

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

BULLETIN 1104

MARCH 27, 1956.

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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 1104

MARCH 27, 1956

1. DISCIPLINARY PROCEEDINGS - CLUB LICENSEE - GAMBLING -
LOTTERY - CHARGE ALLEGING SALE TO NON-MEMBERS, DISMISSED -
MISLABELED BEER TAP - PRIOR RECORD - LICENSE SUSPENDED FOR
30 DAYS.

In the Matter of Disciplinary Proceedings against)

TWELVE ACES SOCIAL CLUB, INC.)
289 Oak Street)
Passaic, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Club License CB-14, issued by the Board of Commissioners of the City of Passaic.)

-----)
Nicholas Martini, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded not guilty to the following charges (as amended):

"1. On September 30 and October 3, 1955, you allowed, permitted and suffered gambling, viz., the making and accepting of bets in a lottery commonly known as the 'numbers game' in and upon your licensed premises; in violation of Rule 7 of State Regulations No. 20.

"2. On September 30 and October 3, 1955, you allowed, permitted and suffered tickets and participation rights in a lottery commonly known as the 'numbers game' to be sold and offered for sale in and upon your licensed premises; in violation of Rule 6 of State Regulations No. 20.

"3. On October 3, 1955, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to a person not a bona fide member of your club or a bona fide guest of any such member; in violation of Rule 8 of State Regulations No. 7."

At the hearing held herein an ABC agent testified that he entered defendant's licensed premises on September 30, 1955, at about 1:15 p.m.; that four or five persons were then in the premises; that no one was tending bar; that he observed one Elijah McLain, Jr., taking number bets from other persons, and that thereupon he placed a 25¢ bet on the number "315" with McLain.

The same ABC agent testified that he again entered defendant's licensed premises on October 3, 1955, at about 12:45 p.m., at which time four persons, including McLain, were present and one Henry Johnson was tending bar. The agent testified that he observed McLain openly taking bets on numbers from other persons, and that thereupon he gave to McLain two marked \$1.00 bills as a 25¢ play on each of eight different numbers. The testimony presented by the Division indicates that McLain left the licensed premises and walked to a table

shop where he was apprehended by other ABC agents who found the marked money in his possession.

On behalf of defendant, Elijah McLain, Jr. admitted that he was in defendant's licensed premises on both of the dates heretofore mentioned, but denied that he took bets on numbers on either of these occasions. William F. Walker, a member of the club, testified that on October 3, 1955, McLain was merely collecting from members money which they owed for tickets purchased for a dance conducted by the club. Willie Tremble, president of defendant club, testified that he was not present when the ABC agent visited the club on the dates hereinabove set forth, but that he had instructed the bartenders and all members that no gambling would be permitted on the premises.

After considering the evidence herein and the oral argument in this case, I conclude that defendant is guilty as to Charges 1 and 2, and I so find.

The evidence presented as to Charge 3 concerns the sale of a bottle of beer to one George Carter while the ABC agent was in the premises on October 3, 1955. The sale is admitted but it is contended that Carter was and is a bona fide member of the club. The evidence as to membership is not too clear but I shall give defendant the benefit of the doubt as to his membership. I find defendant not guilty as to Charge 3.

Defendant has pleaded non vult to the following charge:

"4. On October 3, 1955, you allowed, permitted and suffered a tap on your licensed premises to be connected with a barrel of a malt alcoholic beverage, which tap did not bear a marker which truly indicated the name or brand of the manufacturer of such malt alcoholic beverage, in that a tap bearing a 'Krueger' marker was connected to a barrel of Schaefer beer; in violation of Rule 26 of State Regulations No. 20."

As to Charge 4: The file herein discloses that, during the course of the investigation, ABC agents found in the cellar a half-barrel of Schaefer beer which was connected to a tap at the club bar bearing the words "Krueger beer."

