

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

BULLETIN 2041

April 20, 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 2041

April 20, 1972

1. APPELLATE DECISIONS - BIG MIKE'S v. NEWARK.

Big Mike's (corp. of New Jersey)	)	
Appellant,	)	
v.	)	On Appeal
	)	CONCLUSIONS
Municipal Board of Alcoholic	)	and
Beverage Control of the City	)	ORDER
of Newark,	)	
Respondent.	)	

-----  
Simandl, Leff, Kraemer & Waldor, Esqs., by Robert H. Simandl, Esq.,  
Attorneys for Appellant  
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

This appeal challenges the action of the respondent Municipal Board of Alcoholic Beverage Control of the City of Newark (Board) which, by a vote of two to one, on November 15, 1971, ordered the suspension of appellant's license for premises 199 Rose Street, Newark, for thirty days, effective November 29, 1971, after finding it guilty in disciplinary proceedings on a charge alleging the sale and delivery of alcoholic beverages in its licensed premises, on Sunday, February 14, 1971, in violation of Rule 1 of State Regulation No. 38.

In its petition of appeal appellant contends that the said action was erroneous because it was not based on credible evidence, and was against the weight of the evidence.

In its answer, the Board defends that the grounds upon which it made its decision "were based upon the factual testimony before the Board from which it, in its sound discretion, concluded that the penalty imposed was justified."

Upon the filing of the appeal an order dated November 29, 1971 was entered by the Director staying the effective date of the Board's order of suspension pending the determination of this appeal.

This appeal was based upon the transcript of the testimony taken before the Board and was supplemented solely by argument in summation at this de novo hearing, pursuant to Rules 6 and 8 of State Regulation No. 15.

The transcripts reflect the following: The licensed premises are located at 199 Rose Street on the ground floor of a multi-story dwelling. The sales of the alcoholic beverages which are the subject of this charge were actually made in an "abandoned" store located across the street from the licensed premises at 513 Bergen Street, Newark.

Newark Police Detective Vincent P. Coburn testified that, pursuant to an anonymous phone call that liquor was being sold in the said "abandoned" store he, accompanied by Detective Hardy, stationed themselves at a point of "surveillance" near the said store. They observed a male, later identified as George Peterman in the store. He stated that when Peterman negotiated a sale of alcoholic beverages he would run across the street into the rear of the building where the licensee is located, go to the back of the hallway, obtain bottles from a hole in the wall, which he believed rendered access to the interior of the licensed premises, and then returned with what appeared to him to be alcoholic beverages.

They observed that Peterman delivered these bottles of liquor to Edward Robb and a Mr. Smith. When these two males left that store and had proceeded about a block therefrom, they were stopped by the detectives. Upon confrontation and questioning they each surrendered a bottle of Gypsy Rose wine, and were placed under arrest. When the detectives returned to the store they noticed Horace Thomas being handed a bottle of Seagram's Rye Whiskey. Thereupon the witness looked into the tavern and did not see anybody there; the premises were locked.

Coburn admitted that he did not inspect that hole (from which these bottles were allegedly obtained) immediately, but about fifteen minutes later he went to the hallway and was admitted to the tavern by the principal officer of the corporate licensee. He then noted that the hole was boarded up and bolted on both sides.

On cross examination he acknowledged that there were several holes in the back hallway in the building in which the licensed premises are located and he was not certain as to where Peterman had obtained the alcoholic beverages. Furthermore, the witness stated that he did not know whether Peterman, who is now deceased, was then or had been employed by the licensee.

Horace Thomas, testifying on behalf of the Board, admitted purchasing a half-pint of Seagram's Rye Whiskey from Peterman at the store across the street from the licensed premises. He stated that Peterman sold him the liquor but that he did not know where Peterman obtained it.

