

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL

BULLETIN 1067

JUNE 13, 1955.

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aforesaid firm. The invoice, dated "14 Dec. '55," listed 18 cases of assorted brands of liqueurs, the price per bottle, the case lot price, the allowable discount, the total amount charged, and a notation "Paid." The amount ostensibly charged, \$1,249.55, was the correct minimum resale price for the items as listed. On January 20, 1955, the agents went to defendants' depository and checked their bank deposits which showed that the said industrial firm's check in the amount of \$1,277.10, made payable to the licensees, was deposited on January 14, 1955. Returning to the industrial firm, the agents requested and obtained its requisition orders, purchase orders and the licensees' original invoices issued to it, all relating to the firm's transactions with the licensees. These records showed orders for and delivery of liqueurs on December 14, 1954 in the amount of \$1,072.74; on December 22, 1954 in the amount of \$156.36; and on December 31, 1954 in the amount of \$48.00, a total of \$1,277.10, paid by the firm on January 13, 1955, which corresponded with the amount deposited by the licensees on January 14, 1955. The minimum resale price then in effect for the merchandise delivered on the various dates totaled \$1,501.61. When Kramer was confronted with these facts, he verbally admitted the sales below the minimum resale price, contending that he was obliged to do so to meet competition. He further stated that on January 18, 1955, when he received the phone call from the firm's official, he prepared the fictitious invoice that he produced for the agents, which caused the hindrance and delay of their investigation.

Defendants have no prior adjudicated record. Because of the large amount of alcoholic beverages sold, I shall suspend defendants' license for fifteen days on Charge (1), Re Brodsky, Bulletin 1056, Item 7. Since "hindering" is a violation which strikes at the very heart of enforcement and control, an additional twenty-day suspension will be imposed on Charge (2), Cf. Re The Village Barn, Inc. of New Jersey, Bulletin 1051, Item 3, making a total suspension of thirty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty days.

Accordingly, it is, on this 9th day of May 1955,

ORDERED that Plenary Retail Distribution License D-3, issued by the Mayor and Council of the City of Garfield to Louis Kramer, Richard Kramer & Herman Kramer, t/a Kramer Wines & Liquors, 63 Passaic Street, Garfield, be and the same is hereby suspended for a period of thirty (30) days, commencing at 9 a.m., May 16, 1955, and terminating at 9 a.m., June 15, 1955.

WILLIAM HOWE DAVIS,
Director.

instant hearing that there were petitions circulated containing names of persons living in the area of the proposed premises favoring the transfer of the license.

Ray Boardman, a holder of a Plenary Retail Distribution License in the City of New Brunswick and Secretary of the North Central Counties Retail Liquor Stores Association, one of the objectors herein, testified that the various territories in which the applicants desire to distribute malt beverages if they obtain the license applied for are, in his opinion, amply served at the present time. John Limyansky, also a holder of a Plenary Retail Distribution License in the Township of Franklin, testified that he was opposed to the grant of the transfer to applicants because he was of the opinion that the Township wherein he has his licensed premises and the immediate areas surrounding it are adequately served by the licenses now in existence.

The privileges of a State Beverage Distributor's License are state-wide, and the question of public necessity and convenience cannot be determined on the narrow basis of the single municipality in which the prospective licensee will have its principal office or warehouse.

On October 18, 1954, I denied an application filed by applicants for the issuance of a new State Beverage Distributor's License for the proposed premises. Re Novak, Bulletin 1036, Item 14. The present application, however, is for a transfer of an existing license. There has been evidence presented which would indicate that since the prior application aforementioned, the population of the area wherein applicants intend to operate has increased. Furthermore, it has been shown that applicants have an established soda business for the past five years and that several hundred of their customers evidenced their intention of purchasing malt beverages if and when applicants obtain a license. This appears to be adequate proof that there is a need for and a convenience to be served by the transfer of the license in question. In view of this, I conclude that the objections presented herein are without merit.

Therefore, I shall grant the transfer, in accordance with the application filed in this matter.

WILLIAM HOWE DAVIS,
Director.

