

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

BULLETIN 2042

April 24, 1972

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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 2042

April 24, 1972

1. NOTICE TO ALL LICENSEES - REVISED RULE 4 OF DIVISION REGULATION NO. 20 - CONDUCT OF LICENSEES AND USE OF LICENSED PREMISES.

NOTICE TO ALL LICENSEES:

Pursuant to Notice of Intention of March 9, 1972, to revise N.J.A.C. 13:2-218 (Rule 4 of Division Regulation No. 20) concerning the Conduct of Licensees and Use of Licensed Premises, no response having been received, I have, accordingly, this day, revised N.J.A.C. 13:2-218 (Rule 4 of Division Regulation No. 20) effective immediately, to read as follows: (new matter underscored, deleted matter bracketed).

No licensee shall allow, permit or suffer in or upon the licensed premises any prostitute, female impersonator, pickpocket, swindler, confidence man, or any notorious criminal, gangster, racketeer, or other person of ill repute; nor shall any licensee allow, permit or suffer in or upon the licensed premises any unlawful possession of or any unlawful activity pertaining to narcotic or other drugs [as defined by R.S. 24:18-2] or other controlled dangerous substances as defined by the New Jersey Controlled Dangerous Substances Act (R. S. 24:21-1, et seq.) or [barbiturate, amphetamine, barbitol, hypnotic or somnifacient drugs, tranquilizers or] any prescription legend drug, in any form, which is not a narcotic, depressant or stimulant drug [within the meaning of R.S. 24:18-2] or controlled dangerous substance as heretofore defined; nor shall any licensee allow, permit or suffer the licensed premises to be accessible to any premises upon which any illegal activity or enterprise is carried on, or the licensed premises or business to be used in furtherance or aid of, or accessible to any [such] illegal activity or enterprise [which activity or enterprise results in a conviction in a criminal prosecution or other prosecution in any court for violation of any penal Federal or State Law or municipal ordinance].

Dated: April 6, 1972

Robert E. Bower
Director

2. NOTICE TO PLENARY RETAIL CONSUMPTION LICENSEES - SALE OF PAINTINGS IN RESTAURANTS.

J. A. Leonard
Hohokus, N. J.

This refers to your letter of March 7th reply to which was delayed pending a conference with my staff as to whether or not I should interpret the Alcoholic Beverage Law to permit the sale of paintings in restaurants.

Since 1933, plenary retail consumption licensees (under which restaurants operate) were prohibited from engaging in any other mercantile business. The only items that they could sell for off-premises consumption were soft drinks as accessory beverages and cigarettes as a convenience to customers.

On February 15, 1968, Governor Hughes approved Senate Bill No. 503 which thereupon became Chapter 296 of the Laws of 1967, effective immediately. This Act amends R.S. 33:1-12 (1 and 2) so that it now provides, with respect to the conduct of other mercantile business on plenary and seasonal retail consumption licensed premises, as follows:

"Plenary Retail Consumption License. 1...this license shall not be issued to permit the sale of alcoholic beverages in or upon any premises in which a grocery, delicatessen, drug store or other mercantile business except, subject to such rules and regulations established from time to time by the director, the keeping of a hotel or restaurant including the sale of mercantile items incidental thereto as an accommodation to patrons, or the sale of cigars, [and] cigarettes, packaged crackers, chips, nuts and similar snacks and ice at retail as an accommodation to patrons, or the retail sale of nonalcoholic beverages as accessory beverages to alcoholic beverages, or, in commercial bowling establishments, the retail sale or rental of bowling accessories and the retail sale from vending machines of candy, ice cream and non-alcoholic beverages is carried on..."

Next, to constitute a "restaurant" within the meaning of the recent amendment, a licensed business must conform to the following existing statutory definition:

"R.S. 33:1-1(t). An establishment regularly and principally used for the purpose of providing meals to the public, having an adequate kitchen and dining room equipped for the preparing, cooking and serving of foods for its customers and in which no other business, except such as is incidental to such establishment, is conducted."

Such establishments may sell all of the items which a "straight" tavern may sell, plus candy, chewing gum, mints, etc., cake, pre-packaged foods and small gifts and toys, provided the sale of these additional items is subsidiary to, and in customary conjunction with, the licensee's restaurant business. Specialty glassware and baskets may be considered to be such gifts, depending upon the particular factual circumstances.

