

STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1100 Raymond Blvd. Newark 2, N. J.

BULLETIN 1153

March 5, 1957

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Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
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DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES  
(HOMOSEXUALS, INDECENT ACTIONS AND LANGUAGE) - NUISANCE - LI-  
CENSE SUSPENDED FOR 180 DAYS

In the Matter of Disciplinary )  
Proceedings against )

HALINA BOLCATO )  
t/a Garden State Club )  
65 Mill Street )  
Paterson, 1, New Jersey )

CONCLUSIONS

AND

ORDER

Holder of Plenary Retail Consumption )  
License C-237, issued by the Board of )  
Alcoholic Beverage Control for the )  
City of Paterson. )

-----)

Murner & Murner, Esqs., by James J. Murner, Esq., Attorneys for  
Defendant-Licensee.  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant pleaded not guilty to the following charge:

'On June 3, 8, 9, 15 and 16, 1956, you allowed, permitted  
and suffered your licensed place of business to be conducted  
in such manner as to become a nuisance in that you allowed,  
permitted and suffered female impersonators and persons who  
appeared to be homosexuals in and upon your licensed premises;  
allowed, permitted and suffered lewdness and immoral activity  
and foul, filthy and obscene language and conduct in and  
upon your licensed premises; and otherwise conducted your  
place of business in a manner offensive to common decency  
and public morals; in violation of Rule 5 of State  
Regulation No. 20.'

"Three of the Division's agents participated in the investi-  
gation leading to the proceedings herein. In the testimony and comment  
hereinafter set forth the full names of the agents will not be used  
but, instead, the initial letter of the last name, 'D', 'M' and 'G'.

"Agent 'D' testified that he visited defendant's licensed  
premises on 'Sunday, June 3, 1956; Friday into Saturday, June 8 into  
9, 1956; and Friday into Saturday, June 15 into 16, 1956'; that on  
the first visit he entered the premises alone at 12:50 a.m. and that  
Agents 'M' and 'G' remained on the outside thereof; that he took a  
seat at the bar at which time there were fifteen male patrons and a  
man called 'Bernie' was tending bar; that, in addition to 'Bernie', he  
observed two waiters going from the kitchen to the rear room and also  
bringing food to the patrons at the bar; that 'Bernie' swayed his hips  
when walking and spoke in a high-pitched voice and waved his hands and  
arms when talking and at times used expressions such as 'darling shirt',

'gorgeous furniture', 'beautiful' and 'delightful' when describing various objects; that 'Bernie' engaged in conversation with two male patrons seated at the bar to his left, remarking, 'I have a gorgeous apartment in New York, beautifully furnished. I wish I knew you two fellows a few weeks ago. I threw a terrific party. All gay. You really would have enjoyed yourselves' and during said conversation further remarked, 'I take out a girl from my office. I have to take her to functions occasionally--you understand--for appearance sake'; that he observed the two waiters walk with exaggerated motions of their hips and that one of them spoke in a high-pitched voice; that twelve of the fifteen patrons at the bar 'were attired in general male attire. However, observing several of them going about the premises, I observed that they had rather tight-fitting slacks, tight-fitting sport shirts, and quite a few had long hair, some sort of fluffed on their foreheads' and some of them when seen walking 'sort of swished and swayed'; that those he heard talking spoke in high-pitched voices; that he saw various male couples 'walking about the barroom holding hands and with their arms around one another's waists'; that he observed a man, subsequently identified as William Pipkin (hereinafter referred to as Pipkin), manager of the defendant's premises, standing near the entrance to another room where he spoke to various male persons desiring admission thereto (these males were dressed in a manner similar to that previously described for those seated at the bar); that these males and others who had already been in said room came out to the bar and at one time there were thirty males at the bar, ninety per cent of whom appeared to be homosexuals; that on one occasion two men holding hands approached the bar and one asked 'Bernie' for a pencil and paper and upon receiving same, said to his companion, 'Let me have your phone number. I will give you a call, doll'; and that he (Agent 'D') left the defendant's licensed premises at about 2:15 a.m. Agent 'D' further testified that at about 11:40 p.m. on Friday, June 8, 1956, he and Agents 'M' and 'G' arrived in the vicinity of defendant's premises; that when he and Agent 'G' entered they walked directly to the vicinity of the rear room, standing in line behind four males; that a man was collecting money from the persons attempting to gain admission and before the agents reached the doorway Pipkin approached them and asked, 'Have you been in the rear room before?' that he (Agent 'D') said 'No, not tonight' and then Pipkin walked away; that he handed a five-dollar bill to a man standing at the entrance to the room and in return received two tickets and three dollars in change; that he and Agent 'G' walked through the draped doorway into the room and took seats at the bar; that there were about sixty males and about eight females in the room; that the bartender on duty swished and swayed when walking, picked up glasses and held his cigarette in a dainty fashion, spoke in a lisping fashion and gestured in an effeminate way with his hands and head when speaking; that the juke box was playing and there were 16 or 18 pairs of males and three pairs of females dancing; that the females were attired in male clothes, wearing low oxford or loafer-type shoes, dungarees or slacks with fly fronts, shirts (some of which hung outside their trousers), none wore make-up, and all had short hair combed in a male fashion; that 'When fast tempo music was played, either Latin-type or that termed jitterbug, they would swing and sway their bodies and arms wildly, and several times I observed some of these males gyrating the lower portions of their body in rhythm with the music, and when the tempo of the music was slow, they were observed dancing very close together, check to check, and many of the couples were observed merely moving about in a very small area moving simply the lower portions of their bodies very close together'; that 'Several times I observed female pairs and male pairs with their hands on one another's buttocks as they danced. Also as they danced, they were observed blowing into one another's ears, kissing their ears, kissing on the cheeks \* \* \*'; that at about 12:30 a.m., Pipkin entered the room and shouted, 'Cut it'; that the music then

