

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

BULLETIN 1919

July 23, 1970

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STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
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BULLETIN 1919

July 23, 1970

1. COURT DECISIONS - TROIANO v. KEEGAN - DIRECTOR AFFIRMED.

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
A-408-69

MILDRED TROIANO, trading  
as Six Corners Tavern,

Appellant,

v.

JOSEPH M. KEEGAN, DIRECTOR,  
DIVISION OF ALCOHOLIC BEVERAGE  
CONTROL,

Respondent.

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Argued May 19, 1970 -- Decided May 27, 1970

Before Judges Sullivan, Carton and Halpern.

On appeal from order of the Division of  
Alcoholic Beverage Control.

Mr. Joseph C. Glavin, Jr. argued the cause for  
appellant.

Mr. Richard C. Camp, Deputy Attorney General,  
argued the cause for respondent (Mr. George F.  
Kugler, Jr., Attorney General of New Jersey,  
attorney).

PER CURAIM.

(Appeal from Decision in Re Troiano, Bulletin 1890, Item 3.  
Director affirmed. Opinion not approved for publication  
by the Court Committee on Opinions.)

2. DISCIPLINARY PROCEEDINGS - ORDER REIMPOSING SUSPENSION FOLLOWING AFFIRMANCE ON APPEAL.

In the Matter of Disciplinary Proceedings against

MILDRED TROIANO  
t/a Six Corners Tavern  
7 Wheeler Point Rd.  
Newark, N. J.

SUPPLEMENTAL ORDER

Holder of Plenary Retail Consumption License C-685, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

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Elmer J. Herrmann, Jr., Esq., Attorney for Licensee  
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

On October 27, 1969 an order was entered herein suspending the license for sixty days effective November 3, 1969, after finding the licensee guilty of allowing, permitting and suffering gambling, viz., the making and accepting of bets in a lottery commonly known as the "numbers game" and on horse races. Re Troiano, Bulletin 1890, Item 3.

Prior to the effectuation of the suspension, upon appeal filed the Appellate Division of the Superior Court stayed the operation of the suspension until the outcome of the appeal. The court affirmed the action of the Director on May 27, 1970. Troiano v. Keegan etc. (App.Div. 1970), not officially reported, recorded in Bulletin 1919, Item 1. The suspension may now be reimposed.

Accordingly, it is, on this 4th day of June 1970,

ORDERED that the sixty-day suspension heretofore imposed and stayed during the pendency of the proceedings on appeal be reinstated against Plenary Retail Consumption License C-685, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Mildred Troiano, t/a Six Corners Tavern, for premises 7 Wheeler Point Rd., Newark, and the said license be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1970,\*commencing at 2 a.m. Thursday, June 18, 1970; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2 a.m. Monday, August 17, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

\*By order dated June 18, 1970, the suspension was modified to credit licensee for three days suspension served prior to stay by Appellate Division of Superior Court. Suspension to commence at 2 a.m. June 18, 1970 for the balance of the term, and in the event of renewal, to terminate at 2 a.m. Friday, August 14, 1970.

3. STATE REGULATIONS - REGULATION NO. 20, RULE 2 - PRESS  
RELEASE ANNOUNCING NOTICE OF PUBLIC HEARING ON PETITION TO  
RESCIND ELECTION DAY RULE.

Alcoholic Beverage Control Director Richard C. McDonough has scheduled a June 25 public hearing on a petition that he eliminate the 37-year old ban on alcoholic beverage sales on election days in New Jersey.

The appeal to rescind the closing of bars and package stores during polling hours was made in a letter signed by the presidents of five associations representing a majority of the State's alcoholic beverage licensees.

McDonough, whose position as ABC Director gives him the right to order a change in the regulation, has scheduled the hearing for 11 A.M. in the Division of Alcoholic Beverage Control offices at 1100 Raymond Boulevard, Newark.

The appeal was signed by Charles H. Marciante, President of New Jersey AFL-CIO; Gary Malamut, President of New Jersey Hotel/Motel Assn.; Peter Vanola, President of the New Jersey Licensed Beverage Assn.; Jerome M. Miller, President of the New Jersey Restaurant Assn., and Mike Poulos, President of the State Culinary Alliance, AFL-CIO.

The signers claimed a "substantial loss" of both public tax revenue and wages due to the rule. They also call the enforced closing an "anachronistic limitation", stating that the prohibition derives from an earlier period in American history when taverns were community social centers and frequently used as polling places. The ban was then deemed necessary to avoid scandal in connection with the elective process.

