

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

BULLETIN 1293

August 19, 1959

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August 19, 1959

1. APPELLATE DECISIONS - MICHAEL'S PLEASANT INN, INC. v. POINT PLEASANT.

Michael's Pleasant Inn, Inc.,)	
Appellant,)	ON APPEAL
v.)	CONCLUSIONS AND ORDER
Mayor and Council of the Borough)	
of Point Pleasant,)	
Respondent.)	

Morton C. Steinberg, Esq., Attorney for Appellant.
Camp & Simmons, Esqs., by Roy G. Simmons, Esq.,
Attorneys for Respondent.

BY THE DIRECTOR:

The appeal herein came on for hearing on June 4, 1959 and plans and sketches of appellant's licensed premises and the proposed addition to said premises for which appellant applied to have its license extended were received in evidence and testimony was adduced with respect thereto. It appears that in October 1958, February 1959 and March 1959, appellant filed applications with the respondent seeking extension of its license to a newly erected addition to its licensed premises; that respondent having denied the first application, appellant appealed therefrom and I affirmed respondent's action (see Bulletin 1263, Item 5). It further appears that respondent denied the second application and that no appeal was taken therefrom; that when the third application was considered, appellant was advised by respondent that it would, in all probability, extend the license to the new addition if appellant would make certain minor structural changes and that when appellant refused to comply therewith, respondent denied the application. The appeal herein is from that denial.

As the hearing on appeal progressed, it became apparent that the parties hereto had previously resolved their differences and that there was no issue for me to determine. The attorneys for the respective parties acknowledge the aforesaid and stipulated on the record that the appeal be discontinued. No reason appearing to the contrary,

It is, on this 15th day of July, 1959,

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

WILLIAM HOWE DAVIS
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - GAMBLING - PRIOR RECORD - FOURTH VIOLATION - LICENSE SUSPENDED FOR 75 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Dominick & Mary Titone
1401 Bergenline Avenue
Union City, N. J.

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption
License C-51 (for the 1958-59 and
1959-60 licensing years), issued by
the Board of Commissioners of the
City of Union City.

James F. Ryan, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendants have entered a plea of non vult to the following charge:

"On May 5 and 12, 1959, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of horse race bets; in violation of Rule 7 of State Regulation No. 20."

ABC Agents F and P entered defendants' premises at 12:05 p.m., May 5, 1959, wherein they observed Dominick Titone (one of the licensees) answer a telephone call and make notations on a slip of paper. Thereafter one of the agents asked Titone for a "scratch sheet". Titone took a racing form from his pocket and handed it to the agents. Both agents then placed a ten-dollar bet with Titone who placed beneath the bar the money and a slip of paper he had given the agents and on which one of them had written the names of the horses selected, the track on which they were running, the amount played and the type of bets. After listening to Titone tell of his success as a horse player, the agents departed. At 12:05 p.m., May 12, 1959, Agents F, P and L entered defendants' licensed premises and found Dominick Titone in charge. Agents F and P, after perusing a racing form they received from Titone, announced the horses they intended to play and Titone gave them pen and paper. The agents listed their bets on the slips of paper and each handed Titone his bet slip and a five-dollar bill (the serial number of which had been recorded previously). Titone put the money and bet slips in his pants pocket. Meanwhile, Agent L left the premises and contacted local detectives. At 12:40 p.m. Agent L and the detectives entered the tavern where all identified themselves. Titone emptied his pockets and among the contents were found the agents' bet slips and the identifiable currency they had given him. Titone refused to give the agents a signed statement saying, "You got what you want, so don't ask me anything."