As you were advised the sale of paintings in restaurants was never considered as a permissible item under our interpretation of the law. However, after my staff conference, I have determined that

the sale of such paintings in bona fide restaurants would, in no way, conflict with the enforcement of the Alcoholic Beverage Law and should be permissible.

Accordingly, effective immediately, permission is herewith granted for bona fide restaurants holding alcoholic beverage licenses to display and sell paintings.

Robert E. Bower
Director

3. DISCIPLINARY PROCEEDINGS - SUPPLEMENTAL ORDER - SUSPENSION
LIFTED ON CORRECTION OF UNLAWFUL SITUATION.

In the Matter of Disciplinary)	
Proceedings against)	
302 Club, Inc.)	
t/a Sid's Club	)	On Petition
302 Brunswick Avenue)	
Trenton, N. J.,	)	SUPPLEMENTAL ORDER
Holder of Plenary Retail Consumption)		
License B-235, issued by the City		
Council of the City of Trenton.)	

Benjamin Forer, Esq., Attorney for Licensee
Dennis M. Brew, Appearing for the Division

BY THE DIRECTOR:

On February 29, 1972 Conclusions and Order were entered suspending the license for the balance of its term effective March 6, 1972, with leave to the licensee or any bona fide transferee of the license to file a verified petition establishing correction of the unlawful situation (undisclosed interest of corporate stockholder in the license) for lifting of the suspension on or after twenty-eight days from the commencement of the suspension (viz., March 6, 1972).
Re 302 Club, Inc., Bulletin , Item .

It appearing from the petition submitted by the licensee that the unlawful situation has been corrected, I shall grant the petition requesting termination of the suspension effective 2 a.m. Monday, April 3, 1972.

Accordingly, it is, on this 26th day of March 1972,

ORDERED that the suspension heretofore imposed herein be and the same is hereby terminated effective 2 a.m. Monday, April 3, 1972.

Robert E. Bower,
Director.

4. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF
STATE REGULATION NO. 38 - GAMBLING (CARD AND DICE GAMES) -
PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 7
FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Enor Enterprises, Inc.
t/a Club 423
423 Pear Street
Vineland, N.J.,

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption
License C-36, issued by the City
Council of the City of Vineland.

Frank J. Testa, Esq., Attorney for Licensee
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to two charges alleging that on
Friday, August 6, 1971, at 11:10 p.m. (1) it permitted the sale
of alcoholic beverages for off-premises consumption, in violation of
Rule 1 of State Regulation No. 38; and (2) it permitted gambling on
the licensed premises, i.e., card and dice games for stakes, in
violation of Rule 7 of State Regulation No. 20.

Licensee has a prior record of suspension for an "hours"
violation by the local issuing authority for five days, effective
April 24, 1966.

The license will be suspended on the first charge herein
for fifteen days (Re Kogut, Bulletin 2031, Item 4), to which will
be added five days by reason of the similar violation committed
within the past ten years; and on the second charge for fifteen
days (Re Pilowski, Bulletin 1974, Item 6), making a total of
thirty-five days, with remission of seven days for the plea entered,
leaving a net suspension of twenty-eight days.

Accordingly, it is, on this 20th day of March 1972,

ORDERED that Plenary Retail Consumption License C-36,
issued by the City Council of the City of Vineland, to Enor
Enterprises, Inc., t/a Club 423, for premises 423 Pear Street,
Vineland, be and the same is hereby suspended for twenty-eight (28)
days, commencing 2:00 a.m. on Monday, April 3, 1972, and termi-
nating 2:00 a.m. on Monday, May 1, 1972.

Robert E. Bower
Director

5. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - PRIOR SIMILAR RECORD - PRIOR SIMILAR RECORD NOT CONSIDERED DUE TO COMPLETE CHANGE OF STOCKHOLDERS OF CORPORATE LICENSEE - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)	
Proceedings against)	
Admiral Bar & Liquor Store, Inc.)	
t/a Admiral Bar & Liquor Store)	
2250 Admiral Wilson Boulevard	)	CONCLUSIONS
Camden, N.J.,	)	and
	)	ORDER
Holder of Plenary Retail Consumption)	
License C-140, issued by the Municipal)	
Board of Alcoholic Beverage Control of)	
the City of Camden.)	
- - - - -)	
Licensee, Pro se)	
Walter H. Cleaver, Esq., Appearing for Division)	

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on December 4, 1971, it sold alcoholic beverages to a minor, age 17, in violation of Rule 1 of State Regulation No. 20.