Dated: May 9, 1955.

3. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES (INDECENT STORIES, INDECENT DANCE, INDECENT ACTIONS AND LANGUAGE) - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against LOUIS O. PALMA, INC., 431 Powell Street, Gloucester City, New Jersey, Holder of Plenary Retail Consumption License C-29, issued by the Common Council of the City of Gloucester City.

CONCLUSIONS

AND

ORDER

Malandra & Tomaselli, Esqs., by Angelo D. Malandra, Esq., Attorneys 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 charge:

"On Saturday night, February 19 and early Sunday morning, February 20, 1955, 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 a female entertainer performed in a lewd, indecent and immoral manner and a male entertainer recited stories and uttered words and phrases and made gestures and movements having lewd, lascivious, indecent, filthy, disgusting and suggestive import and meaning; in violation of Rule 5 of State Regulations No. 20."

An examination of the within file discloses that at about 11:15 p.m. on Saturday February 19, 1955, two ABC agents visited defendant's licensed premises. At 12 midnight a master of ceremonies opened the floor show by reciting a number of double entendre stories and accentuated the filthy meanings thereof with gestures of his hands and by opening and closing the zipper on the front of his trousers. He then introduced a female who appeared in a scanty costume consisting of abbreviated tights and a bra made of material resembling the skin of a zebra. The female started to dance and her performance was replete with movements known as "bumps and grinds" and at times she would assume a kneeling position and then gradually recline on her back on the floor and move her body in such a manner as to simulate sexual intercourse. After the dance, the master of ceremonies returned to the stage and made gestures which were clearly indecent.

It has been consistently held that such a performance consisting of an indecent dance accompanied by "bumps and grinds" has no place on licensed premises (Re Bell Club, Inc., Bulletin 1006, Item 8; Re Bajewicz, Bulletin 902, Item 4). Entertainment, if permitted on licensed premises, must be of such character as not to be inimical to public welfare and morals or the best interest of the liquor industry. (Re Primiceri, Bulletin 916, Item 3; Re DiAngelo, Bulletin 753, Item 4.)

Defendant has no prior adjudicated record. Under the circumstances, I shall suspend its license for a period of thirty days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days. Cf. Re Bajewicz, supra.

Accordingly, it is, on this 12th day of May 1955,

ORDERED that Plenary Retail Consumption License C-29, issued by the Common Council of the City of Gloucester City to Louis O. Palma, Inc., 431 Powell Street, Gloucester City, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 7:00 a.m., May 16, 1955, and terminating at 7:00 a.m., June 10, 1955.

WILLIAM HOWE DAVIS,
Director.

4. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - PRIOR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

GUS STEIN,)
t/a Gus Stein,)
118 Market Street,)
Passaic, New Jersey,)

CONCLUSIONS

AND

Holder of Plenary Retail Consumption License C-124, issued by the Board of Commissioners of the City of Passaic.)
-----)

ORDER

Braff & Litvak, Esq., by Jerome B. Litvak, Esq., Attorneys for Defendant-licensee.
William F. Wood, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he sold an alcoholic beverage at less than the price listed in the Minimum Resale Price List then in effect, in violation of Rule 5 of State Regulations No. 30.

The file herein discloses that on February 25, 1955, an ABC agent and a private investigator, acting on a complaint that defendant had made several sales of alcoholic beverages to a private investigator below the current minimum consumer price, entered defendant's licensed premises and the investigator asked Gus Stein for a fifth of Schenley. The licensee took a 4/5 quart bottle of Schenley Reserve Blended Whiskey from a shelf on which was affixed a tag marked \$4.49, the current minimum consumer price. He placed the bottle of whiskey on the counter in a paper bag, accepted from the agent a five-dollar bill, rang up \$4.15 on the register and handed the agent three quarters and a dime. The agent and investigator left

the premises with the merchandise. Shortly thereafter, the agent re-entered, identified himself, informed the licensee of the violation and inspected the cash register which, he found, had no sales recording tape in it. Stein verbally admitted that he sold the article in question below the minimum resale price, stating that it was his regular practice "as competition is very tough."

