

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
25 Commerce Dr. Cranford, N.J. 07016

BULLETIN 2062

SEPTEMBER 5, 1972

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STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
25 Commerce Dr. Cranford, N.J. 07016

BULLETIN 2062

SEPTEMBER 5, 1972

1. APPELLATE DECISIONS - CLOVER LEAF CAFE, INC. v. GLOUCESTER.

Clover Leaf Cafe, Inc., t/a)
Gondola Restaurant,)
Appellant,)
v.) On Appeal
Township Committee of the) CONCLUSIONS and ORDER
Township of Gloucester,)
Respondent.)
-----)

Louis N. Caggiano, Esq., Attorney for Appellant
Moss, Thatcher & Moss, Esqs., by Frank W. Thatcher, Esq.,
Attorneys for Respondent

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

This is an appeal from the action of respondent Township Committee of the Township of Gloucester (hereinafter Committee) whereby it denied appellant's application for renewal of its plenary retail consumption license for the 1971-72 license period for premises located on Black Horse Pike, Gloucester.

Appellant alleges in its petition of appeal that the action of the Committee was erroneous in that:

- "(a) the application was timely filed,
- (b) publication and proof thereof were timely filed,
- (c) Idol A. Naccarato has never been convicted of a crime and is of good moral character, and presently is a principal stockholder of the appellant corporation, Clover Leaf Cafe, Inc.
- (d) The denial was politically motivated,
- (e) the action of the Township Committee for the Township of Gloucester was wanton and capricious,
- (f) No written objections were filed with the Township of Gloucester."

The Committee in its answer denied that its action was erroneous.

The parties hereto stipulated that the matters contained in the following Statement of Facts attached to the Committee's answer (with one exception to be noted on the record by appellant's attorney) are factual:

"On June 6, 1970, the Clover Leaf Cafe, Inc. made an application for a renewal of its Plenary Retail Consumption License Number C-9. Prior to issuance of this renewal license and prior to the approval by the Township Committee, a fire occurred at the premises which totally demolished the entire structure. In addition thereto, the Township received a letter from the Department of the Treasury on April 29, 1970 indicating that the licensee had failed to fulfill its requirements with the Beverage Tax Bureau and the Township was not to issue any renewal of the license for the period 1970-71.

"Thereafter, specifically in January of 1971, the Director of Alcoholic Beverages, through its assistant, Samuel Gold, issued a letter, a copy of which is attached hereto, indicating that the applicant, Clover Leaf Cafe, Inc. should have applied for a transfer of the 1969-1970 license to a building to be erected on grounds on which the other building had been located, and to submit plans of the proposed building with its application for transfer.

"Upon the issuance of that license, (that being the transfer license), a renewal license could have been issued for the year 1970-1971. This was never done by the applicant.

"Mr. Gold's letter further indicated that the Township could, under certain hardship conditions, issue a new license, which new license, of course, under these conditions would be conditioned upon the applicant supplying building plans and specifications for the erection of the building upon the premises.

"An application was filed with the Clerk of the Township, the appropriate fee was paid and the application was properly advertised in February of 1971.

"At the same time, a letter was received from the Beverage Tax Bureau that the applicant had fulfilled its obligation with the Bureau and the Bureau, therefore, had no objection to the renewal or transfer of the license involved.

"On March 3, 1971, the application was presented to the Township Committee for approval. The application was approved subject to the condition that the applicant construct a building in accordance with plans and specifications and that the license actually not be issued until the building was completed.

"Both a new application and a transfer application were approved under the conditions above outlined.

"No action was taken by the applicant with respect to construction of the building in question.

"A renewal application was submitted to the Clerk in May of 1971 to renew the license for the period 1971-1972. When this matter came before the Township Committee, it was tabled until June 23, 1971 for the purpose of inviting Mr. Naccarato to come before the Committee to explain his intention. Mr. Naccarato did appear before the Township Committee on an informal basis some time in July of 1971 and requested to submit plans and specifications for a building different than plans and specifications which were submitted in February of 1971.

