

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

December 3, 1956

BULLETIN 1141

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

BULLETIN 1141

DECEMBER 3, 1956.

1. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS - FAILURE TO KEEP LICENSED PREMISES CLOSED DURING PROHIBITED HOURS - FAILURE TO KEEP LICENSED PREMISES OPEN TO PUBLIC VIEW DURING PROHIBITED HOURS - ALL IN VIOLATION OF A LOCAL ORDINANCE - ALLOWING OBSCENE LANGUAGE AND CONDUCT IN AND UPON LICENSED PREMISES - HINDERING INVESTIGATION - PRIOR RECORD - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

THE FRENCH QUARTER, INC.)
517 Paterson Plank Road)
Union City, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-168, issued by the Board of Commissioners of the City of Union City.)
-----)

Leo J. Berg, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. On Thursday, June 21, 1956, between 3:00 a.m. and 3:20 a.m., you sold and served alcoholic beverages at your licensed premises; in violation of Section 11 of an Ordinance adopted by the Board of Commissioners of the City of Union City on February 6, 1936, as amended January 19, 1939.

"2. On Thursday, June 21, 1956, between 3:00 a.m. and 3:20 a.m., you had your licensed premises open; in violation of Section 11 of an Ordinance adopted by the Board of Commissioners of the City of Union City on February 6, 1936, as amended January 19, 1939.

"3. On Thursday, June 21, 1956, between 3:00 a.m. and 3:20 a.m., you failed to draw aside curtains and screens obscuring the view from the street to the interior of your licensed premises and failed to keep same open so that a free and unobstructed view might be afforded the public from the street to the interior of your said licensed premises; in violation of Section 11 of an Ordinance adopted by the Board of Commissioners of the City of Union City on February 6, 1936, as amended January 19, 1939.

"4. On Thursday, June 21, 1956, between 3:20 a.m. and 4:30 a.m., you allowed, permitted and suffered foul, filthy and obscene language and conduct in and upon your licensed premises; in violation of Rule 5 of State Regulations No. 20.

"5. On Thursday, June 21, 1956, between 3:20 a.m. and 4:30 a.m., while investigators of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety were conducting an investigation, inspection and examination at your licensed premises, you failed to facilitate and hindered and delayed and caused the hindrance and delay of such investigation, inspection and examination; in violation of R. S. 33:1-35."

The file in the instant case discloses that at approximately 1:55 a.m. on Thursday, June 21, 1956, two ABC agents entered defendant's licensed premises and a third agent stayed in the vicinity thereof; that two bartenders called Julie and Pat, respectively, were on duty at the time; that at 3:00 a.m., the waitress and divers female entertainers left the premises while eight male customers and two couples remained; that at 3:05 a.m., a male called Pete, who was seated at the bar, instructed both bartenders to announce the last call for service of drinks; that thereafter Pete ordered a double shot of whiskey for a male patron sitting at his right; that at 3:10 a.m., another male, later identified as a brother of Pete, shouted "last call for service" and began unlocking the door to permit customers to leave and locking it after they departed; that at 3:14 a.m., the two agents ordered a bottle of beer apiece which was served to them by Pat; that one of the agents asked Pete's brother what time it was and he replied "three o'clock or a quarter after"; that at 3:20 a.m., the agent who had remained outside the tavern tried the door which he found was locked and observed the window curtains were drawn which prevented a view of the inside of the premises; that a man opened the door and said "We're closed", at which time the agent saw the two agents seated at the bar, each holding a glass in his hand and in front of each was a bottle of beer; that he then disclosed his identity and was permitted to enter the premises; that there were two females and four males in the premises; that he proceeded to the two agents, seized their respective drinks and also seized a drink from a patron; that Pete apparently recognized him from a prior investigation, came over to him and said "What are you doing to me, Dennis?"; that Pete attempted to pull the agent to the rear of the bar-room, saying "I'd like to talk to you alone" but the agent told him that he would have to talk to him in the presence of the other agents; that the two agents asked "Julie", the bartender, for the names and addresses of the patrons but "Julie" refused to reveal same; that Pete persisted in asking the agent to forget about the matter, remarking "Look, Dennis, if you put the report in I'll burn for it, this joint's got enough raps against it. I can't stand another one, if you put that report in I'll put the place in smoke tomorrow, I won't even wait for a hearing"; that after the agent informed Pete that it was impossible to forget about the violations, Pete grabbed the carrying case of the agent containing three bottles of beer which the agent had previously seized and threw it to the floor breaking two of the bottles; that he directed filthy invectives at the agent and threatened that "I've killed guys for less than this and I'll see you buried, you * * * *" and turning to the other agents, exclaimed "I hope all your mothers die of cancer"; that the agent retrieved the unbroken bottle from the floor and Pete then attempted to destroy it but he was restrained by the other agents from obtaining the unbroken bottle; that the agent obtained the copy of the license application from "Julie", the bartender, and while the agent was attempting to transcribe the necessary information from the application, Pete engaged in further conversation about the violations and when the agent advised him that it was futile for him to request that the various happenings be kept out of the report to be filed in the matter, Pete seized the application, crumpled it in his hands and threw it behind the bar; that Pete then castigated the agents and impugned their truthfulness; that while the agents were questioning Pete, "Julie", the bartender, surreptitiously left the premises; and that at 4:30 a.m., the agents also departed.

