

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

Director

BULLETIN 1929

September 10, 1970

TABLE OF CONTENTS

ITEM

1. STATE REGULATION - REGULATION NO. 20, RULE 2 AMENDED - STATE-WIDE ELECTION DAY BAN REPEALED.
2. DISCIPLINARY PROCEEDINGS (Camden) - GAMBLING (NUMBERS BETS) - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 65 DAYS.
3. DISCIPLINARY PROCEEDINGS (Long Branch) - FALSE STATEMENT IN APPLICATION - LICENSE SUSPENDED FOR 20 DAYS.
4. DISCIPLINARY PROCEEDINGS (Secaucus) - SALE TO MINORS - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
5. ACTIVITY REPORT FOR JUNE 1970.
6. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1969 TO JUNE 30, 1970.
7. DISCIPLINARY PROCEEDINGS (Bordentown) - TRANSPORTATION IN VEHICLE HAVING NO TRANSPORTATION INSIGNIA ATTACHED - AGGRAVATED CIRCUMSTANCES - LICENSE SUSPENDED FOR 75 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (New Brunswick) - SALE TO INTOXICATED PERSON - PERMITTED OBSCENE LANGUAGE ON PREMISES - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

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

BULLETIN 1929

September 10, 1970

1. STATE REGULATION - REGULATION NO. 20, RULE 2 AMENDED - STATE-WIDE ELECTION DAY BAN REPEALED.

NOTICE TO ALL LICENSEES AND OTHER INTERESTED PERSONS - ELECTION DAY SALES;

Pursuant to Notice of Intention of June 1, 1970, reprinted in Division Bulletin 1912, Item 5, public hearings were held on June 25 and July 9, 1970 to afford opportunity to interested persons to express their views with respect to a proposed amendment to N.J.A.C. 13:2-215 (Rule 2 of Division Regulation No. 20) which would abrogate the current state-wide prohibition against election day sales of alcoholic beverages by retail licensees, and continue such ban only in municipalities in which such sales are prohibited by municipal ordinance. At such public hearings, 23 persons, most of whom are connected in some way with the alcoholic beverage industry, spoke in favor of the proposed amendment, while 2 persons associated with the New Jersey Council on Alcohol Problems spoke in favor of retention of the existing Rule without change. Also, many exhibits were introduced in the record, including correspondence from municipal officials and members of the general public, the heavy percentage of whom favored adoption of the proposed amendment, and from the alcoholic beverage control agencies of several sister states.

Additionally, a resolution was received from the Board of Directors of the New Jersey Conference of Mayors expressing approval of the proposed amendment. This resolution was distributed to each and every Mayor of the state. Written responses from more than 400 Mayors disclose that the great majority concur in the adoption of this resolution.

The ban against election day sales in New Jersey was first imposed shortly after the repeal of Prohibition in 1933. It has remained in effect, with certain changes, to this date. The basis of the ban is the maintenance of the integrity of the electoral process.

It appears that whatever fears may have existed in 1933 with respect to interference with the orderly exercise of the right to vote on election days no longer form a valid basis for the continued inconvenience to the public from the forced closings of licensed premises today. The original institution of the ban was part of the state's comprehensive attempt to limit to the utmost any possible social abuses in the infant system of alcoholic beverage control then adopted by the Legislature. What was appropriate for the 1930's, however, is not necessarily appropriate for the 1970's-the notion that a politician can buy a vote with a drink no longer "holds water".

In this connection, the experience of sister states is significant. At least eight states (California, Louisiana, Nevada, New Hampshire, Texas, Virginia, Wisconsin and Wyoming) currently have no state-wide restriction against the retail sale of alcoholic beverages on election days. Of these states, four (California, Nevada, Texas and Wisconsin) in recent years repealed their prior restrictions against election day sales and, according to their state alcoholic beverage control agencies, have experienced no problems as a result of such change. The other four states also report no problems arising from such sales.

A further consideration is the needless loss of revenue by licensees, their employees, related businesses and the state because of forced election day closings. Although the consideration of these losses is not determinative of the issue in question, it is nevertheless of significant weight. Should these substantial state-wide revenue losses be permitted to continue where the only benefit to the public welfare is, at best, remote and uncertain? I think not. The public purse should not be squeezed at the expense of an anachronistic concept.

I have carefully considered the entire record in this matter and, as a result, find that the public interest would be well served by the abrogation of the state-wide prohibition against election day alcoholic beverage activity. Since the philosophy of the state control system is strongly in favor of local municipal option with respect to the hours and days during which the sale of alcoholic beverages may be restricted above and beyond those prohibited by state control, it is my further finding that such abrogation should not affect the authority of municipal governing bodies to legislate election day closings to provide for the various particular conditions which may prevail amongst the more than 500 municipalities of the state in which alcoholic beverages are sold at retail.

I shall therefore adopt the amendment to the Division Rule as proposed. However, let the alcoholic beverage industry be forewarned that unlocking the doors of a tap room must not dilute the effectiveness of the election system; this Division shall carefully observe the conduct of licensed premises throughout the state during future elections to ascertain whether, in fact, beverages and the ballot can mix.

