

STATE OF NEW JERSEY
 Department of Law and Public Safety
 DIVISION OF ALCOHOLIC BEVERAGE CONTROL
 1100 Raymond Blvd. Newark, N. J. 07102

BULLETIN 1948

January 21, 1971

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2. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITY (INDECENT ENTERTAINMENT) - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 90 DAYS.

In the Matter of Disciplinary Proceedings against

RALPH LEMONGELLI
28 Columbia Street
Newark, New Jersey

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-771 (for 1969-70 license period and extended by the Director for 1970-71 license period), issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

Mario V. Farco, Esq., Attorney for Licensee
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charge:

"On Friday night, June 13 into early morning hours of Saturday, June 14, 1969, you allowed, permitted and suffered lewdness, immoral activity and foul, filthy, indecent and obscene conduct in and upon your licensed premises, viz., in that you allowed, permitted and suffered a female person to act and perform on your licensed premises for the entertainment of your customers and patrons in a lewd, immoral and foul, filthy, indecent and obscene manner; in violation of Rule 5 of State Regulation No. 20."

Pursuant to a specific assignment to investigate an allegation of a lewd performance, three ABC agents (M, C and N) participated in the investigation which resulted in the aforementioned charge.

Agent M testified that at about 11 p.m. on Friday, June 13, 1969, he entered the licensed premises and took a seat at the bar near the front door; that two men were tending bar, one of whom he learned was the licensee; that about 11:20 p.m. he observed a female entertainer come from the rear of the premises, go "under and into the center of the bar" and ascend a "go-go stand" located about three feet from the floor in the area of the cash register, and then remove her black dress. According to agent M's testimony, she was attired in "a very brief bra-type upper garment, which revealed two gold pasties underneath. I could see almost the entire two pasties underneath the halter-type garment. At the bottom she had a patch, black patch, in front and a small black patch in the rear, connected by strings which went around her hips."

Agent M estimated that both patches were about five inches square. Thereafter, when "the juke box started playing", the entertainer (known as Daisy) performed a dance consisting of suggestive motions of her body and "she caressed her buttock area,

rubbing it as she danced. She caressed her body. She laid down on the go-go stand itself on her back, put her hands in back of her head, and raised her body to the music of the juke box as if she was having sexual relations;" and also "raised her body from the floor and pushed her buttock area up and down to the music of the juke box. After a few moments she got up and started going around the inside of the bar stopping at each patron for a brief period of time."

Subsequent thereto, at 12:15 a.m. on Saturday, June 14, Daisy again appeared wearing the black dress and, when she took off the dress, "she had on nothing on top except the gold pasties over her breasts;" the pasties were just large enough to cover the nipples thereof; that on this occasion agent M stated that the rear of Daisy was "completely exposed" and the front patch was held in place "by strings around her hip area;" that, as Daisy took her place on the stand, the crowd began screaming "Take it off! Take it off! Take it off! Take them off!" At that time the licensee spoke in the direction of agent M who was seated at the bar near the front door, saying, "close the front door." Thereafter, when the door was closed, Daisy, who had left the stand, returned, slowly removed her dress which revealed that she was nude to the waist, nothing in the rear but just a patch in front; that "she danced, haltingly, hesitatingly, always watching the front door, keeping her eyes fastened on the front door;" and when a male's voice came from the front door Daisy jumped off the stand and hid behind the cash register. Daisy picked up her dress, held it in front of her, starting to put it on when the licensee and bartender whispered to her, at which time she took off the dress and returned to the stand. At this time Daisy danced for about ten minutes "pushing her buttock area up, turning around, rotating her buttocks, leaning over so that her breasts would hang down, with her rear end to the patrons."

Agent M further testified that Daisy continued to perform but, when "two male faces appeared at the door, she looked at the front door, she jumped down off the go-go stand, put the dress on, and ran to the rear of the premises." A few minutes thereafter agent M said he left the premises, rejoined agents C and N who were waiting on the outside, then went to police headquarters and returned to the licensed premises with several detectives at 1:15 a.m.

Agent M said after the agents and police entered the agents made their identities known to the licensee who denied everything and said that the dance of Daisy, as described by agent M, did not happen. Daisy was apprehended by the detectives who, with the agents, went "to the 3rd precinct." At the precinct Daisy denied that she had done anything wrong and said that in New York she danced in the manner she did at the time in question and nothing is said about it.