The ruling was written into State Regulation 20 following the repeal of Prohibition, in 1933, and has been in effect since that date.

In announcing the public hearing, Director McDonough said that "while this matter is no doubt of economic concern to those persons and groups engaged in the sale of alcoholic beverages, it also affects every citizen in the State. A public hearing is the only fair means to permit all views to be heard before this office makes a decision."

Dated: June 2, 1970

RICHARD C. McDONOUGH  
DIRECTOR

4. APPELLATE DECISIONS - DEZIO and LOUBET v. MOUNT OLIVE.

EDMUND DEZIO and ANN LOUBET,	)	
Appellants,	)	ON APPEAL
v.	)	CONCLUSIONS
	)	AND ORDER
TOWNSHIP COMMITTEE OF THE TOWNSHIP	)	
OF MOUNT OLIVE,	)	
Respondent.		

-----  
George Korpita, Jr., Esq., Attorney for Appellants.  
Vogel, Chait and Wacks, Esqs., by Herbert A. Vogel, Esq.,  
Attorneys 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 which by four-to-one vote of its members denied appellants' application for renewal of their plenary retail consumption license for 1969-70 for premises to be constructed on Route #206 (new shopping center), Flanders, Mount Olive Township.

Appellants allege in the petition of appeal that the action of the respondent was erroneous and should be reversed for the following reasons:

"(a) The basis of the determination is arbitrary, capricious and unreasonable.

"(b) The sound exercise of discretion by the local issuing authority would require the granting of the application.

"(c) Appellants have exercised good faith in effectuating premises in which to locate and operate said license and have been delayed by the inability of the landlord-builder to erect said premises in accordance with the plans and specifications filed with the Township and in accordance with the lease arrangement with the appellants."

Respondent in its answer denies the allegations aforementioned. An order dated June 30, 1969 extending the term of appellants' 1968-69 license was entered by the Director.

The appeal herein was heard de novo pursuant to Rule 6 of State Regulation No. 15, and the attorneys representing the respective parties had full opportunity to present testimony and cross-examine witnesses.

Edmund Dezio, one of the appellants, testified that the license in question was transferred to him and Leslie E. Smith, Jr., in 1967 for premises located at Route 46, and thereafter on June 26, 1968 the said license was transferred from him and Leslie E. Smith, to himself and Ann Loubet (the appellants herein), and from Route 46 to premises to be constructed in a shopping center on Route 206. Thereafter the application for renewal of the license was conditionally approved for 1968-69, the issuance of the said

license to become effective when the building was constructed in accordance with plans heretofore filed. However, when the building was not constructed appellants' application for renewal for the current licensing period was denied.

Appellant Dezio testified that he continuously kept in touch with Frank Kantrowitz, the owner of the shopping center, requesting that the building be erected. Mr. Kantrowitz attributed his inability to obtain the necessary funds for the said project to the tight mortgage money market prevailing during the year.

David Kantrowitz testified that he is one of the owners of the shopping center and corroborated the fact that the building for which appellants' license was to issue had not been built, stating:

"When we started it [money] was not tight and we were promised enough financing, and it tightened up and never materialized."

Committeeman Paul J. Amadio testified he voted to approve the renewal of appellants' license for the 1969-70 licensing period because he was aware that the builder of the shopping center had some financial problems but that as soon as he could clear it up he was going to proceed with construction of the building.

Mayor Robert T. Piatt testified that he voted to deny the renewal of appellants' license for the reason that the prior year when the committee acted favorably on the renewal it was indicated that in a matter of months there would be a building available for the license in question. Mayor Piatt stated that in his opinion "it was unfair for a person just to hold onto a license laying stagnant without being used just trying to market it."

I have set forth the pertinent facts with reference to the matter. The reason given by Mayor Piatt is understandable that he preferred the license in question to be used. On the other hand the appellants have a similar opinion but, due to no fault of theirs, the building had not been constructed.

The evidence presented indicates that appellants acted in good faith when they entered into the lease for the proposed site and appellant Dezio's testimony was that he was in constant communication with Kantrowitz, urging that he proceed with the erection of the building.

An owner of a license or privilege acquires through his investment therein an interest which is entitled to some measure of protection in connection with a transfer. Tp. Committee of Lakewood Tp. v. Brandt, 38 N.J. Super. 462 (App. Div. 1955). This also applies to a licensee seeking renewal of the license. Furthermore, in the Brandt case it was ruled that under the law a case is heard de novo by the Director. Cino v. Driscoll, 130 N.J.L. 535 (Sup. Ct. 1943); and he may properly rely on the evidence brought out in the Division. See Florence Methodist Church v. Township Committee, Tp. of Florence, 38 N.J. Super. 85 (App. Div. 1955).

