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Madison, STATE OF NEW JERSEY
Morris County, New Jersey.
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street Newark 2, N. J.

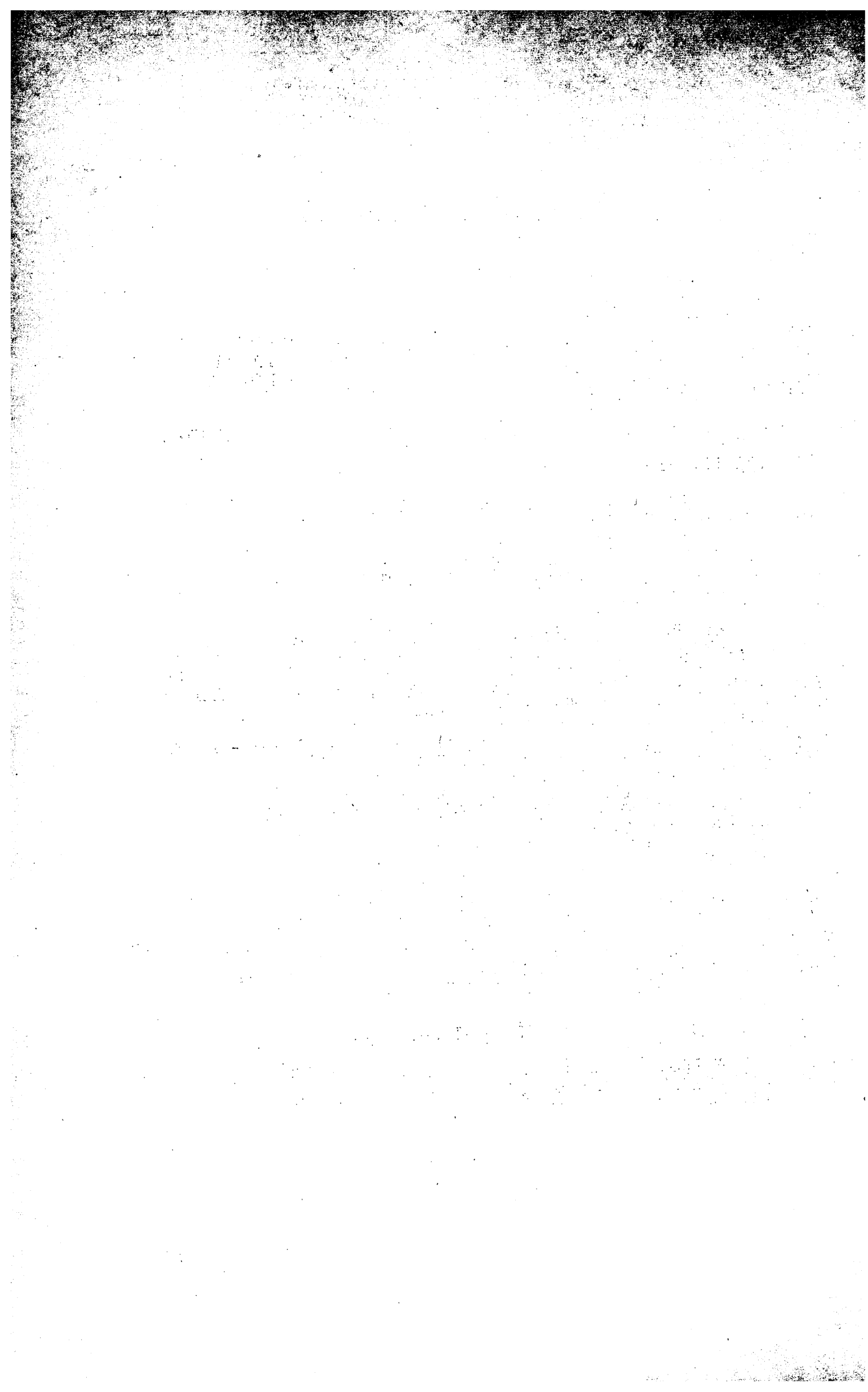
BULLETIN 884

SEPTEMBER 11, 1950

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STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street Newark 2, N. J.

BULLETIN 884

SEPTEMBER 11, 1950.

1. NEW LEGISLATION - SUPPLEMENT TO STATE LIMITATION LAW.

Senate, No. 234 (Third Official Copy Reprint) was approved by the Governor on May 26, 1950 and thereupon became Chapter 145 of the Laws of 1950. The act reads:

"A SUPPLEMENT to 'An act concerning alcoholic beverages; limiting the number of licenses to sell alcoholic beverages at retail, and supplementing chapter one, Title 33, of the Revised Statutes,' approved May first, one thousand nine hundred and forty-seven (P.L. 1947, c. 94).

"BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

"1. Nothing in the act to which this act is a supplement shall prevent the issuance, in a municipality, of a new license to sell alcoholic beverages at retail, to a person who, having served honorably in the armed forces of the United States and having held a license of the same class in the municipality, transferred said license to his spouse within the last past fifteen years and having served some time during said fifteen years in the armed forces of the United States, and whose spouse, during his service in the armed forces of the United States, surrendered said license or permitted it to expire; provided, that no license of the same class has been issued in said municipality since the surrender or expiration of said license; and provided further, that such person has filed or shall file his application for a new license within one year from the effective date of this act.

"2. In any county of the sixth class, any person who held a license to sell alcoholic beverages at retail for a period of two years prior to serving in the armed forces of the United States and who permitted said license to lapse, may apply for such license from the municipality originally issuing the same, and such municipality may, if the applicant is otherwise eligible for such license, issue the same regardless of any jurisdictional dispute between such municipality and an adjoining municipality as to boundary lines; provided, that application for said license is made or has been made within six months of the honorable discharge of the applicant from the armed forces of the United States.

"3. This act shall take effect immediately."

ERWIN B. HOCK
Director.

2. APPELLATE DECISIONS - DELISA v. ORANGE.

JOHN J. DELISA,)	
Appellant,)	
-vs-)	ON APPEAL
MUNICIPAL BOARD OF ALCOHOLIC)	O R D E R
BEVERAGE CONTROL OF THE CITY)	
OF ORANGE,)	
Respondent.)	

Frank A. Palmieri, Esq., Attorney for Appellant.

BY THE DIRECTOR:

Appellant filed an appeal from the action of respondent whereby it denied a transfer of his plenary retail consumption license with broad package privileges, issued for the 1949-50 licensing year, from 420-422 Washington Street to 684a-684b Scotland Road, Orange.

On August 10, 1950, prior to the date fixed for hearing and before answer filed herein, the attorney for appellant formally withdrew the appeal.

No reason appearing to the contrary,

It is, on this 10th day of August, 1950,

ORDERED that the appeal herein be and the same is hereby dismissed.

ERWIN B. HOCK
Director.

3. LIMITATION OF NUMBER OF LICENSES - PETITION FOR DETERMINATION UNDER SECTION 6, CHAP. 94, P.L. 1947, THAT FAILURE TO APPLY FOR RENEWAL WAS DUE TO CIRCUMSTANCES BEYOND CONTROL OF LICENSEE - PETITION GRANTED.

In the Matter of an Application by)

JOHN J. DELISA)	ON PETITION
420-422 Washington Street)	DETERMINATION
Orange, N. J.,)	

For Relief under the Provisions of)
R.S. 33:1-12.18 (Section 6,)
Chapter 94 of the Laws of 1947).)
-----)

Frank A. Palmieri, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

The petition herein, as amended, recites that John J. Delisa was the holder of Plenary Retail Consumption License C-2, with broad package privileges, issued for the 1949-50 licensing year by the Municipal Board of Alcoholic Beverage Control of the City of Orange for premises at 420-422 Washington Street, Orange, N. J.

The petition further recites that, in February 1950, petitioner vacated the premises at 420-422 Washington Street, Orange, after the owner thereof had made exorbitant demands of petitioner

for a new lease of said premises for a long term and after the owner thereof had refused to repair and clean the premises, with the result that petitioner has been the holder of a license without premises since that time.

The petition further recites that, on April 14, 1950, petitioner withdrew an application which he had filed with the local issuing authority for a transfer of his license to 8a Park Street, Orange, after decision on said application had been reserved by the local issuing authority on February 27, 1950; that, on June 6, 1950, he filed another application to transfer his license to 684a-684b Scotland Road, Orange, which application was denied on June 29, 1950. Our records show that petitioner filed an appeal with the Director from said denial but said appeal has been withdrawn. See order entered today in Delisa v. Orange.

The amended petition recites that, on July 26, 1950, petitioner filed an application with the local issuing authority for a plenary retail consumption license with broad package privileges for premises located at 616-618 Freeman Street, Orange, and that all preliminaries have been completed, including the depositing with the said authority of all requisite fees.

It appears from a certified copy thereof that, on August 1, 1950, the Board of Commissioners of the City of Orange adopted an ordinance to amend Section 1 of an Ordinance entitled "An Ordinance to regulate the sale and distribution of alcoholic beverages and fixing a penalty for violation of the provisions thereof" as follows:

"Section 1: The number of Plenary Retail Consumption licenses issued and outstanding in the City of Orange at the same time shall not exceed fifty (50), and the number of Plenary Retail Distribution licenses issued and outstanding in the City of Orange at the same time shall not exceed twenty (20); provided, however, that the aforesaid limitation shall not prevent the issuance of renewals of both Plenary Retail Consumption licenses and Plenary Retail Distribution licenses to persons holding such licenses at the time this ordinance is adopted; and further, provided, that the aforesaid limitation shall not prevent the transfer of licenses or renewal thereof, according to law.

