

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

BULLETIN 1372

January 12, 1961

TABLE OF CONTENTSITEM

1. APPELLATE DECISIONS - BARTGES ET ALS. v. ATLANTIC CITY ET ALS.
2. DISCIPLINARY PROCEEDINGS (Atlantic City) - LEWDNESS AND IMMORAL ACTIVITIES (INDECENT LANGUAGE AND CONDUCT) - HOSTESSES - LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.
3. DISCIPLINARY PROCEEDINGS (Knowlton Township) - LEWDNESS AND IMMORAL ACTIVITIES (RENTING ROOMS FOR ILLICIT SEXUAL INTER-COURSE) - LICENSE SUSPENDED FOR 180 DAYS.
4. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
5. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN FARM STRUCTURE - VARIOUS ARTICLES RETURNED TO INNOCENT OWNER - STOCK OF ALCOHOLIC BEVERAGES AND OTHER PERSONAL PROPERTY FORFEITED.
6. DISCIPLINARY PROCEEDINGS (Newark) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (Jersey City) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (Manalapan Township) - SALE TO MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (Passaic) - FAILURE TO FILE PROPER REPORTS WITH DIVISION OF TAXATION - LICENSE SUSPENDED FOR BALANCE OF TERM.
10. DISCIPLINARY PROCEEDINGS (Lakewood) - SALE DURING PROHIBITED HOURS IN VIOLATION OF LOCAL REGULATION - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (Paterson) - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
12. STATE LICENSES - NEW APPLICATIONS FILED.

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

BULLETIN 1372

January 12, 1961

1. APPELLATE DECISIONS - BARTGES ET ALS. v. ATLANTIC CITY ET ALS.

W. Stanley Bartges, t/a Convention Hotel; )  
Clara Bordonaro, t/a Hotel Bordonaro; and )  
Jacob Shumsky, William Shumsky, Sherman )  
Shumsky and John Shumsky, t/a Shumsky's, )  
Appellants, ) ON APPEAL  
v. ) CONCLUSIONS  
Board of Commissioners of the City of ) AND  
Atlantic City, and Murray Fogel, t/a ) ORDER  
Murray's, and Christian G. Silber, t/a )  
Flynn's Grille, )  
Respondents. )

-----  
David R. Brone, Esq., Attorney for Appellants Shumsky.  
John B. Baratta, Esq., Attorney for Appellants Bartges and  
Bordonaro.  
Murray Fredericks, Esq., by Chaim H. Sandler, Esq., Attorney  
for Respondent Board of Commissioners.  
Edward I. Feinberg, Esq., Attorney for Respondent Fogel.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the action of respondent Board of Commissioners (hereinafter respondent Board) whereby it unanimously approved an application to transfer a plenary retail consumption license from Christian G. Silber to Murray Fogel and from premises 2533 Atlantic Avenue to premises 68 South Mississippi Avenue, Atlantic City.

"The respondent transferor of the license (Christian G. Silber) is neither a necessary nor a proper party to this appeal. Livingston Land Corp. v. Livingston et als., Bulletin 1136, Item 3.

"Appellants, in their petition of appeal, allege that the action of respondent Board in approving the application for transfer was erroneous because (a) adequate plenary retail consumption licenses presently exist in the immediate area of the proposed premises to properly serve the public; (b) the transfer was in violation of a local ordinance in that the present entrance to the proposed premises is within 300 feet of another licensed premises holding a similar type license and (c) the intention of respondent Fogel to create and designate the entrance to the premises at 68 South Mississippi Avenue to evade the 300 feet distance set forth in the ordinance constituted a fraud and subterfuge.

"Whether or not there is a need or necessity for a liquor outlet at a particular location is within the sound discretion of the issuing authority. In cases of the kind now under consideration, the Director's function is to determine whether reasonable cause exists for the issuing authority's opinion and, if so, to affirm its action. Curry v. Margate City, Bulletin 460, Item 9; Mulcahy et als. v. Maplewood et al., Bulletin 658, Item 4; Krogh's Restaurant, Inc.

et als. v. Sparta et al, Bulletin 1258, Item 1.

"The attorneys on behalf of the respective parties to this appeal stipulated that although the entrance to respondent Fogel's premises on the corner of Mississippi and Pacific Avenues is 266 feet from the entrance to appellant Shumsky's licensed premises, the entrance as contemplated at 68 South Mississippi Avenue will be 300 feet therefrom.