Defendant has a prior adjudicated record. Effective May 6, 1941, his license was suspended for ten days by the then State Commissioner for (a) sale of an alcoholic beverage below the listed minimum resale price, and (b) for allowing a minor permittee to sell alcoholic beverages, Re Stein, Bulletin 458, Item 3. Effective February 23, 1943, his license was suspended for fifteen days by the same authority for sale of an alcoholic beverage below the listed minimum resale price, Re Stein, Bulletin 502, Item 1 and Bulletin 555, Item 5. Again, effective July 7, 1947, his license was suspended for forty days by the same authority for a similar violation, Re Stein, Bulletin 770, Item 7. The first two prior violations, having occurred beyond a ten-year period, will not be considered in fixing the penalty herein. Re Camden Lodge #111, Loyal Order of Moose, Bulletin 1023, Item 3. The minimum suspension imposed for a violation as set forth in the charge herein is ten days. Ordinarily the suspension is doubled for a second similar violation. However, since the prior similar violation occurred more than five years ago, I shall suspend defendant's license for fifteen days. Re Schneider, Bulletin 1033, Item 4. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 12th day of May 1955,

ORDERED that Plenary Retail Consumption License C-124, issued by the Board of Commissioners of the City of Passaic to Gus Stein, t/a Gus Stein, for premises 118 Market Street, Passaic, be and the same is hereby suspended for ten (10) days, commencing at 3 a.m., May 23, 1955, and terminating at 3 a.m., June 2, 1955.

WILLIAM HOWE DAVIS,
Director

5. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES (INDECENT PRINTED MATTER, INDECENT PICTURES) - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)	
)	
RAYMOND EDWARD SISCO,)	CONCLUSIONS
t/a GRACE & RAYS,)	
S/S of S/H #10 about 1200')	AND
westerly of Whippany Rd.,)	
Hanover Township,)	ORDER
P.O. Whippany, N. J.,)	

Holder of Plenary Retail Consumption License C-14, issued by the Township Committee of the Township of Hanover.)

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

BY THE DIRECTOR:

Defendant pleaded guilty to the following charge:

"On April 13, 1955, and prior thereto, you allowed, permitted and suffered in and upon your licensed premises and had in your possession and distributed and caused to be distributed matter, viz., a quantity of so-called 'business cards' containing printing, writing, pictures, cartoons, drawings, sketches and representations having obscene, indecent, filthy, lewd, lascivious and disgusting import and meaning; in violation of Rule 17 of State Regulations No.20."

The file herein discloses that on April 13, 1955, an ABC agent inspected defendant's licensed premises to investigate a complaint that defendant possessed upon his licensed premises business cards upon which were printed indecent pictures and double meaning printed matter. In the stockroom, part of the licensed premises, the agent found a carton containing about 1000 of such cards. Defendant admitted that he had previously distributed about 1000 of these cards. On one side of the cards was printed the name and address of defendant's tavern, and on the reverse side thereof there was printed various pictures, with printed matter underneath.

Without detailing the specific nature of the pictures and language thereunder, it is sufficient to say that they were obscene, indecent and vulgar, with double meanings suggestive of sexual intercourse.

Whether the cards in question are less shocking to the sense of decency than others might be does not justify their presence on licensed premises. Any such material has no place thereon. Cf. Re Novembre, Bulletin 1056, Item 2.

Defendant has no prior record. I shall suspend defendant's license for ten days, the minimum suspension in such cases. Five days will be remitted for the plea herein, leaving a net suspension of five days. Re Novembre, supra.

Accordingly, it is, on this 12th day of May 1955,

ORDERED that Plenary Retail Consumption License C-14, issued by the Township Committee of the Township of Hanover to Raymond Edward Sisco, t/a Grace & Rays, for premises S/S of S/H #10 about 1200' westerly of Whippany Rd., Hanover Township, be and the same is hereby suspended for five (5) days, commencing at 2 a.m., May 23, 1955, and terminating at 2 a.m., May 28, 1955.

