

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

July 8, 1965.

BULLETIN 1622

TABLE OF CONTENTS

ITEM

1. APPELLATE DECISIONS - SOUTH END TAVERN, INC. v. SOUTH BELMAR.
2. APPELLATE DECISIONS - JERSEY CITY TAVERN OWNERS ASSOCIATION AND DI GERONIMO v. JERSEY CITY AND SILVESTRI.
3. DISCIPLINARY PROCEEDINGS (Spring Lake) - ORDER FIXING EFFECTIVE DATES OF SUSPENSION PREVIOUSLY DEFERRED.
4. DISCIPLINARY PROCEEDINGS (Egg Harbor Township) - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Camden) - SALE DURING PROHIBITED HOURS - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Atlantic City) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE TO A MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (Hackensack) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

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BULLETIN 1622

July 8, 1965

1. APPELLATE DECISIONS - SOUTH END TAVERN, INC. v. SOUTH BELMAR.

SOUTH END TAVERN, INC.,	)	
t/a SOUTH END TAVERN,	)	
	)	
Appellant,	)	ON APPEAL
	)	CONCLUSIONS
v.	)	AND ORDER
	)	
MAYOR AND COUNCIL OF THE	)	
BOROUGH OF SOUTH BELMAR,	)	
	)	
Respondent.	)	

-----  
Peter B. Bass, Esq., Attorney for Appellant.  
Donald J. Cunningham, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This is an appeal from the unanimous action of the members of respondent Council whereby on January 7, 1965, the appellant's Plenary Retail Consumption License No. C-2, for premises 1604 F Street, South Belmar, was suspended for forty-five days effective January 20, 1965, after a hearing as a result of which the appellant was found guilty of the following charge:

"That on November 22nd, 1964, which day was a Sunday, you did decant wine from a tax paid container on the licensed premises to a receptacle therefore, you did fail to affix thereon a label identifying the contents as being from their original source, and you did permit the said contents to be removed from the licensed premises; all being in violation of Rule number 1 of State Regulation number 25, and also in violation of prohibitions against such a sale on Sunday."

Upon the filing of the appeal an order was entered by the Director on January 13, 1965, staying respondent's order of suspension until further order herein. R.S. 33:1-31.

The appeal was heard de novo pursuant to Rule 6 of State Regulation No. 15. The stenographic transcript of the hearing held before respondent was submitted into evidence by respondent in accordance with Rule 8 of State Regulation No. 15, and was supplemented at the hearing herein by testimony of witnesses called by appellant.

Rule 1 of State Regulation No. 25 provides:

"The holder of any retail license authorizing the sale of alcoholic beverages for consumption on the licensed premises may transfer wine from any tax paid barrel, cask, keg or other container on the licensed premises to a decanter, bottle or similar receptacle and serve such wine therefrom solely for consumption on the licensed premises; provided, however, that each such decanter, bottle or similar receptacle shall have affixed thereto at all times a gummed label clearly identifying the original barrel, cask, keg or other container from which the contents thereof were drawn; and provided, further, that the contents of such decanter, bottle or similar receptacle shall not be removed from the licensed premises under any circumstances whatsoever." (emphasis added)

It appears from the testimony of Officer Michael J. Looney, of South Belmar Police Department, that on Sunday, November 22, 1964, at approximately 9:10 p.m., he was driving the police car north on F Street when he recognized Ignatius Smith (hereinafter Smith) cross the street and enter appellant's licensed premises; that he parked the car at the curb and, after "ten or fifteen minutes", he observed Smith come out of the appellant's tavern carrying a brown paper bag; that he stopped Smith and, as a result of conversation with him, Smith removed from the paper bag a carton containing a red liquid which appeared to be and smelled like wine; that at his (Looney's) request, Smith got into the patrol car and he (Looney) drove it to police headquarters from where he called Louis Lerman (an officer of the appellant corporation) and "informed him that there was a violation." Officer Looney further testified that he took the container and the contents thereof, which he had obtained from Smith, to the State Division of Alcoholic Beverage Control in Newark for chemical analysis. The report of the Division chemist (marked as an exhibit herein) disclosed that the contents in the carton was wine containing 17.9 per cent. of alcohol and proof of 35.8. At the hearing herein Looney's testimony was substantially similar to that previously given before the respondent.