Such conduct as outlined above on the part of an employee or one acting in a supervisory capacity will not be tolerated. I cannot too forcibly emphasize that such a display of vilification and deliberate castigation of enforcement agents warrants the imposition of a severe penalty herein.

Defendant has a prior adjudicated record. Effective January 11, 1956, its license was suspended for thirty-five days on a "hostess" charge. Re The French Quarter, Inc., Bulletin 1096, Item 4. Under the circumstances appearing in the instant case and taking into consideration the past record of defendant, I shall suspend its license for 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 23rd day of October, 1956,

ORDERED that Plenary Retail Consumption License C-168, issued by the Board of Commissioners of the City of Union City to The French Quarter, Inc., 517 Paterson Plank Road, Union City, be and the same is hereby suspended for a period of fifty-five (55) days, commencing at 3:00 a.m. October 30, 1956, and terminating at 3:00 a.m. December 24, 1956.

WILLIAM HOWE DAVIS
Director.

2. DISCIPLINARY PROCEEDINGS - AGGRAVATED SALES TO MINORS -
LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JEAN VASAPOLI)
T/a FRANK'S BAR)
426 Clifton Avenue)
Lakewood, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-13, issued by the Township Committee of the Township of Lakewood.)

-----)
Jean Vasapoli, 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 she sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to three minors and permitted the consumption of such beverages by said minors in and upon her licensed premises, in violation of Rule 1 of State Regulations No. 20.

The Division received information from the Lakewood Police Department that three minors (serving in the Naval Air Force) had been apprehended in the early morning hours of September 19th for being disorderly, and during the course of questioning by officers of the Police Department, the minors stated that they had been sold alcoholic beverages at defendant's licensed premises. Thereupon, ABC agents, on September 21, 1956 obtained

signed, sworn statements from Gus --- (age 18), Donald --- (age 18), and Thomas --- (age 18), the three minors in question.

The substance of these statements is that the three minors, in civilian clothes, entered defendant's licensed premises at about 8:30 p.m. on September 18, 1956, took seats at the bar, and each of the minors were served with and consumed a bottle of beer which the bartender served them without questioning any of them as to his age. Thereafter, they were each served with nine additional bottles of beer by this bartender and another bartender, who likewise did not ask the age of any of the minors. The minors left the premises at about midnight or shortly thereafter.

On September 26th the three minors aforesaid directed the ABC agents to defendant's licensed premises, which they identified as the establishment where they had purchased the beer, and identified Frank Vasapoli, husband of the licensee, and Joseph Scalia, son-in-law of the licensee, as the respective bartenders who sold the beer to them. At the time of such identification, Frank Vasapoli told the ABC agents that he did not recall seeing the minors on September 18th but accepted their word that he served them beer and Joseph Scalia told the ABC agents that the minors were there on that date drinking beer when he came on duty and that he served them each with two bottles of beer without inquiring as to their age.

