

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

BULLETIN 1917

July 14, 1970

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STATE OF NEW JERSEY  
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DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
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1. APPELLATE DECISIONS - RITZ BAR & GRILL, INC. v. CLIFTON

RITZ BAR & GRILL, INC.	)	
t/a Joey Harrison's Valley Lodge,	)	
	)	
Appellant,	)	On Appeal
	)	
v.	)	CONCLUSIONS
	)	and
Board of Alcoholic Beverage Control	)	ORDER
of the City of Clifton,	)	
	)	
Respondent.	)	

-----)  
Mandak & Ciolino, Esqs., by Nicholas G. Mandak, Esq., Attorneys  
for Appellant  
Arthur J. Sullivan, Jr., Esq., by Frank A. Ferrante, Esq.,  
Attorney for Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This is an appeal from the unanimous action of respondent Board of Alcoholic Beverage Control of the City of Clifton (hereinafter Board) whereby on December 22, 1969 it suspended appellant's license for premises 1296 Van Houten Avenue, Clifton, for fifteen days (the execution of which was suspended because of extenuating circumstances) after finding it guilty of the following charge:

"On Friday, October 17, 1969, you allowed permitted or suffered the unlawful possession of or unlawful activity pertaining to narcotic drugs as defined by R.S. 24:18-2 or barbiturate, amphetamine, or barbital, hypnotic or somnifacient drugs, tranquilizers or any prescription legend drug, in any form which is not a narcotic drug within the meaning of R.S. 24:18-2 at a place other than the licensed premises viz., an area outside of and in the parking lot of the licensed premises located at 1296 Van Houten Avenue, Clifton, New Jersey, in violation of and contrary to the provisions of Rule 4 of the State Regulation 20."

In its petition of appeal appellant alleges that the action of respondent was erroneous, because (1) there was "insufficient evidence presented before the Board" to sustain the charge, and (2) the evidence presented "did not justify any determination that the licensee allowed, permitted or suffered unlawful activity" on its licensed premises.

Respondent denies said allegations and contends its action should be sustained.

The attorneys for the respective parties agreed to submit the appeal on the transcript of testimony taken in proceedings before the Board, pursuant to Rule 8 of State Regulation No. 15.

Joseph R. D'Arco, Jr., a member of the Clifton Fire Department and assigned to the Fire and Police Patrol Program, testified that at about 9:50 p.m. on Friday evening, October 17, 1969, he and another fireman observed two young children in a car which was blocking the rear exit of respondent's parking lot; that on three occasions he had entered the licensed premises to summon the operator of the motor vehicle; that on his first two visits he gave the license plates number of the car to an attendant at the entrance to the premises; that he requested him to summon the owner thereof; that, when no one responded, he asked the attendant to announce that there were two children in the car, following which a female (later identified as Louise Bysiek) approached him at the car "at which time I felt that she was possibly under the influence;" that she produced the owner's registration of the vehicle; that she did not produce her driver's license; that he radioed for police assistance; that in response thereto a police sergeant appeared and escorted Miss Bysiek to the police station and that he (D'Arco) signed a formal complaint against her.

Officer D'Arco further testified that the parking lot was insufficiently lighted at the time.

On cross examination Officer D'Arco testified that the area where the car was parked was well lighted; the manner in which the motor vehicle was parked constituted a fire hazard and, to his knowledge, Miss Bysiek was in the tavern for about twenty minutes (9:50 to 10:10 p.m.).

Sergeant Lambert Atsma, Jr. testified that on the night in question he arrived at the scene; that he was informed by fireman D'Arco of what had transpired; that he did not enter the licensed premises; that the parking lot was very crowded and very dark; that he had patrolled the area on prior occasions and that he had never observed any supervision of the same.

Louise Bysiek testified that between 9 and 10 p.m. on October 17 aforesaid she unescorted had entered the licensed premises to use its facilities; that she met a male friend; that he had invited her to have a drink and that she accepted the invitation.

Miss Bysiek further testified that, upon returning to her car, she met a policeman; that she was taken to the police station and searched by a police matron; that the matron found in her possession a brown envelope containing a green substance; that she had given a statement to Officer Peluso setting forth therein that the green substance was marihuana; that she did not know whether she had obtained the same either inside or outside of the licensee's tavern; that the incident occurred about four or six weeks prior to October 17, 1969, and that she denied that she had purchased the same.

