

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

April 1, 1959

BULLETIN 1269

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DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark 2, N. J.

BULLETIN 1269

April 1, 1959.

1. DISCIPLINARY PROCEEDINGS - PERMITTING ARRANGEMENTS FOR
ILLCIT SEXUAL INTERCOURSE - POSSESSING INDECENT STATUETTE -
PRIOR RECORD - LICENSE SUSPENDED FOR 75 DAYS.

In the Matter of Disciplinary)
Proceedings against)

CLUB WINDSOR INC.)
56 Mulberry Street)
Newark 2, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-117, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Newark.)

Joseph A. D'Alessio, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of
Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant pleaded not guilty as to the following
charge:

'1. On September 10, 11 and 23, 1958, you allowed,
permitted and suffered lewdness and immoral activity
in and upon your licensed premises, viz., the making
of overtures and arrangements for illicit sexual inter-
course; in violation of Rule 5 of State Regulation No.
20.

"Defendant pleaded non vult as to the following
charge:

'2. On September 23, 1958, you allowed, permitted
and suffered in and upon your licensed premises and
had in your possession matter containing an obscene,
indecent, filthy, lewd, lascivious and disgusting
representation in form of a wooden object; in viola-
tion of Rule 17 of State Regulation No. 20.'

"At the hearing held as to Charge 1, an ABC agent
testified that he and two other agents were in defendant's
licensed premises on the evening of September 10, 1958.
Although this agent testified that a female patron identi-
fied as Annie introduced herself, and during the course of
their conversation embraced him and offered to have illicit
sexual intercourse with him, there is nothing in the agent's
testimony to show that either of the bartenders (Sol Lefkowitz
and Charles Patti) was in a position to observe this conduct
or participated in or overheard this conversation. On behalf
of defendant, Sol Lefkowitz (president of defendant corpora-
tion) and Charles Patti admitted that Annie was conversing
with the agent but both denied that she acted improperly and
each denied that he had overheard the conversation.

"The aforesaid agent further testified that he and
one of the other agents who had accompanied him on the prior
visit entered defendant's premises shortly after noon on

September 23, 1958; that Joseph Decker was then tending bar and Sol Lefkowitz was on the patrons' side of the bar; that shortly after 5:00 p.m. a female patron, identified as Edith, came to the portion of the bar at which the agents were seated and entered into conversation with them; that about 5:45 p.m. the witness asked Decker 'Does Edith lay?' and that the bartender replied 'Yes. She blows too'; that, during their conversation, Edith stated that she needed money 'for her daughter' and agreed to have sexual intercourse with the other agent for the sum of ten dollars; that the other agent then said to Decker 'I just gave Edie ten dollars. I am going to take her out and lay her,' to which the bartender replied 'You're crazy for giving her ten dollars because you can get it for free or a dollar.' The aforesaid agent further testified that he left the premises and contacted members of the Newark Police Department; that the other agent left the premises with Edith about 6:37 p.m. and that, outside of the premises, the police officers placed Edith under arrest and found the ten dollars, in marked money, in her purse.

"It was stipulated that, if the other agent were called to testify, his testimony would be the same as that set forth above.

"On behalf of defendant Sol Lefkowitz testified that he left the premises about 4:45 p.m. on September 23, 1958, to observe a Jewish holiday and that he did not see the agents conversing with Edith, who had visited the premises only once before. Joseph Decker denied that he had ever seen Edith prior to the date in question and denied that he had heard any of the conversation between her and the agents. He also denied the agents' testimony as to their conversations with him concerning Edith. He did admit that the first agent told him that his partner 'was willing to give' her ten dollars and that he replied 'He is crazy.'

"The indecent statuette was found in a drawer in defendant's premises during the subsequent investigation.

"After reviewing all the testimony I conclude that the agents' testimony is true and that the evidence is sufficient to establish defendant's guilt as to Charge 1, in so far as said charge refers to September 23, 1958. It is, therefore, recommended that defendant be found guilty of said charge as to that date. As indicated above, defendant has pleaded non vult as to Charge 2.

