

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

June 11, 1964

BULLETIN 1563

TABLE OF CONTENTS

ITEM

1. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN RESTAURANT - DEPOSIT POSTED IN LIEU OF RETAIL VALUE OF FURNISHINGS, EQUIPMENT AND MERCHANDISE ORDERED FORFEITED - COMMINGLED CASH AND ALCOHOLIC BEVERAGES ORDERED FORFEITED.
2. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - HINDERING INVESTIGATION - FALSE STATEMENT IN APPLICATION FOR LICENSE - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.
3. SEIZURE - FORFEITURE PROCEEDINGS - UNREGISTERED STILL - EQUIPMENT AND MOTOR VEHICLE ORDERED FORFEITED - PADLOCKING OF PREMISES WAIVED.
4. DISCIPLINARY PROCEEDINGS (Newark) - NUISANCE (APPARENT HOMOSEXUALS) - PRIOR SIMILAR RECORD DISREGARDED BECAUSE OF CHANGE OF STOCKHOLDERS - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Lodi) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
6. MORAL TURPITUDE - CONVICTION OF BOOKMAKING AND POSSESSION OF LOTTERY SLIPS HELD TO INVOLVE MORAL TURPITUDE UNDER FACTS OF CASE.
7. STATUTORY AUTOMATIC SUSPENSION - SUPPLEMENTAL ORDER LIFTING SUSPENSION. (Clifton)
8. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION. (Paterson)
9. DISCIPLINARY PROCEEDINGS (Little Falls) - GAMBLING (HORSE RACE BETS) - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Trenton) - ORDER TERMINATING SUSPENSION FOR BALANCE OF TERM UPON PROOF OF CORRECTION OF UNLAWFUL SITUATION.
11. DISCIPLINARY PROCEEDINGS (Ocean Twp.) - SALE BELOW FIXED PRICE - LICENSE SUSPENDED FOR 10 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.

June 11, 1964

BULLETIN 1563

1. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN RESTAURANT - DEPOSIT POSTED IN LIEU OF RETAIL VALUE OF FURNISHINGS, EQUIPMENT AND MERCHANDISE ORDERED FORFEITED - COMMINGLED CASH AND ALCOHOLIC BEVERAGES ORDERED FORFEITED.

In the Matter of the Seizure)
on July 24, 1963 of a quantity)
of alcoholic beverages, \$193.63)
in cash, various fixtures,)
furnishings and equipment at)
premises known as Bella Napoli)
Restaurant, located at 2303)
Pacific Avenue, in the City of)
Atlantic City, County of Atlantic)
and State of New Jersey.)

Case No. 11,095

ON HEARING
CONCLUSIONS
AND ORDER

-----)
Armstrong and Solan, Esqs., by James J. Armstrong, Jr., Esq.,
appearing for Emilio Corcione.

I. Edward Amada, Esq., appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This matter came on for hearing pursuant to R.S. 33:1-66 and State Regulation No. 28, and further, pursuant to a stipulation dated August 1, 1963, signed by Emilio Corcione, to determine whether 461 cans of beer, 2 gallons of wine, \$193.63 in cash, various fixtures, furnishings and equipment described in an inventory hereinafter referred to and marked "Schedule A" herein, seized on July 24, 1963, at premises known as Bella Napoli Restaurant, located at 2303 Pacific Avenue, Atlantic City, constitute unlawful property and should be forfeited; and further to determine whether the sum of \$3,000.00 representing the retail value of said fixtures, furnishings, foodstuffs and equipment, exclusive of the alcoholic beverages and \$193.63 in cash, paid under protest by the said Emilio Corcione, should be forfeited or returned to him.

When the matter came on for hearing, pursuant to R.S. 33:1-66 Emilio Corcione, represented by counsel, appeared and sought the return of the money deposited by him on the basis of the said stipulation.

The established facts as developed in the testimony of ABC agents are as follows: Two ABC agents visited these premises on two occasions, July 12, 1963 and July 24, 1963, in pursuance of an investigation of a specific complaint that alcoholic beverages were being sold therein without a permit. These premises consist of a restaurant located on the first floor of a multi-storied brick building. There are two entrances but only one is in actual use.

The primary entrance leads to the main dining room in the center of the building. The dining room is furnished with numerous tables and chairs, cash register, counter, a cigar counter and a telephone booth. There is a side room dining area, a service area in the rear of this room and a large kitchen at the rear of the dining room.

