

STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
NEWARK INTERNATIONAL PLAZA  
U.S. Routes 1-9 (Southbound) Newark, N. J. 07114

BULLETIN 2341

March 10, 1980

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March 10, 1980

1. APPELLATE DECISIONS - NANCY LEE BALDWIN v. ELIZABETH.

#4226

Nancy Lee Baldwin,  
t/a Baldwin's Lounge,

Appellant,

vs.

City Council of the City  
of Elizabeth,

Respondent.

ON APPEAL

CONCLUSIONS

AND

ORDER

Piltzer & Piltzer, Esqs., by David S. Piltzer, Esq., Attorneys  
for Appellant.

Thomas N. Lyons, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

HEARER'S REPORT

This is an appeal from the action of the City Council of the City of Elizabeth (Council) which, by Resolution dated May 23, 1978, revoked appellant's Plenary Retail Consumption License No. 2004-33-017-001, for premises 214 Third Street, Elizabeth, New Jersey, following a finding that appellant was guilty of nine charges contained in its undated Notice of Charges.

Appellant, in its Petition of Appeal, contends that the action of the Council was erroneous in that:

1. It did not produce sufficient evidence to sustain the charges against appellant;

2. Respondent failed to make findings of fact and law to warrant its action;

3. The evidence adduced did not establish culpability of appellant;

4. The action of respondent was arbitrary, capricious and unreasonable, grounded upon improper and unlawful reasons; and

5. The penalty imposed was excessive.

The Council, in its Answer, denies the substantive allegations contained in appellant's Petition of Appeal.

Upon the filing of the appeal, the revocation imposed by the Council was stayed by Order of the Director, dated May 26, 1978, pending final determination of the appeal herein.

An appeal de novo was heard in this Division, pursuant to N.J.A.C. 13:2-17.6, with full opportunity provided the parties to introduce evidence and to cross-examine witnesses.

Charges Nos. 1, 2, 4, 5, 7 and 8 allege that the licensee allowed, permitted and suffered the possession of Controlled Dangerous Substances on the licensed premises on March 10 and 26 and April 10, 1978.

Charge No. 3 alleges that, on March 10, 1978, the licensee failed to display her current license in a conspicuous place upon the premises.

Charge No. 6 alleges that, on April 4, 1978, the licensee sold alcoholic beverages to a minor, aged seventeen.

Charge No. 9 alleges that the licensee hindered an investigation and inspection of the licensed premises on April 6, 1978.

The respondent relied upon the transcripts of hearings held before the local issuing authority, pursuant to N.J.A.C. 13:2-17.8, supplemented by testimony of Detective Robert William Brennan of the Elizabeth Police Narcotics Squad.

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Brennan testified in support of the charges that he spoke to the licensee, Nancy Baldwin, on two occasions, although he was hazy as to the dates. The subject of the first discussion was basically to advise her of ". . . certain violations or things that were going on on the premises regarding not only ABC violations but narcotic violations with certain people that were frequenting her place of business . . . "

He stated that he had no personal knowledge of the incidents beyond what was contained in the reports filed by various police officers and detectives. On several occasions policemen arrested patrons in the barroom for narcotic violations. Various narcotic items have been recovered from the floor or secreted by patrons within the public area of the

premises, i.e., the mens room or behind the juke box. He was unable, however, to describe the narcotic items with specificity.

Mrs. Baldwin advised him that she was unaware of the alleged violations or the nature of the items recovered.

Brennan then admonished her to ". . . make herself aware of the things that were going on with the patrons coming in."

On cross-examination, Brennan admitted that it is not unusual when a policeman enters a premises for concerned patrons to empty their pockets of illicit items upon the floor, kick it under objects, etc., rather than risk having it found upon their person. He further stated that this was probably the case in this instance. Brennan acknowledged that the police did not disclose the identities or physical descriptions of those patrons suspected of possessing unlawful drugs.

