

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark, N.J. 07102

Deputy Director Saum

BULLETIN 1718

March 8, 1967

TABLE OF CONTENTS

ITEM

1. DISCIPLINARY PROCEEDINGS (Paterson) - PROCUREMENT FOR PROSTITUTION - FALSE STATEMENT IN LICENSE APPLICATION - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 225 DAYS.
2. DISCIPLINARY PROCEEDINGS (Newark) - SOLICITATION FOR PROSTITUTION - PRIOR SIMILAR RECORD - AGGRAVATING CIRCUMSTANCE - LICENSE SUSPENDED FOR 210 DAYS, LESS 5 FOR PLEA.
3. DISCIPLINARY PROCEEDINGS (Atlantic City) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - HINDERING INVESTIGATION - AGGRAVATING CIRCUMSTANCE - LICENSE SUSPENDED FOR 80 DAYS, LESS 5 FOR PLEA.
4. DISCIPLINARY PROCEEDINGS (Bloomfield) - SALE TO A MINOR - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
5. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1966 THROUGH DECEMBER 31, 1966.
6. DISCIPLINARY PROCEEDINGS - (Passaic) - SALE DURING PROHIBITED HOURS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD OF PREDECESSOR IN INTEREST EMPLOYED AS MANAGER - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (Bayonne) - ALCOHOLIC BEVERAGES - NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (Newark) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
9. STATE LICENSES - NEW APPLICATION FILED.

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark, N.J. 07102

BULLETIN 1718

March 8, 1967

1. DISCIPLINARY PROCEEDINGS - PROCUREMENT FOR PROSTITUTION - FALSE STATEMENT IN LICENSE APPLICATION - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 225 DAYS.

In the Matter of Disciplinary Proceedings against

TINY'S BAR & GRILL, INC.
185 Paterson Street
Paterson, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-313, issued by the Board of Alcoholic Beverage Control for the City of Paterson.

DeRose and Serratelli, Esqs., by Ralph C. DeRose, Esq.,
Attorneys for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the first charge and non vult to the second charge as follows:

"1. On Thursday night March 24 and early Friday morning March 25, 1966, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., in that you, through an officer, director and shareholder of your corporation while acting as bartender on your licensed premises, made offers to male patrons and customers thereon to procure a female to engage in acts of illicit sexual intercourse with them and in furtherance of that offer made arrangements with a female and procured her to engage in acts of illicit sexual intercourse with patrons and customers, as aforesaid; in violation of Rule 5 of State Regulation No. 20.

"2. In your application filed with the Board of Alcoholic Beverage Control for the City of Paterson and upon which you obtained your current plenary retail consumption license, you failed to disclose in answer to Question No. 41 therein or elsewhere in said application that plenary retail consumption license held by you for the 1962-63 period for these same premises had been suspended by the Director of the Division of Alcoholic Beverage Control on appeal from action of the aforementioned Board for thirty (30) days, effective May 7, 1963, for a violation of Rule 5 of State Regulation No. 20 (brawl, act of violence or disturbance on the licensed premises); such evasion and suppression being in violation of R.S. 33:1-25."

The factual setting for the Division's case was developed through the testimony of four ABC agents following an investigation initiated upon a specific assignment to investigate alleged prostitution by female patrons at the licensed premises.

Two ABC Agents, C and D, visited the licensed premises on March 24, 1966 and the early morning of March 25, 1966. Arriving at the premises on March 24 at 10:35 p.m., they seated themselves separately at the bar and observed that there were two male patrons who remained in the premises during the entire evening. The bartender (referred to as Tiny) was later identified as Albert Nassaney, principal officer of the corporate licensee, holding 98% of its stock. Noting that there was no increase in the patronage, the agents engaged Tiny in a conversation, during which they inquired as to why their business appeared to be so slow. Tiny informed them that the "local police were on his back and they were chasing all the girls out of town." Tiny also related an incident on the date before when he had gone to New York and "picked up a girl."

At 11:45 p.m. the agents started to depart and, at that point, Tiny asked why they were leaving. Agent C then stated that there was no "action in here, we are going to look for some girls", whereupon Tiny stated, "Well, if it's girls you want, you want to get laid, I have a nice broad lined up. She's a real doll; [she charges] twenty dollars a throw but she's a living doll." The agents then told him that they wanted to think about it, that they wanted to go out to have something to eat, but that they would return. Tiny told them that, if they decided to take him up on his offer, he would "call up the girl."

Agents C and D then left the tavern and, by prearrangement, met two other agents, Co and G, at approximately 11:50 p.m. in a nearby coffee shop where they received two ten-dollar marked bills, the serial numbers of which had been previously recorded. Agents C and D thereupon returned to the licensed premises.