Agent S testified that, on his first visit, on July 12th in company with Agent H, he entered the premises, was seated by Mrs. Agnes Corcione, the maitre d, at the second table from the front window, and was served by a waitress later identified as Miss Joan Milano. They ordered food and beer and were served 2 cans of Reading Premium Beer. Later during the meal, an additional service of two beers was made and when the bill was finally submitted to them at the conclusion thereof, it included the following legend, "4 cans of beer, 45 cents, \$1.80". During the course of the meal they observed that beer was served to patrons at five or six other tables.

The agents returned to the premises on July 24, 1963 in the company of Inspector St, who remained on the outside of the premises pursuant to a pre-arranged plan. On this occasion they were again seated by Mrs. Corcione and were served by a waiter later identified as Raymond J. Thompson. During the course of this meal they ordered 4 cans of beer, the last 2 cans of which were partially consumed. They observed that the patrons at 6 or 7 other tables were served by another waiter. About 5:30 P.M. by pre-arranged signal Inspector St entered the premises and identified himself. In the meantime, the bill had been rendered to these agents in the sum of \$5.85 which included the legend "4 beers, \$1.80". Agent H, immediately prior thereto, paid his bill with 2 "marked" \$5.00 bills, the serial numbers of which had been previously recorded.

At this point, one of the waitresses approached Agent S as he picked up the cans and glasses and stated, "There is an ABC man over there. Get rid of that beer." Agent S replied, "Don't worry about the beer. I am an ABC man, too", and reached for his credentials. This witness knocked the glasses out of his hand but he managed to salvage some of the beer, which was then put in a steel container. Thereupon, local police officers arrived and assisted with the seizure of the alcoholic beverages, which included the 461 cans of Reading Premium Beer and 2 full gallons of Petri Wine and a $\frac{1}{4}$ gallon of Petri Wine. The money in the cash register, in which the "marked" bills were placed, and commingled, was similarly seized, as well as the cash register tape which reflects the sales of food and alcoholic beverages to these agents.

Mrs. Agnes Corcione, Emilio Corcione, Thompson and Miss Milano were placed under arrest. Emilio Corcione was charged with possessing alcoholic beverages with intent to sell same without a license contrary to R.S. 33:1-2 and R.S. 33:1-50(b). Agnes Corcione, the cashier, was arrested for aiding and abetting the sale of alcoholic beverages without a license, in violation of R.S. 33:1-2 and R.S. 33:1-50(d). Raymond Thompson and Joan Milano were charged with selling alcoholic beverages without a license contrary to R.S. 33:1-2 and R.S. 33:1-50(a). They were arraigned in the Atlantic City Municipal Court and held in bail for action by the Atlantic County Grand Jury.

The affidavit of mailing and publication and the original stipulation signed by the claimant, and the certification that no license either to claimant or for premises, had been issued by the State or local authorities to sell alcoholic beverages, were received in evidence. There was also received in evidence a certificate by the Director of the Report of Chemical Analysis by the Division chemist. This report states, in part, that a 6 ounce bottle, con-

taining 3 ounces of alleged Reading Premium Beer shows that it is an alcoholic beverage fit for beverage purposes with an alcoholic content by volume of 4.2%. The report also shows that a sample of the gallon bottle containing 120 ounces labelled Viva Vino Di Petri Red Wine reflects that it is an alcoholic beverage fit for beverage purposes with an alcoholic content by volume of 13.3%.

On cross-examination, Agent S insisted that the waitress intentionally pushed him with the express purpose of knocking the alcoholic beverages from his hand and destroying the same. However, as testified, he was able to recover a small part of the beer, which he retained for evidential purposes.

He also stated that in a conversation with Concetta Corcione, the wife of the owner, she stated that beer had been sold at the premises for the past few weeks; "Customers asked for it. What can you do?" This conversation took place while Emilio Corcione remained on the outside of the premises. A check of the records revealed that Emilio's name was on all the bills and the various municipal licenses. This agent then engaged in interrogation of James Corcione who informed him that while his father owned the business, he (James) was the manager and ran the business for his father; that, in fact, it was a "family affair". The boys of the family actually operate the business and the "girls help out. It is a family affair." During a further conversation, after their attorney arrived on the scene, James Corcione insisted that the beer which the agents found on the premises was purchased for a christening of his son.

Agent H substantially corroborated the testimony of the prior witness, and particularly with respect to the statement made by James Corcione that he was the manager of the said premises.

Inspector St also corroborated the fact that many patrons were being served with beer and other alcoholic beverages on July 24, 1963. He questioned James Corcione with respect to the management of the premises. James informed him that he was the manager and that his brother, Philip, was either head cook or chef. James was then asked if he does the hiring and firing, to which he replied, "No. My father hires and fires". He also admitted that his father (Emilio) does the buying and that he (James) merely receives a salary as the manager. An inspection of invoices disclosed that they were addressed to Emilio Corcione as was a food license issued by the City of Atlantic City.

