

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

BULLETIN 1276

MAY 19, 1959.

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

BULLETIN 1276

MAY 19, 1959.

1. APPELLATE DECISIONS - TRIANGLE CORP. ET AL. v. CAMDEN AND SILVERSTEIN.

TRIANGLE CORPORATION, ORIGINAL )  
RUDOLPH'S, QUALITY LIQUOR CO. and )  
CAMDEN LIQUOR CORP., all corpora- )  
tions of the State of New Jersey, )  
and LILLIAN M. STACKHOUSE, t/a )  
BROADWAY GRILLE, and WILLIAM CARULLO, )  
t/a TOWERS BAR, )

Appellants, )

-vs-

MUNICIPAL BOARD OF ALCOHOLIC BEVERAGE )  
CONTROL OF THE CITY OF CAMDEN, and )  
RAYMOND SILVERSTEIN, trading as )  
BROADWAY AND PINE LIQUORS, )

Respondents. )

ON APPEAL

CONCLUSIONS AND ORDER

-----  
Richman and Berry, Esqs., by Grover C. Richman, Jr., Esq.,  
Attorneys for Appellants.

Louis L. Goldman, Esq., Acting City Counsel, by Samuel L.  
Supnick, Esq., Attorney for Respondent Municipal Board  
of Alcoholic Beverage Control.

David Novack, Esq., Attorney for Respondent Raymond Silverstein.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the action of respondent Municipal Board of Alcoholic Beverage Control whereby on November 5, 1958 the members thereof voted unanimously to approve an application filed by respondent Raymond Silverstein, t/a Broadway and Pine Liquors, to transfer his plenary retail distribution license from 560 Federal Street to 804 Broadway, Camden.

"The appellants herein are holders of plenary retail liquor licenses in the City of Camden.

"Various reasons relied upon by the appellants for reversal of the action of the respondent Board are as follows:

'(a) The granting of the transfer of said license is socially undesirable.

'(b) There is no public need or necessity for the transfer of said license to the premises in question, inasmuch as this area is amply served by the present existing outlets.

'(c) The granting of the transfer of said license is in violation of the alcoholic beverage control laws and regulations of the State of New Jersey.

'(d) The Municipal Board of Alcoholic Beverage Control of Camden, New Jersey, was guilty of an abuse of discretion and a mistake of law and fact in granting the transfer of said license.

'(e) The granting of said transfer of license to the respondent, Raymond Silverstein, t/a Broadway and Federal Liquors, was arbitrary and unreasonable.'

"The appellants' testimony is to the effect that their economic interests may be adversely affected by permission of the transfer in question. It has been consistently ruled by this Division that the mere fact that a transfer of a license may be contrary to the economic interest of an appellant is not a sufficient reason for setting it aside. Knast et al. v. Camden et al., Bulletin 810, Item 2.

"Clarence J. Eichel, a member of the respondent Board, testified that he inspected the proposed premises and the area in which it is situated, and it was his opinion that there was a public need for a package goods license in that particular locality. He further testified that the matter was discussed with the other two members of the Board before all of the members voted to approve the transfer.

"Appellants contend that the notice of transfer was published in a paper in Camden, known as the East Camden News, which has a limited publication, and, because of that fact, no one appeared at the hearing before the respondent Board to oppose the transfer. Rule 7 of State Regulation No. 6, among other things, provides that 'The notice of application shall be published once a week, for two weeks successively, in a newspaper printed in the English language, published and circulated in the municipality in which the licensed premises are located ...'. The publication of the notice appears to have met the legal requirements.

"The question as to 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. Furthermore, the number of licensed premises to be permitted in any particular area is also a matter confided to the sound discretion of the issuing authority. See DeCapua v. Ocean, Bulletin 941, Item 1. 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. Curry v. Margate City, Bulletin 460, Item 9; Mulcahy et al. v. Maplewood, Bulletin 658, Item 4; Krough's Restaurant, Inc. et als. v. Sparta et al., Bulletin 1258, Item 1.

"I am satisfied that in all respects proper consideration was given by the members of the respondent Board on the application for transfer and that their action was neither arbitrary nor unreasonable. I recommend that an order be entered affirming the action of the respondent Board in approving the application for transfer and that the instant appeal be dismissed."

The records at this Division disclose that, effective April 7, 1959, the license in question was transferred by the respondent Board from respondent licensee to Edward F. Vogelman and John J. Hennessy, t/a Eight-O-Four Liquor Store, for premises 804 Broadway, Camden. The said license is subject to the ultimate outcome of the instant appeal. Rule 13 of State Regulation No. 15.

