

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

September 19, 1957

BULLETIN 1185

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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.

September 19, 1957

BULLETIN 1185

1. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES  
(OBSCENE LANGUAGE) - LOTTERY - LICENSE SUSPENDED FOR 20  
DAYS.

In the Matter of Disciplinary )  
Proceedings against )  
24 HAMILTON ST. CORP. )  
T/a LITTLE CLUB ) CONCLUSIONS  
24 Hamilton Street ) AND ORDER  
Paterson, N. J., )  
Holder of Plenary Retail Consump- )  
tion License C-318, issued by the )  
Board of Alcoholic Beverage Control )  
for the City of Paterson. )

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George S. Grabow, 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:

"The defendant pleaded not guilty to the following charges:

'1. On December 7, 8, 9 and 10, 1956, you allowed, permitted and suffered lewdness and immoral activity and foul, filthy and obscene language and conduct in and upon your licensed premises in that a person introduced as Ray, an entertainer, performed in a lewd, indecent and immoral manner, used foul, filthy and obscene language and sang songs, uttered words and phrases and made gestures and movements having lewd, lascivious, indecent, filthy, disgusting and suggestive import and meaning; in violation of Rule 5 of State Regulation No. 20.

'2. On December 10, 1956, you allowed, permitted and suffered a lottery to be conducted in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20.'

"Four of the Division's agents participated in the investigation leading to the proceedings herein. In the testimony and comments hereinafter set forth the full names of each agent will not be used but, instead, just the first letter of the surname 'G', 'D', 'M' and 'S'.

"It was stipulated by the attorneys herein with reference to charge 2 that during the early morning of December 10, 1956 a number of balloons stationed near the ceiling were released and various female patrons captured some of the balloons which contained a ticket entitling the respective holder thereof to a prize of earrings and a necklace which were on display in the barroom.

"Agent 'G' testified that he visited defendant's licensed premises on 'Friday, December 7, December 7 to the 8th; Sunday morning, December 9; Sunday evening, December 9 into Monday,

December 10th'; that on his first visit on December 7, 1956 Agent 'M' entered the premises at approximately 10:45 p.m. and that he followed him into the premises about five minutes thereafter; that there were 'approximately twenty-five males and females' in the establishment at the time; that Angelo Vella (hereinafter referred to as Vella), President of defendant corporate-licensee, and a man called 'Sal' were tending bar; that at about 11:35 p.m. a three-piece band started to play a song entitled 'Ain't She Sweet' and 'a male arose from the patron side of the bar. He wore a thick layer of makeup on his face and neck, mascara, eyelashes and his eyebrows appeared to be tweezed. He had on a Cuban style shirt, no undershirt'; that the said person was referred to as Ray; that while walking up toward the stage Ray 'swayed his hips from side to side' and that 'he held his hands up to about approximately shoulder level and outward in a feminine manner'; that his wrists were limp and 'he would take his finger and smooth his eyebrows'; that he sang a song entitled 'A Good Man Is Hard to Find' and 'Hot Nuts' and during the singing of the song first mentioned he would leave out certain words and in place thereof would substitute various indecent gestures (the description of which would serve no useful purpose); that when he sang the other song he left the stage and circulated among the patrons and referring to a man against a wall directed an indecent remark toward him; that the patrons 'clapped their hands and laughed'; that at one time as Vella bent over, Ray 'patted him on the buttocks and Angelo turned around and laughed'; that he (Agent 'G') left the defendant's premises at approximately 12:10 a.m.

"Agent 'G' testified that on December 9, 1956 he and Agent 'S' visited defendant's licensed premises; that Agent 'S' entered the premises at 12:20 a.m. and he went into the premises at 12:30 a.m.; that Vella and Sal were tending bar and that the premises contained 'about thirty males and females'; that the band played 'Ain't She Sweet' and Ray left the patrons' side of the bar and attired in a similar fashion proceeded toward the stage performing the same gestures and mannerisms as on the prior occasion; that he sang divers songs included among them being 'Lazy River', 'A Good Man Is Hard To Find', 'Hot Nuts' and 'Handy Man'; that at times he would substitute gestures for words; that at one time during the rendition of 'Handy Man' Ray 'sang "Shake my ashes". At this time while singing "Greased my griddle", he placed his hands on his stomach and rolled his buttocks. He also sang "Churn my butter and stroke my fiddle" and he put his hands in the area of his privates to simulate masturbation'; that he (Agent 'G') spoke to Sal concerning Ray and in answer to the question put to Sal 'Is he (Ray) known as the King of the Queers?' Sal answered 'Yes. He has played the shores and the village'; that he then inquired of Sal if Ray engages in unnatural acts and in response thereto Sal said 'Don't they all?'; that he left the defendant's premises at 2:05 a.m. on December 9th but returned to the vicinity thereof at 11:35 p.m. on the same day at which time he was accompanied by Agents 'M', 'D' and 'S'; that Agent 'S' entered immediately and he followed several minutes later; that Vella was tending bar and Sal was seated at the patrons' side of the bar; that at approximately 12:15 on the morning of December 10th the band played 'Ain't She Sweet' and Ray, attired as on the previous visits, arose from the patrons' side of the bar and swaying 'his hips from side to side' proceeded to the bandstand; that he sang two songs, one entitled 'Check to Check' and during the rendition thereof used the phrase 'We lay in bed cheek to cheek and back to back' and 'turned around and rolled his buttocks toward the crowd'; that at approximately 12:35 a.m.