Immediately upon their re-entry, Tiny said "Well, do you guys want to go and get laid or what?" There was some discussion as to the price that this girl would charge. Tiny informed the agents that she would insist upon \$20 each from each person. Tiny then went to the cash register and took from its change-tray a slip of paper, went to the rear of the premises to a phone booth and made a telephone call. Emerging therefrom a few minutes later, he returned the slip of paper to the register, then informed the agents that he had made arrangements with this prostitute for the agents to have sexual intercourse with her. However, he informed them that only one of them was to go to the prostitute's apartment at a time because she did not want the two men at the apartment at once.

Tiny then took a white slip of paper from the back of the bar and wrote thereon the name and address of her apartment as well as the phone number of the licensed premises. He told them that the girl's name was "Lucky" and informed them of her specific apartment number, but he didn't put it on the slip "in case you get lost. Her name is Lucky and her apartment number is 4B which I didn't put down on the slip in case you should lose this slip." Tiny further stated that the reason he put the telephone number of the licensed premises on the slip was that, in the event the agent could not find the apartment, he could then phone him for more specific directions.

The agents testified that, while they had been given the name Lucky as one of the prostitutes who allegedly frequented these premises, they did not know her exact name or her address and, indeed, had never met her before.

Taking the slip handed to him by Tiny, Agent C left the premises while Agent D remained therein. Shortly thereafter Agent C contacted Agents Co and G. They proceeded to the apartment building in the company of Sergeant John Docherty of the Paterson Police Department. Arriving at the building at 12:45 a.m., Agent C proceeded to the specific apartment of this prostitute and she admitted him. She said to him, "I guess you're Tiny's friend. My name is Lucky. What's yours?" After some brief conversation, he handed her the two marked ten-dollar bills which she placed on the bureau-dresser and she thereupon completely disrobed.

Within a few minutes thereafter Sergeant Docherty and the other two agents entered the apartment, found this prostitute on the bed and the two ten-dollar bills on the bureau-dresser. After comparing the bills and ascertaining that they were the same bills previously given to Agent C, Lucky was taken to police headquarters and the agents, accompanied by the police officer, then returned to the licensed premises at approximately 1:25 a.m. At that time they found that Agent D was in the premises and they immediately identified themselves to Tiny and questioned him about this alleged procurement of the said prostitute. They showed him the slip with his handwriting on it, containing the address of the prostitute and the phone number of the licensed premises. Confronted with this evidence, Tiny protested, "I don't know nothing. I will just deny everything."

Agent D corroborated the testimony of Agent C and testified that, between the time that his fellow officer left the tavern and returned, he engaged in general conversation with Tiny but did not speak specifically about this prostitute. On cross examination he denied either knowing the prostitute or being engaged in any construction enterprise with Tiny at any time prior to this investigation.

When the agents re-entered the tavern after the incident hereinabove referred to and after identifying themselves to Tiny, they proceeded to the cash register and, at their request, Tiny opened the said register. Under the change-tray they found the white slip of paper which contained the name "Lucky" and her telephone number. Tiny continued to deny any knowledge of the incident, saying "he don't know nothing, he is not saying anything, he denied it."

Agents Co and G corroborated Agent C's testimony with respect to his actions after he emerged from the tavern for the purpose of keeping the appointment with Lucky. Agent C stated that, when the officers re-entered the tavern, Tiny not only denied making arrangements but even denied any knowledge of Lucky.

The copy of the application of the licensee, the slips of paper, and the photograph of Lucky were identified and admitted into evidence.

Albert Nassaney, also known as Tiny, testifying on behalf of the licensee, gave the following account: He arrived at work as a bartender at these premises at approximately 10:30 that evening and at that time there were two or three patrons in

the premises. He noted that the Agents, C and D, entered the premises and he recognized Agent D as a friend and patron who engaged him in conversation about "construction." Tiny asked him whether he was still putting up sidings and also asked him where he was working. He explained that the reason he talked to him about the siding business was that they had conversation on this general subject on previous occasions when Agent D had visited this tavern. Agent C then asked him, "Where is the broads?" and he replied, "Ask your friend Dom as to what's going on in Paterson." Agent D then asked him where Lucky was, and he stated "She moved back to Paterson ... she told me not to tell anybody unless I got her permission." Agent D thereupon asked him to get permission from Lucky and to telephone her. Tiny then went to the phone and spoke to Lucky and obtained permission from her. He thereupon wrote her address on the slip of paper and, at the specific request of Agent D, put the telephone number of the licensed premises on this slip. However, he emphatically denied that he called Lucky for the purpose of having her for relations with either of these officers.