No exceptions were filed to the Hearer's Report submitted herein 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. I shall affirm the action of the respondent Municipal Board of Alcoholic Beverage Control.

Accordingly, it is, on this 20th day of April, 1959,

ORDERED that the action of respondent Municipal Board of Alcoholic Beverage Control of the City of Camden be and the same is hereby affirmed and that the appeal herein be and the same is hereby dismissed.

WILLIAM HOWE DAVIS  
Director.

2. APPELLATE DECISIONS - PRESBYTERIAN CHURCH OF LIVINGSTON v. LIVINGSTON AND THE COLUMBIAN ASSOCIATION OF LIVINGSTON.

PRESBYTERIAN CHURCH OF LIVINGSTON, )  
a New Jersey Corporation, )

Appellant, )

-vs-

ON APPEAL  
O R D E R

TOWNSHIP COMMITTEE OF THE TOWNSHIP )  
OF LIVINGSTON, and THE COLUMBIAN )  
ASSOCIATION OF LIVINGSTON, )

Respondents. )

-----  
William J. Reimer, Esq., Attorney for Appellant.  
Louis Bort, Esq., Attorney for Respondent Township Committee.  
Connolly, Vreeland & Connolly, Esqs., by Edward W. Connolly,  
Esq., Attorneys for Respondent The Columbian Association  
of Livingston.

BY THE DIRECTOR:

Appellant herein filed an appeal from action of the respondent Township Committee in renewing the club license of respondent The Columbian Association of Livingston for the 1958-59 licensing period.

During the time that the instant proceeding was pending at this Division the Appellate Division of the Superior Court of New Jersey on appeal reversed the action of the Director in granting the club license in question to said association for the 1957-58 licensing period. (Presbyterian Church of Livingston v. Division of Alcoholic Beverage Control et al., 53 N. J. Super. 271).

The renewal license for the 1958-59 licensing period has been surrendered by The Columbian Association of Livingston to the respondent issuing authority for cancellation.

It is, on this 3rd day of April 1959,

ORDERED that the appeal herein be and the same is hereby dismissed.

WILLIAM HOWE DAVIS  
Director.

3. DISCIPLINARY PROCEEDINGS - OBSCENE LANGUAGE AND CONDUCT - SALE TO MINOR - LICENSE SUSPENDED FOR 55 DAYS.

In the Matter of Disciplinary Proceedings against )

ICHI BAN, INC. )  
525 - 5th Street )  
Union City, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-27, issued by the Board of Commissioners of the City of Union City. )

-----)  
Lawrence Wolfberg, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant pleaded not guilty to the following charges:

'1. On October 5, 1958, you allowed, permitted and suffered lewdness and immoral activity and foul, filthy and obscene conduct in and upon your licensed premises, viz., you allowed, permitted and suffered a major shareholder of your corporation and other male and female persons as entertainers and as customers and patrons to perform, dance and make movements and gestures of their bodies in lewd, indecent, filthy and disgusting manner and having lewd, indecent, filthy and disgusting and suggestive import and meaning; in violation of Rule 5 of State Regulation No. 20.

"2. On October 5, 1958, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., David ---, age 19, and allowed, permitted and suffered the consumption of alcoholic beverages by such person, in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.'

"To support the charges the Division called as its witnesses David ---, and two ABC agents hereinafter referred to as Agent M and Agent J.

"David --- testified that he was born on August 6, 1939 and on the date alleged was 19 years of age.

"Agent M testified respecting the activities which occurred on the licensed premises on the date alleged. It was stipulated that if Agent J were to testify on direct examination, his testimony would be the same as that of Agent M. Agent M's testimony is substantially as follows: At about 4:15 p.m., October 5, 1958, he and Agent J visited defendant's licensed premises and remained therein until after 8:30 p.m. During their stay the patronage increased from 70 to 100 males and females. There were four bartenders dispensing beverages and a three-piece band entertaining on a stage with rock and roll music. Robert Santomenna, president of the corporate-licensee, and a girl known as Joan danced two numbers