Licensee has a prior record of suspension of license for fifteen days, by the Director, effective April 8, 1969, for similar offense. Re Admiral Bar & Liquor Store, Inc., Bulletin 1853, Item 6.

License will be suspended for twenty days (Re Kidawa, Bulletin 2032, Item 3), to which will be added ten days by reason of the similar offense having occurred within the past five years, making a total of thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 20th day of March 1972,

ORDERED that Plenary Retail Consumption License C-140, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden, to Admiral Bar & Liquor Store, Inc., t/a Admiral Bar & Liquor Store, for premises 2250 Admiral Wilson Boulevard, Camden, be and the same is hereby suspended for twenty-five (25) days, commencing 2:00 a.m. on Monday, April 3, 1972, and terminating 2:00 a.m. on Friday, April 28, 1972.

Robert E. Bower
Director

*By amended order dated March 24, 1972, the suspension was modified to fifteen (15) days, commencing 2:00 a.m. Monday, April 3, 1972, and terminating 2:00 a.m. Tuesday, April 18, 1972, because the prior similar violation was deleted in view of the fact that there was a complete change of stockholders of the corporate licensee prior to the subject violation herein and thus the said violation will not be considered for penalty purposes.

6. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN CANDY STORE - SUM DEPOSITED REPRESENTING RETAIL VALUE OF CERTAIN EQUIPMENT ORDERED RETURNED TO INNOCENT OWNER - BALANCE OF SEIZED PERSONAL PROPERTY, CASH AND ALCOHOLIC BEVERAGES ORDERED FORFEITED.

In the Matter of the Seizure	:	Case No. 12,477
on May 8, 1971 of a quantity	:	
of alcoholic beverages, soda,	:	On Hearing
fixtures, furnishings, equipment,	:	
miscellaneous personal property,	:	CONCLUSIONS and ORDER
and \$33.03 in cash in a one-story	:	
building at the south end of Texas	:	
Avenue, in the Borough of Glass-	:	
boro, County of Gloucester and	:	
State of New Jersey.	:	

Terminal Vending Co., by Samuel Di Matteo, Assistant Sales Manager, claimant.

Harry D. Gross, Esq., appearing for the Division.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This matter came on for hearing pursuant to the provisions of N.J.S.A. 33:1-66 and State Regulation No. 28, and further, pursuant to a stipulation dated June 15, 1971, signed by Charles Radvansky, Agent for and on behalf of Terminal Vending Co., Inc., Oaklyn, New Jersey to determine whether 286 containers of alcoholic beverages, two refrigerators, one coca cola box, one pool table, one juke box, miscellaneous personal property and \$33.03 in cash, as set forth in an inventory attached hereto, made a part hereof and marked Schedule "A" seized on May 8, 1971 in a one-story building at the south end of Texas Avenue, Borough of Glassboro, County of Gloucester and State of New Jersey, constitute unlawful property and should be forfeited; and further, to determine whether the sum of \$500.00, representing the appraised value of one pool table and one juke box, as set forth in Schedule "A", deposited by the said Charles Radvansky, Agent for and on behalf of Terminal Vending Co., Inc., with the Director, under protest, shall be forfeited or returned to it.

The seizure was made by ABC agents in cooperation with officers of the Glassboro Police Department.

When the matter came on for hearing, Samuel Di Matteo, appeared on behalf of the Terminal Vending Co., Inc., to seek return of the \$500.00 deposited in accordance with the stipulation herein. No one appeared to seek return of the alcoholic beverages, the cash, and the remaining personalty as set forth in Schedule "A".

Reports of ABC agents and other documents in the Division file admitted in evidence with the consent of the claimant disclosed the following facts: On the last of six investigations, May 8, 1971,

Agents B, G, D, P, & W arrived in the vicinity of the premises herein. Agent B entered the premises alone and approached an adult female behind the counter. He requested a pint bottle of Calvert's Whiskey from the female later identified as Shareyfah Saud who went to the rear room and returned with the bottle requested. Agent B paid with a ten-dollar bill, the serial number of which had been previously recorded; Saud placed the bill in the pocket of an apron lying nearby, returning \$5.00 change to Agent B. Thereafter, Agent B purchased another pint of Calvert Whiskey for which he paid with a "marked" five-dollar bill and then purchased a can of Miller High Life Beer.

