

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 2348

April 30, 1980

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April 30, 1980

1. DISCIPLINARY PROCEEDINGS - LICENSEE CHARGED WITH ASSAULT UPON PATRONS AND INVITEES ON VARIOUS DATES - LICENSE ORDERED REVOKED.

In the Matter of Disciplinary  
Proceedings against

)

Romano Cipolat  
t/a The Lighthouse Restaurant  
Bar & Grill  
759 Farragut Place  
West New York, New Jersey

)

CONCLUSIONS

AND

ORDER

Holder of Plenary Retail Consumption  
License No. 0912-33-027-001 issued  
by the Board of Commissioners of the  
Town of West New York, New Jersey

)

S-11,786

X-47,233-D

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)

Winne, Barte, Rizzi & Harrington, Esqs., by John D. Harrington, Esq.,  
and John R. DeSheplo, Esq., Attorneys for Licensee.  
Mart Vaarsi, Esq., Deputy-Attorney General, Appearing for Division.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

HEARER'S REPORT

The licensee pleaded "not guilty" to the following charges:

1. On February 3, 1978, you engaged in and allowed, permitted and suffered in and upon your licensed premises acts of violence, viz., you personally committed assaults and batteries on two of your patrons, to wit, Dominick Parisi and Glorianne Parisi, in violation of Rule 5 of State Regulation No. 20.
2. On July 24, 1976, you engaged in and allowed, permitted and suffered in and upon your licensed premises acts of violence, viz., you personally committed an assault and battery on one of your patrons, to wit, Thomas Bender, in violation of Rule 5 of State Regulation No. 20.

3. On April 30, 1976, you engaged in and allowed, permitted and suffered in and upon your licensed premises acts of violence, viz., you personally assaulted an investigator from the U.S. Attorney's Office with a kitchen knife, to wit, Asher Greenspun, in violation of Rule 5 of State Regulation No. 20.
4. On May 21, 1975, you engaged in and allowed, permitted and suffered in and upon your licensed premises acts of violence, viz., you personally committed assaults and batteries on three of your patrons, to wit, Daniel Marsh, Robert Marsh, and Donna Hughes, in violation of Rule 5 of State Regulation No. 20.

All references to the regulatory allegations are now cited as N.J.A.C. 13:2-23.6.

Dominic Parisi, a Dumont school principal, testified to the facts and circumstances leading to his preferring assault charges against Romano Cipolat. On February 3, 1978, after visiting his mother, he stopped for a snack at the licensed premises, accompanied by his wife, Glorianne and their younger daughter Alisa, aged twelve.

No table was available upon their entry. They waited at the bar where the parents each ordered a glass of wine and a soft drink for the child. A table became available within a few minutes, and they took their partly consumed glasses of wine with them when they were seated.

Having eaten earlier that evening, they did not order a full dinner, but rather, each ordered a single item. Parisi was aware of a seven dollar minimum per person, not including dessert or beverage, as it was printed upon the menu. He called the waiter and said that he realized that they had not used their minimum and would, therefore, order something else. The waiter stated that they did not have to order anything else other than dessert and he would charge for what they actually consumed.

Later, when another waiter brought the check it was for twenty-nine dollars. They had been charged the seven dollar

per person minimum plus the desserts and an entertainment fee. Parisi asked to see the "tall waiter", i.e., the waiter with whom he had the conversation relative to the charge. A minute later the waiter who tendered the check returned, accompanied by a man whom he was to later learn was Romano Cipolat.

Cipolat immediately stated, "that's your check, pay it." A brief conversation ensued relative to Parisi's discussion with the "tall waiter." Parisi then stated that, had he known that he was to be charged the minimum, he would have ordered another meal and taken it home. Cipolat responded that "this is not a take-out place." Parisi then said that there were people sitting behind him who took food home.