Defendant has no prior adjudicated record. The minimum penalty for sale of alcoholic beverages to an eighteen-year-old minor subsequent to January 16, 1956 is fifteen days. Re Endre and Rinaldi, Bulletin 1133, Item 6. Considering the number of minors involved, the quantity of alcoholic beverages sold to and consumed by them, and the fact that they were in the licensed premises for three or four hours, I shall suspend defendant's license for thirty days. Re Fox, Bulletin 1137, Item 2. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 16th day of October, 1956,

ORDERED that Plenary Retail Consumption License C-13, issued by the Township Committee of the Township of Lakewood to Jean Vasapoli, t/a Frank's Bar, 426 Clifton Avenue, Lakewood, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 2:00 a.m. October 22, 1956 and terminating at 2:00 a.m. November 16, 1956.

WILLIAM HOWE DAVIS
Director.

3. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD - LICENSE SUSPENDED FOR 30 DAYS.

In the Matter of Disciplinary Proceedings against CADILLAC BAR CORP. T/a THE WORKMAN'S BAR 1320 East State Street Hamilton Township PO Trenton, N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-41, issued by the Township Committee of Hamilton Township.

Theodore G. Fitzgeorge, Esq., Attorney for Defendant-licensee. Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it sold, served and delivered alcoholic beverages to two minors and permitted the consumption of such beverages by said minors, in and upon its licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that on Saturday night, July 14, 1956, ABC agents visited defendant's licensed premises wherein they observed the bartender serve a whiskey and soda and a glass of beer to two apparent minors of whom he made no inquiry as to age. When the youths had partially consumed their drinks, the agents identified themselves, ascertained that the suspects were Donald ---, age 19, and Jerome ---, age 20, and seized the remainder of their drinks for evidential purposes.

Defendant has a prior adjudicated record. Effective June 28, 1955, its license was suspended for thirty-five days by this Division for immoral activity, hostess activity, and unqualified employees and, effective August 2, 1955, its license was again suspended for ten days by this Division for sale to a minor. See Re Cadillac Bar Corporation, Bulletin 1059, Item 2, Bulletin 1072, Item 7, and Bulletin 1072, Item 8. The minimum penalty heretofore imposed for an unaggravated sale of alcoholic beverages to two minors over eighteen years of age was ten days. Re Casey and Jennings, Bulletin 1098, Item 8. On January 16, 1956, I announced in Re Increased Penalties, Bulletin 1095, Item 1, that the penalty in such cases would thereafter be increased by five days. However, because of the prior similar and dissimilar violations (both of which occurred within a period of five years), I shall suspend defendant's license for thirty days. The five days usually remitted will not be allowed since the confessional plea herein was entered on the scheduled date of hearing.

Accordingly, it is, on this 24th day of October, 1956,

ORDERED that Plenary Retail Consumption License C-41, issued by the Township Committee of Hamilton Township to Cadillac Bar Corp., t/a The Workman's Bar, 1320 East State Street, Hamilton Township, be and the same is hereby suspended for a period of thirty (30) days, commencing at 2:00 a.m. October 31, 1956, and terminating at 2:00 a.m. November 30, 1956.

WILLIAM HOWE DAVIS Director.

4. DISCIPLINARY PROCEEDINGS - GAMBLING - LOTTERY - LICENSE
SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)
HENDERSON TAVERN CORP.)
336 Henderson Street)
Jersey City, N. J.,)
Holder of Plenary Retail Consump-)
tion License C-91, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Jersey City.)

CONCLUSIONS
AND ORDER

Gerold Kanengiser, Esq., Attorney for Defendant-licensee.
David S. Piltzer, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. On June 2 and 7 and July 11, 12 and 26, 1956 you allowed, permitted and suffered gambling, viz., the making and accepting of horse race bets, in and upon your licensed premises; in violation of Rule 7 of State Regulations No. 20.