Smith testified that Louis Lerman was tending bar when he (Smith) entered the premises on November 22, 1964; that, after having a few drinks of wine, he asked him (Lerman) for a bottle of wine, but Lerman said, "No, I can't give you a bottle of wine, I can give you a container;" that Lerman put some wine in a container, gave it to him (Smith), and then he left the premises; that, as he started across the street, Officer Looney stopped him, took the carton and then both proceeded to police headquarters.

On cross examination, in response to a question as to whether he was carrying anything when he entered the appellant's licensed premises, Smith testified, "Not that I know of. I don't know. I'm all mixed up;" that, when he left the premises, he "was carrying that brown paper bag;" that he signed a statement for Officer Looney but, because "I had no glasses -- The Officer read it out to me."

An affidavit signed and sworn to by Smith, dated January 4, 1965, stated, among other things, that he carried "a brown paper bag containing a white cardboard container" when he entered the tavern. The said document was marked as an exhibit in evidence.

Smith testified that he accompanied Lerman's son to the office of the appellant's attorney where the affidavit was prepared and signed.

Despite the assertion in the affidavit that he carried a brown paper bag containing a white container when he entered appellant's tavern, his testimony never varied that Lerman sold him the carton of wine which was found in his possession when he left the appellant's premises.

Two patrons testified that they were in appellant's premises at the time in question and observed Smith enter the place carrying a brown paper bag and, after service by Lerman of the two glasses of wine, Smith left with the brown paper bag. Although not absolutely certain, because they were watching television, they testified that they did not see Lerman pour wine into a container for Smith.

Louis Lerman testified at the appeal hearing that, although his wife was tending bar on the night in question, "I was helping her. In case she wanted something from the back or something I would help her."

He further testified that Smith purchased "a glass of beer and a glass of wine" but that he did not obtain a container of wine. Lerman stated that Officer Looney called on the telephone and said, "I got you good. I got you for a violation. I am going to take good care of you" and then he (Lerman) said "Thank you" and hung up the receiver.

Lerman further stated that, a few months previously, when he appeared before respondent to answer a charge of sale of alcoholic beverages to a minor, he and a member of the respondent Council engaged in verbal outbursts which he (Lerman) contends influenced the severe penalty imposed in the matter now under consideration.

A careful examination of the testimony presented herein indicates that Smith obtained a carton of wine at appellant's licensed premises to be consumed off the licensed premises. Smith testified specifically that, when he asked Lerman for a bottle of wine, he told him that he could not have a bottle but could have some wine in a container; that he then purchased the container of wine and left the licensed premises. It is apropos at this point to mention that both patrons and Smith testified that Lerman served Smith but Lerman stated he did not tend bar on the night in question.

It is the function of an administrative agency to weigh the evidence, to determine the credibility of witnesses, to draw inferences and conclusions from the evidence, and to resolve conflicts therein. Cf. Hornauer v. Div. of Alcoholic Beverage Control, 40 N.J. Super. 501 (App.Div. 1956).

I believe the testimony of Smith given at the hearing before the respondent that he obtained the cardboard container of wine from Lerman on November 22, 1964. I also believe Officer Looney's testimony in which he described the incidents which transpired on the night in question. I am not impressed with the testimony of appellant's witnesses, especially the testimony of Lerman.

I am satisfied from the believable evidence and find as a fact that the appellant violated Rule 1 of State Regulation No. 25, as alleged.

During the testimony of Lerman, and also in memorandum filed by appellant's attorney, the forty-five days suspension of appellant's license was questioned. Thus comment thereon appears to be in order.

It appears that appellant's license, when held by Louis Lerman, was suspended by the respondent for a period of ten days effective October 7, 1957, for sale of alcoholic beverages to minors. Furthermore, appellant's license was suspended by respondent for a period of fifteen days effective January 28, 1963, for sale of alcoholic beverages during prohibited hours, in violation of local ordinance. Again, effective October 5, 1964, appellant's license was suspended by respondent for a period of thirty days for sale of alcoholic beverages to minors.