On cross examination he was questioned closely about his prior contact with Agent D. He insisted that he had worked with him on "construction" although he had now been out of the construction business for about nine years; "I would work on the same development, or the same housing, whatever we were working on, and whichever area I was in." Further questioning revealed that he could not pinpoint exactly on what construction jobs he had worked with Agent D, in what counties or cities they had worked together, or even during what period of time. However, he was certain that Agent D was the man who lived in Lodi, and who was engaged in the siding business with him on the same construction jobs.

He was then interrogated about the reason why business was so slow. He denied saying that the local police were chasing the girls out of town. He further insisted that it was the agent who brought up the name of Lucky and it was at the agents' request that he telephoned this prostitute, although he did not know her as a prostitute but merely as a patron of his premises. Further inquiry about the slip in the cash register with Lucky's name and phone number elicited the response that Lucky was in fact a girl friend of his cousin and Lucky gave him the slip six weeks or two months prior to this date with instructions that he give it to his cousin. He explained that the reason he did not give it to his cousin up to this time was that his cousin simply hadn't come around to the tavern.

He then admitted that he spoke to Lucky and told her that there was a "Dom from Lodi, he wants to come up to see you" and, when she consented, he told the officers that it was all right for them to visit her. However, he denied knowing why the agent wanted to go up to the apartment.

Further, he was asked why he gave the slip of paper with Lucky's address to Agent C when he received permission only for Agent D to visit the apartment. His answer: "I took it for granted that Dom and Lucky are friends just like I take it that Dom and myself were friends from the, from the trade." Finally, he admitted that he could not say positively that Agent D was in fact the person who worked with him on construction, and he was asked the following question on recross examination: "But whether or not he is the man who worked with you nine, ten or twelve years ago, you aren't sure, or are you sure?" Answer: "No, I am not sure."

David Morrison testified that he was a patron on the evening of March 24, 1966 and arrived there at approximately 11:05 p.m. There was one other patron at the bar at the time of his arrival and until he left. He noted that two other persons came in, presumably the ABC agents, and they were dressed in work clothes, but he was unable to identify them in the hearing room. He remembers Tiny being asked about the reason for the absence of women in the tavern, and Tiny replied, "Ask your friend there. He knows what our mayor is doing, more or less, cleaning up the town." This witness denied hearing any conversation prior to his departure at 11:45 p.m., about any conversation with regard to "obtaining a girl" or with regard to Lucky. Of course, he was not present when the agents re-entered the tavern and could not testify as to what transpired thereafter.

Joseph J. Garrey testified that he entered the tavern at 7:30 p.m. and remained there until closing time, 2 a.m. He was drinking port wine, but denied that he was actually drunk. He did overhear one of the agents ask Tiny about a certain girl, specifically whether she was in town and what her address was, and Tiny said "I can't give it to you or nobody else unless she gives me permission to give it to you." He pinpointed the time of this conversation at 11:20 or 11:25 p.m. He also heard some reference to Lucky but did not hear any reference to "price, money or anything like that."

Louis Del Vecchio testified that he arrived "somewhere around midnight" on March 24, 1966, and remembers that four ABC investigators entered the tavern and "took over." They asked Tiny to get something out of the cash register, but there was no conversation with respect to any women or girls. On cross examination he stated that he never saw Agents C and D seated together at the bar, nor does he know what transpired until after the four agents returned later in the evening.

Agent D, testifying in rebuttal, specifically refuted certain parts of the testimony of Nassaney in the following respects: denied that he ever lived in Lodi; he never asked Tiny to call Lucky or to get her permission to give him her address or make a date for Agent C; he never engaged in any conversation relating to siding or construction -- in fact, he asserted that he had never been engaged or worked on any kind of building construction work. He further denied that he requested Tiny to put the telephone number of the licensed premises on the slip of paper but that in fact this was done by Tiny at his own instance. He also stated that the name Lucky was given to him by his superior as part of his specific assignment but that he did not know her name and had never met her. He finally added that he was in fact dressed in dress sport clothing and not work clothes.

Agent C, called in rebuttal, denied ever referring to his associate as Dom, nor was Agent D introduced as such. He further added that he did not recall whether any of the witnesses testifying on behalf of the licensee was present at the said premises on the date alleged herein.