Concerning the manner of how she had obtained possession of the marihuana, the questioning revealed the following:

"Q How did you come about receiving this substance?"

"A I was with this fellow this one particular night and some friend -- I don't know -- a friend of his approached him and asked him if he wanted to buy anything.

"Q And where did this take place?

"A He had mentioned it inside. I think he might have got it outside. But he gave it to me to hold and it was in my purse from then on.

"Q This friend gave it to you to hold?

"A Yes.

"Q Do you recall where you received this substance? Was it inside the tavern or outside of the tavern?

"A I think it was outside.

"Q Do you recall the name of the gentleman that gave you the marihuana?

"A Yes. It is Mr. Carlee."

The witness further testified that during the past year she had visited the licensed premises between four and six times; that originally she had met Mr. Carlee in a tavern in Passaic; that Mr. Carlee and she had visited the licensed premises in question on two prior occasions; that, to her knowledge, Mr. Carlee had been a regular patron of the licensed premises. She was then asked:

"Q Have you ever come into possession of marihuana before at Joey Harrison's [licensed premises] ?

"A No."

On cross examination Miss Bysiek admitted having marihuana in her possession on the licensed premises on October 17, 1969; that she had been unaware of the same; that prior to receiving the marihuana from Carlee, as testified, she had never been involved in any drug transaction; that Mr. Carlee gave her the drug outside of the tavern; that this was the only time she received any drugs from Mr. Carlee; that she had no knowledge of any trafficking in drugs taking place at the licensed premises; that at no time did she speak with any of the licensee's employees with reference to the transfer of the marihuana; that transfer was initiated by a male who approached Mr. Carlee "in a nonchalant manner, like you know, he was just offering him a drink. You know, it wasn't just nothing secretive. We were all sitting around drinking"; that she did not know whether any employees of the tavern were present at the time and that at no time did she ever discuss drugs with the licensee's employees.

On redirect examination Miss Bysiek was asked:

"Q The night that the marihuana was given to you by Mr. Carlee, where did that transaction take place?

"A The actual, the physical act of him giving it to me?

"Q Yes.

"A I think it was outside near his car.

"Q Do you recall approximately where outside this took place?

"A No. I didn't pay much attention.

"Q Was it anywhere in the street, the Van Houten Avenue side, or were you in the back?

"A Probably in the back some place. I really couldn't tell you."

Miss Bysiek further asserted that she did not recall the conversation between Mr. Carlee and the aforesaid male; that "He just mentioned something; that he had stuff or something like that. I don't recall exactly"; that at the time of the conversation Mr. Carlee was between her and the aforementioned individual near the bar.

Upon examination by Commissioner Velky (a member of the Board) Miss Bysiek, in replying to a question relative to the aforesaid sale of marihuana, testified: "Well, I couldn't give you all the details. I was a little high at the time as we were drinking a lot and it was towards the end of the evening and I remember leaving with Mr. Carlee and a few more persons. I believe he must have spoken to him outside somewhere." She thought she was sitting in the car when the transaction took place; that Mr. Carlee returned to her, stated that he just purchased marihuana, handed her the envelope and she put it in her purse.

Edward B. Carlee on direct examination testified he has visited the licensed premises for a total of seven or eight times; that he is not personally acquainted with any of the licensee's employees; that he does not recall from whom he had obtained the marihuana; that he believes he was approached to purchase the same while seated at the bar of the licensed premises; that he does not remember paying for or receiving the marihuana; that he had been drinking heavily; that after leaving the tavern he and the aforesaid individual went to his car; "And my car was parked over at Poppy's. And that's where I think he might have gave it to me. And then I left and he left and we all left and that was it;" that, because of his condition, he went home in a cab and on the following day he found his car at Poppy's.

Mr. Carlee further testified he does not remember giving Miss Bysiek an envelope; that he did not know whether she had a car; that he does not recall speaking with Miss Bysiek after leaving the tavern.

On cross examination Mr. Carlee practically reiterated his testimony on direct examination except to say he had walked home and further testified that his testimony referred to a date about four to six weeks prior to October 17, 1969; that he parked his car on Poppy's lot because the licensee's parking lot "was full"; that Poppy's is a semi-ice cream-delicatessen.

store and that it is located on the opposite side of the street of the licensed premises.