Edward Robb testifying on behalf of the Board gave the following account: He and Smith went to this store (which he characterized as a pool room) on the Sunday morning charged herein. Smith went into the store and ordered two bottles of Gypsy Rose Wine from Peterman, paying him \$2. Peterman went to the rear of the pool room, obtained the bottles of wine and handed them to him.

Meyer Krieger, the president of the corporate licensee, gave the following account: On the date and at the time charged herein the licensed premises were closed and no one was in the said premises to his knowledge. There are several holes in the wall in the rear of these premises but they were bolted up. George Peterman was never employed by the licensee and had no connection with the licensed premises.

This witness arrived on the scene about 10:45 a.m. and at the insistence of the officers opened the premises and established that there was no one therein. The back door was locked and there was no evidence that any other person had entered the said premises or had access thereto.

He stated that Peterman ran the pool room across the street and lived in one of the apartments in the building. He acknowledged that there was a hole in the wall in the rear of the premises but it was about two inches in circumference, and it would be impossible to transfer any bottles through that hole.

We are dealing here with a purely disciplinary measure and its alleged infraction. Kravis v. Hock, 137 N.J.L. 252 (1948). 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). However, the general applicable 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.

Or to put it in context: the inquiry is whether there was any evidence which, if accepted and given its fullest probative force, reasonably tends to sustain the determination of the Board herein. The accepted standard of persuasion governing the trier of facts is that the determination is probably founded in truth. Riker v. John Hancock Mutual Life Insurance Co., 129 N.J.L. 508, 511 (1943).

I have carefully analyzed and evaluated the entire testimony herein, and am frank to admit that I do not find that a sale of alcoholic beverages was made by the licensee for off-premises consumption as herein charged. The axis of this charge is that the licensee allowed, permitted and suffered the unlawful sale to take place in its licensed premises. Thus, it must be established by affirmatively satisfactory evidence that (1) there was an unlawful sale at the licensed premises, and (2) by the licensee, its agent or employee. Cf. Re Silidker, Bulletin 405, Item 5.

It is uncontroverted that the actual sale took place in a store across the street from the licensed premises by Peterman who was not an employee of the licensee. There is contradictory testimony as to where Peterman actually obtained the bottles of wine. The alleged purchasers all testified that these bottles were obtained from the rear of the pool room.

Detective Coburn states that he saw Peterman obtain the alcoholic beverages from a hole in the hallway which he thought led into the licensed premises. However, he did not inspect that hole immediately as he probably should have done at that time. Moreover, fifteen minutes later when he did inspect the hole he found that it was boarded up on both sides and securely bolted.

Evaluating the testimony of the Board's witnesses, the evidential weakness and imbalance of the Board's case becomes clearly evident. Robb, a Board witness, testified that he purchased the wine from Peterman, in the pool room, and that the wine was obtained by Peterman from the back of the pool room. Thomas also testified that he bought the whiskey at the pool room from Peterman, and that he did not know where Peterman obtained the bottle.

The Board is bound by the testimony of its witnesses to the effect that Peterman sold alcoholic beverages to these individuals in the pool room. It is further undisputed that Peterman is not nor was he ever an employee of the licensee.

Thus, qualitatively, the evidence produced by appellant and supported, indeed, by the testimony of the purchasers stands in a much more favorable light. Therefore, I cannot say that I am persuaded that the evidence produced by the Board engendered that feeling of reasonable probability and certainty in these circumstances. Loew v. Union Beach, 56 N.J. Super. 93 (1959). Doubtful questions of fact must be resolved in appellant's favor. Wasserman and Goldberg v. Newark, Bulletin 1590, Item 1; Luisi v. Orange, Bulletin 1814, Item 3. It is clear that the Board by its two to one vote reflected its own uncertainty. One member, at least, was not convinced that there was the necessary quantum of evidence required to find the appellant guilty.

Each case must be governed by its own circumstances, and the determination must be supported by substantial evidence. Hornauer v. Div. of Alcoholic Beverage Control, 40 N.J. Super. 501, 504-06 (1956).