which provoked the patrons to yell, 'Go, Go'. The dance is known as 'The Fish' and in performing it, Santomenna and his partner danced in a suggestive manner. During the evening other couples engaged in the same type of dancing. Between dances Joan and two other females known as Rita and Rebecca entertained from the stage. Rita did a 'shake' dance. Joan engaged in 'bumps and grinds' and though fully clothed, caressed her figure in a suggestive manner. During Joan's performance a male patron jumped upon a table and simulated actions attributable to a sex deviate. The place was in an uproar. Rebecca, a colored female, did 'bumps and grinds' and the aforesaid male continued his libidinous actions and jerked the lower part of his torso towards the performer. Later, when the same male danced a 'slow fish' dance with another male, the patrons gathered around them and yelled, 'Go, Go, Go; More, More'. Agent M testified further that at about 7:20 p.m. he observed an apparent minor seated at the bar alongside of Santomenna and saw the bartender pour a 'shot' of Scotch whisky in each of two glasses of soda and place one of the drinks in front of the youth. When the youth had consumed a portion of the drink, he and Agent J identified themselves and, ascertaining that the suspect was David ---, age 19, they seized the remaining portion of his drink for evidential purposes and informed Santomenna of the violations charged herein.

"Robert J. Santomenna testified, in substance, that he is a 98% stockholder of the corporate-licensee; that at his invitation, numerous friends and acquaintances visited his tavern on the date alleged to celebrate the fourth anniversary of his licensed business and the burning of the mortgage, and that he and others danced to the rock and roll music of the three-piece band. He stated that Joan, Rita and Rebecca voluntarily entertained with songs and that neither their renditions nor their actions were in any way suggestive or lewd and that the dances he engaged in and those engaged in by his patrons were the normal rock and roll type which he had observed in other places and on television. He testified further that David ---, though present on the occasion, was not served alcoholic beverages.

"Seven of the patrons who had attended the celebration appeared as witnesses for the defendant. They testified that they did not observe any of the indecencies described by the agents. One of the patrons testified that he had ordered two Scotch and sodas for himself and a friend; that the bartender placed the drinks on the bar near him and that when his friend left the bar temporarily, David --- occupied his stool and took one of the drinks.

"David --- was called as a witness for defendant and testified that he mistakenly picked up a Scotch and soda from the bar thinking it was a soda he had ordered, and that when he tasted the concoction he was 'startled' and said to his friend, 'This is not right', and that at that point the agents 'grabbed the drink.'

"Having carefully considered the evidence herein, I find that notwithstanding the exhaustive cross-examination of the agents, their testimony remained unshaken and that they gave an accurate and truthful account of what occurred on the licensed premises, and I conclude that the Division has established the violations charged by more than a fair preponderance of the believable evidence. I recommend, therefore, that an order be entered adjudging defendant guilty on both charges.

I further recommend that the minimum penalty of thirty days, usually imposed for permitting an indecent dance on licensed premises (Re Bajewicz, Bulletin 1211, Item 7), be increased by ten days because the principal shareholder of the corporate licensee participated in the violation and because of the other aggravating circumstances, and that an additional penalty of fifteen days be imposed for the violations set forth in Charge 2 (Re Russakow, Bulletin 1197, Item 5), making a total suspension of fifty-five days."

No exceptions to the Hearer's Report were filed within the time limited by Rule 6 of State Regulation No. 16. Having carefully considered the facts and circumstances herein, I concur in the Hearer's findings and conclusions and adopt his recommendations.

Accordingly, it is, on this 8th day of April, 1959,

ORDERED that Plenary Retail Consumption License C-27, issued by the Board of Commissioners of the City of Union City to Ichi Ban, Inc., for premises 525 - 5th Street, Union City, be and the same is hereby suspended for fifty-five (55) days, commencing at 3:00 a.m. Thursday, April 16, 1959 and terminating at 3:00 a.m. Wednesday, June 10, 1959.

WILLIAM HOWE DAVIS  
Director.

4. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

CHARLES MORRIS  
90 Sussex Avenue  
Newark 4, N. J.,

)  
)  
) CONCLUSIONS  
) AND ORDER  
)

Holder of Plenary Retail Consumption License C-783, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

-----)  
Charles Morris, Defendant-licensee, Pro se.  
William F. Wood, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On February 11, 1959, you possessed, had custody of and allowed, permitted and suffered in and upon your licensed premises alcoholic beverages in bottles which bore labels which did not truly describe their contents, viz.,

One quart bottle labeled 'Lord Calvert American Blended Whiskey 86 Proof',

Two quart bottles labeled 'Calvert Reserve American Blended Whiskey 86 Proof',

Two quart bottles labeled 'Four Roses Blended Whiskey 86 Proof',

Two quart bottles labeled 'Seagram's Seven Crown American Blended Whiskey 86 Proof' and

One quart bottle labeled 'Hunter's First Over The Bars Blended Whiskey 86 Proof';

in violation of Rule 27 of State Regulation No. 20."