Agent 'S' left the defendant's premises and at 12:40 a.m. in the company of Agents 'D' and 'M' returned at which time the four agents identified themselves to Vella who refused to make a statement; that Agent 'M' spoke to Ray and the latter said that 'the Division had the wrong interpretation of a female impersonator' because he did not wear female clothes and when Agent 'S' spoke to him, Ray said that 'he had beaten this Division once and he could beat them again'.

"It was stipulated by the respective attorneys representing the parties hereto that Agent 'S' who accompanied Agent 'G' on two visits to defendant's premises on Sunday, December 9th and remained in said premises from 12:20 a.m. until 2:05 a.m. and again visited the premises on the same day arriving there at 11:35 p.m. and remaining until the following morning when the investigation was completed, if called as a witness would testify similar to Agent 'G' concerning the events that occurred in the premises at the times in question.

"Agent 'M' testified that he was in defendant's licensed premises on 'Friday, December 7 into the 8th, December 8th and December 9th into the 10th'. In so far as the visit on December 8th is concerned there is no testimony as to anything that may have occurred on that date. However, as to the other dates, the testimony of Agent 'M' substantially corroborates the events that were recounted by other agents who were present at the particular times.

"The testimony of Agent 'D' is confined to his presence in defendant's premises on the morning of December 10th when he entered defendant's premises with Agents 'S' and 'M' and joined Agent 'G', at which time the agents made known their identity to Vella. Agent 'D' corroborated the testimony of Agent 'M' as to the conversation the latter had with Ray wherein he stated that the Division had the wrong idea of a female impersonator and that he (Ray) beat the Division once and could do it again.

"Vella testified that he is president of defendant corporate-licensee and that Ray had been hired the latter part of October 1956; that he was present on the dates in question and did not observe Ray doing anything improper nor was his walk other than natural; that he never heard Ray make any indecent remarks and Ray had a nose operation which accounted for the fact that 'he had to put on the makeup a little thicker'; that when Agent 'D' accused Ray of being a homosexual he (Vella) said 'I don't know what he does. I wouldn't hire anybody knowingly like that. I don't think Ray is like that'; that he did not believe that the prizes given to those who held numbers found to be inside some of the balloons which were permitted to descend from the ceiling to be exchanged for inexpensive jewelry was a violation of the Alcoholic Beverage Law.

"Ray, the entertainer, testified that on the occasion when he performed he wore 'theatrical type pancake, very dark tan. It's sold in New York and theatrical cosmetic supplies. I was wearing it for two different reasons. One was because I have the strength of the spotlight working so close under it and the other one was like he said, I had just come from a nose operation and my eyes were discolored and you know, all around black eyes, so they call them, and I wore extra amount in order to cover it'; that the drummer announced him and then the band would play different theme songs before each performance and he would proceed to the bandstand in time with the music; that he never made any of the remarks attributed to him by the agents

nor did he perform any of the gestures of which he was accused during his rendition of songs; that he did engage in conversation with Agent 'M' about the meaning of a female impersonator wherein he said to Agent 'M' that the wearing of female clothes was essential.

"Defendant called three other witnesses in its behalf who testified that they were present on December 9th but did not observe Ray during the time he entertained do or say anything which appeared to them to be improper.

"A careful examination of the testimony of the agents presented herein satisfied me that they have given a true and accurate account of the actions and remarks of Ray during his performances in defendant's licensed premises on the dates in question. Despite the testimony of Vella that he had never known Ray before he employed him in October 1956 as an entertainer in his establishment, he was present at the time when Ray performed and surely knew or should have known that such type of entertainment would not be tolerated on licensed premises in this State. I am not impressed by the testimony of Vella or Ray or of the other witnesses who testified that on December 9th they neither heard nor saw anything improper in Ray's performance.

