

MR. ZEMEL

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

BULLETIN 1609

April 7, 1965

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

BULLETIN 1609

April 7, 1965

1. STATE REGULATIONS - REGULATION NO. 35, RULE 2, AMENDED.

TO ALL MANUFACTURERS AND WHOLESALERS OF ALCOHOLIC BEVERAGES  
OTHER THAN MALT ALCOHOLIC BEVERAGES.

FILING ANNUAL STATEMENT OF COMPENSATION PAID TO EACH  
HOLDER OF A SOLICITOR'S PERMIT - RULE 2 OF STATE  
REGULATION NO. 35 AMENDED.

Recent Division investigation has disclosed that holders of solicitors' permits, issued by this Division to salesmen of wholesale licensees, have been receiving extra compensation from their employers in the form of "padded" expense accounts. These monies may be utilized as a prohibited incentive allowance to the solicitor, in violation of Rule 1 of State Regulation No. 35, or may be utilized as prohibited rebates or gifts to retail licensees, in violation of Rule 11 of State Regulation No. 34.

Presently, Rules 1 and 2 of State Regulation No. 35 require that all contracts of employment between manufacturers and wholesalers engaged in the sale in New Jersey of alcoholic beverages (other than malt alcoholic beverages) and their solicitors shall be in writing and shall set forth truly their salary, commission or other compensation. Copies of these contracts must be filed with this agency. However, there is no present requirement that anyone notify the Division of the actual compensation paid to the solicitors during any period of employment.

To obtain this information concerning actual compensation paid to solicitors, and thereby to deter, or be in a position to be alerted to, possible violations as hereinabove mentioned, I have amended Rule 2 of State Regulation No. 35 to require all manufacturers and wholesalers of alcoholic beverages other than malt alcoholic beverages to file with me a statement of all compensation, including reimbursed expenses, paid to solicitors during the calendar year. The amended Rule is effective immediately, but shall not require the filing of any statements of compensation actually paid to solicitors during the calendar year 1964. The first such statements must be filed on or before April 1, 1966 for the preceding calendar year.

Rule 2 of State Regulation No. 35 is hereby amended to read as follows:

"Rule 2. Between the twenty-fifth day of March and the first day of April of each year, as to the holder of New Jersey solicitors' permits then employed, and within five (5) days after the issuance of such solicitors' permits to solicitors thereafter employed, each manufacturer and wholesaler engaged in the sale in New Jersey of alcoholic beverages other than malt alcoholic beverages, employing persons who hold such solicitors' permits, shall file with the Director of the Division of

Alcoholic Beverage Control a copy of the contract of employment pursuant to which said solicitor is employed as provided in Rule 1 hereof. Written notice of modification of such contracts together with the provisions thereof shall be filed with the Director within five (5) days after such modification is effected. Any modification of a contract of employment between a manufacturer or wholesaler and any solicitor whereby the solicitor's salary or commission or compensation of any kind is increased with respect to sales of any particular kind of alcoholic beverages for a period of less than ninety (90) days shall be deemed an incentive bonus, allowance or other inducement prohibited by Rule 1 hereof. On or before the first day of April of each year, each such manufacturer and wholesaler employing any holder of a solicitor's permit during the preceding calendar year shall file with the Director a true statement listing all compensation, itemized as to salary, commission, reimbursed expenses or otherwise, paid to each such solicitor by such manufacturer or wholesaler during such calendar year."

JOSEPH P. LORDI  
DIRECTOR

Promulgated Friday, March 12, 1965.

Effective Friday, March 12, 1965.

Filed with the Secretary of State (N.J.) Friday, March 12, 1965.

2. APPELLATE DECISIONS - HINE v. NEWARK.

MARGARET HINE, t/a CLUB 31,	)	
Appellant,	)	
v.	)	ON APPEAL
	)	CONCLUSIONS
MUNICIPAL BOARD OF ALCOHOLIC	)	AND ORDER
BEVERAGE CONTROL OF THE CITY OF	)	
NEWARK,	)	
Respondent.	)	

-----  
 Robert W. Wolfe, Esq., Attorney for Appellant.  
 Norman N. Schiff, Esq., by Paul E. Parker, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This is an appeal from the action of respondent Board (hereinafter respondent) whereby the members thereof unanimously voted to deny the application for renewal for 1964-65 of appellant's plenary retail consumption license for premises 31 Hensler Street, Newark.