"From June of 1971 until November of 1971, no plans and specifications were submitted by the applicant, and accordingly, the Township Committee did on November 4, 1971 direct that the license previously held by Clover Leaf Cafe, Inc. be cancelled and not renewed and that the necessary action be taken to effectuate this result."

Appellant's attorney noted additionally that appellant was first apprized of the Committee's action by letter dated November 4, 1971 and until that time appellant had been developing its new plans for construction.

It was further agreed that the stipulated Statement of Facts would be supplemented by oral testimony.

In behalf of appellant Idol A. Naccarato (president and principal stockholder of appellant corporate licensee) testified that, pursuant to a letter requesting him to appear at a meeting of the Committee to be held on June 23, 1971 in order to explain the status of his plans for rebuilding in accordance with his application filed in May 1971, he attended the proposed meeting and ascertained that the meeting was postponed due to the absence of some of the Committee members. Thereafter, in the latter part of July or early part of August he met informally with the Committee and explained that he intended to submit a less elaborate and a more economically feasible set of plans. The Committee expressed willingness to review the new set of plans upon its submission. Naccarato informed the Committee that he would submit new plans within a reasonable period of time. Upon completion of the new plans by the architect in early October he directed his attorney to submit them to the Township. He did not hear from the Township until he received a letter addressed to him by the Township clerk dated November 4, 1971, informing him that the Committee had decided not to renew his liquor license. This letter and a letter addressed to Fortune A. Valore, Township Administrator, by appellant's attorney dated October 14, 1971, forwarding plans for the proposed building, requesting early action thereon and further requesting a meeting with the Committee on October 18 for the purpose of discussing the renewal of the license, were received in evidence.

The following were also received in evidence: (1) a letter dated October 28, 1971, addressed to the Committee (attention of Fortune Valore) by appellant's attorney, stating that he had not received a response to his last communication; that on October 27, 1971 he had received a building permit from the municipality through the building inspector and early action was important; (2) the building permit referred to in said letter.

Naccarato testified that at the time he applied for the building permit he was not aware that the Committee had acted upon his application for the license renewal. Since the time that he had the informal meeting in the latter part of July or early August he spent approximately \$12,000 for building plans, taxes and grading of the land. He is now financially able to construct the building in accordance with the filed plans.

On cross examination Naccarato testified that he did not notify the Committee that he was going to amend the building plans that had been submitted to it previously until he appeared before the Committee in July or August 1971. He did not submit any plans until October 14, 1971. He admitted having a "For Sale" sign on the property.

Naccarato asserted that he had requested the architect to draw a less elaborate and costly set of plans in May 1971. He had no knowledge of the Committee's intention of not renewing the license until he received the Committee's letter dated November 4, 1971.

On redirect examination Naccarato testified that on October 27, 1971 he entered into a written contract with a builder for the construction of the proposed building for the sum of \$80,000. A copy of the building contract was received in evidence.

John P. DeRose (Mayor of the Township until his resignation on September 8, 1971) testified that he was present on June 27, 1971, the date that a meeting had been scheduled by the Committee for the purpose of discussing the renewal of the liquor license to appellant. Menna (a Committee member) indicated that he was opposed to the grant of the license, did not want to meet with Naccarato and walked out of the meeting.

Furthermore, an informal meeting of the Committee held in late July or early August 1971, Naccarato informed the Committee that he was unable to build in accordance with the first plans submitted and that he was going to submit revised plans. At that meeting Naccarato was informed that, if he constructed the building, he would be issued the license.

Fortune A. Valore (Township Administrator) testified that revised plans were brought to his office on October 14, 1971, on which date he also received a letter bearing same date from appellant's attorney requesting expeditious consideration of the subject matter and the privilege of a meeting on October 18, 1971. The meeting proposed for October 18 did not materialize. Valore further admitted receiving a letter from appellant's attorney dated October 28, 1971, referred to above. His office did not respond to that letter.