On February 11, 1959, an ABC agent seized on defendant's premises the eight bottles mentioned in the charge because the contents of the bottles appeared to be off in proof and color. At that time defendant gave to the agent a sworn statement wherein he admitted that he had refilled each of the bottles with Kinsey whiskey. The Division's chemist reports that his analysis disclosed that the contents of the seized bottles varied substantially in acids and solids from the contents of genuine samples of the products which the seized bottles purported to contain.

Defendant has a prior record. Effective April 14, 1958, another license held by him at 109 West Street was suspended by the local issuing authorities for ten days for permitting a brawl on the premises. The minimum penalty for a violation of this kind involving eight bottles is thirty days (Re Romano, Bulletin 790, Item 4), to which will be added five days because of the prior dissimilar violation within five years, making a total suspension of thirty-five days. Re Rusciano, Bulletin 817, Item 7. Five days will be remitted for the plea, leaving a net suspension of thirty days.

Accordingly, it is, on this 7th day of April, 1959,

ORDERED that Plenary Retail Consumption License C-783, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Charles Morris, for premises 90 Sussex Avenue, Newark, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m. Tuesday, April 14, 1959, and terminating at 2:00 a.m. Thursday, May 14, 1959.

WILLIAM HOWE DAVIS  
Director.

5. DISCIPLINARY PROCEEDINGS - GAMBLING - HINDERING INVESTIGATION - LICENSE SURRENDERED - LICENSE SUSPENDED FOR 35 DAYS - EFFECTIVE DATES TO BE FIXED BY SUBSEQUENT ORDER.

In the Matter of Disciplinary Proceedings against )

GREEK AMERICAN DEMOCRATIC CLUB )  
316 State Street )  
Perth Amboy, N. J., )

CONCLUSIONS AND ORDER

Holder of Club License CB-7, issued by the Board of Commissioners of the City of Perth Amboy. )

-----  
Alfred D. Antonio, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant pleaded not guilty to the following charges:

'1. On November 1, 1958, you allowed, permitted and suffered gambling, viz., the playing of a card game for stakes of money, in and upon your licensed premises; in violation of Rule 7 of State Regulation No. 20.

'2. On November 1, 1958, you through your officers, members, agents, servants, employees and other persons in your behalf, failed to facilitate and hindered and delayed and caused the hindrance and delay of an investigation, inspection and examination at your licensed premises then and there being conducted by investigators of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety of the State of New Jersey; in violation of R. S. 33:1-35.'

"The testimony of two ABC agents was to the effect that at 12:20 a.m. on November 1, 1958, they entered defendant's licensed premises and took seats at the bar; that they noticed that nine card players were seated at a table a few feet from the agents and that these men were engaged in a game of stud poker. Another man dealt the cards and held the stakes. There was a substantial sum of money on the table in front of each of those engaged in the game. The agents engaged the man who had admitted them to the premises (subsequently identified as the president of the defendant club licensee) in conversation and were told that the stake holder was paid \$3.00 an hour which was taken from the 5% cut that the club received from the winnings of the players. One of the agents proceeded to the table while his fellow agent went to the telephone and called the police. The agent who had gone to the table announced that he was an ABC agent and immediately placed his badge and credentials thereon and requested that the players remain as they were. However, one of the patrons in the establishment who was not engaged in the game, shouted for the men to grab their money and leave the premises because the agent had no authority whatsoever to hold them. The players accepted the suggestion, grabbed the money from the table and departed the premises, as did the stake man. The agents seized a sum of

money which was lying in the center of the table amounting to \$175.00 and turned this money over to the police upon their arrival. In the presence of the police, the president of the club accused the agents of stealing the money and also at one point ordered them out of the premises. Furthermore, he refused to divulge the names of those engaged in the card game. The police, the agents and the president of the club went to police headquarters immediately thereafter. The president of the club, while at headquarters, retracted his accusations concerning the alleged theft of the money by the agents and admitted that there was a card game in process and that gambling had taken place on the licensed premises.

"Defendant's attorney cross-examined the two agents without any material change in their testimony with reference to the pertinent facts given by them during direct examination. There were no witnesses called to testify on behalf of the defendant.

"I am satisfied that the agents' testimony disclosed the occurrences which took place on the morning in question and, therefore, recommend that the defendant be found guilty of the charges preferred herein.