"Defendant has a prior record. Effective March 3, 1958, its license was suspended by the local issuing authorities for thirty days for sale to an intoxicated person, and effective April 2, 1958, its license was suspended by the Director for ten days for mislabeled beer taps. See Bulletin 1223, Item 7. While I have some doubt as to portions of Decker's testimony, there appears to have been no collusion between the bartender and the girl to have her prey on the male patrons. It is, therefore, further recommended that an order be entered suspending defendant's license for sixty days on Charge 1 (Re T-Bar & Grill, Inc., Bulletin 1237, Item 1); for an additional ten days on Charge 2 (Re Lisowski, Bulletin 1200, Item 5); and for an additional five days because of the two dissimilar violations within the past five years (Re Richman, Bulletin 1186, Item 10), thus making a total suspension of seventy-five days."

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

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

Accordingly, it is, on this 17th day of February, 1959,

ORDERED that Plenary Retail Consumption License C-117, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Club Windsor, Inc., for premises 56 Mulberry Street, Newark, be and the same is hereby suspended for seventy-five (75) days, commencing at 2:00 a.m. Monday, February 23, 1959, and terminating at 2:00 a.m. Saturday, May 9, 1959.

WILLIAM HOWE DAVIS
Director.

2. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PERMITTING OBSCENE LANGUAGE - BRAWLS - UNQUALIFIED EMPLOYEES - NUISANCE - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
POLAND CORP.
t/a CLUB 18
84 Washington Street
Perth Amboy, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-65, issued by the Board of Commissioners of the City of Perth Amboy.

Seaman & O'Toole, Esqs., by Albert W. Seaman, Esq., Attorneys for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

"1. On Thursday, November 13, 1958, at about 11:35 p.m. and again at about 11:40 p.m., on Sunday, November 16, 1958 on several occasions between 4:50 p.m. and 6:45 p.m. and on Saturday, November 22, 1958 at about 12:15 a.m., you sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages, at retail, in their original containers for consumption off your licensed premises and allowed, permitted and suffered the removal of such beverages in their original containers from your licensed premises; in violation of Rule 1 of State Regulation No. 38.

"2. On November 13, 14, 16, 21 and 22, 1958, you allowed, permitted and suffered foul, filthy and obscene language in and upon your licensed premises; in violation of Rule 5 of State Regulation No. 20.

"3. On November 21 and 22, 1958, you allowed, permitted and suffered several brawls and disturbances in and upon your licensed premises; in violation of Rule 5 of State Regulation No. 20.

"4. On November 21 and 22, 1958, and prior thereto, you employed and allowed, permitted and suffered the employment in and upon your licensed premises of persons not bona fide residents of the State of New Jersey; contrary to and in violation of Rule 4 of State Regulation No. 13.

"5. On November 13, 14, 16, 21 and 22, 1958, you conducted your licensed place of business in a manner offensive to common decency and public morals and in such manner as to become a nuisance; in violation of Rule 5 of State Regulation No. 20."

On all the dates set forth in Charge 2 herein two ABC agents heard patrons constantly using filthy language and at times heard the bartender engage in such practice. No effort was made by anyone to eliminate this condition.

On November 21 and 22, 1958, a number of brawls occurred between patrons and, when an agent asked the bartender why he made no effort to stop the fighting, he answered that he had no intention of becoming involved in their "scraps."

During prohibited hours on November 13 and 16, 1958, the agents saw the bartender sell various patrons alcoholic beverages in original containers for off-premises consumption, and on the latter date one agent purchased a bottle of whiskey "to go." The agents did not identify themselves on either of these dates. On November 22 at 12:15 a.m. one of the agents ordered a pint bottle of Seagram's Seven Crown Whiskey which the bartender procured and wrapped in a towel and then "slipped" it to the agent, who placed it under his jacket and left the premises but returned shortly thereafter and rejoined his fellow-agent. The agents then identified themselves to a man named Frank J. DeHanes who said he was the owner of the establishment. The agents inquired of him why he permitted frequent fighting and filthy language on the premises and DeHanes stated that he could not be expected to get involved in brawls and, insofar as the language used by the patrons was concerned, that is the only type of language they know. When an inquiry was made of the four members of the orchestra, it was ascertained that they were non-residents and did not have the required employment permits.