Defendant has a prior record. Effective October 6, 1947, its license was cancelled because it had been issued contrary to Rule 4 of State Regulations No. 7, and in the same proceeding defendant pleaded guilty to a charge of selling alcoholic beverages to non-members (Re Twelve Aces Social Club, Bulletin 780, Item 1). Effective June 13, 1953, its license was suspended by the local issuing authorities for a period of three days for selling alcoholic beverages to non-members. The minimum penalty imposed for violations similar to those set forth in Charges 1 and 2 and committed prior to January 16, 1956, consisted of a suspension of the license for a period of twenty days (Re Conklin, Bulletin 1086, Item 4). Prior to the announcement made in Re Monahan, Bulletin 1097, Item 8 (decided January 9, 1956) the minimum penalty imposed for a violation similar to that set forth in Charge 4 consisted of a suspension for a period of five days. Considering all the circumstances, including the plea entered as to said charge, I shall suspend defendant's license for an additional period of five days because of the violation set forth in Charge 4. The prior record discloses a dissimilar violation committed within the past

five years and another dissimilar violation committed more than five years ago. Under all the circumstances of this case I shall suspend defendant's license for a total period of thirty days.

Accordingly, it is, on this 27th day of February, 1956,

ORDERED that Club License CB-14, issued by the Board of Commissioners of the City of Passaic to Twelve Aces Social Club, Inc., for premises 289 Oak Street, Passaic, be and the same is hereby suspended for thirty (30) days, commencing at 3:00 a.m. March 5, 1956, and terminating at 3:00 a.m. April 4, 1956.

WILLIAM HOWE DAVIS
Director.

2. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - AGGRAVATED CIRCUMSTANCES - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
ITALIAN CIRCLE OF PATERSON, INC.
369 Market Street
Paterson 3, N. J.,
Holder of Plenary Retail Consumption License C-279, issued by the Board of Alcoholic Beverage Control for the City of Paterson.

CONCLUSIONS
AND ORDER

Bruno L. Leopizzi, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleads non vult to the following charge:

"On or about October 29, November 1 and 9, 1955 and on divers other days between November 14, 1953 and November 14, 1955, you sold at retail numerous bottles of various brands of alcoholic beverages at less than the price thereof listed in the then currently effective Minimum Resale Price List published by the Director of the Division of Alcoholic Beverage Control; in violation of Rule 5 of State Regulations No. 30."

The file herein discloses that on October 29, 1955, James G. Lacava, president of defendant corporate-licensee, purchased from defendant quantities of assorted brands of liquor, viz., 3 cases Four Roses Blended Whiskey; 6 1/5-bottles of Ballantine's Scotch Whisky and 6 1/5-bottles of Haig & Haig Five Star Scotch Whisky for the price of \$237.80, whereas the aggregate minimum consumer resale price of the liquor in question, as listed in the Minimum Consumer Resale Price List effective October 1, 1955, was \$279.96. Thus, the price at which said liquor was sold was \$42.16 less than the minimum price. The file further discloses that on or about November 1, 1955, a member of the defendant club purchased a 22-ounce bottle of Marsala Sweet (White Label) Wine for \$1.50, whereas the minimum resale price at the time was

\$1.89. Furthermore, the file sets forth that on November 9, 1955 a member of defendant club purchased 1 quart bottle Gordon's Distilled London Dry Gin for \$4.25, the minimum resale price being \$4.96, and 1 case Four Roses Blended Whiskey for \$58.40, the minimum resale price being \$68.40. Vincent Crocitto, secretary of defendant club, admitted that members of the club had purchased liquor in original containers over a period of two years at prices less than the minimum resale prices thereof.

Defendant has no prior adjudicated record. It is apparent that circumstances are present which aggravate the violation herein charged. Vincent Crocitto, hereinbefore mentioned, in a signed statement on behalf of defendant, explained "that the club officers thought that they were doing the proper thing by adding 5% to case lots and 10% to bottle sales in view of the discounts allowed in the book. I would also like to point out that we have not tried to conceal anything; we have been entirely truthful with you and we cooperated to the fullest extent."