stopped and the dancers left the floor but about ten minutes thereafter the male pairs again resumed dancing while the females sat at tables kissing each other; that at intervals some of the males would leave the room and, in particular, when a group of three males left the room (who had been seated at a table to his right), some of the males shouted, 'Good night, girls' and those leaving 'giggled and waved back'; and that at about 1:05 a.m. the agents left the premises. Agent 'D' testified that at 11:10 p.m. on Friday, June 15, 1956, he and the other two agents who had accompanied him to defendant's premises on the prior occasions arrived near defendant's licensed premises; that he and Agent 'G' again entered and immediately walked through the barroom to the rear room over which there was a sign which read 'Private Club. Non-members not admitted'; that observing no one standing at the entrance on this occasion they proceeded into the rear room and sat at a table along the right wall; that Pipkin, three waiters and also about 60 males and 4 females were in the room; that these persons were dressed in a similar manner as described on the prior visits; that about 12 male pairs, respectively, and one female pair were dancing very close to each other and at times engaged in kissing each other while they danced; that at a table a short distance from where he and Agent 'G' sat, a male had another male cradled in his arms and they were kissing each other; that the three waiters and Pipkin were in the room and in the vicinity of the couple just described; that a male was seated on another male's lap; that at one time one of the waiters was seen dancing with a male patron; that Agent 'M' had come into the room at about 12:05 a.m. and sat at the table with them (Agents 'D' and 'G'); that at 1:00 a.m. the agents identified themselves to Pipkin, at which time Agent 'M' asked him how long this kind of dancing had been allowed and Pipkin answered, 'Well, what can I say?'; that Pipkin left and returned with Leslie Bolcato, husband of the defendant, and in response to questions asked him about the operation of the premises, Bolcato said, 'I know there is a certain amount of homos in here, and I know they dance, but I never knew they were kissing in the back room. I don't get back there very often'; that when Agent 'M' reminded Bolcato that they were still dancing, Bolcato replied, 'Right now I don't care one way or the other'; that he asked 'Bernie' for his full name but he stood with his hands on his hips and exclaimed, 'I certainly will not tell you anything'; and that when he asked Bolcato for the bartender's name he was told that he did not know his last name as he was not employed but just liked to 'hang around the place'.

"It was stipulated by the attorneys for the respective parties to the matter herein that the testimony of Agent 'G' with reference to the visits of June 8 through 9 and June 15 through 16, 1956 would be substantially similar to that of Agent 'D'. Furthermore, it was stipulated by said attorneys that the testimony of Agent 'M' as to what occurred on the morning of June 16, 1956 would be similar to that given by Agent 'D'.

"Defendant testified that although she was on the licensed premises on the dates in question, 'she never observed men embracing one another and kissing'; that she did see males dancing with males but never saw or heard anything improper at any time; that she spoke to them at various times because she wondered why men danced with men but was told each time by those to whom she spoke that they were dancing instructors and were showing 'each other steps'; and that she did not know what 'fairies' (homosexuals) meant.