Defendants have a prior adjudicated record. Effective July 6, 1954 their license was suspended for ten days by the local issuing authority for sale of alcoholic beverages during prohibited hours. Effective June 7, 1955 I suspended their license for twenty days for possessing alcoholic beverages in bottles bearing labels which did not truly describe the contents. Re Titone, Bulletin 1069, Item 5. Effective April 15, 1957 I

again suspended their license for thirty days for alleged book-making. Re Titone, Bulletin 1166, Item 5. The minimum penalty imposed in cases of this kind where the licensee or his employees are involved is a suspension of the license for twenty-five days. Re Rosenthal, Bulletin 1278, Item 4. However, because of a prior similar violation which occurred within a five-year period, I shall double the penalty herein and, because this is the licensees' fourth violation within five years, I shall add twenty-five days, making a total suspension of seventy-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of seventy days.

Accordingly, it is, on this 9th day of July 1959,

ORDERED that Plenary Retail Consumption License C-51, issued for the 1959-60 licensing year by the Board of Commissioners of the City of Union City to Dominick & Mary Titone, for premises 1401 Bergenline Avenue, Union City, be and the same is hereby suspended for seventy (70) days, commencing at 3:00 a.m., Monday, July 20, 1959 and terminating at 3:00 a.m., Monday, September 28, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - CONDUCTING BUSINESS AS NUISANCE -
SALE TO INTOXICATED PERSONS - POSSESSING OBSCENE MATTER -
PRIOR RECORD - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Anna Siegel
118½-120-122 Mulberry Street
Newark 2, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-775 (for the 1958-59 and
1959-60 licensing years), issued by
the Municipal Board of Alcoholic
Beverage Control of the City of Newark.

William Osterweil, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On January 7, 23, 31 and February 1, 1959, 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 thereon persons, males impersonating females, who appeared to be homosexuals; allowed, permitted and suffered such persons to frequent and congregate in and upon your licensed premises; and otherwise conducted your licensed place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulation No. 20.

- "2. On February 1, 1959, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons actually or apparently intoxicated and allowed, permitted and suffered the consumption of such beverages by such persons in and upon your licensed premises; in violation of Rule 1 of State Regulation N. 20.
- "3. On February 1, 1959, you allowed, permitted and suffered in and upon your licensed premises and had in your possession obscene, indecent, filthy, lewd, lascivious and disgusting matter in form of photographs, representations, pictures, cartoons, drawings, sketches and greeting cards with accompanying words, phrases, legends and expressions having obscene, indecent, filthy, lewd, lascivious and disgusting import and meaning; in violation of Rule 17 of State Regulation No. 20."

ABC agents were at defendant's licensed premises on the dates set forth in the charges to investigate a complaint of misconduct of the licensed business. On January 7, 1959 an agent observed two men in the establishment who displayed effeminate characteristics. A patron seated near the agent remarked to the bartender, "You shouldn't even let them here. You know they locked a place in Bloomfield just for letting them come in the place," to which the bartender replied, "They're not bothering anybody." A few moments later the agent observed another effeminate appearing male in the premises. On visits by ABC agents on January 17, 20 and 22, 1959, they did not observe any effeminate appearing men there or any other misconduct.

On January 23, 1959 the agents observed a number of persons on the licensed premises who appeared to be intoxicated and six or seven men who displayed feminine mannerisms. On January 31, 1959 an ABC agent entered defendant's licensed premises at about 11:50 p.m. Harry Singer and Frank Delello were tending bar. Samuel Siegel, husband of the licensee, and Joseph Siegel, her son, were acting as waiters. At about 12:40 a.m. (February 1st), the agents observed a man stagger into the barroom, fall against the wall and stagger to the bar. His eyes were glassy and clothes disheveled. He asked for and was served a glass of beer by Delello. As he was carrying the beer to a sitting room in the premises, the beer was taken from him by Samuel and Joseph Siegel, who told him to leave the premises, because, in Samuel's words, "He looked a little drunk". The agents also observed a number of effeminate males in the premises with characteristics and speech from which the agents concluded that they were apparent homosexuals. While seated in a booth in the sitting room, they observed a female stagger to the ladies' room from her seat in the booth. Upon her return, a male companion ordered two glasses of beer from Samuel but he served only one glass of beer, indicating that the female was not to have any beer. Moments later, the woman asked Joseph for a drink and he served her with a bottle of beer. The agents also observed another female who danced while apparently intoxicated. Samuel interrupted her dance, escorted her to a seat and served her with a drink of gin and soda. Samuel also served a glass of beer to a man who appeared to be intoxicated.

