

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

BULLETIN 1469

September 6, 1962

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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 1469

September 6, 1962

1. NEW LEGISLATION - RETAIL LICENSES - ACT PROHIBITS (WITH EXCEPTIONS)
A PERSON FROM ACQUIRING A BENEFICIAL INTEREST IN MORE THAN TWO
LICENSES IN NEW JERSEY.

Assembly, No. 415 was approved by the Governor on August 3, 1962, and thereupon became Chapter 152 of the Laws of 1962, effective immediately. The new law reads as follows:

"AN ACT concerning alcoholic beverages and supplementing Title 33 of the Revised Statutes.

"BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

"1. On and after the effective date of this act no person, as the same is defined in section 33:1-1 of the Revised Statutes, shall, except as hereinafter provided, acquire a beneficial interest in more than a total of 2 alcoholic beverage retail licenses, but nothing herein shall require any such person who has, on the effective date of this act, such interest in more than 2 such licenses to surrender, dispose of, or release his interest in any such license or licenses.

"2. The provisions of this act shall not apply to the acquisition of an additional license or licenses or an interest therein, when such license is issued to a person for use in connection with the operation of a hotel containing at least 50 sleeping rooms, nor shall the provisions of this act affect the right of any person to dispose of an interest in a license or licenses by will or to the transfer of such an interest by descent and distribution.

"3. Whenever a person shall acquire a beneficial interest in a retail license from the estate of a decedent which results in such person having a beneficial interest in more than 2 licenses, the Director of Alcoholic Beverage Control shall, by order, prescribe a reasonable time within which such person shall comply with the provisions of this act and the holding of any such license or interest during the time permitted under such an order shall not constitute a violation of this act.

"4. Membership in any organization which is or may become the holder of a club license shall not constitute acquisition of an interest in a retail license.

"5. Nothing in this act shall affect the right of any holder of retail licenses heretofore acquired to continue to hold, use and renew such licenses.

"6. Nothing in this act shall affect the right of any person having a beneficial interest in a retail license or licenses to hold or acquire an interest of not more than 10% of any corporation the shares of which are traded on a national securities exchange or regularly traded in an over-the-counter market by one or more members of a national or affiliated securities association.

"7. Any person violating any provision of this act or of any rule or regulation issued pursuant to this act shall be punished by a fine of not less than \$50.00 and not more than \$250.00 and to the revocation of any license issued in violation of this act, in accordance with section 33:1-31.1 of the Revised Statutes.

"8. This act shall take effect immediately."

WILLIAM HOWE DAVIS
DIRECTOR

Dated: August 15, 1962

2. APPELLATE DECISIONS - SCHEPIS v. PATERSON.

John Schepis, t/a Schepis Bar & Grill,)	
Appellant,	)	On Appeal
v.	)	CONCLUSIONS
Board of Alcoholic Beverage Control for the City of Paterson,	)	AND
Respondent.	)	ORDER.

Joseph M. Harrison, Esq., Attorney for Appellant.
Theodore D. Rosenberg, Esq., by William J. Rosenberg, Esq.,
Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Appellant appeals from a twenty-five day suspension of his Plenary Retail Consumption License C-343 imposed after he had entered a plea of guilty to charges alleging sale of alcoholic beverages to and consumption by four minors (three of whom were 18 years and the other 20 years of age), in violation of Rule 1 of State Regulation No. 20. The licensed premises are located at 150-152 - 23rd Avenue, Paterson.

"Upon the filing of the appeal, an order dated January 31, 1962 was entered, staying the effect of the said suspension until further order of the Director. R.S. 33:1-31.