With respect to the drug charges, the transcripts disclose the following: On March 10, 1978, at about 9:20 p.m., Elizabeth Police Officers John Costello and Kenneth Tillotson entered the licensed premises in uniform. Tending bar was the licensee and between 12 and 14 patrons were present. Under the seats of four patrons seated near a window in the barroom, the officers found an envelope containing eight packets of suspected drugs. They seized this envelope, but did not arrest anyone because they did not know who owned it. Tillotson checked the floor with the flashlight, picking up two suspected marijuana cigarettes found near the juke box, and an additional quantity in a bag behind the juke box. While checking a patron at the bar, the patron dropped two envelopes on the floor, which the officer found contained suspected marijuana cigarettes.

Officer Costello testified that from the licensee's position behind the bar she could not observe any of the suspected drug items seized by the officers. Officer Tillotson testified that he showed the licensee what had been found in her bar, but neither officer testified that he advised the licensee what these items were suspected of being.

The licensee testified in defense of the charges that the officers searched the tavern and held up a bag which they found near the juke box. At no time did they tell her what was in the bag or what they had found nor did they mention drugs. She further testified that she did not know what marijuana looks like. Det. Robert Brennan testified

that uniformed officers often made spot checks of patrons in taverns in Elizabeth, and it was not unusual during such checks for patrons to get rid of drugs by dropping them at their feet among cigarette butts or kicking it under a juke box or depositing it in the mens room.

On March 26, 1978, at about 4:45 p.m., Officers Jose Esparra and Harold Clark entered the tavern and conducted a search. They found four bags with suspected marijuana on top of the phone booth, in empty beer cases and in the mens room; they found a bag of 55 pills in the ladies room and observed empty Bambu wrapping paper on the barroom floor. They arrested one patron for possessing valium pills and nine tinfoil packages of suspected drugs on his person. On duty behind the bar was the barmaid, Betty Lucas. The officers asked her for the license while holding the seized suspected drugs in their hands, but they did not tell her what this evidence was or what they suspected it of being. There was no further conversation between the barmaid and the officers. Both officers conceded that all of the areas where the evidence was seized were accessible to the public and the patrons in the premises. Betty Lucas testified that the officers didn't tell her anything and she didn't know what they found. She did not observe what either officer was holding, nor did she notice any empty Bambu wrapping paper on the floor. She does not know what marijuana looks like.

On April 6, 1978, during the early evening hours, Officer Patrick Norton entered the tavern with Officer Robert Perez to investigate an allegation that a patron was there with narcotics in his possession. Upon finding the man they sought in the barroom, they arrested him and discovered on his person drug paraphernalia in his inside jacket pocket. They left the tavern with the patron without telling the person in charge of the tavern of the reason for the arrest and without conversing with such person.

Betty Lucas testified that she was on-duty at the tavern when two police officers came into the premises, patted down a male customer at the bar, and left with him without speaking to her at all.

Charge No. Six alleges that, on April 4, 1978, the licensee sold alcoholic beverages to a minor, aged seventeen. Police Officers Daniel Sargent and Raymond Ward observed a youthful looking male leave the tavern with a quart of beer in a paper bag. They entered the tavern and confronted the licensee who denied the sale but did state that she sold a

quart of beer to a man who then departed the premises.

The youth testified that he met an unknown male between twenty-six and thirty years of age, who agreed to purchase the beer for him. The youth then entered the tavern and placed a phone call. He met the unknown man at the door as he was leaving, and took possession of the beer. The beer was not produced as evidence at either the local or de novo hearing.

Relative to the charge alleging failure to display the current license in a conspicuous place on the licensed premises, the transcript is virtually silent, containing two brief comments as follows: Officer John Costello testified that, ". . . we requested the barmaid at the time, a Betty Lucas, to display the license to us. Only after an extended search could she produce it." Officer Kenneth Tillotson stated, "It was shown, but it took awhile to find it. They looked around behind the bar and they couldn't find it. Then, they found it and handed it to us."

At the de novo hearing, the barmaid testified that the license was displayed conspicuously on the wall within a frame, but at a point outside the officers view from where they were stationed. She stated that, "I had some quarts of liquor, and thats where I had them . . ."