He attempted to question Emilio but was interrupted by his son who said that Emilio does not understand English and therefore could not understand what he was saying. He also questioned Philip Corcione, who admitted that James is the manager and his father is the "head of the family and owner of the restaurant".

Raymond J. Thompson, called as a witness on behalf of claimant, testified that he was hired by James Corcione and was employed as a waiter on July 24th. He admitted serving beer to patrons at the direction of James Corcione, who, he thought, were "friends of Jimmy".

On cross-examination, he admitted that he charged the agents for the beer in the sums as heretofore testified to by them. He denied ever seeing Emilio Corcione inside the restaurant although he admitted that he lives above the premises and frequently sat on the outside of the restaurant.

Joan Milano testified that she was originally hired by Agnes Corcione and that she understood that Jimmy (James Corcione) was the manager of the premises. She also admitted that she served beer to patrons as well as to the agents. The beer was obtained from the cooler in the kitchen after James gave her the okay to serve the same.

James Corcione testified that he is the manager, in full control of the operations of the business. He is assisted by his brothers and sister, and his father owns the business, but has nothing to do with the actual operation. He denied telling the agents that his father participates in the operation, but qualified this by adding, "He very seldom participates in any movements or in the dining room. We very seldom let him come in the dining room because it confuses him, it disturbs him."

He explained that the beer was purchased for the christening of his son and he intended to have a party for his family and friends in the neighborhood after closing hours of the restaurant. However, the party was not held because his parents took sick. He was then asked,

"Q Did you serve any beer to your customers?

A I served beer to my friends."

In further elaborating on it, he said, "I didn't serve it to every one. I wouldn't serve it to every one because I figured it is a violation. I know it is a violation as far as serving beer to every one. I would serve it. People would come into the place and say they knew me and I knew them. There were times I gave it to them, and there were times I charged them for it. It wasn't the policy of the place to sell beer to customers. I definitely said to them they can't sell it but if they are friends of mine, good customers, give them beer or charge them for the beer. That is the way it occurred."

He also testified that the ice cream freezer belonged to the Abbott Dairies. (No claim was filed by the Abbott Dairies for said freezer). The Abbott Dairies rented it to them on condition that they would buy the ice cream from that company. On cross-examination, he admitted that he bought beer periodically and sold it until the day of the seizure. He admitted that he approved the sale to the agents which was made by Joan Milano. He also admitted that all bills are made out to his father but that since this is a family affair, all participated in its operation. However, he admitted that, the father occasionally came into the kitchen to try to make himself useful.

Emilio Corcione admitted that he is the owner of this business but that his son, James, was the manager; but denied seeing anybody being served beer. He explained that he was 88 years of age and "I no can remember nothing."

I have carefully examined and evaluated the testimony and find, as a fact, that the evidence herein clearly and convincingly supports the Division's allegations that the claimant possessed alcoholic beverages, intended the same for unlawful sale and that they were in fact sold by the claimant through his authorized agent without requisite license or permit. Hence, such beverages were illicit. R.S. 33:1-1(1).

Claimant advocates that since the father, Emilio Corcione, who is the owner of these premises was not aware and did not know

or permit the sale of alcoholic beverages, and therefore did not participate in the violation, that his claim for the return of the \$3,000, as set forth in the stipulation herein, should be sustained. However, it is clear from the evidence that the owner knew or should have known that alcoholic beverages were being dispensed and sold at the premises. In addition to the testimony of the agents that as many as 15 patrons were being served with beer at the time of their visit to these premises on both occasions hereinabove referred to, the several witnesses for the claimant admitted that they served beer with the express consent and at the direction of the manager. The claimant was in the premises on many occasions and on the particular occasion of July 24, 1963. There is no testimony that he gave any instructions to his agents, servants or employees to refrain from serving such beverages. However, if his agents and employees acted contrary to his instructions such action would not constitute a defense or support his claim in these proceedings which are civil and not criminal. Cf. Greenbrier, Inc. v. Hock, 14 N.J. Super 39, reprinted in Bulletin 907, Item 1; Essex Holding Corp. v. Hock, 136 N.J.L. 28 (Sup. Ct. 1947).

The large stock of alcoholic beverages found in the restaurant gives dramatic support to the charge that there was a clear intention on the part of the claimant to sell the same commercially although he had no license authorizing said sales. Therefore, such alcoholic beverages are illicit, and the furnishings, fixtures and equipment and all of the other property seized in the establishment, including the cash, constitute unlawful property and are subject to forfeiture. Seizure Case No. 10,898, Bulletin 1500, Item 2.