"The applicable provision of Section 7 of Ordinance No. 8 adopted July 19, 1956 as amended provides that 'No plenary retail consumption or plenary retail distribution license except renewals of licenses presently outstanding, shall be issued for, or transferred to any premises within 300 feet of premises for which license of either type is outstanding.\*\*\*'

"The ordinance in question does not set forth a method of measurement. The resolution of the respondent Board which approved respondent Fogel's application for transfer refers to the measurement from the contemplated entrance at 68 South Mississippi Avenue to the entrance of the nearest licensed premises, which is in excess of 300 feet.

"In Ted's Bar & Grill, Inc. v. Newark and Hopkins, Bulletin 841, Item 8, Director Hock ruled that in the absence of a measurement in the ordinance, the method to be used shall be similar to 'that used in the Alcoholic Beverage Law's so-called "200-foot rule" with respect to distance between licensed premises and a church or school, i.e.: "...in the normal way that a pedestrian would properly walk from the nearest entrance of said church or school to the nearest entrance of the premises sought to be licensed.' (Revised Statutes, 33:1-76) Franklin Stores Co. v. Newark and Gruber, Bulletin 381, Item 7; Re Guenther, Bulletin 206, Item 15; Crowley v. Atlantic City and Foxwell, Bulletin 455, Item 11.'

"On appeal by Hopkins from an adverse decision by Director Hock, Judge Proctor, speaking for the Appellate Division of the Superior Court of New Jersey (Hopkins v. Newark et als., 4 N.J. Super. 484) where, as in the instant case, the ordinance was silent with reference to the matter of measurement between licensed premises, the court accepted the method used in accordance with R.S. 33:1-76. Inasmuch as there appears to be no dispute that the contemplated entrance will be 300 feet distant from the nearest entrance to a premises to which a plenary retail consumption license had been issued and employing the accepted method of measurement, the ordinance in question has not been violated by the action of the respondent Board. The creation of a new entrance to the proposed licensed premises to comply with the provisions of a local ordinance does not constitute fraud on the part of the licensee. Cf. Williams et al. v. Atlantic Highlands et al., Bulletin 715, Item 7.

"I have thoroughly examined the testimony of the various witnesses who operate business establishments in the vicinity, who appear to be fretful that if a liquor license is issued to the premises in question, it will constitute a nuisance in the neighborhood. I am of the opinion, however, that this is mere conjecture and if the licensed premises are operated in a lawful manner, which we will necessarily have to assume will be done, these objectors will have nothing to fear. Moreover, if the establishment is not operated properly, the holder of the license will subject it to disciplinary or revocation proceedings.

"I am satisfied that in all respects, adequate consideration was given by the members of the respondent Board before action was taken on the application for transfer. There appears to be no evidence presented herein to indicate that members of the respondent Board who voted in favor of the transfer were improperly motivated or that there was an abuse of discretion on their part.

"I recommend, after careful examination of the evidence adduced in the instant case and also of the memoranda of the attorneys filed herein that the action of the respondent Board in approving the application for transfer and also in renewing the license in question at the proposed site be affirmed. However, I further recommend that the license be withheld by the respondent Board until such time as the alterations are made to the proposed premises in accordance with the plans and specifications submitted to respondent Board."

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

Having carefully considered all the facts and circumstances herein, I concur in the Hearer's findings and conclusions and adopt his recommendation.

Accordingly, it is, on this 30th day of November, 1960,

ORDERED that the action of respondent Board be and the same is hereby affirmed, and that the appeal be and the same is hereby dismissed.

WILLIAM HOWE DAVIS  
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES (INDECENT LANGUAGE AND CONDUCT) - HOSTESSES - LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against Paddock International (A Corp.) 1643 Atlantic Avenue Atlantic City, N. J., Holder of Plenary Retail Consumption License C-98, issued by the Board of Commissioners of the City of Atlantic City.

CONCLUSIONS  
AND  
ORDER

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

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. During the early morning hours of Sunday, July 24, 1960, you allowed, permitted and suffered lewdness and immoral activity and foul, filthy and obscene language and conduct

in and upon your licensed premises in that you allowed, permitted and suffered male and female persons employed on your licensed premises as entertainers to perform for the entertainment of your customers and patrons in a lewd, indecent and immoral manner and utter words and phrases and make gestures and movements having lewd, lascivious, indecent, filthy, disgusting and suggestive import and meaning; in violation of Rule 5 of State Regulation No. 20.

"2. During the early morning hours of Sunday, July 24, 1960, you allowed, permitted and suffered females employed on your licensed premises to accept beverages at the expense of or as a gift from customers and patrons; in violation of Rule 22 of State Regulation No. 20."