Since in effect the violation alleged and established was tantamount for penalty purposes to a violation of State Regulation No. 38, viz., sale for off-premises consumption in original container on Sunday (cf. Re Adams, Bulletin 1516, Item 4; Re DiPeri, Bulletin 1569, Item 6), the previous record of suspension for local hours violation and the suspension for sale to minors within the past five years considered, the penalty is not out of line with the minimum imposed by the Director in similar cases. Cf. Re De Vries, Bulletin 1555, Item 9; Re Lafayette Bar, Inc., Bulletin 1603, Item 7.

The suspension imposed in a local disciplinary proceeding rests, in the first instance, within the sound discretion of the local issuing authority. The power of the Director to reduce a suspension on appeal is confined to those cases where the suspension is manifestly unreasonable.

In view of the instant violation and the poor past record of appellant, the suspension imposed, although severe, does not afford a basis for reversal or even modification on this appeal.

I have fully considered the points raised by both appellant's attorney and respondent's attorney in the memoranda filed herein.

Under the circumstances appearing herein, based on the pertinent evidence presented, I recommend that appellant be adjudged guilty of the charge preferred and that the action of the respondent be affirmed.

It is further recommended that an order be entered fixing the effective dates for the suspension imposed by respondent and stayed pending the entry of the order herein.

#### Conclusions and Order

Pursuant to Rule 14 of State Regulation No. 15, the attorney for the appellant filed exceptions to the Hearer's Report and written argument in substantiation thereof.

The allegation that the testimony of Officer Looney is replete with inconsistencies is not borne out by the officer's testimony at the respective hearings before the respondent or at the hearing herein. The said pertinent testimony was accurately and fully covered by the Hearer in the report submitted.

In so far as the penalty imposed by respondent is concerned, it has always been the policy of this Division to be reluctant to modify a penalty unless such penalty is unconscionable. In view of the past record of appellant and the violation committed herein, the penalty does not appear to be excessive or unreasonable. Further, any plea for mitigation should be made, if at all, to respondent, which may grant relief in the event that the members thereof determine that such action is advisable. Cf. Re Bischoff, Bulletin 53, Item 5; Russo v. Lincoln Park, Bulletin 1177, Item 7.

I have considered all the other exceptions taken to the Hearer's Report and find that they lack merit.

Having carefully considered all of the evidence adduced herein, the memoranda filed by the respective attorneys, the exceptions filed by appellant and the argument with reference thereto, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 11th day of May, 1965,

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

ORDERED that Plenary Retail Consumption License C-2, issued by the Mayor and Council of the Borough of South Belmar to South End Tavern, Inc., t/a South End Tavern, for premises 1604 F Street, South Belmar, be and the same is hereby suspended for the balance of its term, viz., until midnight, June 30, 1965, commencing at 2:00 a.m. Tuesday, May 18, 1965; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2:00 a.m. Friday, July 2, 1965.

JOSEPH P. LORDI  
DIRECTOR

2. APPELLATE DECISIONS - JERSEY CITY TAVERN OWNERS ASSOCIATION and DI GERONIMO v. JERSEY CITY AND SILVESTRI.

JERSEY CITY TAVERN OWNERS )  
ASSOCIATION, and PHILIP )  
DI GERONIMO, )

Appellants, )

v. )

ON APPEAL  
CONCLUSIONS  
AND ORDER

MUNICIPAL BOARD OF ALCOHOLIC )  
BEVERAGE CONTROL OF THE CITY )  
OF JERSEY CITY, and VINCENT )  
SILVESTRI, t/a PHIL'S TAVERN, )

Respondents.

-----  
James F. McGovern, Jr., Esq., Attorney for Appellants.  
Meyer Pesin, Esq., by Joseph S. E. Verga, Esq., Attorney for  
Respondent Municipal Board etc.  
Anthony P. Peduto, Esq., Attorney for Respondent Vincent Silvestri

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

Vincent Silvestri (a respondent herein) had heretofore made application for a place-to-place transfer of his plenary retail consumption license C-205 issued for the 1963-64 licensing period, from premises 68 Jordan Avenue to premises 526 Mercer Street, Jersey City, and grounded his said application upon the allegation that a hardship existed. He relied upon the "hardship clause" in an ordinance known as No. K-1112 adopted October 5, 1937, as last amended June 1, 1954.

Section 4 of the said ordinance provides, inter alia, that no consumption license may be transferred to other premises within 750 feet of premises similarly licensed except that the Board may, in its discretion, transfer a license to other premises within five hundred feet of the licensed premises to be vacated, if the licensee shall be compelled to vacate "for any reason" that in the opinion of the Board was not caused by action on the part of the licensee.