"Just prior to the close of the within case, defendant's attorney offered in evidence a certified copy of the minutes of the Board of Commissioners of the City of Perth Amboy, wherein it was stated that the attorney for the defendant appeared before the Board of Commissioners and surrendered the defendant's license to them pursuant to a resolution which was adopted by the defendant and a copy of which had been filed with the City Clerk. A motion was made and carried unanimously that the surrender of said license be accepted.

"Although the defendant's license has been surrendered to the issuing authority, this fact does not preclude the imposition of a penalty for the violations committed herein. It is recommended that an order be entered suspending defendant's license for ten days on Charge 1 (Re Hanna, Bulletin 1220, Item 9); for an additional twenty days on Charge 2 (Re The Village Barn, Inc. of New Jersey, Bulletin 1051, Item 3), and for an additional five days because, effective January 26, 1953, its license had been suspended for five days for permitting gambling, thus making a total suspension of defendant's license for a period of thirty-five days."

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

After carefully considering the facts and circumstances herein, I concur in the Hearer's findings and conclusions and adopt his recommendation.

It appears that the license herein has been surrendered to the local issuing authority. Thus, no effective penalty can be imposed at the present time.

Accordingly, it is, on this 9th day of April, 1959,

ORDERED that Club License CB-7, issued by the Board of Commissioners of the City of Perth Amboy to Greek American Democratic Club, for premises 316 State Street, Perth Amboy, be and the same is hereby suspended for a period of thirty-five (35) days, the time to be fixed by subsequent order as aforesaid.

WILLIAM HOWE DAVIS  
Director.

6.

ACTIVITY REPORT FOR APRIL 1959

<b>ARRESTS:</b>			
Total number of persons arrested	- - - - -		27
Licensees and employees	- - - - - 14		
Bootleggers	- - - - - 11		
ABC agent impersonators	- - - - - 2		
<b>SEIZURES:</b>			
Motor vehicles - cars	- - - - -		2
- trucks	- - - - -		1
Stills - over 50 gallons	- - - - -		3
- 50 gallons or under	- - - - -		2
Alcohol - gallons	- - - - -		160.00
Mash - gallons	- - - - -		1,830.00
Distilled alcoholic beverages - gallons	- - - - -		92.88
Wine - gallons	- - - - -		15.12
Brewed malt alcoholic beverages - gallons	- - - - -		2,345.00
<b>RETAIL LICENSEES:</b>			
Premises inspected	- - - - -		520
Premises where alcoholic beverages were gauged	- - - - -		659
Bottles gauged	- - - - -		13,067
Premises where violations were found	- - - - -		35
Violations found	- - - - -		42
Unqualified employees	- - - - - 18	Disposal permit necessary	- 2
Application copy not available	- - - - - 9	Prohibited signs	- 1
Reg. #38 sign not posted	- - - - - 5	Other violations	- 7
<b>STATE LICENSEES:</b>			
Premises inspected	- - - - -		30
License applications investigated	- - - - -		15
<b>COMPLAINTS:</b>			
Complaints assigned for investigation	- - - - -		531
Investigations completed	- - - - -		481
Investigations pending	- - - - -		216
<b>LABORATORY:</b>			
Analyses made	- - - - -		391
Refills from licensed premises - bottles	- - - - -		85
Bottles from unlicensed premises	- - - - -		30
<b>IDENTIFICATION:</b>			
Criminal fingerprint identifications made	- - - - -		16
Persons fingerprinted for non-criminal purposes	- - - - -		278
Identification contacts made with other enforcement agencies	- - - - -		245
Motor vehicle identifications via N. J. State Police teletype	- - - - -		8
<b>DISCIPLINARY PROCEEDINGS:</b>			
Cases transmitted to municipalities	- - - - -		15
Violations involved	- - - - -		15
Sale during prohibited hours	- - - - - 6	Permitting brawl on premises	- 1
Sale to minors	- - - - - 4	Failure to close premises during	- 1
Sale to non-members by club	- - - - - 2	prohibited hours	- 1
Service to women at a bar (local reg.)	- - - - - 1		
Cases instituted at Division	- - - - -		31
Violations involved	- - - - -		43
Sale to minors	- - - - - 9	Aiding and abetting unauthorized sale	- 1
Sale during prohibited hours	- - - - - 7	Sale outside scope of permit	- 1
Possessing liquor not truly labeled	- - - - - 5	Unauthorized transportation	- 1
Sale at less than filed price	- - - - - 3	Solicitor engaging in conduct	- 1
Hindering investigation	- - - - - 2	prohibited to employer	- 1
Permitting immoral activity on premises	- - - - - 2	Solicitor employed by retailer	- 1
Permitting bookmaking on premises	- - - - - 1	Furnishing unlawful inducements to	- 1
Permitting hostesses on premises	- - - - - 1	retailer	- 1
Permitting foul language on premises	- - - - - 1	Failure to file notice of change	- 1
Retailer purchasing alcoholic beverages	- - - - - 1	in application	- 1
not price listed	- - - - - 1	Conducting business as a nuisance	- 1
Purchase by retailer below listed price	- - - - - 1	Unqualified employees	- 1
Employee without identification card (local reg.)	- - - - - 1		
Cases brought by municipalities on own initiative and reported to Division	- - - - -		18
Violations involved	- - - - -		18
Permitting brawl on premises	- - - - - 5	Conducting business as a nuisance	- 1
Sale to minors	- - - - - 3	Permitting persons of ill repute	- 1
Permitting gambling (dice, wagering)	- - - - - 3	on premises	- 1
Sale during prohibited hours	- - - - - 2	Unqualified employees	- 1
Failure to close premises during	- - - - - 2	Employee working while intoxicated	- 1
prohibited hours	- - - - - 2	Permitting bookmaking on premises	- 1
Permitting lottery activity on premises	- - - - - 1		
<b>HEARING HELD AT DIVISION:</b>			
Total number of hearings held	- - - - -		55
Appeals	- - - - - 2	Seizures	- 7
Disciplinary proceedings	- - - - - 36	Tax revocations	- 3
Eligibility	- - - - - 7		
<b>STATE LICENSES AND PERMITS ISSUED:</b>			
Total number issued	- - - - -		2,711
Licenses	- - - - - 2	Social affair permits	- 474
Employment permits	- - - - - 1,874	Miscellaneous "	- 164
Solicitors' "	- - - - - 39	Transit insignia	- 84
Disposal "	- - - - - 49	Special transit certificates	- 25