"It appears in the petition of appeal that on January 12, 1962, appellant's then attorney (not his attorney herein) entered a plea of guilty to the said charges, which resulted in the suspension of appellant's license, effective January 22, 1962. Thereafter, appellant's attorney applied to respondent for permission to retract the guilty plea theretofore entered so that appellant be given a hearing on the charges in question. Although respondent denied this request, it changed the effective date for the commencement of the twenty-five-day suspension to February 1, 1962, to provide time for appellant to appeal to this Division. It is alleged in the petition of appeal that the entry of the plea of guilty resulted from a misunderstanding between appellant and his attorney and, under the circumstances, appellant contends that the action of respondent in denying his request was arbitrary.

"On April 25, 1962, when the appeal herein was scheduled to be heard, Joseph M. Harrison, Esq. entered an appearance as attorney for appellant and sought an adjournment in the matter, alleging that he had been retained by appellant on the previous day and thus had no opportunity to prepare his case. After discussion, it was agreed by the attorney for appellant and for respondent, respectively, that each would submit a memorandum in the matter, the contents thereof to be used for determination as to whether the action of respondent in denying appellant an opportunity to retract his guilty plea to the charges in question was justified. Pursuant thereto, each attorney for the respective parties filed a 'Memorandum' setting forth the facts which allegedly occurred at the three meetings held by respondent. Although the facts set forth in the memoranda are somewhat similar, I shall accept those presented by respondent's attorney because they are based on the minutes of the various meetings at which respondent's attorney was present and the attorney who now represents the appellant was absent therefrom.

FACTS

'The Appellant was charged before the local Board with the sale of alcoholic beverages to minors.

'At the first hearing before the local Board held on December 13, 1961, Mr. Schepis appeared with his attorney Bruno L. Leopizzi, Esq. A plea of not guilty was entered and witnesses for the prosecution were sworn and testified and the matter was continued until December 27, 1961 for further witnesses to appear before the Board and testify.

'At the December 27, 1961 hearing, Melvin Fine, Esq. appeared before the Board and requested that the matter be continued inasmuch as Mr. Leopizzi, the attorney for Schepis was ill. Mr. Schepis was present during this proceeding and heard Mr. Fine state before the Board that it would not be necessary for the prosecution witnesses to re-appear at the continued hearing inasmuch as a plea of guilty would be entered. The Board thereafter advised the witnesses who were present in the audience that they were excused and that it would not be necessary for them to give testimony in this matter.

'At the third scheduled hearing before the local Board held on February 7, 1962 (should be January 12, 1962), Mr. Leopizzi appeared before the Board and stated that he wished to plead guilty on behalf of his client.

'In his plea for leniency, Mr. Leopizzi stated that Mr. Schepis informed him that the young boys involved in this incident entered the tavern the night previous to the date of the offense and that Mr. Schepis told them to leave and not return if they were not 21 years of age. However, notwithstanding this admonition, the young men returned on the following night and were served a pitcher of beer by Mr. Schepis' waitress inasmuch as she was under the impression that the boys were 21 years of age and that Mr. Schepis had checked their ages. In conclusion, Mr. Leopizzi stated that the tavern had a good past record and he requested leniency. The

full Board adjourned and when they reconvened, the Commissioners announced that by unanimous decision, the license was to be suspended for a period of 20 days together with an additional five days because of a prior similar violation.

'Thereafter, Mr. Leopizzi on a subsequent date, requested the local Board to re-open the matter and allow him to plead not guilty. This request was denied and thereafter the present appeal was instituted.'

"Appellant contends that he appeared on January 10, 1962 but, finding there was no meeting of respondent Board, he left and never had any knowledge of a meeting on January 12, 1962. Mr. Leopizzi avers that prior to January 10, 1962, he received word (but does not remember how he received such information) that the meeting would be held on January 12, 1962.