In support of his argument that his was a "hardship" situation, he testified that his neighborhood had changed since he acquired his license and other elements presented themselves which necessitated his seeking such transfer because "I'm not making a go of it, not making money."

By unanimous action of the local issuing authority, his application for transfer was denied and, upon appeal to this Division, the Director, by order dated February 4, 1964, affirmed the action of the local Board. Silvestri v. Jersey City, Bulletin 1554, Item 2. In his conclusions the Director stated that "Under the circumstances appearing herein, I am satisfied that the 'hardship clause' aforementioned is not available for the purposes of the appellant", citing in that connection Bosco et al. v. Jersey City and Smith, Bulletin 1353, Item 1, aff'd 66 N.J. Super. 165 (App. Div.).

Thereafter, and during the licensing period 1964-65, said respondent Silvestri again applied for a transfer of his plenary retail consumption license C-205, issued by the respondent Municipal Board of Alcoholic Beverage Control of the City of Jersey City (hereinafter Board) from and for the same premises and again relied upon circumstances which he alleged supported action based on the "hardship clause", as set forth in Section 4 of the ordinance hereinabove cited.

The Board, apparently constituted the same as it was when it acted upon the prior application, approved this application; and this appeal is taken from the said action.

In its petition of appeal from the said approval, appellants allege that the action of the Board was erroneous for the following reasons:

(1) The proposed location is amply accommodated and does not require any additional liquor outlets to serve the needs of the residents;

(2) There is no public need or necessity for the said transfer;

(3) The transfer is violative of the limiting ordinance of the City of Jersey City; and

(4) The Board acted arbitrarily, unreasonably, upon mistake of law and fact, and abused its discretion in said action.

Vincent Silvestri admits the jurisdictional facts of the petition but denies generally the substantive allegations.

The Board in its answer states that it acted diligently and, upon consideration, determined that it had a right to grant the said transfer. It further asserts that its decision was based "on the fact that the application for transfer was not caused by any action on the part of the" respondent Silvestri.

The appeal was heard de novo pursuant to Rule 6 of State Regulation No. 15, with full opportunity for counsel to present testimony under oath and cross-examine witnesses. Lethe, Inc. v. North Bergen, Bulletin 1537, Item 2.

## I

At the plenary de novo hearing before me, appellants asserted that they were denied a proper hearing upon objections filed to the application for transfer although this was not specifically set forth in the petition of appeal. In support of this contention, appellant Philip DiGeronimo testified that he filed a written objection against the application, and on November 24, 1964 (the date set for the hearing on the said application) he arrived at the hearing offices at 9:45 a.m. He was kept outside the partition barrier in the outer office and was informed by Raymond Means (the enforcement officer for the Board) that his attorney (James McGovern) had not yet arrived. It further appears that there was a long list of applications for consideration by the Board on this morning. At 10:15 a.m. he noted that Silvestri left the hearing room, and he was then informed that this matter had been acted upon, without his presence and without being given an opportunity to participate therein.

Raymond H. Means testified that the hearings started at 10:00 a.m. and he did not recall seeing DiGeronimo in the outer office. However, he did admit that Mr. McGovern (counsel for the appellants) arrived at around 10:15 a.m. and was advised by Means to express the objections to the transfer in a letter to the Board.

Means admitted that such letter was received and was considered by the Board which had reserved decision on this application at that time. Means further admitted that although it was his specific responsibility to investigate facts connected with applications and to make investigations, no such investigation was made nor, indeed, was there any stenographic transcript of the hearing made before the Board. Finally Means admitted that, in contested matters, in the interest of saving time of others who appeared before the Board, these matters are usually heard after the uncontested matters are completed.

Rule 10 of State Regulation No. 6 sets forth that no hearing need be held if no objections shall be lodged (but this in nowise relieves the issuing authority from the duty of making a thorough investigation on its own initiative), or if the issuing authority, on its own motion, after the requisite statutory investigation, shall have determined not to grant the transfer applied for. However, in this case, since objections were lodged with the Board and the Board granted the application for transfer, it was obliged to conduct a hearing herein. As the court stated in Handlon v. Belleville, 4 N.J. 99, at p. 105:

"The requirement of a 'hearing' has reference to the tradition of judicial proceedings in which evidence is received and weighed by the trier of the facts and the issue determined uninfluenced by extraneous considerations which might not be exceptionable in other fields involving purely executive action. The 'hearing' is 'the hearing of evidence and argument.' Morgan v. United States, 298 U.S. 468, 56 S.Ct. 906."