"William Pipkin testified that he tended bar and acted as 'sort of manager' on the dates in question; that although he observed males dancing with members of their sex, he did not see them caress each other; that he never questioned the men about dancing with each other; that the sign on the door read 'Private Party' and the smaller

print said 'Non-members stay out'; and that when the agents called his attention to the males dancing with one another he admitted he saw them, remarking, 'Yes, what do you want me to say?'

"Leslie Bolcato testified that he was in defendant's licensed premises on the dates under consideration and that it was true that males danced with males but he never saw them kiss each other; that he did say to Agent 'D' that it was possible that homos were in the place; that five professional dancers patronize defendant's establishment and that they teach various types of dancing; and that 'any kind of people' are welcome but if he had a suspicion that anyone was a homosexual he would not permit him in the place.

"Two waiters who claimed they were working in the defendant's premises on the dates set forth in the charge filed herein testified that although men danced with men in the premises, neither of them saw any improper conduct by any patrons therein. Defendant also produced three witnesses who testified that defendant has a good reputation in the community wherein she resides. Another witness testified that he is a patron of defendant's premises and has seen men dancing with men in the rear room of the place but observed 'no abnormal actions'.

"I have set forth the testimony of the ABC agents in detail to give a clear picture of the type of establishment the defendant operates. I cannot conceive of anyone, especially a liquor licensee who is accountable for what takes place on the licensed premises, appearing so naive as the defendant has appeared in the instant case. She admitted that male patrons had danced together but contended that dancing instructors patronized her establishment for the purpose of teaching dancing to the men who frequented the rear room. She said that each night she questioned males why they danced with males and always was told that they were learning new steps. She denied that any improper conduct was practiced on her licensed premises. Her employees, including her husband and son, had the temerity to offer the same kind of testimony. I am not impressed by the testimony of said defendant or her employees. The conduct of the patrons in the rear room of the licensed premises was so brazen and the events which took place there were so overt and unrestrained that the defendant and employees cannot be heard to say that they were unaware of them. As was said in Bilowith v. Passaic, Bulletin 527, Item 3:

'Licensees may not avoid their responsibility for the conduct of their premises by merely closing their eyes and ears. On the contrary, licensees must use their eyes and ears, and use them effectively, to prevent the improper use of their premises.'

"It is abundantly clear from the evidence of the ABC agents that 'queers' or, more politely, 'female impersonators' and 'lesbians', within the contemplation of the rule, were allowed, permitted and suffered in and upon the licensed premises during the periods specified in the charge and that lewdness and immorality, including obscene conduct, were also allowed, permitted and suffered therein. Consequently, I recommend that the defendant be found guilty of the charge preferred herein.

"Defendant has no prior adjudicated record. Under the circumstances appearing in this case, I recommend that the defendant's license be suspended for one hundred eighty days. Re Kaczka & Trobiano, Bulletin 1063, Item 1."

No exceptions were taken to the Hearer's Report within the time limited by Rule 6 of State Regulation No. 16.

After carefully considering the facts and circumstances herein, I concur in the recommended conclusions in the Hearer's Report and adopt them as the conclusions herein. I shall suspend defendant's license for one hundred eighty days.

Accordingly, it is, on this 28th day of December 1956,

ORDERED that Plenary Retail Consumption License C-237, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Halina Bolcato, t/a Garden State Club, 65 Mill Street, Paterson, be and the same is hereby suspended for the balance of its term, effective at 3 a.m., January 5, 1957; and it is further

ORDERED that if any license be granted to this licensee or to any other person for the premises in question for the 1957-58 licensing year, such license shall be under suspension until 3 a.m., July 4, 1957.

WILLIAM HOWE DAVIS  
Director

2. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LEWDNESS AND IMMORAL ACTIVITIES (INDECENT PRINTED OR WRITTEN MATTER) - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against	)	
	)	
Fred Rozzo and Andrew Carpentier, 4715 Broadway Union City, New Jersey	)	CONCLUSIONS
	)	and
-----	)	
-----	)	ORDER
-----	)	
-----	)	

Edward J. Lynch, Esq., Attorney for Defendant-licensees.  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to the following charges:

- "1. On Saturday, November 3, 1956, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years, viz., Domenick ---, age 17 and Frank ---. age 17, and allowed, permitted and suffered the consumption of alcoholic beverages by such persons in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.
- "2. On October 27, 28, November 3 and 4, 1956, you allowed, permitted and suffered in and upon your licensed premises and had in your possession matter, viz., a number of cardboard or paperboard signs each containing a

picture, cartoon, drawing, sketch or representation with accompanying words, phrases, legends or expressions having obscene, indecent, filthy, lewd, lascivious and disgusting import and meaning; in violation of Rule 17 of State Regulation No. 20."