Accordingly, I have this day amended N.J.A.C. 13:2-215 (Rule 2 of Division Regulation No. 20), effective immediately, to read as follows:

"No licensee shall sell or offer for sale at retail or deliver to any consumer any alcoholic beverage, or allow, permit or suffer the consumption of any alcoholic beverage in or upon the licensed premises while the polls are open for voting in any municipality in which an election is being held and the sale of alcoholic beverages is prohibited during such election by municipal ordinance."

Dated: August 24, 1970

RICHARD C. McDONOUGH
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) -
PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 65 DAYS.

In the Matter of Disciplinary Proceedings against)

RENEE'S BAR & LIQUOR STORE, INC.)
t/a RENEE'S BAR & LIQUOR STORE)
534-536 Kaighn Avenue)
Camden, New Jersey)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-38 for the year 1968-69 and C-37 for the year 1969-70 issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden)

Antonio F. Doganiero, 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 pleads not guilty to the following charges:

"1. On April 16 and 22, 1969, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of bets in a lottery, commonly known as the 'numbers game' and further on said date of April 22, 1969, you possessed, had custody of and allowed, permitted and suffered in and upon your licensed premises, slips, tickets, records, documents, memoranda and other writings pertaining to the aforementioned gambling activity; in violation of Rule 7 of State Regulation No. 20.

"2. On April 16 and 22, 1969, 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 and further, on said date of April 22, 1969, you possessed, had custody of and allowed, permitted and suffered such tickets and participation rights in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20."

ABC Agent M testified that at about 2:15 p.m. on April 16 he entered the licensee's premises and ordered a drink from a female bartender known as Dorothy Wilson (hereinafter Dorothy). He observed several people approach Dorothy and hand money to her, at which time she wrote "on a piece of paper which was behind the bar". Agent M asked Dorothy "if she would take a numbers bet" for him. Dorothy accepted number 248 and \$2 in payment for the bet, then ran to the door calling to a male who had just left the premises. When the man returned to the door, she gave him the number and the money. Fifteen minutes thereafter the agent left the tavern.

Agent M further testified that he again visited the licensee's premises at 1:15 p.m. on April 22 when he had in his possession two one-dollar bills, the serial numbers of which he had previously recorded. On this occasion, he was accompanied to the area by four other law enforcement officers (an ABC agent, a State Police officer, a county prosecutor's officer and a city detective). Agent M and Dorothy engaged in conversation during which he asked if she would place a bet for him. Dorothy told him he should "go next door to Eddie's and ask for Sol and give him your number and tell him that Dorothy sent you." At this time a female entered who also engaged Dorothy in conversation and the latter said to Agent M, "What was those numbers that you wanted to give me?" When the agent replied, "248 for \$2", Dorothy wrote the number on a piece of paper and also wrote "two numbers for the female that was there." Dorothy took Agent M's two one-dollar bills and also coins she had received from the female, rolled them up in a piece of paper, handed it to Agent M and told him to "Give them to Sol." He did as directed and went next door to Eddie's tavern. When he re-entered the licensee's tavern, he saw Agent B, pointed out Dorothy to the officers who were there, and "I believe the city detective placed her under arrest."

On cross examination, Agent M was examined at length by the licensee's attorney and testified substantially the same as to the alleged occurrences on both April 16 and 22 as he had testified on direct examination.

Agent B testified that at 1:55 p.m. on April 22 he went to the licensee's premises and, while there, Agent M came into the place and pointed to Dorothy, the barmaid. Agent B identified himself to Dorothy, showing her his credentials. He observed the city detective trying to extract a piece of paper from Dorothy's mouth. A purse was found on a shelf behind the bar and examination of the contents thereof disclosed a slip of paper on which numerous numbers and sums of money were written. Agent B read one of them, i.e., "542 for 50¢", which he described as a numbers bet. He identified himself to Lawrence H. Levin, president of the corporate licensee, telling him that Dorothy was under arrest for accepting numbers bets in the tavern. Levin said "he didn't know anything about it."

Lawrence H. Levin testified that Dorothy had been employed by the licensee for about two weeks and that he was aware that she had worked in another bar in Camden. When he hired her, he checked with the police and the prosecutor's office and found that she had "no infractions whatsoever." He had no knowledge that anything wrong was taking place on the licensed premises as he watched his employees "fairly well."

On cross examination, Levin stated that although Dorothy remained in the licensee's employ several weeks after the occurrence in question, he never discussed with her anything concerning alleged numbers activity.

Dorothy Wilson was sworn as a witness on behalf of the licensee but, when questioned, stated, "I refuse to answer because it might incriminate me. I have a case pending in Camden."

I am satisfied, after thorough consideration of the evidence presented herein, that Dorothy accepted numbers bets from Agent M in the licensed premises on the dates contained in

the charges preferred in this matter. As was said in Re Llewellyn Recreation Center, Bulletin 1146, Item 1:

"...it is not essential that the corporate-licensee's officers or employees should be personally implicated in the gambling activities or have knowledge thereof in order to find guilt. Re Bressler, Bulletin 1091, Item 5."