Upon the filing of the appeal an order, dated June 29, 1964, was entered by the Director extending the term of appellant's license until further order herein. Rule 12 of State Regulation No. 15.

Appellant's petition of appeal alleges that the action of respondent was erroneous in that "it was arbitrary, capricious, unreasonable and unjust, and constituted an abuse of discretion and was contrary to law."

Respondent's answer denies appellant's allegations and states that in the exercise of its discretion respondent predicated its denial to renew the license upon the factual testimony presented at the hearing held before it.

The appeal was heard de novo and the parties hereto agreed to present the case upon the stenographic transcript of the proceedings before respondent, pursuant to Rules 6 and 8 of State Regulation No. 15.

It appears from the record herein that many objectors attended the meeting at which appellant's application for renewal was heard. At the outset, it was suggested by respondent's chairman that the objectors agree among themselves to select three or four speakers to address the Board. Councilman Philip Gordon, of the East Ward, identified himself as an objector appearing as a friend of the people living in the area of the tavern in question and as opposing the renewal of appellant's license.

Police Captain Johnson stated that the Police Department "had several complaints with reference to the place, particularly with regard to closing time, that is, people coming out of the tavern and making loud noises and so on;" that on one occasion he spoke to appellant concerning the noise complaints and she said "she tries to keep the place quiet, but apparently not able to control the patrons to the extent of satisfying the neighbors;" that, other than the noise complaints made by people living in the immediate vicinity, there were "no difficulties with the management;" that on weekends, sometimes including Sunday nights, the neighbors said the noise interfered with their rest. In answer to a question from the objectors' attorney, Captain Johnson agreed that it is not unusual in many licensed premises at closing time that patrons are sometimes a little noisy when they leave.

Rev. John Raubinger, residing three blocks from appellant's premises, stated that he had "no specific knowledge of the noises at the time of closing" but objected on behalf of others residing in the neighborhood.

William Billets, residing at 36 Hensler Street, said that he has heard persons use indecent language and seen fighting in the street during the early morning hours. Mr. Billets related an incident he believed was "last year some time" when appellant tried to prevent a fight involving a patron and three men in a car, during which time she used profane language. In answer to a question by appellant's attorney, Mr. Billets stated he had spoken to patrons and to neighbors about conditions but had never complained to appellant.

Anna Mursenski, residing at 38 Wall Street, stated that after 2 a.m. on Saturday, May 16, when the premises were closed, "there was a terrific fight among the women" and "by the time the police came they broke up;" that she has seen patrons

from appellant's tavern "come under my window and use it as a bathroom;" that "we don't want to put her out of business;" that, when appellant's attorney quoted her as saying she did not wish to have appellant put out of business, Mrs. Mursenski said, "Yes, I didn't. But right now, I do. I don't want to be jeopardized there;" that she has never complained to appellant; that, after saying she saw the women engaged in fighting on May 16 come out of appellant's premises, she asserted that she did not see them come out "but I know they have to come out from there;" that she has called the police "time and time and over again, for as long as she (appellant) is there and the people before her. That place should never exist, never any good to it."

Charles Grimm, residing at 41 Wall Street, stated that, although within one hundred yards of his home there are two other taverns, it is necessary to call the police only for disturbances caused by appellant's patrons; that he complained to Captain Johnson but, since the shooting incident two months previous, "it's been a lot more quieter."

Alice San Giacomo, residing at 32 Hensler Street, stated that she objects mostly to the noise from "a phonograph that they have there that is so loud;" that she called the police on occasion but never complained to appellant.

Frank Kratorski, residing at 22 Hensler Street, stated that "four or five months ago" he was annoyed by the noise and, upon telephoning appellant's premises, was told by the person who answered the telephone, "Oh, go to hell;" and that he called the police on several occasions.

There is no indication in the transcript that any of the witnesses aforementioned was sworn but merely stated objections to renewal of appellant's license. However, each witness was asked questions relative to his or her statement by the attorney for appellant.