The conclusion is inescapable and I find that the determination by the Board is not supported by a fair preponderance of the credible evidence on the whole of the record. Thus, the appellant has sustained the burden imposed by Rule 6 of State Regulation No. 15 in establishing that the action of the Board was erroneous and should be reversed. It is, accordingly, recommended that the action of the Board be reversed and the charge herein be dismissed.

#### 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 transcripts of the testimony and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt his recommendation.

Accordingly, it is on this 4th day of April, 1972

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

Robert E. Bower  
Director

2. APPELLATE DECISIONS - RARITAN TOWNSHIP WINE, LIQUOR AND  
BAR CO., INC. v. HAZLET - SUPPLEMENTAL ORDER - APPLICATION  
FOR FINE IN LIEU OF SUSPENSION GRANTED.

Raritan Township Wine, Liquor )	
and Bar Co., Inc., t/a Harry's )	
Bar and Liquors, )	
	On Appeal
Appellant, )	
v. )	
Township Committee of the )	SUPPLEMENTAL ORDER
Township of Hazlet, )	
Respondent. )	

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Sidney I. Sawyer, Esq., Substituted Attorney for Appellant  
Howard A. Roberts, Esq., Attorney for Respondent

BY THE DIRECTOR:

On March 6, 1972 Conclusions and Order were entered herein affirming the action of respondent, dismissing the appeal and affirming the imposition of a suspension of appellant's license for fifteen days and deferring the effective date of such suspension pending consideration of an application made by appellant for the imposition of a fine in lieu of such suspension, in accordance with Chapter 9 of the Laws of 1971. Raritan Township Wine, Liquor and Bar Co., Inc. v. Hazlet, Bulletin 2037, Item 2.

Appellant has made an offer in compromise to pay a fine of \$780 in lieu of the said suspension. Having favorably considered such application, I have determined to accept the aforesaid offer.

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

ORDERED that the payment of a \$780 fine by appellant is hereby accepted in lieu of a suspension of license for fifteen days.

Robert E. Bower,  
Director.

3. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE  
SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA - APPLICATION FOR  
FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary  
Proceedings against

Sterling Liquor, Inc.  
211 White Horse Pike  
Laurel Springs, N.J.,

Holder of Plenary Retail Distribution  
License D-1, issued by the Mayor and  
Borough Council of the Borough of  
Laurel Springs.

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Salvatore J. Avena, Esq., Attorney for Licensee  
Dennis M. Brew, Appearing for Division

CONCLUSIONS  
and  
ORDER

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on  
January 14, 1972, it sold alcoholic beverages to a minor, age 20,  
in violation of Rule 1 of State Regulation No. 20.

Absent prior record the license would normally be sus-  
pended for ten days, with remission of five days for the plea  
entered, leaving a net suspension of five days. Re Parkes,  
Bulletin 2027, Item 7. 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 \$795 in lieu of suspension.

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

ORDERED that the payment of a \$795 fine by the licensee  
is hereby accepted in lieu of a suspension of license for five (5)  
days.

Robert E. Bower  
Director

4. DISCIPLINARY PROCEEDINGS - GAMBLING (CARD GAME) - SUSPENSION FOR 15 DAYS, LESS 5 FOR PLEA BY MUNICIPAL ISSUING AUTHORITY - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary	)	
Proceedings against	)	
El Patio Club Corp.	)	CONCLUSIONS
t/a La Roca Club	)	and
230 Second Street	)	ORDER
Elizabeth, New Jersey	)	
Holder of Plenary Retail Consumption	)	
License C-189, issued by the City	)	
Council of the City of Elizabeth.	)	

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

BY THE DIRECTOR:

Licensee pleaded guilty before the municipal issuing authority to a charge that it permitted gambling, i.e., a card game for money on the licensed premises, in violation of Rule 7 of State Regulation No. 20. In consequence thereof, the license was suspended for fifteen days, less five days for the plea entered, leaving a net suspension of ten days, which suspension was deferred to permit licensee opportunity to apply to the Director to pay a fine in lieu of suspension, in accordance with the provisions of Chapter 9 of the Laws of 1971.