Under the circumstances I am satisfied that it would be unfair to deprive appellants of their license by denying the renewal thereof.

It is therefore recommended that the action of the respondent be reversed, and that it be directed to grant the application filed by appellants for the renewal of their license for the 1969-70 licensing period subject, of course, to the provisions that the license should not actually be issued until the premises, as described in the plans and specifications submitted herein, be completed and found acceptable by respondent.

#### Conclusions and Order

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

I find under the circumstances in this case that respondent acted unreasonably in denying appellants' application for renewal of their license for the 1969-70 licensing period. However, I urge that appellants employ every means available in order that the building at the proposed site for the license in question, be completed within a reasonable time to avoid further delay in this matter.

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

Accordingly, it is, on this 27th day of May 1970,

ORDERED that the action of the respondent be and the same is hereby reversed and respondent is hereby directed to grant appellants' application for 1969-70 license renewal subject to the special condition that the license shall not be issued unless and until the proposed premises shall have been duly completed in keeping with the filed plans.

RICHARD C. McDONOUGH  
DIRECTOR

5. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN RESTAURANT - APPLICATION OF OWNER FOR RETURN OF CASH DENIED ABSENT GOOD FAITH - RETURN OF DEPOSIT POSTED IN LIEU OF RETAIL VALUE OF CERTAIN EQUIPMENT ORDERED RETURNED TO INNOCENT CLAIMANT - CASH, BALANCE OF SEIZED PROPERTY AND ALCOHOLIC BEVERAGES ORDERED FORFEITED.

In the Matter of the Seizure	)	
on September 16, 1969 of a quantity	)	Case No. 12,252
of alcoholic beverages, equipment	)	
and \$144.08 in cash at the unlicensed	)	ON HEARING
premises of a store located at 47	)	CONCLUSIONS
Cutler Street, in the City of Newark,	)	AND ORDER
County of Essex and State of New Jersey.	)	

-----  
 Jose Lugo, claimant.  
 R and Y Amusement Company, by Emil Russoniello, Secretary-Treasurer.  
 Harry D. Gross, Esq., appearing for Division.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This matter came on for hearing pursuant to R.S. 33:1-66 and State Regulation No. 28, and, further, pursuant to a stipulation executed by the R and Y Amusement Company to determine whether 29 containers of alcoholic beverages, a pool table, a juke box, a pinball machine, a cigarette machine, and \$144.08 in cash, which includes a five-dollar "marked" bill, as set forth in a schedule annexed hereto, made part hereof and marked Schedule "A", seized on September 16, 1969 at premises located on the ground floor of a multi-storied building at 47 Cutler Street, Newark, more particularly known as Cabo Rojo Restaurant, constitute unlawful property and should be forfeited; and further, to determine whether the sum of \$400.00 deposited by R and Y Amusement Company with the Director, by stipulation signed by said claimant under protest, representing the appraised retail value of the said equipment set forth in said stipulation should be forfeited or returned to it.

The seizure was made by ABC agents because of alleged unlawful sales of alcoholic beverages at a speakeasy conducted at the said premises.

When the matter came on for hearing pursuant to R.S. 33:1-66, Jose Lugo entered a claim for the return of \$34.00 "and change" which was seized by the agents.

R and Y Amusement Company entered a claim for the return of the monies deposited by it under the aforesaid stipulation.

No one appeared or entered a claim for the return of the alcoholic beverages. It should be noted, at the outset, that the refrigerator and miscellaneous personal property, seized by the agents, were abandoned at the premises because of their dilapidated condition.

The file of this Division, which was admitted into evidence with the consent of the claimants herein, contained the affidavit

of mailing, the affidavit of publication, the inventory, the "marked" five-dollar bill, the chemist's report, the record of the "marked" bill and the stipulation.

The said file, which included reports of ABC agents and other documents disclosed the following: At about 8:50 P.M. on September 16, 1969 ABC agents arrived in the vicinity of the premises at 47 Cutler Street, Newark, better known as the Cabo Rojo Restaurant. One of the agents entered the premises and the other agents remained at a point of observation.