Cipolat, who was standing, thereupon punched Parisi upon the mouth and knocked him from his chair to the floor. Describing Cipolat as "out of control", Parisi testified that Cipolat reined several kicks to his mouth and head as he lay upon the floor. Cipolat then grabbed him by the neck with both hands and throttled him. The savage attack was not abandoned by Cipolat until several waiters forceably pulled him off Parisi.

Parisi heard his wife shout, "call the police." He was assisted to his feet by several male patrons. Cipolat attempted to reach him again, but was restrained momentarily by the waiters. When he succeeded in breaking loose, Parisi observed him reach across the table in an attempt to pull Mrs. Parisi out of her seat. She was successful in breaking Cipolat's grasp and sat down upon her chair again. Cipolat was restrained by two or three waiters as he fought to get at Parisi again.

After resting in a chair for a minute or two, to calm himself, Parisi proceeded to the men's room to wash as he was bleeding from his mouth. He asked one of the gentlemen assisting him to call the police. That person stated that he was a West New York detective, and advised Parisi to pay the check and then go to Police Headquarters to file a complaint against Cipolat.

Parisi gave the dinner check and money to cover it to a waiter and requested a receipt. Mrs. Parisi escorted their distraught child towards the exit. Cipolat screamed "don't let them out. Close the door, lock the door"; In the opinion of Parisi, Cipolat appeared to be out of control, and attempted to get at Parisi once again. The waiter stated that he had the money but that a receipt was requested. Once again Cipolat attempted to get at Parisi, but the detective and two waiters

interceded. The detective advised him not to wait for a receipt and leave the premises at once. They left and drove to the Police Headquarters where they were advised to return during the day when the Court Clerk would be available. He and his wife returned at a later date and each filed charges against Cipolat.

Parisi suffered intense headaches for a period thereafter. The right side of his face was swollen and discolored. He had to have an operation to remove bone particles from his upper jaw bone. He was absent from work for approximately twenty-five and thirty-five days due to the injuries he sustained.

The Parisis' testified against Cipolat in the West New York Municipal Court where Cipolat was found guilty of the assaults pursuant to N.J.S.A. 2A:170-16 and fined two hundred dollars plus court costs, on each charge.

Glorianne Parisi's testimony corroborated that given by her husband. She stated that Cipolat's unsuccessful attempt to pull her out of her seat resulted in his nails puncturing the skin. Their child fled to the safety of a seat away from the activity, and became hysterical.

She stated that the only alcoholic beverage consumed by them that day, into the evening, was the single glass of wine ordered at the bar and carried to the table.

Simon A. Greenspun, an accountant who is employed by the U.S. Attorney's Office in Newark as a criminal investigator, next testified to the circumstances which culminated in an alleged assault upon him by Cipolat, with a Chef's knife, on April 30, 1976.

Greenspun arrived at the Lighthouse Restaurant in the late afternoon to serve a subpoena duces tecum upon Cipolat. An employee informed him Cipolat was out and suggested he return later in the evening. He returned at about 9:00 p.m. and was directed to the kitchen where he served the papers upon Cipolat and explained the nature of the documents and that he was required to respond to the subpoena. From Cipolat's tone and manner of behavior, Greenspun concluded that he was annoyed and became angrier as Greenspun talked to him.

Cipolat took the subpoena and placed it in a rafter

over his head. He then began throwing dishes about the kitchen in a rage. It became obvious to Greenspun that he could not talk to him any longer, and the wisest course was to depart. He estimates that the lapsed time, from arrival (in the kitchen) to departure was two, or at most, three minutes.

As Greenspun was walking towards his car in the parking lot he observed Cipolat come out of another door. He was screaming and cursing that Greenspun was trespassing, that he wanted the police called. In his hand was a large pointed knife identified as a French Chef's knife. Cipolat was brandishing it over his head menacingly in Greenspun's direction. As he passed a car he hit its bumper with it. When first observed, Cipolat was two car lengths distant, however, before he reached Greenspun an employee got hold of and restrained him. Greenspun stated that he experienced fear when he saw the knife, coupled with Cipolat's raging and cursing. Greenspun added that, as he was leaving the building an employee known as Paul left with him, in order to explain why Cipolat was so upset.