Agent M was cross-examined by the attorney for the licensee but he adhered substantially to the testimony given by him on direct examination.

Agent C testified that he and agent N sat in a car outside of the licensed premises. Although he had a complete view of the front door, he could not observe the dance performed by Daisy.

Agent C further stated that about 12:15 a.m. on June 14, 1969, he saw the front door being closed and then heard shouting, clapping and whistling coming from the tavern. Furthermore, according to agent C's testimony, he observed a male approach

the front door and attempt to gain entry but, being unable to open the door, left the area; that at 1:15 a.m. he, agents M and N, and several local police officers entered the licensed premises where agent M questioned the licensee and the bartender about Daisy dancing nude in the place and "both the licensee and the bartender denied she had been dancing in the tavern;" that he (agent C) asked Daisy about the dance she performed and she said that she was nude from the waist because the pasties she had covering her nipples had fallen off.

Agent C, during cross examination, reiterated his testimony given on direct examination concerning what took place at the time in question.

Agent N testified that he sat in the car with agent C and at 12:15 a.m. he heard "a lot of clapping and whistling and shouting coming from the premises" and immediately thereafter the front door was closed; that a male appeared to be trying to enter the premises but could not do so. At 1:15 a.m. he and the other two agents, together with several detectives, entered the licensed establishment and the agents identified themselves to the licensee. Agent N corroborated the testimony of agent C that he heard Daisy tell him (agent C) that her pasties had fallen off.

Raymond Rykowski testified that he entered the licensed premises at 10:15 p.m. on Friday, June 13, 1969, sat at the bar where he had a few bottles of beer; that about 11 p.m. a girl came from the back of the tavern, stepped on a three-foot stool and danced, "she did come in and dance on the inside of the bar, just normal dancing, as far as I could see, and back to the three foot stool and continued her dancing." When asked by the licensee's attorney how this girl was dressed, Rykowski stated, "Yes, she had a bra. She had this dark patch in front of her pubic area in front; also a dark patch in the rear, which was tied or fastened or somehow connected together;" that her breasts were covered with a bra but he did not observe pasties on the nipples. Rykowski said that the girl did routine dancing and that he did not see her make any obscene gestures on her breasts, on her rear portion of the body or buttocks, or the pubic area.

Rykowski further testified that he did not see her lying down nor did he see anything lewd or indecent during her performances. He further stated that he heard no whistling and that the girl's second performance "appeared to me just routine go-go dancing."

The licensee said he was present on June 13, 1969 and denied that the entertainer performed in a lewd, immoral or indecent manner in the licensed premises at the times in question. The licensee testified that agent M had come into the premises twice on June 13 -- the first time at 9:00 or a little after 9:00 p.m. -- and he (the licensee) remembered serving agent M a few double shots of gin before he left the premises. On the second occasion, between 10:30 p.m. and 12:30 a.m., he served agent M ten double shots of gin but, after he left and later returned with police officers, the licensee agreed that agent M showed no signs of being under the influence of liquor. The licensee said that agent M came into the licensed premises some time during the month of January 1970 and advised him that he was no longer with the Division of Alcoholic Beverage Control and stated to the licensee that, if he would pay him \$300, he (agent M) would not report to the hearing when the case came to trial.

The licensee said that he and a woman were in the tavern when agent M was there. The licensee said that he contacted his attorney who directed him to report the matter to the prosecutor's office and also to the Division of Alcoholic Beverage Control. Licensee said he did as directed.

The licensee testified, as to the dance that Daisy was allegedly to have done, he saw nothing wrong with it and therefore did not have to pay too much attention to her. He further denied hearing any clapping, whistling or any such thing happening from the patrons or anyone yell "Take it off! Take it off!"

Agent M in rebuttal testified that he never was in the tavern at 9 p.m. on June 13 because he was home at that particular time. Agent M further testified that agent C picked him up at his home in the Middlesex community at 9:30 p.m. and they met agent N in Newark at about 10:30 p.m. before they left for the vicinity of the licensed tavern. Moreover, agent M denied that he had any gin at all in the licensed establishment while he was there. He also denied that he ever went to the licensee's tavern and requested money, saying not to testify at the hearing in this matter.

In rebuttal agent C testified that he called at the home of agent M at 9:30 p.m. on June 13 in Middlesex County and they drove to Newark, where they met Agent N.

Agent N corroborated the fact that agents M and C met him in Newark at approximately 10:45 p.m.