The attorney for the licensee argued that his request for adjournment should be honored because Dorothy was under indictment in the criminal court for allegedly having accepted the numbers bets. However, it has consistently been held that disciplinary action against a licensee should not be held in abeyance pending the outcome of criminal charges. Disciplinary proceedings are proceedings in rem (against the license) and not in personam (against the licensee). Thus the licensee's argument is without merit. Disciplinary proceedings against a licensee are civil in nature. Kravis v. Hock, 137 N.J.L. 252 (1948); In re Schneider, 12 N.J. Super. 449 (App.Div. 1951). The two proceedings, one criminal and the other disciplinary, are different in kind, involve different issues, quantum of proof and types of penalty. See Re DuPree, Bulletin 108, Item 8; Re Messina and Ruisi, Bulletin 392, Item 12; Re Rosenthal & Geller, Bulletin 843, Item 4; Re 17 Club, Inc., Bulletin 949, Item 2; Re The Sport Center, Bulletin 1131, Item 5.

Under the circumstances appearing herein, I find that the licensee, through its employee, allowed, permitted and suffered the making and accepting of numbers bets on the licensed premises, as alleged in the above charges. I conclude that the Division has established the truth of these charges by a fair preponderance of the believable evidence. I recommend that the licensee be found guilty of the charges herein. Cf. Rule 33 of State Regulation No. 20.

Licensee has no prior adjudicated record. It is further recommended that an order be entered suspending the license for sixty days. Re Martinez, Bulletin 1904, Item 4.

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, the exhibits and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 7th day of July, 1970

ORDERED that Plenary Retail Consumption License C-37 (as renewed for the 1970-71 licensing period), issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Renee's Bar & Liquor Store, Inc., t/a Renee's Bar & Liquor Store, for premises 534-536 Kaighn Avenue, Camden, be and the same is hereby suspended for sixty (60) days commencing at 2:00 a.m. Thursday, July 23, 1970 and terminating at 2:00 a.m. Monday, September 21, 1970.

RICHARD C. McDONOUGH
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - FALSE STATEMENT IN APPLICATION - LICENSE SUSPENDED FOR 20 DAYS.

In the Matter of Disciplinary Proceedings against

PADDOCK LOUNGE, INC.
t/a PADDOCK LOUNGE
44-46 Chelsea Avenue
Long Branch, N. J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-52, issued by the City Council of the City of Long Branch.

Anshelewitz, Barr, Ansell & Bonello, Esqs., by David K. Ansell, Esq., Attorneys for Licensee
Edward F. Ambrose, Esq., Appearing for the Division

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleads not guilty to the following charges:

"1. In your application filed May 29, 1969 with the City Council of the City of Long Branch, and upon which you obtained your current plenary retail consumption license, you failed to answer 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? ... If answer is "Yes", state details...', thereby suppressing and evading the material fact that an individual other than Louise Agnellino, Clara Santorelli and Marcella Jones listed in answer to Question No. 21 of said application as the holders of 5.6%, 1.12% and 1.12%, respectively, of your issued and outstanding stock had a beneficial interest, directly or indirectly, in the stock held by them, in that Attilio Agnellino was the real and beneficial owner of all of the shares of stock listed in the names of Louise Agnellino and Marcella Jones; such evasion and suppression of a material fact being in violation of R.S 33:1-25.

"2. From on or about May 17, 1968 until the present time, you knowingly aided and abetted Attilio Agnellino to exercise, contrary to R.S. 33:1-26, the rights and privileges of your plenary retail consumption license; in violation of R.S. 33:1-52."

ABC Agent B testified that he entered the licensee's licensed premises at about 10:30 a.m. on June 23, 1968 and, when informed by an employee that Attilio Agnellino (hereinafter Attilio) would be in during the afternoon, he left. Agent B further stated that he returned to the licensed premises at about 12:30 p.m. the same day and spoke to Attilio who, upon his (agent B's) request, produced various records which included the licensee's current application, the list of employees, cancelled checks and the check book; that he (agent B) then questioned Attilio about his arrest in 1967 and asked him

if that was the reason the shares of stock he held in the corporate licensee were transferred by him to his wife and, in response thereto, Attilio answered that "he had been thinking of this for some time but this had helped make up his mind;" that Attilio said he was now employed as the manager of the tavern.

Agent B further testified that on June 23, 1969 an examination of the check book disclosed, in addition to Louise Agnellino (hereinafter Louise), Marcella Jones and Clara Santorelli (the latter two officers are each holding one share of the stock of licensee corporation) had signed checks in payment of bills.

Agent B testified he examined the lease dated January 2, 1968 for the licensed premises, executed by Attilio and Louise as owners of the building wherein the licensed premises are located. At that time Attilio signed the lease as president, and Louise as secretary of the licensee corporation.

Agent B further testified that on July 3, 1969, by appointment he went to the office of the attorney for the licensee in order to question Louise who was the president and major stockholder of the corporate licensee; that in the presence of her attorney (Mr. Anschelewitz) he questioned Louise concerning her ownership of ten shares of capital stock of the licensee corporation. A written statement in question-and-answer form, signed and sworn to by Louise, was marked as an exhibit in the instant case. It appears on the statement that, in answer to a question why Attilio transferred nine shares of the stock to her, Louise said that there was "no reason." In respect to a question by agent B, if she was given the additional stock because Attilio was charged with a crime, she replied, "Not necessarily" but later added that this was not the reason for the transfer.