On Saturday, November 3, 1956, at about 11:30 p.m., two ABC agents visited the licensed premises and took seats at the bar. Ten minutes later they saw two apparent minors enter the premises and go to the bar where they were each served with a mixed drink of whiskey and soda by a bartender who accepted \$1 in payment thereof. The agents, after observing the aforesaid two young men consume part of their drinks, approached them and identified themselves. The minors (Domenick --- and Frank ---) thereafter gave sworn statements setting forth therein that each was seventeen years of age; that each was served with a mixed drink of whiskey and soda for which they paid \$1; that at no time while on the premises did anyone question them about their ages, and that Andrew Carpentier (one of the defendant-licensees herein) was the bartender who served them. Carpentier later orally admitted serving drinks to the minors.

On the aforesaid date, and prior thereto on October 27 and 28, 1956, ABC agents observed about twenty-four pictures (24"x36") decorating the walls of the licensed premises and on display for the patrons. These pictures are accompanied by writings with a double entendre. The posters unattended by their printed matter would not appear to be objectionable but, when viewed together with their inscriptions thereon, become obscene and indecent. They have no place in a licensed premises open to the public.

In mitigation of penalty the attorney for defendants submitted a statement which I have carefully considered. I, however, do not find any extenuating circumstances in this matter which would impel me to impose less than the established minimum penalty in cases of this type.

Defendants have no prior adjudicated record. I shall suspend defendants' license for twenty days on Charge 1 (Re Boscarell, Bulletin 1141, Item 11) and for ten days (the minimum penalty) on Charge 2 (Re Messing, Bulletin 1128, Item 3), making a total suspension of thirty days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

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

ORDERED that plenary retail consumption license C-128, issued by the Board of Commissioners of the City of Union City to Fred Rozzo and Andrew Carpentier, for premises 4715 Broadway, Union City, be and the same is hereby suspended for twenty-five (25) days, commencing at 3 a.m. January 7, 1957 and terminating at 3 a.m. February 1, 1957.

WILLIAM HOWE DAVIS  
Director

3. DISCIPLINARY PROCEEDINGS - GAMBLING - LOTTERY - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
 ELLEN COLLINS  
 2100 Hudson Boulevard  
 Union City, New Jersey,  
 Holder of Plenary Retail Consumption License C-101, issued by the Board of Commissioners of the City of Union City.

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CONCLUSIONS  
 AND  
 ORDER

Ellen Collins, Defendant-Licensee, Pro Se  
 Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

"1. On September 22, 27 and 29, 1956 and on divers days prior thereto, you engaged in and 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 Regulation No. 20.

"2. On September 22, 27 and 29, 1956 and on divers days prior thereto, 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 Regulation No. 20."

The file herein discloses that on September 22, September 27 and September 29, 1956, ABC agents visited the licensed premises. On their first visit the licensee and a bartender were each seen accepting bets on "numbers" and placing the money and the "number" slips received in connection therewith on the back bar. Shortly thereafter, James W. Collins, the husband of the licensee, entered the premises, picked up the money and slips on the back bar and proceeded to accept three additional "number" bets, two from patrons and one from an ABC agent.

On their second trip to the premises two ABC agents each placed two "number" bets with the licensee's husband who was tending bar at the time.

On their final visit to the premises the agents found Ellen Collins, the licensee, and her husband behind the bar. Fifteen minutes after their arrival they saw a patron make a "number" bet with Mr. Collins. Two agents then placed bets with Mr. Collins, each handing him a slip with four numbers thereon and two \$1 "marked" bills. Thereafter, as prearranged, other ABC agents and two local detectives entered the premises, identified themselves and in the possession of Mr. Collins found twelve "number" slips for a total play of \$29.65 and \$141, including the aforementioned four \$1 "marked" bills.

In a sworn statement, dated September 29, 1956, Mr. Collins stated he is employed as a bartender at the licensed premises; that he has been accepting "number" bets on the licensed premises for a couple of months and that on September 27, 1956 and September 29, 1956 he accepted "number" bets from the ABC agents as hereinabove set forth.

Defendant has no prior adjudicated record. I shall suspend defendant's license for twenty-five days on the aforesaid charges. Re Latawiec, Bulletin 1116, Item 7. 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 December 1956,

ORDERED that Plenary Retail Consumption License C-101, issued by the Board of Commissioners of the City of Union City to Ellen Collins, 2100 Hudson Boulevard, Union City, be and the same is hereby suspended for a period of twenty (20) days, commencing at 3 a.m., January 8, 1957, and terminating at 3 a.m., January 28, 1957.