On cross examination Valore testified that on October 14 a meeting was set up for October 18 in order to afford appellant's attorney an opportunity to present the plans which had been submitted to him on that day. Valore was aware of the Committee's decision to deny renewal of the license on October 11.

On redirect examination the witness asserted he did not enter into any discussion with appellant's attorney concerning the action taken by the Committee on October 11.

In behalf of the Committee, Charles G. Palumbo (a township committeeman) testified that at the informal meeting of the Committee held in the latter part of July discussions were held concerning a "For Sale" sign that was displayed on the plot and also a proposed change in the building plans. In view thereof, Palumbo advised Naccarato to bring in plans to the Committee as soon as possible. Naccarato informed them that he intended to submit plans for a "beer and ale" establishment in lieu of the plans which he had submitted originally. He never saw the second set of plans.

In the early part of October 1971 the Committee decided not to renew appellant's liquor license upon its determination that plans were not submitted within a reasonable time therefor. He is not aware as to whether this information was communicated to Naccarato.

On cross examination Palumbo testified that the premises owned by appellant consisted of three lots; he did not know the number of lots that appellant desired to sell.

Joseph F. Menna (a township committeeman) testified that he was agreeable to the issuance of a liquor license (for the 1971-72 license period) conditioned upon the construction of a building in accordance with an elaborate set of plans that appellant had submitted. The placement of a "For Sale" sign on the property at approximately mid-year became the subject of discussion several times in caucus meetings. He asserted that he did not walk out of a caucus meeting when Naccarato and his attorney attempted to meet with the Committee. The matter was not on the agenda for discussion. The business of the meeting was completed and Palumbo had a prior engagement; the Committee had no intention of meeting with Naccarato and his attorney that evening. When the matter of the "For Sale" sign was discussed with appellant, the sign was removed.

At the October 1971 meeting of the Committee the Committee voted unanimously to inform this Division that the subject license would not be renewed. The Committee felt that it had given appellant a reasonable period of time to submit an application for a building permit or submit new plans for a building. He never saw new plans. On cross examination Menna testified that the Committee's determination not to renew the license was taken on October 11, 1971. He felt that the grant of an additional three days to appellant would have been unreasonable. He has no animosity towards Naccarato or his attorney. He did not understand the reason for the submission of amended plans by appellant to the administrator on October 14, 1971. Normally plans are submitted to the Township clerk.

Robert O. Penrod (a member of the Committee) testified that he was in agreement with the stipulation of facts. In addition thereto he asserted that he did not see any revised plans until February 1972. On October 11, 1971 he voted to deny the renewal of the license because he felt that appellant had been afforded a reasonable period of time within which to submit revised plans. On cross examination Penrod testified that, had he seen the revised plans on October 14, 1971, he would not have voted differently. He did not know when appellant was notified of the action taken by the Committee on October 11.

In rebuttal Naccarato testified that his property on Black Horse Pike consisted of three separate lots with a combined area of approximately four acres and he didn't require the entire tract for the proposed building. He erected a "For Sale" sign on the land for the purpose of selling part of it and thereby raise funds for the construction of the proposed building.

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

No evidence was adduced indicating that appellant was unfit or unsuited to hold a liquor license and it, therefore, appears that the dispositive point of inquiry is whether the failure of appellant to present plans since May 1971, at which time it submitted its application to renew its license for the year 1971-72, to October 11, 1971, on which date the Committee voted not to renew the license, was reasonable.

Although I do not condone appellant's laxity in not communicating with the Committee relative to the progress it was making in the preparation of new plans, I hold that, since fairness is the touchstone of the administrative process, it appears reasonable that appellant should have been afforded a reasonable notice of the Committee's intended action in the event that appellant failed to produce evidence of progress in its proposed construction.

However, appellant has now had a full opportunity to be heard upon this appeal de novo and the adjudication herein must be based upon the proofs as they have been adduced by this Division. Cino v. Driscoll, supra; Florence Methodist Church v. Tp. Committee, Florence Tp., supra.

