of the proposed premises on Camden Street and the nearest entrance (either the side door on Camden Street or the main entrance of the K & K Tavern on 13th Avenue) is less than 600 feet. Under the circumstances, the so-called hardship section of the ordinance, namely, 17(d), although one of the reasons set forth by the Board for its action, was not applicable in the present case. However, 17(a) of the same ordinance provides that the local license issuing authority may in its discretion grant a transfer of an existing license

to the same licensee to other premises although within 600 feet of the premises for which the transfer is made, notwithstanding that the premises to which the license is so transferred is within 1,000 feet of an existing plenary retail consumption licensed premises. The distance between the old premises at 94 - 12th Avenue and the proposed premises at 110 - 12th Avenue, as already stated, is 260 feet, thus meeting the footage provision set forth in the ordinance. Thus it was permissible for the Board to grant a transfer to other premises located within a distance of 1,000 feet from another licensed premises. Therefore, the grant of the transfer did not violate the local footage ordinance pertaining to place-to-place transfer of liquor licenses. Moreover, there is no evidence that the proposed premises are located within 200 feet of a church or school.

I shall now consider whether the Board abused its discretion in granting to the licensee a place-to-place transfer of the license in question.

It has been well established that a local issuing authority's discretionary power is broad in determining whether or not a liquor license should be transferred. The Director's function on appeals of this nature is not to substitute his personal opinion for that of the issuing authority but merely to determine whether reasonable cause exists for its opinion and, if so, to affirm irrespective of his personal view. Broadley v. Clinton and Klingler, Bulletin 1245, Item 1; Bertrip Liquors, Inc. v. Bloomfield, Bulletin 1334, Item 1. In Ward v. Scott, 16 N.J. 16 (1954), a Supreme Court decision of an appeal from a zoning ordinance, cited in Fanwood v. Rocco and Div. of Alcoholic Beverage Control, 59 N.J. Super. 306, the following general principles were stated:

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

In the Rocco case, supra, it was stated:

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

After careful consideration of the general objections advanced by appellants seeking a reversal of the grant of the transfer of the license, and considering the due deliberation and reasons advanced by the Board, I find that its action in granting the transfer was not improper.

I am satisfied that there was no evidence presented herein to indicate that the Board was improperly motivated or in any manner abused the discretion vested in it.

Therefore, after careful examination of the entire record presented herein, including petitions in favor of and opposed to the grant of the transfer of the license herein, I conclude that the appellants have failed to sustain the burden of proof in showing that the action of the Board was erroneous. Rule 6 of State Regulation No. 15.

For the reasons aforementioned, it is recommended that an order be entered affirming the action of the Board herein and dismissing the appeal.

Conclusions and Order

Written exceptions to the Hearer's report, with supportive argument, were filed by the attorneys for the appellants pursuant to Rule 14 of State Regulation No. 15, and written answer to the said exceptions was filed by the attorneys for respondent Hi-Lite Tavern, Inc.

I have carefully considered the exceptions taken to the Hearer's report and find that they have either been answered by the Hearer or are without merit.

After carefully considering the entire record, including the transcript of the testimony presented before the respondent Municipal Board and the transcript of the testimony given herein, the exhibits, the Hearer's report, the exceptions and the answer filed thereto, I concur in the findings and conclusions of the Hearer and adopt his recommendation.

Accordingly, it is, on this 8th day of May, 1969,

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

JOSEPH M. KEEGAN
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
)
 The Hilltop, Inc.)
 152 - 48th Street)
 Union City, N. J.,)
)
 Holder of Plenary Retail Consumption License C-167, issued by the Board of Commissioners of the City of Union City.)
)

CONCLUSIONS and ORDER

 Licensee, by Giacomo Spano, Sr., President, Pro se
 Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on February 14, 1969 it possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days effective September 27, 1965, for sale during prohibited hours in violation of State Regulation No. 38.

The prior record of suspension for dissimilar violation within the past five years considered, 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 Hillman, Bulletin 1813, Item 7.

Accordingly, it is, on this 28th day of April 1969,

ORDERED that Plenary Retail Consumption License C-167, issued by the Board of Commissioners of the City of Union City to The Hilltop, Inc., for premises 152 - 48th Street, Union City, be and the same is hereby suspended for ten (10) days, commencing at 3 a.m. Monday, May 5, 1969 and terminating at 3 a.m. Thursday, May 15, 1969.