I am satisfied that the violations committed resulted from ignorance of the Rules and Regulations of the Division rather than from a deliberate intent on the part of the officers of the defendant club to violate the law. Regardless, the number of violations and the long period of time over which they occurred warrants the imposition of more than the minimum penalty. Under the circumstances, I shall suspend defendant's license for twenty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 20th day of February, 1956,

ORDERED that Plenary Retail Consumption License C-279, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Italian Circle of Paterson, Inc., 369 Market Street, Paterson, be and the same is hereby suspended for a period of twenty (20) days, commencing at 3:00 a.m. February 28, 1956, and terminating at 3:00 a.m. March 19, 1956.

WILLIAM HOWE DAVIS
Director.

3. DISCIPLINARY PROCEEDINGS - FALSE ANSWERS IN APPLICATION FOR LICENSE AS TO OWNERSHIP AND POSSESSION OF PREMISES - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

WILLIAM VASSLIDES)
18 South Tennessee Avenue)
Atlantic City, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-184, issued by the Board of Commissioners of the City of Atlantic City.)

Joseph Bernard Kauffman, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

On December 14, 1955, a copy of the charge hereinafter set forth was mailed to defendant by letter addressed to him at the licensed premises and attached to said charge was a notice that, on a date therein fixed, defendant would be afforded an opportunity to be heard on said charge and to show cause why his license should not be suspended or revoked. The charge reads as follows:

"In your application dated August 5, 1955, filed with the Atlantic City Board of Commissioners, upon which you obtained your current plenary retail consumption license, you falsely stated 'Yes' in answer to Question 8, which asks: 'Does applicant own premises to be licensed?', whereas in truth and fact you did not own the premises and did not have any right to possession thereof; said false statement being in violation of R. S. 33:1-25."

On February 2, 1956, the attorney for defendant sent to the Division a letter wherein he entered a plea of non vult to the charge and set forth alleged mitigating circumstances.

The file herein discloses that Rex Italian Restaurant, Inc., t/a Rex Italian Restaurant, obtained a renewal for the 1955-56 licensing year of the license it previously held for the premises in question. In its application for renewal it set forth that "the ground floor of premises and rear room on second floor" would constitute the licensed premises and that it had leased or rented said premises from "Dimitrios Vawslides." On August 5, 1955, defendant herein filed with the Board of Commissioners of Atlantic City an application to transfer said license to him. In his application for transfer he described the licensed premises in the same manner set forth in the application for renewal and answered Question 8 in the application as follows:

"8. Does applicant own premises to be licensed? Yes."

The application for transfer was granted by the Board of Commissioners on August 18, 1955.

During the investigation herein defendant, on September 14, 1955, gave to an ABC agent a statement setting forth that his father (Dimitrios Vasslides) owns the premises known as

18 South Tennessee Avenue; that at the time of the transfer he paid a sum of money to Rex Italian Restaurant, Inc. to enable it to pay off its debts to his father; that he has no intention of operating under the license at the present time; that he intends to get possession of the licensed premises when the lease held by Rex Italian Restaurant, Inc. expires in 1958 or before that time if it defaults in payment of rent as provided in his father's lease. It appears that the lessee is still in possession under its lease and is operating an unlicensed restaurant at said premises.

There is no doubt that defendant is guilty as charged. The difficulty in this case is deeper but is not within the scope of the present charge. It is fundamental that a licensee must be in possession and control of his licensed premises. Here it would appear that defendant was not in possession and control of the premises at the time the license was transferred to him and is not in possession and control of said premises at the present time. Unless this illegal situation is corrected within ninety days, I shall consider the advisability of instituting proceedings to set aside the transfer upon the ground that it was improvidently granted.

Defendant has no prior record. I shall suspend his license in the present case for a period of ten days (Re Hutchins, Bulletin 796, Item 6). Five days will be remitted for the plea, leaving a net suspension of five days. Since no one is operating under the license at present, no effective penalty can be imposed at this time. The effective dates for the suspension will be fixed by a further order.