WILLIAM HOWE DAVIS  
DIRECTOR

Dated: May 5, 1959

7. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

WILLIAM & JEAN BUTTS )  
 t/a BELMONT BALLROOM )  
 424 River Drive )  
 Garfield, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-63, issued by the Mayor and Council of the City of Garfield. )

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

BY THE DIRECTOR:

Defendants pleaded guilty to a charge alleging that they sold, served and delivered alcoholic beverages to three minors and permitted the consumption of such beverages by said minors in and upon their licensed premises in violation of Rule 1 of State Regulation No. 20.

On Sunday, March 8, 1959, at about 10:00 p.m., two ABC agents who were in defendants' licensed premises observed Victor Cooke (a bartender) serve three glasses of alcoholic beverages to Dennis --- (age 20) without requiring any written representation of his age or the ages of his two companions (Felix ---, age 20 and Thomas ---, age 20) to whom Dennis had handed two of said drinks. After observing Dennis and Felix consume a portion of their drinks, the agents identified themselves to the three minors and the bartender who admitted aforesaid violation.

The minimum suspension for a sale to a minor twenty years of age is ten days. However, defendants have a prior adjudicated record. Effective January 23, 1956, the Director of the Division suspended defendants' license for twenty days for sale to minors (Re Butts, Bulletin 1098, Item 5). Inasmuch as said similar violation occurred within a period of five years, I shall double the penalty and suspend defendants' license for twenty days (Re Joe Crine's Tavern, Inc., Bulletin 1128, Item 4). Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 24th day of March, 1959,

ORDERED that Plenary Retail Consumption License C-63, issued by the Mayor and Council of the City of Garfield to William & Jean Butts, t/a Belmont Ballroom, for premises 424 River Drive, Garfield, be and the same is hereby suspended for fifteen (15) days, commencing at 4:00 a.m. Wednesday, April 1, 1959, and terminating at 4:00 a.m. Thursday, April 16, 1959.

WILLIAM HOWE DAVIS  
 Director.

8. SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION OF ILLICIT ALCOHOL - TRANSPORTER'S REQUEST FOR RETURN OF CAR DENIED - ALCOHOL AND MOTOR VEHICLE ORDERED FORFEITED.