After examining the testimony presented by the witnesses herein, I am satisfied that agent M truthfully described the manner in which Daisy was clothed and performed at the times in question at the licensed premises. Both agents C and N testified that Daisy admitted that she wore no pasties during her second performance because they had fallen off.

I am also satisfied that during her first performance she wore pasties on her breasts with a bra and merely small patches on both the rear and front of her private parts, but on the second performance she wore only one patch to cover the pubic region. Agent M described in detail the various movements and gyrations Daisy did during the presentation of her dance. Thus I find as a fact that the performances on both occasions were indecent, lewd and immoral, in violation of Rule 5 of State Regulation No. 20, and recommend that the licensee be found guilty as charged.

I was very unimpressed with the testimony of both Rykowski and that of the licensee. I do not believe the story by the licensee that agent M came to the licensed premises and attempted to extort money from him to absent himself from the hearing in this matter. The woman alleged to be there at the time in question was not called as a witness herein.

These depraved performances and disgusting conduct by the female entertainer in the licensed premises are inimical to the public welfare and morals.

Licensee has a previous record of three suspensions by the local issuing authority: (1) for fifteen days effective January 10, 1966 for sale in violation of State Regulation No. 38; (2) for twenty days effective June 21, 1967 for sale of alcoholic beverages on Election Day, and (3) for twenty-five

days effective September 1, 1969, for sale in violation of State Regulation No. 38.

The prior record of three suspensions of license for dissimilar violations occurring within the past five years considered, it is further recommended that the license be suspended for seventy-five days on the charge herein (cf. Re Miller, Bulletin 1911, Item 3) and for an additional fifteen days for the dissimilar violations (Re Clark, Bulletin 1877, Item 5), or a total of ninety days.

Conclusions and Order

No exceptions to the Hearer's report were filed pursuant to Rule 6 of State Regulation No. 16.

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

Accordingly, it is, on this 10th day of November 1970,

ORDERED that Plenary Retail Consumption License C-771, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark for the 1969-70 license period and extended by the Director of the Division of Alcoholic Beverage Control for the 1970-71 license period pending determination of an appeal from denial by said Municipal Board of Alcoholic Beverage Control of application for renewal of said license for the 1970-71 license period to Ralph Lemongelli, for premises 28 Columbia Street, Newark, be and the same is hereby suspended for ninety (90) days, commencing at 2 a.m. Wednesday, November 25, 1970, and terminating at 2 a.m. Tuesday, February 23, 1971.

RICHARD C. McDONOUGH
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - FRONT - FALSE STATEMENT IN APPLICATION - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

T.L.M. & ASSOCIATES, INC.)
594-598 South Orange Avenue)
Newark, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-786, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

Licensee, by Rose Conyers, President, Pro se
Francis P. Meehan, Jr., Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charges as follows:

- "1. In your application dated June 29, 1970 filed with the Municipal Board of Alcoholic Beverage Control of the City of Newark and upon which you obtained your current plenary retail consumption license, in answer to Question No. 21 you listed Rose Conyers and Rosalyn Conyers as holders of 99% and 1% respectively of your issued and outstanding stock, and falsely stated 'No' in answer to Question No. 22, which asks: 'Has any corporation, partnership, association or 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 Thomas L. Murray had such an interest in that he was the real and beneficial owner of all of the said stock listed in the names of Rose Conyers and Rosalyn Conyers; said false statements, representations, evasions and suppression of material facts being in violation of R.S. 33:1-25.
- "2. In your aforesaid application, you falsely stated 'No' in answer to Question No. 30, which asks: 'Has the applicant agreed to permit any person to receive, or agreed to pay to any employee or other persons (by way of rent, salary or otherwise), all or any portion or percentage of the gross or net profits or income derived from the business to be conducted under the license applied for?' _____, whereas in truth and fact you had agreed to permit the said Thomas L. Murray to retain all of the profits and income from your licensed business; said false statement, misrepresentation, evasion and suppression of a material fact being in violation of R.S. 33:1-25.
- "3. From on or about May 15, 1969 to date, you knowingly aided and abetted the said Thomas L. Murray to exercise, contrary to R.S. 33:1-26, the rights and privileges of your successive plenary retail consumption licenses; in violation of R.S. 33:1-52.
- "4. From on or about May 15, 1969 until the present, you employed and had connected with you in a business capacity the aforesaid Thomas L. Murray, a regular police officer of the Police Department of the City of Newark, N.J.; in violation of Rule 30 of State Regulation No. 20."