Before analyzing the testimony it might be well to state the general principles which guide us in the determination of these matters. These proceedings are civil in nature and require proof by a preponderance of the credible evidence. Kravis v. Hock, 135 N.J.L. 259 (Sup.Ct. 1947); Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373 (1956);

Atkinson v. Parsekian, 37 N.J. 143, 149 (1962). The finding must be based on competent legal evidence and must be "grounded on a reasonable certainty as to probabilities arising from a fair consideration of the evidence, and cannot be predicated upon a mere probability" The finding "cannot be based on evidence which is inherently incredible or opposed to ... common knowledge and experience." 32A C.J.S. § 1042. "The trier of the facts may reject in toto the testimony of a witness who has given inconsistent or contradictory testimony, or may accept his testimony and reconcile the apparent contradictions, or may accept the testimony in part and reject it in part." 98 C.J.S. p. 342.

I have carefully evaluated the testimony herein both on behalf of the Division and on behalf of the licensee, and have had an opportunity to observe the demeanor of the witnesses as they appeared before me. A study of the entire record gives rise to the inescapable conclusion that this charge has been amply supported by the credible and forthright testimony of the agents.

Rule 5 of State Regulation No. 20 provides as follows:

"No licensee shall allow, permit or suffer in or upon the licensed premises any lewdness, immoral activity, or foul, filthy or obscene language or conduct, or any brawl, act of violence, disturbance or unnecessary noise; nor shall any licensee allow, permit or suffer the licensed place of business to be conducted in such manner as to become a nuisance."

It is indisputable that Tiny (principal officer and stockholder of the corporate licensee) telephoned Lucky (the prostitute) voluntarily after obtaining her number from a slip which he had in his possession in the cash register on the premises. It is further undenied that, after the conversation with her, Tiny wrote on another slip of paper the address of Lucky as well as the telephone number of his premises and handed the same to the ABC agents. It is equally indisputable that, pursuant to such action on the part of Tiny, ABC Agent C went to Lucky's apartment, verified the fact that she had been set up by Tiny and was prepared to have sexual intercourse with the agent after receiving marked money from him. This in essence is the nub of the charge and almost all of the other testimony bears upon the credibility of the witnesses.

My study of the testimony and my analysis of its credibility in the light of reasonableness and common experience satisfy me that the ABC agents' testimony portrays a true picture of what transpired at the place and date in question. On the other hand, I have been decidedly unimpressed with the credibility and integrity of the licensee's witnesses, particularly that of Tiny. Here we have a situation where business at these premises is apparently at a standstill, and the ABC agents testified that during the entire evening there were only two patrons in the premises. They further state that Tiny explained that there was pressure on the part of the local police to keep prostitutes out of licensed premises. Tiny blandly denies that such conversation took place, although his own witness Del Vecchio related a conversation in which "we were discussing the local police's behavior towards the tavern owners and the girls that go into these places."

Tiny's testimony gives the impression that he has adopted an open season on the facts. For instance, he

explains that the reason he called Lucky for Agent D was that he was doing a favor for this agent who was a friend of his and had worked with him on construction jobs some nine or more years ago and had visited the tavern frequently thereafter. When pressed on cross examination, lo and behold, it develops that he was no longer sure that this agent was in fact the person who had worked with him on these construction jobs. One senses that Tiny appeared quite anxious to recant that version. Further, his explanation that he did call Lucky to get her permission pursuant to her specific instructions to him seems incredible and transparent because, while he ostensibly obtained permission for Agent D, the "friend" of Lucky, he had no hesitancy in having Agent C go to Lucky's apartment even though it is obvious that Agent C was no friend of Lucky and indeed did not even know her. His further explanation that the slip containing Lucky's name and address in the cash register was kept there for his cousin bears little semblance to the truth in view of his admission that it had been there for several months, and his complete denials to the officers upon confrontation.

I am persuaded that, because of the lack of business and the attendant problems generated thereby that Tiny was anxious to engage in the procurement of this female in the interests of the licensee.

The licensee's other witnesses are of little help in support of its defense. Morrison departed the premises before the agents returned after they first left to obtain something to eat. Del Vecchio seemed to witness only the final confrontation when the four ABC agents returned to the premises after the episode with the prostitute so that he was unable to testify with respect to the incident of alleged procurement. Garrey heard only some reference by the agents to Lucky who he said tried to have Tiny call her "or get her on the phone or get her address for me, I would like to take care of my buddy. That was the conversation." He could shed no further light on any of the details involved herein.

I therefore conclude, on the basis of the overwhelming evidence, that the principal officer of the corporate licensee Nassaney (known as Tiny) made offers to the agents on the licensed premises to procure, and did in fact procure, a female and made arrangements for acts of illicit sexual intercourse.