The testimony incontestably establishes the further fact that "marked" bills were clearly commingled with the other cash found in the cash register. Thus, the preponderance of the believable evidence imperatively requires a recommended finding that claimant's application for the return of the deposit be denied, and that, instead, an Order be entered forfeiting the cash, the alcoholic beverages and the sum of \$3,000 deposited by this claimant under protest under stipulation pursuant to R.S. 33:1-66, all of which shall be forfeited and disposed of in accordance with law. Seizure Case No. 10,985, Bulletin 1516, Item 6; Seizure Case No. 10,321, Bulletin 1377, Item 3; Seizure Case No. 10,557, Bulletin 1419, Item 3; R.S. 33:1-1(y); R.S. 33:1-2.

Conclusions and Order

No exceptions were taken to the Hearer's Report within the time limited by Rule 4 of State Regulation No. 28. After carefully considering the facts and circumstances herein, I concur in the Hearer's findings and conclusions and adopt them as my conclusions herein.

Accordingly, it is on this 14th day of April, 1964,

DETERMINED and ORDERED that the seized property, including the \$193.63 in cash, more fully described in Schedule "A", attached hereto, constitutes unlawful property, and that the sum of \$3,000.00 (representing the retail value of such fixtures, furnishings, foodstuffs, and equipment/~~exclusive~~ of the alcoholic beverages and \$193.63 in cash), as set forth herein, which were returned to Emilio Corcione), paid under protest to the Director of Alcoholic Beverage Control by the said Emilio Corcione, together with the alcoholic beverages and \$193.63 in cash be and the same are hereby forfeited in accordance with the provisions of R.S. 33:1-66, to be accounted for in accordance with law; and it is further

DETERMINED and ORDERED that the alcoholic beverages are hereby forfeited and shall 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.

JOSEPH P. LORDI
DIRECTOR

SCHEDULE "A"

461 - cans of beer	3 - coffee makers
2 - gallons of wine	2 - air conditioners
2 - sinks	1 - cash register
4 - refrigerators	1 - cigarette machine
2 - stove-ovens	1 - radio
1 - ice cream freezer	43 - tables
2 - coca cola coolers	204 - chairs
1 - slicing machine	\$193.63 in cash
2 - display cases	Foodstuffs, restaurant
1 - grinder	equipment, etc.

2. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - HINDERING INVESTIGATION - FALSE STATEMENT IN APPLICATION FOR LICENSE - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

VILLA ROSA, A CORPORATION
t/a VILLA ROSA
364-366 Palisade Avenue
Jersey City, New Jersey

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-526, issued by the Municipal Board of Alcoholic Beverage
Control of the City of Jersey City.

Quirinus A. Ricciardelli, 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 (1) on January 17, February 13 and February 28, 1964, it sold bottles and cans of beer for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38, (2) on February 28-29, 1964, it hindered an investigation (refusal to permit inspection of its back bar), in violation of R.S. 33:1-35, and (3) in its current application for license, it falsely concealed its prior record of suspension of its license, in violation of R.S. 33:1-25.

The previous record of suspension, the concealment of which is the subject of the third charge, consists of suspension of its license by the Director for forty days effective June 20, 1962, for sale in violation of State Regulation No. 38, permitting

acceptance of horse race and numbers bets and conduct of a horse race pool, and sale of drinks for off-premises consumption.
Re Villa Rosa, Bulletin 1466, Item 3.

The prior record of suspension for similar violation occurring within the past five years considered, the license will be suspended on the first charge for thirty days (Re Gacos, Bulletin 1554, Item 4), on the second charge for ten days (cf. Re Cal's Bar, Inc., Bulletin 1410, Item 2) and on the third charge for ten days (Re Kickey's, Inc., Bulletin 1541, Item 9) or a total of fifty days, with remission of five days for the plea entered, leaving a net suspension of forty-five days.

Accordingly, it is, on this 20th day of April, 1964,

ORDERED that Plenary Retail Consumption License C-526, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Villa Rosa, A Corporation, t/a Villa Rosa, for premises 364-366 Palisade Avenue, Jersey City, be and the same is hereby suspended for forty-five (45) days, commencing at 2:00 a.m. Monday, April 27, 1964, and terminating at 2:00 a.m. Thursday, June 11, 1964.

JOSEPH P. LORDI
 DIRECTOR

3. SEIZURE - FORFEITURE PROCEEDINGS - UNREGISTERED STILL - EQUIPMENT AND MOTOR VEHICLE ORDERED FORFEITED - PADLOCKING OF PREMISES WAIVED.

In the Matter of the Seizure)
 on February 11, 1964 of numerous)
 still parts, appliances, acces-)
 sories, a large quantity of mash,)
 50 pounds of sugar and yeast, 10)
 gallons of moonshine, a Plymouth)
 sedan, and miscellaneous property)
 at premises located on the north)
 side of Lake Avenue, in Monroe)
 Township, P.O. Williamstown, in)
 the County of Gloucester and)
 State of New Jersey.)