Thomas F. Bender, Jr., a registered pharmacist from Bayonne, next testified on behalf of the Division that on July 24, 1976 he visited the Lighthouse in the company of his pregnant wife, her girlfriend, her parents and another couple who were her parents' friends and contemporaries. After dinner they were asked by the waiter to have their after dinner drinks at the bar because the restaurant was very crowded and other patrons were waiting for the table. The two older couples opted to depart and the Benders, accompanied by the unescorted girl, went into the barroom where they ordered three Irish Coffees.

After waiting about twenty minutes for the drinks, he reordered and was told by the barmaid that the order was in and they would have to be patient. After waiting an additional ten or fifteen minutes, he asked the barmaid to direct him to the manager in order to register a complaint "because the service was terrible." She pointed towards a man in the area adjacent to the kitchen, later identified as Romano Cipolat.

Bender approached Cipolat and informed him that he wanted to complain about the service at the bar. Cipolat responded "get out of here, you bum, you son-of-a-bitch" and pushed him. Bender turned around to leave when he was pushed with sufficient force that he almost fell over. Bender told him to take his hands off him. Not seeing the two women where he left them, he assumed they were in the parking lot and departed the building.

His wife's girlfriend ran up to him as he reentered the building and stated that Cipolat was yelling at his wife. Turning, he observed Cipolat was, as related, shouting at his wife.

Bender strode over and placed himself between them and advised Cipolat that anything that he had to say should be said to him, and that he was not to yell at Mrs. Bender. Whereupon Cipolat lifted his cooks apron, pointed to his genital area and said, "then tell your wife to chew on my c---" in a voice loud enough to be heard by those in the proximate area. Bender admonished him never to talk like that to his wife again.

Cipolat then, without provocation, punched Bender in the vicinity of his eye. Someone threw a cloth on Bender's head, and as he struggled to free himself of it, he was punched two or more times. Persons in the immediate area seperated them. Others yelled for someone to call the police. Two men in civilian dress approached, stated they were police and although they produced no identification to substantiate their statement, ordered the Bender party to leave the premises. Bender's eye swelled and became discolored, and remained so for a week to ten days.

Kathleen Bender testified in corroboration of the testimony given by her husband Thomas. She stated that, after her husband left the premises Cipolat began to scream at her. This caused her friend to seek out Thomas and inform him of the occurrence.

Mrs. Bender, who was pregnant at that time, stated that during the course of the evening, she consumed one glass of wine.

On cross-examination she admitted stating that her father was a Judge, and that Cipolat would not "get away with it", i.e., talking to her in an obscene manner. She denied making any threats of any kind whatsoever.

Romano Cipolat, the licensee, testified in defense of the charges. Though foreign born, I judged his understanding of English to be excellent. He did have a manner of not responding to the question as posed; but rather, framing his own, and usually unrelated, question which he then proceeded to answer. This habit was unrelated to any language impediment, which I feel was minimal, if it existed at all.

He stated that Parisi created a disturbance and had kicked

him on the shin causing him to fall. Further, Parisi had blood on his shirt when his waiter summoned him to the table. Cipolat stated that during the discussion Parisi picked up and firmly held a sharp, pointed steak knife in his fist and leaned in Cipolat's direction with it; whereupon Cipolat removed the knife. Parisi immediately rose from his seat and shouted, "you see what you did to me over here." Cipolat denied ever striking him, or grasping his wife's arm as she described earlier. Finally, he maintains that Parisi threw down the dinner check and some bills, which when counted, totalled twenty-four dollars, five dollars short of the total.