He thereupon summoned the remaining agents and members of the Glassboro Police who arrested Saud on charges of sale of alcoholic beverages without a license and possession of alcoholic beverages with intent to sell without a license in violation of N.J.S.A. 33:1-2 and N.J.S.A. 33:1-50. The remaining officers then conducted the search of the premises and seized the property therein. The "marked" money was retrieved from the pocket of the apron.

The Division file also included the Director's certificate that no alcoholic beverage license or special permit of any kind had ever been issued to Shareyfah Saud or to any person for or at premises south end of Texas Avenue, City of Glassboro, County of Gloucester; an inventory of the seized items, affidavits of mailing and publication of notice of hearing; a Division form indicating the serial numbers of the "marked" currency used herein, and the certified report of chemical analysis by the Division chemist that one pint bottle of Calvert Whiskey and one 12-ounce can of Miller High Life Beer seized in the instant matter contained alcoholic beverages fit for beverage purposes with alcoholic content of 43.3% and 4.50% respectively.

Samuel Di Matteo, Assistant Sales Manager of Terminal Vending Co., Inc. testified that his company purchased all the holdings of Cannon Coin Machine Co. on December 30, 1970. The juke box and pool table herein became the property of Terminal Vending Co., Inc., and the candy store at the premises herein became its customer. He identified the items herein by serial number from the records of Terminal Vending Co., Inc. The policy of Terminal Vending Co., Inc. upon making a purchase of this kind is to visit and inspect each location. While he did not personally visit the location herein, he visited several other locations purchased in the transaction with Cannon and from his experience with the procedures of Terminal Vending Co., Inc., he was certain that this premises was so visited.

He concluded that since the location herein is classified as a candy store, in the records of Terminal Vending Co., Inc., he was satisfied that it must genuinely have appeared as such to the inspecting officer of Terminal Vending Co., Inc.

Thomas Davis testified that he has been employed as a route serviceman of Terminal Vending Co., Inc., since January 1, 1971, having been a milkman prior thereto.

He serviced the premises generally on a monthly or semi-monthly basis and never saw any alcoholic beverages or any evidence that alcoholic beverages were being stored or sold on the premises. He described the premises as "A candy store with groceries on shelves". He stayed on the premises approximately 15 minutes, counted the money from the machines, paid the appropriate amount to whomever was in charge, and departed.

The seized alcoholic beverages are illicit because they were intended for sale and sold without a license. Such alcoholic beverages, the personal property and cash as set forth in Schedule "A" herein, seized on the premises, constitute unlawful property and are subject to forfeiture. N.J.S.A. 33:1-1(i); N.J.S.A. 33:1-2; N.J.S.A. 33:1-66.

The claimant's witness testified that upon acquisition of the juke box and pool table herein a personal visit to the premises was conducted by arrangement of claimant. No reliance was placed upon the presumed investigation of any other agency. Thereafter, on a monthly or semi-monthly basis, depending on when the premises was open, an agent entered the premises, stayed approximately 15 minutes and departed. He made collections, observed what generally appeared to be a candy store with groceries on the shelves, and often saw children at play therein.

Under the circumstances herein, I am satisfied that the claimant, relying on the personal, reasonable inspection of its agent, neither knew nor reasonably should have become aware of the illicit beverage activity taking place on the premises. Seizure Case No. 12,252, Bulletin 1919, Item 5.

Accordingly, it is recommended that the claim of the claimant herein be recognized, and that an Order be entered returning the monies deposited 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 were filed within the time permitted by Rule 4 of State Regulation No. 28.

After carefully considering the facts and circumstances herein, I concur in the recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is on this 22nd day of March, 1972

DETERMINED and ORDERED that the claim of Terminal Vending Co. be and the same is hereby recognized; and the cash in the sum of \$500.00 deposited by Charles Radvansky, as agent for and on behalf of Terminal Vending Co., under the aforesaid stipulation be and the same shall be returned to him; and it is further

DETERMINED and ORDERED that the balance of the seized property, including the alcoholic beverages and \$33.03 in cash, as set forth in Schedule "A", attached hereto, constitute unlawful property, and the same be and is hereby forfeited in accordance with the provisions of N.J.S.A. 33:1-66 and shall be retained for the use of hospitals or State, county or municipal institutions, or destroyed in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

Robert E. Bower,
Director

SCHEDULE "A"

286 - containers of alcoholic beverages
21 - containers of soda
2 - refrigerators; 1 - coca cola box;
1 - pool table; 1 - juke box;
Miscellaneous personal property
\$33.03 - cash

7. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE
SUSPENDED FOR 15 DAYS.