Case No. 11, 208

ON HEARING
 CONCLUSIONS
 AND ORDER

-----)
 John W. Grubb and Mary Grubb, Pro Se.

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 Chapters 1 and 2, Revised Statutes of New Jersey, and State Regulation No. 28, to determine whether the property described in an inventory hereinafter referred to and marked "Schedule A", seized on February 11, 1964 at premises consisting of a one-story dwelling located on the north side of Lake Avenue, Monroe Township, New Jersey constitute unlawful property and should be forfeited; and further, to determine whether the premises should be padlocked.

When the matter came on for hearing pursuant to R.S. 33:1-66 and R.S. 33:2-4, an appearance was entered by John W. Grubb, the owner, who opposed padlocking of the said premises.

No one appeared to oppose forfeiture of the personal property and alcoholic beverages.

Reports of ABC agents and other documents in the file, presented in evidence with the consent of the claimant, disclosed the following facts: On February 11, 1964 Federal agents raided the aforementioned premises, which consists of two rooms and a cellar. The agents discovered a 100 gallon still, a quantity of mash, still paraphernalia and 10 gallons of "moonshine". They seized the same, as well as a Plymouth sedan which conveyed 3 men to the premises. The motor vehicle bore Pennsylvania License plates 720-05Z, registered in the name of George Wells, of Philadelphia, Pa. All of the personal property, with the exception of the copper coils and the motor vehicle, were destroyed. The set of copper coils and the motor vehicle were turned over to agents of this Division.

Broade Hall, Jack Smith and James Irvin, the occupants of the said motor vehicle were thereupon arrested, charged with possession of an unregistered still and of alleged whiskey in violation of R.S. 33:2-10 and R.S. 33:1-50 and were arraigned in the Monroe Township Municipal Court and held for appropriate criminal action.

A sample of the seized "moonshine" was analyzed by the Division chemist who reports that it is an alcoholic beverage fit for beverage purposes, with an alcoholic content by volume of 45.6%. A sample of the seized mash was similarly analyzed and the report shows that it is a mash fit for distillation of alcohol therefrom; fit for beverage purposes in the absence of bichloride of mercury, which was added. Neither the still nor any of its parts was registered with the Director of the Division of Alcoholic Beverage Control and thus they constitute unlawful property subject to forfeiture. R.S. 33:2-1 et seq.

The seized alcohol is illicit because of the absence of any labels on any of the containers. R.S. 33:1-1(i), R.S. 33:1-88. Such illicit still and still equipment, ingredients used in the manufacture of the said alcohol and all of the personal property contained in said premises, constitute unlawful property and are subject to forfeiture; and the premises are subject to padlocking. R.S. 33:1-1(i) and (y); R.S. 33:1-2; R.S. 33:1-66; R.S. 33:2-2,5.

John W. Grubb, the owner of the premises in which the still was located, testified that this property had been formerly used as a riding academy and had been vacant during the past summer. A person who represented himself to be Morris Covington sought to rent the premises for his family and because he wanted to board some horses. Arrangements were made to rent the same to him for \$75.00 per month, repairs to be made by the tenant. He paid the first month's rent in advance, assured the claimant that his wife and several children would soon move into the house and that he would sign a lease.

Claimant visited these premises on the following Sunday and found that it was vacant. A neighbor, however, informed him that some repairs were being made by the tenant. On the following month, a woman who represented herself to be Mrs. Covington paid the rent and also assured him that they intended to sign a lease. All in all, the claimant made two visits to the premises, found nothing unusual, except that the front door lock had been replaced. He, therefore, could not enter the house but noted no suspicious construction or odor that might alert him to any illegal activity.

The claimant resides in Philadelphia, which is a substantial distance away from the subject premises. His wife, who was in court, stated that she was prepared to corroborate her husband's testimony with respect thereto.

I am impressed with the testimony of Grubb; he was forthright and sincere. He is a respected member of his community. I am persuaded that he did not know or have any reason to believe that his premises would be used for the unlawful manufacture of alcoholic beverages or that there was a still contained therein. Under these circumstances padlocking will be waived. Seizure Case No. 10,860, Bulletin 1493, Item 7; Seizure Case No. 9700, Bulletin 1252, Item 6.

At the hearing herein, it was agreed that under the circumstances of this case, a Hearer's Report would be waived.