The last charge alleges hindering. The respondent's case relies upon the testimony of Officers Sargent, Norton and Perez. Their testimony is that, on April 6, 1978, at about 5:20 p.m., Sargent was driving by the tavern to check the validity of information received that a male was outside dealing in drugs. He approached a male outside the tavern and stopped and searched him, seizing a paper bag he had hastily placed in a window grate nearby. On the person of this man, he found a pipe which he believed was used to smoke marijuana and in the bag he found cigarettes which he believed to be marijuana. He then tried to place the man under arrest, but a menacing crowd formed about him and in the confusion the pipe was knocked to the ground, smashed, and its residue washed away in the rain, and the bag of cigarettes was taken from the officer. The arrested person then handed some money to a woman later identified as Betty Brown. As she attempted to run into the tavern with the money, Sargent apprehended and arrested her at a point a couple of steps into the tavern doorway and brought her back in front of the tavern. Norton and Perez came to the assistance of Sargent and disbursed the crowd, then leaving with their prisoners. None of the officers entered the tavern at

this time; indeed, they were not aware of who was on-duty in the tavern.

Betty Lucas testified that she was on-duty on April 6, 1978, when this incident took place outside. She observed a police car outside the tavern and two policemen who handcuffed a man. A crowd gathered before the officers took him away in the police car. She remained on-duty alone in the tavern while this incident took place. The five or six customers all left the tavern to see what was going on outside. From her position behind the bar it appeared to her that the police officers did not need any assistance. None of these policemen entered the tavern, nor did she see Betty Brown attempt to flee into the tavern. She did not see anyone take the evidence from the police officer.

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That narcotic drugs are found in a licensed premises does not, per se, warrant a finding against a licensee, Clarence's Music World, Inc. v. Newark, Bulletin 1923, Item 1. It must be proved that the licensee knew or should have known of the presence of the illegal controlled dangerous substance. Knowledge, either actual or constructive, by the licensee is the essence of the charge. Greenbrier, Inc. v. Hock, 14 N.J. Super. 39 (App. Div. 1951); Benedetti v. Board of Commissioners of Trenton, 35 N.J. Super. 30 (App. Div. 1955).

From the testimony of the police officers, it is apparent that no illegal transaction took place within the hearing or in the presence of Ms. Baldwin, the licensee; or Ms. Lucas, the barmaid, or any other employee who may have been present at the times in question, to give rise to a finding of actual knowledge. Detective Brennan testified further that the police did not disclose the identities or physical descriptions of these persons possessing controlled dangerous substances. While there may be a practical police enforcement basis for this non-disclosure, it negates against a possible finding of "should have known of the presence of illegal activity."

As stated in Ferraro v. Paterson, Bulletin 1878, Item 2:

This Division is not unmindful of the serious problems presented by narcotics traffic and will not hesitate to act firmly where such

activity takes place in liquor licensed premises. However, while the licensee has the responsibility to exercise full control of the acts and conduct of patrons in his establishment, the circumstances in this case are insufficient to show that the situation was brought to his attention or that he might have reasonably become aware of its existence. Cf. Hardy v. Newark, Bulletin 1578, Item 2; Schujas v. Bridgeton, Bulletin 1809, Item 2.

Under the circumstances, I conclude that the Council failed to establish by a fair preponderance of the believable evidence that the licensee was guilty of Charges Nos. 1, 2, 4, 5, 7 and 8.

The passing of alcoholic beverages from an of-age purchaser to an under-age consumer is a perplexing problem. Minors have used this technique to illegally obtain alcohol since the repeal of prohibition.

The fact that the minor did not directly order the alcoholic beverage does not ordinarily relieve the licensee of its responsibility since it has been held, under the broad sweep of the Alcoholic Beverage Law and the principle of rigid control underlying its administration, that service, even indirectly, to a minor by service by the minor's companion is a violation of the statute. Re Gene Buliver's Enterprises, Inc., Bulletin 2067, Item 7, and the cases cited therein.

Implicit in this statement is that the management, through its managers or employees, knew or should have known that a relationship, however tenuous, existed between the adult and minor, or that there were minors among the guests at a private party where alcoholic beverages were being served and watchful attendance was required to prevent the possible "pass-off" to a minor. See Essex Holding Corp. v. Hock, 136 N.J.L. 28 (Sup. Ct. 1947), wherein several minors who were accompanying adults at a banquet admitted imbibing beer which they "sneaked" when the adults were not looking and the waiters were absent from the private room.