There have been no complaints relative to the conduct of appellant's business on the interior of the premises other than from one objector who stated that the volume of music therefrom disturbed her. However, a licensee or those in charge of licensed premises must keep the premises and the patronage under strict control because of the licensee's responsibility for conditions both inside and outside the licensed premises. Galasso v. Bloomfield, Bulletin 1387, Item 1.

It is within the sound discretion of an issuing authority to determine in the first instance whether an applicant is worthy of renewal of the license privileges. But such discretion must be based on valid and substantial grounds. Although the objections voiced by the neighbors in the immediate vicinity indicate that appellant's premises may need stricter supervision, common fairness dictates that the investment in the business of a licensee should not be jeopardized except on grounds which are attributable to some malfeasance or misconduct on her part. There are two other licensed liquor outlets in the vicinity, according to the statement made by an objector, which could have contributed in part somewhat to some of the annoyances in the area. With one exception, none of the objectors has asserted that they have observed those who caused the disturbances come from appellant's licensed premises. Thus the testimony of the objectors falls short of adequate affirmative proof that the conduct of the particular premises was the sole cause of the conditions about which the complaints were made.

After reviewing all the evidence, the situation in this case is somewhat similar to that found to exist in Freeland v. Roselle, Bulletin 352, Item 5; Vasto v. Atlantic Highlands, Bulletin 622, Item 4; Monesson v. Lakewood, Bulletin 657, Item 1; Salmanowitz v. Hightstown, Bulletin 807, Item 2; Seidel v. Upper Freehold, Bulletin 1246, Item 1; Galasso v. Bloomfield, *supra*. Also cf. Leedie v. Trenton et al., Bulletin 863, Item 4.

In B & L Tavern, Inc. v. Bayonne, Bulletin 1459, Item 1, wherein conditions such as those voiced by the objectors herein were alleged to exist with reference to the outside of the licensed premises, the Director reversed the action of the local issuing authority in denying renewal of the license in question. On appeal the Superior Court of New Jersey, Appellate Division, affirmed the Director. Bayonne v. B & L Tavern, Inc. and Division of Alcoholic Beverage Control, Docket No. A-894-61, decided April 15, 1963, not officially reported, reprinted in Bulletin 1509, Item 1. In said case Judge Kilkenny stated:

"We do not condone the manner in which this tavern was conducted.... If the tavern was as bad as the City now says it is, it should have instituted disciplinary proceedings long ago. Had it done so, or had it even warned tavern owners generally, or the B & L Tavern specifically, that the policy of benevolent blindness was a thing of the past, we are certain that the Director would have sustained the refusal to renew. That is not to say that prior warning is necessary in every case. There may be conduct so indisputably bad that a single instance would warrant revocation or the refusal to renew, but this is not such a case."

On appeal to the Supreme Court of New Jersey, the Appellate Division was affirmed. Bayonne v. B & L Tavern, Inc. and Division of Alcoholic Beverage Control, 42 N.J. 131, reprinted in Bulletin 1561, Item 1.

It is appropriate to remind appellant of her responsibility to conduct the licensed premises in strict observance of the law in order to respect the rights of persons residing in the area. The neighbors have been most tolerant of the noise created by patrons of appellant, especially at closing time, which has interfered with their rest. Appellant is hereby warned that she must prevent any such annoyances in the future outside of her licensed premises if she values the privilege of her license.

For the reasons aforesaid, it is recommended that an order be entered in this matter reversing the action of respondent in order that appellant may be given an opportunity to demonstrate her worthiness to hold a liquor license, with the added understanding that respondent may, for proper cause appearing in the future, institute disciplinary proceedings or refuse to renew the license for the next licensing term.

#### Conclusions and Order

No exceptions to the Hearer's Report were filed within the time permitted by Rule 14 of State Regulation No. 15.

I have carefully considered the entire record herein and, as a result, I concur in the Hearer's findings and conclusions and adopt his recommendation. However, in this

connection, I note that Division records disclose that on October 21, 1964, respondent instituted disciplinary proceedings against appellant and thereafter suspended appellant's license for forty days effective January 11, 1965, for permitting a brawl, act of violence, disturbance and unnecessary noise on her licensed premises on May 30, 1964, and for hindering and failing to facilitate an investigation at her licensed premises on the same date. While it is true that such conduct occurred prior to the objections being raised against the renewal of appellant's license, and therefore does not reflect upon appellant's control of her licensed business since the denial of her license renewal, nevertheless, appellant is given fair warning that such suspension, as well as any other record that she may have, may be taken into consideration by respondent in determining whether conditions at her licensed place of business warrant any future renewal of her license.