"2. On July 26, 1956 you allowed, permitted and suffered gambling, commonly known as 'numbers writing', in and upon your licensed premises; in violation of Rule 7 of State Regulations No. 20.

"3. On July 26, 1956 you allowed, permitted and suffered tickets and participation rights in a lottery, commonly known as 'numbers game', to be sold and offered for sale in and upon your licensed premises; in violation of Rule 6 of State Regulations No. 20.

"4. On July 26, 1956 you possessed and had custody of tickets and participation rights in a lottery, commonly known as a 'sick friend raffle', and allowed, permitted and suffered such tickets and participation rights, in and upon your licensed premises; in violation of Rule 6 of State Regulations No. 20.

"5. On July 26, 1956 and on divers dates prior thereto, you allowed, permitted and suffered a lottery, commonly known as a 'baseball pool' to be conducted, and tickets and participation rights therein to be sold and offered for sale, in and upon your licensed premises, and you allowed, permitted and suffered tickets and participation rights in such lottery in and upon your licensed premises; in violation of Rule 6 of State Regulations No. 20."

While ABC agents were in defendant's premises on the afternoon of June 2 and the afternoon of June 7, they observed a patron known as "Sam" conversing with various patrons and making several trips to a telephone booth. On the second afternoon they observed him accepting money from patrons. On the afternoon of July 11 the agents again visited the premises. One of the agents then placed a \$2.00 bet on a horse-race with "Sam" and told Joseph Todres, president of defendant corporation, that he had placed the bet. On the afternoon of July 12 the agents again visited

the premises and "Sam" accepted a \$2.00 bet "across the board" from the same agent who told Todres that he had placed this bet. When the agents returned to the premises on the afternoon of July 26, one of them placed a \$2.00 bet "across the board" and also placed a \$1.00 bet on a number with "Sam." The agent later informed Todres that he had placed these bets. Local police officers then entered the premises and found in "Sam's" possession the sum of \$116.75. In a subsequent search of the premises the agents found a book containing the names of sixteen baseball teams with the name of a person beside each team, and a raffle book for a portable radio labeled "Proceeds for sick friend" and "donation 25¢." Todres verbally admitted that he was running a baseball pool and later gave a written statement in which he admitted that he knew "Sam" was taking bets in his tavern but denied that he ever took any money from him or took any bets himself.

Defendant has no prior record. I shall suspend defendant's license for twenty-five days on Charges 1, 2 and 3 (Re Latawiec, Bulletin 1116, Item 7). In attempted mitigation defendant's attorney alleges that the "sick friend raffle" was a sympathetic gesture without gain or profit, and that his client received no gain or profit from the baseball pool. Under the circumstances, I shall suspend defendant's license for an additional five days on Charges 4 and 5, making a total suspension of thirty days. Five days will be remitted for the plea herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 23rd day of October, 1956,

ORDERED that Plenary Retail Consumption License C-91, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Henderson Tavern Corp., for premises 336 Henderson Street, Jersey City, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m. October 29, 1956, and terminating at 2:00 a.m. November 23, 1956.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - AGGRAVATED SALES TO MINORS - PRIOR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

PINE ACRES COUNTRY CLUB, INC.)
4th St. & Mulberry Ave., Cardiff)
Egg Harbor Township)
PO Box 289, Pleasantville, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-23, issued by the Township Committee of Egg Harbor Township.)

-----)
Paul M. Salsburg, 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 charge:

"On Saturday night, June 16th and early Sunday morning, June 17, 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., Robert F. ---, age 17, Dennis A. ---, age 18, Robert A. ---, age 18, and Robert J. ---, age 19, 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 Regulations No. 20."