Davis, in Admin. Law, sec. 67, at p. 239, stated:

"The Supreme Court once declared: 'A hearing in its very essence demands that he who is entitled to it shall have the right to support his allegations by argument however brief, and, if need be, by proof, however informal.'" Londoner v. Denver, 210 U.S. 373, 386, 28 S. Ct. 708, 714, 52 L.Ed. 1103 (1908)."

To give a hearing would cause little delay, slight expense, no substantial injustice to the public interest, and at the same time would protect against the kind of arbitrary official action that promotes distrust of government.

I conclude from my evaluation of the testimony herein that appellants were not afforded a hearing within the contemplation of our rules. However, since this is an appeal de novo and appellants have now been given the full opportunity to be heard hereon, I would recommend that this matter not be remanded for further consideration by the Board, but be adjudicated on its merits.

II

Silvestri based his application for a transfer upon hardship circumstances which he alleges bring him within the exception provided for in Section 4 of the aforementioned local ordinance. In support thereof, he testified that he sold his property wherein his present premises are located to his brother-in-law for \$2,000, and his brother-in-law now seeks possession of the said property. He further testified that this property has a present retail market value of \$16,000; that the \$2,000 was not a direct cash payment but resulted from loans over a period of time which were made to him by his brother-in-law, Philip Digeno.

Silvestri purchased the property at the proposed new location for a total of \$42,000, and made a cash payment of \$22,000 thereon. He ascribed as his reason for transferring his present property to his brother-in-law, that he expected that his brother-in-law would give him financial help from time to time as he needed it. At the hearing before me, he was not able to produce any evidence of the alleged loans to him which formed the basis of the said transfer. He stated further that his brother-in-law is now "bothering me every day and every day" to vacate the premises because his brother-in-law would like to set up a Dairy Queen store at those premises.

Philip Digeno corroborated this testimony with respect to the transfer of the property on Jordan Avenue and stated that he had loaned Silvestri some of the money totaling approximately \$2,000 and received therefor a deed to the said property. He denied that Silvestri ever discussed with him the question of a transfer of the license from 68 Jordan Avenue to 526 Mercer Street, and also denied knowing that Silvestri had filed a prior application for the transfer of his license to the proposed premises on Mercer Street.

Further examination of this witness (who I observed to be an elderly person) disclosed that he has been retired for about four years, and has not been engaged in any business or occupation during that time. He further admitted that he has not entered into any business arrangements with any person to acquire any interest in the Jordan Avenue property, nor has he made any arrangements to go into business himself. Particularly he admitted that he has made no immediate plans or any agreement with the Dairy Queen Company to open a business at that place.

I have carefully considered the entire record in this matter, as well as the exhibits produced herein, and have read it within the context of the Conclusions and Order in the prior appeal (Silvestri v. Jersey City, supra). It is perfectly obvious that the said transfer is within 750 feet of premises similarly licensed; that unless Silvestri could prove a "hardship circumstance" within the contemplation of the exception set forth in Section 4 of the subject ordinance, his application for transfer could not be entertained. My evaluation of all the evidence in this case satisfies me, and I find as a fact, that there was no such external compulsion co-related to "any action on the part of the licensee" as contemplated by the ordinance herein which would serve as a valid basis to waive the distance restrictions. This is fortified by Digeno's own testimony wherein he indicates that there is no real pressure upon Silvestri to vacate the present premises; that, indeed, he didn't even know what he planned to do with the property if and when the premises are vacated. "After he moves, then I have to make the decision what I am going to do about it."

I am persuaded that there is in fact no real difference or change between the situation that existed on the earlier application and that which exists at this time. I find that the true reason which motivated the action of Silvestri in seeking this change, in the absence of evidence to the contrary, is determined by the Director in the earlier decision--that Silvestri reasoned that it was unprofitable for him to operate at his present premises.