The attorney for the licensee, however, argued in oral summation at the conclusion of the hearing that there was no procurement and "in the alternative, if this girl was in fact called by Tiny, it was at the instigation of [Agents C and D] in this case, and it was in their mind that grew the idea of getting a girl." Thus he submits that the licensee was the victim of entrapment. This argument is wholly unsubstantiated by any of the testimony, and completely lacks any factual support. I have found no evidence from which it could be reasonably inferred that the ABC agents practiced any trickery, persuasion or fraud in order to induce the bartender to call this prostitute or to entrap him in so doing. I am further convinced that Tiny acted on his own initiative in making such arrangements. In State v. Rosenberg, 37 N.J. Super. 197, the court adopted the definition of entrapment in Sorrels v. United States, 287 U.S. 435, 53 Sup.Ct. 210:

"Generally, it may be said that where a police officer 'envisages a crime, plans it, and activates its commission by one not theretofore intending its perpetration' for the purpose of providing a victim

for prosecution, the defense is available. *** However, a distinction must be recognized between the situation where the criminal intent or design originates in the mind of the officer for the purpose of luring or entrapping the accused into commission of the offense which otherwise he would not have committed, and where such intent has its inception in the mind of the accused and the officer acting in good faith in the pursuit of his duties merely furnishes opportunities or facilities for, or aids or encourages the accused in the commission of the offense." (37 N.J. Super., at p. 204)

The agents acted in good faith in pursuit of their duties and merely furnished the opportunity for the commission of this offense. Re Lemongelli, Bulletin 1580, Item 4; Re Highlander Hotel Corp., Bulletin 1475, Item 1, aff'd Highlander Hotel Corp. v. Div. of Alcoholic Beverage Control (not officially reported, reprinted in Bulletin 1533, Item 1).

The Division has proved its case by a fair preponderance of the credible evidence and, indeed, by substantial evidence. I therefore recommend that the licensee be found guilty of the first charge.

With respect to the second charge, it is only necessary to say that the facts in support of that charge are adequately set forth in the charge itself. In pleading non vult to this charge the attorney for the licensee urges mitigation in the penalty on the ground that such omission was an oversight. This stated reason lacks dramatic or compelling warrant for mitigation of penalty herein.

Licensee has a prior adjudicated record. Effective May 7, 1963 license was suspended by the Director, on appeal from the action of the local Board, for thirty days on a brawl charge. Tiny's Bar & Grill, Inc. v. Paterson, Bulletin 1515, Item 4. In addition, when the license was held by Charles Nassaney, a one per cent. shareholder of this corporation, license was then suspended twice by the Director as follows: (1) for twenty-five days effective October 5, 1959, for sales to minors (Re Nassaney, Bulletin 1305, Item 2), (2) for thirty days effective January 19, 1960, on a fraud and front charge, viz., in concealing that Albert Nassaney, now a ninety-eight per cent. shareholder in the corporation, was the real owner (Re Nassaney, Bulletin 1324, Item 2).

It is further recommended that, under the facts and circumstances of this case, the license be suspended for two hundred ten days on the first charge (Re Club Delite, Inc., Bulletin 1675, Item 1) and ten days on the second charge (Re Duffy's Tavern, Bulletin 1679, Item 4), to which should be added five days by reason of the record of suspension of the license for dissimilar violation in 1963, within the past five years (Re Moore, Bulletin 1659, Item 4), or a total of two hundred twenty-five days.

Conclusions and Order

Exceptions to the Hearer's report with supporting argument were filed by the attorney for the licensee pursuant to Rule 6 of State Regulation No. 16.

Having carefully considered the entire record herein,

including the transcript of the testimony, the Hearer's report and the exceptions which I find to be without substantial merit, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is on this 5th day of January 1967,

ORDERED that Plenary Retail Consumption License C-313, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Tiny's Bar & Grill, Inc. for premises 185 Paterson Street, Paterson, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1967, commencing at 3:00 a.m. Thursday, January 12, 1967; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 3:00 a.m. Friday, August 25, 1967.

JOSEPH P. LORDI
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - SOLICITATION FOR PROSTITUTION - PRIOR SIMILAR RECORD - AGGRAVATING CIRCUMSTANCE - LICENSE SUSPENDED FOR 210 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

O. K. CORRAL, INC.)
146 Mulberry Street)
Newark, New Jersey)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-628, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

Samuel Raffaello, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge as follows:

"On Friday night April 15 and early Saturday morning April 16, 1966, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., solicitation for prostitution and the making of overtures and arrangements for acts of illicit sexual intercourse; in violation of Rule 5 of State Regulation No. 20."

Licensee has a previous record of suspension of license by the Director for sixty days effective January 17, 1966 (terminating March 18, 1966) for similar violation. Re O. K. Corral, Inc., Bulletin 1660, Item 5.