Nothing in the transcript suggests that there was anything to alert the barmaid that the minor who entered the tavern and proceeded directly to the phone booth had any relationship whatsoever with the unknown adult who lawfully purchased the beer and then passed it to the minor at the exit door who then departed at once.

I find, as a fact, that the charge of allowing the delivery of an alcoholic beverage to a minor was not established by a fair preponderance of the believable evidence.

The testimony of the police officers relative to the hindering charge clearly established that the police action did not involve an investigation or inspection of a licensed premises. The police were investigating information that a man was selling illicit drugs on the sidewalk outside the licensed premises. There was no allegation or proofs presented that this person was a patron of the tavern. There was no inspection or investigation of the licensed premises being conducted when the incident occurred. Except for the fact that it occurred outside the building housing the license and that the female accomplice sought (unsuccessfully) to escape into the tavern, the incident was totally divorced from the operation of the establishment.

From the testimony, I conclude that the charge of hindrance was not established by a fair preponderance of the believable evidence.

The last charge relates to the failure of licensee to display the current license in a conspicuous place on the licensed premises. The police officers testified that there was a noticeable lapse of time between the request for the current license and its production for inspection. It is reasonable to infer from that, that the barmaid spent some time searching for it which would have been unnecessary if it were conspicuously posted as required. The barmaid's veiled reference in her testimony to locating the document proximate to some quart bottles of liquor, does nothing to dispel this inference.

I, therefore, conclude that the Council has established this aspect of the charge by a fair preponderance of the credible evidence.

I sum, I find that, except for the last charge discussed, the Council has failed to establish the various counts of the charge by a fair preponderance of the credible evidence.

I, therefore, recommend that an order be entered reversing the action of the City Council of the City of Elizabeth in revoking the appellant's license; and further recommend that the appellant's license be suspended for ten (10) days for its failure to display the current license in a conspicuous place on the licensed premises, to which should be added

five (5) days for its record of a prior dissimilar offense within the past five years, for a total of fifteen (15) days suspension.

### CONCLUSIONS AND ORDER

No written Exceptions were filed to the Hearer's Report by the parties pursuant to N.J.A.C. 13:2-17.14.

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

While I am satisfied that a reversal of most of the charges is required predicated on the proofs adduced and the application of the legal principles thereto, the appellant is specifically warned that the licensed premises cannot be maintained as a situs for drug traffic activity by its patrons. Her alleged unfamiliarity with the narcotics and patron activity will have a "hollow ring" if subsequent charges are preferred. The appellant must definitely exercise greater awareness and vigilance in the activities of patrons in the licensed premises, or bear the adverse consequences thereof in the future.

Accordingly, it is, on this 20th day of July, 1979,

ORDERED that the action of the City Council of the City of Elizabeth be and the same is hereby reversed, except as to the charge of failure to conspicuously display the license certificate for which a total license suspension of fifteen (15) days is imposed; and it is further

ORDERED that my Order of May 26, 1978 staying the revocation pending determination of this appeal be and the same is hereby vacated; and it is further

ORDERED that Plenary Retail Consumption License No. 2004-33-017-001 issued by the City Council of the City of Elizabeth to Nancy Lee Baldwin, t/a Baldwin's Lounge for premises 214 Third Street, Elizabeth be and the same is hereby suspended for fifteen (15) days commencing 2:00 a.m. Monday, July 30, 1979 and terminating 2:00 a.m. Tuesday, August 14, 1979.

JOSEPH H. LERNER  
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - ALLOWING GAMBLING UPON THE LICENSED PREMISES - NUMBERS GAME - HELD EX PARTE LICENSE SUSPENDED FOR 90 DAYS.

In the Matter of Disciplinary Proceedings against	:	
	:	
Sonny's Ebony Lounge (A Corp.)	:	S-11,391
137 Pacific Street	:	
Newark, New Jersey	:	CONCLUSIONS
	:	
Holder of Plenary Retail Consumption Lic. 0714-33-708-001, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.	:	AND
	:	ORDER
	:	

Leonard A. Peduto, Jr., Esq., Deputy-Attorney General, Appearing for the Division.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

HEARER'S REPORT

Licensee was charged that on May 13, 14, 17 and 25 of 1977, it permitted gambling upon the licensed premises in the form of "numbers game" in violation of Rule 7 of State Regulation No. 20 (now N.J.A.C. 13:2-23.7).