Regrettable as this circumstance may be, it does not offer a valid reason for the approval of such application. For a complete discussion hereof, see Bosco et al. v. Jersey City and Smith, supra.

I am further convinced that the entire transaction involving the alleged sale of his property to his brother-in-law for past indebtedness of approximately \$2,000 (and no documentary proof has been offered even with respect to such alleged debt), in which he conveys a property admittedly worth \$16,000, is transparent, ingenuine and a sham. It seeks to circumvent the alleviating provisions in the ordinance and, in my opinion, acts as a fraud upon the licensing authority.

As the court indicated in Dal Roth, Inc. v. Division of Alcoholic Beverage Control, 28 N.J. Super. 246 (App. Div. 1953): Such exceptions in an ordinance, inserted in fairness to licensees and not by statutory compulsion, should be strictly construed in conformance with the public policy behind R.S. 33:1-40, enabling local governing bodies to limit the number of retail liquor outlets within their jurisdiction. The patent manipulation by Silvestri in order to create a "hardship circumstance" is clearly exposed by the testimony and will not be permitted to be used as a subterfuge to subvert and undermine the public policy as enunciated by the statute hereinabove cited. Administrative efforts to accommodate individual licensees must be accomplished within the framework of the existing legislation construed in terms of the overriding public policy. Smith v. Bosco, 66 N.J. Super. 165 (App. Div. 1961).

There is no evidence to suggest that the Board was improperly motivated. However, it is clearly evident that it was not in possession of all the facts and circumstances involved herein, and I find that it acted erroneously in arriving at its determination.

Under the totality of the circumstances appearing herein, I conclude that the "hardship clause" aforementioned is not available to respondent Silvestri. Accordingly, I recommend that an order be entered reversing the action of the respondent Board.

#### Conclusions and Order

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

Having carefully considered the transcript herein, the exhibits, the arguments advanced by the attorneys for the parties herein at the hearing on appeal, and the Hearer's Report, I concur in the findings and conclusions of the Hearer and adopt his recommendation.

Accordingly, it is, on this 11th day of May 1965,

ORDERED that the action of the respondent Board in granting the transfer herein be and the same is hereby reversed.

JOSEPH P. LORDI  
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - ORDER FIXING EFFECTIVE DATES OF SUSPENSION PREVIOUSLY DEFERRED.

In the Matter of Disciplinary Proceedings against

MADISON OPERATING CO., INC.  
t/a THE ALLAIRE HOTEL  
Northwest corner of Ocean & Union Avenues  
Spring Lake, N. J.

)  
)  
) SUPPLEMENTAL ORDER  
)  
)

Holder of Seasonal Retail Consumption License CS-1, issued by the Mayor and Council of the Borough of Spring Lake.

-----  
Licensee, by Lester Harvey, President, Pro se.  
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

On October 15, 1964, I entered an order herein suspending the license for fifty-five days (for possession on August 18, 1964, of alcoholic beverages not truly labeled) and deferring the effective dates of the suspension for the reason that it appeared that the licensed business was not then being conducted. Re Madison Operating Co., Inc., Bulletin 1590, Item 3.

Report of recent inspection discloses that the licensed business has been fully resumed on a substantial basis. Consequently, I am satisfied that the deferred suspension may now be imposed.

Accordingly, it is, on this 3d day of May, 1965,

ORDERED that Seasonal Retail Consumption License CS-1, issued by the Mayor and Council of the Borough of Spring Lake to Madison Operating Co., Inc., t/a The Allaire Hotel, for premises northwest corner of Ocean and Union Avenues, Spring Lake, be and the same is hereby suspended for fifty-five (55) days, commencing at 1:00 a.m. Friday, May 7, 1965, and terminating at 1:00 a.m. Thursday, July 1, 1965.

JOSEPH P. LORDI  
DIRECTOR



5. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS -  
PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS  
5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

THE FLAME, INC.  
t/a BLEVIN'S COVE  
450-452 So. Third Street  
Camden, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-163, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.

-----  
Robert Burk Johnson, Esq., Attorney for Licensee.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on Sunday, March 28, 1965, it sold alcoholic beverages during hours prohibited by local ordinance.

Licensee has a previous record of suspension of license by the Director for ten days effective September 28, 1964, for similar violation. Re The Flame, Inc., Bulletin 1587, Item 12.