Accordingly, it is, on this 21st day of February, 1956,

ORDERED that Plenary Retail Consumption License C-184, issued by the Board of Commissioners of the City of Atlantic City to William Vasslides, for premises 18 South Tennessee Avenue, Atlantic City, be and the same is hereby suspended for five (5) days, the time to be fixed by further order as aforesaid.

WILLIAM HOWE DAVIS
Director.

4. DISCIPLINARY PROCEEDINGS - EFFECTIVE DATE OF SUSPENSION POSTPONED.

In the Matter of Disciplinary Proceedings against

ITALIAN CIRCLE OF PATERSON, INC.
369 Market Street
Paterson 3, N. J.,

ON PETITION
O R D E R

Holder of Plenary Retail Consumption License C-279, issued by the Board of Alcoholic Beverage Control for the City of Paterson.

Bruno L. Leopizzi, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

An order having been entered herein on February 20, 1956, suspending defendant's license for a period of twenty days commencing at 3:00 a.m. February 28, 1956, and terminating at 3:00 a.m. March 19, 1956, and

It appearing from a verified petition filed herein that, prior to the entry of said order, arrangements had been made to hold a dinner on defendant's licensed premises on February 28, 1956, and that approximately one hundred tickets have been sold for said dinner, and

It thus appearing to my satisfaction that numerous innocent persons would be inconvenienced by the suspension of the license on February 28, 1956,

It is, on this 27th day of February, 1956,

ORDERED that the suspension of twenty days heretofore imposed in this proceeding, instead of commencing at 3:00 a.m. February 28, 1956, shall, in lieu thereof, commence at 3:00 a.m. February 29, 1956, and terminate at 3:00 a.m. March 20, 1956.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - CHARGE ALLEGING SALE OF ALCOHOLIC BEVERAGES TO MINORS, DISMISSED.

In the Matter of Disciplinary Proceedings against
MICHAEL DOOLAN, EDWARD GALLAGHER &
EDWARD ZUKOWSKI
T/a VILLAGE BARN
700 State Highway
Spring Lake Heights
PO Spring Lake, N. J.,
Holders of Plenary Retail Consumption License C-7, issued by the Borough Council of the Borough of Spring Lake Heights.

CONCLUSIONS
AND ORDER

Vincent T. Dee, Esq., by John J. Meehan, Esq., Attorney for Defendant-licensees.
Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded not guilty to a charge alleging that on August 6, 1955, they sold, served and delivered alcoholic beverages to two minors, ages 19 and 20, and permitted the consumption of such beverages by said minors in and upon their licensed premises, in violation of Rule 1 of State Regulations No. 20.

At the hearing herein, Peter --- (age 20), testified that at about 11:15 p.m., August 6, 1955, he, Donald --- (age 19), and an adult companion entered defendant's licensed premises through a side door; that each proceeded in a different direction to the bar therein; that he was served a bottle of Schlitz beer by a bartender who made no inquiry as to his age; and that he consumed the beer and remained on the premises for over an hour. Peter described in detail the physical characteristics of the interior of the licensed premises and estimated that there were more than 200 people in the barroom. John Lemon, the adult companion, corroborated Peter's testimony respecting the means by which they entered the licensed premises, the

time they entered, the physical characteristics of the interior of the premises, and the approximate number of people in the barroom. When questioned as to where he went after he entered the premises, he said, "I saw some people that I knew and I went directly over and started talking to them." He did not testify that he observed the service of the beer to or the consumption of the beer by Peter.

Two ABC agents testified that Peter and Donald directed them to the licensed premises on August 16, 1955 and pointed it out as the place wherein they had been served alcoholic beverages on Saturday evening, August 6, 1955. The agents further testified that the minors were unable to identify any of the employees on the premises as the person who had served them.

Donald was not amenable to subpoena and did not appear at the hearing. On motion of defendants' counsel, the Hearer dismissed that portion of the charge which related to the sale, service and delivery of an alcoholic beverage to and the consumption of such beverage by Donald.