On Sunday morning, July 24, 1960, while two ABC agents sat at the bar in defendant's premises, a female (hereinafter referred to as Mimi) took a seat alongside of one of them and informed the agents that she was scheduled to do an exotic dance during the next floor-show to be presented that morning. The bartender (subsequently identified as Arthur Zarus) came over to the section of the bar where Mimi and the agents were seated and, in response to his inquiry whether she desired anything, and with the assent of an agent, served her a cocktail and took the payment therefor from his money which lay on the bar. Thereafter Mimi ordered a similar cocktail, the payment for which was taken by Zarus from the other agent's money on the bar.

At approximately 2:30 a.m. a man called Dave Davis, acting as master of ceremonies, opened the floor show by relating indecent stories, the repetition of which will serve no useful purpose. After several performances Davis presented Mimi as the big attraction, prefacing the introduction with some indelicate personal remarks concerning Mimi. The latter was fully attired and began dancing in a slow fashion but, as the tempo of the music increased, she removed her hat, gloves, outer dress, a second tight-fitting dress and, when she tossed it aside, all that remained on her person was a transparent net bra and bikini-type panties. Near the conclusion of her dance, which was performed at a rapid rate of speed and interspersed with grinds and mild bumps, Mimi removed the net bra, leaving only abbreviated coverings on part of her breasts.

The next performance consisted of a dance act and the female partner wearing a halter-type bra and brief red tights. During the dance the female reclined on the floor and, as her male partner passed over her, he manipulated his body in a very indecent and suggestive manner.

When the floor-show ended, one of the agents sat at the bar next to a performer called Katherine and, after a conversation with the girl, Zarus served drinks to her on two occasions, taking payment from the money on the bar belonging to the respective agents. Shortly thereafter another agent who was in the premises identified himself to Edward Kravis (president of defendant corporate licensee) and then seized the last drink served to Katherine. Kravis denied that the floor-show was improper and stated that Mimi's dance was not "a strip tease."

It has been repeatedly emphasized that indecent performances such as those now under consideration will not be tolerated on licensed premises.

Defendant has no prior adjudicated record. However, when a license for the premises was held individually by Edward Kravis (who now is the president and major stockholder of defendant corporate

licensee), the said license was suspended, effective December 11, 1939, for ten days for permitting a lewd performance on his licensed premises. Effective August 27, 1943, his said license was suspended for ninety days on a similar charge. Again, effective November 25, 1943, as an individual, his license was suspended for thirty days for permitting disturbances and unnecessary noises upon his licensed premises. All of the aforesaid suspensions were imposed by the municipal issuing authority. Inasmuch as all of the prior violations occurred more than ten years ago, I shall not consider them in fixing the penalty to be imposed herein.

The minimum suspension on Charge 1 for permitting indecent and immoral dances by entertainers on the licensed premises is thirty days (Re Merendino, Bulletin 1157, Item 5) and on Charge 2 for permitting female entertainers to accept drinks at the expense of patrons is twenty days (Re Moniello & Onnen, Bulletin 1248, Item 11), making a total suspension of fifty days. Five days will be remitted for the plea entered herein, leaving a net suspension of forty-five days.

Accordingly, it is, on this 21st day of November 1960,

ORDERED that plenary retail consumption license C-98, issued by the Board of Commissioners of the City of Atlantic City to Paddock International (A Corp.), for premises 1643 Atlantic Avenue, Atlantic City, be and the same is hereby suspended for forty-five (45) days, commencing at 7 a.m. Monday, November 28, 1960, and terminating at 7 a.m. Thursday, January 12, 1961.

WILLIAM HOWE DAVIS  
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES (RENTING ROOMS FOR ILLICIT SEXUAL INTERCOURSE) - LICENSE SUSPENDED FOR 180 DAYS.

In the Matter of Disciplinary Proceedings against  
Warren E. Roth  
t/a Hainesburg Inn  
Route #94, State Highway  
Knowlton Township,  
PO Hainesburg, N. J.,  
Holder of Plenary Retail Consumption License C-9, issued by the Township Committee of the Township of Knowlton.

CONCLUSIONS  
AND  
ORDER

Defendant-licensee, Pro se  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendant pleaded non vult to the following charge:

"On September 23, 24 and October 5, 1960, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., the making of arrangements for the renting of rooms, the offering to rent and the renting of rooms for the purpose of illicit sexual intercourse; in violation of Rule 5 of State Regulation No. 20."