The minimum penalty for an unaggravated first offense of this kind now is suspension of license for ninety days. Re Your Girls, Inc., Bulletin 1713, Item 2. For an unaggravated second offense within five years, the first-offense penalty is

doubled, i.e., to one hundred eighty days. Cf. Re Manruff Corp., Bulletin 1691, Item 1; Re Bernstein, Bulletin 1677, Item 2. However, in view of the occurrence of the instant offense in close proximity to the termination of the suspension for the previous similar offense, I deem the violation aggravated and will increase the penalty by thirty days (cf. Re McDermott, Bulletin 1692, Item 6; Re Scheltz, Bulletin 1690, Item 4), viz., to two hundred ten days, with remission of five days for the plea entered, leaving a net suspension of two hundred five days.

In addition, the licensee is pointedly warned that any future similar violation may be considered as evidencing a callous disregard for the applicable regulation and therefore warranting revocation of the license.

Accordingly, it is, on this 4th day of January 1967,

ORDERED that Plenary Retail Consumption License C-628, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to O.K. Corral, Inc., for premises 146 Mulberry Street, Newark, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1967, commencing at 2 a.m. Wednesday, January 11, 1967; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2 a.m. Friday, August 4, 1967.

JOSEPH P. LORDI
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - HINDERING INVESTIGATION - AGGRAVATING CIRCUMSTANCE - LICENSE SUSPENDED FOR 80 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

A. C. & Son, Inc.)
t/a Big C's High Hat Bar & Lounge)
1317 Arctic Avenue)
Atlantic City, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-80, issued by the Board of Commissioners of the City of Atlantic City.)

Thomas E. Durkin, Jr., Esq., Attorney for Licensee.
David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on June 15, 1966, it (1) possessed alcoholic beverages in sixteen bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20, and (2) hindered investigation by Division agents, in violation of R.S. 33:1-35.

With respect to the second charge, reports disclose that during the investigation, Austin C. Johnson, president of the licensee corporation, attempted to place in the jacket pocket of one of the agents several bills, one of which was a

\$20 bill, allegedly for meal expense money.

Absent prior record, the license will be suspended on the first charge for fifty days (Re Novelty Inn, Bulletin 1473, Item 3) and on the second charge, which I consider aggravated, for thirty days (cf. Re Tropical Gardens, Inc., Bulletin 1684, Item 3) or a total of eighty days, with remission of five days for the plea entered, leaving a net suspension of seventy-five days.

Accordingly, it is, on this 5th day of January, 1967,

ORDERED that Plenary Retail Consumption License C-80, issued by the Board of Commissioners of the City of Atlantic City to A. C. & Son, Inc., t/a Big C's High Hat Bar & Lounge, for premises 1317 Arctic Avenue, Atlantic City, be and the same is hereby suspended for seventy-five (75) days, commencing at 7:00 a.m. Thursday, January 12, 1967, and terminating at 7:00 a.m. Tuesday, March 28, 1967.

JOSEPH P. LORDI
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

STASH'S EVERGREEN CLUB, INC.
2 Montgomery Street
Bloomfield, N. J.

)
) CONCLUSIONS
) AND ORDER
)
)

Holder of Plenary Retail Consumption License C-9, issued by the Town Council of the Town of Bloomfield.

Licensee, by John R. Kettle, Jr., President, Pro se.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on November 18, 1966, it sold a drink of beer to a minor, age 20, in violation of Rule 1 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 John's Diner & Mabel's Dinette, Inc., Bulletin 1695, Item 15.

Accordingly, it is, on this 9th day of January, 1967,

ORDERED that Plenary Retail Consumption License C-9, issued by the Town Council of the Town of Bloomfield to Stash's Evergreen Club, Inc. for premises 2 Montgomery Street, Bloomfield, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, January 16, 1967, and terminating at 2:00 a.m. Saturday, January 21, 1967.

JOSEPH P. LORDI
DIRECTOR

5. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1966 THROUGH DECEMBER 31, 1966