"It is inconceivable that on January 10th when appellant arrived at the chambers where the respondent Board was to have met and found that there was to be no meeting, he made no effort to communicate with his attorney or anyone else regarding the matter. Also that prior to January 10, 1962, when Mr. Leopizzi was informed that the meeting would be held on January 12th, he failed to notify appellant accordingly. Moreover, it is very difficult to understand that an attorney representing a client and familiar with the matter from its inception would enter a confessional plea to charges preferred against appellant without his client's consent. In an affidavit filed by appellant, he stated that he had spoken to Mr. Leopizzi subsequent to December 27, 1961 and advised him that I might change my mind and enter a guilty plea after I had discussed this matter with my waitress'. There is no indication from appellant that he contacted Mr. Leopizzi thereafter. However, on January 12th Mr. Leopizzi appeared before respondent and stated that appellant had spoken to his waitress and that she admitted serving a pitcher of beer to the minors. I cannot reconcile these inconsistent statements.

"After careful consideration of this matter, I am satisfied that, under the circumstances, Mr. Leopizzi acted in behalf of appellant when he entered the guilty plea to the charges preferred herein, anything to the contrary notwithstanding. In In re 17 Club, Inc., 26 N. J. Super. 43, on appeal from this Division, wherein the Director had refused the licensee permission to retract its plea of non vult after the imposition of a penalty of revocation of its license, it was said:

'The allowance by the Director of a formal hearing on the petition to reinaugurate the proceedings was essentially a discretionary matter. Cf. Clark v. State, 57 N.J.L. 489 (Sup. Ct. 1895), affirmed 58 N.J.L. 383 (E. & A. 1895); State v. Piracci, 14 N.J. Super. 319 (App. Div. 1951); State v. Pometti, 23 N.J. Super, 516 (App. Div. 1952). Our courts do not after the imposition of sentence interfere with the denial of a motion to withdraw a plea of nolo contendere unless it is necessary to do so to correct manifest injustice...'

"The same holds true with reference to the denial by a local issuing authority within its sound discretion to permit a retraction of a plea of guilty, especially after the imposition of a penalty based upon said plea. The penalty imposed herein does not appear to be unreasonable or unduly excessive in view of the ages of the minors in question. Moreover, there has been nothing indicated herein of any improper motivation on the part

of the respondent. Under the circumstances, the action of the respondent in denying the retraction of the guilty plea does not appear to be arbitrary or capricious. I recommend, therefore, that an order be entered affirming respondent's action and dismissing the appeal and vacating the order staying the suspension and fixing the effective dates for the twenty-five days suspension imposed by respondent."

No exceptions to the Hearer's Report were filed with me within the time limited by Rule 14 of State Regulation No. 15.

After carefully considering the facts presented herein, the written argument made by the attorneys for the respective parties to this appeal and the Hearer's Report, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 25th day of June 1962,

ORDERED that the action of respondent be and the same is hereby affirmed; and it is further

ORDERED that the twenty-five-day suspension heretofore imposed by respondent, and stayed during the pendency of this appeal, be restored and any renewal for the 1962-63 licensing year of plenary retail consumption license C-343, issued by the Board of Alcoholic Beverage Control for the City of Paterson to John Schepis, t/a Schepis Bar & Grill, for premises 150-152 - 23rd Avenue, Paterson, be and the same is hereby suspended for twenty-five (25) days, commencing at 3 a.m. Monday, July 2, 1962, and terminating at 3 a.m. Friday, July 27, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - HOSTESS ACTIVITY - SALE DURING PROHIBITED HOURS, IN VIOLATION OF LOCAL REGULATION - LICENSE SUSPENDED FOR 55 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)	
)	
Tonti's, Inc.)	
t/a Tonti's Cocktail Lounge & Restaurant	)	CONCLUSIONS
1458 Chambers Street	)	AND
Hamilton Township)	
PO Trenton 10, N. J.	)	ORDER
Holder of Plenary Retail Consumption License C-5, issued by the Township Committee of the Township of Hamilton, County of Mercer.)	

John S. Conroy, 3rd, Esq., Attorney for Licensee
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on March 3, 1962, it sold alcoholic beverages to four minors, two age 18, one 19 and one 20, in violation of Rule 1 of State Regulation No. 20; (2) on February 28, March 2 and 3, 1962, it permitted hostess activity (acceptance of drinks by a female hatcheck concessionaire), in violation of Rule 22 of State Regulation No. 20; and

(3 and 4) on March 2, 1962, it sold alcoholic beverages during prohibited hours, in violation of local ordinance.

