

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

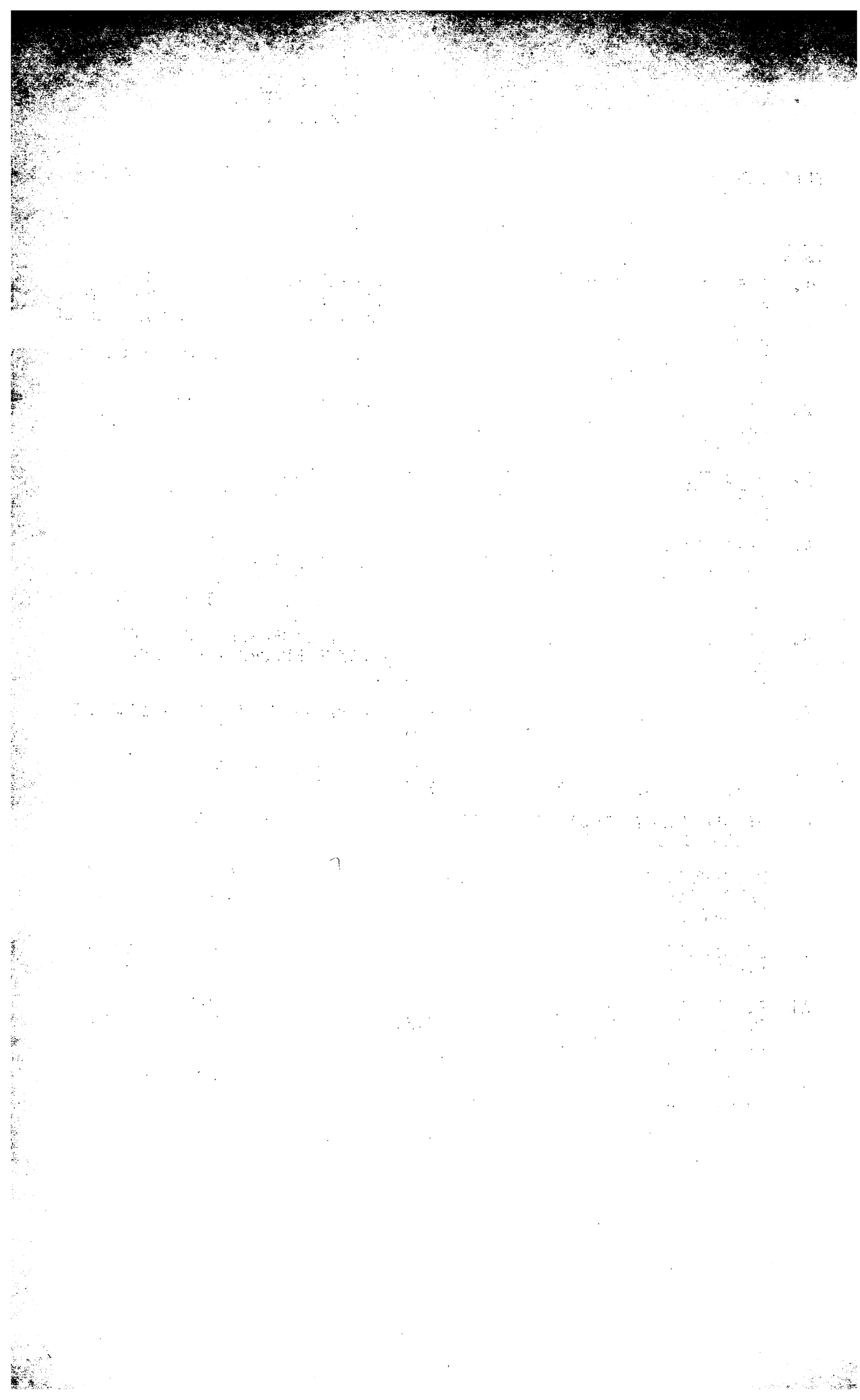
BULLETIN 896

FEBRUARY 5, 1951.

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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 896

FEBRUARY 5, 1951.

1. DISCIPLINARY PROCEEDINGS - FALSE STATEMENT IN APPLICATION - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF A LICENSE - PRIOR RECORD OF STOCKHOLDER OF DEFENDANT CORPORATION - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO APPLY TO LIFT SUSPENSION AFTER 35 DAYS IF ILLEGAL SITUATION CORRECTED.