I shall therefore reverse the action of the respondent Board in refusing to renew appellant's license for the 1964-65 licensing year.

Accordingly, it is, on this 24th day of February, 1965,

ORDERED that the action of respondent Municipal Board of Alcoholic Beverage Control of the City of Newark be and the same is hereby reversed and it is directed that said Board renew appellant's license for the 1964-65 licensing year in accordance with the application filed therefor.

JOSEPH P. LORDI  
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - FRONT - FAILURE OF CLUB LICENSEE TO KEEP TRUE BOOKS OF ACCOUNT - LICENSE SUSPENDED FOR 90 DAYS.

CANCELLATION PROCEEDINGS - CLUB NOT BONA FIDE - ORDER TO SHOW CAUSE DISCHARGED UPON CORRECTION OF UNLAWFUL SITUATION.

In the Matter of Disciplinary Proceedings against

ENGLEWOOD GOLF CLUB  
Club House Road  
Englewood, New Jersey

CONCLUSIONS  
AND ORDER

Holder of Club License CB-1, issued by the Common Council of the City of Englewood.

-----  
Daniel Amster, Esq., Attorney for Licensee.  
David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that since August 16, 1961 it (1) and (2) permitted Englewood Golf and Pool, Inc. to exercise the privileges of its license and conduct the licensed business as the real and beneficial owner thereof and in its application for license failed to disclose the interest of Englewood Golf and Pool, Inc. in its license, in violation of R.S. 33:1-25, 26 and 52, and (3) failed to keep true books of account indicating receipts and expenditures, in violation of Rule 12 of State Regulation No. 7.

In addition, licensee does not contest an order to show cause why its license should not be cancelled because improvidently issued, in violation of R.S. 33:1-12(5) and Rule 2 of State Regulation No. 7, in that the club was not bona fide within the requirement of the law and the regulation.

In short, reports of investigation disclose that the club "farmed out" its club license to Englewood Golf and Pool, Inc., a business corporation, and abdicated the operation of the licensed business to that corporation and permitted it to retain the profits from the licensed business.

I am satisfied from the proofs submitted in behalf of the licensee that the unlawful situation previously existing has now been corrected.

All of the facts and circumstances considered, including lack of any previous record of suspension of license and the entry of the confessional plea, the license will be suspended for ninety days. Cf. Re Sylvestri, Bulletin 1513, Item 2.

In view of the correction of the unlawful situation, the order to show cause why the license should not be cancelled is discharged. Cf. Re Sea Star Corp., Bulletin 1589, Item 7.

Accordingly, it is, on this 18th day of February 1965,

ORDERED that Club License CB-1, issued by the Common Council of the City of Englewood to Englewood Golf Club, for premises on Club House Road, Englewood, be and the same is hereby suspended for ninety (90) days, commencing at 1 a.m. Tuesday, March 2, 1965, and terminating at 1 a.m. Monday, May 31, 1965.

JOSEPH P. LORDI  
DIRECTOR

4.