Absent prior record, the license will be suspended on the first charge for twenty days (Re Morris, Bulletin 1447, Item 8), on the second charge for twenty days (Re Tropeano, Bulletin 1410, Item 6) and on the third and fourth charges for fifteen days (Re Canova, Bulletin 1411, Item 4), or a total of fifty-five days, with remission of five days for the plea entered, leaving a net suspension of fifty days.

Accordingly, it is, on this 2nd day of July 1962,

ORDERED that plenary retail consumption license C-5, issued by the Township Committee of the Township of Hamilton, County of Mercer, to Tonti's, Inc., t/a Tonti's Cocktail Lounge & Restaurant, for premises 1458 Chambers Street, Hamilton Township, be and the same is hereby suspended for fifty (50) days, commencing at 2 a.m. Monday, July 9, 1962, and terminating at 2 a.m. Tuesday, August 28, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

4. SEIZURE - FORFEITURE PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES WITHOUT LICENSE - COMMINGLED CASH AND ALCOHOLIC BEVERAGES ORDERED FORFEITED.

In the Matter of the Seizure on) Case No. 9,909
March 1, 1959 of \$13.41 in cash)
from Eugene Marshall at 294) On Hearing
Belmont Avenue, in the City of)
Newark, County of Essex and State) CONCLUSIONS AND ORDER
of New Jersey.)

Eugene Marshall, claimant, Pro Se.
I. Edward Amada, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

This matter comes before me pursuant to Title 33, Chapter 1, Revised Statutes of New Jersey, and State Regulation No. 28, to determine whether \$13.41 in cash, described in a schedule attached hereto and made part hereof, seized on March 1, 1959 from Eugene Marshall, at 294 Belmont Avenue, in the City of Newark, Essex County, New Jersey, constitutes unlawful property and should be forfeited.

When this matter came on for hearing pursuant to R.S. 33:1-66, Eugene Marshall appeared and sought return of the said money.

Reports of ABC agents and other documents in the file presented in evidence with consent of the claimant, disclose the following facts: On Sunday, March 1, 1959, at approximately 10:05 A.M., ABC agents entered the area of 294 Belmont Avenue in the City of Newark, and one of them accosted Eugene Marshall, who was standing in the doorway of those premises. The agent requested that he sell him some whiskey and wine, and Marshall took one full sealed pint bottle of Vincove Apple Wine from his trouser pocket, and handed the same to the investigator, saying, "I don't have any whiskey, maybe next week". The agent gave Marshall a one-dollar bill, the serial number of which had been theretofore recorded, and Marshall handed him 25 cents in change. The agents

then identified themselves and found in his possession nine one-dollar bills and a considerable amount of change. The marked one-dollar bill was intermingled with the other bills in his possession.

Marshall was thereupon arrested, charged with the sale of alcoholic beverages without a liquor license, contrary to R.S. 33:1-2 and R.S. 33:1-50(a), was arraigned in the Municipal Court of the City of Newark and held in bail for the action of the Essex County Grand Jury.

The wine was thereafter submitted to the Division chemist for analysis, and he reported that it was an apple white wine fit for beverage purposes, with an alcoholic content by volume of 20.0 per cent.

Marshall testified in support of his claim that he had purchased the wine on the previous evening and that when the agent, whom he had known some years before, approached him and asked him for a drink, he stated, "I just got a pint of wine. I am willing to share it with you if you give me 40 cents. I paid 75 cents for it". He asserted that the \$13.41 was money that he had made in gambling on the previous day, and admitted that the marked dollar bill was intermingled with the other money. He denied making any other sales on that date. No claim was made for the return of the wine.

