

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

BULLETIN 2039

April 13, 1972

TABLE OF CONTENTS

ITEM:

1. APPELLATE DECISIONS - BRUMMERT v. NEW BRUNSWICK.
2. APPELLATE DECISIONS - FRANCO v. NEWARK.
3. NOTICE TO ALL LICENSEES - EFFECTIVE DATE OF QUARTERLY PRICE LIST EXTENDED FROM APRIL 1st TO APRIL 3rd.
4. DISCIPLINARY PROCEEDINGS (Red Bank) - SALE TO A MINOR - PRIOR SIMILAR VIOLATION - LICENSE SUSPENDED FOR FIFTEEN DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Asbury Park) - FALSE STATEMENT IN APPLICATION - PERMITTED UNQUALIFIED PERSON TO EXERCISE INTEREST IN PREMISES - AIDED AND ABETTED SUCH INTEREST - VIOLATIONS OF N.J.S.A. 33:1-25, 52 - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO CORRECT AFTER 76 DAYS.
6. DISCIPLINARY PROCEEDINGS - AMENDED ORDER - LEAVE TO CORRECT REDUCED TO 20 DAYS.
7. DISCIPLINARY PROCEEDINGS (North Bergen) - SALE TO MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (Guttenberg) - SALE TO MINORS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (Phillipsburg) - SALE TO A MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.
10. DISCIPLINARY PROCEEDINGS (Keansburg) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

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

BULLETIN 2039

April 13, 1972

1. APPELLATE DECISIONS - BRUMMERT v. NEW BRUNSWICK.

Ronald J. & Anna A. Brummert,)	
t/a Ronnie's Tavern,)	
Appellants,	)	On Appeal
v.	)	CONCLUSIONS
Board of Commissioners of the	)	and
City of New Brunswick,	)	ORDER
Respondent.)	

James C. Richardson, Esq., Attorney for Appellants
J. Norris Harding, Esq., Attorney for Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Appellants appeal from the alleged "withholding of action" by the Board of Commissioners of the City of New Brunswick (hereinafter Board) of appellants' application for renewal of their plenary retail consumption license for the current licensing period. Appellants allege that action was withheld on the application on June 30, July 20, August 4 and September 1, 1971, for the following reasons:

- (a) Violations of the Health Code of the City of New Brunswick.
- (b) A pending investigation by the Division of Alcoholic Beverage Control.
- (c) The completion of a police report by the City of New Brunswick.

It contends that the action of the Board was erroneous for reasons which may be briefly summarized as follows:

- (a) The Health Code violations have been "cleared" up as of July 20, 1971.
- (b) That the actual stated Alcoholic Beverage Control investigation occurred after September, 1971.
- (c) The action was contrary to the Alcoholic Beverage Law and was made without an independent thorough investigation.

No answer was filed by the Board. However, it was stipulated at the de novo hearing herein that a letter, dated October 18, 1971, addressed to the Director by J. Harding Norris, Esq., attorney for the Board, purporting to be an answer to the said petition of appeal would be accepted as the answer. He stated that after a hearing the Board notified appellants by letter dated October 14, 1971 that it determined that the said license should not be issued. It goes on further to state:

"The Municipal Council of New Brunswick felt that the license should not be issued because of the failure of the owners to properly manage and operate their tavern. While no individual instance can be pinpointed as the determining factor for rejection, a whole series of incidents from about 1968 to the present has caused this action. Some of these incidents include a shooting, stabbings, numerous fights, and a general disorderly conduct of patrons, both within and without the tavern. Mrs. Brummert admitted that she and her husband were no longer capable of controlling the situation and had turned over the operation of the tavern to someone else. During the summer of 1971, this operator has allegedly permitted the tavern to be used for the purposes of prostitution, for illegal resale of beer, and for operating while a license was not issued.

It appears that the present license holder either chooses not to control the situation or refuses to do so."

The premises have not been in operation and have been closed since June 30, 1971.

This appeal was heard de novo with full opportunity afforded counsel to present testimony and cross-examine witnesses. Rule 6 of State Regulation No. 15.

From my evaluation of the entire record I make the following findings: The appellants entered into the operation of this facility in December 1967. From that time until they ceased operation in June 1971, there have been numerous incidents in and outside the tavern which have marred the operation.