The file herein discloses that on Saturday night, June 16, 1956 at about 11:40 p.m., an ABC agent visited the licensed premises to investigate a complaint that alcoholic beverages were being sold to minors. Ten minutes after his arrival, the agent saw four apparent minors enter the premises and go to the bar where each was served a bottle of beer; two by a barmaid and two by a bartender. Shortly after consuming part of their beer, the four boys, Robert F. --- (age 17), Dennis A. --- (age 18), Robert A. --- (age 18), and Robert J. --- (age 19) accompanied ABC agents to the Absecon Police Barracks and each minor gave a sworn statement reciting therein that on Saturday, June 16, 1956 at about midnight they entered the licensed premises; that they were each served a bottle of beer at the bar for which they individually paid 35¢ a bottle; that two of them were served by a barmaid and two by a bartender; that they had consumed part of their beer when approached by ABC agents; and that none of them was questioned about his age.

Counsel for defendant has submitted a letter requesting that I deal leniently with the licensee. I have read the letter and examined the file but find no circumstances that would impel me to impose a lesser penalty than that fixed in cases of this kind.

Defendant has a prior adjudicated record. Effective November 15, 1955 the Director suspended its license for twenty days for a sale to minors. Re Pine Acres Country Club, Inc., Bulletin 1089, Item 6. Since the violation herein is the second similar offense within five years, the penalty in this case, considering the tender age of one of the minors (17) and the number of minors involved, will be thirty-five days. Cf. Re Tarsi, Bulletin 1058, Item 2. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty days.

Accordingly, it is, on this 16th day of October, 1956,

ORDERED that Plenary Retail Consumption License C-23, issued by the Township Committee of Egg Harbor Township to Pine Acres Country Club, Inc., 4th St. & Mulberry Avenue, Cardiff, Egg Harbor Township, be and the same is hereby suspended for a period of thirty (30) days, commencing at 7:00 a.m. October 22, 1956, and terminating at 7:00 a.m. November 21, 1956.

WILLIAM HOWE DAVIS
Director.

6. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

STEVE KARDASINETZ & ANNA KARDASINETZ)
T/a STEVE'S BAR)
511 Main Street)
Paterson 3, N. J.,)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-275, issued by the Board of Alcoholic Beverage Control for the City of Paterson.)

Steve Kardasinetz & Anna Kardasinetz, Defendant-licensees, Pro se.
Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that on Sunday, July 22, 1956, they sold alcoholic beverages in original containers for off-premises consumption, in violation of Rule 1 of State Regulations No. 38.

On Sunday, July 22, 1956, at about 1:30 p.m., two ABC agents entered the licensed premises, took seats at the bar and ordered two glasses of beer. Thereafter, within a period of thirty minutes, they saw the bartender deliver alcoholic beverages in their original containers to three individuals who left the premises with their purchases immediately upon paying for the same. At about 2:00 p.m. one of the agents asked the bartender for a pint bottle of Schenley whiskey for home consumption. The bartender thereupon placed a pint bottle of Schenley Reserve Blended Whiskey in a paper bag, gave it to the agent, and accepted \$3.40 in payment thereof. Shortly thereafter both agents (one of them in possession of the whiskey) departed from the premises. Within a few minutes the agents returned to the premises, identified themselves and questioned the bartender who said he was one of the licensees and made the aforementioned illegal sales.

Defendants have no prior adjudicated record. I shall suspend defendants' license for a period of fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days (Re Barkey's Bar & Grill, Inc., Bulletin 1119, Item 8).

Accordingly, it is, on this 8th day of October, 1956,

ORDERED that Plenary Retail Consumption License C-275, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Steve Kardasinetz & Anna Kardasinetz, t/a Steve's Bar, for premises 511 Main Street, Paterson, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. October 16, 1956, and terminating at 3:00 a.m. October 26, 1956.

WILLIAM HOWE DAVIS
Director.

7. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD - NO "LOCUS POENITENTIAE" INTERVENED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against STEVE KARDASINETZ & ANNA KARDASINETZ T/a STEVE'S BAR 511 Main Street Paterson 3, N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-275, issued by the Board of Alcoholic Beverage Control for the City of Paterson.

Andrew F. Pecora, Esq., Attorney for Defendant-licensees. David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that on August 17, 1956, they sold, served and delivered and permitted the sale, service and delivery of alcoholic beverages, directly or indirectly, to a minor and allowed, permitted and suffered said minor to consume such beverages in and upon their licensed premises, in violation of Rule 1 of State Regulations No. 20.