At about 1:30 a.m., having concluded that the two females and the man were apparently intoxicated, the agents disclosed their identity and took possession of the unconsumed portions of the

alcoholic beverages in front of these three persons. During the course of their investigation, after such identification, Samuel surrendered to the agents four pictures of a lewd and obscene nature which had been in a closet. The agents also found other pictures of a similar nature in a closet in a sitting room which Samuel unlocked at their request.

The general atmosphere in the premises evidenced by the above facts is one of laxity in the conduct of the licensed business, not to be condoned on licensed premises no matter where located. See Re Lafayette Bar, Inc., Bulletin 1282, Item 6. However, the licensee appears to have made some reasonable efforts to control service of alcoholic beverages to intoxicated persons and female impersonators do not appear to have made a regular practice of frequenting the premises or to have indulged in indecent conduct.

Defendant has a prior adjudicated record. Effective August 2, 1955 her license was suspended by the local issuing authority for ten days for an "hours" violation. Under the particular circumstances in the case, including the previous record for a dissimilar violation within the past five years, I shall suspend defendant's license for a period of sixty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifty-five days.

Accordingly, it is, on this 9th day of July 1959,

ORDERED that Plenary Retail Consumption License C-775 for the 1959-60 licensing year, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Anna Siegel, for premises 118½-120-122 Mulberry Street, Newark, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m., Tuesday, July 21, 1959 and terminating at 2:00 a.m., Monday, September 14, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - GAMBLING - LOTTERY - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - PURCHASE BY RETAILER FROM RETAILER - LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Alfonso Colicchio
t/a Zeeny's Tavern
621 Second Avenue
Elizabeth 4, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-105 (for the 1958-59 and
1959-60 licensing years), issued by
the Municipal Board of Alcoholic
Beverage Control of the City of
Elizabeth.

Philip Dean Cohen, Esq., Attorney for Defendant-licensee
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On April 15, 16 and 17, 1959, you engaged in and/or allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of horse race bets and the playing of pool, bowling machine and card games for stakes of money and/or other valuable thing; in violation of Rule 7 of State Regulation No. 20.
- "2. On April 17, 1959 and prior thereto, you allowed, permitted and suffered a lottery, commonly known as a 'baseball pool' to be conducted in and upon your licensed premises and sold and offered for sale and possessed, had custody of and allowed, permitted and suffered tickets and participation rights in such aforementioned lottery, in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20.
- "3. On April 16, 1959, you sold and offered for sale, at retail, directly or indirectly, one case (twelve one quart bottles to the case) of Four Roses Blended Whiskey, an alcoholic beverage, at less than the price thereof as filed with the Director of the Division of Alcoholic Beverage Control; in violation of Rule 5 of State Regulation No. 30.
- "4. On April 16, 1959, you, a New Jersey plenary retail consumption licensee without authority of special permit first obtained from the Division of Alcoholic Beverage Control, purchased or obtained a case (twelve one quart bottles to the case) of Four Roses Blended Whiskey, an alcoholic beverage, from Michael A. Barone and Frank A. Colicchio, holders, as partners under trade name The Savoy, of a plenary retail consumption license for premises 1041-43 E. Grand Street, Elizabeth, New Jersey; in violation of Rule 15 of State Regulation No. 20."

On April 15, 1959, two ABC agents visited the defendant's licensed premises, at which time they observed patrons playing cards for drinks and defendant and patrons playing pool for one and two dollars a game. At defendant's invitation the agents played pool against him and another patron for one dollar a game. The defendant interrupted a game to telephone to someone the names of horses taken from a slip of paper which the agents had observed in defendant's possession. The agents asked defendant if he would accept a bet on a horse scheduled to run that day, but he advised them that the person with whom he placed the bets had already gone. Prior to leaving the premises the agents and a patron engaged in a card game for drinks.