Louise testified that the nine shares of stock were given to her by Attilio because he was "having an affair with this cocktail waitress, and I thought, well, it was best for me to have everything turned over to my name."

When asked by the licensee's attorney why Question No. 22 on the current license application for renewal was not answered, namely: "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?", Louise said, "it was never told to us."

Louise further testified that Attilio is paid a salary of \$150 per week for serving as manager of the business, and that the monthly rental paid by the licensee under the lease in the amount of \$600 is deposited in a joint bank account in the names of Attilio and herself. She was asked to explain why she told agent B that there was no reason for the gift to her of the nine shares of stock by Attilio, whereas at the hearing her testimony was because her husband was having an affair with another woman. In answer thereto Louise claimed she did not remember stating there was no reason for the gift of the stock in question.

Attilio did not testify at the hearing herein.

I am satisfied from the record that the real reason for transfer of the stock by Attilio to his wife Louise was because Attilio had been charged with the commission of a crime. Attilio apparently is not statutorily disqualified at present to be associated with the alcoholic beverage industry in this State.

It is difficult to reconcile the two explanations given by Louise where, on the one hand, she told agent B that there was no reason for the transfer of the stock to her and, on the other hand, at the hearing herein she claimed it was done because she desired to obtain financial security when she became aware that her husband was interested in another woman.

It is quite obvious the scheme whereby Attilio remained as manager of the premises but made it appear that he disposed of his financial interest in the liquor license is a mere subterfuge to evade the Alcoholic Beverage Law and the rules and regulations thereof.

After careful examination of the testimony and records herein, I find as a fact that the Division has proved its case by the preponderance of the evidence, and, therefore, it is recommended that the licensee be found guilty of both charges preferred herein.

Although the licensee has no prior adjudicated record, Attilio A. Agnellino, t/a Jazz City (who is an alleged manager and stockholder in the corporate license now under consideration) had his license suspended by the local issuing authority for ten days effective September 28, 1964, for sales of alcoholic beverages to minors. Since this dissimilar violation occurred more than five years ago, it will be disregarded.

There being no indication to date that correction of the unlawful situation has been accomplished, it is further recommended that the license 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 but in no event sooner than twenty days from the commencement of the suspension herein. Re O.K. Corral, Inc., Bulletin 1832, Item 6.

Conclusions and Order

Exceptions to the Hearer's report have been filed by the licensee. The exceptions allege insufficient evidence to support the Hearer's findings, lack of findings with respect to the "legal result of the transfer of ownership" and excessive penalty.

Upon careful consideration of the entire record herein, I find that the licensee failed to answer Question No. 22 of its May 29, 1969 license application and that such failure was intentional, amounting to the evasion and suppression of the material fact that Attilio Agnellino still had a beneficial interest in the nine shares of stock listed in the application in the name of his wife Louise Agnellino, and the one share of stock therein listed in the name of his daughter Marcella Jones. The failure to answer this question, standing alone, actually constitutes a violation of R.S. 33:1-25, whereas the intentional nature

of the violation is material to the question of penalty.

I also find that the licensee, by permitting Attilio Agnellino to hold an undisclosed interest in the shares of stock of his wife and daughter from May 17, 1968 (the date of nominal transfer thereof to them) to date has permitted Agnellino to exercise the rights and privileges of the license in question in violation of R.S. 33:1-26 which restricts same to the licensee. By so doing, the licensee has aided and abetted such unlawful activity, in violation of R.S. 33:1-52.

I do not accept the licensee's claim that Agnellino made a gift of the ten shares in question after he was arrested on criminal charges and while the charges were pending. He admitted to the agent that such charges had influenced him in transferring the stock. He did not testify at the hearing, nor was any reason advanced for his not testifying. Mrs. Agnellino's testimony concerning the stock transfer strains one's credulity to the breaking point and must be rejected.

Conviction of a crime involving moral turpitude disqualifies one from holding more than 10% of the shares of stock of a corporation holding, as here, a retail license. This is the background behind the alleged corporate structure changes herein. It is significant to note in this connection the fact that the licensee also failed to answer Question No. 33 of its licensee application, which reads:

"Has the applicant or has any person mentioned in this application having a beneficial interest in the license applied for or in the business to be conducted under said license ever been convicted in any criminal prosecution of any violation of the New Jersey Alcoholic Beverage Law (R.S. Title as amended and supplemented) or of any violation of any municipal alcoholic beverage ordinance or any disorderly persons offense involving alcoholic beverages?.....If so, state details as to each conviction, giving name of person convicted, date thereof, nature of the offense, court in which the conviction was entered and sentence imposed."