The facts are sufficiently set forth in the quoted charges when there is added the fact that said Thomas L. Murray, as a regular municipal police officer, is ineligible to hold a liquor license, individually or as a member of a partnership, and that no liquor license may be held by any profit corporation or association in which any police officer is interested, directly or indirectly. Rule 30 of State Regulation No. 20.

Absent prior record, the license would be suspended for forty-five days, with remission of five days for the plea entered, leaving a net suspension of forty days. However, since to date there is no indication that correction of the unlawful situation has been accomplished, the license will be suspended for the balance of its term, with leave granted to the licensee or any bona fide transferee of the license to apply for lifting of the suspension whenever the unlawful situation has been corrected,

of the allegedly illicit alcoholic beverages; the Certificate by the Director that no alcoholic beverage license, or special permit of any kind was ever issued to Anita Chandler Trousdell or Grace Elizabeth Harvey at the aforesaid premises; an inventory of the items seized; an affidavit of mailing of notice of hearing; affidavit of publication of notice of hearing; a sample of the alcoholic beverage seized; chemist's report and the report of ABC Agent G.

The report of Agent G, supported by his testimony, disclosed the following:

On February 1, 1970, at approximately 1:00 p.m., he and other ABC agents, in cooperation with members of the New Jersey State Police, pursuant to a complaint that an alleged speakeasy was being conducted at the said address, sought to investigate same. Having formulated plans, Agent G, fortified with currency, the serial numbers of which had been recorded was dispatched to gain entrance to the premises.

Agent G gained entrance through a basement door and upon entering found himself immediately in the company of five males and one female seated at an "L" shaped bar. They were being served beverages by a barmaid, thereafter identified as Grace Elizabeth Harvey. He ordered and was served a bottle of Budweiser beer by the said barmaid, payment for which he promptly made with one of the recorded one-dollar bills. Agent G thereafter ordered several "shots of brandy", and an additional bottle of Budweiser beer. All purchases were made with the recorded currency which was promptly accepted by the barmaid, and placed in a box directly behind the bar from which the barmaid gave change to Agent G. It was from this same box that the \$49.95 in cash, as set forth in Inventory "A" was taken. Commingled therein was found the previously recorded currency.

Agent G testified that among the patrons at the bar was seated Anita C. Trousdell, the claimant herein; that she remained seated at the bar from 1:10 p.m., (the time that Agent G entered), until approximately 2:30 p.m. when the raiding party entered; that during this period, approximately 10 persons were served alcoholic beverages and that Mrs. Trousdell witnessed the entire proceeding.

Agent G asserted that, having made their entrance, the ABC agents and State trooper properly identified themselves. Agent G then advised the agents and State troopers of what had transpired regarding the sale of alcoholic beverages. Mrs. Harvey and Mrs. Trousdell were informed of their violations of the Alcoholic Beverage Law.

Mrs. Harvey was charged with selling alcoholic beverages without a license contrary to R.S. 33:1-2, and in violation of R.S. 33:1-50. Mrs. Trousdell was charged with possession of alcoholic beverages with intent to sell same and with aiding and abetting the unlawful sale of alcoholic beverages in violation of R.S. 33:1-50 and R.S. 33:1-52.

Mrs. Harvey and Mrs. Trousdell were then advised completely of their constitutional rights, arrested and then released in their own recognizance. A search and seizure took place in which the agents seized the property, as set forth in Schedule "A", annexed hereto.

The chemical analysis, dated February 18, 1970, admitted into evidence and certified by the Director established that a sample of the alleged alcoholic beverage seized was an alcoholic beverage fit for beverage purposes, with an alcoholic content, by volume, of 4.93%.

At the conclusion of the cross-examination of Agent G, the claimant, through counsel moved for a "finding" on the apparent grounds that the participant in the illegal activity was Mrs. Harvey and that no testimony was elicited to demonstrate that Mrs. Harvey was agent, servant, or employee of Mrs. Trousdell, and no evidence was elicited to indicate that Mrs. Trousdell had knowledge of the illegal activity.