Mr. Carlee, in response to Commissioner Taylor's question concerning what transpired on the night he had acquired the marihuana, stated: "I don't remember it very well. All I remember is just walking home. It was cold out and I don't know what happened. I do remember the next day I came back for my car."

Detective Sergeant Frank Sperlazzi testified that he ran a test of some material found in Miss Bysiek's possession and concluded it was marihuana.

Joseph J. Barcellona, Jr. (a principal stockholder of the corporate licensee) testified that on Friday evening, October 17, 1969, he and three bartenders were tending bar; that he has been the owner of the corporate licensed business for seven years; that on Friday night aforesaid he did not see Miss Bysiek at the premises; that on October 17, 1969, and prior thereto, he had no knowledge of anyone transferring or possessing marihuana on the licensed premises; that prior to aforesaid date nothing had transpired at the licensed premises which would cause him to have such knowledge and that he has never been convicted of violation of the liquor laws.

On cross examination Mr. Barcellona testified that, prior to October 17th aforesaid, he had not seen Miss Bysiek at the premises; that he had not seen Mr. Carlee prior to the night of the hearing; that on Friday night aforesaid there were about one hundred eighty to two hundred patrons at the premises; that on said date and prior thereto the parking lot was unattended; and that the parking lot was adequately lighted on the night of October 17, 1969 and prior thereto.

Anthony Alfano testified that he has been employed as a bartender by the licensee for five years; that he had no knowledge that Miss Bysiek was in possession of any drugs on the night of October 17 aforesaid and that he had never heard any conversation at the premises relative to any drugs.

On cross examination Mr. Alfano testified that on Friday night aforesaid he was tending bar at the premises and that he did not see Miss Bysiek, and that he did not know Mr. Carlee by name.

In order to meet the burden required by Rule 6 of State Regulation No. 15 appellant must show manifest error and that the action of the Board was clearly against the logic and effect of the presented facts. Hudson Bergen County Retail Liquor Stores Association v. Hoboken, 135 N.J.L. 502 (1947). We are dealing here with a purely disciplinary measure and its alleged infraction. Such proceedings are civil in nature and not criminal. Kravis v. Hock, 137 N.J.L. 252 (1948). Thus these cases require proof by a preponderance of the believable evidence only. Butler Oak Tavern v. Div. of Alcoholic Beverage Control, 20 N.J. 373 (1956). Furthermore the general rule is that the finding in these cases must be grounded on a reasonable certainty as to the probabilities arising from a fair consideration of the evidence. 32A C.J.S. Evidence, sec. 1042. The charge must be established by affirmatively satisfactory evidence. See Re Silidker, Bulletin 405, Item 5.

I have fully considered the testimony before the Board. It is my considered opinion that there was insufficient evidence to establish guilt on the charge.

The axis of this charge is that the licensee allowed, permitted and suffered illegal narcotics activity to be conducted at the licensed premises. But there is insufficient evidence to support a finding that the licensee knew or should have known of the unlawful possession of marihuana by Miss Bysiek on October 17. Even if the charge should be amended to allege an earlier date of four to six weeks prior to October 17, there is insufficient evidence to find that the licensee knew or should have known that Carlee made arrangements on the licensed premises for the unlawful purchase of marihuana off the licensed premises, where I find the purchase took place.

In order to support such a finding of culpability of the licensee, there must be evidence that the licensee, by the reasonable exercise of diligence, should have been aware that Carlee was solicited for the procurement of the marihuana. Here the evidence is that the vendor of the drug approached Carlee near the bar and asked him if he wanted "to buy anything" - - "that he had the stuff or something like that". The presence of the licensee's employees was not established at such time, nor is it known in how loud a voice this overture took place. In short, the evidence is such that a finding of guilt by reason of this isolated occurrence would have to be predicated upon the legal proposition that the licensee is responsible for all prohibited activity taking place upon the licensed premises, regardless of whether he could have reasonably prohibited such activity. But this is neither contemplated in the charge herein, nor established in the case law developed in this field. See In re Tube Bar, Inc. (App. Div. 1970), not officially reported, recorded in Bulletin 1898, Item 2, and cases cited therein.