"Nothing in this section shall be deemed to prevent the issuance of a new license to a person who files application therefor within sixty days following the expiration of the license renewal period if the State Commissioner shall first determine in writing that the applicant's failure to apply for a renewal of his license was due to circumstances beyond his control as provided in R.S. 33:1-12.18 (Section 6, Chapter 94 Laws of 1947)."

Under all the facts and circumstances, I hereby DETERMINE that petitioner's failure to apply for a renewal of his 1949-50 license was due to circumstances beyond his control. The application for a new license at 616-618 Freeman Street, Orange, was filed within sixty days following the expiration of the license renewal period.

In view of my determination under Section 6 of Chap. 94, P.L. 1947, and in the light of the amendment to the ordinance, the Municipal Board of Alcoholic Beverage Control of the City of Orange will have authority (pursuant to R.S. 33:1-19) to grant petitioner's application for a new license when the amendment to the ordinance becomes effective despite the limitation set forth in Section 2, Chap. 94, P.L. 1947.

The determination herein does not mean that the application must be granted. Even where a new license is not prohibited by the State Limitation Law or municipal ordinance, the determination to grant or deny a retail license application rests in the first instance with the municipal issuing authority (R.S. 33:1-19), and a municipal authority's action granting or denying an application is appealable to the State Director pursuant to R.S. 33:1-22.

ERWIN B. HOCK
Director.

Dated: August 10, 1950.

4. APPELLATE DECISIONS - IRVINGTON WONDER BAR, INC. v. IRVINGTON.

IRVINGTON WONDER BAR, INC. (a cor-)
poration), trading as IRVINGTON)
WONDER BAR,)

Appellant,)

-vs-)

BOARD OF COMMISSIONERS OF THE)
TOWN OF IRVINGTON,)

Respondent.)

ON APPEAL
CONCLUSIONS AND ORDER

-----)
Percy H. Penn, Esq., Attorney for Appellant.
Matthew Krafte, Esq., Attorney for Respondent.

BY THE DIRECTOR:

This is an appeal from an alleged denial by the respondent of appellant's application for a renewal of its 1949-50 plenary retail consumption license for premises at 781-783 Lyons Avenue, Irvington.

The petition of appeal alleged that:

"On the 27th day of June, 1950, respondent denied the application for the following stated reasons: Because Bernard Neuhaus, one of the stockholders of said corporation, owning more than 10% of the stock of said corporation was convicted of a number of past crimes, a record of which is attached hereto. Respondent refused to grant approval for renewal and held same up awaiting an opinion from the State Alcoholic Beverage Control Board as to whether or not their action is justified."

Notice of appeal and petition of appeal were filed herein on June 30, 1950. On the same day I entered an order extending the license which appellant then held pending the return of an order to show cause and until further order of the Director. R.S. 33:1-22. The order to show cause was returnable on July 17, 1950, and notice was served on both parties that formal hearing would be held at the same time. The matter was adjourned, however, on application of the parties hereto until July 27, 1950, at which time the matter was heard but no further order has been entered herein to date, and appellant continues to operate under the extension order dated June 30, 1950.

At the hearing held herein respondent contended that no formal action had been taken to deny the application to renew. A certified copy of the minutes taken at the hearing before the respondent and which has been marked in evidence as an exhibit at this hearing, without objection thereto, provides as follows:

"Commissioner Hausmann moved that the application for renewal of the license of the Wonder Bar be held up until certain legal requirements have been fulfilled and an opinion filed, seconded by Commissioner Martin.

"Motion carried by the following votes:

AYS: Commissioners Gutowski, Hausmann, McKenna, Martin, Kruttschnitt.

NO: None."

From said minutes it appears that no formal action to either grant or deny the renewal was taken.

R. S. 33:1-22 provides for an appeal to me from the action of the issuing authority. A careful reading of the record discloses that the respondent took no formal action to either grant or deny the renewal of the license. The difficulty with which I am faced is that there appears to be no action of respondent from which an appeal may be taken. I deem it necessary, therefore, to remand the case to respondent with instructions to adopt a resolution either granting or denying the renewal of the license. Re Babbitt v. Scotch Plains, Bulletin 588, Item 2. These proceedings are distinguished from those in which the failure of the respondent to act on an application within a reasonable time after notice may be considered as a denial of the application. Re Salsburg, Bulletin 118, Item 11.

Accordingly, it is, on this 11th day of August, 1950,

ORDERED that the proceedings herein be and the same are hereby remanded to respondent for the purpose of taking formal action upon the application for renewal of appellant's license. The order dated June 30, 1950 will therefore be vacated, effective immediately.

ERWIN B. HOCK
Director.

5. APPELLATE DECISIONS - VONELLA v. LONG BRANCH.

FRANK VONELLA, trading as)	
CROSSROADS BAR,)	
Appellant,)	
-vs-)	ON APPEAL
BOARD OF COMMISSIONERS OF THE)	CONCLUSIONS AND ORDER
CITY OF LONG BRANCH,)	
Respondent.)	