JOSEPH M. KEEGAN
DIRECTOR

3. 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 Earl Rosenfield & William Carlson t/a Bridge Tavern 326 Bergen Avenue Jersey City, N. J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-190 issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

Licensees, Pro se Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on March 29, 1969, they sold a pint bottle of gin for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

Licensee Earl Rosenfield has a previous record of suspension of license (then held individually for these premises) by the Director for twenty days, effective September 1, 1959, and (then in partnership with Nathan Wahl at premises 268 Duncan Avenue, Jersey City) for ten days, effective May 31, 1950, both for possession of alcoholic beverages not truly labeled. Re Rosenfield, Bulletin 1300, Item 6.

The prior record of suspensions 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 Rodriques, Bulletin 1839, Item 11.

Accordingly, it is, on this 29th day of April, 1969,

ORDERED that Plenary Retail Consumption License C-190, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Earl Rosenfield and William Carlson, t/a Bridge Tavern, for premises 326 Bergen Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Tuesday, May 6, 1969, and terminating at 2:00 a.m. Friday, May 16, 1969.

JOSEPH M. KEEGAN DIRECTOR

4. DISCIPLINARY PROCEEDINGS - ACT OF VIOLENCE ON LICENSED PREMISES - LICENSE SUSPENDED FOR 20 DAYS.

In the Matter of Disciplinary Proceedings against New Surf Club, Inc. t/a New Surf Club 583 Main Avenue Passaic, N. J.

CONCLUSIONS and ORDER

Holder of Plenary Retail Consumption License C-84 issued by the Municipal Board of Alcoholic Beverage Control of the City of Passaic.

Walter J. Tencza, Esq., Attorney for Licensee Louis F. Treole, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charge:

"On Thursday, August 8, 1968, you allowed, permitted and suffered in and upon your licensed premises an act of violence, viz., an assault and battery upon the person of Stephen Michael Alicknovic, by a person employed on your licensed premises as a bartender; in violation of Rule 5 of State Regulation No. 20."

ABC Agents C and N participated in the investigation resulting in the charge. Agent C testified that at 10:20 p.m. on August 8, while he and Agent N were seated next to one another at the bar in the licensed premises, a man approximately 50 years of age entered the establishment and "sat near the front entrance cater-corner across from us approximately twenty feet" when "one of the bartenders immediately told him to leave"; that the bartender in question appeared to be about 21 years of age and was "very stocky built"; that "the licensee, Mr. Gola, was right in the area"; that Agent C's attention was drawn to the patron "because in a loud voice the bartender was heard telling him to get out. The patron then replied he only wanted a drink. The bartender was then heard telling him to get out 'or I'll bust you up'"; that the patron replied, "If you do you will go to jail"; that Agent C observed the young bartender "leap over the bar right next to the male, grab him by the neck and an arm, pull him off the bar stool, and proceed to drag him out of the premises": that when the bartender pulled the patron from the stool, the man fell to the floor and appeared to have struck his head; that Agent C "saw him strike his head once against the door going out"; that Gola offered no help to the man, nor did he talk to him or to the bartender; that Agent C and Agent N followed the man out of the premises; that the man "got up, the bartender went back into the premises, and I went over and identified myself to the patron and asked whether he was injured"; that after

ascertaining the name and address of the man, both agents reentered the licensed premises, identified themselves to the bartender and Gola and informed them that "it was improper for an employee to manhandle somebody like that"; that they both agreed, but stated "they had previously had trouble with him in the premises."

The testimony of Agent N substantially corroborated that given by Agent C as to what occurred in the licensed premises with reference to the subject matter now under consideration.

Although the agents were cross-examined at length by the licensee's attorney, both agents did not vary from their testimony on direct examination as to the matter relevant and material to the charge.

Stanley Gola, president of the corporate licensee, testified that the two agents came into the licensed premises at 9:00 p.m. and that the bartender, Thaddeus Kwiecien (hereinafter Thaddeus) came on duty about 9:30 p.m.; that at approximately 10:15 p.m. when Thaddeus asked him whether he should serve a man known to him as "Steve", he looked at the man asking for service and believed him to be "a little intoxicated", refused service to him and asked him to leave; that he walked away from Steve and, as he was talking to another patron, he heard Thaddeus refuse to serve Steve; that the latter then said, "If I don't get a drink I'll bust this place" and Thaddeus responded, "Look, you don't bust nothing. You bust anything you go to jail"; that he saw Steve "put his hand on the ashtray, and at that time I seen the bartender grab his arm, and he stepped on the water sink there, and he went over the bar" and as he did so "the patron fell off the stool"; that "it happened so fast. I tried to go down there and go around the bar and calm the patron, but by the time I went around everything was all over. It happened in a matter of thirty seconds the patron was outside"; that when the agents identified themselves, he did not remember being asked "Do you realize the bartender did wrong?" or his saying to the agent "Yes, I know the bartender did wrong." Gola further said that a person seated where the agents were on the evening in question could see Steve where he was seated but only from "about his shoulders up."