ACTIVITY REPORT FOR FEBRUARY 1965

<b>ARRESTS:</b>		
Total number of persons arrested - - - - -		17
Licensees and employees - - - - -	8	
Bootleggers - - - - -	9	
<b>SEIZURES:</b>		
Stills - 50 gallons or under - - - - -		1
Alcohol - gallons - - - - -		.081
Mash - gallons - - - - -		125
Distilled alcoholic beverages - gallons - - - - -		.051
Brewed malt alcoholic beverages - gallons - - - - -		5.25
<b>RETAIL LICENSEES:</b>		
Premises inspected - - - - -		602
Premises where alcoholic beverages were gauged - - - - -		483
Bottles gauged - - - - -		6,801
Premises where violations were found - - - - -		59
Violations found - - - - -		75
Unqualified employees - - - - -	24	Prohibited signs - - - - - 2
Application copy not available - - - - -	12	Gambling devices - - - - - 1
Disposal permit necessary - - - - -	6	Improper beer taps - - - - - 1
Reg. #38 sign not posted - - - - -	5	Other violations - - - - - 20
Other mercantile business - - - - -	4	
<b>STATE LICENSEES:</b>		
Premises inspected - - - - -		12
License applications investigated - - - - -		7
<b>COMPLAINTS:</b>		
Complaints assigned for investigation - - - - -		289
Investigations completed - - - - -		350
Investigations pending - - - - -		179
<b>LABORATORY:</b>		
Analyses made - - - - -		63
Refills from licensed premises - bottles - - - - -		17
Bottles from unlicensed premises - - - - -		4
<b>IDENTIFICATION:</b>		
Criminal fingerprint identifications made - - - - -		5
Persons fingerprinted for non-criminal purposes - - - - -		251
Identification contacts made with other enforcement agencies - - - - -		121
<b>DISCIPLINARY PROCEEDINGS:</b>		
Cases transmitted to municipalities - - - - -		8
Violations involved - - - - -		8
Sale during prohibited hours - - - - -	5	
Sale to minors - - - - -	3	
Cases instituted at Division - - - - -		23
Violations involved - - - - -		32
Sale during prohibited hours - - - - -	5	Failure to close prem. during prohibited hours - - - - - 1
Permitting lottery acty. on prem. - - - - -	5	Permitting persons of ill repute on prem. - - - - - 1
Unqualified employees - - - - -	3	Hindering investigation - - - - - 1
Sale to minors - - - - -	3	Permitting female impersonator on prem. - - - - - 1
Possessing liquor not truly labeled - - - - -	3	Permitting hostesses on premises - - - - - 1
Sale below filed price - - - - -	2	Permitting bookmaking on premises - - - - - 1
Fraud in application - - - - -	2	Permitting immoral acty. on prem. - - - - - 1
Beverage Tax Law non-compliance - - - - -	1	
Permitting gambling on premises - - - - -	1	
Cases brought by municipalities on own initiative and reported to Division - - - - -		17
Violations involved - - - - -		18
Sale to minors - - - - -	9	Unqualified employees - - - - - 1
Conducting bus. as a nuisance - - - - -	2	Fraud and front - - - - - 1
Permitting bookmaking on premises - - - - -	2	Failure to close prem. during prohibited hours - - - - - 1
Sale during prohibited hours - - - - -	2	
<b>HEARINGS HELD AT DIVISION:</b>		
Total number of hearings held - - - - -		42
Appeals - - - - -	9	Seizures - - - - - 3
Disciplinary proceedings - - - - -	23	Tax revocations - - - - - 1
Eligibility - - - - -	6	
<b>STATE LICENSES AND PERMITS ISSUED:</b>		
Total number issued - - - - -		1,138
Licenses - - - - -	1	Social affair permits - - - - - 368
Solicitors' permits - - - - -	40	Miscellaneous permits - - - - - 121
Employment permits - - - - -	219	Transit insignia - - - - - 264
Disposal permits - - - - -	69	Transit certificates - - - - - 43
Wine permits - - - - -	13	
<b>OFFICE OF AMUSEMENT GAMES CONTROL:</b>		
Licenses issued - - - - -	47	
Enforcement files established - - - - -	1	

JOSEPH P. LORDI  
 Director of Alcoholic Beverage Control  
 Commissioner of Amusement Games Control

Dated: March 9, 1965

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

In the Matter of Disciplinary Proceedings against )

JOHN VENEZIA )  
1045 West Side Avenue )  
Jersey City, N. J. )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-87, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City. )

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Levy, Lemken & Margulies, Esqs., by Seymour Margulies, Esq., Attorneys for Licensee.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging (1) and (2) that on divers dates between July 13 and August 13, 1964, he permitted the acceptance of horse race and 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 ten days effective February 28, 1949, for possession of a "refill" (Re Venezia, Bulletin 835, Item 2), by the municipal issuing authority for five days effective June 16, 1952, for sale in violation of State Regulation No. 38, and by the Director for thirty-five days effective April 23, 1959, for local hours violation, wagering on pool game and employing bartender without locally required identification card (Re Venezia, Bulletin 1277, Item 2).