On the second visit on April 16, 1959, the agents were told that defendant would be back later in the day. When the agents returned to the premises at 11:54 a.m. they heard defendant reading names of horses and amounts of money to a man called Mike who was writing the data on a piece of paper. After defendant finished, one of the agents placed bets on horses with Mike for which the latter accepted \$10 in payment therefor. The agents spoke to defendant about obtaining a case (twelve one-quart bottles) of Four Roses Blended Whiskey which the defendant agreed to sell them for \$66. When the defendant found that he did not have a sufficient number of quarts of the brand of whiskey on hand, he said he could obtain them from another licensee and requested that the agents come back later in the day. At 4:20 p.m. the agents returned but the defendant had not received the whiskey. After a short time a man entered the premises carrying a case of Four Roses Blended Whiskey and placed it on a stool next to one of the agents, who paid defendant \$66 therefor. The minimum resale price then effective for a case of Four Roses Blended Whiskey was \$68.40.

On the last visit to defendant's premises on April 17, one of the agents informed defendant that his horse came in on the previous day. Sometime thereafter the defendant gave the agent \$11. The agent then placed another bet on horses with the defendant and gave defendant a five-dollar bill and five one-dollar bills (the serial numbers of which had been previously recorded). The defendant proceeded to the telephone booth, at which time the agent who had placed the bets signaled to law enforcement officers who were outside the premises. The officers went to the telephone booth and obtained from the defendant the bet slip and the money which the agent had given him. A search of the premises resulted in the finding of a participation slip in a baseball pool which defendant stated belonged to him. A similar slip was given to one of the agents by a patron.

Defendant has no prior adjudicated record. I shall suspend his license on Charges 1 and 2 for twenty-five days (Re Sparkle Bar, Inc., Bulletin 1119, Item 5) and for an additional twenty-five days on Charges 3 and 4 (Re Ginsberg, Bulletin 1099, Item 10), making a total of fifty days. Five days will be remitted for the plea entered herein, leaving a net suspension of forty-five days.

Accordingly, it is, on this 9th day of July, 1959,

ORDERED that Plenary Retail Consumption License C-105 (for the 1959-60 licensing year), issued by the Municipal Board of Alcoholic Beverage Control of the City of Elizabeth to Alfonso Colicchio, t/a Zeeny's Tavern, for premises 621 Second Avenue, Elizabeth, be and the same is hereby suspended for forty-five (45) days, commencing at 2 a.m. Tuesday, July 21, 1959, and terminating at 2 a.m. Friday, September 4, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - CONDUCTING BUSINESS DURING PROHIBITED HOURS, IN VIOLATION OF LOCAL REGULATION - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR RECORD - FOURTH VIOLATION - LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Stephanie Black
t/a Blackie's Tavern
372 Bramhall Avenue
Jersey City, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-38 for the 1958-59 and 1959-60
licensing years, issued by the Municipal
Board of Alcoholic Beverage Control of the
City of Jersey City.

Stephanie Black, Defendant-licensee, Pro se.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to charges alleging that (1) she conducted her licensed business and permitted persons other than her actual employees and agents in and upon her licensed premises during prohibited hours, in violation of a local ordinance, and (2) she sold, served and delivered during prohibited hours alcoholic beverages in their original containers for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

On Sunday, May 3, 1959, at about 12:18 p.m., an ABC agent and another person were admitted to the licensed premises by a man, later identified as John Cox, a porter employed at the licensed premises. The agent purchased from Cox a pint of Seagram's Seven Crown whiskey and the other man purchased a pint of sherry wine. Both men then left the premises with their purchase. The agent joined a fellow agent who had remained outside and both knocked at the door and were admitted by Cox. The agents revealed their identity, whereupon Cox admitted the sales of alcoholic beverages as above set forth.