Quinn, Doremus, McCue & Russell, Esqs., by Vincent J. McCue, Esq.,
Attorneys for Appellant.

Alton V. Evans, Esq., Attorney for Respondent.

BY THE DIRECTOR:

This is an appeal from the action of respondent whereby it suspended appellant's plenary retail consumption license for a period of five days, after it had found appellant guilty of violating a City Ordinance by remaining open during prohibited hours. The premises in question are located at 12 Fourth Avenue, Long Branch.

Upon the filing of the appeal, an order was entered herein, on July 28, 1950, staying the effect of respondent's order of suspension pending a hearing to be held on August 11, 1950 and until further order of the Director. See R.S. 33:1-31.

On August 11, 1950, the attorney for appellant appeared at the time fixed for hearing and advised me in writing that he had been authorized by his client to withdraw the appeal and that he had notified the attorney for respondent that it would be unnecessary for respondent to appear.

No reason appearing to the contrary;

It is, on this 11th day of August, 1950,

ORDERED that the appeal herein be and the same is hereby dismissed; and it is further

ORDERED that the order entered herein on July 28, 1950 be and the same is hereby vacated, effective at 3:00 a.m. August 14, 1950, and that the five-day suspension by respondent of appellant's Plenary Retail Consumption License C-5, for premises at 12 Fourth Avenue, Long Branch, be and the same is hereby restored to commence at 3:00 a.m. August 14, 1950, and to terminate at 3:00 a.m. August 19, 1950.

ERWIN B. HOCK
Director.

6. APPELLATE DECISIONS - VONELLA v. LONG BRANCH (ORDER AMENDING PREVIOUS ORDERS).

FRANK VONELLA, trading as)
CROSSROADS BAR,)
Appellant,)
-vs-)
BOARD OF COMMISSIONERS OF THE)
CITY OF LONG BRANCH,)
Respondent.)

ON APPEAL
O R D E R

On August 11, 1950, orders were entered herein dismissing the appeal and restoring a suspension of appellant's license. In accordance with a statement set forth in the petition of appeal that respondent had originally ordered appellant's premises to be "closed from Monday, July 31, 1950 through Friday, August 4, 1950", the orders provided that the suspension was restored to commence at 3:00 a.m. August 14, 1950, and to terminate at 3:00 a.m. August 19, 1950.

It now appearing from the certification received from the City Clerk of Long Branch that respondent had originally suspended appellant's license for the period commencing July 31, 1950, at 3 o'clock a.m., and terminating Friday, August 4, 1950, at 6:00 p.m.; and

The Director being satisfied that, in fairness to appellant, the period of suspension fixed herein should not exceed the period of suspension originally fixed by respondent in the disciplinary proceedings instituted against appellant,

It is, on this 15th day of August, 1950,

ORDERED that the orders heretofore entered herein be amended by striking out the words "to terminate at 3 a.m. August 19, 1950" and by substituting therefor the words "to terminate at 6 p.m. August 18, 1950."

ERWIN B. HOCK
Director.

By: Edward J. Dorton
Deputy Director.

7. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - SUSPENSION REIMPOSED
UPON AFFIRMANCE OF DIRECTOR'S DECISION BY APPELLATE DIVISION.

In the Matter of Disciplinary)
Proceedings against)

HOTEL TRAYMORE COMPANY)
T/a HOTEL TRAYMORE)
Illinois Avenue & Boardwalk)
Atlantic City, N. J.,)

Holder of Plenary Retail Consump-)
tion License C-185 for the 1949-50)
licensing year, issued by the)
Board of Commissioners of the City)
of Atlantic City, and transferred)
for the same premises during the)
pendency of these proceedings to)

O R D E R

THE TRAYMORE OF ATLANTIC CITY, INC.,)
T/a HOTEL TRAYMORE,)

Holder of Plenary Retail Consumption)
License C-193 for the 1950-51)
licensing year.)
- - - - -)

BY THE DIRECTOR:

On May 23, 1950, the defendant's plenary retail consumption license was suspended for a period of ten days after it had been found guilty of serving alcoholic beverages to a minor. See Bulletin 877, Item 5.

Pending the defendant's appeal to the Superior Court, Appellate Division, the said suspension was held in abeyance. See Bulletin 878, Item 4. On July 27, 1950, the said court affirmed the suspension and dismissed the appeal.

The suspension will, therefore, be now reimposed.

Accordingly, it is, on this 8th day of August, 1950,

ORDERED that Plenary Retail Consumption License C-193, issued by the Board of Commissioners of the City of Atlantic City to The Traymore of Atlantic City, Inc., t/a Hotel Traymore, for the 1950-51 licensing year, for premises Illinois Avenue & Boardwalk, Atlantic City, be and the same is hereby suspended for a period of ten (10) days, commencing at 7:00 a.m. August 14, 1950, and terminating at 7:00 a.m. August 24, 1950.