Licensee having made application for the imposition of a fine in lieu of the aforesaid suspension, and 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 the suspension.

Accordingly, it is, on this 21st 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



5. DISCIPLINARY PROCEEDINGS - LOCAL HOURS VIOLATION - LICENSE  
SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA - APPLICATION FOR FINE  
IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary )  
Proceedings against )

Jadlyn, Inc. )  
t/a Friends Bar & Package Goods )  
620 Mantua Pike, Oak Valley )  
Deptford Township, PO Wenonah, N.J., )

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption )  
License C-7, issued by the Township )  
Committee of the Township of Deptford.)

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Licensee, by Harry Kazansky, President, Pro se  
Walter H. Cleaver, Esq., Appearing for Division

BY THE LICENSEE:

Licensee pleads non vult to a charge alleging that  
on Sunday, November 7, 1971, it failed to have the premises  
closed, in violation of local hours ordinance.

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  
Ann's Tavern, Bulletin 2029, Item 3. 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 \$1,200 in lieu of suspension.

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

ORDERED that the payment of a \$1,200 fine by the  
licensee is hereby accepted in lieu of a suspension of li-  
cense for ten days.

Robert E. Bower,  
Director.

## 6. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #346	)	
In the Matter of a Petition to	)	
Lift the Automatic Suspension of	)	
Plenary Retail Consumption License	)	
C-4, issued by the Township	)	On Petition
Committee of the Township of	)	
Saddle Brook to	)	ORDER
374 North Midland Tavern, Inc.	)	
t/a Persian Lamb	)	
374 No. Midland Avenue	)	
Saddle Brook, New Jersey	)	
-----)		
Licensee, Pro se		

BY THE DIRECTOR:

It appears from the records of this Division that on October 4, 1971, Bernard J. Elsinger, Secretary-Treasurer of the corporate licensee was fined \$200 and \$25 court costs upon his conviction in the Saddle Brook Municipal Court, of a charge of sale of alcoholic beverages to a minor at the licensed premises on February 4, 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 Director has fined the licensee \$930 in lieu of suspension of fifteen days upon the licensee's plea of non vult to the charge in disciplinary proceedings alleging the same sale to the minor. Re 374 North Midland Tavern Inc., Bulletin 2020, Item 3. The said fine having been paid, I shall lift the statutory automatic suspension. Re North Dean Corporation, Bulletin 1917, Item 6.

Accordingly, it is, on this 15th day of March 1972,

ORDERED that the statutory automatic suspension of the said license C-4, be and the same is hereby lifted, effective immediately.

Robert E. Bower  
Director

7. DISCIPLINARY PROCEEDINGS - SUPPLEMENTAL ORDER

In the Matter of Disciplinary )  
Proceedings against )

Otnas Holding Company, Inc. )  
247 Highway 18 )  
East Brunswick, N. J., )

SUPPLEMENTAL ORDER

Holder of Plenary Retail Consumption )  
License C-17, issued by the Township )  
Council of the Township of East )  
Brunswick. )

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Iaria and Gelzer, Esqs., by Seymour Gelzer, Esq., Attorneys  
for Licensee  
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

On February 22, 1972 I entered Conclusions and Order  
suspending the subject license for twenty days commencing  
March 7, 1972, after finding the licensee guilty of charges  
set forth in the said Conclusions and Order.

Prior to the effectuation of the suspension herein,  
the licensee made application for the imposition of a fine in  
lieu of suspension in accordance with Chapter 9 of the Laws  
of 1971. I shall defer the suspension herein pending my  
consideration of the said application and until the entry of  
a further order herein.

Accordingly, it is, on this 17th day of March 1972,

ORDERED that the said order dated February 22,  
1972 be and the same is hereby stayed until the entry of a  
further order herein.