In the Matter of Disciplinary Proceedings against)

CLUB TRIO INC.)
 Highway 26)
 South Brunswick)
 P. O. Monmouth Junction, N. J.,)

CONCLUSIONS
 AND
 ORDER

Holder of Plenary Retail Consumption License C-5, issued to Joseph Ortepio & Chas. Helfin, and transferred on October 2, 1950 to Club Trio Inc., by the Township Committee of the Township of South Brunswick.)
 - - - - -)

William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has entered a plea of non vult to the following charges:

- "1. In your application dated September 19, 1950, filed with the South Brunswick Township Committee, upon which you obtained your current plenary retail consumption license, you, after listing your stockholders in answer to Question 22 as Joseph E. Ortepio (5 shares or 33-1/3%) and Thomas Carlino (10 shares or 66-2/3%), falsely stated 'No' in answer to Question 23, which asks 'Has any ---- individual other than the stockholders hereinbefore set forth any beneficial interest, directly or indirectly, in the stock held by said stockholders?', whereas in truth and fact Anthony M. Bentivegna was the real and beneficial owner of half of the shares held by Carlino; said false statement being in violation of R. S. 33:1-25.

- "2. From on or about October 6, 1950 until the present time you knowingly aided and abetted Anthony M. Bentivegna to exercise, contrary to R. S. 33:1-26, the rights and privileges of your plenary retail consumption license; thereby yourself violating R. S. 33:1-52."

The file herein discloses that defendant-licensee was incorporated on September 20, 1950, and that it issued five shares of common stock without par value to Joseph E. Ortepio and ten shares of common stock without par value to Thomas Carlino. No other stock was issued and no change has been made to date in the number of shares issued to each of the above mentioned individuals.

The business was formerly conducted by Joseph Ortepio and Chas. Helfin, but the latter has no interest in defendant corporation. Joseph Ortepio agreed to turn over all his right, title and interest in the licensed business to Club Trio Inc. in exchange for the five shares of its stock which were issued to him. However, it is admitted by the shareholders that Anthony M. Bentivegna is the beneficial owner of five of the ten shares in the name of Thomas Carlino. Apparently the ten shares were so issued because at that time Anthony Bentivegna resided in Brooklyn, New York, and was not eligible to hold more than ten per cent. of the stock of defendant corporation. R. S. 33:1-25. Hence, defendant is guilty as charged.

To date the situation remains unchanged and, under the circumstances, I have no alternative except to suspend the license for the balance of its term.

Defendant has no prior record. However, on September 19, 1949, the license then held by Joseph Ortepio and Chas. Helfin, for the same premises, was suspended for a period of ten days after they had pleaded guilty to a charge alleging that they possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its contents. If defendant files with me a petition for relief and establishes to my satisfaction, at a hearing which will be scheduled thereon, that the illegal situation has been corrected, an order will be entered lifting the suspension imposed herein, but in no event will said order be entered prior to the expiration of thirty-five (35) days from the date upon which this suspension becomes effective.

Accordingly, it is, on this 23rd day of January, 1951,

ORDERED that Plenary Retail Consumption License C-5, issued to Joseph Ortepio & Chas. Helfin, and transferred on October 2, 1950, to Club Trio Inc. by the Township Committee of the Township of South Brunswick, be and the same is hereby suspended for the balance of its term, expiring at midnight June 30, 1951, effective at 2:00 a.m. January 29, 1951, with leave to apply for lifting of said suspension as hereinabove set forth.

ERWIN B. HOCK
Director.

2. DISCIPLINARY PROCEEDINGS - HOSTESSES - PERMITTING PREMISES TO BE CONDUCTED AS A NUISANCE - LICENSE SUSPENDED FOR 90 DAYS.

In the Matter of Disciplinary Proceedings against)

WASHINGTON CAFE (A corp.))
 415 Washington Street)
 Newark 2, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-474, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

 Saul C. Schutzman, 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:

- "1. On divers days between June 15, 1950, and September 24, 1950, you allowed, permitted and suffered females 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.
- "2. On divers days between June 15, 1950, and September 24, 1950, you allowed; permitted and suffered your licensed place of business to be conducted in such a 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 and apparent 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 principal witnesses for the Division were Phyllis --- and her sister Jean ---. At the hearing Phyllis --- testified substantially as follows: About the middle of June, 1950, she and her sister met Louis Siegendorf (one of the principal stockholders of defendant corporation) in a diner located in the City of Newark. She spoke to Siegendorf about possible employment and he told her and her sister to come to defendant's premises on the following afternoon. When they went to the licensed premises at the time suggested, Siegendorf told them that he wanted them "to sit and drink with the fellows" and that he would pay them \$40.00 a week with the understanding that they would be there seven nights a week. Phyllis was to come in at 3:00 p.m. and remain until 2:00 a.m., and Jean (who had to care for her children) was to come in at 5:00 p.m. and remain until 2:00 a.m. Both agreed to the plan and started to work that night. During the first week they did very little, but were told to watch "Mary Lou", "Sally" and "Jeannette". During this first week Phyllis drank Seagram whiskey at the patron's expense whenever a bartender introduced her to a male patron or a male patron started talking to her. After the first week, Phyllis and her sister were told by either a bartender or Louis Siegendorf to "move around". Thereafter Phyllis was served Kijafa (a wine) in a shot glass with a chaser of Coca Cola. She was instructed to spit back the wine into the chaser. The "fellows" were charged fifty cents for each drink served to her. Phyllis testified that she was paid \$40.00 in cash by Louis Siegendorf or Fred Jayson (another major stockholder) on every Thursday between the middle of June and the latter part of August when she terminated this arrangement.