In the Matter of the Seizure on )  
 February 11, 1959 of a quantity )  
 of alcohol and a Buick sedan on )  
 the New Jersey Turnpike in the )  
 Township of Edison, County of )  
 Middlesex and State of New )  
 Jersey. )

Case No. 9899

ON HEARING  
 CONCLUSIONS AND ORDER

-----  
 Paul Sturges, 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 Title 33, Chapter 1, Revised Statutes of New Jersey, to determine whether 24 two-quart jars of alcohol and a Buick sedan, described in a schedule attached hereto, seized on February 11, 1959 on the New Jersey Turnpike, in the Township of Edison, 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 by Paul Sturges, who sought return of the motor vehicle. No one opposed forfeiture of the alcoholic beverages.

It appears from the evidence presented that a New Jersey State Trooper, during his routine patrol of traffic on the highway, seized the Buick sedan, in which Paul Sturges was a passenger, when the trooper discovered the alcohol being transported therein. Later the alcohol and motor vehicle were turned over to ABC agents. The jars of alcohol were without a stamp on any of the jars indicating the payment of tax on alcoholic beverages.

The contents of one of the jars was analyzed by the Division chemist who reports that it is alcohol and water fit for beverage purposes with an alcoholic content by volume of 48.2 percent.

At the hearing Paul Sturges admitted the accuracy of his previous signed statement wherein it appears that he is employed as an automobile mechanic in Connecticut, and while in South Carolina with the motor vehicle in question met some friends and drank "low wine" with them; inquired where he could obtain some of the liquor, and was told they would obtain it, that he could not do so directly; that thereafter these persons took his car, placed the jars of alcohol in question therein, returned the car to him and he paid \$20.00 for the alcohol.

The seized alcohol is illicit because there was no tax stamp on the jars. R. S. 33:1-1(1), R.S. 33:1-88. Such illicit alcohol and the Buick sedan in which such illicit alcohol was transported and found, constitute unlawful property and are subject to forfeiture. R. S. 33:1-1(y), R.S. 33:1-2, R.S. 33:1-66.

The Buick sedan bore license plates registered in the name of Thompson Vet General Auto Repair. Sturges explains

that on October 28, 1958 he purchased the motor vehicle for \$25.00, after which a new motor was placed therein, and other minor repairs were made at a total expense of \$60.00 or thereabouts, and the motor vehicle was on the Thompson lot for purpose of resale. In the meanwhile, Sturges took the car, bearing his employer's dealer's plates, for his trip to South Carolina.

Paul Sturges stated that he had a threefold purpose in appearing at the hearing in that (1) he assumed that he was required to appear in response to the notice of hearing; (2) he sought return of articles of personal clothing in the car; and (3) he hoped that he could obtain return of the car.

The Director is authorized to return property subject to forfeiture to its owner if he establishes to the Director's satisfaction that he acted in good faith and unknowingly violated the law. R. S. 33:1-66(e). Sturges frankly admits he knew that which is by now a matter of common knowledge, that it is unlawful to purchase illicit alcoholic beverages.

The Division has consistently held that under such circumstances the owner of such property cannot obtain its return. Seizure Case No. 9156, Bulletin 1143, Item 7. Accordingly, the application of Paul Sturges is denied. His articles of personal clothing will be returned to him in accordance with the usual practice in such cases.

Accordingly, it is DETERMINED and ORDERED that the seized property, more fully described in Schedule "A" attached hereto, constitute unlawful property, and the same be and hereby is forfeited in accordance with the provisions of R.S. 33:1-66, and shall be sold at public sale for the use of the State in accordance with State Regulation No. 29 or retained for the use of hospitals and state, county and municipal institutions, or destroyed in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

WILLIAM HOWE DAVIS  
Director.

Dated: March 24, 1959

SCHEDULE "A"

- 24 - two-quart jars of alcohol
- 1 - Buick sedan, Serial No. 36211893,  
Engine No. 1339320-3, Connecticut  
Registration Repair 4-T

9. 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 MARTIN GERTMAN t/a MARTIN'S TAVERN 107-109 Brunswick Avenue Trenton 8, N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-10, issued by the Board of Commissioners of the City of Trenton.

Levy, Levy and Albert, Esqs., by Philip J. Albert, Esq., Attorneys for Defendant-licensee. 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 alcoholic beverages in bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

On February 3, 1959, an ABC agent tested seventy-three bottles and seized two bottles of alcoholic beverages on the defendant's licensed premises because their contents appeared to be off in color. Subsequent analysis by the Division's chemist disclosed that the contents of the aforesaid two bottles, when compared with samples of the genuine product of the labeled brand, varied substantially in solids and acids and contained an added artificial color.

By way of mitigation of penalty the attorneys for the defendant have submitted a statement which I have carefully examined, together with the file in the case, and do not find any extenuating circumstances which would impel me to impose less than the established penalties in cases of this kind.