On November 29, 1968, Ronald Brummert was atrociously assaulted by seven Puerto Rican males. Captain George Seamon of the local police department stated that Brummert was allegedly stabbed by these persons with a bottle or with a glass. This stabbing took place in the premises and according to Mrs. Brummert, the assault was committed on her husband by persons whom she had never seen prior to that date and were not patrons of this establishment. Further, she insisted that the assault was unprovoked and that her husband fully cooperated with the police in the investigation thereof.

The next incident was testified to by local Police Officer Eugene Gonzales, Jr., who stated that on February 26, 1969, he responded to a complaint that a fight was taking place in front of these premises. Arriving at the premises he did not see any fight in progress, but received complaints from tenants in the building that constant fighting took place within the tavern. He noted that it was 2:30 a.m. (after the 2:00 a.m. closing hour) and that patrons were still being served. As a result of that incident Brummert was arrested and charged with the said offense. Subsequently, the appellants' license was suspended in disciplinary proceedings by the Board for five days effective July 7, 1969 for the said violation.

The next incident recounted by Captain Seamon and confirmed by Mrs. Brummert occurred on July 22, 1969 when a patron was shot in these premises by a neighboring tavern owner. Police investigation disclosed that this person was displaying a gun and it accidentally "went off" going through the hand of the gun owner and into the victim's stomach.

On August 31, 1969, it was reported that someone was shot outside these premises. Police reports indicated that both the assailant and the victim had patronized this tavern; that an argument ensued and that the victim was shot outside the tavern. Mrs. Brummert denies any knowledge of this shooting and claims that the shooting took place some distance from the tavern.

On June 6, 1970 a white male was assaulted by a male negro in the tavern. Mr. Brummert tried to separate the pair and was struck in the mouth.

The police records disclosed that a disturbance took place outside these premises on October 30, 1970. Mrs. Brummert denied any knowledge of that incident.

Local Police Officer Ronald Weber testified that he participated in an investigation of an alleged stabbing which occurred at these premises on June 30, 1971. It appears that Primagero Azebedo, who was managing the tavern under an arrangement with appellants was stabbed after an argument with patrons of this facility. No charges were made as a result of this incident.

In June 1971 the Health Department filed complaints charging forty-five health code violations. This matter was ultimately disposed of in a municipal court where upon conviction, the appellants paid a fine.

Mrs. Brummert asserted that there has been a recent dramatic change in the complexion of the neighborhood and that a great number of Puerto Ricans had moved into the area. She said that she had lost control of the operation. Furthermore, her husband had taken an outside position because the income from this operation was insufficient to meet their expenses.

Consequently, she entered into an arrangement with a Puerto Rican named Primatero Azebedo whereby he was to take over the operation of the premises. He paid her \$3,000 and, according to her statement to agents of this Division, the profits were to be split fifty-fifty. It was agreed that, in the event Azebedo would decide to purchase the business, the \$3,000 would be applied on account of the purchase price. When the license expired, Azebedo decided that he was no longer interested in purchasing the business.

When she made application for renewal of the license she stated to the Board that she was unable to manage the business and control its operation and requested the license be renewed for the sole purpose of obtaining a purchaser.

The Board had before it the recommendation of the Police Director that the said license not be renewed. Furthermore, she was aware of an investigation initiated by this Division to determine whether or not a "front" situation existed.

The hearing on the application for renewal was adjourned from time to time and finally on October 13, 1971, a letter was sent to the Clerk of the Board over the signature of the Board President setting forth that it had determined not to issue the said renewal. In that letter a copy of which was sent to the appellants it stated:

"After hearing the testimony of the Police Department on October 6th, the recommendation from the Police Director for non-renewal, and the comments from the neighbors, the Council is of the opinion that for the past several years the tavern has been the center of serious criminal incidents. Apparently, the Brummerts feel that they can no

longer successfully operate the tavern themselves. They had attempted to place one Primagero Azededo in charge of the operation, but the operation continued to deteriorate. Finally, the Brummerts had to cause Mr. Azededo to be evicted.

While sympathetic of the desire of the Brummerts to sell the liquor license and while appreciative of the potential financial loss to be sustained by this action, we find that the Brummerts, through the admission of Mrs. Brummert, are no longer capable of operating this liquor license and we, therefore, deem them unqualified. There is no way that this license could be issued, conditioned upon a requirement of sale by the Brummerts. Our choice is either to issue or not to issue, and we have decided not to renew the license.