WILLIAM HOWE DAVIS  
Director

4. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 15 DAYS.

In the Matter of Disciplinary Proceedings )  
against )

JAMES ACERRA )  
t/a Sheridan Bar & Grill )  
8 West Front Street )  
Red Bank, New Jersey )

CONCLUSIONS

and

Holder of Plenary Retail Consumption License )  
C-14 for the 1955-56 licensing period, and )  
now holder of Plenary Retail Consumption Li- )  
cense C-11 for the 1956-57 licensing period, )  
issued by the Borough Council of the Borough )  
of Red Bank. )

ORDER

Quinn, Doremus, McCue & Russell, Esqs., by Thomas P. Doremus, Esq.,  
Attorneys for Defendant-Licensee.  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage  
Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant has pleaded not guilty to a charge alleging that he sold served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to two minors and permitted the consumption of such beverages by the minors in and upon his licensed premises, in violation of Rule 1 of State Regulation No. 20.

"At the hearing herein, Arlen ---, age 19, and Thomas E. ---, age 20, testified, in substance, that they arrived at defendant's licensed premises on Saturday, May 12, 1956 between the hours of 9 and 10 a.m. and remained there for about one and one half hours during which period

they purchased and consumed about six bottles of beer, served by the bartender who did not question them as to their age; that they then left the premises, returned within a short time, and remained for about fifteen minutes; that during this period, they were each served with and consumed a bottle of beer and a couple of glasses of draft beer; that on the second occasion, the bartender asked whether they were old enough to be served beer and they replied that they were; and that the bartender then served them with beer without making any request for identification or their signature on a written representation as to their age.

"From the testimony of an ABC agent, it appears that on May 21, 1956, the minors directed ABC agents to defendant's licensed premises which they identified from the exterior as the place where they had been served with beer on May 12, 1956. On June 5, 1956, the two minors and the ABC agents returned to defendant's premises which they entered and the minors identified the interior arrangement and one of the minors stated that he believed that Werner Fichtler was the person who had served them with beer on May 12, 1956. At this time Fichtler said that he recognized Arlen but did not know the other minor.

"The above account of the minors that they purchased, were served with and consumed beer at defendant's licensed premises on the date in question is not seriously challenged by the licensee. His defense, in the main, is that he has operated a licensed tavern for about fifteen years and has never previously been charged with any violation; that his instructions to his bartenders were to check everyone that they suspected might not be of age; that signs are displayed in the barroom that persons must be twenty-one years of age to purchase alcoholic beverages; that he is aware that in case of doubt the bartenders are required to have the suspected minor sign a written representation that he is over twenty-one but that he has no such forms available. Werner Fichtler testified that he was acting as bartender on the morning of May 12, 1956; that he has no definite recollection as to what occurred there on that morning; that he remembers Arlen because he was in the tavern at some time but that he does not remember Thomas ever being there.

"My conclusion from the evidence presented is that the licensee's good record and his alleged practice of requiring close scrutiny of young-appearing persons and in case of doubt, requiring presentation of birth certificates 'or something like that', does not establish a meritorious defense. Re Wedemeyer, Bulletin 1050, Item 8. I, therefore, recommend that defendant be found guilty as charged.

"The licensee has no prior adjudicated record. I recommend a penalty of fifteen days suspension. Re Pennington, Bulletin 1133, Item 9."

No exceptions were taken to the Hearer's Report within the time limited by Rule 6 of State Regulations No. 16.

After carefully considering the facts and circumstances herein, I concur in the recommended conclusions in the Hearer's Report and adopt them as the conclusions herein. I shall suspend defendant's license for fifteen days..

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

ORDERED that plenary retail consumption license C-11 (for the 1956-57 licensing period), issued by the Borough Council of the Borough of Red Bank to James Acerra, t/a Sheridan Bar & Grill, for premises at 8 West Front Street, Red Bank, be and the same is hereby suspended for

fifteen (15) days, commencing at 2 a.m. January 7, 1957, and terminating at 2 a.m. January 22, 1957.

WILLIAM HOWE DAVIS  
Director

5. DISCIPLINARY PROCEEDINGS - FAILURE TO HAVE TRUE COPY OF LICENSE APPLICATION ON PREMISES - PRIOR RECORD - LICENSE SUSPENDED FOR 15 DAYS.