The agent observed two males behind the counter, later identified as Angel Rosa and Jose Lugo. He ordered a can of beer from Rosa who proceeded to the refrigerator, obtained the beer therefrom and served it to the agent. The agent paid him with a five-dollar "marked" bill. The other patrons were being served and the bartender received payment for the said service of beer. The agent, thereupon, left the premises and returned to the subject premises about 9:40 P.M.

They identified themselves to Rosa and Lugo and placed them under arrest. A search of Rosa and Lugo was made and the five-dollar "marked" bill used to purchase the beer by the agent was found in Lugo's pocket. Rosa admitted the sale of beer to the agent. The unconsumed portion of the beer purchased by the agent was transmitted to the Division laboratory.

An analysis of a sample of the seized beer was made by the Division chemist, and his report certified by the Director on September 29, 1969 established that it was an alcoholic beverage fit for beverage purposes, with an alcoholic content, by volume, of 4.79%. The records of this Division do not disclose any license or permit authorizing the sale of alcoholic beverages to Lugo, Rosa or for the premises in question.

Since there was no permit or license authorizing the sale of alcoholic beverages to any person or for the premises in question, they are illicit, because they were intended for sale without a license. Such alcoholic beverages, the personal property and the cash, as set forth in Schedule "A" herein, constitute unlawful property and are subject to forfeiture. R.S. 33:1-2; R.S. 33:1-66; Seizure Case No. 11,597, Bulletin 1679, Item 7.

Jose Lugo, testifying in support of his claim for the return of the seized cash, gave the following account: He was employed by the Cabo Rojo Restaurant as kitchen manager and part of the cooking facilities were located behind the bar. He knew that beer was served to patrons as well as to the ABC agents, but he denied that he had anything to do with the service of alcoholic beverages.

The \$34.00 that he had in his pocket came from the sale of food to the patrons. He explained that the "marked" five-dollar bill which was commingled with his money was received by him from one of the patrons who asked him for change. He frequently would give change to Rosa.

On cross-examination, he stated that he had only been employed there for the past week, and although he knew that beer was being sold illegally, he felt that that was not within his scope of employment.

In view of the fact that the "marked" money was found in his possession, and he readily admitted knowing that illicit alcoholic beverages were being sold, I find it incredible that he did not participate in the said sales.

Accordingly, it is recommended that his claim for the return of the commingled cash be denied, and an Order be entered forfeiting the same.

Emil Russoniello, secretary-treasurer of the R and Y Amusement Company, testified in support of its claim, for the return of the monies deposited under the aforementioned stipulation, upon which the juke box, a pinball machine, a pool table and cigarette machine was returned to it.

He gave the following account: Following its established practice, the four machines are installed after applications are filed with the local licensing bureau and are investigated by the Police Department. It was his understanding that no such licenses were issued until the police have approved the same after a background investigation has been made. This witness actually prepared the applications and delivered them to the local licensing bureau. After the machines were installed, he visited the premises for the purpose of collection and never saw any alcoholic beverage activity take place. He further adds this claimant has been in business for 30 years and has never been involved in the seizure of its equipment.

Under all the circumstances herein, I am satisfied that the claimant acted in good faith, and did not know, or have any reason to believe, that its property was being used in the operation of a speakeasy.

Accordingly, it is recommended that the claim of said claimant be recognized and that an Order be entered returning the monies deposited by it under the aforesaid stipulation.

It is, further, recommended that the balance of the seized property, including the alcoholic beverages, be forfeited.

#### Conclusions and Order

No exceptions to the Hearer's Report have been filed within the time permitted by Rule 4 of State Regulation No. 28.

Having carefully considered the entire record herein, I will adopt the Hearer's findings and recommendations. However, in doing so, I wish to give public notice that, henceforth, claimants for the return of seized property, such as vending machines installed at unlicensed premises will not be permitted to rely on any presumed investigation of such premises by any other person or agency, including law enforcement agencies. Personal inspection by such claimants or their agents at reasonable hours (not merely early morning pre-business hours) will be required in order to show that the claimant neither knew nor should have known of the illicit alcoholic beverage activity taking place in such premises.