The conduct committed on defendant's licensed premises indicates that the manner of operation of the business is highly improper, and that the licensee permitted the establishment to be conducted in such manner as to become a nuisance.

Defendant has no prior adjudicated record. Under the circumstances appearing herein, I shall suspend its license for a period of sixty days. Five days will be remitted for the plea entered, leaving a net suspension of fifty-five days.

Accordingly, it is, on this 18th day of February, 1959,

ORDERED that Plenary Retail Consumption License C-65, issued by the Board of Commissioners of the City of Perth Amboy to Poland Corp., t/a Club 18, for premises 84 Washington Street, Perth Amboy, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. Tuesday, March 3, 1959, and terminating at 2:00 a.m. Monday, April 27, 1959.

WILLIAM HOWE DAVIS
Director.

3. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE
REGULATION NO. 38 - PRIOR RECORD - LICENSE SUSPENDED FOR
35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

JOHN TROSKY)
t/a JOHN TROSKY'S TAVERN)
57 Vroom Street)
Jersey City 6, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-427, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Jersey City.)
-----)

Robert H. Wall, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for the Division of
Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that
on Wednesday, January 28, 1959 and Thursday, January 29, 1959,
he sold during prohibited hours alcoholic beverages in orig-
inal containers for off-premises consumption, in violation
of Rule 1 of State Regulation No. 38.

On Wednesday, January 28, 1959 at about 11:30 p.m.
ABC agents while in defendant's licensed premises observed
John J. Kaufman, the bartender, sell two quart bottles of
Piel's beer for off-premises consumption to a patron and
accept 80 cents in payment thereof. At about 12:45 a.m., one
of the agents asked the bartender for six cans of Rheingold
beer to take out. The bartender thereupon took a six-pack of
the requested beer from the refrigerator, placed it in a brown
paper bag, gave it to the agent and accepted \$1.15 in payment
thereof. The agents, one of them in possession of the alco-
holic beverages, left the premises, returned immediately and
identified themselves to the bartender who orally admitted
aforesaid illegal sales.

By way of mitigation, the attorney for the defendant
has submitted a statement setting forth therein, among other
things, that the bartender acted contrary to instructions not
to sell alcoholic beverages in their original container after
hours. The licensee, however, cannot escape the consequences
of the aforementioned acts of his agent. (Rule 33 of State
Regulation No. 20), cf. Re Czaplicki, Bulletin 1170, Item 6.

Defendant has a prior adjudicated record. Effective
March 3, 1958 his license was suspended by the Director for
fifteen days for sale during prohibited hours. Re Trosky,
Bulletin 1217, Item 8. Effective October 12, 1952 the local
issuing authority suspended defendant's license for five days
for a local "hours" violation. The minimum penalty for an
"hours" violation is fifteen days. Re Zlotkowski, Bulletin
1188, Item 5. Since the defendant committed a similar viola-
tion within five years, I shall suspend his license for thirty
days, Re Zlotkowski, supra, to which five days will be added
for the local "hours" violation (substantially similar) which
occurred more than five years ago but less than ten years ago,
Re Trosky, supra, 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 17th day of February, 1959,

ORDERED that Plenary Retail Consumption License C-427, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City, to John Trosky, t/a John Trosky's Tavern, for premises 57 Vroom Street, Jersey City, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m. Monday, March 2, 1959 and terminating at 2:00 a.m. Wednesday, April 1, 1959.

WILLIAM HOWE DAVIS
Director.

4. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF LOCAL REGULATION - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

CLUB RAINBOW, INC.)
t/a CLUB RAINBOW)
Landis Avenue at Rainbow Lake)
Pittsgrove Township)
PO RFD #6, Bridgeton, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Pittsgrove.)
-----)

Defendant-licensee, by Nicholas Gentile, President.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

"1. On Sunday, December 14, 1958 between 12:01 a.m. and 12:40 a.m., you sold alcoholic beverages; in violation of Resolutions adopted by the Township Committee of the Township of Pittsgrove on January 1, 1934 and April 18, 1934.

"2. On Sunday, January 18, 1959 between 12:01 a.m. and 1:05 a.m., you sold alcoholic beverages; in violation of Resolutions adopted by the Township Committee of the Township of Pittsgrove on January 1, 1934 and April 18, 1934."