Again, although it is my view that appellant might have acted more expeditiously in finalizing its plans or, failing that, kept the Committee informed of its progress in finalizing its plans, nonetheless, after considering all of the circumstances herein including the fact that the Committee's determination on October 11, 1971 of not renewing the license (accomplished without notifying appellant of its intention, thus denying it of an opportunity to explain its delay), and further considering that appellant was not informed of the action taken by the Committee on October 11, 1971 until a letter was sent by the Township clerk on November 4, 1971, and further considering that in the interim appellant not only discussed the revised plans with the Township Administrator on October 14, 1971 but also on October 27, 1971, secured a building permit from the Township Building Inspector and on the same date (October 27, 1971) it had entered into a contract for the erection of a new building, I find that the Committee's action was unreasonable.

It should also be emphasized that mere non-user will not of itself void a license. See Re Tarantola, Bulletin 570, Item 5. In Lethe, Inc. v. North Bergen, Bulletin 1537, Item 2, this Division reversed a municipality's refusal to renew a license after a period of non-use for three years. See also Lethe, Inc. v. Harrington Park, Bulletin 1497, Item 1.

I believe that the best interests of the public, as well as that of appellant, dictate that appellant be given a further opportunity within a reasonable time within which to complete his facility under conditions as set forth hereinbelow. Cf. Stockton Hotel Operating Co., Inc. v. Sea Girt, Bulletin 1709, Item 1; Hudson-Bergen Package Stores Assn. v. North Bergen, Bulletin 1981, Item 1.

For the reasons above stated, I conclude that appellant has sustained the burden imposed upon it under Rule 6 of State Regulation No. 15. It is, therefore, recommended that an order be entered reversing the action of the Committee and directing it to grant the application for renewal of the said license which shall be retained by the Committee and not actually issued to appellant until compliance with the following conditions:

(a) that a building be completed within four months after plans therefor (which are to be submitted to the Committee within fifteen days from the date of final order entered herein) have been approved by the Committee, which approval shall not be unreasonably withheld;

(b) if the building shall not have been completed prior to July 1, 1972, respondent shall amend its grant of the application for the 1971-72 license renewal period so as to make the 1971-72 license effective immediately for the purpose of permitting the conditional grant of the application for 1972-73 renewal subject to the same conditions herein; and

(c) if the said building is not completed and suitable for operation within the above stated period of time, or any extension of time thereof granted by the Committee or the Director of this Division, the said license shall be cancelled.

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 transcript, exhibits and Hearer's report, I concur in the findings of the Hearer and adopt his recommendations.

Accordingly, it is, on this 13th day of July 1972,

ORDERED that the action of respondent be and the same is hereby reversed and that respondent be and is hereby ordered to renew appellant's plenary retail consumption license for the 1971-72 license period nunc pro tunc in accordance with the application filed therefor; and it is further

ORDERED that, absent any new or additional issues before the Township Committee, these conclusions and order shall be determinative of appellant's application for renewal of said license for the 1972-73 license period which shall be retained by the Township Committee and not actually issued to appellant until compliance with the following conditions:

(a) That a building be completed within four months after plans therefor (which are to be submitted to the Committee within fifteen days from the date of final order entered herein) have been approved by the Committee, which approval shall not be unreasonably withheld;

(b) If the said building is not completed and suitable for operation within the above stated period of time, or any extension of time thereof granted by the Committee or the Director of this Division, the said license shall be cancelled.

Robert E. Bower,
Director.

2. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against :

Bern-Sharp Corp. :
t/a Anchor Liquor Store and Bar :
1122 Mt. Ephraim Avenue :
Camden, N.J. :

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-78 (for the 1971-72 license period) issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden. :

.....
Maressa, Console & Iavicoli, Esqs., by Robert J. Borhe, Esq.,
Attorneys for Licensee.
Peter E. Rhatican, Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 21, 1972, it sold alcoholic beverages to a minor, age 16, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re Doyle, Bulletin 2013, Item 6.