Defendant Doolan testified that he was in the licensed premises on the evening in question; that Peter sought to enter the premises with a bottle of Schlitz beer in his hand; that he turned him away; that Peter returned about 45 minutes later and asked if he (Peter) could talk to a friend at the bar; that he escorted Peter to the bar and remained with him while he conversed with the friend and then ushered him out. Doolan denied that Peter was served an alcoholic beverage on the licensed premises and denied that there was Schlitz beer served on the premises on the date alleged. He further stated that because of scaffolding erected against the outside of the side entrance and bags of cement piled five-high against the door of that entrance, it would have been impossible for anyone to have entered by that means since the door swings outward and can be opened only from within the building. The other two defendants denied seeing or serving Peter or his companions on the licensed premises and one of the two testified that Schlitz beer was "probably" sold at the bar on the night of August 6, 1955.

The charge herein is serious and the evidence in support thereof must be clear and convincing. While there is some evidence in the record which gives rise to a grave suspicion that the defendants or their employees did commit the violation charged, such suspicion is not a proper substitute for proof. The uncorroborated testimony of the minor Peter respecting the service to and consumption by him of an alcoholic beverage on the licensed premises falls short of establishing the proof required to sustain the finding of guilt and, accordingly, the charge herein must be dismissed. Re Freddie's Tavern, Inc., Bulletin 1033, Item 8.

Accordingly, it is, on this 20th day of February, 1956,

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

WILLIAM HOWE DAVIS
Director.

6. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

COOPERATIVE FAMILY ASSN. OF NORTH NEWARK
853 Summer Avenue
Newark 4, N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-748, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

Cooperative Family Assn. of North Newark, Defendant-licensee,
by Miguel Bordone, President.
Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to charges alleging that (1) it sold during prohibited hours an alcoholic beverage in its original container for off-premises consumption, in violation of Rule 1 of State Regulations No. 38, and (2) it sold an alcoholic beverage at less than the price listed in the Minimum Consumer Resale Price List then in effect, in violation of Rule 5 of State Regulations No. 30.

On January 27, 1956, at about 10:55 p.m., defendant's bartender sold, in the licensed premises, to an ABC agent a half-gallon of Cattani Home Made Type Zinfandel Wine for \$1.35. The agent left the premises with the wine and returned immediately with another agent who had joined him outside the premises. The agents disclosed their identities to the bartender, to the manager of the premises and to the president of the corporate-licensee. The agents called the attention of these men to the sale of the wine in violation of the regulations of this Division. The bartender, in the presence of the aforesaid manager and president, admitted that he sold to the agent the wine at the price and time aforementioned. The minimum resale price then in effect for the item in question was \$1.38.

Defendant has no prior adjudicated record. I shall suspend its license for twenty-five days and remit five days for the plea entered herein, leaving a net suspension of twenty days. Re Furnari, Bulletin 1097, Item 2.

Accordingly, it is, on this 20th day of February, 1956,

ORDERED that Plenary Retail Consumption License C-748, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Cooperative Family Assn. of North Newark, for premises 853 Summer Avenue, Newark, be and the same is hereby suspended for a period of twenty (20) days, commencing at 2:00 a.m. February 28, 1956, and terminating at 2:00 a.m. March 19, 1956.

WILLIAM HOWE DAVIS
Director.

7. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

NELLIE PAWLUS)
T/a CLUB ERIE)
200 Erie Street)
Elizabeth 1, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-142, issued by the Municipal Board of Alcoholic Beverage Control of the City of Elizabeth.)

Nellie Pawlus, Defendant-licensee, Pro se.
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 alcoholic beverages in bottles bearing labels which did not truly describe the contents therein, in violation of Rule 27 of State Regulations No. 20.

The file herein discloses that on January 5, 1956, ABC agents making a routine inspection of defendant's licensed premises tested and gauged 25 open bottles of assorted brands of liquor among which they found three bottles, the contents of which appeared to be low in proof. The agents seized the three bottles and submitted them to the Division's chemist for an analysis. The chemist's report shows two of the brands to be "too high in solids" and the other 1.8 proof short when compared with samples of the genuine products.