You are hereby instructed to inform the Brummerts of our decision."

I find, as a fact, that this letter served effectively as a determination by the Board, not to renew the said license, and was validly communicated to appellants.

The crucial issue on this appeal is whether the record substantiated and justified the Board's action in refusing to renew appellants' license. The burden of proof in all these cases which involve discretionary matters, where renewal of a license is sought, falls upon the appellants to show manifest error or abuse of discretion by the issuing authority. Nordco, Inc. v. State, 43 N.J. Super. 277, 287 (App. Div. 1957). As the court pointed out in Zicherman v. Driscoll, 133 N.J.L. 586, 587:

"The question of a forfeiture of any property right is not involved. R.S. 33:1-26. A renewal license is in the same category as an original license. There is no inherent right in a citizen to sell intoxicating liquor by retail, Crowley v. Christensen, 137 U.S. 86, and no person is entitled as a matter of law to a liquor license. Bumball v. Burnett, 115 N.J.L. 254; Paul v. Gloucester, 50 Id. 585; Voight v. Board of Excise, 59 Id. 358; Meehan v. Excise Commissioners, 73 Id. 382; affirmed 75 Id. 557. No licensee has a vested right to the renewal of a license. Whether an original license should issue or a license be renewed rests in the sound discretion of the issuing authority. Unless there has been a clear abuse of discretion this court should not interfere with the actions of the constituted authorities. Allen v. City of Paterson, 98 Id. 661; Fornarotto v. Public Utility Commissioners, 105 Id. 28. We find no such abuse. The liquor business is one that must be carefully supervised and it should be conducted by reputable people in a reputable manner. The common interest of the general public should be the guide post in the issuing and renewing of licenses."

From my examination of the record, I am persuaded that these appellants were culpable in their operation of these premises. Therefore, the Board acted within its lawful discretion under all the facts set forth hereinabove in denying renewal of the license. The Board felt that, as Captain Seamon testified at this hearing, these premises were a "trouble spot" and were operated in a manner which was inimical to the public interest.

Also, the Board took into consideration the frank admission of Mrs. Brummert that she could no longer control its clientele or properly manage its affairs. Compounded therewith, was the information which was the subject of the Division's investigation, that, in fact a "front" operation had taken place, based on information that appellants agreed to pay a percentage of the profits to a person not listed in the current license application, and failed to disclose such agreement, in violation of R.S. 33:1-25.

In the area of licensing, as distinguished from disciplinary proceedings, the determinative consideration is the public interest in the creation or continuance of a licensed operation. In the matter of licensing, the responsibility of a local issuing authority is "high", its discretion "wide", and its guide "the public interest". Lubliner v. Paterson, 33 N.J. 428, 446 (1960). A renewal license is in the same category as an original license. Zicherman v. Driscoll, *supra*.

There is no persuasive evidence to indicate any improper motivation on the part of the Board in its action and there appears to be substantial evidence to support its determination herein. Hornauer v. Div. of Alcoholic Beverage Control, 40 N.J. Super. 501.

The Director's function on appeal is not to substitute his personal opinion for that of the issuing authority but merely to determine whether reasonable cause exists for its opinion and, if so, to affirm irrespective of his personal view. Tumulty v. Dunollen, Bulletin 1487, Item 4. Indeed, as the court stated in Lyons Farms Tavern, Inc. v. Newark et al., 55 N.J. 292 (1970):

"...Our penetrating review of all the evidence was engaged in by retreating to the fundamental issue in these cases: Did the decision of the local board represent a reasonable exercise of discretion on the basis of evidence presented? If it did that ends the matter of review both by the Director and by the courts...."

Having concluded that the decision of the Board did in fact represent a reasonable exercise of its discretion on the basis of the evidence presented, there remains one factor which requires compassionate consideration. Mrs. Brummert frankly admitted that she is neither competent nor willing to continue the operation of these premises. However, subsequent to the hearing, she submitted an executed agreement between her and one Kenneth Delanoy for the sale of the said premises contingent upon the renewal of this said license and transfer to the buyer.