ERWIN B. HOCK
Director.

8. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES (INDECENT ACTIONS AND LANGUAGE) - HOSTESSES - SALE OF ALCOHOLIC BEVERAGES TO PERSONS ACTUALLY OR APPARENTLY INTOXICATED - DISTURBANCES AND BRAWLS - ALLOWING PREMISES TO BE CONDUCTED AS A NUISANCE - LICENSE SUSPENDED FOR 90 DAYS.

In the Matter of Disciplinary
Proceedings against

CHARLES RAIMONDI & ARTHUR H.
CAPELLI
T/a NEW SHAMROCK
97 Hudson Street
Hoboken, N. J.,

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consump-
tion License C-155 for the 1949-50
and 1950-51 licensing years, issued
by the Board of Commissioners of the
City of Hoboken.

Anthony A. Calandra, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to charges alleging that:

"1. On April 13, 14 and 21, 1950, you allowed, permitted and suffered lewdness and immoral activities in and upon your licensed premises in that you permitted females Cele (or 'Sally') ---, Catherine (or 'Kay') --- and divers other females (names unknown) to engage openly in lewd, suggestive, lascivious, indecent and immoral conduct and conversation in your barroom; in violation of Rule 5 of State Regulations No. 20.

"2. On April 13, 14 and 21, 1950 and on divers days prior thereto, you allowed, permitted and suffered Catherine (or 'Kay') ---, a female employed on your licensed premises, to accept beverages at the expense of and as a gift from customers and patrons; in violation of Rule 22 of State Regulations No. 20.

"3. On April 21, 1950, you sold, served and delivered and allowed, permitted and suffered the service and delivery of alcoholic beverages to one Cele (or 'Sally') ---, a person who was actually or apparently intoxicated and allowed, permitted and suffered the consumption of alcoholic beverages by such person upon your licensed premises; in violation of Rule 1 of State Regulations No. 20.

"4. On April 14, 1950, you sold, served and delivered and allowed, permitted and suffered the service and delivery of alcoholic beverages to two male patrons (names unknown), persons who were actually or apparently intoxicated and allowed, permitted and suffered the consumption of alcoholic beverages by such persons upon your licensed premises; in violation of Rule 1 of State Regulations No. 20.

"5. On April 14, 1950 you allowed, permitted and suffered disturbances and brawls in and upon your licensed premises; in violation of Rule 5 of State Regulations No. 20.

"6. On all the occasions aforesaid, you allowed, permitted and suffered your licensed place of business to be conducted in such manner as to become a nuisance, in that you permitted unescorted females to frequent your licensed premises and to solicit male patrons to purchase numerous drinks of alcoholic beverages for consumption by said females, and otherwise conducted the licensed place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulations No. 20."

The file in the instant case discloses that ABC agents visited defendants' licensed premises on April 13, 14 and 21, 1950. On the three dates aforementioned the ABC agents observed women circulating among and hugging and kissing several of the male patrons. At the times in question, Catherine (also known as Kay), a woman employed on the licensed premises, accepted drinks from various customers. On the evening of April 13, 1950, one of the ABC agents asked "Kay" what she drank and she answered "The bartender knows what I drink, tell him to fill the drinks for me." The ABC agent then asked the bartender what "Kay" drank. In reply the bartender said, "Gin and lemon soda", and thereupon poured out a shot glass of gin and also set up a glass of lemon soda as a "chaser". The ABC agent paid for this drink.

On April 14, 1950, two male patrons got into an argument over a female patron, which resulted in a brawl. The bartender was instrumental in causing the men to leave the licensed premises to settle their differences. A short time thereafter, however, the men re-entered the tavern and took positions at the bar. Suddenly they became engaged in another brawl and the bartender, after separating them, told them to behave themselves. The bartender remarked to the ABC agents that the men were drunk. The ABC agents observed that the two male patrons were actually or apparently intoxicated, but, nevertheless, the patrons purchased alcoholic beverages from the bartender, which beverages were consumed by them upon the licensed premises. Moreover, between the hours of 6:30 and 7:30 p.m. on April 14, 1950, five fights or brawls were observed by the ABC agents in the licensed premises. All the bartender did, with the exception of the brawl aforementioned, was to separate the participants but he made no attempt to eject the men from the licensed premises.

On April 21, 1950, one of the women customers was observed by the ABC agents to be actually or apparently intoxicated. Nevertheless, regardless of her condition, she was permitted to purchase and consume alcoholic beverages. This woman became very boisterous, used foul and indecent language, on several occasions staggered about the room and departed herself in an indecent manner.

It is apparent from the violations committed and permitted on the licensed premises that the premises were conducted in a highly improper manner. The accumulation of violations of such a serious nature might well warrant a revocation of defendants' license. Considering, however, the defendants' previous clear record and the plea entered herein, I shall suspend defendants' license for a period of ninety days.