WILLIAM HOWE DAVIS,
Director

6. DISCIPLINARY PROCEEDINGS - ORDER POSTPONING EFFECTIVE DATES OF SUSPENSION.

In the Matter of Disciplinary Proceedings against)

PAL'S WINE & LIQUORS, INC.,)
t/a Pal's Wine & Liquors,)
241 Union Avenue,)
Paterson 2, New Jersey,)

On Petition

Holder of Plenary Retail Distribu-)
tion License D-14, issued by the)
Board of Alcoholic Beverage Control)
for the City of Paterson.)
-----)

O R D E R

BY THE DIRECTOR:

An Order having been entered herein on May 12, 1955, suspending defendant's license for a period of ten days, commencing at 9 a.m. May 23, 1955, and terminating at 9 a.m. June 2, 1955, and

It appearing that defendant has requested a postponement of the effective dates of said suspension, and sufficient cause appearing, under the circumstances of the case, for granting the requested relief,

It is, on this 23rd day of May, 1955,

ORDERED that the suspension of ten days heretofore imposed herein, instead of commencing at 9 a.m. May 23, 1955, shall, in lieu thereof, commence at 9 a.m. May 31, 1955, and terminate at 9 a.m. June 10, 1955.

WILLIAM HOWE DAVIS,
Director.

7. DISCIPLINARY PROCEEDINGS - HOSTESS - UNQUALIFIED EMPLOYEES - PRIOR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

VICTORIA LODI BAR, INC., t/a Mardi Gras, Route 46, Lodi, N. J.,)

CONCLUSIONS

AND

Holder of Plenary Retail Consumption License C-11, issued by the Mayor and Council of the Borough of Lodi.)

ORDER

DiMaria & DiMaria, Esqs., by Martin J. DiMaria, Esq., Attorneys 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 April 1, 2, 15 and 16, 1955, 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 Regulations No. 20.
"2. On the occasions aforesaid you knowingly employed on your licensed premises Arthur Slatoff, Rebecca Gillyard, Lilly Jaye Hill and Mamie Miller, non-residents of New Jersey who had not obtained any requisite employment permits from the Director of the Division of Alcoholic Beverage Control; in violation of Rule 4 of State Regulations No. 13."

The file in the instant case discloses that on the evening of April 1, 1955, ABC agents visited defendant's licensed premises. The agents entered the premises at about 11:45 p.m. on the aforesaid evening and left at 2 a.m. on the morning of April 2, 1955. During the time spent in the premises the agents paid for drinks ordered by female entertainers and at times female entertainers would take money belonging to the agents from the bar and order drinks for themselves and pay for these drinks with the agents' money. ABC agents made another visit to defendant's premises on April 15, 1955, arriving there at about 11:30 p.m. The female entertainers who were at defendant's premises at the time of the agents' prior visit again accepted drinks from and at the expense of the agents and used money obtained from the agents to purchase drinks for themselves. On all of the aforesaid occasions the agents observed female entertainers mixing with patrons and accepting drinks from and at the patrons' expense. At 12:30 a.m., on April 16, 1955, the agents made known their identity to the bartenders and, thereafter, obtained statements from the female entertainers and other employees. During the course of the questioning of the said persons, it was ascertained that four of them, although non-residents, did not have requisite permits to be employed on licensed premises.

Defendant has a prior adjudicated record. Effective November 15, 1954, I suspended defendant's license for twenty-five days after it had entered a plea of non vult to allowing female entertainers to perform on its licensed premises in an indecent manner. Re Victoria Lodi Bar, Inc., Bulletin 1041, Item 4. Apparently its prior suspension within six months has not deterred defendant from indulging in other practices inimical to the proper operation of licensed premises and in direct violation of our regulations.

Under all the circumstances I shall suspend defendant's license for 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 16th day of May 1955,

ORDERED that Plenary Retail Consumption License C-11, issued by the Mayor and Council of the Borough of Lodi to Victoria Lodi Bar, Inc., t/a Mardi Gras, Route 46, Lodi, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 3:00 a.m., May 23, 1955, and terminating at 3:00 a.m., June 17, 1955.