Defendant has no prior adjudicated record. I shall suspend her license for the minimum period of twenty days and remit five days for the plea entered herein, leaving a net suspension of fifteen days. Re Greenbrook Country Club, Inc., Bulletin 944, Item 5.

Accordingly, it is, on this 20th day of February, 1956,

ORDERED that Plenary Retail Consumption License C-142, issued by the Municipal Board of Alcoholic Beverage Control of the City of Elizabeth to Nellie Pawlus, t/a Club Erie, 200 Erie Street, Elizabeth, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 2:00 a.m. February 27, 1956, and terminating at 2:00 a.m. March 13, 1956.

WILLIAM HOWE DAVIS
Director.

8. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ANNA & IRVING LEVINE)
T/a JACK & JILL BAR AND RESTAURANT)
103-5 Jefferson Avenue)
Elizabeth 4, N. J.,)

CONCLUSIONS AND ORDER

-----)
Holders of Plenary Retail Consumption License C-228, issued by the Municipal Board of Alcoholic Beverage Control of the City of Elizabeth.)

Epstein, Epstein & Brown, Esqs., by Milton A. Epstein, Esq., Attorneys for Defendant-licensees.)
Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.)

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge alleging that they sold alcoholic beverages at less than the price listed in the Minimum Consumer Resale Price List then in effect, in violation of Rule 5 of State Regulations No. 30.

The file herein discloses that on or about December 23, 1955, defendants sold to a business firm 3 - 4/5 quarts of "Schenley Reserve Blended Whiskey" and accepted in payment a check in the amount of \$12.00. The minimum consumer resale price then in effect for each 4/5 quart was \$4.49 or \$13.47 for the three items. Irving Levine, one of the licensees herein, admitted the aforesaid sale at the reduced price.

Defendants have no prior adjudicated record. I shall suspend their license for the minimum period of ten days and remit five days for the plea entered herein, leaving a net suspension of five days. Re Holiday Liquors, Inc., Bulletin 1090, Item 11.

Accordingly, it is, on this 27th day of February, 1956,

ORDERED that Plenary Retail Consumption License C-228, issued by the Municipal Board of Alcoholic Beverage Control of the City of Elizabeth, to Anna & Irving Levine, t/a Jack & Jill Bar and Restaurant, 103-5 Jefferson Avenue, Elizabeth, be and the same is hereby suspended for a period of five (5) days, commencing at 2:00 a.m. March 5, 1956, and terminating at 2:00 a.m. March 10, 1956.

WILLIAM HOWE DAVIS
Director.

9. DISCIPLINARY PROCEEDINGS - ALLOWING INDECENT ARTICLES ON LICENSED PREMISES. - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

FRANK F. MAYO & GRACE A. MAYO)
T/a MAYO'S HALFWAY HOUSE)
State Highway Route #72)
Woodland Township)
PO RFD Vincentown, N. J.,)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Woodland.)

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

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge alleging that they permitted lewd and indecent articles in and upon their licensed premises, in violation of Rule 17 of State Regulations No. 20.

The file herein discloses that on January 9, 1956, an ABC agent investigating a specific complaint visited defendants' licensed premises wherein he requested and obtained from one of the licensees several seemingly innocuous rubber figures labeled "Bubbling Boy" and "Mermaid Doll" which, when compressed, displaced some of their raiment and activated the parts thus exposed. Novelties of this type have no place on licensed premises. Re Deaver, Bulletin 1096, Item 5.

Defendants have no prior adjudicated record. I shall suspend their license for ten days and remit five days for the plea entered herein, leaving a net suspension of five days. Re Eggimann, Bulletin 1016, Item 9.

Accordingly, it is, on this 2nd day of March, 1956,

ORDERED that Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Woodland to Frank F. Mayo & Grace A. Mayo, t/a Mayo's Halfway House, State Highway Route #72, Woodland Township, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. March 12, 1956, and terminating at 2:00 a.m. March 17, 1956.