In an accompanying letter to the Director, she stated that she is destitute, and her financial condition is supported by a letter from the Welfare Director of that municipality. Under these circumstances I believe that appellants should be given an opportunity to secure some of their investment in the said license provided the same is transferred to a reputable person. Since fairness is the touchstone of the administrative process, it appears reasonable to afford appellants such opportunity. Cf. Ishmal v. Div. of Alcoholic Bev. Control, 58 N.J. 347 (1971).

It is, accordingly, recommended that an order be entered reversing the action of the Board and directing it to grant the renewal of appellants' license for the current licensing period, upon the following conditions:

(a) That the license, when renewed, shall not be actually issued to appellants but shall be retained by the Board.

(b) That the proposed transferee may file prompt application for the lawful transfer of the said license.

(c) That within two (2) months from the date of the entry of the Order herein, the Board may, in its lawful discretion, grant said application.

(d) That upon the grant of the said application the said license shall be issued and transferred to the transferee and shall be in full force and effect as soon as this transfer is endorsed on the face of the license certificate.

(e) If the application for said transfer is not approved within the above stated period of time, or any extension of time thereof granted by the Board, the said license shall be cancelled.

Conclusions and Order

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

Having carefully considered the entire record herein, including transcript of the testimony, exhibits, the Hearer's report and the exceptions filed with reference thereto which I find to have been satisfactorily answered by the Hearer or lacking in merit, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 7th day of March 1972,

ORDERED that the action of respondent Board in denying appellants' application for renewal of their plenary retail consumption license be and the same is hereby reversed, and respondent Board be and is hereby directed to grant renewal of appellants' license for the current license period upon the following conditions:

(a) That the license, when renewed, shall not be actually issued to appellants but shall be retained by the Board;

(b) That appellants may file prompt application for transfer of their license to other suitable premises in the municipality;

(c) That, within three months from the date of the order herein, the Board may in its discretion grant such application for transfer;

- (d) That, upon the grant of appellants' application for transfer of said license held in custody of the Board, the said license shall be issued to appellants, and the license shall be in full force and effect as soon as the transfer is endorsed on the face of the certificate;
- (e) If the said application for transfer is not approved within the above stated period of time, or any extension of time thereof granted by the Board or this Division, the said license shall be cancelled.

Robert E. Bower
Director

2. APPELLATE DECISIONS - FRANCO v. NEWARK.

Enrique & Carlos Franco,)	
t/a Tibiri Tabara, a/k/a)	
Ebb-Tide Lounge,)	
Appellants,	)	On Appeal
v.	)	CONCLUSIONS
	)	and
Municipal Board of Alcoholic	)	ORDER
Beverage Control of the)	
City of Newark,)	
Respondent.)	

William Osterweil, Esq., Attorney for Appellants		
William H. Walls, Esq., by Matthew J. Scola, Esq., Attorney		
for Respondent		

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Appellants appeal from the action of respondent Municipal Board of Alcoholic Beverage Control of the City of Newark (Board) whereby it suspended the plenary retail consumption license issued to appellants for premises 84 Orchard Street, Newark, for ninety days, effective November 8, 1971, upon finding appellants guilty of the following charges:

"1. On January 8, 1971, you allowed, permitted and suffered gambling in and upon your licensed premises, viz: the making and accepting bets in a lottery, commonly known as the 'numbers game', in violation of Rule 7 of State Regulation No. 20.

2. On January 8, 1971, you allowed, permitted and suffered tickets and participation rights in a lottery commonly known as the 'numbers game', to be sold, and offered for sale in and upon your licensed premises and allowed, permitted and suffered such participation rights in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20."

In their petition of appeal, appellants contend that the action of the Board was erroneous in that there was no evidence to sustain the finding of guilt.

The Board, in its answer, alleged that its decision was substantiated by the evidence.

Upon the filing of the appeal, an order was entered by the Director on October 29, 1971, staying the Board's order of suspension until the determination of this appeal.

The matter was presented for determination upon the transcript of the proceedings held before the Board, which was admitted into evidence pursuant to Rule 8 of State Regulation No. 15. This was supplemented by the receipt into evidence of four Irish Sweepstake tickets and five Puerto Rican lottery tickets and oral argument by the attorney for the appellants.