The cases are legion which hold that "...the Court, on a motion to dismiss, must accept as true all evidence supporting the claim of the party against whom the motions are made, together with all legitimate inferences to be drawn therefrom..." Honey v. Brown, 22 N.J. 433 @ 438 (1956). Therefore, at this juncture, by application of the foregoing Rule, I find that an unlawful alcoholic beverage activity R.S. 33:1-1(x) took place at the aforesaid premises. The claimant is reminded that the burden is placed on the claimant to show that she "...has acted in good faith and has unknowingly violated the law by presenting evidence to that effect at the hearing..." Rule 3(b) of State Regulation No. 28; R.S. 33:1-66(e).

Mrs. Anita Trousdell, claimant, testified that she purchased the premises a year ago and that, except for her stove, pool table and piano, all the other furniture and equipment were in the premises at the time of the purchase. These three items she placed there at a later date; that "many years ago it had been operated as a speakeasy"; that in November 1969, she had rented the premises to one Charles Turner "...to start a restaurant."; that approximately one month later Mrs. Trousdell discovered that Mr. Turner had absconded leaving Mrs. Harvey in charge; that "Silverware, liquor, everything was all his."; that Mr. Turner left owing "...still about \$400.00..."; that after Mr. Turner left it was agreed that the premises be run as "...some sort of contribution club..." for the benefit of Mrs. Harvey; that she sat opposite Agent G on February 1, 1970, that she observed him consuming alcoholic beverages; that she did not see him pay for those beverages; that she observed money on the bar in front of Agent G; that no lease had ever been executed relative to Mr. Turner's tenancy.

The seized alcoholic beverages are illicit because they were intended for sale without a license. R.S. 33:1-1(i). Such illicit alcoholic beverages, the personal property and the cash, as set forth in Schedule "A" herein constitute unlawful property and are subject to forfeiture. R.S. 33:1-2; R.S. 33:1-66; Seizure Case No. 11,182, Bulletin 1568, Item 5.

The claim which forms the basis for this hearing is completely without merit. Although the claimant readily admits that she was the owner of only a few of the items claimed she, nonetheless, makes claim to all the seized items grounding that claim on an alleged debt due her from a phantom tenant. Assuming, without deciding that rent was due her, it is admitted by claimant that the alleged rental record extended only from November until December, 1969. This period would not seem to call for rent of \$400.00. There is not a scintilla of believable evidence to support a lien for any other debt.

Apart from any bona fide claim, claimant has failed to meet the burden imposed by Rule 3 (b & c) of State Regulation No. 28, said burden being to show claimant has acted in good faith, has unknowingly violated the law, and that she had no knowledge of the unlawful use to which the property was put, or of such facts as would have led a person of ordinary prudence to discover such use. I cannot believe that with the activity on the premises between 1:10 P.M. and 2:30 P.M. on February 1, 1970, in the very presence of Mrs. Trousdell, that she was not aware of the unlicensed sale of alcoholic beverages.

The evidence clearly and convincingly establishes that the claimant must have had knowledge of the illegal activity on the premises.

The Director has discretionary authority to return property subject to forfeiture to a person who establishes to his satisfaction that he acted in good faith, and did not know or have any reason to suspect that his property would be used in violation of the Alcoholic Beverage Law. R.S. 33:1-66(e). The conclusion is inescapable upon the circumstances in this matter, that this claimant's conduct displayed a markedly careless indifference to what use was made of these premises and of her claimed property, so that, as far as forfeiture proceedings are concerned, (Mrs. Trousdell) cannot be regarded as having acted in good faith. Seizure Case No. 10,444, Bulletin 1391, Item 5.

It is, therefore, recommended that the claim of Mrs. Trousdell be denied, and that an order be entered forfeiting all the personal property, alcoholic beverages and cash listed in Schedule "A".

Conclusions and Order

No exceptions were taken to the Hearer's report pursuant to Rule 4 of State Regulation No. 28.

After carefully considering the facts and circumstances herein, I concur in the recommended conclusions in the Hearer's report and adopt them as my conclusions herein.

Accordingly, it is on this 5th day of November, 1970

DETERMINED and ORDERED that the claim of Anita C. Trousdell be and the same is hereby denied; and it is further

DETERMINED and ORDERED that the seized property, including \$49.95 in cash, more fully described in Schedule "A", attached hereto, constitutes unlawful property, and the same be and is hereby forfeited in accordance with the provisions of R.S. 33:1-66, and shall be retained for the use of hospitals and State, county, and municipal institutions, or destroyed, in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

RICHARD C. McDONOUGH
DIRECTOR

SCHEDULE "A"

310 - containers of alcoholic beverages
 1 - piano; 1 - juke box; 1 - television set;
 1 - 30 ft. bar
 Miscellaneous personal property
 \$49.95 - cash

5.