Rule 1 of State Regulation No. 38 prohibits the sale of alcoholic beverages on Sunday. The local ordinance prohibits the conduct of the licensed business on Sunday between the hours of 2:00 a.m. and 1:00 p.m.

Defendant has a prior adjudicated record. Effective January 7, 1952 her license was suspended for seven days by the local issuing authority for an "hours" violation. Effective March 29, 1954 her license was suspended for fifteen days by the local issuing authority for sales to minors. Effective June 25, 1958 her license was suspended for twenty days for sale of alcoholic beverages during hours prohibited by Rule 1 of State Regulation No. 38. Re Black, Bulletin 1238, Item 7. In sum, this is the second similar violation within the past five years and the third similar violation within the past ten years. The usual penalty of fifteen days imposed for violation of Rule 1 of State Regulation No. 38 will be doubled because this is the second similar violation within the past five years (Re Rowland, Bulletin 1278, Item 2), to which will be added five days for the violation set forth in Charge 1 (Cf. Re Melvin, Bulletin 1258, Item 5) and an additional fifteen days will be

imposed because this is the licensee's fourth violation, thus making a total suspension of fifty days. Five days will be remitted for the plea entered herein, leaving a net suspension of forty-five days.

Accordingly, it is, on this 14th day of July 1959,

ORDERED that Plenary Retail Consumption License C-38 for the 1959-60 licensing year, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Stephanie Black, t/a Blackie's Tavern, for premises 372 Bramhall Avenue, Jersey City, be and the same is hereby suspended for forty-five (45) days, commencing at 2:00 a.m., Monday, July 20, 1959, and terminating at 2:00 a.m., Thursday, September 3, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
LABELED - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

The Lounge, Inc.)
52-54 Garden Street)
Passaic, N. J.)

Holder of Plenary Retail Consumption)
License C-94 (for the 1958-59 licensing)
year), issued by the Board of Commissioners)
of the City of Passaic, which license,)
during pendency of these proceedings, was)
extended to and renewed for the 1959-60)
licensing year by)

CONCLUSIONS
AND ORDER

Milton J. Pashman, Receiver for)
The Lounge, Inc.,)

for the same premises.)

Defendant-licensee, by James Filipone, President
William F. Wood, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that it possessed on its licensed premises alcoholic beverages in bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

On April 28, 1959, an ABC agent tested the licensee's open bottles of alcoholic beverages (88 bottles) and seized 32 of such bottles because they appeared to be off in proof and color. The contents of nine of these bottles, on being analyzed by the Division's chemist, disclose that they vary in substantial respect from genuine samples of the same products.

Defendant has no prior adjudicated record. I shall suspend defendant's license for thirty-five days. Re Ocean Monterey Corporation, Bulletin 817, Item 13. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty days.

Accordingly, it is, on this 14th day of July, 1959,

ORDERED that Plenary Retail Consumption License C-94, issued for the 1959-60 licensing year by the Board of Commissioners of the City of Passaic to Milton J. Pashman, Receiver for The Lounge, Inc., for premises 52-54 Garden Street, Passaic, be and the same is hereby suspended for thirty (30) days, commencing at 3 a.m. Monday, July 27, 1959, and terminating at 3 a.m. Wednesday, August 26, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED -
LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Rose Duin
536 Bloomfield Street
Hoboken, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-106 for the 1958-59 licensing
period and C-66 for the 1959-60 licensing
period, issued by the Municipal Board of
Alcoholic Beverage Control of the City
of Hoboken.

Rose Duin, Defendant-licensee, Pro se.
William F. Wood, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that she possessed on her licensed premises alcoholic beverages in bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

On May 19, 1959, an ABC agent tested the licensee's open stock of twenty bottles of alcoholic beverages and, among others, seized seven bottles, the contents of which appeared to be off in proof and color. Two bartenders present told the agent that the licensee and one of the bartenders had been refilling bottles of whiskey of various brands with Mr. Boston's Pinch Bottle Blended Whiskey, the only unopened brand they had in stock.