Accordingly, it is on this 11th day of July, 1972

ORDERED that Plenary Retail Consumption License C-78 issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Bern-Sharp Corp., t/a Anchor Liquor Store and Bar for premises 1122 Mt. Ephraim Avenue, Camden be and the same is hereby suspended for twenty (20) days commencing 2:00 A.M. on Tuesday, July 25, 1972 and terminating 2:00 A.M. on Monday, August 14, 1972.

Robert E. Bower,
Director

3. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR RECORD CONSIDERED - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against Celso Padilla t/a Club 296 296 Mulberry Street Newark, N.J.

CONCLUSIONS and ORDER

Holder of Plenary Retail Consumption License C-41 (for the 1971-72 license period) issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

A. King Braelow, Esq., Attorney for Licensee Walter H. Cleaver, Esq. Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 8, 1971, it possessed two bottles of alcoholic beverages, the labels of which did not truly reflect their contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a prior record of suspension for fifteen days by the local issuing authority, effective June 28, 1971, on a charge of violating the local 'hours' ordinance.

The prior record of dissimilar violation occurring within the past five years considered, the license will be suspended for twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re Rymax Inc., Bulletin 2039, Item 10.

Accordingly, it is, on this 12th day of July, 1972

ORDERED that Plenary Retail Consumption License C-41 issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Celso Padilla, t/a Club 296, for premises 296 Mulberry Street, Newark be and the same is hereby suspended for twenty (20) days commencing 2:00 A.M. on Tuesday, July 25, 1972 and terminating 2:00 A.M. on Monday, August 14, 1972.

ROBERT E. BOWER, DIRECTOR

4. DISCIPLINARY PROCEEDINGS - AMENDED ORDER.

In the Matter of Disciplinary)
 Proceedings against)
 Celso Padilla)
 t/a Club 296)
 296 Mulberry Street)
 Newark, N. J.,)

AMENDED ORDER

Holder of Plenary Retail Consumption)
 License C-41, issued by the Municipal)
 Board of Alcoholic Beverage Control)
 of the City of Newark.)
 -----)

A. King Braelow, Esq., Attorney for Licensee
 Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

On July 12, 1972, Conclusions and Order were entered suspending the license in consequence of a plea of non vult to charges alleging that licensee sold two bottles of alcoholic beverages the labels of which did not truly reflect their contents. The licensee having a record of prior dissimilar violation occurring within the past five years, the license was suspended for twenty-five days, with remission of five days for the plea entered.

However, precedent penalty for such offense appears to have been twenty days, rather than twenty-five as heretofore inadvertently imposed. Re Dana, Bulletin 2047, Item 6. Hence the penalty herein shall be amended accordingly and the license will be suspended for twenty days with remission of five days for the plea entered, leaving a net suspension of fifteen days.

Accordingly, it is, on this 21st day of July 1972,

ORDERED that Plenary Retail Consumption License C-41, as renewed for the 1972-73 license period by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Celso Padilla, t/a Club 296, for premises 296 Mulberry Street, Newark, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Tuesday, July 25, 1972, and terminating at 2 a.m. Wednesday, August 9, 1972.

Robert E. Bower,
 Director.

5. DISCIPLINARY PROCEEDINGS - GAMBLING - NUMBERS - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 95 DAYS - PARTIAL HEARING - NO REMISSION.

In the Matter of Disciplinary Proceedings against)

Stanley Falinski)
t/a Stanley's Tavern)
482 Main Street)
Paterson, N.J.)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-322 (for the 1971-72 license period) issued by the Board of Alcoholic Beverage Control for the City of Paterson)

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

BY THE DIRECTOR:

After a partial hearing, the licensee pleaded non vult to a charge alleging that on December 16, 17, 20, 21 and 27, 1971, he permitted gambling, i.e. 'numbers game' on the licensed premises in violation of Rule 6 of State Regulation No. 20.