In the Matter of Disciplinary
Proceedings against

Henry F. Urna & Helen L. Urna
t/a Towne Bottle Shop
866 Kearny Avenue
Kearny, N.J.,

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Distribution
License D-21, issued by the Town
Council of the Town of Kearny.

William J. Caputo, Esq., Attorney for Licensee
Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charge:

"On Tuesday, September 21, 1971, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., William ---, age 19; in violation of Rule 1 of State Regulation No. 20."

In behalf of the Division, William --- testified that he was nineteen years of age and was born on April 8, 1952. On September 21, 1971, he entered the licensed premises (a package goods store) proceeded to the counter and asked the sales clerk (identified as Helen Urna, a co-licensee) for a six-pack of Budweiser beer. He was served the six-pack, paid for it and departed from the premises. Upon leaving the premises, he was accosted by ABC agents C and G. Upon questioning, he first informed the agents that he was twenty-three years of age, but later admitted that he was nineteen years of age. Thereupon, the agents brought him into the licensed premises.

The minor testified that he was not, on this occasion, required to make any representation with respect to his age. He was, on a prior occasion, requested to furnish proof of age, but made no written representation with respect thereto.

On cross examination, the witness asserted that on an occasion prior to September 21, he did display to Mrs. Urna a license and a draft card belonging to his brother who was twenty-three years of age.

ABC agent C testified that, pursuant to a specific assignment to investigate alleged sales to minors, and accompanied by agent G, he arrived in the vicinity of the licensed premises on September 21st at 8:45 p.m. They kept the licensed premises under surveillance from a post of observation directly across the street where they had a clear view of the interior of the licensed premises. At 9:25 p.m. he observed William enter the licensed premises and converse with Mrs. Urna. He then saw Mrs. Urna place a six-pack of beer in a brown paper bag and receive from the minor what appeared to be currency. Thereafter he saw the minor depart from the premises.

The agents confronted the minor after he had cleared the front of the licensed premises. Upon inquiry, William asserted that he was twenty-three years of age. Upon being requested to furnish identification, the minor admitted that he was nineteen years of age.

The agents seized the beer and entered the licensed premises accompanied by the minor. Mrs. Urna admitted selling the six-pack of beer and asserted that William had been in the premises several other times and that she had checked his age, driver's license and draft card. She admitted that she did not obtain a written representation from the minor. The six-pack of beer was admitted into evidence.

It was stipulated that the testimony of agent G who accompanied agent C in the subject investigation, would be corroborative of agent C's testimony.

The licensees offered no testimony. They argued in summation that they acted in good faith relying upon William's oral representation concerning his age and upon presentation of a driver's license and draft card.

The factual complex is not in dispute. A sale was made to a minor and no written representation was obtained with respect to his age. Although the action of the minor was deplorable, the action of the licensee was also violative of the requirements of the subject regulation. Obviously, licensee failed to take the minimum precaution required by R.S. 33:1-77, Rule 1 of State Regulation No. 20 and the Special Note in explanation of said rule (p. 86 of the Rules and Regulations). The showing of a driver's license and draft card does not constitute a representation in writing, as required by the statute. Sportsman 300 v. Nutley, 42 N.J. Super. 488 (App. Div. 1956). Thus, the licensees have not satisfied the minimum applicable requirements.

The prevention of sales of intoxicating liquor to a minor not only justifies but necessitates the most rigid control. Hudson Bergen County Retail Liquor Stores Assn. v. Hoboken, 135 N.J.L. 502 (E. & A. 1947); In re Schneider, 12 N.J. Super. 449 (App. Div. 1951); Mazza v. Cavicchia, 15 N.J. 498 (1954); Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373 (1956); Guill v. Hoboken, 21 N.J. 574 (1956).

It is, therefore, recommended that the licensees be found guilty of said charge.

Absent prior record, it is further recommended that the license be suspended for fifteen days. Re Lincoln Lounge, Bulletin 1997, Item 6.