ACTIVITY REPORT FOR NOVEMBER 1970

ARRESTS:

Total number of persons arrested - - - - -			6
Licensees and employees - - - - -	5		
Bootleggers - - - - -	1		

SEIZURES:

Motor vehicles - cars - - - - -			1
Stills - 50 gallons or under - - - - -			1
Alcohol - gallons - - - - -			42
Mash - gallons - - - - -			500

RETAIL LICENSEES:

Premises inspected - - - - -			593
Premises where alcoholic beverages were gauged - - - - -			472
Bottles gauged - - - - -			7,588
Premises where violations were found - - - - -			155
Violations found - - - - -			229
Unqualified employees - - - - -	58	Other mercantile business - - - - -	2
No Form E-141-A on premises - - - - -	44	Prohibited signs & practices - - - - -	2
Form E-141-A incomplete - - - - -	34	Improper beer taps - - - - -	1
Application copy not available - - - - -	31	Other violations - - - - -	49
No disposal permit - - - - -	8		

STATE LICENSEES:

Premises inspected - - - - -			5
License applications investigated - - - - -			6

COMPLAINTS:

Complaints assigned for investigation - - - - -			402
Investigations completed - - - - -			434
Investigations pending - - - - -			251

LABORATORY:

Analyses made - - - - -			101
Refills from licensed premises - bottles - - - - -			63

IDENTIFICATION:

Criminal fingerprint identifications made - - - - -			1
Persons fingerprinted for non-criminal purposes - - - - -			355
Identification contacts made with other enforcement agencies - - - - -			270

DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities - - - - -			5
Violations involved - - - - -			5
Sale during prohibited hours - - - - -	5		
Cases instituted at Division - - - - -			27
Violations involved - - - - -			34
Sale to minors - - - - -	5	Possessing liquor not truly labeled - - - - -	1
Sol. permittee engaging in conduct - - - - -		Purchase from improper source - - - - -	1
proh. to employer - - - - -	5	Furnishing gifts with retail sale - - - - -	1
Beverage Tax Law non-compliance - - - - -	4	Fail. to close premises during - - - - -	
Sale during prohibited hours - - - - -	3	prohibited hours - - - - -	1
Hindering investigation - - - - -	2	Fail. to afford view into premises - - - - -	
No Form E-141-A on premises - - - - -	2	during proh. hours - - - - -	1
Sale to intoxicated persons - - - - -	2	Sale outside scope of license - - - - -	1
Permitting misc. gambling on prem. - - - - -	2	Permitting immoral acty. on premises - - - - -	1
Permitting hostesses on premises - - - - -	2		
Cases brought by municipalities on own initiative and reported to Division - - - - -			12
Violations involved - - - - -			15
Conducting business as a nuisance - - - - -	4	Perm. loitering by minors unaccomp. - - - - -	
Permitting brawl on premises - - - - -	3	by adults (local reg.) - - - - -	1
Sale to minors - - - - -	2	Fail. to maintain prem. in accordance - - - - -	
Permitting prem. to be used for - - - - -		with Fire Code (local reg.) - - - - -	1
illegal activity - - - - -	2	Permitting gambling on premises - - - - -	1
Permitting immoral acty. on prem. - - - - -	1		

HEARINGS HELD AT DIVISION:

Total number of hearings held - - - - -			41
Appeals - - - - -	5	Seizures - - - - -	2
Disciplinary proceedings - - - - -	22	Tax revocations - - - - -	5
Eligibility - - - - -	7		

STATE LICENSES AND PERMITS:

Total number issued - - - - -			1,491
Solicitors' permits - - - - -	54	Wine permits - - - - -	95
Employment permits - - - - -	317	Miscellaneous permits - - - - -	342
Disposal permits - - - - -	43	Transit insignia - - - - -	210
Social affair permits - - - - -	369	Transit certificates - - - - -	61

OFFICE OF AMUSEMENT GAMES CONTROL:

Licenses issued - - - - -	2
Enforcement files established - - - - -	8

RICHARD C. McDONOUGH
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

Dated: December 9, 1970

ORDERED that Club License CB-4, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Eighth Ward Progressive Republican Club, for premises 619 Ferry Avenue, Camden, be and the same is hereby suspended for sixty (60) days, commencing at 2:00 a.m. Monday, November 30, 1970, and terminating at 2:00 a.m. Friday, January 29, 1971.