The prior record of suspensions for dissimilar violations occurring more than five years ago disregarded, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Mellolark, Inc., Bulletin 1573, Item 2.

Accordingly, it is, on this 23d day of February, 1965,

ORDERED that Plenary Retail Consumption License C-87, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to John Venezia for premises 1045 West Side Avenue, Jersey City, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. Tuesday, March 2, 1965, and terminating at 2:00 a.m. Monday, April 26, 1965.

JOSEPH P. LORDI  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against  
 JOHN W. REGAN AND THOMAS P. REGAN  
 t/a REGAN'S TAVERN  
 North Side Cliffwood Avenue  
 Matawan Township  
 PO Cliffwood, N. J.  
 Holders of Plenary Retail Consumption License C-11, issued by the Township Committee of the Township of Matawan.

CONCLUSIONS  
AND ORDER

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 Licensees, by John W. Regan, Pro se.  
 Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead guilty to a charge alleging that on January 27 and 30 and February 2 and 8, 1965, and on divers days between July 16, 1964 and February 8, 1965, they permitted the acceptance of horse race bets on the licensed premises, in violation of Rule 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Farrell's Lounge, Inc., Bulletin 1600, Item 3.

Accordingly, it is, on this 2d day of March, 1965,

ORDERED that Plenary Retail Consumption License C-11, issued by the Township Committee of the Township of Matawan to John W. Regan and Thomas P. Regan, t/a Regan's Tavern, for premises North Side Cliffwood Avenue, Matawan Township, be and the same is hereby suspended for fifty-five (55) days, commencing at 3:00 a.m. Tuesday, March 9, 1965, and terminating at 3:00 a.m. Monday, May 3, 1965.

JOSEPH P. LORDI  
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - FALSE STATEMENT IN APPLICATION FOR LICENSE - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

JOSEPH A. MEEHAN )  
591 Communipaw Ave. & )  
77 Monticello Avenue )  
Jersey City, N. J. )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-290, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City. )

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James F. McGovern, Jr., Esq., Attorney for Licensee.  
Edward R. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on December 18, 1964, he sold eight containers of beer to two minors, age 16 and 17, in violation of Rule 1 of State Regulation No. 20, and (2) in his current application for license, he failed fully to disclose the record of his license suspension, in violation of R.S. 33:1-25.

Licensee has a previous record of suspension of license by the municipal issuing authority for seven days effective February 10, 1936, for local hours violation (concealment of this suspension being the subject of the second charge herein), and again for seven days effective May 2, 1954, for permitting bookmaking on the licensed premises.

The prior record of suspensions for dissimilar violations occurring more than five years ago disregarded for penalty purposes, the license will be suspended on the first charge for twenty-five days (Re Zaleski, Bulletin 1481, Item 10) and on the second charge for ten days (Re Rosman, Bulletin 1600, Item 10) or a total of thirty-five days, with remission of five days for the plea entered, leaving a net suspension of thirty days.

Accordingly, it is, on this 23d day of February, 1965,

ORDERED that Plenary Retail Consumption License C-290, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Joseph A. Meehan for premises 591 Communipaw Avenue and 77 Monticello Avenue, Jersey City, be and same is hereby suspended for thirty (30) days, commencing at 2 a.m. Tuesday, March 2, 1965, and terminating at 2:00 a.m. Thursday, April 1, 1965.

JOSEPH P. LORDI  
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - ALLEGED MITIGATION - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

STEPHEN GALAMB, JR. )  
t/a GALAMB'S TAVERN )  
27-33 Dayton Avenue )  
Passaic, N. J. )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-23, issued by the Board of Commissioners of the City of Passaic. )

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Louis R. Cerefice, Esq., Attorney for Licensee.  
Morton B. Zemel, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 13, 1965, he possessed alcoholic beverages in three bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