The transcript of the hearing before the Board reveals that local police officers searched the licensed premises on January 8, 1971, pursuant to a search warrant, based on an allegation that a lottery, commonly known as the "numbers game" was allowed, permitted and suffered in the licensed premises, a tavern. A search of the premises revealed no "numbers" bet slips. A search of the bartender, Raul Francis Santiago, revealed that he had in his wallet four Irish Sweepstake tickets and five Puerto Rican Lottery tickets. These had not been offered in evidence at the hearing before the Board; however, they were received in evidence in the subject proceedings.

Santiago testified that he had purchased the afore-said Sweepstake and lottery tickets some months prior to January 8, 1971, for his personal use and never sold a lottery ticket to anyone.

It is indisputable that the licensee was charged with an illegal activity pertaining to the "numbers game". A municipality must be credited with knowledge of the common definition of words used in its charge. In statutory construction, the generally accepted meaning of a word should be accorded to it. Absent any special meaning, words are to be given their common usage. N.J.S. 13-1; Ford Motor Co. v. N.J. Dept. of Labor and Industry, 5 N.J. 494 (1950); Walinski v. Mayor & Council, Gloucester City, 25 N.J. Super. 122 (Ch. Div. 1953).

I find the record completely devoid of testimony to substantiate the charges of a violation relating to the "numbers game" either by participation in permitting the making of such bets, or the possession of such participation rights therein.

The Board offered no testimony whatever in substantiation of the specific charges levelled against the appellant. I, therefore, conclude that the Board has failed to establish appellant's guilt of the said charge by a fair preponderance of the evidence.

Accordingly, it is, recommended that an order be entered reversing the action of the Board and dismissing the said charge. Cf. Re Hollie v. Newark, Bulletin 1962, Item 1, and cases cited therein.

Conclusions and Order

No exceptions to the Hearer's report were filed pursuant to 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 conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 7th day of March 1972,

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

Robert E. Bower
Director

3. NOTICE TO ALL LICENSEES - EFFECTIVE DATE OF QUARTERLY PRICE LIST EXTENDED FROM APRIL 1st TO APRIL 3rd.

NOTICE TO ALL LICENSEES:

I find that an emergency exists in connection with the effective date of the second quarterly Minimum Consumer Resale Price publication. The second quarter publication is, by regulation, effective April 1st of each year. However, April 1st of the year 1972 is a most inopportune time to make the publication of Minimum Consumer Resale Prices effective.

The first of April is Easter Saturday which understandably follows the holiday of Good Friday and precedes Easter Sunday. The April 1st Minimum Consumer Price publication contains an unusual number of price changes to become effective April 1st. It is my belief that retail licensees would have insufficient opportunity, because of the reasons set forth above, to adjust their prices prior to April 1st.

Accordingly, under authority granted by Rule 4 of State Regulation No. 30, I herewith make the effective date of the second quarter Minimum Consumer Resale Price publication April 3rd instead of April 1st.

Dated: March 14, 1972

Robert E. Bower
Director

4. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - PRIOR SIMILAR VIOLATION - LICENSE SUSPENDED FOR FIFTEEN DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

S. & S. Enterprises, Inc.,
t/a Old Village Inn
26 West Front Street
Red Bank, N.J.,

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption
License C-10, issued by the Mayor and
Council of the Borough of Red Bank.

LaBrecque, Parsons & Bassler, Esqs., by William G. Bassler, Esq.,
Attorneys for Licensee
Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on December 18, 1971, it sold alcoholic beverages to a minor, age 20, in violation of Rule 1 of State Regulation No. 20.

Licensee has a prior record of suspension of license by local issuing authority for five days, effective July 20, 1966 for a similar violation.

The license will be suspended for ten days on the charge herein to which will be added five days by reason of the prior suspension for similar violation occurring more than five, but less than ten years, prior to the date of the subject violation, (Re Parkes, Bulletin 2027, Item 7) making a total of fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days.

Accordingly, it is, on this 7th day of March 1972,

ORDERED that Plenary Retail Consumption License C-10, issued by the Mayor and Council of the Borough of Red Bank to S. & S. Enterprises, Inc., t/a Old Village Inn, for premises 26 West Front Street, Red Bank, be and the same is hereby suspended for ten (10) days, commencing 2:00 a.m. on Tuesday, March 21, 1972, and terminating 2:00 a.m. on Friday, March 31, 1972.