Jean --- corroborated the story told by Phyllis except that, after the first week, she was served water with a few drops of gin. About the middle of July 1950, she had an argument with Siegendorf because she alleged that a bartender was serving her gin instead of water with only a few drops of gin. The result was that she walked out and told him that "he'd hear from me". However, she returned to the licensed premises on the following evening with the intention, as she now says, of obtaining more evidence. Later apparently she also was served with Kijafa. She testified that she was told that, if a male customer questioned a drink, she was to "knock it over", and that, if two coasters were dropped on the bar when the drinks were served, it was a signal that ABC agents were present. She testified that Siegendorf paid her the sum of \$40.00 weekly in cash for a period of time, but that later she received the sum of only \$35.00 weekly in cash from him. She testified that this arrangement continued from the middle of June until the last week in August 1950.

At the hearing an ABC agent testified that he visited defendant's premises on the evening of July 21, 1950. At that time he saw the bartender take a drink away from a girl who answered the description of the aforesaid "Sally" and saw the bartender motion to her that a male "all by himself" was seated a few stools away from her. "Sally" seated herself next to the male patron and, after a time, both of them moved to stools which were next to the stool on which the agent was seated. The agent testified that he heard the male ask "Sally" if she wanted a drink and that, when she replied in the affirmative, the bartender served them with drinks which were paid for by the male patron. It is of some significance that the drink for the male patron was poured right in front of him, but that the drink for "Sally" was poured "where he had the whiskey display" and the jigger then placed in front of her. The same procedure was followed when the drinks were poured for another female who was seated with two male patrons at the bar.

At approximately 12:15 a.m. on the morning of September 23, 1950, another ABC agent visited defendant's premises. A girl who answered a description of the aforementioned "Sally" left a man she had been seated with and sat two stools away from the investigator. The investigator, after speaking to her, purchased a number of drinks for her which were served by the bartender. These drinks were served on the average of once every five or ten minutes during the period of approximately one and one-half hours. At one time, while this female was drinking with the agent, he went to the men's room, leaving a \$10.00 bill on the bar. Upon his return he found only \$2.00 in change and, when he asked what had happened to his money, "Sally" replied, "I bought everybody a drink." This agent also testified that a girl named "Mary" and a girl named "Jean" were seated with two men when he came into the licensed premises, and that he purchased one drink each for Jean and the bartender. The result was that, during his short stay, the investigator was charged \$24.90. He further testified that the whiskey and chaser were served to the girls in separate glasses, and that the bartender threw away the chaser before serving the next drink. The same agent returned to the licensed premises on the morning of September 24 and again observed "Sally" on the licensed premises, but at this time she was accompanied by a man who claimed to be her husband.

On behalf of defendant, Louis Siegendorf and Fred Jayson denied that they paid any cash at any time to either Phyllis or her sister Jean. They admit that these girls visited the licensed premises two or three times a week, but claimed that they were never employed and that they visited the premises merely as patrons. A bartender, Leo DeBiase, testified that these two women were present only as patrons. A certified public accountant, who keeps defendant's records, testified that the names of Phyllis and Jean did not appear on the records

as employees of defendant corporation. Of course, if they were employed as hostesses, in violation of the State Regulations, it is quite logical that their names would not appear on the records of the corporation. Moreover, the accountant admitted that all his information on the employees and finances of the corporation was obtained from Mr. Siegendorf or Mr. Jayson.

After reviewing all the evidence, I am of the opinion that Phyllis and Jean were employed as hostesses on defendant's premises between the middle of June 1950 and the latter part of August 1950. I have reached this result despite the contention of Siegendorf that Phyllis and Jean concocted this story because of alleged animosity towards him. I do not believe, as he alleges, that Phyllis owes him money for room rent, or that she borrowed money which has not been repaid.

Jean frankly admits that she told Siegendorf in the middle of July that he would hear from her and that, after the first hearing in this case, she told a man who was formerly employed as a bartender in defendant's premises that she would retract her story if she were paid the sum of \$2,000.00. Whether or not she was serious in making this foolish statement, the fact is that she has not retracted her testimony, and I believe that she is telling the truth.