Subsequent analysis by the Division chemist disclosed that the contents of the above-mentioned seven bottles, when compared with the sample of genuine product of the labeled brand, are high in solids and low in acids.

Defendant has no prior adjudicated record. I shall suspend defendant's license for thirty days, the minimum suspension imposed in a case involving seven bottles. Re Christopher Vicari, Inc., Bulletin 1277, Item 4. Five days will be remitted for the plea, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 14th day of July, 1959,

ORDERED that Plenary Retail Consumption License C-66 for the 1959-60 licensing year, issued by the Municipal Board of

WILLIAM HOWE DAVIS
DIRECTOR

At about 3:30 p.m., Sunday, May 31, 1959, ABC Agent S entered defendants' licensed premises and seated himself at the bar. Shortly thereafter, Agent O entered and occupied a seat alongside of Agent S. A patron called "Stash" came over to the agents and, in the presence of the barmaid, "Kay" (a relative of the licensees), engaged them in conversation respecting his pool playing for a large money stakes. During the aforesaid conversation, another patron entered the premises and invited Agent S to play a game of pool. Agent S accepted and "Stash" offered to place a side bet that Agent S would lose. The agent accepted and "Stash" insisted the money be placed on the bar in front of "Kay", "Kay" saying that it was the way they always played there. As the games progressed, the side bets were increased until they reached a total of \$40. In the meantime, Agent O purchased from "Kay" a pint of whiskey which he took from the premises and placed in his car. Later, he 'phoned the local police. Before Agent S and his competitor had finished the last of four games, two police officers entered. When the agents identified themselves, the police seized the money on the bar and placed "Stash" under arrest. "Kay" admitted that she sold the whiskey during prohibited hours for off-premises consumption and that the money seized represented the bets placed there by "Stash" and the agent.

Defendants have no prior adjudicated record. I shall suspend their license for the minimum period of fifteen days on Charge 1 (Re Kupiszewski, Bulletin 1278, Item 9) and for an additional fifteen days on Charge 2 since the involvement in the violation by the licensees' agent was the holding of money stakes (Re Sandor, Bulletin 1270, Item 8), 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 15th day of July, 1959,

ORDERED that Plenary Retail Consumption License C-8 for the 1959-60 licensing year, issued by the Borough Council of the Borough of South River to Paul Kondratyk and Jean Kondratyk, t/a Columbia Tavern, for premises 55 Jackson Street, South River, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m., Thursday, July 23, 1959, and terminating at 2:00 a.m., Monday, August 17, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - PERMITTING PERSONS ON PREMISES AND FAILURE TO AFFORD A CLEAR VIEW OF BAR DURING PROHIBITED HOURS, IN VIOLATION OF LOCAL REGULATION - MITIGATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

Cristina Rubino and Val M. Rubino)
t/a Rubino's Tavern)
388 Wayne Street)
Jersey City, N. J.)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption)
License C-446 (for the 1958-59 and)
1959-60 licensing years), issued by)
the Municipal Board of Alcoholic)
Beverage Control of the City of Jersey)
City.)

James F. Norton, Esq., Attorney for Defendant-licensees.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendants entered a plea of non vult to the following charges:

- "1. On Saturday, April 11, 1959 between the hours of 2:00 a.m. and 2:35 a.m., you suffered and permitted persons other than your actual employees and agents in and upon your licensed premises; in violation of Section 4 of an ordinance adopted by the Board of Commissioners of Jersey City on June 20, 1950..
- "2. On Saturday, April 11, 1959 at about 2:35 a.m., you failed to remove all obstructions so as to permit a clear view of the bar inside your licensed premises; in violation of Section 4 of the above mentioned ordinance."