Division records disclose that Agnellino was convicted on April 14, 1939 in the Monmouth County Court of operating an illicit still (a crime involving moral turpitude), by reason of which he was rendered disqualified to be engaged in the alcoholic beverage industry in this State. Although this disqualification was removed by the Director by order of June 5, 1945, the conviction must still be set forth in answer to the above-quoted question if Agnellino held a beneficial interest in the license. Division records further disclose that Agnellino was arrested in Monmouth County on December 30, 1967 on charges of receiving stolen property (a crime involving moral turpitude). Weinstein v. Division of Alcoholic Beverage Control, 70 N.J. Super. 164 (App. Div. 1961).

In sum, I find the licensee guilty of both charges. I therefore concur in the Hearer's recommended findings and will impose the recommended penalty, which is in accord with Division precedent and which I do not deem excessive. See Re Broadway Lounge, Inc., Bulletin 1564, Item 4, a case not dissimilar from this one. See also Florence Meth. Church v. Tp. Committee, Florence Tp., 38 N.J. Super. 85 (App. Div. 1955) and Bulletin 1095, Item 9.

Accordingly, it is on this 9th day of July, 1970,

ORDERED that Plenary Retail Consumption License C-52 (for the 1970-71 licensing period), issued by the City Council of the City of Long Branch to Paddock Lounge, Inc. t/a Paddock Lounge, for premises 44-46 Chelsea Ave., Long Branch, is hereby suspended for the balance of its term expiring June 30, 1971, effective at 3:00 a.m. Wednesday, July 22, 1970, with leave for the licensee or any bona fide transferee of the license to apply by verified petition for the lifting of the suspension whenever the unlawful situation has been corrected, but in no event sooner than twenty days from the commencement of the suspension herein.

RICHARD C. McDONOUGH
DIRECTOR

- 4. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - PRIOR DIS-
SIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS
5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

POP JOE'S RAINBOW ROOM, A CORP.)
101-107 Centre Avenue)
Secaucus, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-9 issued by the Town Council of the Town of Secaucus.)

Virginia T. Grossi, Esq., Attorney for Licensee
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on June 6, 1970, it sold drinks of beer to two minors, ages 19 and 20, in violation of Rule 1 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days, effective February 9, 1970, for sale of alcoholic beverages during prohibited hours in violation of Rule 1 of State Regulation No. 38.

The license will be suspended for fifteen days (Re Banjo Palace, Inc., Bulletin 1875, Item 9), to which will be added five days by reason of the record of suspension of license for dissimilar violation within the past five years (Re Harrington & Burns, Inc., Bulletin 1882, Item 5) or a total of twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days.

Accordingly, it is, on this 14th day of July 1970,

ORDERED that Plenary Retail Consumption License C-9 (as renewed for 1970-71 licensing period) issued by the Town Council of the Town of Secaucus to Pop Joe's Rainbow Room, A Corp., for premises 101-107 Centre Avenue, Secaucus, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Monday, July 20, 1970, and terminating at 2:00 a.m. Tuesday, August 4, 1970.

RICHARD C. McDONOUGH
DIRECTOR

5. ACTIVITY REPORT FOR JUNE 1970

ARRESTS:		
Total number of persons arrested - - - - -		9
Licensees and employees - - - - -	4	
Bootleggers - - - - -	5	
SEIZURES:		
Motor vehicles - cars - - - - -		2
Alcohol - gallons - - - - -		5625
Distilled alcoholic beverages - gallons - - - - -		5,3715
Wine - gallons - - - - -		30,3875
Brewed malt alcoholic beverages - gallons - - - - -		50,675
RETAIL LICENSEES:		
Premises inspected - - - - -		335
Premises where alcoholic beverages were gauged - - - - -		309
Bottles gauged - - - - -		5,025
Premises where violations were found - - - - -		77
Violations found - - - - -		117
No Form E-141-A on premises - - - - -	37	No disposal permit - - - - - 7
Unqualified employees - - - - -	28	Prohibited signs & practice - - - - - 1
Form E-141-A incomplete - - - - -	18	Other violations - - - - - 19
Application copy not available - - - - -	7	
STATE LICENSEES:		
Premises inspected - - - - -		9
License applications investigated - - - - -		19
COMPLAINTS:		
Complaints assigned for investigation - - - - -		381
Investigations completed - - - - -		342
Investigations pending - - - - -		280
LABORATORY:		
Analyses made - - - - -		24
Refills from licensed premises - bottles - - - - -		12
Bottles from unlicensed premises - - - - -		1
IDENTIFICATION:		
Criminal fingerprint identifications made - - - - -		1
Persons fingerprinted for non-criminal purposes - - - - -		796
Identification contacts made with other enforcement agencies - - - - -		571
DISCIPLINARY PROCEEDINGS:		
Cases transmitted to municipalities - - - - -		2
Violations involved - - - - -		2
Sale during prohibited hours - - - - -	2	
Cases instituted at Division - - - - -		42
Violations involved - - - - -		56
Sale to minors - - - - -	9	Permitting miscellaneous gamb. on prem. - 1
Possessing liquor not truly labeled - - - - -	6	Perm. narcotic acty. on premises - - - - - 1
Permitting lottery on premises - - - - -	6	Sale outside scope of license - - - - - 1
Perm. lottery & bookmaking on prem. - - - - -	5	Possessing horse race betting slips - - - - - 1
Sale during prohibited hours - - - - -	4	Permitting hostesses on premises - - - - - 1
Fraud in application - - - - -	3	Possessing indecent matter - - - - - 1
Permitting bookmaking on prem. - - - - -	3	Hindering investigation - - - - - 1
Perm. immoral activity on prem. - - - - -	2	Combination sale - - - - - 1
Sale to non-member by club - - - - -	2	Furnishing gift with retail sale - - - - - 1
Sale to intoxicated persons - - - - -	2	Sale at discount - - - - - 1
Perm. bookmaking, lottery & misc. gambling on premises - - - - -	1	Aiding & abetting unauthorized sale - - - - - 1
Perm. foul language on premises - - - - -	1	Unauthorized transportation - - - - - 1
Cases brought by municipalities on own initiative and reported to Division - - - - -		15
Violations involved - - - - -		23
Sale to minors - - - - -	6	Act of violence - - - - - 2
Sale during prohibited hours - - - - -	4	Conducting business as a nuisance - - - - - 2
Fail. to close prem. dur. proh. hrs. - - - - -	4	Sale to intoxicated person - - - - - 1
Permitting brawl on premises - - - - -	3	Perm. imm. activity on prem. - - - - - 1
HEARINGS HELD AT DIVISION:		
Total number of hearings held - - - - -		66
Appeals - - - - -	9	Seizures - - - - - 1
Disciplinary proceedings - - - - -	35	Applications for license - - - - - 1
Eligibility - - - - -	20	
STATE LICENSES AND PERMITS:		
Total number issued - - - - -		4,616
Licenses - - - - -	2	Social affair permits - - - - - 370
Solicitors' permits - - - - -	2,569	Miscellaneous permits - - - - - 337
Employment permits - - - - -	853	Transit insignia - - - - - 379
Disposal permits - - - - -	58	Transit certificates - - - - - 58
OFFICE OF AMUSEMENT GAMES CONTROL:		
Licenses issued - - - - -	49	Premises inspected - - - - - 459
State Fair licenses issued - - - - -	73	Premises where violations were found - 64
Enforcement files established - - - - -	66	Number of violations found - - - - - 93