In Conner v. Fogg, 75 N.J.L. 245 (Sup. Ct. 1907), the court, in considering the terms "allowed, permitted or suffered", stated at p. 247:

"To permit is defined as meaning to authorize or to give leave (McHenry v. Winston, 49 S.W. Rep. 4), but the term 'permit' has been often used synonymously with 'suffer', so that it may be said that one who suffers the doing of a thing which he might have prevented, permits it."  
(emphasis added)

This Division is not unmindful of the serious problems presented by narcotics traffic and will not hesitate to act firmly where such activity takes place in liquor licensed premises. However, while the licensee has the responsibility to exercise full control of the acts and conduct of patrons in his establishment, the circumstances in this case are insufficient to show that the situation was brought to his attention or that he should have reasonably become aware of its existence. Cf. Hardy v. Newark, Bulletin 1578, Item 2; Schujas v. Bridgeton, Bulletin 1809, Item 2.

I conclude that, in the absence of adequate evidence to support this charge, appellant has met the burden imposed upon it by Rule 6 of State Regulation No. 15.

It is accordingly recommended that the action of the Board be reversed, and the said charge be dismissed.

CONCLUSIONS AND ORDER

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

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

Accordingly, it is, on this 22d of May, 1970,

ORDERED that the action of respondent be and the same is hereby reversed and that the charge herein be and the same is hereby dismissed.

RICHARD C. McDONOUGH  
DIRECTOR

2. APPELLATE DECISIONS - C & S TAVERN, CORP. v. NEWARK

C & S TAVERN, CORP.,	)	
t/a Jack's Star Bar,	)	
Appellant,	)	On Appeal
v.	)	
Municipal Board of Alcoholic	)	CONCLUSIONS
Beverage Control of the City	)	and
of Newark,	)	ORDER
Respondent.	)	
-----)	)	

William Osterweil, Esq., Attorney for Licensee  
Philip E. Gordon, Esq., by Anthony J. Iuliani, Esq., Asst. Corporatic  
Counsel, Attorney for Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This appeal challenges the determination of respondent Municipal Board of Alcoholic Beverage Control of the City of Newark (hereinafter Board) which, by resolution dated October 29, 1969, suspended appellant's plenary retail consumption license for premises 24 Tichenor Street, Newark, for thirty-five days, effective November 10, 1969, after finding it guilty in disciplinary proceedings of the following stated charges:

"a. You did on January 26, 1969, Sunday, at about 10:45 a.m., sell and deliver and allowed, permitted and suffered the sale of an alcoholic beverage at retail in its original container for consumption off the licensed premises and allowed, permitted and suffered the removal of such alcoholic beverage in its original container

from the licensed premises; in violation of Rule 1 of State Regulation No. 38.

"b. In that you did on Sunday, January 26, 1969 permit the entire licensed premises to remain open, in violation of the City Ordinances Section #4, 4:1-1, part (b), Title Alcoholic Beverages."

Appellant in its petition of appeal contends that respondent's action was erroneous in that "it was contrary to the weight of the evidence of all of the witnesses who testified in behalf of the respondent and of all of the witnesses who testified in behalf of the appellant. There was no evidence whatsoever to sustain the findings of the respondent, as the respondent made its findings on matters extraneous to the evidence, as there was no proof whatsoever as to either one or both of the charges alleged against said Appellant. There was more than sufficient proof on the part of the Appellant to show that there was no sale of an alcoholic beverage on the date alleged in the charge, nor was there any proof that the Appellant permitted the entire licensed premises to remain open as alleged in the second charge."

Respondent, in its answer, denied the substantive contentions contained in the petition.

Upon filing of the appeal, an order dated November 6, 1969, was entered by the Director staying respondent's order of suspension pending further order herein.

The appeal was submitted on the transcript of the testimony taken in proceedings before respondent Board, pursuant to Rule 8 of State Regulation No. 15.