In any event, I am convinced from the evidence that, in the promotion of its licensed business, the licensee utilized the services of various unescorted females who posed as customers but who, in fact, engaged in inducing male patrons to spend money on drinks for them. Ever since the adoption of Rule 22 of State Regulations No. 20, the word "employed" as used in said Regulations has been construed to embrace all persons whose services are utilized in furtherance of the licensed business notwithstanding the absence of a technical employer-employee relationship. This view has been upheld by the New Jersey Supreme Court which said, in Kravis v. Hock, 137 N. J. L. 252, at p. 255, "Such construction seems to be a logical one."

Hence, under all of the circumstances, I find the licensee guilty as to charge (1).

As to charge (2): I have already found that the licensee permitted unescorted females to frequent the licensed premises and solicit male patrons to buy drinks for them and also actually employed other females on the licensed premises for the same purpose. The testimony discloses that some of these females practiced the art of "spitting back" the alcoholic drink into the chaser which was then promptly disposed of by the bartender. This course of conduct is the well-known "hostess racket". See Re Cosfair Corporation, Bulletin 875, Item 9, wherein I ruled that this activity "results in the conduct of the licensed place of business in such manner as to become a nuisance within the intentment of Rule 5 of State Regulations No. 20". Also see, in this connection, Alpine Village Tavern, Inc. v. Newark, Bulletin 629, Item 3, where, in defining the word "nuisance" as used in Rule 5 of State Regulations No. 20, the every-day usage of the word is recognized. See also Re One-thirty-five Mulberry St. Corp., Bulletin 892, Item 2, where this doctrine was recently again reaffirmed. Hence, I find defendant guilty also as to charge (2).

Defendant has no prior record. Under all the circumstances I shall suspend defendant's license for a period of ninety days.

Accordingly, it is, on this 16th day of January, 1951,

ORDERED that Plenary Retail Consumption License C-474, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Washington Cafe (A Corp.), for premises 415 Washington Street, Newark, be and the same is hereby suspended for ninety (90) days, commencing at 2:00 a.m. January 23, 1951, and terminating at 2:00 a.m. April 23, 1951.

ERWIN B. HOCK

3. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES (STRIP-TEASE DANCE, SUGGESTIVE SONGS AND STORIES) - HOSTESSES - LICENSE SUSPENDED FOR 60 DAYS.

In the Matter of Disciplinary Proceedings against

JOSEPH OSTROWSKI
T/a PALACE BLUE ROOM
1332 Main Street
Rahway, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-20, issued by the Municipal Board of Alcoholic Beverage Control of the City of Rahway.

Joseph Ostrowski, Defendant-licensee, Pro Se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to charges alleging that he (1) allowed, permitted and suffered lewd, indecent and immoral activities (a strip-tease dance and sexually suggestive songs and stories) on his licensed premises, in violation of Rule 5 of State Regulations No. 20; and (2) permitted a female employee to accept beverages as gifts from customers, in violation of Rule 22 of State Regulations No. 20.

On Saturday night, November 18, 1950, agents of the State Division of Alcoholic Beverage Control entered defendant's licensed premises. Shortly after entering, a man, later identified as the Master of Ceremonies in charge of the "show", introduced the agents to a "sweet girl -- one of our show". She thereupon accepted several drinks of alcoholic beverages, paid for by the agents and served to her by the bartender. She later turned out to be the entertainer who performed the dance described below.

Shortly thereafter the "show" commenced. It consisted of some preliminary stories by the Master of Ceremonies, stories coarse, vulgar and obscene. He then introduced a female singer who sang several popular songs. This act was followed by a "strip-tease" dance in the usual burlesque tradition, complete with bumps and grinds and other sexually suggestive movements, ending in practically complete nudity with the performer lying on her back to make the "illusion" more realistic. Then another female told more "dirty stories" and sang several vulgar and suggestive songs. She was followed by a male singer who sang several coarse, vulgar and obscene songs and indulged in obscene and lewd motions and gestures.

Such actions and language have no place on licensed premises.

This is defendant's first adjudicated violation.

Under all the circumstances, including the plea entered herein, I shall suspend the license for sixty days. Re Tropical Room, Inc., Bulletin 886, Item 3.

Accordingly, it is, on this 23rd day of January, 1951,

ORDERED that Plenary Retail Consumption License C-20, issued by the Municipal Board of Alcoholic Beverage Control of the City of Rahway to Joseph Ostrowski, t/a Palace Blue Room, for premises 1332 Main Street, Rahway, be and the same is hereby suspended for a period of sixty (60) days, commencing at 2:00 a.m. January 29, 1951, and terminating at 2:00 a.m. March 30, 1951.