The licensee urges by way of explanation and/or in mitigation of penalty that he took back the three bottles in question, as an adjustment on a bill, from an organization which held a social affair at his premises a few days prior to the date said bottles were found there by a Division agent and that the organization has admitted tampering with the contents without his knowledge. The licensee's acceptance of these bottles might well be deemed to constitute an additional violation warranting another disciplinary charge against him, viz., for obtaining alcoholic beverages except from a New Jersey manufacturer or wholesaler or pursuant to special permit, in violation of Rule 15 of State Regulation No. 20. While it might be urged that we should take the licensee at his word when he admits this additional violation and institute formal action against him with respect thereto, nevertheless, we are primarily interested in what the basic facts are in the case before us and in penalizing accordingly, rather than in the licensee's claims. The facts herein have been established by the Division and confirmed by the licensee's confessional plea of non vult. The gravamen of this type of violation is the defrauding of patrons by service of alcoholic beverages other than ordered or as labeled. Hence, even if the licensee's claims were to be honored, they would not constitute a defense. Cedar Restaurant & Cafe Co., Inc. v. Hock, 135 N.J.L. 156, reprinted in Bulletin 748, Item 9; nor would it constitute mitigation warranting less than the established penalty customarily imposed in similar cases since patrons are defrauded to the same extent by being served something other than ordered whether the substitution be made with or without the knowledge of the licensee. As was said in Re C. A. R. Corporation, Bulletin 718, Item 10:

"a licensee is held strictly accountable for any 'refills' found in its stock of liquor."

Hence, the aforesaid claim made by and on behalf of the licensee will not be considered either for or against him,

viz., it will not be adjudged cause for additional disciplinary action for violation of Rule 15 of State Regulation No. 20, nor to clear him from guilt in this case or to mitigate the established penalty in any degree.

Licensee has a previous record of suspension of license by the Director for ten days effective November 5, 1962, for sale of alcoholic beverages during prohibited hours, in violation of State Regulation No. 38. Re Galamb, Bulletin 1485, Item 10.

The prior record considered, the license will be suspended for twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re Lincoln Cabin, Inc., Bulletin 1577, Item 11.

Accordingly, it is, on this 24th day of February, 1965,

ORDERED that Plenary Retail Consumption License C-23, issued by the Board of Commissioners of the City of Passaic to Stephen Galamb, Jr., t/a Galamb's Tavern, for premises 27-33 Dayton Avenue, Passaic, be and the same is hereby suspended for twenty (20) days, commencing at 3:00 a.m. Tuesday, March 2, 1965, and terminating at 3:00 a.m. Monday, March 22, 1965.

JOSEPH P. LORDI  
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - GAMBLING (WAGERING) - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

JAMES B. SULLIVAN )  
t/a SULLIVAN'S SEA BRIGHT INN )  
1030-1032 Ocean Avenue )  
Sea Bright, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-4, issued by the Mayor and Council of the Borough of Sea Bright. )

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Benjamin Gruber, Esq., Attorney for Licensee.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 29-30, 1964, he permitted gambling (wagering on pool games) on the licensed premises, in violation of Rule 7 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for fifteen days effective April 5, 1962, for sale to an intoxicated person. Re Sullivan, Bulletin 1450, Item 4.

The license will be suspended for fifteen days (Re Royce, Bulletin 1601, Item 4), to which will be added five

days by reason of the record of suspension for dissimilar violation occurring within the past five years (Re Wojascuk, Bulletin 1601, Item 12), or a total of twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days.

Accordingly, it is, on this 2d day of March, 1965,

ORDERED that Plenary Retail Consumption License C-4, issued by the Mayor and Council of the Borough of Sea Bright to James B. Sullivan, t/a Sullivan's Sea Bright Inn, for premises 1030-1032 Ocean Avenue, Sea Bright, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Tuesday, March 9, 1965, and terminating at 2:00 a.m. Wednesday, March 24, 1965.

JOSEPH P. LORDI  
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 )

JOHN J. STEPIEN & MARY STEPIEN )  
t/a "TRACK INN" )  
129-133 Monroe Street )  
Garfield, N. J. )

CONCLUSIONS  
AND ORDER

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Holders of Plenary Retail Consumption License C-3, issued by the Mayor and Council of the City of Garfield. )

Chary and Porcoro, Esqs., by John E. Porcoro, Esq., Attorneys for Licensees.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on February 6, 1965, they sold six 12-ounce cans of beer and one 4/5 quart bottle of whiskey 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 Lounge 68, Bulletin 1602, Item 10.