Accordingly, it is DETERMINED and ORDERED that the seized property, more fully described in Schedule "A", attached hereto, constitutes unlawful property and the same be and is hereby forfeited in accordance with the provisions of R.S. 33:1-66 and R.S. 33:2-5 and shall be sold at public sale in accordance with State Regulation No. 29 or 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; and it is further

DETERMINED and ORDERED that padlocking of the said premises shall be and the same is hereby waived.

JOSEPH P. LORDI,
DIRECTOR

Dated: April 17, 1964

SCHEDULE "A"

- 1 - set of copper coils
- 1 - 1955 Plymouth sedan, Serial No. 13899057,
Pa. Registration 720-05Z.

4. DISCIPLINARY PROCEEDINGS - NUISANCE (APPARENT HOMOSEXUALS) -
PRIOR SIMILAR RECORD DISREGARDED BECAUSE OF CHANGE OF STOCK-
HOLDERS - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

MURPHY'S TAVERN, INC.
135 Mulberry Street
Newark 2, New Jersey)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-461, issued)
by the Municipal Board of Alcoholic Beverage Control of the City of Newark)

William Osterweil, Esq. and Joseph A. D'Alessio, Esq., Attorneys
for Licensee.

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 October 12-13, 20 and November 1-2, 1963, it conducted the licensed place of business as a nuisance, viz., permitting apparent male homosexuals on the licensed premises, in violation of Rule 5 of State Regulation No. 20.

Reports of investigation disclose that on the dates mentioned, the licensed premises was patronized by large numbers of

apparent male homosexuals, i.e., on October 12-13, 80% of a total patronage of 65, on October 20, 90% of a total of 60, and on November 1-2, 75% of a total of 40.

Licensee has a previous record of suspension of license (1) by the municipal issuing authority for twenty days effective March 15 1954, for sale to intoxicated persons, (2) by the Director for sixty days effective July 18, 1961 for permitting apparent homosexuals on premises Re Murphy's Tavern, Inc., Bulletin 1374, Item 2; Murphy's Tavern, Inc. v. Davis, 70 N.J. Super. 87, reprinted in Bulletin 1395, Item 3; Re Murphy's Tavern, Inc., Bulletin 1405, Item 7), and (3) by the municipal issuing authority for forty-five days effective September 16, 1961, for permitting apparent homosexuals on the premises and hindering investigation. However, the licensee-corporation acquired all new stockholders and officers in January 1963.

The prior record of the licensee-corporation disregarded by reason of the intervening change of stockholders Re Vienna Cafe, Bulletin 1556, Item 3, on the basis of the facts appearing (simple congregation of a relatively large number of apparent homosexuals) the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Rose Mary, Inc., Bulletin 1557, Item 3.

Accordingly, it is, on this 14th day of April, 1964,

ORDERED that Plenary Retail Consumption License C-461, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Murphy's Tavern, Inc. for premises 135 Mulberry Street, Newark, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. Tuesday, April 21, 1964, and terminating at 2:00 a.m. Monday, June 15, 1964.

JOSEPH P. LORDI
DIRECTOR

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

In the Matter of Disciplinary
Proceedings against

LUCY and COSIMO CARIOLO
t/a CASA COSIMO RESTAURANT
231 Main Street
Lodi, New Jersey

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption
License C-32, issued by the Mayor and
Council of the Borough of Lodi.

Licensees, Pro se.

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

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on March 23, 1964, they possessed an alcoholic beverage in one bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving

a net suspension of five days. Re Pal, Bulletin 1546, Item 11.

Accordingly, it is, on this 20th day of April, 1964,

ORDERED that Plenary Retail Consumption License C-32, issued by the Mayor and Council of the Borough of Lodi to Lucy and Cosimo Cariolo, t/a Casa Cosimo Restaurant, for premises 231 Main Street, Lodi, be and the same is hereby suspended for five (5) days, commencing at 3:00 a.m. Monday, April 27, 1964, and terminating at 3:00 a.m. Saturday, May 2, 1964.

JOSEPH P. LORDI
DIRECTOR.

6. MORAL TURPITUDE - CONVICTION OF BOOKMAKING AND POSSESSION OF LOTTERY SLIPS HELD TO INVOLVE MORAL TURPITUDE UNDER FACTS OF CASE.

RE: Eligibility No. 727

Applicant seeks an advisory opinion as to whether or not he is eligible to be associated with the alcoholic beverage industry in this State in view of his conviction of a crime.

Applicant's criminal record discloses that on January 10, 1964, he was fined \$1,000 in the Mercer County Court on a bookmaking charge and received a suspended sentence on two charges of possession of lottery slips.