Relative to the Bender incident he stated that, prior to dinner they were served either scotch and soda or stingers at the bar, and another round during dinner. They had had several drinks before entering the bar and ordering Irish Coffee. The barmaid, observing his apparently intoxicated state (as well as his wife and their guest), refused them service.

At one point, they created a disturbance and would not leave. Bender was standing between the kitchen and the dining room and was in such state of intoxication that he was swaying and had to grasp the curtains for support. Unable to convince them to leave, Cipolat asked the barmaid to telephone the police for assistance. They left for a brief period but returned. Mrs. Bender stated that her father was a Judge, that Cipolat was a "crook", that she "knows the mafia" and that she was going to burn the place down. All of these statements were interspersed with the basest profanity.

Although the sequence is unclear, Mrs. Bender is alleged to have blocked a passage preventing the bar from functioning, as well as throwing water from a pitcher, and perhaps, the pitcher also, at Cipolat.

Later, Cipolat saw the Bender car outside the kitchen area and a few minutes later, there was a fire next door, in an unoccupied house he owned.

Cipolat's version of the Greenspun incident is also at variance with the witness's version. According to Cipolat, Greenspun kept bothering him during a busy time, attempted to "push" an attorney upon him, one not requested nor desired by Cipolat, and finally aggravated him to the point where Cipolat burned his fingers on hot plates.

He stated that Greenspun asked the waiter to leave the

restaurant at a busy time and accompany him into the parking lot. Cipolat went into the lot to scold the waiter for leaving his post, and to order him back to his station.

Cipolat denies having a knife in his hand; rather, he stated it was a steel spatula, blunt ended and not sharpened. He denies threatening Greenspun with it as he described in his testimony during the Division's case.

Cipolat admits being fined \$100.00 in Municipal Court relative to Bender's complaint, and \$200.00 on Parisi's complaint. He states, however, that Parisi was also fined as a result of this incident in the sum of \$325.00 or \$350.00. However, he does not state whether or not he filed a counter charge against Parisi.

Abraham Effron, a Psychiatrist and Neurologist was next called as a witness on behalf of the licensee. His testimony was clearly not relevant as to whether Cipolat did nor did not commit the acts enumerated in the charge, and, therefore shall be considered by the Hearer only as to mitigation of penalty if necessary.

Dorothy D'Amato a part-time barmaid employed at the Lighthouse, testified in support of the licensee. Her testimony was corroborative of Cipolat's in the manner relative to the Parisi incident. However, she could not testify as to whether or not Cipolat struck Parisi as her head was down, under the bar. She did see Cipolat grab Mrs. Parisi, but stated that she saw him "hold her arm."

Regarding the Bender incident her testimony was likewise corroborative of Cipolat's earlier description. She refused to serve them because she felt that they were under the influence of alcohol. They became annoyed and were very boisterous. Mrs. Bender used foul language and threatened her, as well as Cipolat, and boasted that her father was a Judge, and that she (or they) were going to burn down the building.

Lastly, she admitted having been shown the transcript of Cipolat's testimony given earlier, as well as being told certain other things regarding this hearing, by Cipolat's attorney prior to testifying at the Division hearing.

Paul Verdiano, a former employee of the Lighthouse, testified that Greenspun had first visited the restaurant in late afternoon and was told that Cipolat was not in, and could be seen after 7:00 p.m. that evening. Greenspun requested

Verdiano accept the subpoena on behalf of Cipolat, which he refused, causing Greenspun to become very angry. He threatened to lock up Verdiano for no apparent reason. It was Verdiano's opinion that he became angry because he would have to return later that evening to serve the subpoena due to Verdiano's refusal to accept service thereof.

Later that evening, after serving the subpoena, Greenspun said to Verdiano, "you better get out of here." Verdiano complied. Greenspun ranted and raved about Cipolat to Verdiano, when Cipolat came out of the building. At this point his testimony corroborates that given by Cipolat at the earlier hearing date.