	1st Quarter July, Aug., Sept.	2nd Quarter Oct., Nov., Dec.	Total
ARRESTS:			
Total number of persons arrested	60	58	118
Licensees and employees	29	31	60
Bootleggers	31	27	58
SEIZURES:			
Motor vehicles - cars	1	1	2
Still - 50 gallons or under	3	2	5
Alcohol - gallons	32.80	23.50	56.30
Mash - gallons	400	415	815
Distilled alcoholic beverages - gallons	21.28	27.68	48.96
Wine - gallons	39.82	202.56	242.38
Brewed malt alcoholic beverages - gallons	82.44	206.04	288.48
RETAIL LICENSEES:			
Premises inspected	1,899	2,135	4,034
Premises where alcoholic beverages were gauged	1,558	1,775	3,333
Bottles gauged	25,065	29,668	54,733
Premises where violations were found	232	205	437
Violations found	415	326	741
Unqualified employees	254	178	432
Application copy not available	41	46	87
Other mercantile business	21	30	51
Reg. #38 sign not posted	34	13	47
Prohibited signs	9	9	18
Disposal permit necessary	10	6	16
Improper beer taps	2	-	2
Other violations	44	44	88
STATE LICENSEES:			
Premises inspected	90	56	146
License applications investigated	40	35	75
COMPLAINTS:			
Complaints assigned for investigation	1,097	1,137	2,234
Investigations completed	1,069	990	2,059
Investigations pending	(204)	864	864
LABORATORY:			
Analyses made	232	313	545
Refills from licensed premises - bottles	155	179	334
Bottles from unlicensed premises	6	15	21
IDENTIFICATION:			
Criminal fingerprint identifications made	28	27	55
Persons fingerprinted for non-criminal purposes	1,503	1,105	2,608
Ident. contacts made w/other enforcement agencies	950	759	1,709
DISCIPLINARY PROCEEDINGS:			
Cases transmitted to municipalities	21	19	40
Violations involved	23	22	45
Sale to minors	11	11	22
Sale during prohibited hours	10	9	19
Failure to close prem. during prohibited hours	1	2	3
Single instance of other violations	1	-	1
Cases instituted at Division	59	77*	136*
Violations involved	68	101	169
Possessing liquor not truly labeled	16	19	35
Sale to minors	11	14	25
Sale during prohibited hours	9	14	23
Permitting lottery activity on premises	6	11	17
Beverage Tax Law non-compliance	2	5	7
Fraud in application	2	3	5
Conducting business as a nuisance	2	3	5
Permitting bookmaking on premises	2	3	5
Sale to intoxicated persons	2	2	4
Permitting foul language on premises	3	1	4
Hindering investigation	-	4	4
Permitting immoral activity on premises	1	2	3
Sale outside scope of license	1	2	3
Failure to close prem. during prohibited hours	-	2	2
Permitting hostess activity on premises	-	2	2
Permitting gambling on premises	1	1	2
Unqualified employees	1	1	2
Mislabelled beer taps	1	1	2
Permitting females at bar (local reg.)	-	2	2
Fraud and front	-	2	2
Single instance of other violations	7	6	13

*Includes one cancellation proceeding - license improvidently issued in that licensee not a bona fide club.

	1st Quarter			2nd Quarter			Total
	July,	Aug.,	Sept.	Oct.,	Nov.,	Dec.	
DISCIPLINARY PROCEEDINGS (CONTINUED)							
Cases brought by municipalities on own initiative and reported to Division	58			57			115
Violations involved	73			72			145
Sale to minors	30			33			63
Permitting brawl, etc. on premises	7			7			14
Conducting business as a nuisance	4			5			9
Sale during prohibited hours	4			4			8
Permitting persons of ill repute on premises	6			2			8
Failure to close prem. during prohibited hours	4			3			7
Permitting gambling on premises	3			2			5
Hindering investigation	1			3			4
Permitting lottery activity on premises	1			3			4
Unqualified employees	2			2			4
Permitting immoral activity on premises	3			1			4
Permitting foul language on premises	2			2			4
Permitting bookmaking on premises	2			1			3
Sale to intoxicated persons	-			2			2
Single Instance of other violations	4			3			7
HEARINGS HELD AT DIVISION:							
Total number of hearings held	107			137			244
Appeals	20			20			40
Disciplinary proceedings	53			79			132
Eligibility	31			25			56
Seizures	-			5			5
Tax Revocations	2			5			7
Applications for license	1			3			4
STATE LICENSES AND PERMITS ISSUED:							
Total number issued	5,469			4,933			10,402
Licenses	690			16			706
Solicitors' permits	178			102			280
Employment permits	1,484			1,056			2,540
Disposal permits	185			182			367
Social affair permits	1,364			1,267			2,631
Wine permits	52			760			812
Miscellaneous permits	732			667			1,399
Transit insignia	703			812			1,515
Transit certificates	81			71			152
OFFICE OF AMUSEMENT GAMES CONTROL:							
Licenses issued	19			102			121
State Fair licenses	193			-			193
Premises inspected	1,157			-			1,157
Premises where violations were found	81			-			81
Number of violations found	94			-			94
Enforcement files established	82			2			84
Disciplinary proceedings instituted at Division	3			-			3
Violations involved	4			-			4
Redemption of prize for money	2			-			2
Fraud and front	1			-			1
Failure to file change in application	1			-			1

JOSEPH P. LORDI
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

ated: January 18, 1967

6. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS -
 SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR
 SIMILAR RECORD OF PREDECESSOR IN INTEREST EMPLOYED AS
 MANAGER - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
 Proceedings against)

MRS. ANNA ELEANOR BARON)
 t/a Baron's Tavern)
 96-98 Third Street)
 Passaic, N. J.)