ERWIN B. HOCK
Director

4. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES (INDECENT DANCE AND SONGS) - SALE TO WOMEN DIRECTLY OVER BAR IN VIOLATION OF LOCAL REGULATION - PRIOR RECORD AND WARNING - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ISADORE BUSHKOFF)
T/a NEW TOWN TAVERN)
7921 River Road)
Pennsauken Township)
P. O. Delair, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-30, issued by the Township Committee of the Township of Pennsauken.)

-----)
Leo J. Berg, 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 the following charges:

- "1. On October 15 and 22, 1950, you allowed, permitted and suffered lewdness and immoral activities in and upon your licensed premises in that female entertainers performed in a lewd, indecent and immoral manner and sang songs having lewd, lascivious, indecent, filthy, disgusting and suggestive import and meaning; in violation of Rule 5 of State Regulations No. 20.
- "2. On October 15 and 22, 1950, you allowed, permitted or suffered females to sit and stand at a public bar on your licensed premises; in violation of Section 4a of an Ordinance adopted by the Township Committee of the Township of Pennsauken on April 27, 1936, as amended by Ordinance adopted by said Township Committee on December 15, 1947."

The record herein discloses that during the early morning hours of Sunday, October 15, and Sunday, October 22, 1950, ABC agents visited the defendant's premises and observed over the front door a sign reading "New Town Tavern, Now Playing, Creole Burlesk". On October 15 the entertainment began at about 1:00 a.m. and consisted of several acts. In one of the acts a female dancer appeared in a two-piece dress performing the usual "bumps and grinds". She then discarded the aforesaid dress, her remaining attire consisting of a "bra" and a scanty garment covering the lower part of her body. Nearing the conclusion of her dance she reclined on the floor, facing upward, while performing a series of suggestive movements of the body. In another act a female entertainer sang a number of songs of a very suggestive character. During the course of this investigation, one of the investigators obtained from a bartender a book of matches advertising the defendant's premises, and which described the defendant's premises as a "slumming spot" and as featuring "the worst shows in America, but the best time in the world".

On the occasion of the visit made by ABC agents on October 22, they observed seven women seated at the bar and consuming various drinks. On this occasion the above mentioned two acts were again performed but in a manner not quite as objectionable as had been the case on October 15. The investigators identified themselves to the defendant, who admitted that women had been seated at the bar. The defendant at this time also contended that he had been trying to clean up the acts.

It has been said repeatedly that the above mentioned type of entertainment will not be tolerated on licensed liquor premises. Although the character of the show had improved on the occasion of the second visit, it is obvious from the advertising of the defendant that his purpose was to attract patrons to his premises on the basis of risqué entertainment. With respect to the women at the bar, a local ordinance provides that a licensee should not permit females to sit or stand at a public bar.

Defendant has a prior record. On April 9, 1948, his license was suspended for a net period of ten days after he had pleaded non vult to a charge of possessing an illicit alcoholic beverage. See Bulletin 800, Item 6. It also should be noted that, in a letter addressed to defendant under date of January 9, 1948, defendant was warned by me with respect to alleged lewd and indecent entertainment on his licensed premises.

Under all the circumstances of this case, I shall suspend defendant's license for a period of forty days, less five days for the plea, leaving a net balance of thirty-five days.

Accordingly, it is, on this 15th day of January, 1951,

ORDERED that Plenary Retail Consumption License C-30, issued by the Township Committee of the Township of Pennsauken to Isadore Bushkoff, t/a New Town Tavern, for premises 7921 River Road, Pennsauken Township, be and the same is hereby suspended for thirty-five (35) days, commencing at 3:00 a.m. January 22, 1951, and terminating at 3:00 a.m. February 26, 1951.

ERWIN B. HOCK
Director.

5. DISCIPLINARY PROCEEDINGS - CLUB LICENSEE - SALE OF ALCOHOLIC BEVERAGES TO NON-MEMBER - PRIOR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

THE PROGRESSIVE DEMOCRATIC CLUB OF 8th WARD, CAMDEN 1009 Ferry Street Camden, N. J.,

CONCLUSIONS AND ORDER

Holder of Club License CB-7, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.

The Progressive Democratic Club of 8th Ward, Camden, Defendant-licensee, by Herbert Nix, President. Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendant pleaded non vult to a charge alleging that, on December 16, 1950, it sold alcoholic beverages to a person not a member of its club or a bona fide guest of a member, in violation of Rule 8 of State Regulations No. 7.