On August 17, 1956, at about 9:10 p.m., two ABC agents, after entering the licensed premises and taking seats next to each other at the bar, observed that the two licensees were acting as bartenders and that the premises were occupied by twenty patrons, one of whom was a minor (Amelio ---, age 18). Shortly thereafter they saw the male bartender serve Amelio and two male companions each with a bottle of beer and, in payment thereof, receive 75¢ (each one contributing 25¢). After Amelio began drinking his beer, the agents approached him and identified themselves. Due to Amelio's inability to speak English, the agents and three police officers who had been summoned escorted him to the local Police Department where, with the aid of an interpreter, he gave a sworn statement. Amelio says he arrived at the licensed premises on Friday, August 17, 1956, at about 8:30 p.m.; that he had consumed three bottles of beer which had been served to him by the male bartender; that he paid this bartender 25¢ for each bottle of beer, and that no one questioned him about his age.

The agents returned to the licensed premises and spoke with the licensees who refused to give any written statements. Steve Kardasinetz, however, verbally stated that he did not sell the beer to Amelio; that Amelio must have received the beer from one of the patrons, and that he refused to serve any beer to Amelio because he appeared too young to drink.

By way of mitigation of penalty, the attorney for the licensees has submitted a letter setting forth that Anna Kardasinetz (a defendant herein) sold two bottles of beer to a person of full age who, in turn, gave one of the bottles to Amelio for consumption. These facts do not coincide with those disclosed by the investigation. Moreover, it is immaterial whether the sale was made directly or indirectly to the minor since the sale in either manner constitutes a violation.

In a case decided herewith I suspended defendants' license for ten days for an "hours" violation. However, since the violation herein preceded the suspension in that case, no locus poenitentiae intervened and the prior violation will not be considered in arriving at the penalty herein (Re Thaler, Bulletin 1042, Item 3). The minimum penalty for sale of alcoholic beverages to an eighteen-year-old minor subsequent to January 16, 1956, is fifteen days (Re Krywucki, Bulletin 1128, Item 9). I shall suspend defendants' 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 8th day of October, 1956,

ORDERED that Plenary Retail Consumption License C-275, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Steve Kardasinetz & Anna Kardasinetz, t/a Steve's Bar, for premises 511 Main Street, Paterson, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. October 26, 1956, and terminating at 3:00 a.m. November 5, 1956.

WILLIAM HOWE DAVIS
Director.

8. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 20 DAYS.

In the Matter of Disciplinary Proceedings against
ANTHONY T. CIRIGLIANO
T/a "MIKE'S INN"
500 East Main Street
Hamilton Township
PO Mays Landing, N. J.,
Holder of Plenary Retail Consumption License C-11, issued by the Township Committee of Hamilton Township.

CONCLUSIONS
AND ORDER

Anthony T. Cirigliano, Defendant-licensee, Pro se.
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded not guilty to the following charge:

"On July 14, 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., Airman Warren E. ---, U. S. Navy, age 18, and Edward C. ---, age 19, 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 Regulations No. 20."

At the hearing herein Warren E. ---, 18 years of age, testified that on the afternoon of July 14, 1956, he and Edward C. --- visited defendant's licensed premises; that during his stay in said premises a bartender served him "eight or ten" small bottles of beer and that at no time was he questioned as to his age.

It was stipulated by the defendant and the attorney appearing for the Division that if Edward, 19 years of age, who accompanied Warren, were called as a witness, his testimony would be similar to that of Warren.

Defendant testified that he was not present at the time in question but recognized the minors as being in his licensed premises on prior occasions at which time they produced identification cards indicating that they were "twenty-one or better". He further testified that he never requested them to sign a statement to the effect that they were actually twenty-one years of age or over.