Robert E. Bower,  
Director.

8. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS, FOOTBALL AND HORSE BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 12 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

Frederick E. La Roche & Doris Lupi  
t/a Bergen Bar  
737 Montgomery Street  
Jersey City, N.J.,

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption  
License C-5, issued by the Municipal  
Board of Alcoholic Beverage Control  
of the City of Jersey City.

Edward F. Zampella, Esq., by Arthur J. Abrams, Esq., Attorney  
for Licensee

Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on November 14, 21, December 3, 4 and 8, 1970 they permitted gambling on the licensed premises, i.e., football bets, horse race and "numbers" bets, in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record of suspension of license, the license will be suspended for sixty days with remission of twelve days for the plea entered, leaving a net suspension of forty-eight days. It is noted that the violations herein preceded the adoption of the Division's present policy increasing penalties in gambling violations. Re Arnone, Bulletin 1971, Item 3; Cf. Willie's, Inc., Bulletin 2017, Item 3.

Accordingly, it is, on this 17th day of March 1972,

ORDERED that Plenary Retail Consumption License C-5, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Frederick E. La Roche & Doris Lupi, t/a Bergen Bar, for premises 737 Montgomery Street, Jersey City, be and the same is hereby suspended for forty-eight (48) days, commencing 2:00 a.m. on Friday, March 31, 1972 and terminating 2:00 a.m. on Thursday, May 18, 1972.

Robert E. Bower  
Director

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

In the Matter of Disciplinary	)	
Proceedings against	)	
Caesar P. Fanfarillo	)	
t/a Caesar's	)	
50 South Academy Street	)	CONCLUSIONS
Glassboro, N.J.,	)	and
	)	ORDER
Holder of Plenary Retail Consumption	)	
License C-6, issued by the Borough	)	
Council of the Borough of Glassboro.	)	
Licensee, Pro se - - - - -	)	
Dennis M. Brew, Appearing for Division	)	

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 20, 1972, he 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 100 Bar, Inc., Bulletin 2012, Item 12.

Accordingly, it is, on this 17th day of March 1972,

ORDERED that Plenary Retail Consumption License C-6, issued by the Borough Council of the Borough of Glassboro to Caesar P. Fanfarillo, t/a Caesar's, for premises 50 South Academy Street, Glassboro, be and the same is hereby suspended for ten days (10) days, commencing 2:00 a.m. on Monday, April 3, 1972, and terminating 2:00 a.m. on Thursday, April 13, 1972.

Robert E. Bower  
Director

10. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED  
FOR 35 DAYS, LESS 7 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

Flo-Ron, Inc. )  
t/a Penn Liquor Mart )  
4913 Westfield Avenue )  
Pennsauken, N.J., )

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Distribution )  
License D-1, issued by the Township )  
Committee of the Township of )  
Pennsauken. )

-----)  
A. Morton Shapiro, Esq., Attorney for Licensee  
Dennis M. Brew, Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on  
January 15, 1972, it sold alcoholic beverages to a minor, age 14,  
in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for  
thirty-five days (Re The Cellar, Inc., Bulletin 1360, Item 7), with  
remission of seven days for the plea entered leaving a net sus-  
pension of twenty-eight days.

Accordingly, it is, on this 17th day of March 1972,

ORDERED that Plenary Retail Distribution License D-1,  
issued by the Township Committee of Pennsauken to Flo-Ron, Inc.,  
t/a Penn Liquor Mart for premises 4913 Westfield Avenue, Pennsauken,  
be and the same is hereby suspended for twenty-eight (28) days,  
commencing 2:00 a.m. on Monday, April 17, 1972, and terminating  
2:00 a.m. on Monday, May 15, 1972.