The licensed premises consists of a three-story frame building with a bar, two dining-rooms and two sitting-rooms on the ground floor, and the balance of the premises conducted as a hotel. On September 23, 1960, two ABC agents at the premises held a conversation with the licensee concerning the charge he made for rooms, during which discussion they informed him that they intended to use the rooms to have meretricious relations with two married women; that they asked the licensee whether they had to register and whether they could enter the hotel rooms other than through the barroom. The agents further report that the licensee informed them the price of the rooms was \$5 without a bathroom and \$6 with a bathroom; that it would not be necessary for them to sign the register; that "no one registers around here;" that they could reach their rooms through any of the five entrances exclusive of the barroom; that most of his business comes from the State of Pennsylvania; that some of the guests do not occupy their rooms for more than an hour, just long enough to engage in acts of immorality.

On October 5, 1960, at about 10:30 p.m., these two agents returned to the premises. The licensee was behind the bar and the agents asked him if he had any rooms available for them for that night and informed him that they were expecting their two married women friends to arrive in about a half-hour and that they would not occupy the rooms for more than two to three hours. The licensee, after narrating other clandestine affairs which had taken place in the licensed premises, escorted the agents to the second floor where he assigned them two adjoining rooms -- numbers 6 and 7. Immediately thereafter the agents returned to the bar, ordered some drinks, asked the licensee the price of the rooms and whether they had to register. The licensee replied it would not be necessary for them to register and that, since they expected to use the rooms for a short time, the price would be \$5 per room. Each agent thereupon handed the licensee a marked five-dollar bill and returned to their respective rooms.

At about 11:05 p.m., by prearrangement two other ABC agents, together with the licensee and two local police officers, knocked at the door of room number 6 and the agent in the room stated in the presence of the licensee that he is waiting for a girl, not his wife, to engage in sexual intercourse and that he had paid the licensee \$5 for the use of the room. The group of officers and the licensee proceeded to room number 7, and the agent therein made similar statements. The licensee thereupon denied he had been informed by the agents that they had intended to use the rooms for the aforesaid immoral purposes.

Upon request of one of the agents, the licensee produced from his pocket the two marked five-dollar bills.

Defendant has no prior adjudicated record. I shall suspend defendant's license for a period of one hundred eighty days. Re Juhls, Bulletin 1337, Item 3; Re Parkway Hotel, Inc., Bulletin 1343, Item 2.

Accordingly, it is, on this 23rd day of November 1960,

ORDERED that plenary retail consumption license C-9, issued by the Township Committee of the Township of Knowlton to Warren E. Roth, t/a Hainesburg Inn, for premises on Route #94, State Highway, Knowlton Township, be and the same is hereby suspended for one hundred eighty (180) days, commencing at 7 a.m. Monday, December 5, 1960, and terminating at 7 a.m. Saturday, June 3, 1961.

WILLIAM HOWE DAVIS  
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
 Michael Karczewski  
 t/a Crescent Wine and Liquors  
 549-551-553 Communipaw Ave.,  
 Jersey City 4, N. J.,  
 Holder of Plenary Retail Distribution License D-79, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

CONCLUSIONS

AND

ORDER

-----  
 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 he sold alcoholic beverages at less than the price listed in the Minimum Consumer Resale Price List then in effect, in violation of Rule 5 of State Regulation No. 30.

On October 26, 1960, an ABC agent entered defendant's premises and purchased from defendant a one-gallon bottle of Vintners Stock Gallo California Barberone wine for the sum of \$2.40. The minimum consumer resale price then in effect for the item in question was \$2.59. The agent identified himself and defendant admitted the violation.

Defendant has no prior record. I shall suspend defendant's license for the minimum period of ten days, and remit five days for the plea, leaving a net suspension of five days. Re Maire, Bulletin 1350, Item 6.

Accordingly, it is, on this 28th day of November 1960,

ORDERED that plenary retail distribution license D-79, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Michael Karczewski, t/a Crescent Wine and Liquors, for premises 549-551-553 Communipaw Ave., Jersey City, be and the same is hereby suspended for five (5) days, commencing at 9 a.m. Monday, December 5, 1960, and terminating at 9 a.m. Saturday, December 10, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

5. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN FARM STRUCTURE - VARIOUS ARTICLES RETURNED TO INNOCENT OWNER - STOCK OF ALCOHOLIC BEVERAGES AND OTHER PERSONAL PROPERTY FORFEITED.

In the Matter of the Seizure )  
 on August 14, 1960 of a quantity )  
 of alcoholic beverages, furniture, ) Case No. 10,369  
 fixtures, equipment, miscellaneous )  
 personal property, \$41.40 in cash, ) On Hearing  
 on premises occupied by Troy Fowler, )  
 located on the south side of Long ) CONCLUSIONS and ORDER  
 Swamp Road, in Plumstead Township, )  
 County of Ocean and State of New )  
 Jersey. )

-----  
 Martha E. Monyek, Attorney for Joel Bloom, t/a B & F Amusement Company.  
 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 a quantity of alcoholic beverages, \$41.40 in cash, and various articles of fixtures, furnishings and equipment, described in a schedule attached hereto, seized on August 14, 1960 at premises occupied by Troy Fowler, located on the south side of Long Swamp Road, Plumstead Township, New Jersey, constitute unlawful property and should be forfeited.