Although this proceeding was instituted during the 1949-50 licensing period, it does not abate but remains fully effective against the renewal license for the fiscal year 1950-51. State Regulations No. 16.

Accordingly, it is, on this 7th day of August, 1950,

ORDERED that Plenary Retail Consumption License C-155, issued for the 1950-51 licensing year by the Board of Commissioners of the City of Hoboken to Charles Raimondi & Arthur H. Capelli, t/a New Shamrock, for premises 97 Hudson Street, Hoboken, be and the same is hereby suspended for a period of ninety (90) days, commencing at 2:00 a.m. August 16, 1950, and terminating at 2:00 a.m. November 14, 1950.

ERWIN B. HOCK
Director.

9. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

VALDAN CORP.)

T/a SEA BRIGHT YACHT CLUB)

958 Ocean Avenue)

Sea Bright, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-1, issued by the)
Mayor and Council of the Borough)
of Sea Bright.)

J. Stanley Herbert, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that, in violation of Rule 27 of State Regulations No. 20, it possessed two 4/5 quart bottles labeled "Canadian Club Blended Canadian Whisky", which bottles bore labels which did not truly describe their contents.

On July 18, 1950, an investigator of the Division of Alcoholic Beverage Control tested 61 open bottles of alcoholic beverages and seized the two bottles mentioned in the charge when his preliminary test indicated that the contents thereof appeared to be too dark in color. Subsequent analysis by the Division's chemist disclosed that the contents of the seized bottles varied substantially in solids and color from the contents of a genuine bottle of the same product.

The secretary-treasurer of the corporate licensee denied that he had any knowledge that anyone tampered with the contents of the seized bottles. Nevertheless, a licensee is responsible for any "refills" found in its stock of liquor.

Defendant has no prior adjudicated record. I shall suspend its license for a period of fifteen days, less five days for the plea, leaving a net suspension of ten days. See Bulletin 844, Item 7.

Accordingly, it is, on this 6th day of September, 1950,

ORDERED that Plenary Retail Consumption License C-1, issued by the Mayor and Council of the Borough of Sea Bright to Valdan Corp., t/a Sea Bright Yacht Club, for premises 958 Ocean Avenue, Sea Bright, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. September 18, 1950, and terminating at 3:00 a.m. September 28, 1950.

ERWIN B. HOCK
Director.

10. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS, IN VIOLATION OF MUNICIPAL REGULATION - HINDERING INVESTIGATION - PRIOR RECORD - LICENSE SUSPENDED FOR 30 DAYS.

In the Matter of Disciplinary)
Proceedings against)

MOHAWK INN, INC.)
Boardwalk, Lake Mohawk)
Sparta, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-14 for the 1949-50)
and 1950-51 licensing periods,)
issued by the Township Committee)
of the Township of Sparta.)

William Huck, Jr., Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The following charges were preferred against the defendant:

"1. On Sunday, April 23, 1950, between 2:00 A.M. and 2:40 A.M. you sold, served, delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages and permitted the consumption of alcoholic beverages on your licensed premises; in violation of Section 3 of an Ordinance adopted by the Township Committee of the Township of Sparta on June 10, 1947, which prohibits any such activity on Sunday between the hours of 2:00 A.M. and noon.

"2. On the occasion aforesaid, while investigators of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety were conducting an investigation at your licensed premises, you hindered and failed to facilitate such investigation; in violation of R. S. 33:1-35."

Defendant pleaded non vult to the part of charge (1) alleging consumption of alcoholic beverages on the licensed premises, in violation of the local ordinance; not guilty to the remainder of the allegations of charge (1); and not guilty to charge (2).

An ABC agent testified that he and a fellow agent were in the vicinity of defendant's licensed premises at approximately 2:25 a.m. on Sunday, April 23, 1950, at which time he heard voices and muted tones from a juke box emanating from defendant's licensed premises. The witness testified that he walked to a window to the left of the door and peered through a space at the side of the venetian blind which enabled him to see the interior of defendant's premises. He observed eight or ten men, five women and a boy seated at a half-circular bar, and two men, each holding a drink in his hand, standing in a small room which contained some booths. George Young, later identified as the treasurer of the defendant corporate licensee, was tending bar. The ABC agent testified that he saw the bartender on several occasions, when a patron's glass was empty, pick up the glass, walk to the beer tap, return with a full glass, pick up something, walk to the cash register, ring the cash register, walk back to the patron and lay something down. The witness testified that approximately fifteen minutes after his arrival at the licensed premises he tried the door and, finding same locked, rapped lightly. In response thereto, one of the patrons came from the bar, slowly