Although no formal plea of "not guilty" was entered, nor was any attorney-at-law retained to defend the charges on behalf of the corporate licensee, at the time and place of the hearing held in this Division upon due notice to the licensee, one LeRoy Oliver appeared and under oath stated that his wife was the sole stockholder of the corporate licensee and he, in her behalf, entered a "not guilty" plea.

ABC Agent V testified that he made an undercover investigation of the subject premises on May 13, 1977. At that time he placed a "numbers" bet with the barmaid, who was then identified as Mavis. She took a bet slip containing a number on it from the agent, who paid two dollars to her. The agent then related that Mavis gave the slip and money to a male whom he presently identified as LeRoy Oliver, the husband of the owner.

Agent V returned alone to the licensed premises on May 14, 1977 and again placed a bet with barmaid Mavis. Returning for the third time with ABC Agent B, he again placed a bet with Mavis paying the same amount of two dollars. Agent B also placed a bet with Mavis who wrote the numbers wagered on a slip.

On May 24, 1977, Agent V and Agent B returned to the subject premises and both agents again placed bets with Mavis.

A final visit to the premises was made by Agents V and B on May 25, 1977 and, on this occasion, a "raid" was planned for that day. Further bets were made with Mavis, who was later identified as Mabel Jackson. Wagers were made with "marked" money. The money was placed in an envelope by Mabel and thereafter placed alongside the cash register. A signal for the raid was then given by Agent V to Agent B.

ABC Agent B testified in corroboration of that of Agent V. He recounted visits to the premises on May 17, 1977, May 24, 1977 where bets were made with Mavis. On May 25, 1977, he was present at the raid conducted jointly by the ABC and the gambling squad of the Newark Police Department. He observed the marked money being retrieved by ABC Agent J, who had entered with the raiding party.

LeRoy Oliver, who had appeared at the hearing on behalf of his wife, the owner of the stock of the licensee corporation, testified that he visited the premises only early in the morning and again late in the afternoon. Thus, he asserts that he could not have been there at the time the ABC Agent V described him to have been present.

Oliver premises his defense upon his allegation that Mabel Jackson was found "not guilty" in the Municipal Court. However, Oliver admitted candidly that Mabel Jackson had testified that she assisted only in calling on the telephone to make a bet for the Agent.

In the adjudication of this matter, I am mindful that we are guided by the basic principle that disciplinary proceedings against liquor licensees are civil in nature and not criminal. Thus, they require proof of the charge by a preponderance of the believable evidence only. Butler Oak Tavern v. Div. of Alcoholic Beverage Control, 20 N.J. 373 (1956).

Since the matter sub judice presents essentially a factual issue, and the fair and reasonable conclusions to be drawn therefrom, the credibility of witnesses must be weighed. Testimony to be believed must not only proceed from the mouths of credible witnesses, but must be credible in itself. It must be such as common experience and observation of mankind can approve as probable under the circumstances. Spagnuolo v. Bonnet 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961); Re Gino's Bar & Grill, Bulletin 2299, Item 2.

I have had the opportunity to observe the demeanor of the witnesses as they testified, and, in view of the conflict in the testimony, I have carefully evaluated and assayed their testimony. I am persuaded that the testimony of the ABC Agents was credible and forthright. Their account of what transpired on the dates charged herein has the hallmark of accuracy and truth.

I find the testimony of Oliver to be completely unbelievable and evasive. Although he admitted the employee attempted to place a bet for the agents, he denied the premises were open at the times when the bets or calls to place bets were made.

There is such an abundance of testimony of repeated acts of gambling that it is inconceivable that such activity could have occurred without the knowledge and consent of the licensee. I, therefore, reject Oliver's testimony.

I find that the charge has been proven by a fair preponderance of the credible evidence, indeed, by substantial evidence; and recommend that the licensee be found guilty thereof.

The licensee has no prior chargeable record of suspension of license. It is, therefore, recommended that the license be suspended for ninety (90) days on the charge herein. Re LaCalandra, Bulletin 2152, Item 6; Re Pabian, Bulletin 2230 Item 3.