The resolutions referred to in the charges prohibit the sale of alcoholic beverages on Sunday.

Two ABC agents entered defendant's premises about 11:30 p.m. on the evening of Saturday, December 13, 1958. A large number of patrons were then on the premises and the three bartenders on duty continued to sell and serve alcoholic beverages after midnight. The agents purchased beer at 12:10 a.m.; 12:20 a.m., 12:30 a.m. and 12:40 a.m. and identified themselves to Lucy Gentile (vice president of defendant corporation) shortly after 12:40 a.m.

Two other ABC agents entered defendant's premises about 10:40 p.m. Saturday, January 17, 1959, at which time a large

number of patrons were also present. Two bartenders who were then on duty continued to sell and serve alcoholic beverages after midnight, and the agents purchased drinks of alcoholic beverages at 12:15 a.m., 12:30 a.m. and 1:00 a.m. Shortly thereafter the agents identified themselves to the bartender and to Joseph Tedisco (husband of Loretta Tedisco who is the secretary-treasurer of defendant corporation and owner of 50% of its stock).

Defendant has no prior record. The minimum penalty for sale during prohibited hours is fifteen days. Re Funicelli & Falvo, Bulletin 1231, Item 7. Under the circumstances of this case, the violation committed on January 18 will be considered as a second similar violation within a five-year period and, hence, the minimum penalty will be doubled and the license suspended for thirty days. Re Maloney & Menotti, Bulletin 1059, Item 3. Five days will be remitted for the plea herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 17th day of February, 1959,

ORDERED that Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Pittsgrove to Club Rainbow, Inc., t/a Club Rainbow, for premises on Landis Avenue at Rainbow Lake, Pittsgrove Township, be and the same is hereby suspended for twenty-five (25) days, commencing at 7:00 a.m. Monday, March 2, 1959, and terminating at 7:00 a.m. Friday, March 27, 1959.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD - LICENSE SUSPENDED FOR 25 DAYS - PREMISES DESTROYED BY FIRE - EFFECTIVE DATES TO BE FIXED WHEN BUSINESS RESUMED.

In the Matter of Disciplinary Proceedings against ENTERTAINMENT ENTERPRISES, INC. t/a NEW STAGE COACH INN Route #46 and Sprofera Street South Hackensack, N. J., Holder of Plenary Retail Consumption License C-4 (for the 1957-58 and 1958-59 licensing years), issued by the Township Committee of the Township of South Hackensack.

CONCLUSIONS AND ORDER

Herbert F. Myers, Jr., 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 has pleaded not guilty to the following charge:

'On Friday night, June 13, and early Saturday morning, June 14, 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., Marie ---, age 17, 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.'

"At the outset of the hearing, counsel for the defendant moved for dismissal of the charge on the ground that the complaint in the criminal court against the defendant's employee who was alleged to have sold the alcoholic beverages to the minor was dismissed after trial in such criminal court. It has been uniformly and consistently held that the outcome of criminal proceedings have no controlling effect on disciplinary proceedings arising from the same set of facts. To quote Re Messina and Ruisi, Bulletin 392, Item 12: 'Since the two proceedings act upon different things and are independent of each other, the institution of both, even though they arise from the same transaction, do not constitute double jeopardy.' To the same effect Re The Sport Center, A Corp., Bulletin 1131, Item 5. The Hearer denied the motion on the basis of these decisions.

"The hearing then proceeded with the presentation of evidence. Marie --- testified that she was born on September 30, 1940 and hence was 17 years of age on June 13, 1958.