Licensee has a previous record of suspension for ten days by the local issuing authority, effective April 22, 1968, for a violation of Rule 1 of State Regulation No. 38.

The license will be suspended for ninety days (Re Casale, Bulletin 2045, Item 4) to which will be added five days by reason of record of suspension of license for dissimilar violation within the past five years (Re Vangelas, Bulletin 2004, Item 3) making a total of ninety-five days. No remission of suspension is granted herein in that the plea entered was subsequent to a partial hearing on the issues.

Accordingly, it is, on this 13th day of July, 1972

ORDERED that Plenary Retail Consumption License C-322 issued by the Board of Alcoholic Beverage Control for the City of Paterson to Stanley Falinski, t/a Stanley's Tavern for premises 482 Main Street, Paterson be and the same is hereby suspended for ninety-five (95) days commencing 3:00 A.M. on Tuesday, July 18, 1972 and terminating 3:00 A.M. on Saturday, October 21, 1972.

Robert E. Bower
Director

6. DISCIPLINARY PROCEEDINGS - APPLICATION FOR IMPOSITION OF FINE IN LIEU OF SUSPENSION IMPOSED BY MUNICIPAL ISSUING AUTHORITY ON SALE TO MINOR GRANTED.

In the Matter of Disciplinary Proceedings against)

Heller & Heller of Nutley, Inc. t/a Heller & Heller of Nutley 200 Franklin Avenue Nutley, New Jersey)

CONCLUSIONS and ORDER

Holder of Plenary Retail Distribution License D-4 (for the 1971-72 and 1972-73 license periods) issued by the Board of Commissioners of the Town of Nutley)

----- Citrino, Carella, Balsam & Ford, Esqs., by Robert J. Citrino, Esq., Attorneys for Licensee Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleaded non vult before the municipal issuing authority to a charge alleging that on February 15, 1972, it sold alcoholic beverages to a minor, age 19, in violation of Rule 1 of State Regulation No. 20. The license was suspended for five days, with the effective date thereof deferred pending the determination of the licensee's application to the Director to pay a fine in lieu of suspension.

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 \$1,300.00 in lieu of suspension.

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

ORDERED that the payment of a fine in the amount of \$1,300.00 by the licensee is hereby accepted in lieu of the suspension of license for five days.

Robert E. Bower Director

7. DISCIPLINARY PROCEEDINGS - SALE TO NON-MEMBERS - PRIOR SIMILAR RECORD -
LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)
)
Polish American Citizens' Club)
1038 Lowell Street)
Camden, N. J.,)
)
Holder of Club License CB-15 (for)
1971-72 and 1972-73 license periods,))
issued by the Municipal Board of)
Alcoholic Beverage Control of the)
City of Camden.)
-----)

CONCLUSIONS
and
ORDER

Raymond Uliase, Esq., Attorney for Licensee
Peter E. Rhatican, Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on
June 16, 1972 it sold alcoholic beverages to other than bona
fide members or their bona fide guests, in violation of Rule 8
of State Regulation No. 7.

Licensee has a prior record of similar offense result-
ing in suspension of license for thirty days by the Director ef-
fective July 6, 1966 on similar charge and charge of permitting
gambling on the licensed premises. Re Polish American Citizens'
Club, Bulletin 1689, Item 7.

Prior suspension of license for similar offense con-
sidered, 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 Eighth Ward Progressive Republican
Club, Bulletin 1948, Item 6.

Accordingly, it is, on this 18th day of July 1972,

ORDERED that Club License CB-15, issued by the Municipal
Board of Alcoholic Beverage Control of the City of Camden to
Polish American Citizens' Club, for premises 1038 Lowell Street,
Camden, be and the same is hereby suspended for fifteen (15)
days, commencing at 2 a.m. Sunday, July 23, 1972, and terminating
at 2 a.m. Monday, August 7, 1972.

Robert E. Bower,
Director.