WILLIAM HOWE DAVIS,
Director.

8. DISCIPLINARY PROCEEDINGS - ORDER POSTPONING EFFECTIVE DATES OF SUSPENSION.

In the Matter of Disciplinary Proceedings against)

MAIN WINE & LIQUOR CO., INC.,
62 Broadway,
Paterson 1, New Jersey,)

On Petition

Holder of Plenary Retail Distribution License D-63, issued by the Board of Alcoholic Beverage Control for the City of Paterson.)

O R D E R

BY THE DIRECTOR:

An Order having been entered herein on May 12, 1955, suspending defendant's license for a period of ten days, commencing at 9 a.m. May 23, 1955, and terminating at 9 a.m. June 2, 1955, and

It appearing that defendant has requested a postponement of the effective dates of said suspension, and sufficient cause appearing, under the circumstances of the case, for granting the requested relief,

It is, on this 23rd day of May, 1955,

ORDERED that the suspension of ten days heretofore imposed herein, instead of commencing at 9 a.m. May 23, 1955, shall, in lieu thereof, commence at 9 a.m. May 31, 1955, and terminate at 9 a.m. June 10, 1955.

WILLIAM HOWE DAVIS,
Director.

9. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN PRIVATE DWELLING - SEIZED ALCOHOLIC BEVERAGES ORDERED FORFEITED - VARIOUS ARTICLES RETURNED TO INNOCENT OWNER.

In the Matter of the Seizure)
on February 27, 1955, of a)
bottle of alcohol, a cigarette)
vending machine, and a music)
machine at 101 Clover Avenue,)
in Hamilton Township, County of)
Mercer and State of New Jersey.)

Case No. 8820

On Hearing

CONCLUSIONS and ORDER

J. C. Vending Machines, Inc., by Charles I. Costello, President.
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 bottle of alcohol, a cigarette vending machine, and a music machine, described in a schedule attached hereto, seized on February 27, 1955, at 101 Clover Avenue, Hamilton 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 J. C. Vending Machines, Inc., which sought return of the two above mentioned machines. Forfeiture of the alcohol was not opposed by any person.

The seizure was made by local police officers, who thereafter turned over the seized property to ABC agents. At the seizure hearing, two of such police officers testified to the following effect:

On February 27, 1955, the officers executed a search warrant for Ivory Davis' dwelling at the above address. The basis of the warrant was information and belief that Davis was selling alcoholic beverages there without a license. Davis was seated in the dining room eating, with a bottle of illicit liquor on the table. The officers seized this bottle of liquor, as well as the two machines, which were in the dining room, and another bottle with liquor which they found elsewhere in the dwelling. Davis verbally admitted to the officers that he sold beer at his home.

Ivory Davis did not hold any license authorizing him to sell alcoholic beverages, and the premises were not licensed for that purpose. The contents of the two bottles were analyzed by the Division chemist, who reports one bottle contains an alcoholic beverage fit for beverage purposes with an alcoholic content of 47 per cent. by volume, while the other bottle does not contain any alcoholic beverage fit for beverage purposes.

The police officers further testified that Ivory Davis was not suspected of engaging in unlawful sales of alcoholic beverages until about February 1st, 1955, when they received information that Davis was selling moonshine whiskey. Thereafter his dwelling was under surveillance, and officers visited his dwelling on two occasions previous to February 27th, but did not discover any illicit alcoholic beverages, or evidence of sale thereof.

Mr. Davis made a practice of conducting weekly barbecues at the premises as a business venture. He also worked at odd jobs as a mason and carpenter. He does not have any previous criminal record for violating any liquor laws. The municipality issued a license or permit expiring January 1, 1955, licensing the use of the music machine in Davis' dwelling. This license was renewed after the seizure.