When the matter came on for hearing, pursuant to R.S. 33:1-66, an appearance was entered on behalf of B & F Amusement Company which sought return of a cigarette vending machine, music machine and a juice dispenser. Forfeiture of the balance of the property seized was not opposed by any person.

Reports of ABC agents and other documents in the file, presented in evidence with consent of counsel for the claimant, disclose the following facts:

The local Chief of Police had obtained a search warrant for the premises on the basis of a complaint that on July 24th and August 11, 1960 alcoholic beverages had been sold there without a license by Troy Fowler and Charles Bratton. On August 14, 1960, the previous purchaser of alcoholic beverages, by pre-arrangement, returned to the premises with "marked" money shortly before the police authorities and ABC agents went to the premises to execute the search warrant. The agents described the building they entered as a "chicken house" subdivided into four rooms, consisting of a room with a crude bar or counter, a kitchen, and two other rooms, and that there were over 100 persons there, most of whom were drinking beer. The person who had the "marked" money had in his possession a pint of "moonshine" whiskey and a bottle of beer, and identified Fowler as the person who sold the whiskey to him, and Charles Bratton as the person who sold the beer to him.

Since neither Troy Fowler nor Charles Bratton held a license to sell alcoholic beverages, and the premises were not licensed for that purpose, the ABC agent seized the stock of alcoholic beverages, consisting of eight containers with whiskey and 595 cans of beer, and \$41.50 in cash, including a \$5.00 "marked" bill, and the furnishings, fixtures, and equipment in the premises, including the above mentioned machines.

The alcoholic beverages were intended for unlawful sale

and hence are illicit. R.S. 33:1-1(i). Such illicit alcoholic beverages, and all personal property seized therewith on the premises, including the 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.

Joel Bloom testified that he trades as B & F Amusement Company and B & F Vending Company and is the owner of the machines in question; that there was a request to place the machines there, and that he did so about July 1, 1960; and that he was at the premises on only one occasion about two weeks before the seizure and did not observe anything to make him suspect that alcoholic beverages were being sold there; that he has a similar location which he describes as a "bunk house" for the convenience of farm hands.

Willard Smith, an employee of Mr. Bloom, testified that he received the request and installed the machines in what he knew as the "Austin" place, inspected the premises, which appeared to be a farm house, and was there once or twice in the daytime to make collections from the music machine and was told that the place catered to farm laborers, as a place for dancing, and served barbecued food, and there was nothing visible to indicate that alcoholic beverages were being sold there.

I am satisfied from the evidence presented that Joel Bloom acted in good faith and did not know or have any reason to suspect that alcoholic beverages were being sold in the premises without a license. I shall therefore recognize his claim. R.S. 33:1-66(f).

Accordingly, it is DETERMINED and ORDERED that if on or before the 8th day of December, 1960, Joel Bloom pays the costs incurred in the seizure and storage of the cigarette vending machine, music machine and juice dispenser, such machines as listed and more fully described in Schedule "A", attached hereto, will be returned to him; and it is further

DETERMINED and ORDERED that the balance of the seized property, including the cash, listed in the aforesaid Schedule "A", constitutes unlawful property, and the same be and hereby is forfeited in accordance with the provisions of R.S. 33:1-66, and that it 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.

Dated: November 28, 1960

WILLIAM HOWE DAVIS  
DIRECTOR

SCHEDULE "A"

- 2 - 1 gal. glass jugs of alcohol
- 3 - 1 pint glass bottles of alcohol
- 3 -  $\frac{1}{2}$  gallon bottles of whiskey
- 595 - 12 oz. cans of beer
- 1 - juke box and currency therein
- 1 - cigarette machine
- 1 - soda dispensing machine
- 1 - 10 lb. bag of charcoal
- 1 - 100 lb. bag of sugar
- Miscellaneous personal property
- \$41.40 in cash

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

In the Matter of Disciplinary Proceedings against	)		1372
Alexander M. Steinreich	)		PRIOR
t/a Joe's Bar	)		RECORD
278 Market Street	)	CONCLUSIONS	1372
Newark 2, New Jersey,	)	AND	REFILED
Holder of Plenary Retail Consumption License C-378, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.	)	ORDER	

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

BY THE DIRECTOR:

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

On September 21, 1960, an ABC agent tested defendant's open stock of liquor and seized a quart bottle labeled "Four Roses Blended Whiskey, 86 Proof", the contents of which appeared to be off in color. Analysis of the whiskey by the Division's chemist shows that it is high in solids and low in acids and not genuine "Four Roses Blended Whiskey, 86 Proof."