Conclusions and Order

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

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

Accordingly, it is, on this 23rd day of March 1972,

ORDERED that Plenary Retail Distribution License D-21, issued by the Town Council of the Town of Kearny to Henry F. Urna & Helen L. Urna, t/a Towne Bottle Shop, for premises 866 Kearny Avenue, Kearny, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Thursday, April 6, 1972, and terminating at 2 a.m. Friday, April 21, 1972.

Robert E. Bower
Director

8. DISCIPLINARY PROCEEDINGS - SUPPLEMENTAL ORDER - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary Proceedings against)

Margaret G. Manson, Inc.)
t/a The Cobblestones)
1170 Bloomfield Avenue)
West Caldwell, N. J.,)

SUPPLEMENTAL ORDER

Holder of Plenary Retail Consumption License C-2, issued by the Mayor and Council of the Borough of West Caldwell.)
-----)

William F. Dowd, Esq., Attorney for Licensee
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

On February 16, 1971 Conclusions and Order were entered suspending the above license for thirty-five days commencing March 2, 1971, following a plea of non vult to a charge alleging that licensee possessed twelve bottles of alcoholic beverages the labels of which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20. Re Margaret G. Manson, Inc., Bulletin 1963, Item 5.

Prior to the effectuation of the suspension, upon appeal filed the Superior Court (Appellate Division) stayed the operation of the suspension until the outcome of the appeal. Thereafter, on March 10, 1972 the action of the Director was affirmed. Margaret G. Manson, Inc. v. Richard C. McDonough, Director (App.Div. 1972), not officially reported, recorded in Bulletin 2035, Item 1. The suspension may now be reimposed.

However, the licensee has made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971. Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of \$5,950. in lieu of the suspension.

Accordingly, it is, on this 23rd day of March 1972,

ORDERED that the payment of a \$5,950. fine by the licensee is hereby accepted in lieu of a suspension of license for thirty-five days.

Robert E. Bower,
Director.

9. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE
SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

Ruth A. Plancey)
t/a Wazzy's Bridge Tavern)
1 South Bay Avenue)
Highlands, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption)
License C-9, issued by the Mayor and
Council of the Borough of Highlands.)

Licensee, Pro se
Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that
on January 21, 1972 she sold alcoholic beverages to a minor,
age 20, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended
for ten days, less five for the plea entered, leaving a net
suspension of five days. Re Parkes, Bulletin 2027, Item 7.

Accordingly, it is, on this 27th day of March 1972,

ORDERED that Plenary Retail Consumption License
C-9, issued by the Mayor and Council of the Borough of
Highlands to Ruth A. Plancey, t/a Wazzy's Bridge Tavern, for
premises 1 South Bay Avenue, Highlands, be and the same is
hereby suspended for five (5) days, commencing at 2 a.m.
Monday, April 10, 1972, and terminating at 2 a.m. Saturday,
April 15, 1972.

Robert E. Bower,
Director.

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

In the Matter of Disciplinary)	
Proceedings against)	
American Legion Lenape Post)	
No. 221 (Corp.)	)	CONCLUSIONS
240 MacArthur Avenue	)	and
Sayreville, N. J.,	)	ORDER
Holder of Club License CB-2, issued by)		
the Mayor and Borough Council of the)	
Borough of Sayreville.)	

Licensee, by Thomas Vazquez, Finance Officer, Pro se
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging
that on Sunday, November 7, 1971, between 12:00 Noon and
12:30 p.m., it permitted the consumption of alcoholic
beverages in the licensed premises, in violation of local
"hours" ordinance.

Absent prior record of suspension, 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 Ann's Tavern, Bulletin 2029, Item 3.

Accordingly, it is, on this 28th day of March 1972,

ORDERED that Club License C3-2, issued by the
Mayor and Borough Council of the Borough of Sayreville to
American Legion Lenape Post No. 221 (Corp.), for premises
240 MacArthur Avenue, Sayreville, be and the same is hereby
suspended for ten (10) days, commencing at 3 a.m. Monday,
April 3, 1972, and terminating at 3 a.m. Thursday, April 13,
1972.

Robert E. Bower,
Director.

11. DISCIPLINARY PROCEEDINGS - GAMBLING (FOOTBALL POOL) -
PRIOR DISSIMILAR VIOLATION - LICENSE SUSPENDED FOR 20
DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Anderson Hotel, Inc.

t/a Anderson Hotel

Route 57, Anderson,

Mansfield Township, RD#2,

PO Box 21, Washington, N.J.,

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

CONCLUSIONS
and
ORDER

Joseph W. Steinhardt, Esq., Attorney for Licensee
Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on
December 4, 1971, it (1) and (2) permitted gambling (conduct of
football pool) on the licensed premises, in violation of Rules
6 and 7 of State Regulation No. 20.