lifted the blind and asked the agent what he wanted. The agent answered, "I want to get a drink." The man immediately walked back to the bar and spoke to the bartender. As a result thereof, the bartender approached the door, turned on the outside light, lifted the blind and looked out at the agents. The officers identified themselves as ABC agents, placing their credentials against the glass immediately in front of the bartender. The bartender permitted the blind to return to its original position, turned around and said to the patrons, "Hurry everybody, hurry out quickly, ABC officers", and directed them to a stairway which leads upstairs to an ice cream store. About a minute and a half to two minutes thereafter, the bartender walked to the door and, after admonishing the agents to "Take your time, I'll be right there", he opened the door. One of the agents ascended the stairs and found a woman and a man who were each carrying a glass. The other patrons had evidently left the premises. According to the testimony of the witness, there were about fifteen partially-filled glasses on the bar and one that was freshly filled with beer. The bartender said that they were members of a veterans' organization who had come into his establishment at about 12:30 a.m., and that after two o'clock he did not think there was any harm in continuing to serve them drinks because he did not charge for them.

It was stipulated by the attorneys in the instant case that the testimony of the other ABC agent would be substantially the same as that already given by his colleague.

George Young, who was tending bar at the time, testified that he did not realize until three minutes to 2 a.m. that it was approaching the closing hour and that he requested one of the patrons to lock the door. Thereafter, he gave each of the various patrons, approximately seven or eight in number, a "nightcap". After they finished their drink, according to the testimony of the bartender, he started to wash the glasses and constantly urged the patrons present to leave. He denied accepting any money for drinks after the two o'clock closing hour, but testified he made change for various customers on different occasions to be used to play the "bowling machine". The witness further testified that, according to his clock, at 2:25 a.m. he heard a commotion outside the door. Hearing a knock at the door, the witness asked one of the patrons to tell the person or persons seeking to gain admission that the premises were closed. He stated that thereafter, he went to the door and informed the two men on the outside thereof that, since the place was closed, he could not serve any more drinks. As he was walking back to the bar, he heard another rap on the door, at which time the men called out, "This is the ABC". He testified that he returned to the door, opened same, and admitted the ABC agents. In the meantime, according to the testimony of the bartender, all patrons had left the establishment. The bartender denied the accusations of the agents that he instructed the various patrons to leave. The witness admitted, however, that the patrons went out "...in a pretty orderly rushing fashion. In a very fast movement."

William Westholm, one of the patrons, testified that he reminded George Young it was near the closing hour and that, on instructions of the bartender, he turned out the lights and locked the door. He said that about five or ten minutes later when he heard a knock, he went to the door and lifted the shade, at which time he observed two gentlemen. He said he indicated that the place was closed. Westholm testified that he then went back to the bar, told the bartender that he was going upstairs, out through the

restaurant, and down the outside steps "to see who these fellows were and tell them to go on their way". He alleges that between the time he ascended the steps, came out through the soda shop and descended the steps on the outside of the building, the ABC agents had already gained access to the premises.

I am satisfied from the evidence presented herein that the bartender not only permitted alcoholic beverages to be consumed during prohibited hours, but also permitted patrons to purchase various drinks during that time. Moreover, I am also satisfied that when the ABC agents identified themselves to the bartender, the latter endeavored to clear the premises of patrons previous to permitting the agents to gain admittance to the premises.

There is no excusable reason for operating a licensed establishment after the curfew hour and then endeavoring to cover up the illegality by preventing law officers from carrying on a proper investigation.

I find defendant guilty of both charges preferred herein.

Defendant has a previous adjudicated record. Effective October 31, 1949, the license of defendant was suspended for a period of twenty-five days, as a result of possession of illicit liquor and obtaining alcoholic beverages from an unauthorized source. See Bulletin 857, Item 8. Under the circumstances, I shall suspend defendant's license for a period of thirty days.

Although this proceeding was instituted during the 1949-50 licensing period, it does not abate but remains fully effective against the renewal license for the fiscal year 1950-51. State Regulations No. 16.

Accordingly, it is, on this 6th day of September, 1950,

ORDERED that Plenary Retail Consumption License C-14, issued for the 1950-51 licensing period by the Township Committee of the Township of Sparta to Mohawk Inn, Inc., for premises Boardwalk, Lake Mohawk, Sparta, be and the same is hereby suspended for a period of thirty (30) days, commencing at 2:00 a.m. September 13, 1950, and terminating at 2:00 a.m. October 13, 1950.

ERWIN B. HOCK
Director.

11. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

CLARA TRANCHETELLA GROON
T/a VILLAS CAFE
5 & 7 West Delaware Parkway
Lower Township
P.O. Villas, New Jersey,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-
tion License C-13, issued by the
Township Committee of Lower
Township.

A. J. Cafiero, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that she possessed on her licensed premises an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 28 (now Rule 27) of State Regulations No. 20.