Defendant has a prior adjudicated record. Effective September 14, 1959, his license was suspended for five days by this Division for a "refilling" violation. When the license was held by Alexander and Rose Steinreich, for the same premises, it was suspended by the local issuing authority for twenty-five days effective February 16, 1948, for permitting bookmaking and gambling on the licensed premises. The minimum penalty in "refill" cases involving one bottle is ten days. Re Rossetti, Bulletin 1258, Item 7. However, because of the prior similar violation which occurred within a five-year period, the penalty will be doubled. No additional penalty will be imposed for the dissimilar violation which occurred more than five years ago. Re Hastings, Bulletin 1358, Item 7. I shall suspend defendant's license for a period of twenty days and remit five days for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 28th day of November 1960,

ORDERED that plenary retail consumption license C-378, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Alexander M. Steinreich, t/a Joe's Bar, for premises 278 Market Street, Newark, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Monday, December 5, 1960, and terminating at 2 a.m. Tuesday, December 20, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

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

In the Matter of Disciplinary )  
 Proceedings against )  
 Nicholas Panageas )  
 t/a Pickwick Bar & Restaurant )  
 873-75 Bergen Avenue )  
 Jersey City 6, New Jersey )  
 Holder of Plenary Retail Consumption )  
 License C-478, issued by the Municipi- )  
 pal Board of Alcoholic Beverage Con- )  
 trol of the City of Jersey City. )  
 -----

CONCLUSIONS  
 AND  
 ORDER

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

BY THE DIRECTOR:

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

On October 6, 1960, an ABC agent tested defendant's open bottles of alcoholic beverages and seized one bottle which appeared to be off in color. Subsequent analysis by the Division chemist disclosed that the contents of the seized bottle varied substantially in solids from a genuine sample of the labeled brand. At the time of the seizure defendant denied that he tampered with the contents of the seized bottle.

Defendant has a prior record. Effective March 6, 1947, his license was suspended for ten days for a similar violation. Bulletin 744, Item 14 and Bulletin 752, Item 5. However, since the prior violation occurred more than ten years ago, it will not be considered in fixing the penalty herein. Re Bilar, Bulletin 1348, Item 7. I shall suspend defendant's license for ten days, the minimum penalty in cases involving one bottle. Re Zicaro, Bulletin 1343, Item 8. Five days will be remitted for the plea, leaving a net suspension of five days.

Accordingly, it is, on this 28th day of November, 1960,

ORDERED that Plenary Retail Consumption License C-478, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Nicholas Panageas, t/a Pickwick Bar & Restaurant, for premises 873-75 Bergen Avenue, Jersey City, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m., Monday, December 5, 1960 and terminating at 2:00 a.m., Saturday, December 10, 1960.

WILLIAM HOWE DAVIS  
 DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )  
 )  
 Felix Chizun )  
 t/a John's Inn )  
 Hwy. #33, Millhurst )  
 Star Route )  
 Manalapan Township )  
 PO Freehold, New Jersey )  
 )  
 Holder of Plenary Retail Consumption License C-4, issued by the Township Committee of Manalapan Township. )  
 ----- )

CONCLUSIONS  
 AND  
 ORDER

James T. Kirk, Esq., Attorney for Defendant-licensee,  
 Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he, directly or indirectly, sold, served and delivered alcoholic beverages to a minor and permitted the consumption of such beverages by said minor in and upon his licensed premises, in violation of Rule 1 of State Regulation No. 20.

At 10:35 p.m., Friday, September 30, 1960, ABC agents entered defendant's licensed premises wherein they observed two barmaids dispensing alcoholic beverages to about twenty-five patrons. At 11:30 p.m. the agents observed a female, who appeared to be a minor, purchase from Frances Scoff, a barmaid, a bottle of beer which she consumed at a nearby table. At 12:05 a.m. the following morning, the agents observed a male patron purchase two bottles of beer from the other barmaid, hand a bottle to the aforesaid female and saw both walk to a table where they consumed a portion of their beverages. The agents identified themselves to the couple and, ascertaining that the male was of age and that the female was Henrietta ---, age 18, they seized the remaining portion of the beer in front of her for evidential purposes. The licensee, Felix Chizun, was in and about the premises during the agents' visit and, in his presence, Henrietta --- told the agents that she had been coming to the tavern for about a year; that whenever she visited the tavern those on duty, including Chizun, had always served her alcoholic beverages and that no one had ever inquired as to her age or requested her to present written proof thereof.