Licensee has a prior record of suspension of license for
five days by the Director effective October 30, 1967, for posses-
sing bottles of alcoholic beverages not truly labeled. Re Anderson
Hotel Incorporated, Bulletin 1767, Item 12.

The license will be suspended for fifteen days to which
will be added five days by reason of record of suspension of
license for dissimilar violation within the past five years, making
a total of twenty days, with remission of five days for the plea
entered, leaving a net suspension of fifteen days. Re Blue
Diamond Inn, Inc., Bulletin 1924, Item 6.

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

ORDERED that Plenary Retail Consumption License C-1,
issued by the Township Committee of the Township of Mansfield, to
Anderson Hotel, Inc., t/a Anderson Hotel for premises Route 57,
Anderson, Mansfield Township, be and the same is hereby suspended
for fifteen (15) days, commencing 2:00 a.m. on Wednesday, April 12,
1972, and terminating 2:00 a.m. on Thursday, April 27, 1972.

Robert E. Bower
Director

12. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR DIS-SIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary)
 Proceedings against)

Bryers & Meis, Inc.)
 t/a The Gables)
 9300 Amherst Avenue)
 Margate City, N. J.,)

CONCLUSIONS
 and
 ORDER /

Holder of Plenary Retail Consumption)
 License C-11, issued by the Board of
 Commissioners of the City of Margate)
 City.
 -----)

Licensee, by Neil F. Bryers, President, Pro se
 (Feinberg & Ginsburg, Esqs., by Harold I. Garber, 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 29, 1971 it sold alcoholic beverages to two minors,
 ages 19 and 19, in violation of Rule 1 of State Regulation
 No. 20.

Licensee has a prior record of suspension of license
 for twenty days by the Director effective September 21, 1970
 for possessing liquor not truly labeled (Re Bryers & Meis, Inc.,
 Bulletin 1938, Item 12). The license would normally be suspended
 for fifteen days, to which would be added five days by reason
 of dissimilar violation occurring within the past five years, mak-
 ing a total of twenty days, with remission of five days for the plea
 entered, leaving a net suspension of fifteen days. Re Jodi Inn,
 Inc., Bulletin 1959, Item 7. However, the licensee has made ap-
 plication for the imposition of a fine in lieu of suspension in
 accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question,
 I have determined to accept an offer in compromise by the li-
 censee to pay a fine of \$2,700 in lieu of suspension.

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

ORDERED that the payment of a \$2,700 fine by the li-
 censee is hereby accepted in lieu of a suspension of license
 for fifteen (15) days.

Robert E. Bower,
 Director.

13. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS GAME) - LICENSE
SUSPENDED FOR 90 DAYS, LESS 18 FOR PLEA.

In the Matter of Disciplinary)	
Proceedings against)	
Walter H. Neuls, Jr.	)	CONCLUSIONS
t/a Kent Cafe	)	and
132 Kent Street	)	ORDER
Trenton, N.J.,)	
Holder of Plenary Retail Consumption)	
License C-208, issued by the City)	
Council of the City of Trenton.)	

Licensee, Pro se		
Edward F. Ambrose, Esq., Appearing for Division		

BY THE DIRECTOR:

Licensee pleads non vult to a charge that on January 28, February 2, 9, 10 and 17, 1972, he permitted gambling, known as the "numbers game" on the licensed premises in violation of Rule 6 of State Regulation No. 20.

Absent prior adjudicated record, the license will be suspended for ninety days, with remission of eighteen days for the plea entered, leaving a net suspension of seventy-two days. Re X. P. Y., Corp., Bulletin 2033, Item 2.

Accordingly, it is, on this 30th day of March 1972,

ORDERED that Plenary Retail Consumption License C-208, issued by the City Council of the City of Trenton, to Walter H. Neuls, Jr., t/a Kent Cafe, for premises 132 Kent Street, Trenton, be and the same is hereby suspended for seventy-two (72) days, commencing 2:00 a.m. on Wednesday, April 12, 1972, and terminating 2:00 a.m. Friday, June 23, 1972.

Robert E. Bower
Robert E. Bower
Director