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

6. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1969 TO JUNE 30, 1970

	1st Quarter			2nd Quarter			3rd Quarter			4th Quarter			Total
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	
ARRESTS:													
Total number of persons arrested			55			33			36			28	152
Licensees and employees			19			22			23			12	76
Booieleggers			36			11			13			16	76
SEIZURES:													
Motor vehicles - cars			-			1			1			2	4
- trucks			-			-			1			-	1
Still - 50 gallons or under			2			-			3			1	6
Alcohol - gallons			3.11			3.10			292.397			.5625	299.1695
Mash - gallons			104			-			680			-	784
Distilled alcoholic beverages - gallons			50.74			22.94			5.10			14.8315	93.6115
Wine - gallons			102.66			7.24			1,104.290			40.2245	1,254.4145
Brewed malt alcoholic beverages - gallons			78.50			53.16			27.11			95.665	254.435
RETAIL LICENSEES:													
Premises inspected			1,321			1,980			1,812			1,835	6,948
Premises where alc. bevs. were gauged			1,126			1,604			1,384			1,517	5,631
Bottles gauged			18,010			24,288			21,207			23,990	87,495
Premises where violations were found			403			501			485			443	1,834
Violations found			659			691			708			709	2,767
No E-141-A on premises			251			225			224			180	880
Unqualified employees			181			127			135			106	629
Form E-141-A incomplete			57			109			117			96	379
Application copy not available			56			60			78			68	262
Disposal permit necessary			7			7			10			26	50
Other mercantile business			8			1			4			7	20
Prohibited signs & practices			5			3			4			7	19
Other violations			94			159			136			139	528
STATE LICENSEES:													
Premises inspected			22			48			32			16	118
License applications investigated			32			11			17			46	106
COMPLAINTS:													
Complaints assigned for investigation			1,249			1,195			1,194			1,310	4,948
Investigations completed			1,266			1,266			1,135			1,266	4,933
Investigations pending			(191)			(201)			(288)			(280)	(280)
LABORATORY:													
Analyses made			231			199			207			226	863
Refills from licensed premises - bottles			103			114			119			154	490
Bottles from unlicensed premises			73			31			29			10	143
IDENTIFICATION:													
Criminal fingerprint ident. made			32			13			10			6	51
Persons fingerprinted for non-crm. purp.			1,517			1,034			991			1,860	5,402
Ident. contacts w/other enforce. agencies			1,079			738			853			1,411	4,081
MV ident. via NJState Police teletype			4			-			-			2	6
DISCIPLINARY PROCEEDINGS:													
Cases transmitted to municipalities			7			16			11			8	42
Violations involved			9			19			12			10	50
Sale during prohibited hours			6			9			5			7	27
Sale to minors			1			5			5			2	13
Failure to close prem. dur. proh.hrs.			2			3			1			1	7
Single instance of other violations			-			2			1			-	3
Cases instituted at Division			70			78			74			111	333
Violations involved			90			94			82			154	420
Sales to minors			9			16			13			17	55
Possessing liquor not truly labeled			11			11			17			15	54
Sale during prohibited hours			11			12			8			12	43
Beverage Tax Law non-compliance			-			9			19			6	34
Permitting lottery acty. on premises			5			11			5			10	31
Permitting immoral acty. on premises			6			4			5			11	26
Fraud in application			4			3			2			11	20
Purchase from improper source			12			-			1			2	15
Permitting gambling on premises			-			2			1			10	13
Fail. to close prem. dur. proh. hrs.			3			4			-			3	10
Permitting hostess acty. on prem.			-			4			-			6	10
Hindering investigation			5			2			-			3	10
Pern. lottery & bookmaking on prem.			2			1			-			5	8
Sales below filed price			4			2			-			1	7
Permitting bookmaking on premises			2			1			-			4	7
Sales to non-members by club			-			-			-			6	6
Filing false tax reports			4			1			1			-	6
Pern. female impersonator on prem.			4			-			1			-	5
Unauthorized transportation			2			-			1			1	4
Pern. gambling apparatus on prem.			-			2			-			2	4
Sales to intoxicated persons			-			-			-			4	4
Unqualified employees			-			2			2			-	4
Pern. foul language on premises			-			-			-			4	4
Fraud and front			-			-			-			3	3
Fail. to keep true books of account			2			-			-			1	3
Pern. narcotic acty. on premises			-			-			1			-	2