By way of mitigation of the penalty to be imposed, defendant's attorney has submitted affidavits of the licensee, Henrietta --- and her mother, setting forth their version of what transpired on the dates alleged. However, such version is not in accord with the facts set forth in the agents' reports which are admitted by the confessional plea.

Defendant has no prior adjudicated record. I shall suspend his license for fifteen days, the minimum penalty imposed for the sale of alcoholic beverages to an 18-year old-minor. Re Calia, Bulletin 1330, Item 6. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 28th day of November, 1960,

ORDERED that Plenary Retail Consumption License C-4, issued by the Township Committee of Manalapan Township to Felix Chizun, t/a John's Inn, for premises on Hwy. #33, Millhurst, Star Route, Manalapan Township, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m., Monday, December 5, 1960, and terminating at 2:00 a.m., Thursday, December 15, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - FAILURE TO FILE PROPER REPORTS WITH DIVISION OF TAXATION - LICENSE SUSPENDED FOR BALANCE OF TERM.

In the Matter of Disciplinary Proceedings against  
James Hector McNeill  
t/a McNeill's Liquor Store  
435 Broadway  
Passaic, N. J.,  
Holder of Plenary Retail Distribution License D-21, issued by the Board of Commissioners of the City of Passaic.  
-----

CONCLUSIONS

AND

ORDER

No Appearance on behalf of Defendant-licensee.  
William F. Wood, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant entered a plea of not guilty to the following charge preferred against him by the Division on August 15, 1960:

'You failed, in violation of R.S. 54:45-1, to file with the Director of the Division of Taxation (Beverage Tax Bureau), of the New Jersey Department of the Treasury, within time, reports disclosing the alcoholic beverages distributed, transported, imported, purchased and sold by you during the months of March, April, May and June 1960.'

"A hearing on the charge was scheduled for September 2, 1960, and, at defendant's request, was postponed to October 28, 1960. Defendant failed to appear on the postponed date and, no reason being given for his absence, the Division proceeded ex parte to establish the truth of the charge.

"Elwood W. Stryker was sworn as a witness for the Division and testified that he is the Assistant State Supervisor of the Division of Taxation, Beverage Tax Bureau, Department of the Treasury of New Jersey; that the records of the Tax Bureau show that the defendant herein failed to file tax reports for the months of March, April, May and June 1960; that he ignored several letters addressed to him by the Bureau respecting his delinquencies, and that his tax reports for the three subsequent months have not as yet been received by the Tax Bureau. Mr. Stryker further testified that defendant was delinquent with his reports on four occasions in 1955, on eight occasions in 1956, on ten occasions in 1957, on eight occasions in 1958, on eight occasions in 1959, and on seven oc-

casions in 1960, and that up to January 11, 1960, he has paid a total of \$1,655 in penalties imposed against him.

"Defendant has a prior adjudicated record. Effective February 8, 1960, his license was suspended for three days by the Director for failing to file tax reports for July, August, September, October and November 1959. Re McNeill, Bulletin 1330, Item 9.

"Considering the aforesaid, it is obvious that defendant has little, if any, regard for the laws and regulations governing liquor licensees. I recommend, therefore, that an order be entered suspending defendant's license for the balance of its term. I further recommend that said order provide that, after the expiration of ten days from the date thereof, defendant may apply to have the suspension lifted if the tax reports for the months set forth in the charge have been filed and the penalties and costs of these proceedings have been paid."

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

Having carefully considered the record herein including the transcript of the testimony and the Hearer's Report, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 5th day of December 1960,

ORDERED that Plenary Retail Distribution License D-21 issued by the Board of Commissioners of the City of Passaic to James Hector McNeill, t/a McNeill's Liquor Store, for premises 435 Broadway, Passaic, be and the same is hereby suspended for the balance of its term effective Monday, December 12, 1960 at 9:00 a.m., with leave granted defendant to apply to lift the suspension after the expiration of ten days from the effective date thereof, provided the tax reports have been filed and the penalties and costs of these proceedings have been paid.

WILLIAM HOWE DAVIS  
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF LOCAL REGULATION - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

R.C.S. Enterprises, Inc. (A Corp.) )  
t/a The Tally-Ho )  
111 Madison Avenue )  
Lakewood, N. J. )

CONCLUSIONS

AND

Holder of Plenary Retail Consumption License C-19, issued by the Township Committee of the Township of Lakewood. )

ORDER

-----  
Defendant-licensee, by Ralph C. Smith, President.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On Sunday, October 23, 1960 between 3:00 A.M. and 3:35 A.M., you sold, served and delivered and allowed, permitted and suffered the sale,

service and delivery of alcoholic beverages and allowed the consumption of alcoholic beverages on your licensed premises; in violation of Section 2 of an Ordinance adopted by the Township Committee of the Township of Lakewood on January 20, 1940."