RICHARD C. McDONOUGH
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

NEW SURF CLUB, INC.
t/a New Surf Club
583 Main Avenue
Passaic, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-84, issued by the Municipal Board of Alcoholic Beverage Control of the City of Passaic.

Licensee, by Stanley Gola, President, Pro se
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on September 14, 1970 it possessed alcoholic beverages in two bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for twenty days effective May 13, 1969 for permitting an act of violence on the licensed premises. Re New Surf Club, Inc., Bulletin 1864, Item 4.

The record of suspension for dissimilar violation occurring within the past five years considered, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Ward, Bulletin 1898, Item 7.

Accordingly, it is, on this 5th day of November 1970,

ORDERED that Plenary Retail Consumption License C-84, issued by the Municipal Board of Alcoholic Beverage Control of the City of Passaic to New Surf Club, Inc., t/a New Surf Club, for premises 583 Main Avenue, Passaic, be and the same is hereby suspended for fifteen (15) days, commencing at 3 a.m. Tuesday, November 10, 1970, and terminating at 3 a.m. Wednesday, November 25, 1970.

RICHARD C. McDONOUGH
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - FOUL, FILTHY AND OBSCENE LANGUAGE - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 JOHN PETROSILLI
 t/a Little Spot
 228 Cummings Avenue
 Trenton, N. J.
 Holder of Plenary Retail Consumption License C-178, issued by the City Council of the City of Trenton.

CONCLUSIONS AND ORDER

Richard L. Gray, Esq., Attorney for Licensee
Francis P. Meehan, Jr., Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on September 16, 1970, he (1) sold mixed drinks of alcoholic beverages to a minor, age 19, in violation of Rule 1 of State Regulation No. 20, and (2) permitted foul, filthy and obscene language by patrons on the licensed premises, in violation of Rule 5 of State Regulation No. 20.

Absent prior record, the license will be suspended on the first charge for fifteen days (Re Mitchell, Bulletin 1921, Item 5), and on the second charge for ten days (Re Brierhurst Associates, Inc., Bulletin 1919, Item 6), or a total of twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days.

Accordingly, it is, on this 16th day of November 1970,

ORDERED that Plenary Retail Consumption License C-178, issued by the City Council of the City of Trenton to John Petrosilli, t/a Little Spot, for premises 228 Cummings Avenue, Trenton, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. Tuesday, December 1, 1970, and terminating at 2:00 a.m. Monday, December 21, 1970.

RICHARD C. McDONOUGH
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

188 Boyd St., Inc.)
188 Boyd St.)
Newark, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-158, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

Saul C. Schutzman, Esq., Attorney for Licensee
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

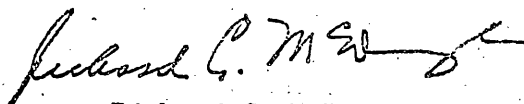
Licensee pleads guilty to a charge alleging that on Sunday, October 4, 1970, it made five separate sales of bottles of alcoholic beverages for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Licensee has a previous record of two suspensions of license by the municipal issuing authority for similar violation, viz., ten days, effective October 15, 1956, and twenty-five days, effective November 10, 1958, and one by the Director for forty-five days, effective May 27, 1963, also for similar violation and for hindering an investigation. Re 188 Boyd St., Inc., Bulletin 1518, Item 2.

The prior record of the suspensions for similar violation in 1956 and 1958 occurring more than ten years ago disregarded in admeasuring the penalty but the prior record of the suspension for similar violation in 1963 occurring more than five but less than ten years ago considered, the license will be suspended for twenty days (Re Bock, Bulletin 1933, Item 7), to which will be added fifteen days since this is the licensee's fourth violation (Re Lou's Tavern, Inc., Bulletin 1926, Item 2), or a total of thirty-five days, with remission of five days for the plea entered, leaving a net suspension of thirty days.

Accordingly, it is, on this 16th day of November 1970,

ORDERED that Plenary Retail Consumption License C-158, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to 188 Boyd St., Inc., for premises 188 Boyd St., Newark, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m. Monday, December 14, 1970, and terminating at 2:00 a.m. Wednesday, January 13, 1971.



Richard C. McDonough
Director