Although present in the restaurant on the evening of the Bender incident he stated that he did not remember it. He then proceeded to testify, from recollection, that the Bender group was intoxicated and that Mrs. Bender was abusive and used foul language.

After the licensee presented its case the Division called a rebuttal witness, A.B.C. Agent D.

During his testimony Cipolat stated that Parisi was fined \$325.00 or \$350.00 in the West New York Municipal Court. Agent D. testified that during the course of his investigation he interviewed the Court Clerk and ascertained that complaints were signed by Dominic and Glorianne Parisi against Cipolat; that there were no counter-complaints signed by anyone against either or both of the Parisis; and that he obtained certified copies of the convictions of Cipolat.

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Preliminarily, I observe that we are dealing with a purely disciplinary action which is civil, not criminal in nature. In re Schneider, 12 N.J. Super. 449 (App. Div. 1951). Thus, the proof must be supported by a preponderance of the credible evidence only. Butler Oak Tavern v. Div. of Alcoholic Beverage Control, 20 N J. 373 (1956)

The critical inquiry is whether the licensee, acting under the obligation of the tremendous responsibility which is repose in the holder of a liquor license, has exercised that degree of care consistent with such obligation in keeping the premises free from disturbances and acts of violence.

It is apparent that the critical issue presented for determination is factual.

In appraising the factual picture presented in this proceeding, the credibility of witnesses must be weighed. Evidence, to be believed, must not only proceed from the mouths of credible witnesses, but must be credible in itself, and must be such as common experience and observation of mankind can approve as probable in the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961).

I have had an opportunity to observe the demeanor of the witnesses as they testified and, in view of the conflict in the testimony, I have made a careful analysis and evaluation of their testimony.

I am persuaded and find that the versions recited by the Parisi, the Benders and Simon Greenspun relative to the events which took place on the dates charged and which culminated in unprovoked assaults as hereinabove related, were credible, factual and in the incidents involving the Benders and Parisi were supported by documentary evidence.

On the other hand, I find the testimony of Cipolat, D'Amato and Verdiano incredible and unworthy of belief. I note, too, that despite sequestration of witnesses, requested at the outset of the hearing by the licensee's attorney, and consented to by the Deputy Attorney General, the barmaid D'Amato admits reading the transcript of Cipolat's testimony, given at an earlier date, and discussing it with his attorney.

My examination of the facts and the applicable law generates no doubt that the aforesaid charges (except for No. 4) have been established by a fair preponderance of the believable evidence. I, therefore, recommend that the licensee be found guilty of the said charges.

Although ample opportunity was afforded the Division, they could not produce witnesses to substantiate the allegations set forth in charge number four. I, therefore, recommend that charge no. four be dismissed.

Throughout the hearings which took place over three days, the image of an out-of-control individual was painted by the various witnesses. In fact, two of them used the phrase to describe Cipolat.

It is apparent that Cipolat is an individual who has a rather low threshold, who goes out of emotional control easily, and does not seem to accept criticism or tolerate displeasing occurrences.

The testimony of Doctor Effron, based upon three meetings with Cipolat, does not acknowledge such a set of facts even exists. I searched his testimony, in vain, for anything remotely mitigating in nature. It is his opinion, in sum, that Cipolat is suffering from no mental or emotional condition and that he is a "lover of peace and beauty" and perfectly fit to run a liquor licensed premises. The credible evidence and believable testimony of assault victims prevents me from giving weight to the Doctor's judgement.

I am fearful that if Cipolat is permitted to continue operating a liquor licensed establishment there could be repetition of this behavior, with, perhaps, even more disastrous consequences.

I, therefore, recommend that the licensee's Plenary Retail Consumption license be revoked.

#### CONCLUSIONS AND ORDER

Written Exceptions to the Hearer's Report were filed by the licensee pursuant to N.J.A.C. 13:2-19.6.