In behalf of respondent, Detective Richard Mijewski, of the local police force, testified that, while patrolling the vicinity of the licensed premises in an unmarked motor vehicle, he observed a male, identified as Oscar Heggie, enter the tavern through the front door thereof on Sunday, January 26, 1969 at 10:45 a.m. Three or four minutes later, he observed Heggie exit from the tavern. There was a bulge in his pocket on the "right hand side." Accompanied by Detective George Reilly (who was on patrol duty with him) he accosted Heggie and, as a result of the confrontation, entered the tavern with Heggie. Heggie identified Bernard Rausch, president of the corporate licensee, as the person who sold him the pint bottle of Canadian whiskey, for the sum of \$5.00, which bottle was found on Heggie's person.

On cross examination, the witness asserted that he was patrolling the area due to a complaint of Sunday sales of liquor either from a house or tavern. It was his present recollection that he did not bring Heggie into the tavern, but that Heggie identified the male who had sold him the whiskey as a white male known as "Bunny" from the doorway of the tavern; that, at the police station, the detectives informed Heggie that the name of the male was Bernard Rausch. He did not check the register concerning the sale, nor did he check the shelves for the brand of whiskey sold.

On redirect examination, the witness testified that Bunny was, in fact, Bernard Rausch.

On re-cross examination, the detective testified as follows:

"Q So, as far as you personally know sir you don't know whether Heggie had this [the box containing the pint of bottle of whiskey] on him when he walked into the tavern?

"A That is right, I don't know."

Oscar Heggie testified that on the day in question he stopped his car between 10:00 and 11:00 a.m. and entered the licensed premises in order to make a telephone call. The door was open and upon entry he observed that "they were cleaning in there." He was wearing a sport coat and he "had a bottle in there." At this point the attorney for the respondent terminated his questioning of the witness.

On cross examination Heggie testified that he did not buy whiskey from Rausch on the day in question. He was in the tavern approximately two or three minutes in order to make a telephone call to his home. His home was approximately eight to ten blocks distant from the licensed premises. He did not purchase anything in the tavern that morning; he did not give Rausch \$5.00 for anything in the tavern that morning. The detective did not request him to enter the tavern or to identify Bunny. He did not inform the detective that he entered the tavern in order to purchase a bottle of whiskey.

On redirect examination, the witness reiterated that he entered the licensed premises in order to make a telephone call. He saw a male known as Johnnie cleaning up and Bernard Rausch (whom he calls Bernie) in the tavern. Upon being questioned as to whether he calls him Bunnie or Bernie, the witness responded, "I cannot talk plain." Bernie was also cleaning. He had been in the tavern on prior occasions. He had purchased the bottle of liquor on the night before with funds that he and his friends had pooled. He left the house on Sunday morning because his friends had the bottle and he went to meet them. He used the telephone in the tavern on prior occasions.

The examination of the witness then revealed the following:

"COMMISSIONER MENZA: Mr. Heggie, if you know the tavern dont open up until 12 o'clock what made you park your car there and go in to that tavern to make a call?

"THE WITNESS: Well, I parked up the street there and I seen the door open, and I seen the door cracked open, and I went in and I asked him could I make a call.

"COMMISSIONER MENZA: Is it natural for you to carry a pint or this bottle that we had here this morning under your belt? Did you have it with you when you were driving the car?

"THE WITNESS: No, I did not have it when I was driving.

"COMMISSIONER MENZA: Is that natural for you to take it out of the car and put it under your belt and go out?

"THE WITNESS: No, it is not natural. I just did not want them to drink it up before I got back."

In behalf of the appellant Bernard Rausch testified that on Sunday, January 26, 1969 at 10:45 a.m. he was helping the clean-up man and the morning bartender in preparing for the 12:00 o'clock opening.

He denied that he was open for business prior to 12:00 o'clock on that day or that he sold, allowed, permitted and suffered the sale of an alcoholic beverage in its original container for consumption off the premises on that morning.

He denied selling liquor to Oscar Heggie or to anyone else on the morning of January 26th. He never dealt in the particular product allegedly sold on January 26th. Heggie did not, on the morning of January 26th, enter the tavern and identify him as the person who sold him the pint of whiskey nor did the police officer show him the package allegedly sold.

On cross examination, the witness asserted that he had left the door unlocked. He had been acquainted with Heggie and had seen him in the area for many years. On the morning in question, Heggie knocked on the door and asked permission to telephone his wife. He gave him permission to make the call. Heggie went directly to the telephone and walked out after two or three minutes. There are no other telephones in the immediate area.