On June 12, 1950, an inspector employed by the Alcohol Tax Unit, Internal Revenue Service, Treasury Department, seized on defendant's premises a 4/5 quart bottle labeled "Canadian Club Blended Canadian Whisky" when his field tests indicated that the contents thereof were not genuine as labeled. Subsequent analysis by a Federal chemist disclosed that the contents of the seized bottle varied substantially in solids and color, and to a lesser degree in proof and acids, from the contents of a genuine sample of the same product.

Defendant alleges that, at the time of the seizure, she was absent from the licensed premises because of a serious illness and further alleges that she believes that the contents of the seized bottle were tampered with by an employee who has been discharged. Nevertheless, the licensee is strictly responsible for any "refills" found in her stock of liquor.

Defendant has no prior adjudicated record. I shall, therefore, suspend defendant's license for the minimum period of fifteen days, less five days' remission for the plea, leaving a net suspension of ten days. See Bulletin 883, Item 8.

Accordingly, it is, on this 6th day of September, 1950,

ORDERED that Plenary Retail Consumption License C-13, issued by the Township Committee of Lower Township to Clara Tranchetella Groon, t/a Villas Cafe, for premises 5 & 7 West Delaware Parkway, Lower Township, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. September 18, 1950, and terminating at 3:00 a.m. September 28, 1950.

ERWIN B. HOCK
Director.

12. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS, IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

JULES BERNSTEIN
253 - 12th Avenue
Paterson, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-
tion License C-111, issued by the
Board of Alcoholic Beverage Control
of the City of Paterson.

Charles Turndorf, Esq., Attorney for Defendant-licensee:
Vincent T. Flanagan, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that on August 8, 1950, he sold alcoholic beverages during prohibited hours, in violation of Rule 1 of State Regulations No. 38.

On Tuesday, August 8, 1950, at about 10:30 p.m., Martin Bernstein, who is a son of defendant-licensee and who was then tending bar at defendant's licensed premises, sold a bottle of wine in its original container to an ABC agent for off-premises consumption. Rule 1 of State Regulations No. 38 prohibits such sales of alcoholic beverages after 10:00 p.m. on weekdays.

Defendant has no prior record. Therefore, in the absence of aggravating circumstances, I shall impose the minimum suspension of fifteen days for a violation of this type. Five days will be remitted because of the plea entered herein, leaving a net suspension of ten days. Re Blue Ribbon Cafe, Bulletin 831, Item 8.

Accordingly, it is, on this 6th day of September, 1950,

ORDERED that Plenary Retail Consumption License C-111, issued by the Board of Alcoholic Beverage Control of the City of Paterson to Jules Bernstein, for premises 253 - 12th Avenue, Paterson, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. September 18, 1950, and terminating at 3:00 a.m. September 28, 1950.

ERWIN B. HOCK
Director.

13. STATE LICENSES - NEW APPLICATIONS FILED.

Motor Freight Express, Inc.
550 E. King Street, York, Pennsylvania.

Application for Transportation License filed August 14, 1950.

Cromwell Liquor Corp.
Room 613, 1 Exchange Pl., Jersey City, N. J.

Application for Warehouse Receipts License filed August 18, 1950.

Harry Dvorken
435 W. 5th Avenue, Roselle, N. J.

Application for Warehouse Receipts License filed August 21, 1950.

Flock Brewing Company
601 Franklin Street, Williamsport, Pennsylvania.
Application for Limited Wholesale License filed August 22, 1950.

Nick Tondo and Anthony De Palma
T/a Consumers Ice and Beverage Service
91 Franklin Turnpike, Mahwah, N. J.
Application for State Beverage Distributor's License filed
August 29, 1950.

H. Harvey Company, Ltd.
1225 Mathieson Building, Ten Light St., Baltimore, Maryland.
Application for Plenary Wholesale License filed September 1, 1950.

ERWIN B. HOCK
Director.

14. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED
FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

HANS BENESTAD
T/a HANS BAR & GRILLE
4th Street & Broadway
Barnegat Light, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-
tion License C-1, issued by the
Borough Council of the Borough
of Barnegat Light.

William T. Cahill, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he sold, served and delivered and allowed, permitted and suffered the service and delivery of alcoholic beverages at his licensed premises to minors, in violation of Rule 1 of State Regulations No. 20.

On July 29, 1950, agents of the State Division of Alcoholic Beverage Control observed the sale and delivery of two quart bottles of beer to each of two young men, 18 years of age.

Defendant has no prior adjudicated record. In the absence of aggravating circumstances, I shall suspend the license for ten days. Cf. Re Dolan & Reininger, Bulletin 777, Item 7. Remitting five days for the plea will leave a net suspension of five days.

Accordingly, it is, on this 6th day of September, 1950,

ORDERED that Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Barnegat Light to Hans Benestad, t/a Hans Bar & Grille, for premises 4th Street and Broadway, Barnegat Light, be and the same is hereby suspended for a period of five (5) days, commencing at 2:00 a.m. September 18, 1950, and terminating at 2:00 a.m. September 23, 1950.

Erwin B. Hock
Director.