"An agent of this Division testified as follows: He and another agent were in defendant's licensed premises on June 13, 1958 about 10:00 p.m. to check for sales to minors. At about 10:30 p.m. they observed Marie and a male escort enter and proceed to take seats at a table adjoining that of the agents. She appeared to the witness to be about 17 or 18 years of age. A waiter came to the table where the couple were seated and returned shortly thereafter with a drink of amber-colored liquid for the male and a glass with orange-colored liquid and a stirrer for the girl. Both patrons consumed their drinks and up until about midnight the agents observed five such drinks served to the couple by the waiter. Marie took a sip from the last drink served to her and as the couple were preparing to leave the table, the witness accosted them and identified himself. He asked Marie what she was drinking and she said she had been drinking orange juice. He tasted her drink and was of the opinion that there was 'nothing wrong with the drink'. He told the couple that they could leave and as they were on their way out, he again tasted the drink and came to the conclusion that it was an alcoholic beverage. He handed the glass with the drink to his fellow agent and halted the couple before they could leave the premises and asked them to remain. Thereupon Marie's escort requested that they be permitted to leave stating, 'It's the first time she ever had a drink.' The agent insisted that they remain, walked with them to a nearby table and his fellow agent joined them there with the glass of orange-colored liquid. The last mentioned agent left this drink with the witness and went outside to summon a fellow agent. The waiter and Mr. Petretti, connected with the management of the licensed business, came to the table. The witness told Mr. Petretti that he had taken a drink from Marie which, in his opinion, was an alcoholic beverage. Mr. Petretti turned to the waiter and asked him what he had served Marie, to which the waiter replied that he had served soda. Asked whether he had served a 'screwdriver', meaning vodka and orange juice, the waiter responded, 'Maybe I served one; I don't know.'

"After this conversation the other two agents came to the table and the entire group proceeded to an office on the

premises. There the seized drink was poured into a bottle, labeled and initialed by the witness, who retained it as evidence. The agent discussed the matter with the minor and her escort and such escort told the agent that he had ordered orange juice and vodka for Marie, who confirmed that she had such a drink during the evening. This conversation was not in the presence of Mr. Petretti and when he returned to the group, such statements were called to his attention in the presence of Marie and her escort. However, both refused to repeat such statements in his presence. While the waiter and Mr. Petretti were present in the group in the office, the waiter was asked by one of the agents what he had served to Marie and he said, 'Coca Cola'. Calling his attention to the fact that an orange-colored liquid was taken from Marie, he exclaimed, 'Oh, that is right. I served her orange juice.' Asked if it could have been a 'screwdriver', he answered he didn't know because such a drink is prepared in the kitchen.

"The witness further testified that he retained the labeled bottle and its contents in his possession over the week-end and brought it to the Division offices on Monday and submitted it to the Division chemist for analysis.

"On cross-examination, the witness testified that there were some 300 persons present, many of youthful appearance, and that he circulated about the place a few times and observed young-appearing persons with drinks of what appeared to be Coca Cola or orange-colored drinks without stirrers. His attention was attracted to Marie's drink because it was served with a stirrer. The agents ordered a drink of orange juice and vodka which was served with a stirrer and a plain drink of orange juice which was served with a straw. These drinks were ordered for purpose of comparison with the drinks served to Marie as an aid for them to form an opinion as to the nature of Marie's beverage.

"It was stipulated that the testimony of the other agent who had observed the service of the drinks would be substantially the same as that of this witness.

"The Division chemist testified that there was about an ounce and a quarter of liquid in the bottle when he received it; that he used about an ounce for testing purposes and that there was now about a quarter of an ounce in the bottle. He stated that his analysis discloses that the contents of the bottle had an alcoholic content by volume of 4.5 per cent and that it was an alcoholic beverage containing vodka and orange juice, fit for beverage purposes; that vodka is neutral in taste and when mixed with orange juice as a drink, is commonly referred to as a 'screwdriver'; that it is tasteless insofar as the vodka is concerned, but that, nevertheless, a person could tell that there was vodka or alcohol in the beverage.

"Two guest checks presented in evidence disclose that the agents were billed \$1.10 for a 'screwdriver' drink and 75¢ for the drink of orange juice, but that Marie and her escort were billed \$1.10 for each drink of 'orange juice' and 95¢ for each drink of V. O. whiskey.

"Marie was called as a witness for the licensee. She testified that she did not order any drinks or hear what was ordered, or tell her escort what she wanted to drink, but that her first drink was orange juice; that she had four or five drinks, all orange juice and did not drink any alcoholic beverages and did not touch the last drink; that the agent asked her what she was drinking and she replied, 'orange juice'; that he

then asked her whether he could have and taste her drink; that she walked away before he tasted the drink and as they were making their exit, the agent halted them again and told them to come back, and that she did not tell the agent that she had been drinking anything else than orange juice.