The report of the investigation herein discloses that, on Saturday, December 16, 1950, at about 9:55 p.m., an ABC agent, who was not a member or a bona fide guest of a member of defendant club, purchased a bottle of beer from the bartender who was subsequently identified as the secretary of the defendant club.

Defendant has a previous adjudicated record. Effective September 10, 1947, defendant's license was suspended for twenty days by the State Director for an "hours" violation and serving alcoholic beverages to women at the bar. Bulletin 776, Item 7. Again, effective March 29, 1949, defendant's license was suspended for thirty-five days by the State Director for an "hours" violation. Bulletin 838, Item 3. In addition, defendant's license was cancelled, effective June 25, 1945, because of non-compliance with the essential requisite of a club licensee that a club shall have been in exclusive, continuous possession and use of a clubhouse or club quarters for at least three years continuously immediately prior to the submission of its application for a license. Bulletin 672, Item 3.

Because of the prior disciplinary record, the penalty herein will be fixed at thirty-five days, less five days' remission for the plea entered herein, leaving a net suspension of thirty days.

Accordingly, it is, on this 15th day of January, 1951,

ORDERED that Club License CB-7, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to The Progressive Democratic Club of 8th Ward, Camden, for premises 1009 Ferry Street, Camden, be and the same is hereby suspended for a period of thirty (30) days, commencing at 2:00 a.m. January 22, 1951, and terminating at 2:00 a.m. February 21, 1951.

ERWIN B. HOCK Director.

6. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JOHN SCHEPIS)
152 - 23rd Avenue)
Paterson 1, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-343, issued by the Board of Alcoholic Beverage Control of the City of Paterson.)
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Frank J. Sciro, Esq., Attorney for Defendant-licensee.
Vincent T. Flanagan, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendant pleaded non vult to a charge alleging that he sold and served alcoholic beverages to two minors, in violation of Rule 1 of State Regulations No. 20.

It appears that on December 8, 1950, ABC agents observed the defendant sell and serve a glass of beer to each of the two minors in question. The youths were eighteen and twenty years old, respectively.

In the absence of aggravating circumstances and a previous adjudicated record, I shall impose the minimum ten-day suspension for a violation of this character. Five days will be remitted for the plea entered herein, leaving a net suspension of five days. Cf. Re Benestad, Bulletin 884, Item 14.

Accordingly, it is, on this 9th day of January, 1951,

ORDERED that Plenary Retail Consumption License C-343, issued by the Board of Alcoholic Beverage Control of the City of Paterson to John Schepis, for premises 152 - 23rd Avenue, Paterson, be and the same is hereby suspended for a period of five (5) days, commencing at 3:00 a.m. January 15, 1951, and terminating at 3:00 a.m. January 20, 1951.

ERWIN B. HOCK
Director.

7. DISCIPLINARY PROCEEDINGS - CHARGE ALLEGING SALES TO MINORS
DISMISSED FOR LACK OF PROOF.

In the Matter of Disciplinary)
Proceedings against)

SILVIO SAVASTANO, JR.)
263 Main Street)
Paterson 1, N. J.,)

CONCLUSIONS)
AND ORDER)

Holder of Plenary Retail Consump-)
tion License C-194, issued by the)
Board of Alcoholic Beverage)
Control of the City of Paterson.)

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

BY THE DIRECTOR:

Defendant has pleaded not guilty to a charge alleging that, on Sunday, October 8, 1950, he sold, served and delivered alcoholic beverages to two minors, and permitted the consumption of said alcoholic beverages by the two minors, in violation of Rule 1 of State Regulations No. 20.

The defendant was properly charged on the basis of sworn statements, in writing, secured by ABC agents from Carlton --- and Leroy P. ---, minors. In said statements each minor said that he had been sold, served and permitted to consume four or five glasses of beer at defendant's licensed premises.

At the hearing, Both Carlton and Leroy, when sworn as witnesses, testified that they had visited defendant's premises on October 8, 1950, but denied under oath that either had been served any beer or alcoholic beverages at the licensed premises at the time in question. Each admitted that he had previously sworn to statements to the contrary, but claimed that said statements were false in so far as being served or consuming alcoholic beverages at defendant's licensed premises. In defense, the licensee, who acted as a bartender on the day in question, testified that he observed the minors on the premises but that they did not obtain any alcoholic beverages during the time they were there. Furthermore, the licensee testified that they were standing for a time in front of his licensed premises reviewing a parade that was in progress at the time.

In this posture of the testimony, and particularly in view of the recanting denial of the basic facts by the principal witnesses for the prosecution, the evidence is insufficient to establish the licensee's guilt of the charge herein. Hence, I find the defendant not guilty.

Accordingly, it is, on this 10th day of January, 1951,

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

ERWIN B. HOCK
Director.