R. S. 33:1-77 provides that "Anyone who sells any alcoholic beverage to a minor shall be guilty of a misdemeanor; provided, however, that the establishment of all of the following facts by a person making any such sale shall constitute a defense to any prosecution therefor: (a) that the minor falsely represented in writing that he or she was twenty-one (21) years of age or over, and (b) that the appearance of the minor was such that an ordinary prudent person would believe him or her to be twenty-one (21) years of age or over, and (c) that the sale was made in good faith relying upon such written representation and appearance and in the reasonable belief that the minor was actually twenty-one (21) years of age or over."

Even though I were disposed to accept the testimony of defendant as true that the minors on previous occasions displayed cards to him which set forth that their respective ages were twenty-one years or over, this is not a representation in writing sufficient to establish a defense to the charge preferred herein within the meaning of R. S. 33:1-77. Cf. Re Wedemeyer, Bulletin 1050, Item 8; Re Roey, Bulletin 747, Item 3.

The sale and service of the beer in this case was made by a bartender employed by defendant and there is no evidence that he made any inquiry as to the ages of the minors.

No exceptions were taken to the Hearer's Report within the time limited by Rule 6 of State Regulations No. 16. Under the circumstances appearing in the instant case and after a careful examination of the entire record herein, I concur with the Hearer that the defendant is guilty of the charge preferred herein.

Defendant has no prior adjudicated record. Since the violation occurred subsequent to January 16, 1956 (see Bulletin 1095, Item 1), and is aggravated by the number of drinks consumed by the minors (Re Casey and Jennings, Bulletin 1098, Item 8), I shall suspend defendant's license for a period of twenty days.

Accordingly, it is, on this 11th day of October, 1956,

ORDERED that Plenary Retail Consumption License C-11, issued by the Township Committee of Hamilton Township to Anthony T. Cirigliano, t/a "Mike's Inn", 500 East Main Street, Hamilton Township, be and the same is hereby suspended for a period of twenty (20) days, commencing at 4:00 a.m. October 23, 1956 and terminating at 4:00 a.m. November 12, 1956.

WILLIAM HOWE DAVIS
Director.

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

In the Matter of Disciplinary Proceedings against
 LAWRENCE F. KRAFT & KENNETH C. PATTERSON
 T/a DRIFTWOOD COCKTAIL BAR
 649 Ridge Road
 Lyndhurst, N. J.,
 Holders of Plenary Retail Consumption License C-23, issued by the Board of Commissioners of the Township of Lyndhurst.

CONCLUSIONS AND ORDER

 Meola and Polito, Esqs., Attorneys for Defendant-licensees.
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge alleging that they sold alcoholic beverages to a minor and permitted said minor to consume said beverages on their licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that ABC agents observed five patrons as they entered defendants' premises and took seats at a table about 12:25 a.m. September 15, 1956. Shortly thereafter a waitress served a soda and four beers to the patrons at the table. As Annette --- was consuming one of the drinks of beer, the agents went to the table and questioned her as to her age. At first she told them that she was twenty-two years of age, but later admitted that she was twenty. At no time did the agents observe the waitress or either of the licensees question Annette as to her age. Both licensees told the agents that, when she had visited the premises on a prior occasion, they had questioned her as to her age but did not require her to sign a written representation as to her age. Annette admitted that she had then told the licensees that she was twenty-one and had exhibited to them a driver's license on which the year of her birth had been altered.

Defendants have no prior record. Under the circumstances, I shall suspend defendants' license for ten days (the minimum suspension imposed for the sale of alcoholic beverages to a twenty-year-old minor). Re Habbart, Bulletin 1130, Item 9. Five days will be remitted for the plea herein, leaving a net suspension of five days.

Accordingly, it is, on this 15th day of October, 1956,

ORDERED that Plenary Retail Consumption License C-23, issued by the Board of Commissioners of the Township of Lyndhurst to Lawrence F. Kraft & Kenneth C. Patterson, t/a Driftwood Cocktail Bar, for premises 649 Ridge Road, Lyndhurst, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. October 22, 1956, and terminating at 3:00 a.m. October 27, 1956.

WILLIAM HOWE DAVIS
Director.

10. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

RENE DiMATTIA)
T/a WALNUT CAFE)
950 S. 5th Street)
Camden, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-27, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.)

Rene DiMattia, Defendant-licensee, Pro se.
Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to a charge alleging that on September 15, 1956 he sold alcoholic beverages in their original containers during prohibited hours for off-premises consumption, in violation of Rule 1 of State Regulations No. 38.

The file herein discloses that on Saturday, September 15, 1956, at about 10:30 p.m., two ABC agents entered the licensed premises, took seats at the bar and observed that the premises were occupied by 16 patrons and a bartender. At about 11:30 p.m. the agents saw the licensee and a patron walk together toward an ice box from which the licensee took 12 cans of Schaefer's beer, put them in a brown paper bag and place them on the bar. The customer thereupon paid the licensee \$2.40, picked up the package and left the premises. The agents followed the patron to the street, identified themselves and seized the beer. The licensee then joined the group and orally admitted the aforesaid unlawful sale.

Defendant has no prior adjudicated record. I shall suspend defendant's license for a period of fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days. Re Filerino, Bulletin 1130, Item 4.

Accordingly, it is, on this 16th day of October, 1956,

ORDERED that Plenary Retail Consumption License C-27, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Rene DiMattia, t/a Walnut Cafe, 950 S. 5th Street, Camden, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. October 23, 1956, and terminating at 2:00 a.m. November 2, 1956.

WILLIAM HOWE DAVIS
Director.

11. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD -
LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

NICK BOScarell)
T/a MERCER AIRPORT CABIN)
Harbourton Road)
Ewing Township)
Box 85, W. Trenton, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-21, issued by the)
Township Committee of the Township)
of Ewing.)

Boscarell & Boscarell, Esqs., by John J. Boscarell, Esq.,
Attorneys for Defendant-licensee.
David S. Piltzer, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that on August 22, 1956, he sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to three minors and allowed, permitted and suffered said minors to consume such beverages in and upon his licensed premises, in violation of Rule 1 of State Regulations No. 20.

On August 22, 1956 at about 9:50 p.m., two ABC agents visited defendant's licensed premises to investigate a complaint that alcoholic beverages were being sold to minors. At about 10:45 p.m., the agents saw two apparent minors enter the premises and take seats at the bar where they were each served a bottle of beer by the bartender who accepted 70¢ in payment thereof. Ten minutes thereafter the agents saw the bartender serve two other young men with mixed drinks of alcoholic beverages.


At about 11:00 p.m. the agents identified themselves to the bartender and to the aforementioned four patrons and learned that one of the young men was an adult and the other three were minors. The three minors accompanied the agents to the local police station where they identified themselves as Michael S. ---, age 17, Michael J. ---, age 18, and George E. ---, age 20. Michael S. and Michael J. gave sworn statements stating therein that each had consumed two bottles of beer served to them on the premises by Harry Gordon, the bartender, and that he made no inquiry of them about their ages. George E. refused to give a written statement, giving as his reason he was about to enter military service.

Defendant has a prior adjudicated record. Effective April 17, 1943, the local issuing authority suspended his license for thirty days for sales to minors. However, since this similar violation occurred more than ten years ago, I shall not consider it in fixing the penalty herein. Re Stefura, Bulletin 1090, Item 3. Subsequent to January 16, 1956, the minimum penalty for a sale to a seventeen-year-old minor, otherwise unaggravated, is twenty days, Re O'Donnell, Bulletin 1131, Item 9,

to which five days will be added because three minors were involved. Re Janbert, Inc., Bulletin 1119, Item 3. I shall suspend defendant's license for twenty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 15th day of October, 1956,

ORDERED that Plenary Retail Consumption License C-21, issued by the Township Committee of the Township of Ewing to Nick Boscarell, t/a Mercer Airport Cabin, Harbourton Road, Ewing Township, be and the same is hereby suspended for a period of twenty (20) days, commencing at 2:30 a.m. October 23, 1956, and terminating at 2:30 a.m. November 12, 1956.



WILLIAM HOWE DAVIS
DIRECTOR