"I recommend that defendant be adjudged guilty of the charges preferred herein.

"Defendant has no prior adjudicated record.

"I recommend that on charge (1) defendant's license be suspended for fifteen days (Re Surf Colony Corp., Bulletin 919, Item 9) and for an additional five days on charge (2), making a total suspension of twenty days."

No exceptions were taken to the Hearer's Report submitted in the matter within the time limited by Rule 6 of State Regulation No. 16. After carefully considering the facts and circumstances appearing herein, I concur in and adopt the findings and recommended conclusions of the Hearer. Hence, I find defendant guilty of the charges preferred herein and shall suspend its license for a period of twenty days.

Accordingly, it is, on this 16th day of July, 1957,

ORDERED that Plenary Retail Consumption License C-318, for the 1957-58 licensing year, issued by the Board of Alcoholic Beverage Control for the City of Paterson to 24 Hamilton St. Corp., t/a Little Club, 24 Hamilton Street, Paterson, be and the same is hereby suspended for a period of twenty (20) days, commencing at 3:00 a.m. July 23, 1957, and terminating at 3:00 a.m. August 12, 1957.

WILLIAM HOWE DAVIS  
Director.

2. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

JOSEPHINE & JOHN CHMIELOWIEC )  
 T/a CHARLIE'S BAR & GRILL )  
 97 North Main Street )  
 Paterson, N. J., )

CONCLUSIONS  
 AND ORDER

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 Holders of Plenary Retail Consumption License C-244 (for the 1956-57 and 1957-58 licensing years), issued by the Board of Alcoholic Beverage Control for the City of Paterson. )

DeFazio, Davidson & DeFazio, Esqs., by Charles DeFazio, Jr., Esq., Attorneys for Defendant-licensees.  
 David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to charges alleging that (1) they sold, during prohibited hours, alcoholic beverages in original containers for off-premises consumption, in violation of Rule 1 of State Regulation No. 38 and (2) they sold, at retail, alcoholic beverages at less than the price thereof listed in the then currently effective Minimum Consumer Resale Price List, in violation of Rule 5 of State Regulation No. 30.

The file herein discloses that at about 10:45 p.m. Friday, May 3, 1957, ABC agents who were in defendants' licensed premises observed the bartender sell three cans of Schaefer beer to a patron for off-premises consumption and accept fifty-five cents in payment therefor. When the patron left the premises with his purchase, one of the agents apprehended him and both returned to the tavern wherein the agents identified themselves and apprised the bartender of the violations. The minimum consumer resale price then in effect for one can of Schaefer beer was nineteen cents and, hence, the minimum price for three cans was fifty-seven cents.

In alleged mitigation the attorney for defendant-licensees states that his clients knew that the minimum price for a pack of six cans is \$1.10 and believed that they had the right to sell three cans for one-half of the pack-price. This, however, is not permissible.

Defendants have no prior adjudicated record. The minimum penalty imposed for the violation set forth in Charge 1 is fifteen days and, ordinarily, the minimum penalty for the violation set forth in Charge 2 is ten days (Re Safeway Stores, Inc., Bulletin 1157, Item 9). However, I have given consideration to the statement of defendants' attorney setting forth mitigating circumstances as to Charge 2 and, hence, I shall suspend defendants' license for five days on said charge instead of ten days usually imposed in cases of this kind, thus 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 15th day of July, 1957,

ORDERED that Plenary Retail Consumption License C-244 (for the 1957-58 licensing year) issued by the Board of Alcoholic Beverage Control for the City of Paterson to Josephine & John Chmielowiec, t/a Charlie's Bar & Grill, for premises 97 North Main Street, Paterson, be and the same is hereby suspended for fifteen (15) days, commencing at 3:00 a.m. July 22, 1957, and terminating at 3:00 a.m. August 6, 1957.

WILLIAM HOWE DAVIS  
Director.

3. DISCIPLINARY PROCEEDINGS - SALE TO WOMEN OVER BAR IN VIOLATION OF LOCAL REGULATION - LEWDNESS AND IMMORAL ACTIVITY (OBSCENE LANGUAGE) - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

CARIDI'S BAR, INCORPORATED )  
T/a PAT'S BAR )  
700 Mt. Vernon Street )  
Camden, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-177 for the 1956-57 licensing year and C-161 for the 1957-58 licensing year, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden. )

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Donald Palese, Esq., Attorney 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 June 1, 1957, you served beverages to women directly over a bar on your licensed premises; in violation of Section 10 of an Ordinance adopted by the Board of Commissioners of the City of Camden on December 27, 1934, as amended by Ordinance adopted September 12, 1935.