The prior record of suspension of license for similar violation occurring within the past five years considered, the license will be suspended for thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days. Re Sannino, Bulletin 1602, Item 4.

Accordingly, it is, on this 10th day of May, 1965,

ORDERED that Plenary Retail Consumption License C-163, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to The Flame, Inc., t/a Blevin's Cove, for premises 450-452 So. Third Street, Camden, be and the same is hereby suspended for twenty-five (25) days, commencing at 7:00 a.m. Monday, May 17, 1965, and terminating at 7:00 a.m. Friday, June 11, 1965.

JOSEPH P. LORDI  
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY  
LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR  
15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )  
HOTEL MORTON COMPANY (A Corp.) )  
t/a HOTEL MORTON )  
150 S. Virginia Avenue )  
Atlantic City, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )  
License C-91, issued by the Board of )  
Commissioners of the City of Atlantic )  
City. )

-----  
Licensee, by Philip F. DeGroot, Secretary-Treasurer, Pro se.  
Morton B. Zemel, Esq., Appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on  
March 31, 1965, it possessed an alcoholic beverage in one bottle  
bearing a label which did not truly describe its contents, in  
violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of  
license by the Director for five days effective June 15, 1964,  
for permitting pinball machines on the licensed premises. Re  
Hotel Morton Company, Bulletin 1571, Item 4.

The previous record of suspension of license for  
dissimilar violation occurring within the past five years  
considered, 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 Livingston Tavern, Inc.,  
Bulletin 1594, Item 6.

Accordingly, it is, on this 10th day of May, 1965,

ORDERED that Plenary Retail Consumption License C-91,  
issued by the Board of Commissioners of the City of Atlantic  
City to Hotel Morton Company (a corp.), t/a Hotel Morton, for  
premises 150 South Virginia Avenue, Atlantic City, be and the same  
is hereby suspended for ten (10) days, \* commencing at 7:00 a.m.  
Monday, May 17, 1965, and terminating at 7:00 a.m. Thursday,  
May 27, 1965.

JOSEPH P. LORDI  
DIRECTOR

\* By order dated May 13, 1965, effective dates of  
suspension were deferred to commence 7:00 a.m. Monday,  
May 31, 1965 and to terminate 7:00 a.m. Thursday,  
June 10, 1965.

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

In the Matter of Disciplinary Proceedings against

MONTGOMERY TAVERN, A CORPORATION  
510 Montgomery Street  
Jersey City, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-4, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

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Licensee, by David M. Cerchio, President, Pro se.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 10, 1965, it sold four containers of beer 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 Sciortino, Bulletin 1604, Item 4.

Accordingly, it is, on this 11th day of May, 1965,

ORDERED that Plenary Retail Consumption License C-4, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Montgomery Tavern, A Corporation, for premises 510 Montgomery Street, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Tuesday, May 18, 1965, and terminating at 2:00 a.m. Friday, May 28, 1965.

JOSEPH P. LORDI  
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY  
LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

COMMODORE OF HACKENSACK, INC.  
206 Main Street  
Hackensack, N. J.

)  
)  
) CONCLUSIONS  
) AND ORDER  
)

Holder of Plenary Retail Consumption License C-23, issued by the City Council of the City of Hackensack.

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Lucchi & Conway, Esqs., by Benedict E. Lucchi, Esq., Attorneys for Licensee.  
Morton B. Zemel, Esq., Appearing for the Division of Alcoholic Beverage Control.

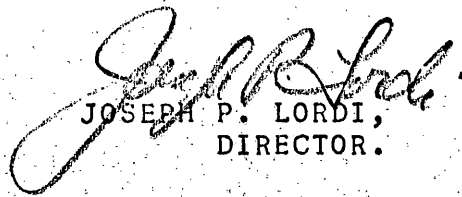
BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on February 16, 1965, it possessed an alcoholic beverage in one bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re McEvoy, Bulletin 1594, Item 8.

Accordingly, it is, on this 10th day of May, 1965,

ORDERED that Plenary Retail Consumption License C-23, issued by the City Council of the City of Hackensack to Commodore of Hackensack, Inc. for premises 206 Main Street, Hackensack, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, May 17, 1965, and terminating at 2:00 a.m. Saturday, May 22, 1965.

  
JOSEPH P. LORDI,  
DIRECTOR.