Rule 6 of State Regulation No. 15 provides:

"...the burden of establishing that the action of the respondent issuing authority was erroneous and should be reversed shall rest with the appellant. "

The inquiry herein is whether the findings made could reasonably have been reached on sufficient credible evidence present in the record considering the proofs as a whole, and with due regard to the opportunity of the tribunal that heard the witnesses to judge their credibility. Undoubtedly, the respondent considered the finding of the package goods on Heggie's person, on Sunday morning, immediately upon exiting from appellant's licensed premises, to be of major significance in arriving at a determination of guilt as to the first charge. Thus, the respondent in its judgment made its determination based upon its fair and objective evaluation of the testimony.

The test to be applied in this case is whether reasonable men, acting reasonably, could have arrived at its decision. The action of the Board may not be reversed by the Director unless he finds the action of the Board was clearly against the logic and effect of the presented facts. Cf. Hudson Bergen County Retail Liquor Stores Association et al. v. Hoboken et al., 135 N.J.L. 503 (E. & A. 1947).

In considering the second charge, it should be noted that the pertinent part of Revised Ordinances of the City of Newark, 4:1-1(b) provides that: "During hours when sales of alcoholic beverages are prohibited the entire licensed premises shall also be closed...."

Parenthetically, I observe that subsection (a) prohibits, among other things, the sale, service or delivery of any alcoholic beverage on any licensed premises on Sundays (except New Year's Day) between the hours of 2:00 a.m. and 12:00 o'clock noon.

These ordinances have uniformly been interpreted to mean that if there be anyone found on said premises, it shall be deemed a violation of the said ordinance. As used in this ordinance, the closing-of-premises provisions mean that all members of the public must be excluded. Cf. Mama Ventura, Inc. v. Voorhees, Bulletin 1498, Item 1. See Town House, Inc. v. Montclair, Bulletin 792, Item 3; Re Casarico, Bulletin 268, Item 1. Oliver Twist Pub and Lounge v. North Bergen, Bulletin 1869, Item 3.

After reviewing the totality of the evidence herein, I conclude that the guilt of the appellant on both charges has been clearly established.

It is recommended that an order be entered affirming the Board's action, dismissing the appeal, and fixing the effective dates for the suspension of license imposed by the Board.

#### Conclusions and Order

Pursuant to Rule 14 of State Regulation No. 15, exceptions to the Hearer's report were filed by the attorney for appellant.

I find that the matters contained in the exceptions have either been considered in detail by the Hearer in his report or are without merit.

Having carefully considered the entire record herein, including the transcript of testimony, the Hearer's report and

the exceptions filed with respect thereto, I concur in the findings and recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 14th day of May 1970,

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

ORDERED that Plenary Retail Consumption License C-143, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to C & S Tavern Corp., t/a Jack's Star Bar, for premises 24 Tichenor Street, Newark, be and the same is hereby suspended for thirty-five (35) days,\*commencing at 2:00 a.m. Tuesday, May 26, 1970, and terminating at 2:00 a.m. Tuesday, June 30, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

\* By order dated 5/22/70, the suspension was deferred to commence at 2 A.M. Friday, June 5, 1970 and to terminate at 2 A.M. Friday, July 10, 1970.

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

In the Matter of Disciplinary Proceedings against	)	
	)	CONCLUSIONS
Dor & Al, Inc.	)	and
604 Springfield Avenue	)	ORDER.
Newark, N.J.	)	
Holder of Plenary Retail Consumption License C-25, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.	)	
-----	)	
Licensee, by Dorothy Young, President, Pro se.	)	
Walter H. Cleaver, Esq., Appearing for Division.	)	

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 7, 1970, it possessed alcoholic beverages in four 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 Quinonez,  
Bulletin 1874, Item 9.