J. C. Vending Machines, Inc. placed the two machines in question in Davis' dwelling on February 4, 1955. Davis came to its place of business on January 10, 1955, stated that he was operating a restaurant, and arranged for the placement of a music machine and a cigarette vending machine. The vending concern employees who delivered the machines reported that it looked like a private residence, not a restaurant. The first machines were removed on February 1st, because of insufficient income. The machines which were seized were re-installed on February 4th on Davis' plea that he should be given a further opportunity to demonstrate that his place was a good location. The vending concern relied upon the fact that Davis was licensed to place a machine in his establishment, and that his particular type of restaurant is frequently conducted in what appears to be non-commercial buildings.

While the first impulse is to characterize the premises as an unusual place for the installation of these machines, and hence to require a more adequate investigation of the character and activities of Davis, the particular facts in the case demonstrate that the vending concern was justified in assuming that it was a commercial establishment, and acted with reasonable prudence in the matter. Hence, the two machines will be returned to it upon payment of the costs of their seizure and storage. R.S. 33:1-66(f). The bottle of illicit alcoholic beverages will be forfeited because it bore a label which did not truly describe its contents. R.S. 33:1-1(i), R.S. 33:1-88, and the other bottle containing unpalatable alcohol will likewise be forfeited.

Accordingly, it is DETERMINED and ORDERED that if on or before the 3rd day of June, 1955, J. C. Vending Machines, Inc. pays the costs of the seizure and storage of the cigarette and music machines, described in Schedule "A" attached hereto, said machines will be returned to it; and it is further

DETERMINED and ORDERED that the bottles of alcohol, listed in the aforesaid Schedule "A", 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.

Dated: May 24, 1955.

William Howe Davis,
Director.

SCHEDULE "A"

- 2 - one-half pint bottles of whiskey (alcohol)
- 1 - cigarette vending machine and currency therein
- 1 - music box and currency therein

10. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - AGGRAVATED CIRCUMSTANCES - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against SYLVESTER PERNA, t/a Whip-Poor-Will Inn, White Horse Pike, Hammonton, New Jersey, Holder of Plenary Retail Consumption License C-19, issued by the Mayor and Council of the Town of Hammonton.)

CONCLUSIONS AND ORDER

McAllister & Hunter, Esqs., by Robert N. McAllister, Esq., Attorneys 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 he sold, served and delivered alcoholic beverages to five minors, and permitted the consumption of such beverages by said minors in and upon his licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that between April 20, 1955, and April 26, 1955, ABC agents, acting upon information transmitted to this Division by the New Jersey State Police, obtained signed sworn statements from Anthony --- age 15, Robert --- age 15, John --- age 15, Frank --- age 16 and Russell --- age 16. In said statements, the minors say that on Friday night, April 15, 1955, they left a high school dance and drove to defendant's licensed premises; that between 9 and 9:30 p.m., they entered the tavern and seated themselves at the bar therein; that Anthony, Robert and John consumed 1, 2 and 3 glasses of beer, respectively, and Frank and Russell consumed beers and several "shots" of whiskey; that the bartender who served them the alcoholic beverages made no inquiry respecting their ages and that Frank and Russell were both "drunk" when they left the licensed premises at about 10:15 p.m. On April 26, 1955, the aforesaid minors directed the agents to defendant's licensed premises which they pointed out as the place where they had been served alcoholic beverages and therein identified Sylvester Perna, Jr., son of the licensee herein, as the bartender who had served them. Perna, Jr. and the licensee who was then present remained silent.

Defendant has no prior adjudicated record. The minimum penalty for a first offense of sale of alcoholic beverages to minors (unaggravated by their tender ages, the number of minors involved or other circumstances) is a suspension of the license for ten days. However, the instant case is aggravated by the tender ages of all the minors, the number of minors involved and the fact that two of them were served whiskey and became intoxicated. I shall suspend defendant's license for a period of forty days. Re Tony's White Tavern, Inc., Bulletin 990, Item 3. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 25th day of May, 1955,

ORDERED that Plenary Retail Consumption License C-19, issued by the Mayor and Council of the Town of Hammonton to Sylvester Perna, t/a Whip-Poor-Will Inn, White Horse Pike, Hammonton, be and the same is hereby suspended for the balance of its term, effective at 2 a.m., June 1, 1955; and it is further

ORDERED that, if any license be issued to this licensee or to any other person for the premises in question for the 1955-56 licensing year, such license shall be under suspension until 2 a.m., July 6, 1955.