In his Exceptions the licensee contends that the factual findings of the Hearer were erroneous because:

(1) the Hearer completely rejected the testimony submitted on behalf of the licensee;

(2) there was no basis to conclude that the licensee engaged in unprovoked assaults upon Thomas F. Bender, Jr., Dominic and Glorianne Parisi, and Simon A. Greenspun. In fact, it is alleged that the Parisi's and Bender were intoxicated, and were the cause of disturbances, and Greensun was the disruptive force in that incident which had political overtones; and

(3) the characterization of the licensee as "out of control" with a low threshold for criticism is not supported by the record as a whole.

In evaluation of the aforesaid Exceptions, a detailed review of the proofs support the findings by the Hearer, sub judice, and, in consequence, I find that these Exceptions lack merit.

Analysis of the Bender incident juxtaposes testimony from Thomas Bender and Kathleen Bender, his wife, with that of the licensee, Dorothy D'Amato, his bartender, and Paul Verdiano, his maitre'd. Bender testified that this was the first time he was ever in the licensed premises. His alcoholic consumption that day consisted of one drink before dinner and the sharing by seven adults of a bottle of wine. His testimony, corroborated by that of his wife, was clear and unswerving as to the assault incident and the licensee's aggressive posture therein.

Cipolat testified that Bender was a frequent patron, often accompanied by his girlfriends. Bender was intoxicated having had several drinks at dinner, and was the instigator of the incident. Cipolat's testimony was rambling, disjointed and often not responsive. He implies that the Benders' set fire to the building he owns next door that night in retaliation.

Dorothy D'Amato, who testified after review of previous transcripts of hearings, although there was a sequestration order entered upon request of the licensee's counsel, stated she refused to serve Bender because he appeared intoxicated. She had no knowledge of what Bender drank at dinner and stated that, at no time, did Cipolat strike Mr. or Mrs. Bender.

In light of the injury sustained by Bender it is clear that someone struck him. I find incredible and, thus, I reject D'Amato's testimony as not consistent with my perception of the incident.

Similarly, the testimony of Paul Verdiano as to the Bender incident is valueless since he acknowledged that he didn't really recall that incident. The credible proofs amply support the charge as to this event.

With regard to the Parisi incident, the Parisi's testified in a direct and forthright manner to a situation causing serious injury to Parisi from kicks to the head (photographs of injuries sustained were admitted in evidence), which necessitated an operation to remove bone particles embedded in Mr. Parisi's mouth. Mr. Parisi testified that he consumed one

glass of wine during that evening, and set forth a reasonable recount of his questioning the total bill submitted.

In contrast, the licensee submits an incredulous story that he never struck Parisi at all, but removed a knife Parisi held, after Parisi kicked him in the right leg. Dorothy D'Amato, who testified she heard a skirmish later, stated she was at the table of Parisi before the skirmish, saw Cipolat put his hand on the arm of Parisi which held a knife, but never saw Parisi kick Cipolat. The testimony on behalf of the licensee does violence to human experience, is unbelievable, and was properly rejected by the Hearer.

As to the third charge, the testimony of Simon Greenspun was direct, responsive and had the ring of credibility. His presence there was in the performance of a public duty and no rational basis existed for the aggressive actions of Cipolat. Greenspun testified he was required to retreat from Cipolat who wielded a knife, and threatened him.

Cipolat testified that, while he was in the kitchen, he burned his fingers, and Greenspun laughed. Thereafter, when apprised that the maitre'd, Verdiano, was outside, he ran out by the kitchen "real fast" with a spatula he had just used to take snails out of the oven. He ordered Verdiano inside to get back to work, and avers he never gestured towards Greenspun with the spatula, although he did hit his car with same.

Paul Verdiano testified in support of the licensee and confirmed that Cipolat hit a car with a spatula. He noted that Cipolat did not have a knife, and never threatened Greenspun, although he may have been waving the spatula. Verdiano didn't know why Greenspun suddenly "jumped across the road" when Cipolat approached.