On cross examination, Gola was asked what, if anything, he did when he heard the conversation between Thaddeus and Steve and he answered, "I didn't do anything right then." When asked if Steve picked up an ashtray, he said, "I don't know." When asked if he knew whether Steve fell or Thaddeus knocked him over, Gola stated "I don't know. It happened so fast, I don't know whether the bartender knocked him off or whether he tried to get off and dropped. That I don't know."

Thaddeus Kwiecien testified that he went on duty as bartender at the licensed premises at 9:30 p.m. on August 8 and that at about 10:30 p.m. Steve entered and came to the bar; that because Steve "just stood there looking funny" he asked Gola if he should serve him; that Gola walked over to Steve and conversed with him, then walked away; that "within a course of three or four minutes" when Thaddeus returned to the location where Steve was, the latter said, "Where is my drink?"; that he informed Steve he would not serve him, at which time Steve used foul language which Thaddeus tried to

ignore, telling him to leave; that "finally this guy became a little too abusive, and I told him to get out"; that Steve became violent, saying "if I don't get a drink I'll bust this place up" and in reply to the threat, Thaddeus said, "You bust anything in here you are going straight to jail"; that as Steve reached for an ashtray, Thaddeus "grabbed the hand that reached for the ashtray, and just as the hand closed on the ashtray I got hold of his hand, and this is when I went over the bar"; that Steve fell but, as Thaddeus tried to pick him up by the shoulders, Steve started kicking and swinging his arms; that "I didn't want to continue struggling with the guy in the place or create a bigger commotion than there was, so I opened the door and pulled him outside."

William Quinn testified that he was in the licensed premises at 10:30 p.m. on August 8 and recalled the incident involving Steve and Thaddeus; that he first noticed them when he heard Steve, whom he knew by sight, cursing and threatening to "bust this place up"; that Steve "went to grab an ashtray. The bartender grabbed him. He was over the bar and down and kicking his feet. The bartender pulled him towards the door. It was all over like in seconds. It happened very fast."

I have set forth in detail much of the testimony given by the various witnesses for the respective parties. I believe the testimony of the agents, who clearly described the incident involving the patron and the bartender. I am not impressed with the testimony of either Gola or Thaddeus relative to this incident. William Quinn, who testified on behalf of the licensee, stated that he was watching the go-go girls perform and heard no conversation between Gola and the patron or between Thaddeus and the patron. The first he heard was the patron's cursing and he then saw him reach for an ashtray, at which time Thaddeus grabbed him and jumped over the bar.

There is no dispute that a licensee or his employee may exercise a reasonable degree of force to repel an attack by a patron. Here there was no attack and thus no apparent justification for jumping over the bar, causing the patron to fall to the floor, and then dragging him bodily along the floor to the door onto the sidewalk. Stanley Gola, president of the licensee, was present when the bartender jumped over the bar and grabbed the patron but he nevertheless did nothing to interfere or in any manner stop the bartender's assaulting the patron. A licensee is responsible for the acts of his agents and employees in the conduct of his licensed business. Rule 33 of State Regulation No. 20.

Although the patron may have cursed at the bartender (which I am not stating actually happened), this in itself should not have provoked the incident that followed. I am satisfied and find as a fact, after careful examination of all of the testimony herein, that the Division has proven its case by a preponderance of the evidence and thus recommend that the licensee be found guilty of the charge preferred herein.

Licensee has no prior adjudicated record. Under the circumstances, it is further recommended that its license be suspended for a period of twenty days. Re 500 Communipaw Tavern, Bulletin 1440, Item 5.

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 transcript of testimony and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt his recommendation.

Accordingly, it is, on this 6th day of May 1969,

ORDERED that Plenary Retail Consumption License C-84, issued by the Municipal Board of Alcoholic Beverage Control of the City of Passaic to New Surf Club, Inc., t/a New Surf Club, for premises 583 Main Avenue, Passaic, be and the same is hereby suspended for twenty (20) days, commencing at 3 a.m. Tuesday, May 13, 1969, and terminating at 3 a.m. Monday, June 2, 1969.