Reports received by the Division disclose that on October 16, October 19, October 22 and October 24, 1963, an agent (identity undisclosed) of the Division observed the applicant accepting bets on horse races and "numbers" from patrons at a licensed premises where he was employed as manager and bartender; that during his investigation the agent observed the applicant answering the telephone and making written notations which he put into his pocket; that the applicant was assisted in his unlawful venture by two other bartenders, and that on October 24 aforesaid the agent placed a "numbers" bet with the applicant.

The reports further disclose that on October 25, 1963, the local police, in possession of a warrant and accompanied by two agents of this Division, entered the premises and arrested the applicant for accepting "numbers" bets and found eight slips containing horse racing and "numbers" bets which the applicant attempted to conceal.

At the hearing held herein, applicant (36 years old) substantially verified the aforesaid reports and further testified that for a period of about two months previous to his arrest on October 25, 1963, he had engaged in aforesaid gambling activities at the licensed premises; that he did a weekly business of about \$70; that he daily turned over the bets to an individual known to him as Dick; that on the following day he paid the successful bettors with money delivered to him by Dick; that Dick paid him about \$10 a week for his services; that his compensation depended upon the success of Dick; and that he believed that Dick was a runner or carrier who worked on a commission basis.

It is apparent that the applicant was an integral part of an organized gambling ring, and that his services facilitated its operation.

Based on the aforesaid reports and the sworn testimony of the applicant that he was compensated for his unlawful gambling activities, it is my opinion that the crime of which he was convicted on January 10, 1964, involves the element of moral turpitude. Re Elig. No. 726, Bulletin 1558, Item 3.

Under the circumstances, I recommend that applicant be advised that (1) in the opinion of the Director he has been convicted of a crime involving moral turpitude; (2) the Alcoholic Beverage Law of this State (R.S. 33:1-25) provides that no license of any class shall be issued to a person convicted of a crime involving moral turpitude, and (3) R.S. 33:1-26 and Rule 1 of State Regulation No. 13 provide that no licensee shall employ or have connected with him, in any business capacity whatsoever, a person so disqualified.

I. EDWARD AMADA
ATTORNEY

Approved:

Joseph P. Lordi
Director

7. STATUTORY AUTOMATIC SUSPENSION - SUPPLEMENTAL ORDER - LIFTING SUSPENSION.

Auto. Susp. #244)	
In the Matter of a Petition to Lift)	
the Automatic Suspension of Plenary)	
Retail Distribution License D-22,)	
Issued by the Municipal Board of)	
Alcoholic Beverage Control of the)	ON PETITION
City of Clifton to)	
)	SUPPLEMENTAL
SEMON WINE & LIQUOR CO., INC.)	ORDER
1057 Main Avenue)	
Clifton, New Jersey)	

Joseph M. Keegan, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

On March 13, 1964, an order was entered temporarily staying statutory automatic suspension of license of petitioner pending determination of disciplinary proceedings against the licensee.

It now appears from supplemental petition filed herein that in disciplinary proceedings conducted by the municipal issuing authority, the license was suspended for ten days commencing at 10:00 p.m. April 11, 1964, after the licensee's plea of guilty to a charge alleging sale of alcoholic beverages to the same minor, which sale was the subject of the previous criminal conviction. Hence, I shall lift the automatic suspension in anticipation of the service of the currently effective municipal suspension. Re Hillman, Bulletin 1512, Item 5.

Accordingly, it is, on this 20th day of April, 1964,

ORDERED that the statutory automatic suspension of said license D-22 be and the same is hereby lifted, effective 10:00 p.m. Tuesday, April 21, 1964.

JOSEPH P. LORDI
DIRECTOR

8. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #247)

In the Matter of a Petition to
Lift the Automatic Suspension of
Plenary Retail Consumption License
C-56, issued by the Board of
Alcoholic Beverage Control for
the City of Paterson to)

ON PETITION

D. ALBERT VIGLIANO)
t/a AL'S TAVERN)
131 N. Main Street)
Paterson, New Jersey)

ORDER

Petitioner, Pro se

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on February 5, 1964, the licensee-petitioner was fined \$50 in the Paterson Municipal Court after being found guilty of a charge of sale of alcoholic beverages to a minor on January 31, 1964, in violation of R.S. 33:1-77. 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 thirty days commencing at 3:00 a.m. March 30, 1964 and terminating at 3:00 a.m. April 29, 1964, after finding the licensee guilty of a charge of disciplinary proceedings alleging the same sale to the minor. Hence, I shall lift the automatic suspension in anticipation of the service of the currently effective municipal suspension. Re Hillman, Bulletin 1512, Item 5.

Accordingly, it is, on this 20th day of April, 1964,

ORDERED that the statutory automatic suspension of said license C-56 be and the same is hereby lifted, effective 3:00 a.m. Wednesday, April 29, 1964.