Defendant has a prior adjudicated record. Effective June 6, 1958, the Director of the Division suspended defendant's license for twenty days for sale to minors and for possession of contraceptives on the licensed premises (Re Gertman, Bulletin 1233, Item 2). The minimum penalty in cases of this kind, where two bottles are involved, is fifteen days. Re Gavlak, Bulletin 1245, Item 6. I shall suspend defendant's license for fifteen days, to which will be added five days for the prior dissimilar violation which occurred within the past five years, making a total suspension of twenty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 26th day of March, 1959,

ORDERED that Plenary Retail Consumption License C-10, issued by the Board of Commissioners of the City of Trenton to Martin Gertman, t/a Martin's Tavern, for premises 107-109 Brunswick Avenue, Trenton, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Monday, April 6, 1959, and terminating at 2:00 a.m. Tuesday, April 21, 1959.

WILLIAM HOWE DAVIS Director.

10. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - EMPLOYING BARTENDER WITHOUT REQUIRED LOCAL PERMIT - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

VICTOR CENTINARO )  
t/a "THE HOT-CHA TAVERN" )  
293 Third Street and 49 Coles Street )  
Jersey City 2, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-420 issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City. )

-----)  
Victor Centinaro, Defendant-licensee, Pro se.  
Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

"1. On Sunday, February 8, 1959 at about 12:25 a.m., you sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages, viz., 6 - 12 ounce cans of Rheingold Extra Dry Lager Beer, at retail, in their original containers for consumption off your licensed premises and allowed, permitted and suffered the removal of such alcoholic beverages from your licensed premises; in violation of Rule 1 of State Regulation No. 38.

"2. On Sunday, February 8, 1959, you engaged and employed on your licensed premises a bartender in connection with your licensed business to whom an identification card had not been issued by the Department of Public Safety of the City of Jersey City, in conformity with Sections 13 and 14 of an Ordinance adopted by the Board of Commissioners of the City of Jersey City on June 30, 1950 and in violation of Section 15 of the aforementioned Ordinance."

On Sunday, February 8, 1959, at about 12:25 a.m., one of two ABC agents who were in defendant's licensed premises purchased from Anthony Lanza (bartender therein) six cans of beer for off-premises consumption. The agents thereafter identified themselves and the bartender admitted the violation.

The licensee, contrary to a local ordinance, employed aforesaid bartender (Anthony Lanza, of 342 - 2nd Street, Jersey City) who had not been issued an identification card by the Department of Public Safety of Jersey City.

Defendant has no prior adjudicated record. I shall suspend defendant's license for twenty days (Re LaPorta, Bulletin 1206, Item 5). Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 25th day of March, 1959,

ORDERED that Plenary Retail Consumption License C-420, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Victor Centinaro, t/a "The Hot-Cha Tavern", for premises 293 Third Street and 49 Coles Street, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Wednesday, April 1, 1959, and terminating at 2:00 a.m. Thursday, April 16, 1959.

WILLIAM HOWE DAVIS  
Director.

11. DISCIPLINARY PROCEEDINGS - EFFECTIVE DATES FIXED FOR SUSPENSION PREVIOUSLY IMPOSED AFTER PREMISES REOPENED.

In the Matter of Disciplinary Proceedings against )

GINO FOLCI )  
t/a FOLCI'S )  
584 Ocean Avenue )  
Long Branch, N. J., )

O R D E R

Holder of Plenary Retail Consumption License C-50 (for the 1957-58 and 1958-59 licensing years), issued by the Board of Commissioners of the City of Long Branch. )  
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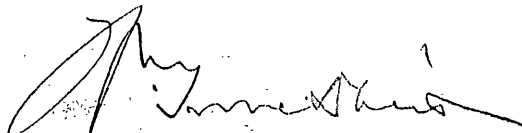
BY THE DIRECTOR:

By order dated March 9, 1959, I suspended defendant's license for thirty days. Because defendant's premises were then closed, the order provided that the effective dates for said suspension would be fixed by a subsequent order entered after the premises reopened for the 1959 season.

It now appearing to my satisfaction that defendant's premises have been reopened for the 1959 season,

It is, on this 13th day of April, 1959,

ORDERED that the thirty-day suspension heretofore imposed shall commence at 7:00 a.m. Monday, April 20, 1959, and terminate at 7:00 a.m. Wednesday, May 20, 1959.



William Howe Davis  
Director.