On Saturday, April 11, 1959, ABC agents entered defendants' licensed premises at 12:45 a.m. and departed therefrom at 2:05 a.m., leaving in the premises Val Rubino (one of the licensees), a porter and six patrons. The agents took advantageous positions outside the premises from which they observed a male leave the tavern at 2:07 a.m. and saw one male enter the tavern at 2:10 a.m. and another male enter at 2:30 a.m. At 2:35 a.m. the agents peered through the plain glass window of the locked front door but were unable to get a full view of the interior of the premises. They noted that the other windows have frosted glass panes. Knocking on the door, the agents were admitted and beheld therein six patrons, the porter and Val Rubino. When informed of the violations, Rubino stated orally that he thought it was all right to have persons on the premises as long as no drinks were served and he further stated that one of the two males who entered the premises after hours wanted to use the phone and that the other was there to drive him home.

In mitigation of the penalty to be imposed herein, defendants' attorney submitted photographs showing the bar as seen through the front door and in a letter accompanying the same, he alleges that the building was constructed in accordance with plans and specifications filed with and approved by the local issuing authority, and that because of various acts of violence committed in the vicinity against licensees and their employees, the men were on the premises for the purpose of escorting Val Rubino to his home in safety.

Defendants have no prior adjudicated record. I have considered the alleged mitigating circumstances urged on defendants' behalf and I find that the photographs confirm the agents' observations. I further find that the maintaining of a body-guard of six males for the purpose alleged is, to say the least, unbelievable. The minimum penalty imposed for the violations set forth in Charges 1 and 2 is twenty days' suspension of the license. Re Camarata & Volpe, Bulletin 874, Item 3. However, since it appears that defendants relied upon the local issuing authority's approval of the plans for and the construction of the licensed premises, I shall in this instance, therefore, suspend defendants' license for fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days. The licensees should confer with the local issuing authority at once and arrange to insert a clear glass window pane in one of the windows so that there may be a clear view of the bar from the exterior of the premises. Until this situation is corrected, the lack of clear view constitutes a continuing violation.

Accordingly, it is, on this 8th day of July, 1959,

ORDERED that Plenary Retail Consumption License C-446 for the 1959-60 licensing year, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Cristina Rubino and Val M. Rubino, t/a Rubino's Tavern, for premises 388 Wayne Street, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m., Monday, July 20, 1959 and terminating at 2:00 a.m., Thursday, July 30, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED -
 LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
 Proceedings against)

Frieda Haitz, Frank Haitz &)
 Joseph R. D'Elia)
 127 Bergen Boulevard)
 Fairview, PO Cliffside, N. J.)

CONCLUSIONS
 AND ORDER

Holders of Plenary Retail Consumption)
 License C-14 (for the 1958-59 licensing)
 period) and renewed for the 1959-60)
 licensing period by the Mayor and)
 Council of the Borough of Fairview, to)

Frank J. Haitz & Joseph R. D'Elia)
 t/a The Paradise Club)

for the same premises.)

Defendant-licensees, by Frank Haitz and Joseph R. D'Elia)
 Partners.)

William F. Wood, Esq., Appearing for the Division of Alcoholic)
 Beverage Control.)

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they possessed in and upon their licensed premises alcoholic beverages in bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

On June 2, 1959 an ABC agent gauged all of the open stock of assorted brands of liquor in defendants' licensed premises and seized for analysis four bottles of Seagram's Seven Crown American Blended Whiskey, the contents of which appeared to be off in color. The report of the Division's chemist shows the contents of the seized bottles to be high in solids and low in acids when compared with samples of the original product.

Defendants have no prior adjudicated record. I shall suspend their license for twenty days, the minimum penalty in "refill" cases involving four bottles (Re Grower, Bulletin 1263, Item 6). Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 14th day of July 1959,

ORDERED that Plenary Retail Consumption License C-14, for the 1959-60 licensing year, issued by the Mayor and Council of the Borough of Fairview to Frank J. Haitz & Joseph R. D'Elia, t/a The Paradise Club, for premises 127 Bergen Boulevard, Fairview, be and the same is hereby suspended for fifteen (15) days, commencing at 3:00 a.m., Monday, July 20, 1959 and terminating at 3:00 a.m., Tuesday, August 4, 1959.