In the Matter of Disciplinary Proceedings against  
  
RICHARD MORRISROE,  
605 Ocean Avenue,  
Jersey City, New Jersey,  
  
Holder of Plenary Retail Consumption License C-34, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.  
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CONCLUSIONS  
  
and  
  
ORDER

Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendant was served, by registered mail received October 6, 1956, with the following charge:

"On September 24, 1956 you conducted your licensed business without having a photostatic or other true copy of the application for your current license on your licensed premises available for inspection; in violation of Rule 16(b) of State Regulation No. 20."

The defendant, although repeatedly requested to do so, did not enter any plea to the charge and did not appear at this Division on November 13, 1956, at 2 o'clock, the time and place fixed in the charge for hearing thereon.

The prosecutor for the Division thereupon proceeded to present his evidence ex parte as follows:

A letter dated August 20, 1956, addressed to the licensee wherein reference is made to a previous letter to the licensee dated February 29, 1956, advising the licensee that an inspection of his licensed premises on February 20, 1956, disclosed that he failed to have a copy of his then current license application on his licensed premises available for inspection and warned him of the necessity of having such copy available; that, during the course of inspection of his licensed premises on August 9, once again there was no such copy available for inspection and notified him that proceedings to suspend or revoke his license were being deferred pending receipt of his explanation of what appeared to be a deliberate violation notwithstanding the previous warning to him.

A letter to the licensee dated August 29, 1956, calling his attention to his failure to reply to the letter of August 20, and requesting an explanation forthwith.

A telegram dated September 17, 1956, to the licensee requesting an immediate reply to the previous letters of August 20 and 29, 1956.

Reports of ABC agents dated September 24, 1956, the substance of which is that they spoke with the licensee on that date with reference to his failure to reply to the aforesaid letters and telegrams to which the licensee replied that he knew nothing about them. The agents then asked the licensee for a copy of his application for the current license to which he replied "I don't know where it is -- it was here but it ain't here now."

Thereafter on October 5, 1956, the charge was preferred. In the letter to the licensee accompanying a copy of the charge he was advised that he was required to enter a plea to the charge not later than October 15, 1956. Not receiving any such plea, a telegram dated October 16, 1956, was sent to the licensee requesting the plea by return wire. There was no response.

On October 19, 1956, a registered letter was sent to the licensee, received by him on October 20, 1956, again enclosing a copy of the charge and accompanying letter of October 5; asked the licensee to advise not later than November 2, 1956, whether he was pleading guilty, non vult or not guilty to the charge and calling his attention to the fact that the hearing remained scheduled for Tuesday, November 13, 1956; that, if he failed to reply, the matter would be moved for trial whether he was present or not, and that, at the conclusion thereof, his conduct in failing to make any response to the above notices, letters and telegrams might be taken into account when fixing penalty.

No response was received from the licensee and, as stated aforesaid, he failed to appear at the hearing and has not since communicated with the Division.

The evidence presented leaves no doubt that defendant is guilty as charged. While the violation in itself is not major in character, the licensee's conduct herein, if tolerated, would result in a complete disruption of the Director's authority and his control of the liquor industry.

Defendant has a prior adjudicated record. Effective January 22, 1951, his license was suspended by the Municipal Board of Alcoholic Beverage Control of Jersey City for three days for sale to minors. This dissimilar violation, which occurred over five years ago, will not be considered in fixing the penalty herein (Re O'Donnell, Bulletin 1131, Item 9). Effective March 2, 1953, his license was suspended for fifteen days for sale during prohibited hours (Re Morrisroe, Bulletin 959, Item 7). In view of the prior dissimilar record which occurred within the past five years, I shall suspend defendant's license for fifteen days. Cf. Re Perlowski, Bulletin 961, Item 9.

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

ORDERED that plenary retail consumption license C-34, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Richard Morrisroe, for premises 605 Ocean Avenue, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. January 7, 1957, and terminating at 2 a.m. January 22, 1957.

WILLIAM HOWE DAVIS  
Director

6. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

FOUR TOWERS, INC.  
1027 Pompton Avenue  
Cedar Grove, New Jersey

CONCLUSIONS

and

Holder of Plenary Retail Consumption License C-7, issued by the Mayor and Council of the Township of Cedar Grove

ORDER

Sanderson & Cullen, Esqs., Attorneys for Defendant-licensee.  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to a minor and permitted the consumption of alcoholic beverages by said minor in and upon its licensed premises, in violation of Rule 1 of State Regulation No. 20.