Accordingly, it is, on this 26th day of May 1970,

ORDERED that Plenary Retail Consumption License C-25,  
issued by the Municipal Board of Alcoholic Beverage Control of  
the City of Newark to Dor & Al, Inc., for premises 604 Springfield  
Avenue, Newark, be and the same is hereby suspended for fifteen  
(15) days, commencing at 2:00 a.m. Monday, June 15, 1970, and  
terminating at 2:00 a.m. Tuesday, June 30, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - GAMBLING (LIAR'S POKER) - LICENSE  
SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

Specac Corp. )  
t/a White Deer Inn )  
4 White Deer Plaza )  
Sparta, N.J., )

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption )  
License C-3, issued by the Township )  
Council of the Township of Sparta. )

-----  
Dunn & Infinito, Esqs., Attorneys for Licensee  
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charge alleging that on  
February 21, 1970, it permitted gambling, viz., wagering on a  
game of "Liar's Poker", utilizing serial numbers on dollar bills  
for money stakes, on the licensed premises, in violation of Rule 7  
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 Vallachi, Bulletin  
1853, Item 7.

Accordingly, it is, on this 26th day of May 1970,

ORDERED that Plenary Retail Consumption License C-3,  
issued by the Township Council of the Township of Sparta to Specac  
Corp., t/a White Deer Inn, for premises 4 White Deer Plaza, Sparta,  
be and the same is hereby suspended for ten (10) days, commencing  
at 2:00 a.m. Monday, June 1, 1970, and terminating at 2:00 a.m.  
Thursday, June 11, 1970.

RICHARD C. McDONOUGH  
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - CHARGE NOLLE PROSSED.

In the Matter of Disciplinary Proceedings against )

Little Mike's, Inc. )  
3810 New York Avenue )  
Union City, N. J., )

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption License C-157, issued by the Board of Commissioners of the City of Union City. )

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Edwin C. Eastwood, Jr., Esq., Attorney for Licensee  
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

On March 20, 1970 the Division preferred a charge against the licensee alleging that on February 6, 1970 it sold, served and delivered alcoholic beverages to a minor, in violation of Rule 1 of State Regulation No. 20.

When the matter came on for hearing on May 26, 1970, licensee entered an appearance and, through its attorney, pleaded not guilty to the said charge.

It appearing that the minor who resides in Brooklyn, New York, failed to appear although every effort has been made to produce her, and that her identity and age could not be established, the Division's attorney moved to nolle pros the charge. Good cause having been shown why the motion should be granted,

It is, on this 12th day of June 1970,

ORDERED that the charge herein be and the same is hereby nolle prossed.

RICHARD C. McDONOUGH  
DIRECTOR

6. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #328 )  
 In the Matter of a Petition to )  
 Lift the Automatic Suspension )  
 of Plenary Retail Consumption )  
 License C-7 issued by the ) On Petition  
 Common Council of the City of )  
 Englewood to ) O R D E R

North Dean Corporation )  
 t/a Oprandy's Wine & Liquors )  
 12 E. Hudson Ave. & )  
 481-487 N. Dean St. )  
 Englewood, N.J. )

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BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on April 22, 1970, Martin Hvam, a/k/a Martin Hram, a 10% stockholder of corporate licensee-petitioner was fined \$50 and \$5 costs in the Englewood Municipal Court after plea of guilty to a charge of sale of alcoholic beverages to a minor on February 24, 1970, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of the 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 the municipal issuing authority has suspended the license for five days effective May 10, 1970, after finding the licensee guilty of a charge in disciplinary proceedings alleging the same sale to the minor. It appearing that the municipal suspension has been served, I shall lift the statutory automatic suspension. Re Krouse, Bulletin 1740, Item 5.

Accordingly, it is, on this 10th day of June 1970,

ORDERED that the statutory automatic suspension of said license C-7 be and the same is hereby lifted, effective immediately.

RICHARD C. McDONOUGH  
 DIRECTOR

7. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Thomas Ferraro  
t/a T. F.'s Lounge  
596-598 - 21st Avenue  
Paterson, N.J.,

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption License C-301, issued by the Board of Alcoholic Beverage Control for the City of Paterson.

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Benjamin S. Goldstein, Esq., Attorney for Licensee  
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 13, 1970, he sold mixed drinks of alcoholic beverages to two minors, one age 18 and one age 19, in violation of Rule 1 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 Wojcik, Bulletin 1850, Item 13.

Accordingly, it is, on this 1st day of June 1970,

ORDERED that Plenary Retail Consumption License C-301, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Thomas Ferraro, t/a T. F.'s Lounge, for premises 596-598 - 21st Avenue, Paterson, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Monday, June 8, 1970, and terminating at 3:00 a.m. Thursday, June 18, 1970.



Richard C. McDonough  
Director