8. DISCIPLINARY PROCEEDINGS - ORDER POSTPONING EFFECTIVE DATES OF SUSPENSION.

In the Matter of Disciplinary)
Proceedings against)

ELIZABETH TOWN & COUNTRY CLUB)
917 North Broad Street)
Elizabeth, N.J.,)

ON PETITION
O R D E R

Holder of Plenary Retail Consump-)
tion License C-262, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Elizabeth.)
- - - - -)

O'Connor, Morse & Mansini, Esqs., by Martin B. O'Connor, Esq.,
Attorneys for Petitioner-licensee.

BY THE DIRECTOR:

It appearing that by Order dated January 9, 1951, petitioner's license was suspended for a period of fifteen days commencing at 2:00 a.m. January 16, 1951, and terminating at 2:00 a.m. January 31, 1951; and

It further appearing from a verified petition submitted by the licensee that, long prior to the receipt of notice of said suspension, the licensee had entered into a contract with an individual for the use of its premises and bar facilities in connection with a cocktail party to be held on the afternoon of January 20, 1951, and had also entered into contracts with two organizations for the use of its premises and bar facilities in connection with dances to be held on the evenings of January 26 and January 27, 1951; and

It further appearing that numerous innocent persons will suffer undue hardships if said affairs are not held as scheduled;

It is, on this 12th day of January, 1951,

ORDERED that the suspension imposed herein shall commence at 2:00 a.m. January 16, 1951, and continue in effect until 2:00 a.m. January 20, 1951; that thereafter said suspension shall be lifted until 2:00 a.m. January 21, 1951, when it shall again become effective and continue until January 26, 1951; that thereafter said suspension shall be lifted until 2:00 a.m. January 28, 1951, when it shall again become effective and thereafter continue in effect until 2:00 a.m. February 3, 1951.

ERWIN B. HOCK
Director.

9. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES BELOW FAIR TRADE MINIMUM - PRIOR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ALDO and RAYMOND MARCIANI T/a AL-RAY FOOD AND BEVERAGE CO.) 46 Moonachie Road Moonachie, N. J.,)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Distribution License D-1, issued by the Borough Council of the Borough of Moonachie.)

Walter H. Jones, 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 sold alcoholic beverages below the minimum consumer price, in violation of Rule 5 of State Regulations No. 30.

On December 6, 1950, an ABC agent entered defendants' premises and purchased two 4/5 quart bottles of Schenley Reserve Blended Whiskey for \$7.30 from Michael Sutera, a clerk employed by defendants. Since the minimum retail price for this product was then \$4.04 a bottle, the total correct price should have been \$8.08.

Defendants allege as a mitigating circumstance that neither of them was upon the licensed premises at the time the sale was made, and that they had instructed the clerk not to make sales below the established price. Nevertheless, the licensees are responsible for the violation committed by their agent in the course of defendants' business.

Defendants have a prior record. By order dated August 1, 1949, I suspended their license for a net period of five days after they had pleaded non vult to charges alleging the transportation of alcoholic beverages without bona fide invoices or manifests, in violation of Rule 3 of State Regulations No. 17. Re Marciani, Bulletin 850, Item 5.

In view of the prior record, I shall suspend defendants' license for fifteen days, instead of the minimum suspension of ten days imposed in cases of this character. Five days will be remitted for the plea, leaving a net suspension of ten days.

Accordingly, it is, on this 15th day of January, 1951,

ORDERED that Plenary Retail Distribution License D-1, issued by the Borough Council of the Borough of Moonachie to Aldo and Raymond Marciani, t/a Al-Ray Food and Beverage Co., for premises 46 Moonachie Road, Moonachie, be and the same is hereby suspended for ten (10) days, commencing at 9:00 a.m. January 22, 1951, and terminating at 9:00 a.m. February 1, 1951.

ERWIN B. HOCK
Director.

10. DISCIPLINARY PROCEEDINGS - BOOKMAKING AND GAMBLING - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

WIGWAM TAVERN, INC.)
T/a WIGWAM TAVERN)
178 Cedar Lane)
Teaneck, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-5, issued by the Township Council of the Township of Teaneck.)
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John F. McCann, 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 as follows:

"On November 22 and 28, 1950 and December 1, 1950, you allowed, permitted and suffered bookmaking and gambling in and upon your licensed premises; in violation of Rule 7 of State Regulations No. 20."

On each of the days aforesaid, one or more ABC agents placed bets on horses with a man in defendant's licensed premises. On each of the three days when bookmaking was being carried on in defendant's establishment, the secretary of the defendant corporate licensee was tending bar, and on December 1, 1950, the president of the defendant corporate licensee was also present.