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

In the Matter of Disciplinary)
Proceedings against)

The Progressive Democratic)
Club of the 8th Ward)
1009 Ferry Avenue)
Camden, N.J.)

CONCLUSIONS
and
ORDER

Holder of Club License CB-27)
for the 1971-72 license period)
and CB-29 for the 1972-73 li-)
cense period, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City)
of Camden)

Alfred R. Pierce, Esq., Attorney for Licensee
Peter E. Rhatican, Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charges that, on Saturday, April 29, 1972, it (1) permitted the sale of alcoholic beverages on its licensed premises and (2) it permitted the consumption of alcoholic beverages on licensed premises, both in violation of local "hours" ordinance.

Absent prior adjudicated record, within the past ten years, 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 American Legion Lenape Post No. 221 (Corp.), Bulletin 2042, Item 10.)

Accordingly, it is, on this 18th day of July, 1972

ORDERED that Club License CB-29, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to The Progressive Democratic Club of the 8th Ward, for premises 1009 Ferry Avenue, Camden, be and the same is hereby suspended for ten (10) days commencing 2:15 A.M. on Tuesday, August 1, 1972 and terminating 2:15 A.M. on Thursday, August 10, 1972.

Robert E. Bower
Director

9. DISCIPLINARY PROCEEDINGS - AMENDED ORDER.

In the Matter of Disciplinary)
 Proceedings against)
)
 The Progressive Democratic Club)
 of the 8th Ward)
 1009 Ferry Avenue)
 Camden, N. J.,)

AMENDED ORDER

Holder of Club License CB-27 for the)
 1971-72 license period and CB-29 for)
 the 1972-73 license period, issued by)
 the Municipal Board of Alcoholic)
 Beverage Control of the City of Camden.)

 Alfred R. Pierce, Esq., Attorney for Licensee
 Peter E. Rhatican, Appearing for Division

BY THE DIRECTOR:

On July 18, 1972 I entered an order suspending the license for ten days commencing August 1, 1972, at 2:15 a.m., and terminating August 10, 1972, at 2:15 a.m. The proper hour should have been 2 a.m. and the termination date should have been Friday, August 11, 1972. Therefore, I shall amend the order to set forth the correct time and termination date.

Accordingly, it is, on this 21st day of July 1972,

ORDERED that Club License CB-29, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to The Progressive Democratic Club of the 8th Ward, for premises 1009 Ferry Avenue, Camden, be and the same is hereby suspended for ten (10) days, commencing 2 a.m. Tuesday, August 1, 1972, and terminating 2 a.m. Friday, August 11, 1972.

Robert E. Bower,
 Director.

10. DISCIPLINARY PROCEEDINGS - PURCHASE OF ALCOHOLIC BEVERAGES WHILE ON NON-DELIVERY LIST - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against :

The Main of Rahway, Inc. :
t/a The Main Bar & Restaurant :
169 - 171 W. Main Street :
Rahway, N.J. :

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-8 (for the 1971-72 and 1972-73 license periods) issued by the Municipal Board of Alcoholic Beverage Control of the City of Rahway. :

.....
Sumner N. Weener, Esq., Attorney for the Licensee.
Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on divers days from August 16, 1971 to February 16, 1972, while on the Non-Delivery List, it purchased alcoholic beverages from an unauthorized source in violation of Rule 15 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 M.M.D. Corporation, Bulletin 2047, Item 3.

Accordingly, it is on this 24th day of July, 1972

ORDERED that Plenary Retail Consumption License C-8 issued by the Municipal Board of Alcoholic Beverage Control of the City of Rahway to The Main of Rahway, Inc., t/a The Main Bar & Restaurant, for premises 169-171 W. Main Street, Rahway be and the same is hereby suspended for ten (10) days commencing 2:00 A.M. on Monday, August 7, 1972 and terminating 2:00 A.M. on Thursday, August 17, 1972.

Robert E. Bower
Robert E. Bower,
Director