The file herein discloses that ABC agents, acting upon information transmitted to this Division by the Bloomfield Police Department, obtained a signed sworn statement from George --- (age 18) in which he states that he entered defendant's premises with a number of companions at approximately 10 p.m. Saturday, November 17, 1956; that, while his companions were bowling, he went to the bar where he purchased and consumed at least ten glasses of beer served by Harry Marks (the bartender); that he was questioned by the bartender as to his age and told the bartender that he was twenty-one years of age but was not requested to produce any proof or make any written representation as to his age and that he left the premises shortly after midnight. Later George visited defendant's licensed premises with the agents and identified Harry Marks as the person who made the sales to him.

Defendant has a prior record. Effective July 3, 1950, its license was suspended for ten days for possession of illicit liquor (Re Four Towers, Inc., Bulletin 881, Item 5). However, since this dissimilar violation occurred more than five years ago, I shall not consider it in fixing a penalty herein (Re McCrory, Bulletin 1119, Item 4). The minimum penalty imposed for an unaggravated sale of alcoholic beverages to an eighteen-year-old minor is fifteen days (Re Endre & Rinaldi, Bulletin 1133, Item 6). I have some hesitancy in considering this as an unaggravated violation because of the number of drinks sold to the minor but, under all the circumstances, I have decided to impose the minimum penalty and, hence, I shall suspend defendant's license for fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 26th day of December, 1956,

ORDERED that plenary retail consumption license C-7, issued by The Mayor and Council of the Township of Cedar Grove to Four Towers,

Inc., for premises 1027 Pompton Avenue, Cedar Grove, be and the same is hereby suspended for ten (10) days, commencing at 2:30 a.m. January 7, 1957 and terminating at 2:30 a.m. January 17, 1957.

WILLIAM HOWE DAVIS  
Director

7. DISCIPLINARY PROCEEDINGS - MISLABELED BEER TAP - PRIOR RECORD - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

GEORGE'S FAMOUS RESTAURANT, A CORP.,  
t/a George's Famous Restaurant, Inc.,  
35 East Main Street,  
Freehold Borough, New Jersey )

CONCLUSIONS

and

ORDER

Holder of Plenary Retail Consumption License C-2, issued by the Borough Council of the Borough of Freehold. )  
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Defendant-licensee, by Louis Kerstein, President.  
William F. Wood, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it allowed, permitted and suffered a mislabeled beer tap on its licensed premises, in violation of Rule 26 of State Regulation No. 20.

On September 12, 1956, an ABC agent, during an inspection of defendant's premises, found a half-barrel of Krueger's beer on tap and a "Ballantine" knob attached to the dispensing spigot. In attempted mitigation the president of defendant corporation alleges that the violation was due to an "oversight or negligence" and that the price of the two brands of beer mentioned herein is the same.

Defendant has a prior record. Effective January 4, 1954, its license was suspended for a similar violation. See Bulletin 998, Item 9. Since this is a second similar violation within a five-year period, I shall suspend defendant's license for ten days. Five days will be remitted for the plea herein, leaving a net suspension of five days.

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

ORDERED that plenary retail consumption license C-2 issued by the Borough Council of the Borough of Freehold to George's Famous Restaurant, a Corp., t/a George's Famous Restaurant, Inc., for premises 35 East Main Street, Freehold Borough, be and the same is hereby suspended for five (5) days, commencing at 2 a.m. January 7, 1957 and terminating at 2 a.m. January 12, 1957.

WILLIAM HOWE DAVIS  
Director

8. APPELLATE DECISIONS - SPORTSMAN 300 v. NUTLEY - EFFECTIVE DATES FIXED FOR SUSPENSION PREVIOUSLY IMPOSED AFTER TERMINATION OF PROCEEDINGS TO REVIEW.

Sportsman 300, trading as )  
 Sportsman 300, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 Board of Commissioners of )  
 the Town of Nutley, )  
 )  
 Respondent. )  
 -----

O R D E R

BY THE DIRECTOR:

On June 4, 1956, I affirmed the 10-day suspension imposed here in by respondent. See Bulletin 1120, Item 2. Pending appellant's appeal to the Superior Court, Appellate Division, the suspension was stayed. On November 20, 1956, the court affirmed the suspension and it may, therefore, now be reimposed.

Accordingly, it is, on this 26th day of December, 1956,

ORDERED that the suspension of 10 days heretofore imposed against plenary retail consumption license C-7, issued to Sportsman 300, trading as Sportsman 300, for premises 173 Franklin Avenue, Nutley, be and the same is hereby reimposed, effective January 2, 1957 at 2 a. m., and terminating January 12, 1957, at 2 a.m.