Accordingly, it is, on this 2d day of March, 1965,

ORDERED that Plenary Retail Consumption License C-3, issued by the Mayor and Council of the City of Garfield to John J. Stepien and Mary Stepien, t/a Track Inn, for premises 129-133 Monroe Street, Garfield, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Tuesday, March 9, 1965, and terminating at 3:00 a.m. Friday, March 19, 1965.

JOSEPH P. LORDI  
DIRECTOR

11. STATUTORY AUTOMATIC SUSPENSION - ORDER STAYING SUSPENSION.

Auto.Susp.#258 )  
 In the Matter of a Petition to Lift )  
 the Automatic Suspension of Plenary )  
 Retail Consumption License C-38, )  
 issued by the City Council of the ) ON PETITION  
 City of Hackensack to ) ORDER  
 )  
 TOM'S CAFE & TAVERN, INC. )  
 79-81 Main Street )  
 Hackensack, N. J. )

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Seymour Chase, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on February 24, 1965, Vahit Cika, vice-president and treasurer of the licensee-petitioner, was fined \$50 and \$5 costs in the Hackensack Municipal Court after being found guilty of a charge of sale of alcoholic beverages to a minor on January 22, 1965, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of petitioner's license for the balance of its term. R.S. 33:1-31.1. Because of the pendency of this proceeding, the statutory automatic suspension has not been effectuated.

It further appears that Cika is in process of perfecting an appeal from his conviction to the Bergen County Court and that disciplinary proceedings are in contemplation but have not yet been instituted by the municipal issuing authority against the licensee because of the alleged sale of alcoholic beverages to the minor.

In fairness to petitioner, I conclude that at this time the effect of the automatic suspension should be temporarily stayed pending the outcome of the criminal appeal and the disciplinary proceeding. Re Milan, Bulletin 1513, Item 4; Re Luczejko, Bulletin 1552, Item 7.

Accordingly, it is, on this 3d day of March, 1965,

ORDERED that the aforesaid automatic suspension be stayed pending the entry of a further order herein.

JOSEPH P. LORDI  
DIRECTOR

12. 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

GOODIES, INC.  
t/a LOG CABIN TAVERN  
125-127 Jackson Avenue  
Jersey City, N. J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-341, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

Licensee, by Robert Good, President, Pro se.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on February 5, 1965, it sold a pint bottle of whiskey 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 Lounge 68, Bulletin 1602, Item 10.

Accordingly, it is, on this 2d day of March, 1965,

ORDERED that Plenary Retail Consumption License C-341, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Goodies, Inc., t/a Log Cabin Tavern, for premises 125-127 Jackson Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Tuesday, March 9, 1965, and terminating at 2:00 a.m. Friday, March 19, 1965.

JOSEPH P. LORDI  
DIRECTOR

13. STATE LICENSES - NEW APPLICATIONS FILED.

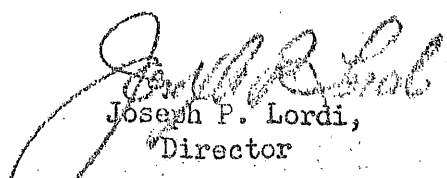
Hub Beer Distributors, Inc.  
1181-1193-1195 Fairview Street, Camden, N.J.  
Application filed March 29, 1965 for place-to-place transfer of Limited Wholesale License WL-43 from 1181 Fairview Street, Camden, New Jersey

Jacobson Beverages, Inc.  
t/a Jacobson Beverages  
365 Bergen Avenue, Lakewood, N. J.  
Application filed March 29, 1965 for person-to-person transfer of State Beverage Distributor's License SBD-38 from Julius Nussenblatt, t/a Jacobson Beverages

Harrison Beverage Co.  
S.E. Cor. Delaware & Mediterranean Aves.  
Atlantic City, New Jersey  
Application filed April 1, 1965 for place-to-place transfer of State Beverage Distributor's License SBD-67 to include additional space.

Rick Beverage Co., Inc.  
Washington Highway, Rte. 24 & Hensfoot Road, Lopatcong Twp., PO Phillipsburg, N. J.  
Application filed April 2, 1965 for Limited Wholesale License.

New Jersey State Library

  
Joseph P. Lordi,  
Director