WILLIAM HOWE DAVIS
Director.

10. AUTOMATIC SUSPENSION - LICENSE PREVIOUSLY SUSPENDED BY DIRECTOR - APPLICATION TO LIFT GRANTED.

In the Matter of a Petition by)

AARON GELFAND)

T/a GUS'S DELICATESSEN)

91 West Hanover Avenue)

Morris Plains, N. J.,)

ON PETITION
O R D E R

To Lift the Automatic Suspension)

of Plenary Retail Distribution)

License D-1 issued by the Borough)

Council of the Borough of Morris)

Plains.)

-----)

Edward F. Broderick, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

It appears from a verified petition herein that on February 17, 1956, petitioner, Aaron Gelfand, was fined \$100.00 in the Morris County Criminal Court after he pleaded non vult to a charge of selling alcoholic beverages to a minor, in violation of R. S. 33:1-77. Said conviction has resulted in the automatic suspension of his license for the balance of its term. R. S. 33:1-31.1. The petition requests the lifting of said suspension.

By order dated February 14, 1956, I suspended the license for a period of fifteen days (less five for the plea) after the licensee pleaded non vult in disciplinary proceedings to a charge alleging that he sold alcoholic beverages to a minor. Said suspension was effective from 9:00 a.m. February 20, 1956, to 9:00 a.m. March 1, 1956.

The conviction in the criminal proceedings and the charge in the disciplinary proceedings were based upon the same facts. Since the suspension heretofore imposed is adequate, the relief sought herein will be granted.

Accordingly, it is, on this 2nd day of March, 1956,

ORDERED that the automatic suspension of Plenary Retail Distribution License D-1, issued by the Borough Council of the Borough of Morris Plains to Aaron Gelfand, t/a Gus's Delicatessen, for premises 91 West Hanover Avenue, Morris Plains, be and the same is hereby lifted and said license is restored to full force and operation, effective immediately.

WILLIAM HOWE DAVIS
Director.

11. DISCIPLINARY PROCEEDINGS - GAMBLING - PRIOR RECORD - INCREASED PENALTIES - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ARTHUR P. WARREN
T/a WARREN'S BAR & GRILL
Bloomfield Avenue
Montville Township
PO Pine Brook, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-4, issued by the Township Committee of the Township of Montville.

Arthur P. Warren, Defendant-licensee, Pro se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charge:

"On January 13, 14, 20 and 21, 1956, you allowed, permitted and suffered gambling, viz., the making and accepting of horse race bets in and upon your licensed premises; in violation of Rule 7 of State Regulations No. 20."

The file herein discloses that on the several dates specified in the above charge, an ABC agent visited defendant's licensed premises wherein he observed horse race betting in progress. On the first date the agent contributed \$2.50 as his share of a partnership bet with the bartender "Floyd" who phoned it and another bet made with him by the agent to an undisclosed person. On the second date, "Floyd" paid the agent his winnings on horses played the previous day and accepted another horse bet from the agent which he again transmitted by phone. Shortly thereafter, a person called "Hagel" who, "Floyd" informed the agent, was the "pick-up" man, entered the premises and went with "Floyd" and a patron called "Dale" into the kitchen to "straighten things out." Upon their return to the barroom, "Dale" conversed with other patrons and made numerous trips to the phone booth. On the third date "Floyd" accepted and transmitted another bet for the agent. On the fourth and last date, the agent in the presence of the licensee made a horse bet with "Hagel," handing him \$6.00 in marked money and a slip of paper indicating the name of his horse and the manner in which the bet was to be played. Thereafter, by prearranged signal, county and local police entered the licensed premises and the agent pointed out "Hagel" upon whose person was found the marked money, horse bet slips and other gambling essentials which were seized for evidential purposes.