In the absence of any prior adjudicated record, I shall suspend the license for twenty days, less five days' remission for the plea entered herein, leaving a net suspension of fifteen days. Re Achille, Bulletin 863, Item 6.

Accordingly, it is, on this 15th day of January, 1951,

ORDERED that Plenary Retail Consumption License C-5, issued by the Township Council of the Township of Teaneck to Wigwam Tavern, Inc., t/a Wigwam Tavern, for premises 178 Cedar Lane, Teaneck, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 2:00 a.m. January 22, 1951, and terminating at 2:00 a.m. February 6, 1951.

ERWIN B. HOCK
Director.

11. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES BELOW FAIR TRADE MINIMUM - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

SAMUEL R. FRUCHTMAN)
T/a GARY LIQUORS)
163-B Maplewood Ave.)
Maplewood, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distribution License D-2, issued by the Township Committee of the Township of Maplewood.)

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Samuel R. Fruchtman, 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 he sold alcoholic beverages below the minimum consumer price, in violation of Rule 5 of State Regulations No. 30.

On December 19, 1950, the defendant, through his manager, sold thirteen 4/5 quart bottles of Carstairs White Seal Blended Whiskey to an ABC agent for the sum of \$43.20. The minimum consumer price for the brand of alcoholic beverages aforementioned, as listed in the then current "List of Minimum Resale Prices", effective October 1, 1950, was \$3.60 per 4/5 quart bottle. A 5% discount, allowable on a case of twelve 4/5 quart bottles of Carstairs White Seal Blended Whiskey, would make the minimum price of the whiskey in question \$41.04, plus \$3.60, or \$44.64. Therefore, the price charged the ABC agent was \$1.44 below the minimum net resale price for thirteen 4/5 quart bottles of said brand.

Defendant has no previous adjudicated record. I shall suspend the license for ten days, less five days' remission for the plea entered herein, or a net suspension of five days. Re Giant Liquors, Inc., Bulletin 876, Item 9.

Accordingly, it is, on this 15th day of January, 1951,

ORDERED that Plenary Retail Distribution License D-2, issued by the Township Committee of the Township of Maplewood to Samuel R. Fruchtman, t/a Gary Liquors, for premises 163-B Maplewood Ave., Maplewood, be and the same is hereby suspended for a period of five (5) days, commencing at 9:00 a.m. January 22, 1951, and terminating at 9:00 a.m. January 27, 1951.

ERWIN B. HOCK
Director.

12. DISCIPLINARY PROCEEDINGS - MISLABELED BEER TAP - LICENSE SUSPENDED FOR 3 DAYS, LESS 1 FOR PLEA.

In the Matter of Disciplinary Proceedings against

NETTIE HASTINGS
T/a NETTIE'S BAR
685-687 N. Clinton Avenue
Trenton 9, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-67, issued by the Board of Commissioners of the City of Trenton.

Nettie Hastings, Defendant-licensee, Pro Se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to a charge alleging that she allowed on her licensed premises a beer tap bearing a label or marker which did not truly indicate the brand of beer in the barrel to which said tap was connected, in violation of Rule 26 of State Regulations No. 20.

During the course of a routine inspection of defendant's licensed premises on December 18, 1950, an agent of the State Division of Alcoholic Beverage Control found a beer tap labeled "Schmidt's" connected with and drawing beer from a barrel of Krueger beer. Clearly, this violates the provisions of Rule 26 of State Regulations No. 20.

Defendant has no prior adjudicated record. I shall suspend the license for three days (the minimum period heretofore imposed in similar cases). Remitting one day for the plea will leave a net suspension of two days. Re Fauble, Bulletin 891, Item 12.

Accordingly, it is, on this 18th day of January, 1951,

ORDERED that Plenary Retail Consumption License C-67, issued by the Board of Commissioners of the City of Trenton to Nettie Hastings, t/a Nettie's Bar, for premises 685-687 No. Clinton Avenue, Trenton 9, be and the same is hereby suspended for two (2) days, commencing at 2:00 a.m. January 29, 1951, and terminating at 2:00 a.m. January 31, 1951.

ERWIN B. HOCK
Director.

13. STATE LICENSES - NEW APPLICATIONS FILED.

Carmine Coccaro, t/a Millville Beverage Company
Snyder Ave., Landis Township, Millville, N. J.
Application for State Beverage Distributor's License filed
January 26, 1951.

Anheuser-Busch, Incorporated
200 State Highway Route 25, Newark, N.J.
Application for Plenary Brewery License filed January 31, 1951.

Trenton Beverage Company
130 Ward Ave., Trenton, N. J.
Application for Warehouse Receipts License filed January 31, 1951.

Erwin B. Hock
Director.