"On cross-examination she testified that the waiter asked her escort what they wanted to drink and that she heard him order a 'coke' from the waiter; that when her escort told her what he had ordered, she told him she preferred orange juice and not coke, and he called the waiter back and changed the order to orange juice; that she does not remember whether her drinks were served with stirrers; that when the group was in the office her escort first stated that he had not ordered any alcoholic beverage for her, but later, in the absence of Petretti, he finally admitted that she had been drinking alcoholic beverages for the reason, as she says, that by making such admission they would be permitted to go home. Asked if she did not, at one or more times, concur in this statement, in words to the effect that her escort ordered 'screwdrivers' or orange juice with vodka for her she said, 'I don't know if I said it in those words, but at that time were were saying anything to go home.' Asked whether she repudicated the admission in the presence of Mr. Petretti and the local chief of police, she claimed that she did not remember; that she had no recollection of admitting or denying that she made such a statement; that she did not recall that she said something to the effect that she wished to avoid publicity in the matter because it would not do her any 'good'.

"Marie's escort was called as a witness on behalf of the licensee. He testified that he ordered V.O. and coke; that Marie said she preferred orange juice; that in the office he retracted the statement that he ordered orange juice for Marie and admitted that it was orange juice and vodka, after lengthy questioning, claiming that he was prepared to say anything to get out. He denies that when stopped as they were about to leave, he remarked to the agent that it was the first time Marie ever had a drink. He states that he does not remember retracting or confirming any statement that a 'screw-driver' was served to Marie, in the presence of the chief.

"The waiter testified that he served only orange juice to Marie. He seeks to differentiate the different charges for orange juice shown by the checks by seeking to claim that it was orangeade in a different type glass that he served at the agents' table (both checks read 'orange juice').

"Evaluating the evidence presented on the primary and sole question as to whether an alcoholic beverage was served to Marie on the evening in question, we have as positive factors the opinion of the agent that it was an alcoholic beverage after tasting for the second time the last beverage served to her, the charge of \$1.10 for a drink of ostensible 'orange juice' contrasted to the contemporaneous charge to the agents of 75¢ for a drink of actual orange juice (I am not impressed with the lame explanation by the waiter that he actually served orangeade without advising the person who ordered the drink that it was not what was ordered), and most forcefully, the chemist's testimony that the drink taken from Marie was actually orange juice and vodka with an alcoholic content of 4.5 per cent.

"On the negative side there is the testimony at the hearing of Marie, her escort and the waiter that only orange juice was served to and consumed by her. This is contrary to the statements attributed to them at the accusation and confrontation on the night in question. The minor and her escort attempt to explain away any statement they may have made that alcoholic beverages were served to her or any words or actions on their part which may be construed to that effect, by claiming that they were distraught and anxious to leave and they would say anything in order to be permitted to leave. While their anxiety to leave is understandable, it is difficult to believe that they would deliberately tell a lie on that account, especially since, so far as appears, they are of good character.

"I am, therefore, of the opinion the preponderance of believable evidence establishes the guilt of defendant of the charge and recommend a finding to that effect.

"Defendant has a prior adjudicated record. Effective July 1, 1957 its license was suspended for fifteen days by the Director for permitting objectionable entertainment on its licensed premises. Bulletin 1181, Item 7. I recommend that defendant's license be suspended for a period of twenty days for the violation herein, Re Silverstein, Bulletin 1249, Item 5, to which five days should be added for the dissimilar violation within five years, making a total suspension of twenty-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 findings and conclusions of the Hearer and adopt his recommendation.

The file discloses that the defendant's business is not being conducted at present because the licensed building was recently destroyed by fire. Thus, no effective penalty can be imposed at this time. The effective time and date of the suspension therefore will be fixed by further order which will be entered by me after the licensed premises shall have reopened for business.

Accordingly, it is, on this 16th day of February, 1959,

ORDERED that Plenary Retail Consumption License C-4, for the 1958-59 licensing year, issued by the Township Committee of the Township of South Hackensack to Entertainment Enterprises, Inc., t/a New Stage Coach Inn, for premises on Route #46 and Sprofera Street, South Hackensack, be and the same is hereby suspended for twenty-five (25) days, the effective time and date to be fixed by subsequent order as aforesaid.