I do not believe the version as given by the claimant, particularly in view of the fact that he orally admitted to the agents and local police officers at the time of his arrest that he had made the sale. The illicit wine and \$13.41 in cash constitute unlawful property and are subject to forfeiture. R.S. 33:1-1(y); R.S. 33:1-2; R.S. 33:1-66.

Since the money received by this claimant was intermingled with his other money, all of the cash constitutes unlawful property and is subject to forfeiture. R.S. 33:1-2; R.S. 33:1-66; Seizure Case No. 10,188, Bulletin 1397, Item 10; Seizure Case No. 10,646, Bulletin 1435, Item 5.

Accordingly, it is DETERMINED and ORDERED that the seized property, including the \$13.41 in cash, more fully described in Schedule "A" attached hereto, constitutes unlawful property and the same be and hereby is forfeited, in accordance with the provisions of R.S. 33:1-66, and that the alcoholic beverages be retained for the use of hospitals and state, county and municipal institutions, or destroyed in whole or in part at the direction of the Director of the Division of Alcoholic Beverage Control.

WILLIAM HOWE DAVIS
DIRECTOR

Dated: June 25, 1962

SCHEDULE "A"

1 - pint bottle of Vincove Apple Wine (full)
\$13.41 in cash

5. SEIZURE - FORFEITURE PROCEEDINGS - SUPPLEMENTAL ORDER OF FORFEITURE OF MOTOR VEHICLE, FOR FAILURE TO PAY COSTS OF SEIZURE AND STORAGE - MOTOR VEHICLE ORDERED SOLD.

In the Matter of the Seizure)	
on February 1, 1962 of a quantity)	
of alcoholic beverages, a Buick	)	Case No. 10,759
sedan and \$102.85 in cash on the)	
United Fruit Pier parking lot	)	SUPPLEMENTAL ORDER
in the Township of Weehawken,)	
County of Hudson and State of)	
New Jersey.)	

Maurice Gottlieb, Esq., Attorney for the claimants, Joseph Bier and Rudolph Bier.
 David S. Piltzer, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

On May 7, 1962 an Order was entered in this case, wherein among other matters, it was directed that a Buick sedan be returned to Joseph Bier if, on or before May 17, 1962, he paid the costs of seizure and storage of the said motor vehicle.

On May 7, 1962 a copy of such Order was mailed to Maurice Gottlieb, Esq., attorney for Joseph Bier. On May 23, 1962 the said attorney was advised by certified mail of the exact amount of the costs and was further advised that if said costs were not received by this Division by Monday, May 28, 1962, a Supplemental Order forfeiting the said Buick sedan would be entered. To date the costs have not been paid.

Accordingly, so much of my previous Order as directs the return of the Buick sedan shall be and is hereby rescinded, and instead, it is

DETERMINED and ORDERED that the said Buick sedan, Serial No. 61099, New Jersey Registration Plates NJ EZB 859 be and the same is hereby forfeited in accordance with the provisions of R.S. 33:1-66, and shall be sold at public sale for the use of the State, in accordance with State Regulation No. 29, or retained for the use of hospitals, and state, county and municipal institutions, at the direction of the Director of the Division of Alcoholic Beverage Control.

WILLIAM HOWE DAVIS
DIRECTOR

Dated: June 25, 1962

6. SEIZURE - FORFEITURE PROCEEDINGS - ALCOHOL OBTAINED FROM PERSON NOT A N. J. MANUFACTURER OR WHOLESALER - ALCOHOLIC BEVERAGES ORDERED FORFEITED.

In the Matter of the Seizure	)	X-36,382-C
on October 11, 1960 of two cases)	
of whiskey at Liquor Towne, a	)	On Hearing
Corporation, 938 Kaighn Avenue,)	
in the City of Camden, County	)	CONCLUSIONS AND ORDER
of Camden and State of New Jersey.)	