Robert E. Bower  
Director

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

In the Matter of Disciplinary	)	
Proceedings against	)	
	)	
Rutherford's Ale House, Inc.	)	CONCLUSIONS
t/a Rutherford's Ale House	)	and
426-428 Ocean Avenue	)	ORDER
Jersey City, N.J.,	)	
Holder of Plenary Retail Consumption	)	
License C-228, issued by the Municipal	)	
Board of Alcoholic Beverage Control of	)	
the City of Jersey City.	)	
- - - - -	)	
Licensee, Pro se		
Edward F. Ambrose, Esq., Appearing for Division		

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on September 29, 30, October 1, 5, 7, 12, 14, 15 and 18, 1971, it permitted the sale of lottery tickets, commonly known as the "numbers game" and possessed such tickets on its licensed premises, in violation of Rule 6 of State Regulation No. 20.

Absent prior 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 Saluto, Bulletin 2025, Item 5.

Accordingly, it is, on this 17th day of March 1972,

ORDERED that Plenary Retail Consumption License C-228, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Rutherford's Ale House, Inc., t/a Rutherford's Ale House, for premises 426-428 Ocean Avenue, Jersey City, be and the same is hereby suspended for seventy-two (72) days, commencing 2:00 a.m. on Monday, April 3, 1972, and terminating 2:00 a.m. on Wednesday, June 14, 1972.

Robert E. Bower  
Director

## 12. STATUTORY AUTOMATIC SUSPENSION - ORDER STAYING SUSPENSION.

Auto.Susp. #351	)	
In the Matter of a Petition to		
Lift the Automatic Suspension of	)	
Plenary Retail Consumption License		
C-6, issued by the Borough Council	)	On Petition
of the Borough of Glassboro to		
	)	
Caesar P. Fanfarillo		O R D E R
50 S. Academy Street	)	
Glassboro, N. J.		
-----	)	

Licensee, Pro se

BY THE DIRECTOR:

It appears from the records of this Division that on February 28, 1972 Caesar P. Fanfarillo (licensee) was fined \$75 and \$10 court costs in the Glassboro Municipal Court upon his conviction of a charge of sale of alcoholic beverages to a minor, age 19, on January 20, 1972, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of the license held by the above named licensee 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 disciplinary proceedings are pending in this Division against the said licensee because of the sale of alcoholic beverages to the same minor. A petition may be filed with me by the licensee after such disciplinary proceedings have been concluded. In fairness to the licensee, I conclude that at this time the effect of the automatic suspension should be temporarily stayed. Re Rodolfa, Bulletin 1986, Item 8.

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

ORDERED that the aforesaid automatic suspension of Plenary Retail Consumption License C-6 be and the same is hereby stayed pending entry of a further order herein.

Robert E. Bower,  
Director.



13. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE SUSPENDED  
FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

Warren D. Brand, Jr. and Donald )  
V. Crosta )  
t/a Elm Cocktail Lounge )  
142 State Highway #35 )  
Eatontown, N. J., )

CONCLUSIONS

and

ORDER

Holders of Plenary Retail Consumption )  
License C-5, issued by the Mayor and )  
Council of the Borough of Eatontown. )  
----- )

Klitzman, Klitzman, Goldstein & Gallagher, Esqs., by Franklin  
A. Goldstein, Esq., Attorneys for Licensees  
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that  
on December 15, 1971 they sold alcoholic beverages to a minor,  
age 17, and permitted consumption thereof on their licensed  
premises, 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 Kidawa,  
Bulletin 2032, Item 3.

Accordingly, it is, on this 5th day of April 1972,

ORDERED that Plenary Retail Consumption License  
C-5, issued by the Mayor and Council of the Borough of Eatontown  
to Warren D. Brand, Jr. and Donald V. Crosta, t/a Elm Cocktail  
Lounge, for premises 142 State Highway #35, Eatontown, be and  
the same is hereby suspended for fifteen (15) days, commencing  
at 2 a.m. Wednesday, April 19, 1972, and terminating at 2 a.m.  
Thursday, May 4, 1972.

*Robert E. Bower*  
Robert E. Bower,  
Director.