William Howe Davis,
Director.

11. DISCIPLINARY PROCEEDINGS - EFFECTIVE DATES FIXED FOR
SUSPENSION PREVIOUSLY IMPOSED UPON REOPENING FOR BUSINESS.

In the Matter of Disciplinary Proceedings against)

WM. DE FREITAS, JR. AND ELIZA)
ELLEN DE FREITAS,)
t/a Inlet Inn,)
S/W Cor. Rhode Island & Bay Aves.,)
Long Beach Township,)
PO Beach Haven Crest, New Jersey,)

O R D E R

-----)
Holders of Plenary Retail Consumption License C-3, issued by the Board of Commissioners of the Township of Long Beach.)

William B. Knight, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

It appearing that by an order dated February 4, 1955, the license held by the above named defendants was suspended for a period of thirty days, and that the effective dates of said suspension were to be fixed by subsequent order (Re DeFreitas, Bulletin 1051, Item 5); and

It further appearing to my satisfaction that defendants' premises have now been reopened for the 1955 season;

It is, on this 23rd day of May, 1955,

ORDERED that the thirty-day suspension heretofore imposed shall commence at 2 a.m., May 31, 1955, and terminate at 2 a.m., June 30, 1955.

WILLIAM HOWE DAVIS,
Director.

12. AUTOMATIC SUSPENSION - LICENSE SUSPENDED BY LOCAL ISSUING AUTHORITY - SUSPENSION LIFTED.

In the Matter of a Petition by)

FRED DONNADIO AND ANTHONY DONNADIO,)
t/a Fred's Cafe,
4001-03 New Jersey Avenue,)
Wildwood, New Jersey,)

On Petition

CONCLUSIONS AND ORDER

To Lift the Automatic Suspension of
Plenary Retail Consumption License)
C-29, issued by the Board of Com-)
missioners of the City of Wildwood.)

W. Russell Epler, Esq., Attorney for Petitioners.

BY THE DIRECTOR:

It appears from a verified petition filed herein that on May 5, 1955, Fred Donnadio, one of the petitioners herein, was sentenced to serve six months in a county jail, which sentence was immediately suspended, and was also fined \$150 which he paid after he had pleaded non vult in the County Court of Cape May County to an indictment alleging that he had sold alcoholic beverages to a minor, in violation of R.S. 33:1-77. As a result of said conviction the license held by petitioners has been automatically suspended for the balance of its term. R.S. 33:1-31.1.

The verified petition further shows, and the records of the Division of Alcoholic Beverage Control confirm the fact, that on April 26, 1955, the Board of Commissioners of the City of Wildwood suspended the license held by petitioners for a period of thirty days effective April 29, 1955, at 2 a.m., and ending May 29, 1955, at 12 o'clock Noon, after said Board had found petitioners guilty in disciplinary proceedings of selling alcoholic beverages to a seventeen-year-old minor in violation of the provisions of a local ordinance. The petition herein requests that the statutory automatic suspension of the license be lifted at the expiration of the suspension imposed by said Board.

The charge in the criminal proceedings and the charge in the disciplinary proceedings were based upon the same facts.

I am satisfied that the suspension heretofore imposed by the local issuing authority is adequate under the circumstances of the case. Hence the relief sought herein will be granted at the termination of the suspension presently in effect.

Accordingly, it is, on this 23rd day of May, 1955,

ORDERED that the automatic suspension of License C-29, held by Fred Donnadio and Anthony Donnadio, t/a Fred's Cafe, for premises 4001-03 New Jersey Avenue, Wildwood, be lifted and said license restored to full force and operation, effective at 12 o'clock Noon on May 29, 1955. Until then the license stands suspended.

[Handwritten signature of William Howe Davis]

William Howe Davis, Director.