Accordingly, it is on this 25th day of May, 1970

DETERMINED and ORDERED that the claim of R and Y Amusement Company be and the same is hereby recognized, and that the sum of \$400.00 deposited by it under the stipulation hereinabove referred to be returned to it; and it is further

DETERMINED and ORDERED that the balance of the seized property, including the sum of \$144.08 in cash, as set forth in Schedule "A", attached hereto, constitutes unlawful property and the same be and is hereby forfeited, in accordance with the provisions of R.S. 33:1-66, to be accounted for in accordance with law; and it is further

DETERMINED and ORDERED that the alcoholic beverages be and the same are hereby forfeited and shall be retained for the use of hospitals, State, county and municipal institutions, or destroyed, in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

RICHARD C. McDONOUGH  
DIRECTOR

SCHEDULE "A"

- 29 - containers of alcoholic beverages
- 1 - juke box; 1 pinball machine;
- 1 - pool table; 1 cigarette machine;
- 1 - refrigerator; miscellaneous personal property;
- \$144.08 - cash

6. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITY (ROOM RENTING) - FOUL LANGUAGE - ACT OF VIOLENCE - SALE TO MINOR - LICENSE SUSPENDED FOR 130 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
 Brierhurst Associates, Inc.  
 t/a Hotel Penn  
 81 So. Clinton Avenue  
 Trenton, N. J.

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption)  
 License C-32, issued by the City  
 Council of the City of Trenton. )

Licensee, by Murray J. Cohen, President, Pro se.  
Edward F. Ambrose, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that it (1) on March 28-29, 1970 permitted lewdness and immoral activity (renting of a room for purpose of illicit sexual intercourse) on the licensed premises, in violation of Rule 5 of State Regulation No. 20, (2) on March 7-8, March 13-14, March 21 and March 26-27, 1970 permitted foul, filthy and obscene language and conduct by persons employed and by patrons

on the licensed premises, in violation of Rule 5 of State Regulation No. 20, (3) on March 26-27 permitted brawls, acts of violence on patrons and disturbances on the licensed premises, in violation of Rule 5 of State Regulation No. 20, and (4) sold mixed drinks of alcoholic beverages 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 sixty days, viz., of its 1961-62 license for balance of its term, effective May 7, 1962, and of renewal license for the 1962-63 period until July 6, 1962, for permitting apparent homosexuals to congregate on the licensed premises, in violation of Rule 5 of State Regulation No. 20. Re Brierhurst Associates, Inc., Bulletin 1453, Item 2.

The prior record of suspension of license for dissimilar violation occurring more than five years ago disregarded, the license will be suspended on the first charge for ninety days (Re Cross Keys Hotel & Rest., Inc., Bulletin 1771, Item 1), on the second charge for ten days (Re Castaways, Inc., Bulletin 1675, Item 4), on the third charge for twenty days (Re New Surf Club, Inc., Bulletin 1864, Item 4), and on the fourth charge for ten days (Re Belco Liquor Store, A Corporation, Bulletin 1897, Item 4), or a total of one hundred thirty days, with remission of five days for the plea entered, leaving a net suspension of one hundred twenty-five days.

Accordingly, it is, on this 17th day of June 1970,

ORDERED that Plenary Retail Consumption License C-32, issued by the City Council of the City of Trenton to Brierhurst Associates, Inc., t/a Hotel Penn, for premises 81 So. Clinton Avenue, Trenton, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1970, commencing at 2:00 a.m. Tuesday, June 30, 1970; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2:00 a.m. Monday, November 2, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - GAMBLING (SLOT MACHINES) - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
 Atlantic City Lodge #276,  
 B.P.O.Elks  
 3112-3114 Atlantic Avenue  
 Atlantic City, N. J.  
 Holder of Plenary Retail Consumption License C-1021, issued by the Director of the Division of Alcoholic Beverage Control.

CONCLUSIONS and ORDER

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 Feinberg & Ginsburg, Esqs., by Edward I. Feinberg, Esq.,  
 Attorneys for Licensee.  
 Edward F. Ambrose, Esq., Appearing for the Division.

BY THE DIRECTOR:

Licensee pleads guilty to charges alleging that (1) on January 30, 1970 it permitted gambling, viz., playing of slot machines for money stakes on its licensed premises, and (2) on said date of January 30 and on February 10, 1970 it possessed slot machines on its licensed premises in violation, respectively, of Rules 7 and 8 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Asbury Park Lodge #128 B.P.O.Elks, Bulletin 1813, Item 10.