WILLIAM HOWE DAVIS  
Director

9. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA

In the Matter of Disciplinary )  
 Proceedings against )  
 )  
 FANNIE SCHREIBMAN )  
 6 North Main Street )  
 Pleasantville, N. J., )  
 )  
 Holder of Plenary Retail Consumption )  
 License C-2, issued by the Common )  
 Council of the City of Pleasantville. )  
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CONCLUSIONS  
AND  
ORDER

Fannie Schreibman, Defendant-Licensee, Pro Se.  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that on November 22, 1956, she sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to

two minors and allowed, permitted and suffered said minors to consume such beverages in and upon her licensed premises, in violation of Rule 1 of State Regulation No. 20.

Acting upon information received from a Chief Petty Officer of the U. S. Naval Air Base at Pomona, ABC agents obtained two sworn statements, dated December 3, 1956, one from John J. --- (age 18) and the other from Paul E. --- (age 19). In these statements the minors say that on November 22, 1956, at about 9:30 p.m., they entered the licensed premises and took seats at the bar where each was served two glasses of beer for which they paid 15 cents a glass; that at no time did anyone question them about their ages; and that while they were consuming their second glass of beer they were approached by the aforesaid Chief Petty Officer, who upon learning that they were minors ordered them to return to their base.

Prior to executing the aforesaid statements the minors directed two ABC agents to defendant's licensed premises which they recognized from its outer appearance. After entering the tavern the minors again identified it as the place where they had been served the beer on November 22, 1956.

Defendant has no prior adjudicated record. I shall suspend her license for a period of fifteen days, the minimum suspension for the type of violation committed herein (Re Mondelli, Bulletin 1142, Item 8). Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 3d day of January 1957,

ORDERED that Plenary Retail Consumption License C-2 issued by the Common Council of the City of Pleasantville to Fannie Schreiber, 6 North Main Street, Pleasantville, be and the same is hereby suspended for a period of ten (10) days, commencing at 1 a.m., January 14, 1957, and terminating at 1 a.m., January 24, 1957.

WILLIAM HOWE DAVIS  
Director

10. STATE LICENSES - NEW APPLICATIONS FILED

Edward Kabot  
t/a Home Beverage Service  
Block 201, Lots Nos. 1, 2 & 3 on Forest Avenue  
Englewood, New Jersey  
Application filed February 20, 1957 for  
place-to-place transfer of State Beverage  
Distributor's License SBD-90, from 130 North  
Dean Street (Rear), Englewood, New Jersey.

Connecticut Motor Lines, Inc.  
2700 Brunswick Pike  
Trenton, New Jersey  
Application filed February 26, 1957 for  
Transportation License.

WILLIAM HOWE DAVIS  
Director

11. APPELLATE DECISIONS - CALVARY BAPTIST CHURCH v. CLIFTON AND THE GRAND UNION COMPANY (APPEAL WITHDRAWN).

Calvary Baptist Church, a )  
corporation of the State of )  
New Jersey )

Appellant, )

v. )

ON APPEAL

O R D E R

Municipal Board of Alcoholic )  
Beverage Control of the City )  
of Clifton, and The Grand )  
Union Company, )

Respondents. )  
-----

Peter R. Hofstra, Esq., Attorney for Appellant  
Edward F. Johnson, Esq., by Manfred Triebel, Esq., Attorney for  
Respondent Municipal Board  
Louis P. Bertoni, Esq., Attorney for Respondent The Grand Union  
Company

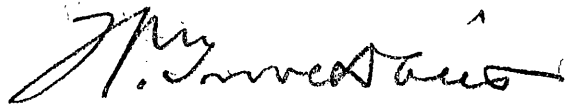
BY THE DIRECTOR:

The above appeal was filed from the action of respondent  
Municipal Board whereby it granted transfer of License DL-4 from  
John Sommariva to respondent The Grand Union Company, and from  
265 Parker Avenue to 435 Lexington Avenue, Clifton.

Prior to hearing herein, the attorneys for the respective  
parties filed a stipulation herein reciting that, on application  
of the Grand Union Company, the Municipal Board, on January 7, 1957,  
rescinded its resolution approving said transfer and reciting,  
further, that it has been stipulated and agreed that the appeal  
herein be withdrawn. No cause appearing to the contrary,

It is, on this 22nd day of January, 1957,

ORDERED that the within appeal be and the same is hereby dis-  
missed.



WILLIAM HOWE DAVIS  
Director