Liquor Towne, a Corporation, by Isadore Mazer, claimant.
I. Edward Amada, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

This matter comes before me pursuant to the provisions of Title 33, Chapter 1, Revised Statutes of New Jersey, to determine whether two cases of whiskey described in a schedule attached hereto, seized on October 11, 1960 at the premises of Liquor Towne, Inc., 938 Kaighn Avenue, Camden, New Jersey, constitute unlawful property and should be forfeited.

When the matter came on for hearing, pursuant to R.S. 33:1-66, Isadore Mazer appeared on behalf of the claimant, Liquor Towne, a Corporation, and sought return of the said whiskey.

The facts upon which this action is grounded are set forth in the Conclusions and Order entered in disciplinary proceedings against this claimant (Bulletin 1418, Item 3) in which it was determined that on or about September 28, 1960, this claimant purchased and obtained alcoholic beverages viz. two cases of fifth bottles of Cutty Sark Scotch Whisky from someone other than the holder of a New Jersey Manufacturer's or Wholesaler's license in violation of Rule 15 of State Regulation No. 20, and its license was suspended for fifteen days.

It appears that an investigation of the licensee disclosed that the whiskey in question found on the premises of this claimant was not purchased by the claimant in the usual course of trade, and the investigators could find no invoices showing or matching the numbers which were on the cases of the said whiskey.

The explanation given by the claimant at the hearing was that it had made a purchase of a number of crates of Cutty Sark Scotch Whisky and while its agent was moving these two sealed cases a breakage occurred in both of the cases. The claimant prevailed upon the wholesaler to pick these cases up and replace them with the cases which were found by ABC agents. The wholesaler agreed to replace the same; no invoices were given, no receipts were signed and no papers were given to it by the wholesaler.

A representative of the wholesaler, testifying in the disciplinary proceedings stated that his warehouseman admitted that this exchange was made without authorization, and without informing the said wholesaler of this transaction.

The Director has discretionary authority to waive forfeiture where he is satisfied that the claimant has acted in good faith and unknowingly violated the law. R.S. 33:1-66(e). The explanation offered in support of the claim herein for claimant's possession of the said alcoholic beverages was specifically rejected when offered as a defense in the disciplinary proceedings hereinabove

referred to. Since the explanation heretofore offered was disbelieved, and was rejected, it follows that the same determination must be made in this matter.

It is clear and irrefutable from the investigative report that the claimant had not acquired or obtained the alcoholic beverages in accordance with the Rules and Regulations governing the subject.

Therefore, in the absence of a satisfactory explanation such alcoholic beverages constitute unlawful property, subject to forfeiture. R.S. 33:1-1(i and y); R.S. 33:1-66(c); Bulletin 1285, Item 7.

Accordingly, it is DETERMINED and ORDERED that the said alcoholic beverages described in Schedule "A", attached hereto, constitute unlawful property and the same be and hereby are forfeited, in accordance with the provisions of R.S. 33:1-66, and that they be retained for the use of hospitals and state, county and municipal institutions, or destroyed in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

WILLIAM HOWE DAVIS
DIRECTOR

Dated: June 26, 1962

SCHEDULE "A"

2 - cases of fifth of Cutty Sark Scotch

7. AUTOMATIC SUSPENSION - LICENSE SUSPENDED BY LOCAL ISSUING AUTHORITY - APPLICATION TO LIFT GRANTED.

Auto. Susp. #214)
In the Matter of a Petition to Lift)
the Automatic Suspension of Plenary)
Retail Consumption License C-17,)
issued by the Common Council of the)
City of South Amboy to)
Katie DeSantis)
t/a DeSantis Tavern)
209 First Street)
South Amboy, N. J.)

On Petition

O R D E R

Petitioner, Pro se.

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on June 4, 1962, petitioner herein was fined \$50 in the South Amboy Magistrate's Court after plea of guilty to a charge of sale of alcoholic beverages to a minor, in violation of R.S. 33:1-77, on May 12, 1962. The conviction resulted in the automatic suspension of the license for the balance of its term. R.S. 33:1-31.1. The suspension has not been effectuated because of the pendency of this proceeding.