WILLIAM HOWE DAVIS
Director.

6. AUTOMATIC SUSPENSION - SALES TO MINORS - EFFECT OF SUSPENSION STAYED PENDING ACTION BY LOCAL ISSUING AUTHORITY IN DISCIPLINARY PROCEEDINGS.

Auto. Susp. #163)
 In the Matter of a Petition to Lift)
 the Automatic Suspension of Plenary)
 Retail Distribution License D-6,)
 issued by the Board of Commissioners)
 of the Township of Lyndhurst to)
 LEON & DOROTHY HOCHHEISER)
 t/a HOCKY'S LIQUORS)
 11 Ridge Road)
 Lyndhurst, N. J.)

ON PETITION
O R D E R

Dante DePamphilis, Esq., Attorney for Petitioners.

BY THE DIRECTOR:

The petition of Leon Hochheiser herein discloses that on January 27, 1959, Leon Hochheiser was fined the sum of \$50.00 and costs after he had pleaded non vult in the Municipal Court of the Township of Lyndhurst to a charge of selling alcoholic beverages to two minors. Such conviction resulted in the automatic suspension of the license held by Leon & Dorothy Hochheiser. R. S. 33:1-31.1. Because the Division was informed that licensees intended to apply for a stay of said suspension, the license has not yet been picked up.

It appears that the Board of Commissioners of the Township of Lyndhurst has instituted disciplinary proceedings against the licensees for the same sale and that the hearing therein is scheduled to be held on March 2, 1959. In fairness to the licensees, the automatic suspension of their license will be stayed pending the entry of a further order herein. Cf. Re Faessler, Bulletin 920, Item 15.

If the local issuing authority dismisses the charge in the disciplinary proceedings or imposes a suspension in said proceedings, a supplemental petition to lift the automatic suspension may be filed with me.

Accordingly, it is, on this 6th day of February, 1959,

ORDERED that the aforesaid automatic suspension be stayed pending the entry of a further order herein.

WILLIAM HOWE DAVIS
Director.

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

In the Matter of Disciplinary Proceedings against)

THOMAS DIGIACOMO & ANGELO GRANDE)
28 Bloomfield Ave.)
Newark 4, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-281, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)
-----)

Defendant-licensees, by Angelo Grande, A Partner. William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they possessed on their licensed premises bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

On January 16, 1959, an ABC agent, making a routine inspection of defendants' open stock of alcoholic beverages, seized three quart-bottles of Seagram's Seven Crown American Blended Whiskey which Angelo Grande admitted he had refilled with whiskey of another brand. The chemist's report discloses that such is the actual fact in that the solids and acid content of the seized whiskey differ from the contents of genuine bottles of such brand.

Defendants have no prior adjudicated record for any similar or dissimilar violation within the past ten years. I shall suspend defendants' license for twenty days (the minimum suspension for a "refill" case involving three bottles). Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days. Re Pawlus, Bulletin 1104, Item 7.

Accordingly, it is, on this 16th day of February, 1959,

ORDERED that Plenary Retail Consumption License C-281, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Thomas DiGiacomo & Angelo Grande, for premises 28 Bloomfield Avenue, Newark, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Monday, February 23, 1959, and terminating at 2:00 a.m. Tuesday, March 10, 1959.

WILLIAM HOWE DAVIS
Director.

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

In the Matter of Disciplinary Proceedings against)

FRED P. ANDOLI & MARY M. ANDOLI t/a FRED'S TAVERN 337 E. Blackwell Street Dover, N. J.,)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-12, issued by the Mayor and Board of Aldermen of the Town of Dover.)

Fred P. Andoli & Mary M. Andoli, Defendant-licensees, Pro se. Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they sold, served and delivered alcoholic beverages to a minor, in violation of Rule 1 of State Regulation No. 20.