I am persuaded that the version of the Greenspun incident recounted by Greenspun is more credible; and, whether he had a knife or a spatula, Cipolat threatened Greenspun by his actions and placed him in fear of bodily injury.

I am also cognizant that the victims of Cipolat's rage all filed municipal court complaints immediately after the incidents. The positions held by these individuals, a registered pharamcist, a school principal, and an investigator for the United States Attorney's Office, are indicative of individuals not ordinarily associated as trouble makers or incitors. The family nature of two of the incidents also belie an obstreperous attitude by the complainants.

Nothing in the record supports the conduct and action of the licensee. Whether the licensee has a low threshold for criticism and goes "out of control" is not a necessary finding for this matter, although a reasonable conclusion, sub judice. I find the charges herein have been proven by a fair preponderance of the credible evidence, indeed, by substantial evidence. Freud v. Davis, 64 N.J. Super. 242 (App. Div. 1961); Benedetti v. Trenton, 35 N.J. Super. 30 (App. Div. 1955). I therefore, find the licensee guilty thereof.

The licensee also argues that the recommended penalty, i.e., revocation of license, is oppressive, unjust and unduly harsh. He further submits that the Hearer failed to consider in the defense in chief and in mitigation the testimony of Dr. Abraham Effron. Lastly, the testimony of the licensee and his numerous community and charitable endeavors was not accorded any weight or value by the Hearer.

The testimony of Dr. Effron, purporting to characterize Romano Cipolat as devoid of aggressive propensities and not capable of acts of violence, is not competent or relevant to the specific factual determinations in question. Thus, the Hearer correctly rejected such testimony on consideration of the issues of culpability of the licensee.

Having reviewed the expert testimony, I specifically reject same, as well, for any purposes of mitigation. Dr. Effron asserted that in his opinion, Cipolat never attacked anyone, nor would he, in the future. I have had the benefit of the testimony of individuals who I am persuaded, were attacked by Cipolat. Consequently, I can give no credence to the Doctor's opinion that Cipolat is a "peaceful man."

Lastly, other than the mention of a Thanksgiving party the licensee ran the past three years for disabled children, and some vague references to the "Heart Fund" and "charities", I cannot find any competent proof of any extensive community endeavors by the licensee that warrant mitigation.

Having carefully considered the entire record herein, including the transcripts of the testimony, the exhibits, the Hearer's Report and the written Exceptions filed thereto by the licensee, I concur in the findings and recommendations of the Hearer, as supplemented herein, and adopt them as my conclusions herein. I find the licensee "guilty" of Charges Nos. 1, 2 and 3, and "not guilty" of Charge No. 4.

The facts and circumstances herein compel the conclusion that, in the public interest, the only proper penalty is outright revocation of the license privilege, as recommended.

Accordingly, it is, on this 27th day of September, 1979,

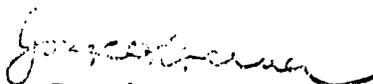
ORDERED that, upon the finding of guilty by the licensee of three violations of N.J.A.C. 13:2-23.6, Plenary Retail Consumption License No. 0912-33-027-001 issued by the Board of Commissioners of the Town of West New York to Romano Cipolat, t/a The Lighthouse Restaurant Bar & Grill, for premises 759 Farragut Place, West New York, New Jersey, be and the same is hereby revoked, effective immediately.

JOSEPH H. LERNER  
DIRECTOR

2. STATE LICENSES - NEW APPLICATION FILED.

John G. Kuhn  
991 Scioto Drive  
Franklin Lake, N. J.

Application filed April 29, 1980  
for person-to-person and place-  
to-place transfer of State Beverage  
Distributor's license 3400-19-203-001,  
from Barmar Inc., 95 Washington Avenue,  
Dumont, New Jersey.

  
Joseph H. Lerner  
Director