#### CONCLUSIONS AND ORDER

No written Exceptions to the Hearer's Report were filed by the parties pursuant to N.J.A.C. 13:2-19.6.

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

Accordingly, it is, on this 3rd day of August, 1979,

ORDERED that Plenary Retail Consumption License No. 0714-33-708-001 issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Sonny's Ebony Lounge (A Corp.) for premises 137 Pacific Street, Newark be and the same is hereby suspended for ninety (90) days commencing 2:00 a.m. Tuesday, August 14, 1979 and terminating 2:00 a.m. Monday, November 12, 1979.

JOSEPH H. LERNER  
DIRECTOR

3. APPELLATE DECISIONS - ANTOINETTE GRASSO AND JOAN CORTESE v. PATERSON.

#4234

Antoinette Grasso & Joan Cortese, }  
t/a Hitchin' Post, }

Appellants, }

vs. }

Board of Alcoholic Beverage Control  
of the City of Paterson, }

----- Respondent.----- }

ON APPEAL

CONCLUSIONS

AND

ORDER

Thomas Melani, Esq., Attorney for Appellant.  
Joseph LaCava, Esq., Corporation Counsel, by Ralph L.  
Deluccia, Jr., Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

HEARER'S REPORT

This is an appeal from the action of the Board of Alcoholic Beverage Control of the City of Paterson (Board) which, on June 14, 1978, suspended appellants' Plenary Retail Consumption License No. 1608-33-130-001, for premises at 35 Barclay Street, Paterson, for thirty-five days, following a finding of guilt to a charge alleging that, on April 26, 1978, they permitted lewdness on the licensed premises by allowing an employee to perform in an immoral and indecent manner, in violation of Rule 5 of State Regulation No. 20 (now N.J.A.C. 13:2-23.6).

In their Petition of Appeal, appellants contend that, in lieu of the aforesaid suspension of license, a fine be imposed by the Director.

Although a hearing on the appeal was afforded the parties pursuant to N.J.A.C. 13:2-17.6, in lieu thereof the parties jointly submitted a transcript of the proceedings before the Board, in accordance with N.J.A.C. 13:2-17.6.

The sole question presented herein is whether the Director of this Division will accept a fine in lieu of suspension.

The response to that question is that the Director of

this Division has not, in cases involving lewd behavior by an employee, which consists of fondling of exposed body parts and audience participation by touching through placing of currency in the dancer's costume, permitted the offending licensee to pay a fine in lieu of suspension. Additionally, whenever fines are accepted in compromise, such action is always at the discretion of the Director, and such fines are not accepted as a matter of course.

Appellants contend that the penalty imposed is in their view too severe. They believe that the thirty-five days suspension imposed by the Board should be reduced. This belief has no basis in precedent. Most recently, in a disciplinary proceeding instituted by agents of this Division against a licensee who permitted the same kind of conduct by a female employee, the Director imposed a suspension of sixty days. Re Gennero, Bulletin 2285, Item 4. In fact, a sixty days suspension is a minimum penalty where audience participation is involved.

Thus, I recommend that the action of the Board be affirmed, the appeal be dismissed, the stay of suspension granted by the Director by Order of June 20, 1978 pending this appeal be vacated, and the thirty-five (35) days suspension be reimposed.

#### CONCLUSIONS AND ORDER

No written Exceptions to the Hearer's Report were filed by the parties pursuant to N.J.A.C. 13:2-17.14.

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

Accordingly, it is, on this 3rd day of August, 1979,

ORDERED that the action of the Board of Alcoholic Beverage Control of the City of Paterson be and the same is hereby affirmed, and the appeal be and is hereby dismissed; and it is further

ORDERED that my Order of June 20, 1978 staying the subject suspension pending determination of this appeal be and the same is hereby vacated; and it is further

ORDERED that Plenary Retail Consumption License No. 1608-33-130-001 issued by the Board of Alcoholic Beverage Control of

the City of Paterson to Antoinette Grasso & Joan Cortese, t/a Hitchin' Post for premises 35 Barclay Street, Paterson be and the same is hereby suspended for thirty-five (35) days commencing 3:00 a.m. Monday, August 13, 1979 and terminating 3:00 a.m. Monday, September 17, 1979.



JOSEPH H. LERNER  
CIRECTOR