Robert E. Bower
Director

5. DISCIPLINARY PROCEEDINGS - FALSE STATEMENT IN APPLICATION -
PERMITTED UNQUALIFIED PERSON TO EXERCISE INTEREST IN PREMISES -
AIDED AND ABETTED SUCH INTEREST - VIOLATIONS OF N.J.S.A. 33:1-25,
52 - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO CORRECT
AFTER 76 DAYS.

In the Matter of Disciplinary)
Proceedings against)

Bilrose, Inc.,)
t/a Danny's Golden Dragon)
1015-1025 Kingsley Street)
Asbury Park, N.J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption)
License C-9, issued by the City)
Council of the City of Asbury Park.)

Fierro, Fierro & Mariniello, Esqs., by Joseph R. Mariniello, Esq.,
Attorneys for Licensee

Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charges that it (a) made false statements on May 5, 1971 in its license application and failed to reveal that substantial ownership of the licensed premises was in the name of a person not qualified to have an interest in a plenary retail consumption license, and it permitted such person to exercise the privilege of its plenary retail consumption license, in violation of N.J.S.A. 33:1-25; and (b) aided and abetted such disqualified person to exercise the rights and privileges of such license, in violation of N.J.S.A. 33:1-52.

Licensee has a prior record of suspension of license by the Director for fifteen days, effective February 14, 1972, for sale to minors (Re Bilrose, Inc., Bulletin 2030, Item 8).

The prior violation for dissimilar offense occurring within the past five years considered, the license shall be suspended for ninety-five days (Re Lap and Down Club, Inc., Bulletin 2033, Item 1), with remission of nineteen days for the plea entered, leaving a net suspension of seventy-six days.

However, as the unlawful situation has not, to date, been corrected, the license will be suspended for the balance of its term, with leave granted to the licensee or any bona fide transferee of the license to apply to the Director, by verified petition, for lifting of the suspension whenever the unlawful situation has been corrected, but such lifting shall not be granted in any event sooner than seventy-six days from the commencement of the suspension herein.

Accordingly, it is, on this 6th day of March 1972,

ORDERED that Plenary Retail Consumption License C-9, issued by the City Council of the City of Asbury Park to Bilrose, Inc., t/a Danny's Golden Dragon, for premises 1015-1025 Kingsley Street, Asbury Park, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1972, effective 3:00 a.m. Monday, March 20, 1972, with leave to licensee or any bona fide transferee of the license to apply to the Director by verified petition for the lifting of the suspension whenever the unlawful situation has been corrected, but, in no event, sooner than seventy-six (76) days from the commencement of the suspension herein.

Robert E. Bower
Director

6. DISCIPLINARY PROCEEDINGS - AMENDED ORDER - LEAVE TO CORRECT
REDUCED TO 20 DAYS.

In the Matter of Disciplinary)
Proceedings against)

Bilrose, Inc.)
t/a Danny's Golden Dragon)
1015-1025 Kingsley Street)
Asbury Park, N. J.,)

AMENDED ORDER

Holder of Plenary Retail Consumption)
License C-9, issued by the City
Council of the City of Asbury Park.)

Fierro, Fierro & Mariniello, Esqs., by Joseph R. Mariniello, Esq.,
Attorneys for Licensee
Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

On March 6, 1972 Conclusions and Order were entered in this matter suspending the license for ninety-five days, less nineteen days for plea entered, leaving a net suspension of seventy-six days on charges inter alia that licensee permitted an unqualified person to have an interest in its plenary retail consumption license and failed to reveal the substantial ownership by said person. It has now been determined that the person permitted to exercise the license privilege was not criminally disqualified but, rather, disqualified for technical reasons; in consequence of which the suspension on such charge should have been for twenty days (Re Lloyd Corporation, Bulletin 1756, Item 16), to which should be added five days by reason of dissimilar violation occurring within the past five years, making a total of twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days.

Accordingly, it is, on this 14th day of March 1972,

ORDERED that my order dated March 6, 1972 be and the same is hereby amended as follows:

ORDERED that Plenary Retail Consumption License C-9, issued by the City Council of the City of Asbury Park to Bilrose, Inc., t/a Danny's Golden Dragon, for premises 1015-1025 Kingsley Street, Asbury Park, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1972, effective 3 a.m. Monday, March 20, 1972, with leave to licensee or any bona fide transferee of the license to apply to the Director by verified petition for the lifting of the suspension whenever the unlawful situation has been corrected but in no event sooner than twenty (20) days from the commencement of the suspension herein.