	1st Quarter			2nd Quarter			3rd Quarter			4th Quarter			Total
	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	
DISCIPLINARY PROCEEDINGS (CONTINUED)													
Cases Instituted at Division (Continued)													
Possessing indecent matter	-	-	-	-	-	-	-	-	-	2	-	-	2
Sale outside scope of license	-	-	-	-	-	-	-	-	-	2	-	-	2
Retailer-to-retailer sales	2	-	-	-	-	-	-	-	-	-	-	-	2
Perm. lottery & raffle on premises	-	-	-	-	-	-	1	-	-	-	-	-	1
Perm. lottery, bookmaking & cards on prem.	-	-	-	1	-	-	-	-	-	1	-	-	2
Single instance of other violations	2	-	-	6	-	-	5	-	-	11	-	-	24
Cases brought by Municipalities on own initiative and reported to Division													
Violations involved	61	-	-	39	-	-	77	-	-	57	-	-	234
Sales to minors	28	-	-	10	-	-	36	-	-	25	-	-	99
Sale during prohibited hours	12	-	-	5	-	-	15	-	-	10	-	-	42
Conducting business as a nuisance	6	-	-	6	-	-	8	-	-	11	-	-	31
Fail. to close prem. dur. proh. hrs.	4	-	-	9	-	-	5	-	-	5	-	-	23
Permitting brawl, etc. on premises	6	-	-	3	-	-	5	-	-	4	-	-	18
Permitting gambling on premises	4	-	-	6	-	-	5	-	-	3	-	-	18
Perm. narcotic acty. on premises	-	-	-	-	-	-	7	-	-	2	-	-	9
Acts of violence	3	-	-	1	-	-	1	-	-	2	-	-	7
Perm. immoral acty. on premises	2	-	-	2	-	-	-	-	-	3	-	-	7
Hindering investigation	2	-	-	2	-	-	2	-	-	-	-	-	6
Fail. to afford view into premises during prohibited hours	2	-	-	1	-	-	1	-	-	2	-	-	6
Perm. premises to be used for ill. acty.	3	-	-	2	-	-	-	-	-	-	-	-	5
Perm. minors on prem. unaccomp. by parents or guardians (local regl.)	-	-	-	-	-	-	3	-	-	-	-	-	3
Employing persons w/o ID cards (local reg.)	2	-	-	1	-	-	-	-	-	-	-	-	3
Employing female bartender (local reg.)	2	-	-	-	-	-	-	-	-	-	-	-	2
Sales to intoxicated persons	-	-	-	-	-	-	-	-	-	2	-	-	2
Single instance of other violations	4	-	-	2	-	-	8	-	-	1	-	-	15
HEARINGS HELD AT DIVISION:													
Total number of hearings held	135	-	-	125	-	-	126	-	-	168	-	-	554
Appeals	22	-	-	34	-	-	21	-	-	28	-	-	105
Disciplinary proceedings	75	-	-	49	-	-	63	-	-	81	-	-	268
Eligibility	32	-	-	33	-	-	24	-	-	45	-	-	134
Seizures	4	-	-	5	-	-	1	-	-	3	-	-	13
Tax revocations	-	-	-	4	-	-	17	-	-	10	-	-	31
Applications for license	1	-	-	-	-	-	-	-	-	1	-	-	2
On Petition	1	-	-	-	-	-	-	-	-	-	-	-	1
STATE LICENSES AND PERMITS ISSUED:													
Total number issued	6,087	-	-	5,221	-	-	3,413	-	-	22,361	-	-	37,082
Licenses	630	-	-	8	-	-	6	-	-	17	-	-	661
Solicitors' permits	123	-	-	248	-	-	128	-	-	2,638	-	-	3,137
Employment permits	1,538	-	-	929	-	-	673	-	-	4,511	-	-	7,651
Disposal permits	225	-	-	208	-	-	153	-	-	187	-	-	773
Social affair permits	1,320	-	-	1,295	-	-	1,186	-	-	1,252	-	-	5,053
Wine permits	57	-	-	675	-	-	7	-	-	2	-	-	741
Miscellaneous permits	1,004	-	-	941	-	-	686	-	-	1,931	-	-	4,562
Transit insignia	943	-	-	679	-	-	511	-	-	10,058	-	-	12,191
Transit certificates	247	-	-	238	-	-	63	-	-	1,765	-	-	2,313
OFFICE OF AMUSEMENT GAMES CONTROL:													
Licenses issued	9	-	-	40	-	-	391	-	-	222	-	-	662
State Fair licenses issued	154	-	-	-	-	-	-	-	-	74	-	-	228
Premises inspected	1,052	-	-	-	-	-	-	-	-	459	-	-	1,511
Premises where violations were found	60	-	-	-	-	-	-	-	-	64	-	-	124
Number of violations found	82	-	-	-	-	-	-	-	-	93	-	-	175
Enforcement files established	75	-	-	42	-	-	11	-	-	79	-	-	207