It further appears that the municipal issuing authority has suspended the license for twenty days commencing July 11, 1962, after confessional plea to a charge in disciplinary proceedings alleging the same sale to the minor. It appearing that the suspension is adequate, I shall lift the automatic suspension in anticipation of the service of the municipal suspension.

Accordingly, it is, on this 25th day of June, 1962,

ORDERED that the statutory automatic suspension of said license C-17 be and the same is hereby lifted, effective immediately.

WILLIAM HOWE DAVIS
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - PERMITTING WOMEN AT BAR IN VIOLATION OF LOCAL ORDINANCE - SALE OF CONTRACEPTIVES - PRIOR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Casco Enterprises, Inc.)
t/a The Embers)
7047 Kaighn Avenue)
Pennsauken, N. J.)

CONCLUSIONS

AND

Holder of Plenary Retail Consumption License C-16 for the years 1961-62 and 1962-63, issued by the Township Committee of the Township of Pennsauken.)

ORDER

Leo J. Berg, Esq., Attorney for licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on February 23, 1962, it (1) permitted women at the bar, in violation of local ordinance, and (2) permitted sale of contraceptives, in violation of Rule 9 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the local issuing authority for three days effective August 21, 1961, for permitting women at the bar.

The prior record of similar violation within the past five years considered, the license will be suspended on the first charge for ten days (Re Blue Mirror Inn, Inc., Bulletin 961, Item 5) and on the second charge for ten days (Re Bacsko, Bulletin 1435, Item 1), or a total suspension of twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days.

Accordingly, it is, on this 25th day of June, 1962,

ORDERED that Plenary Retail Consumption License C-16, issued by the Township Committee of the Township of Pennsauken to Casco Enterprises, Inc., t/a The Embers, for premises 7047 Kaighn Avenue, Pennsauken, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 A.M. Monday, July 2, 1962, and terminating at 2:00 A.M. Tuesday, July 17, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

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

In the Matter of Disciplinary)
Proceedings against)

Charles Kuski)
t/a Hi Step)
2366 Broadway)
Camden, New Jersey)

CONCLUSIONS

AND

Holder of Plenary Retail Consumption)
License C-36, issued by the Municipal)
Board of Alcoholic Beverage Control)
of the City of Camden.)

ORDER

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

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on May 7, 1962, he possessed on the licensed premises alcoholic beverages in four bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Harper's Bar, Inc., Bulletin 1414, Item 4.

Accordingly, it is, on this 11th day of July, 1962,

ORDERED that plenary retail consumption license C-36, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Charles Kuski, t/a Hi Step, for premises 2366 Broadway, Camden, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m., Tuesday, July 17, 1962, and terminating at 2:00 a.m., Wednesday, August 1, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

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

In the Matter of Disciplinary)
 Proceedings against)
 Julian and Mary Baldyga)
 t/a Julius Tavern)
 73 Locust Avenue)
 Wallington, N. J.,)
 Holders of Plenary Retail Consumption)
 License C-4, issued by the Mayor and)
 Council of the Borough of Wallington.)
 -----)

CONCLUSIONS

AND

ORDER

Licensees, Pro se
 David S. Piltzer, Esq., Appearing for Division of Alcoholic
 Beverage Control

BY THE DIRECTOR:

Licensees plead guilty to a charge alleging that on
 January 2, 1962, they possessed alcoholic beverages in two bottles
 bearing labels which did not truly describe their contents, in
 violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for
 fifteen days, less five days for the plea entered, leaving a net
 suspension of ten days. Re Colucci, Bulletin 1435, Item 8.

Accordingly, it is, on this 2nd day of July 1962,

ORDERED that plenary retail consumption license C-4,
 issued by the Mayor and Council of the Borough of Wallington
 to Julian and Mary Baldyga, t/a Julius Tavern, for premises 73
 Locust Avenue, Wallington, be and the same is hereby suspended
 for ten (10) days, commencing at 3 a.m. Monday, July 9, 1962,
 and terminating at 3 a.m. Thursday, July 19, 1962.