The ordinance referred to in the above charge prohibits the sale, service, delivery and consumption of alcoholic beverages between 3:00 a.m. on Sunday and noon on that day, with an exception not here pertinent.

On Sunday, October 23, 1960 at about 1:15 a.m., four agents entered defendant's licensed premises. The bartender was Jay Thomas Barker, who was employed part time on weekends. At 3:00 a.m. the agents observed that six other men and Shirley Bunting, a barmaid who claimed that she was in charge of the premises, and Mrs. Barker, wife of the bartender, remained on the premises. At 3:02 a.m. the bartender announced that it was "last call" and served everyone present a round of drinks. At 3:08 a.m. the four agents purchased drinks of alcoholic beverages from the bartender. At 3:20 a.m. another agent purchased a drink of whiskey from the bartender. At 3:35 a.m. the agents revealed their identity to the bartender and Shirley Bunting. It further appears that during the service of alcoholic beverages to the agents after hours, the bartender charged a higher price for the drinks and when the agents called the bartender's attention to this, he merely laughed.

Defendant has no prior adjudicated record. When entering the aforesaid plea, the licensee's president represented that as soon as he heard of the matter he discharged the bartender and in the past has always left instructions to his help to close ten minutes before the hour fixed. Under the circumstances, I shall not impose more than the minimum penalty for such offense, pointing out, however, that increasing the price of drinks after hours aggravates such violation and will not normally be condoned.

I shall suspend defendant's license for fifteen days, the minimum penalty for an "hours" violation. Re Order of Brotherly Love, Marconi Sporting Club #24, Bulletin 1301, Item 5. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 21st day of December 1960,

ORDERED that Plenary Retail Consumption License C-19 issued by the Township Committee of the Township of Lakewood to R.C.S. Enterprises, Inc. (A Corp.), t/a The Tally-Ho, for premises 111 Madison Avenue, Lakewood, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Tuesday, January 3, 1961 and terminating at 2:00 a.m., Friday, January 13, 1961.

WILLIAM HOWE DAVIS  
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Sidot, Inc.  
t/a Club 38  
38 Bridge Street  
Paterson 1, New Jersey

CONCLUSIONS

AND

Holder of Plenary Retail Consumption License C-35, issued by the Board of Alcoholic Beverage Control for the City of Paterson.

ORDER

Nussman & Kaplan, Esqs., by Samuel R. Kaplan, Esq., Attorneys for Defendant-licensee.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that, during prohibited hours, it sold and permitted the sale of an alcoholic beverage in its original container for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

On the afternoon of Sunday, October 30, 1960, an ABC agent who was in defendant's premises observed a patron purchasing a bottle of wine for off-premises consumption from William McCabe, a bartender. Shortly thereafter, the agent purchased a bottle of wine from the same bartender and left the premises with the bottle in his possession. After this agent contacted another ABC agent who had remained outside, both re-entered the premises, where the bartender verbally admitted that he had made the sale.

Defendant has no prior record. In attempted mitigation, defendant's attorney has advised me that the bartender made the sale in violation of specific instructions which he had received from an officer of the corporation. Nevertheless, a licensee is fully responsible for violations committed by an employee who acts contrary to such instructions. Rule 33 of State Regulation No. 20. I shall suspend defendant's license for the minimum period of fifteen days. Re McHenry, Bulletin 1362, Item 3. Five days will be remitted for the plea, leaving a net suspension of ten days.

Accordingly, it is, on this 21st day of December 1960,

ORDERED that Plenary Retail Consumption License C-35, issued by the Board of Alcoholic Beverage Control for the City of Paterson, to Sidot, Inc., t/a Club 38, for premises 38 Bridge Street, Paterson, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m., Tuesday, January 3, 1961 and terminating at 3:00 a.m., Friday, January 13, 1961.

WILLIAM HOWE DAVIS  
DIRECTOR

12. STATE LICENSES - NEW APPLICATIONS FILED.

Bay-Shore Distributors, Inc.  
Park Avenue at East 8th Street  
Lakewood, New Jersey  
Application filed January 9, 1961 for person-to-person transfer of State Beverage Distributor's License SBD-103 from Pine Distributors Inc.

H. Stone & Co., Ltd.  
1886 Springfield Avenue  
Maplewood, New Jersey  
Application filed January 10, 1961 for Plenary Wholesale License.

New Jersey State Library

William Howe Davis  
Director