Defendant has a prior adjudicated record. Effective January 21, 1955, his license was suspended for twenty days by this Division for sales to minors and sales during prohibited hours. Re Warren, Bulletin 1048, Item 4. Until recently, a twenty-day suspension was usually imposed for a first offense of the nature charged herein wherein the licensee or employee participated in the infraction. Re Dakos, Bulletin 1095, Item 10. However, on January 16, 1956, I announced that the penalty in such cases would be increased by five days. Re Increased Penalties, Bulletin 1095, Item 1. Since the instant case involves commercialized gambling which occurred on January 20th

and 21st, after my announcement, and because of a prior dissimilar violation which occurred within a five-year period, I shall suspend defendant's license for thirty days and remit five days for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 27th day of February, 1956,

ORDERED that Plenary Retail Consumption License C-4, issued by the Township Committee of the Township of Montville to Arthur P. Warren, t/a Warren's Bar & Grill, Bloomfield Avenue, Montville Township, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 2:00 a.m. March 5, 1956, and terminating at 2:00 a.m. March 30, 1956.

WILLIAM HOWE DAVIS
Director.

12. AUTOMATIC SUSPENSION - SELLING ALCOHOLIC BEVERAGES TO MINORS - LICENSE SUSPENDED BY LOCAL ISSUING AUTHORITY - SUSPENSION LIFTED.

In the Matter of a Petition by)

JAMES MENZEL)
T/a FISHERMAN'S INN)
528 West Montgomery Avenue)
Wildwood, N. J.,)

ON PETITION
O R D E R

To Lift the Automatic Suspension)
of Plenary Retail Consumption License)
C-13, issued by the Board of Commis-)
sioners of the City of Wildwood.)

George B. Francis, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

It appears from a verified petition filed herein that on January 27, 1956, petitioner was convicted in the Cape May County Court on a charge of selling alcoholic beverages to a minor, in violation of R. S. 33:1-77, after he had pleaded non vult to said charge and, as a result, was sentenced to pay a fine of \$200.00. Said conviction resulted in the automatic suspension for the balance of its term of the license then held by petitioner. R. S. 33:1-31.1. Petitioner's license certificate was picked up by ABC agents on March 2, 1956.

It further appears from the petition and from the records of this Division that, in disciplinary proceedings instituted by the Board of Commissioners of the City of Wildwood, petitioner pleaded nolo contendere to a charge of selling alcoholic beverages to a minor seventeen years of age and that, as a result thereof, said Board suspended his license for a period of twenty days (less five for the plea) commencing April 29, 1955, and terminating May 14, 1955.

The conviction in the criminal proceedings and the charge in the disciplinary proceedings were based upon the same facts. Since the suspension imposed by the Board of Commissioners in the disciplinary proceedings appears to be adequate, the petitioner's request for the lifting of the automatic suspension of his license will be granted.

Accordingly, it is, on this 6th day of March, 1956,

ORDERED that the automatic suspension of License C-13, held by James Menzel, t/a Fisherman's Inn, for premises 528 West Montgomery Avenue, Wildwood, be and the same is hereby lifted and said license is restored to full force and operation, effective immediately.

WILLIAM HOWE DAVIS
Director.

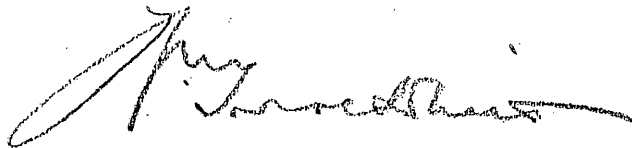
13. STATE LICENSES - NEW APPLICATIONS FILED.

Nucera Beverage Transportation Co., Inc.
51 Carmen Avenue - Basement
Bordentown Township, N.J.

Application filed March 20, 1956 for Transportation License.

M & L Motor Lines, Inc.
137 Harvard Avenue
Stamford, Conn.

Application filed March 21, 1956 for transfer of Transportation License T-126 from Mary E. Angenola, t/a M & L Motor Lines, 137 Harvard Avenue, Stamford, Conn.



William Howe Davis
Director.