JOSEPH M. KEEGAN
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Lillian Ehrlich
t/a Fred's Cedar Gate Inn
292-294 Princeton Avenue
Brick Town, New Jersey,

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-7, issued by the Township Committee of the Township of Brick Town.)

Licensee, Pro se
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 22, 1969 she sold a six-pack and two quart containers of beer to a minor, age 20, in violation of Rule 1 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for ten days, effective October 22, 1968, for similar violation. Re Ehrlich, Bulletin 1827, Item 5.

The prior record of suspension for similar violation 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 Lotito, Bulletin 1767, Item 9.

Accordingly, it is, on this 1st day of May 1969,

ORDERED that Plenary Retail Consumption License C-7,

issued by the Township Committee of the Township of Brick Town to Lillian Ehrlich, t/a Fred's Cedar Gate Inn, for premises 292-294 Princeton Avenue, Brick Town, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Monday, May 5, 1969, and terminating at 2 a.m. Tuesday, May 20, 1969.

JOSEPH M. KEEGAN
DIRECTOR

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

In the Matter of Disciplinary Proceedings against

Harry Cafiero
t/a White Front Tavern
180-182 Jackson Avenue
Jersey City, N. J.,

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-298, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

Licensee, Pro se
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 30, 1969 he 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 Richlitsky, Bulletin 1839, Item 9.

Accordingly, it is, on this 5th day of May 1969,

ORDERED that Plenary Retail Consumption License C-298, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Harry Cafiero, t/a White Front Tavern, for premises 180-182 Jackson Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Monday, May 12, 1969, and terminating at 2 a.m. Thursday, May 22, 1969.

JOSEPH M. KEEGAN
DIRECTOR

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

In the Matter of Disciplinary Proceedings against
 Bartalo Reitano
 t/a Gwynn's
 1405 Teaneck Road
 Teaneck, New Jersey
 Holder of Plenary Retail Consumption License C-19 issued by the Township Committee of the Township of Teaneck

CONCLUSIONS
AND ORDER

Lucianna, Federico & Sandow, Esqs., by Sidney A. Sandow, Esq.,
 Attorneys for Licensee
 Walter H. Cleaver, Esq., Appearing for Division of Alcoholic
 Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 16, 1969, he 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 Richlitsky, Bulletin 1839, Item 9.

Accordingly, it is, on this 5th day of May, 1969,

ORDERED that Plenary Retail Consumption License C-19, issued by the Township Committee of the Township of Teaneck to Bartalo Reitano, t/a Gwynn's, for premises 1405 Teaneck Road, Teaneck, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, May 12, 1969, and terminating at 2:00 a.m. Thursday, May 22, 1969.

JOSEPH M. KEEGAN
 DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Herbert G. & Elsie F. Schmidt)
t/a New Way Inn)
115 Rt. 73)
Berlin, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-3 issued by the Borough Council of the Borough of Berlin)

Licensees, by Elsie F. Schmidt, Pro se
Louis F. Treole, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on April 2, 1969, they sold a six-pack of beer to a minor, age 17, 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.
Re Dzanko, Bulletin 1836, Item 5.

Accordingly, it is, on this 6th day of May, 1969,

ORDERED that Plenary Retail Consumption License C-3, issued by the Borough Council of the Borough of Berlin to Herbert G. and Elsie F. Schmidt, t/a New Way Inn, for premises 115 Route 73, Berlin, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m., Tuesday, May 13, 1969, and terminating at 2:00 a.m. Wednesday, May 28, 1969.

JOSEPH M. KEEGAN
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)
)
 Grand View Cafe, Inc.)
 t/a Grand View Cafe)
 195 Ogden Avenue)
 Jersey City, New Jersey) CONCLUSIONS
) and
) ORDER
 Holder of Plenary Retail Consumption License C-463, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City)
)

Licensee, by Ralph P. Altieri, President, Pro se
Louis F. Treole, Esq., Appearing for the Division of
Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on March 28, 1969 it sold a half-pint of liqueur 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 284 Club, Bulletin 1852, Item 7.

Accordingly, it is, on this 6th day of May 1969,

ORDERED that Plenary Retail Consumption License C-463, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Grand View Cafe, Inc., t/a Grand View Cafe, for premises 195 Ogden Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Tuesday, May 13, 1969, and terminating at 2 a.m. Friday, May 23, 1969.



Joseph M. Keegan
 Director