"2. On June 1, 1957, 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."

The file herein discloses that on Saturday, June 1, 1957, at about 1:00 a.m., an ABC agent, followed shortly by another, entered defendant's licensed premises where they observed nine patrons (three females and six males) seated at the bar and heard a number of other male patrons freely and loudly use foul, filthy and obscene language. On duty behind the bar were Richard Grayson, bartender, and Katherine Keaton, barmaid. At 1:30 a.m. the agents saw the bartender serve a female patron seated at the bar with a highball. Shortly thereafter two male patrons were heard shouting most vulgar and obscene language across the premises to attract the

attention of some friends. At 1:45 a.m. the barmaid served another female patron at the bar with a mixed drink. At about 2:00 a.m. the agents identified themselves to the bartender and informed him of the aforesaid violations. The bartender stated that he was unable to control the crowd.

The local regulations prohibit the service of alcoholic beverages directly over the bar to females.

Defendant has no prior adjudicated record. I shall suspend its license for five days on Charge 1 (Re Steele Inn, Inc., Bulletin 1028, Item 4) and for an additional ten days on Charge 2 (Re Moskowitz, Bulletin 1127, Item 4), making a total suspension of fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 16th day of July, 1957,

ORDERED that Plenary Retail Consumption License C-161, issued for the 1957-58 licensing year by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Caridi's Bar, Incorporated, t/a Pat's Bar, 700 Mt. Vernon Street, Camden, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. July 23, 1957, and terminating at 2:00 a.m. August 2, 1957.

WILLIAM HOWE DAVIS  
Director.

4. SEIZURE - FORFEITURE PROCEEDINGS - INTERSTATE TRANSPORTATION OF TAX PAID ALCOHOLIC BEVERAGES - DELIVERY THEREOF TO DESTINATION PROHIBITED AS TO PART AND PERMITTED AS TO PART - TRANSPORTER ACTED IN GOOD FAITH - MOTOR VEHICLE AND PART OF ALCOHOLIC BEVERAGES RETURNED - BALANCE OF ALCOHOLIC BEVERAGES FORFEITED.

In the Matter of the Seizure on )	Case No. 9461
April 6, 1957 of a quantity of )	
whiskey and a Pontiac sedan on )	
Route #130 near Hedding Road in )	ON HEARING
the Township of Mansfield, County )	CONCLUSIONS AND ORDER
of Burlington and State of New )	
Jersey. )	

Richard F. Kessler, Esq., Attorney for Frank Copeland.  
Bankers Trust Company, by Albert C. Kluczyk, Assistant  
Collection Manager.

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

BY THE DIRECTOR:

This matter comes before me pursuant to the provisions of Title 33, Chapter 1, Revised Statutes of New Jersey, to determine whether a quantity of tax paid alcoholic beverages, and a Pontiac sedan, described in a schedule attached hereto, seized on April 6, 1957 on Route No. 130 near Hedding Road, Mansfield Township, New Jersey, constitute unlawful property and should be forfeited.

A New Jersey State Trooper halted the motor vehicle on the above date and location during his routine patrol of traffic on the highway. He ascertained that the motor vehicle was being

operated by its registered owner, Frank C. Copeland, a resident of New York City. When the trooper discovered that 48 pint, 23 half-pint, and 10 four-fifth quart bottles of various brands of tax paid whiskey were being transported in the vehicle, and that Copeland did not have in his possession a transportation license or permit issued by the Division authorizing the transportation of such whiskey in New Jersey, he detained Copeland, the motor vehicle and the whiskey pending determination of the source and destination of such whiskey. Thereafter the motor vehicle and whiskey were turned over to ABC agents.

When the matter came on for hearing pursuant to R. S. 33:1-66, Frank C. Copeland appeared and sought return of the motor vehicle and a portion of the whiskey of which he claimed ownership. Four other persons appeared and sought to obtain return of other specific portions of the whiskey. An informal appearance was also entered by Bankers Trust Company, whose representative stated that the bank was not then prepared to present any evidence of its alleged lien on the motor vehicle and, in any event, should not be considered as entering an appearance if Copeland's application for return of the motor vehicle was granted.