It appears from the reports herein that ABC agents, acting upon information transmitted to this Division by the Denville Police Department, obtained a signed, sworn, written statement from Robert --- (age 18) wherein he states that on December 27, 1958, he and three companions rode to the vicinity of defendants' licensed premises which he alone entered, and that he purchased a pint of whiskey, a pint of wine and four quarts of beer from Fred P. Andoli (a co-licensee) who required no written proof of his age; that he left with the merchandise and brought the same into the car; that for a period of six months prior to December 27 aforesaid he had been served alcoholic beverages on the licensed premises by Mr. Andoli and at no time did Mr. Andoli question or require him to produce any written proof of his age.

Fred Andoli gave a signed, sworn statement admitting that on December 27 aforesaid he sold Robert the aforementioned alcoholic beverages; that at the time of this sale he did not require any proof from Robert of his age, and that a few months ago, at his request, Robert displayed a driver's license (apparently indicating he was an adult). The licensee, however, failed to obtain a written representation from Robert that he was of legal age as required by R. S. 33:1-77.

Defendants have no prior adjudicated record. I shall suspend their license for fifteen days (the minimum penalty for sale of alcoholic beverages to an 18-year-old minor). Re Picardo, Bulletin 1261, Item 10. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 11th day of February, 1959,

ORDERED that Plenary Retail Consumption License C-12, issued by the Mayor and Board of Aldermen of the Town of Dover to Fred P. Andoli & Mary M. Andoli, t/a Fred's Tavern, for premises 337 E. Blackwell Street, Dover, be and the same is hereby suspended for ten (10) days, commencing at 1:00 a.m. Tuesday, February 24, 1959, and terminating at 1:00 a.m. Friday, March 6, 1959.

WILLIAM HOWE DAVIS
Director.

9. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

GEORGE & EVELYN FORSTER
t/a GEORGE'S CLUB "20"
20 Bridge Street
Hackensack, N. J.,

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-2, issued by the City Council of the City of Hackensack.

James E. Abrams, Esq., Attorney for Defendant-licensees.
Dora P. Rothschild, appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that on Sunday, November 2, 1958, they permitted the removal from their licensed premises of an opened pint bottle of Calvert Reserve American Blended Whiskey, in violation of Rule 1 of State Regulation No. 38.

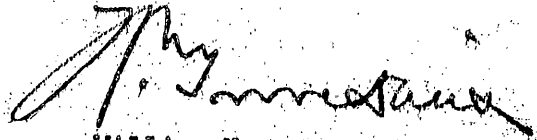
On Sunday, November 2, 1958, at about 12:05 p.m., an ABC agent was in defendants' licensed premises and purchased a pint bottle of Calvert Reserve American Blended Whiskey for \$3.25 for off-premises consumption from James Forster, bartender in attendance. After breaking its seal, the bartender handed said pint bottle of whiskey to the agent and accepted \$3.25 in payment thereof. The agent left the premises with the alcoholic beverage and immediately re-entered the same with another agent. Both agents identified themselves to George Forster, one of the licensees, and the aforesaid James Forster who admitted making said sale and breaking the seal.

The defendants have a prior adjudicated record. The local issuing authority twice suspended defendants' license to wit: effective July 18, 1953, for twelve days for sale of alcoholic beverages to a minor and effective March 19, 1957, for seven days for (a) permitting a brawl on the licensed premises, (b) permitting licensed place of business to become a nuisance, (c) employing a disqualified person on the licensed premises and (d) permitting a person of ill repute on licensed premises.

Since one of the prior dissimilar violations occurred more than five years ago it will not be considered in fixing the penalty herein. Re Trenz, Bulletin 1221, Item 3. The minimum suspension for the violation herein is fifteen days (Re Marech's Tavern (a corp.), Bulletin 1205, Item 4), to which five days will be added because of the prior dissimilar violation which occurred within a five-year period. Re Coleman, Bulletin 1239, Item 10. I shall suspend defendants' license for twenty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 16th day of February, 1959,

ORDERED that Plenary Retail Consumption License C-2, issued by the City Council of the City of Hackensack to George and Evelyn Forster, t/a George's Club "20", for premises 20 Bridge Street, Hackensack, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Tuesday, February 24, 1959 and terminating at 2:00 a.m. Wednesday, March 11, 1959.



William Howe Davis
Director