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Consumption)
 License C-4, issued by the Board of)
 Commissioners of the City of Passaic.)

 Daniel T. Hanley, Esq., Attorney for Licensee.
 Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
 Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on
 Sunday, December 11, 1966, she sold a pint bottle of whiskey
 (1) and (2) before 1:00 p.m., in violation of local hours
 regulation, and (3) for off-premises consumption, in violation
 of Rule 1 of State Regulation No. 38.

Although the licensee has no previous record of
 suspension of license, the license then held for the same
 premises by John Joseph Baron (husband of the licensee, apparently
 in charge of the licensed premises and who made the sale in
 question) was suspended by the Director for ten days effective
 November 1, 1965, for sale in violation of State Regulation
 No. 38. Re Baron, Bulletin 1648, Item 5.

The prior record of suspension of license of John
 Joseph Baron for similar violation within the past five years
 considered (Re Coleman, Bulletin 1696, Item 1), the license
 will be suspended for forty days, with remission of five days
 for the plea entered, leaving a net suspension of thirty-five
 days. Re Bernstein, Bulletin 1677, Item 2.

Accordingly, it is, on this 5th day of January, 1967,

ORDERED that Plenary Retail Consumption License C-4,
 issued by the Board of Commissioners of the City of Passaic to
 Mrs. Anna Eleanor Baron, t/a Baron's Tavern, for premises 96-98
 Third Street, Passaic, be and the same is hereby suspended for
 thirty-five (35) days, commencing at 3:00 a.m. Thursday, January
 12, 1967, and terminating at 3:00 a.m. Thursday, February 16,
 1967.

JOSEPH P. LORDI
 DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

PETER NALESNIK AND JOHN OBREMSKI t/a The Hideaway 424 Avenue E Bayonne, N. J.)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-137 issued by the Municipal Council of the City of Bayonne.)

Licensees, Pro se.
Philip Margulies, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on October 11, 1966, they possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Licensee Nalesnik has a previous record of suspension of his license then held individually by the municipal issuing authority for five days effective March 27, 1950, for violation of State Regulation No. 38; and licensees Nalesnik and Obremski in partnership have a record of suspension of license by the municipal issuing authority for twenty days effective April 13, 1958, for violation of State Regulation No. 38 and local hours ordinance.

The prior record of suspensions of license for dissimilar violation occurring more than five years ago disregarded, 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 Sohanchak, Bulletin 1697, Item 10.

Accordingly, it is, on this 9th day of January, 1967,

ORDERED that Plenary Retail Consumption License C-137, issued by the Municipal Council of the City of Bayonne to Peter Nalesnik and John Obremski, t/a The Hideaway, for premises 424 Avenue E, Bayonne, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, January 16, 1967, and terminating at 3:00 a.m. Saturday, January 21, 1967.

JOSEPH P. LORDI
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

THE IN-CROWD LOUNGE, INC.)
306 Orange Street)
Newark, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-215 issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark)

Licensee, by A. Julius Finkelstein, President, Pro se.
Philip Margulies, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 31, 1966, it possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

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 Sohanchak, Bulletin 1697, Item 10.

Accordingly, it is, on this 9th day of January, 1967,

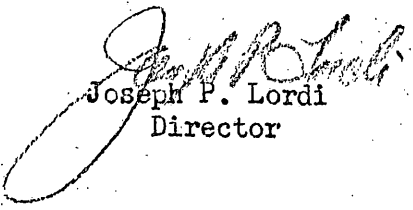
ORDERED that Plenary Retail Consumption License C-215, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to The In-Crowd Lounge, Inc. for premises 306 Orange Street, Newark, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, January 16, 1967, and terminating at 2:00 a.m. Saturday, January 21, 1967.

JOSEPH P. LORDI
DIRECTOR

9. STATE LICENSES - NEW APPLICATION FILED.

J. D. J. Distributors, Inc.
130 Main Avenue
East Paterson, New Jersey

Application filed March 1, 1967 for place-to-place transfer of State Beverage Distributor's license SBD-92 from 126 Main Avenue, East Paterson, New Jersey.


Joseph P. Lordi
Director