Robert E. Bower
Director

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

In the Matter of Disciplinary)	
Proceedings against)	
Controlled Systems Corp.)	
t/a Inn the Beginning)	
7407 Bergenline Avenue	)	CONCLUSIONS
North Bergen, N. J.,	)	and
	)	ORDER
Holder of Plenary Retail Consumption)	
License C-18, issued by the Municipal)	
Board of Alcoholic Beverage Control of)	
the Township of North Bergen.)	
----->)	
Stanton & Recht, Esqs., by Mark L. Stanton, Esq., Attorneys)	
	)	for Licensee
Dennis M. Brew, Appearing for Division)	

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 8, 1971, it sold alcoholic beverages to a minor, 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 Mar-May Inc., Bulletin 2020, Item 5.

Accordingly, it is, on this 6th day of March 1972,

ORDERED that Plenary Retail Consumption License C-18, issued by the Municipal Board of Alcoholic Beverage Control of the Township of North Bergen to Controlled Systems Corp., t/a Inn the Beginning, for premises 7407 Bergenline Avenue, North Bergen, be and the same is hereby suspended for ten (10) days, commencing 3:00 a.m. on Monday, March 20, 1972, and terminating 3:00 a.m. Thursday, March 30, 1972.

Robert E. Bower
Director

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

In the Matter of Disciplinary)
Proceedings against)

Norma Wilkinson)
201- 70th Street)
Guttenberg, N.J.,)

Holder of Plenary Retail Consumption)
License C-27, issued by the Mayor)
and Board of Council of the Town of)
Guttenberg.)

CONCLUSIONS
and
ORDER

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on December 17, 1971 she sold alcoholic beverages to three minors, ages 18, 18 and 19 years, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Matterhorn Restaurant, Inc., Bulletin 1648, Item 3.

Accordingly, it is, on this 6th day of March 1972,

ORDERED that Plenary Retail Consumption License C-27, issued by the Mayor and Board of Council of the Town of Guttenberg to Norma Wilkinson, for premises 201- 70th Street, Guttenberg, be and the same is hereby suspended for fifteen (15) days, commencing at 3 a.m. Monday, March 20, 1972, and terminating at 3 a.m. Tuesday, April 4, 1972.

Robert E. Bower,
Director.

9. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary)
Proceedings against)

Mansour Farhat)
t/a Union Square Hotel)
17-19 Union Square)
Phillipsburg, N. J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption)
License C-19, issued by the Town Council)
of the Town of Phillipsburg.)

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 8, 1972 he sold an alcoholic beverage to a minor, age 18, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license would normally be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Rainbow Enterprises, Inc., Bulletin 1926, Item 11. 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 \$400 in lieu of suspension.

Accordingly, it is, on this 6th day of March 1972,

ORDERED that the payment of a \$400 fine by the licensee is hereby accepted in lieu of a suspension of license for ten days.

Robert E. Bower,
Director.

10. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA -
APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary)	
Proceedings against)	
)	
Rymax Inc.)	
t/a Berkshire Hotel	)	CONCLUSIONS
48 Pineview Avenue	)	and
Keansburg, N. J.,	)	ORDER
Holder of Plenary Retail Consumption)		
License C-19, issued by the Municipal		
Council of the Borough of Keansburg.)		

Licensee, by Walter P. Ryan, Secretary, Pro se
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that
on September 22, 1971 it possessed on its licensed premises
two bottles of alcoholic beverages the labels of which did
not truly describe their contents, in violation of Rule 27
of State Regulation No. 20.

Absent prior record, the license would normally
be suspended for fifteen days, with remission of five days
for the plea entered, leaving a net suspension of ten days.
Re Cranberry Lake Lounge, Inc., Bulletin 2008, Item 8. How-
ever, the licensee has made application for the imposition
of a fine in lieu of suspension in accordance with the provi-
sions 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 \$400 in lieu of suspension.

Accordingly, it is, on this 6th day of March 1972,

ORDERED that the payment of a \$400 fine by the
licensee is hereby accepted in lieu of a suspension of
license for ten days.


Robert E. Bower,
Director.