Accordingly, it is, on this 22nd day of June 1970,

ORDERED that Plenary Retail Consumption License C-1021, for the 1970-71 licensing period, issued by the Director of the Division of Alcoholic Beverage Control to Atlantic City Lodge #276, B.P.O.Elks, for premises 3112-3114 Atlantic Avenue, Atlantic City, be and the same is hereby suspended for five (5) days, commencing at 7:00 a.m. Monday, July 6, 1970, and terminating at 7:00 a.m. Saturday, July 11, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against  
 Mario's, Inc.  
 t/a J. B. Mario's  
 E. 120 Route No. 4  
 Paramus, N. J.  
 Holder of Plenary Retail Consumption License C-13, issued by the Mayor and Council of the Borough of Paramus.  
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CONCLUSIONS and ORDER

Charles A. Bartlett, Esq., Attorney for Licensee  
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charge alleging that, on July 3, 1969, it 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.

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 Gordon Compton's Surrey Inn, Inc., Bulletin 1896, Item 12.

Accordingly, it is, on this 17th day of June 1970,

ORDERED that Plenary Retail Consumption License C-13, issued by the Mayor and Council of the Borough of Paramus to Mario's, Inc., t/a J. B. Mario's, for premises E. 120 Route No. 4, Paramus, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1970, commencing at 3:00 a.m. Monday, June 29, 1970; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 3:00 a.m. Tuesday, July 14, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

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

In the Matter of Disciplinary )  
Proceedings against )  
Carl Lorello and William J. Schulkes )  
t/a Carvin Tavern )  
366 Ocean Avenue )  
Jersey City, N. J. )

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption )  
License C-223, issued by the Municipal )  
Board of Alcoholic Beverage Control of )  
the City of Jersey City. )  
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Licensees, by Carl Lorello, Partner, Pro se  
Edward F. Ambrose, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensees plead non vult to charges (1) and (2) alleging that on divers days between May 21 and June 11, 1969 they permitted the acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 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 Kochmar, Openshaw & Openshaw, Bulletin 1899, Item 12.

Accordingly, it is, on this 19th day of June 1970,

ORDERED that Plenary Retail Consumption License C-223, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Carl Lorello and William J. Schulkes, t/a Carvin Tavern, for premises 366 Ocean Avenue, Jersey City, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1970, commencing at 2 a.m. Monday, June 29, 1970; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2 a.m. Sunday, August 23, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY  
Labeled - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

Silver Lake Corporation )  
t/a Silver Lake Inn )  
168 White Horse Pike )  
Clementon, N. J. )

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption )  
License C-2 (1969-70 and 1970-71 )  
licensing periods), issued by the )  
Borough Council of the Borough of )  
Clementon. )

-----  
Wilinski, Coruzzi & Suski, Esq., Attorneys for Licensee  
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that,  
on December 23, 1969, it possessed alcoholic beverages in  
seven 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 thirty days, with remission of five days for the plea  
entered, leaving a net suspension of twenty-five days.  
Re B.S. & R.C. Corporation, Bulletin 1863, Item 6.

Accordingly, it is, on this 18th day of June 1970,

ORDERED that Plenary Retail Consumption License C-2  
issued by the Borough Council of the Borough of Clementon to  
Silver Lake Corporation, t/a Silver Lake Inn, for premises  
168 White Horse Pike, Clementon, be and the same is hereby  
suspended for twenty-five (25) days, commencing at 3:00 a.m.  
\*Thursday, July 9, 1970, and terminating at 3:00 a.m. Monday,  
August 3, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

\*Amended Order dated June 23, 1970 deferred dates of  
suspension of license for 25 days commencing at 3:00 a.m.  
Thursday, July 2, 1970 and terminating at 3:00 a.m. Monday,  
July 27, 1970.

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

In the Matter of Disciplinary Proceedings against )  
The Willowbrook Inn, Inc. )  
t/a The Four and Twenty )  
Willowbrook Mall, Willowbrook )  
Shopping Center )  
Wayne Township, N. J. )

CONCLUSIONS and ORDER

Holder of Plenary Retail Consumption License C-9, issued by the Municipal Council of the Township of Wayne. )  
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Diamond, Diamond & Afflitto, Esqs., by Michael K. Diamond, Esq., Attorneys for Licensee  
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charge alleging that, on May 1, 1970, it possessed alcoholic beverages in two bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Wallace, Bulletin 1906, Item 13.

Accordingly, it is, on this 19th day of June 1970,

ORDERED that Plenary Retail Consumption License C-9, issued by the Municipal Council of the Township of Wayne to The Willowbrook Inn, Inc., t/a The Four and Twenty, for premises Willowbrook Mall, Willowbrook Shopping Center, Wayne Township, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1970, commencing at 3:00 a.m. Monday, June 29, 1970; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 3:00 a.m. Thursday, July 9, 1970.

Richard C. McDonough  
Director