WILLIAM HOWE DAVIS
 DIRECTOR

11. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
 LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
 Proceedings against

Mary Juzaitis
 316 Second Street
 Elizabeth 1, N. J.

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Consumption
 License C-22 (for the 1958-59 and
 1959-60 licensing years), issued by the
 Municipal Board of Alcoholic Beverage
 Control of the City of Elizabeth.

 James T. Kirk, Esq., Attorney for Defendant-licensee
 William F. Wood, Esq., Appearing for Division of Alcoholic
 Beverage Control

BY THE DIRECTOR:

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

On May 21, 1959, an ABC agent tested the licensee's open stock of thirty-five bottles of alcoholic beverages and seized one of such bottles because it appeared to be off in proof. The licensee claimed that she refilled the bottle with whiskey of the same brand.

Subsequent analysis by the Division's chemist disclosed that the contents of the bottle seized, when compared with the sample of the genuine product of the labeled brand, are low in acids and solids.

Defendant has no prior adjudicated record. I shall suspend defendant's license for the minimum period of ten days where only one bottle is involved. Re Anchor Corporation, Bulletin 1281, Item 12. Five days will be remitted for the plea herein, leaving a net suspension of five days.

Accordingly, it is, on this 14th day of July, 1959,

ORDERED that Plenary Retail Consumption License C-22 (for the 1959-60 licensing year), issued by the Municipal Board of Alcoholic Beverage Control of the City of Elizabeth to Mary Juzaitis, for premises 316 Second Street, Elizabeth, be and the same is hereby suspended for five (5) days, commencing at 6 a.m. Monday, July 20, 1959, and terminating at 6 a.m. Saturday, July 25, 1959.

WILLIAM HOWE DAVIS
 DIRECTOR

12. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED -
PRIOR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

John & Albert Pisano
t/a Plaza Bar & Grill
321 Jefferson Avenue
Elizabeth 4, N. J.

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption
License C-123 (for the 1958-59 and
1959-60 licensing years), issued by
the Municipal Board of Alcoholic Beverage
Control of the City of Elizabeth.

Vreeland and Brown, Esqs., by Leonard G. Brown, Esq., Attorneys
for Defendant-licensees.

David S. Piltzer, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they possessed on their licensed premises an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

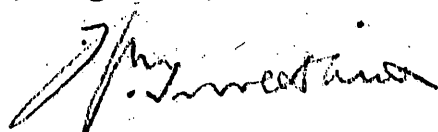
On April 10, 1959, an ABC agent tested the licensees' open stock of 75 bottles of alcoholic beverages and seized one of such bottles because it appeared to be off in proof and color. Albert Pisano, one of the licensees, admitted to the agent that sometimes he refilled bottles of whiskey of this brand with another brand of whiskey.

Subsequent analysis by the Division's chemist disclosed that the contents of said bottle, when compared with the sample of the genuine product of the labeled brand, are low in solids.

Defendants have a prior adjudicated record. Effective August 25, 1958 the license of defendants was suspended for ten days by the local issuing authority for permitting a nuisance on the licensed premises. I shall suspend defendants' license for ten days (Re Anchor Corporation, Bulletin 1281, Item 12), to which five days will be added for the dissimilar violation within the past five years (Re Hittner & Hodes, Bulletin 1278, Item 5), making a total suspension of fifteen days. Five days will be remitted for the plea herein, leaving a net suspension of ten days.

Accordingly, it is, on this 15 the day of July 1959,

ORDERED that Plenary Retail Consumption License C-123 for the 1959-60 licensing period, issued by the Municipal Board of Alcoholic Beverage Control of the City of Elizabeth to John & Albert Pisano, t/a Plaza Bar & Grill, for premises 321 Jefferson Avenue, Elizabeth, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m., Monday, July 27, 1959 and terminating at 2:00 a.m., Thursday, August 6, 1959.



William Howe Davis
Director