JOSEPH P. LORDI
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - GAMBLING (HORSE RACE BETS) - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ROSE CAMERON
t/a WEBB'S TELEVISION BAR & GRILL
44 Newark-Pompton Turnpike
Little Falls, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-8, issued by the Township Committee of the Township of Little Falls

Joseph D. Donato, Esq., Attorney for Licensee.

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 January 7 and 16, 1964, she permitted the acceptance of horse race bets on the licensed premises, in violation of Rule 7 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days, effective January 8, 1963, for sale to a minor.

The prior record considered, 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 DeFrancisco, Bulletin 1531, Item 4.

Accordingly, it is, on this 13th day of April, 1964,

ORDERED that Plenary Retail Consumption License C-8, issued by the Township Committee of the Township of Little Falls to Rose Cameron, t/a Webb's Television Bar & Grill, for premises 44 Newark-Pompton Turnpike, Little Falls, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m. Monday, April 20, 1964, and terminating at 2:00 a.m. Friday, May 15, 1964.

JOSEPH P. LORDI
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - ORDER TERMINATING SUSPENSION FOR
BALANCE OF TERM UPON PROOF OF CORRECTION OF UNLAWFUL SITUATION.

In the Matter of Disciplinary)
Proceedings against)

GOLIA, INC.)
t/a ARMANDO'S PLAYPEN)
439-441 South Broad Street)
Trenton 9, New Jersey)

ORDER

Holder of Plenary Retail Consump-)
tion License C-143, issued by the)
City Council of the City of Trenton)

Van Riper & Belmont, Esqs., by Adrian I. Karp, Esq., Attorneys
for licensee.

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

BY THE DIRECTOR:

On March 2, 1964, an order was entered herein suspending the license for the balance of its term commencing on March 5, 1964, with leave to the licensee or any bona fide transferee of the license to file verified petition establishing correction of the then unlawful situation (false statements as to New Jersey residence of officer and 33% stockholder and as to ownership of the licensed premises) for lifting of the suspension on or after March 30, 1964, after the license had been suspended for twenty-five days. Re Golia, Inc., Bulletin 1556, Item 6.

It appearing from affidavit submitted by the licensee that the unlawful situation has been corrected, I shall terminate the suspension.

Accordingly, it is, on this 10th day of April, 1964,

ORDERED that the suspension heretofore imposed herein be and the same is hereby terminated, effective 2:00 a.m. Friday, April 10, 1964.

JOSEPH P. LORDI
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - SALE BELOW FILED PRICE - LICENSE
SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

PETER J. URBAN & HELEN C. URBAN
t/a URBAN'S
250 Norwood Avenue
Ocean Township
PO Oakhurst, New Jersey

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consump-
tion License C-4, issued by the
Township Committee of the Township
of Ocean, County of Monmouth

Licensees, by Peter J. Urban, Pro se.

Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensees plead guilty to a charge alleging that on
March 3, 1964, they sold twelve quart bottles of whiskey below
filed price, in violation of Rule 5 of State Regulation No. 30.

Absent prior record, the license will be suspended for
ten days, with remission of five days for the plea entered,
leaving a net suspension of five days, Re Merit Liquor Stores,
Inc., Bulletin 1549, Item 6.

Accordingly, it is, on this 13th day of April, 1964,

ORDERED that Plenary Retail Consumption License C-4,
issued by the Township Committee of the Township of Ocean,
County of Monmouth, to Peter J. Urban and Helen C. Urban, t/a
Urban's, for premises 250 Norwood Avenue, Ocean Township, be and
the same is hereby suspended for five (5) days, commencing at
3:00 a.m. Monday, April 20, 1964, and terminating at 3:00 a.m.
Saturday, April 25, 1964.

Joseph P. Lordi
Director.

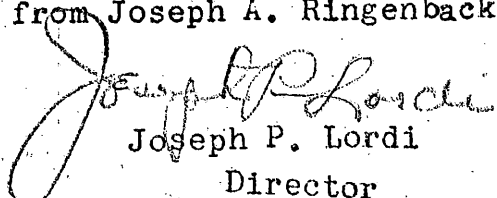
12. STATE LICENSES - NEW APPLICATIONS FILED

Rex Beer & Soda Inc.
591-593 Palisade Avenue
Jersey City, N. J.

Application filed June 4, 1964 for person-to-person transfer
of State Beverage Distributor's License SBD27 from Rex Beer
Distributors Inc.

R & H Beer Distributors
303 Rhode Island Avenue
East Orange, N. J.

Application filed June 5, 1964 for person-to-person transfer
of Limited Wholesale License WL-70 from Joseph A. Ringenback,
t/a Premium Beer Distributors.


Joseph P. Lordi
Director