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

Dated: July 24, 1970

7. DISCIPLINARY PROCEEDINGS - TRANSPORTATION IN VEHICLE HAVING NO TRANSPORTATION INSIGNIA ATTACHED - AGGRAVATED CIRCUMSTANCES - LICENSE SUSPENDED FOR 75 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

NUCERA BEVERAGE TRANSPORTATION CO.)
57 Edgewood Road East)
Bordentown, N. J.)

CONCLUSIONS AND ORDER

Holder of Transportation License T-188, issued by the Director of the Division of Alcoholic Beverage Control.)

Dimon, Haines and Bunting, Esqs., by John E. Dimon, Esq., Attorneys for Licensee.
Edward F. Ambrose, Esq., Appearing for the Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on or about May 25, 1969 it transported alcoholic beverages in a vehicle having no transit insignia affixed thereto or inscription painted thereon, as provided by Rule 12 of State Regulation No. 17, in violation of Rule 1 of said regulation.

Reports of investigation disclose that at about 2:30 a.m. on Sunday, May 25, 1969, officers of the Hamilton Township Police Department observed a tractor-trailer backed up to a garage in the rear of a residence at 1739 Exton Avenue, Hamilton Township, with three men unloading cases of beer from the trailer into the garage. The three men identified themselves as Salvatore A. Campo (president and holder of 98 per cent. of the corporate stock of Trionfetti Club (A Corporation), holder of a plenary retail consumption license for premises 600 Chestnut Street, Trenton), Frank M. Nucera (vice president and stockholder of the licensee corporation), and John J. Nucera (a brother of Frank M. Nucera), an employee of the licensee corporation. Investigation further disclosed that the premises in question was the residence of Salvatore A. Campo; that no alcoholic beverage license or special permit of any kind or nature whatsoever had been issued under the Alcoholic Beverage Law either by the State Director or by the municipal issuing authority to anyone for said premises; that, in all, there were two hundred fifty-two cases of beer involved (twenty-four 12-ounce bottles in each case); that the tractor-trailer had been leased by the licensee corporation to make deliveries in connection with business conducted under its alcoholic beverage transportation license, but on the day in question did not have any transit insignia or inscription painted thereon as required by State Regulation No. 17; that Frank M. Nucera admitted making the delivery of the alcoholic beverages in the tractor-trailer to Campo's residence without any accompanying delivery slip, invoice, manifest, waybill or similar document to identify the alcoholic beverages or the names and addresses of the sellers or purchasers. In due and regular course the alcoholic beverages were seized by this Division as alleged unlawful property and the matter scheduled for hearing for determination as to whether such alcoholic beverages constituted unlawful property and should be forfeited. Although requisite notice was given, no one appeared to oppose forfeiture of said alcoholic beverages.

In the subsequent investigation by Division agents, although claims were made on behalf of the licensee corporation that the alcoholic beverages had been picked up by it at the

Licensee has a previous record of suspension of license by the Director for fifteen days, effective June 2, 1965, for possession of alcoholic beverages not truly labeled. Re Al's Cafe Bar, Inc., Bulletin 1625, Item 5. In addition, a license held by Rialto Cafe, Inc. for premises 472 Broadway, Bayonne (in which Jack Robbins, president of the licensee corporation was the principal stockholder) was suspended by the municipal issuing authority for five days, effective July 10, 1944, for sale in violation of State Regulation No. 38.

The prior record of suspension for dissimilar violation in 1944 occurring more than five years ago disregarded but the prior record of suspension for dissimilar violation of June 2, 1965, occurring within the past five years considered, the license will be suspended for thirty days (Re Russell, Bulletin 1357, Item 1), with remission of five days for the plea entered, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 14th day of July 1970,

ORDERED that Plenary Retail Consumption License C-10, issued by the Board of Commissioners of the City of New Brunswick to Al's Cafe Bar, Inc. (A Corp.) for premises 138 New Street, New Brunswick, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m. Monday, July 27, 1970, and terminating at 2:00 a.m. Friday, August 21, 1970.



Richard C. McDonough
Director