WILLIAM HOWE DAVIS
 DIRECTOR

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

In the Matter of Disciplinary Proceedings against

Family Tavern, Inc.
t/a Family Tavern
Bate & Haddon Ave's
Berlin Township
PO West Berlin, N. J.,

Holder of Plenary Retail Consumption License C-2, issued by the Township Committee of Berlin Township

CONCLUSIONS

AND

ORDER

Norman Heine, Esq., Attorney for Licensee
David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on May 31, 1962, it possessed on the licensed premises five bottles of alcoholic beverages bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous adjudicated record in that its license was suspended for fifteen days effective August 7, 1961, for sale of alcoholic beverages to minors. Bulletin 1410, Item 5.

I shall suspend the license for twenty-five days for the instant violation (Re Marfran, Inc., Bulletin 1432, Item 9), plus five days for the dissimilar violation occurring within the past five years, or a total 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 11th day of July 1962,

ORDERED that plenary retail consumption license C-2, issued by the Township Committee of Berlin Township to Family Tavern, Inc., t/a Family Tavern, for premises at Bate & Haddon Ave's, Berlin Township, be and the same is hereby suspended for twenty-five (25) days, commencing at 2 a.m. Thursday, July 19, 1962, and terminating at 2 a.m. Monday, August 13, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

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

In the Matter of Disciplinary)
Proceedings against)

Turnpike Inn, Inc.)
t/a Turnpike Inn)
N. E. corner Pennsville Auburn)
Road and Plant St.)
Upper Penns Neck Township)
PO Penns Grove, N. J.)

CONCLUSIONS

AND

ORDER

Holder of Plenary Retail Consump-)
tion License C-3, issued by the)
Township Committee of the Township)
of Upper Penns Neck.)

Licensee, by Frank S. Browning, President, Pro se.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on
May 28, 1962, it possessed on the licensed premises alcoholic
beverages in eight bottles bearing labels which did not truly
describe their contents, in violation of Rule 27 of State Regu-
lation No. 20.

Absent previous record, the license will be suspended
for thirty days, with remission of five days for the plea entered,
leaving a net suspension of twenty-five days. Re Arcieri, Bul-
letin 1443, Item 2.

Accordingly, it is, on this 11th day of July, 1962,

ORDERED that Plenary Retail Consumption License C-3,
issued by the Township Committee of the Township of Upper Penns
Neck to Turnpike Inn, Inc., t/a Turnpike Inn, for premises N. E.
corner Pennsville Auburn Road and Plant Street, Upper Penns Neck
Township, be and the same is hereby suspended for twenty-five
(25) days, commencing at 2:00 A.M. Thursday, July 19, 1962, and
terminating at 2:00 A.M. Monday, August 13, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

13. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 10 Henry Street, Inc.
 t/a Lincoln Bar
 8-10 Henry Street &
 2 Henry Street
 Passaic, N. J.
 Holder of Plenary Retail Consumption License C-64 for the year 1961-62 and C-64 for the year 1962-63 for premises 8-10 Henry Street, issued by the Board of Commissioners of the City of Passaic.

CONCLUSIONS

AND

ORDER

 Licensee, by Sam Padalino, President, Pro se.
 Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on June 9, 1962, it sold drinks of alcoholic beverages to two minors, age 19 and 20, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Lagowitz, Bulletin 1350, Item 7.

Accordingly, it is, on this 2nd day of July, 1962,

ORDERED that Plenary Retail Consumption License C-64, issued by the Board of Commissioners of the City of Passaic to 10 Henry Street, Inc., t/a Lincoln Bar, for premises 8-10 Henry Street, Passaic, be and the same is hereby suspended for ten (10) days, commencing at 3:00 A.M. Monday, July 9, 1962, and terminating at 3:00 A.M. Thursday, July 19, 1962.

William Howe Davis
Director