Evidence was presented which tends to establish that Copeland purchased all of the alcoholic beverages in Washington, D. C. from a local retailer, for himself and on behalf of the four other persons, and was transporting such alcoholic beverages through this state for delivery in New York City. This type of transportation is governed by Rule 2, State Regulation No. 18, which requires the transporter to have a New Jersey transportation license and insignia on the vehicle, or a special permit issued by the Division, or a waybill or other document containing pertinent specific information and requires the transporter to establish that the alcoholic beverages may be lawfully delivered to their destination. As aforementioned Copeland did not have any license or permit. While he had bills covering purchase of the whiskey, they were defective in essential details required by the Rule.

Failure to comply with our regulation subjects the vehicle and alcoholic beverages to forfeiture. Relief from such forfeiture is discretionary with the Director. R. S. 33:1-66(e). If the transporter acted in good faith, but the alcoholic beverages, even if intended for personal consumption, may not be brought into the neighboring state, such alcoholic beverages are forfeited, but the vehicle is returned. If the alcoholic beverages were intended for other than legitimate use, then both the alcoholic beverages and motor vehicle are forfeited. Seizure Case No. 8234, Bulletin 979, Item 2.

Under the law of the State of New York a person apparently may bring alcoholic beverages into that state provided he accompanies the vehicle in which they are transported and the alcoholic beverages are intended for personal consumption only and not for resale. Seizure Case No. 8234, supra.

Since it appears that of the whiskey being transported only 12 one-half pints of J. S. T. Brown Whiskey, and 11 half-pints of Seagram 7 Crown Whiskey were intended for Copeland's personal use, and the balance of the whiskey was for the personal use of four other persons residing in New York, such whiskey cannot be turned over to such other persons because it cannot be imported into New York. This fact being brought to their attention at the hearing, these four persons thereafter advised that they withdraw their application for return of such whiskey.

Evidence was presented from which it appears that all persons involved acted in good faith and actually intended to purchase the whiskey for their personal consumption and not for resale. Frank C. Copeland has been employed for many years by an industrial concern, has no previous criminal record, resides with his wife and children, and visited Washington on a pleasure trip. He advised his employer and various relatives and friends of his intended visit. His employer, and a fellow employee, asked him to purchase whiskey for them while in Washington, naming specific brands and quantity, and gave him money with which to make such purchase. Copeland's sister and a cousin did likewise. Three of these four persons appeared at the hearing and corroborated Copeland's account of the transaction and stated that the whiskey was for their personal consumption. Copeland's fellow employee is also superintendent of an apartment building. Copeland's sister is a licensed practical nurse employed by a local hospital for the past five years. His cousin is employed as a domestic. The President of the industrial concern by which Copeland is employed has advised that Copeland is of excellent character, and confirms the fact that he requested Copeland to purchase the whiskey for him in Washington.

The above account of the purchase and ultimate use of the whiskey appears to be logical, the quantity purchased does not appear to be excessive, and the background of the persons involved does not disclose any tendency to violate any liquor laws.

The aforementioned whiskey purchased and owned by Frank C. Copeland and his motor vehicle, will be returned to him, upon payment of the costs of their seizure and storage. However, to insure that he reports the importation of the whiskey into New York to the appropriate liquor law enforcement agency of that state, a copy of these Conclusions will be forwarded to such agency. Seizure Case No. 8586, Bulletin 1023, Item 11.

Accordingly, it is DETERMINED and ORDERED that if on or before the 29th day of July, 1957, Frank C. Copeland pays the costs incurred in the seizure and storage of 12 half-pints of J. S. T. Brown Whiskey and 11 half-pints of Seagram 7 Crown Whiskey and the Pontiac sedan, described in Schedule "A" attached hereto, such whiskey and motor vehicle will be turned over to him; and it is further

DETERMINED and ORDERED that the balance of the whiskey listed in the aforesaid Schedule "A" constitutes unlawful property and the same be and hereby is forfeited in accordance with the provisions of R. S. 33:1-66, and that it be retained for the use of hospitals and state, county and municipal institutions, or destroyed in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

WILLIAM HOWE DAVIS

Dated: July 17, 1957.

Director.

SCHEDULE "A"

- 48 - pint bottles of whiskey
- 23 - half-pint bottles of whiskey
- 10 - 4/5 quarts of whiskey
- 1 - Pontiac sedan, Serial and Engine  
L8ZA8371, New York Registration  
BN645.

5. DISCIPLINARY PROCEEDINGS - SALE TO NON-MEMBERS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

LAKWOOD COUNTRY CLUB )  
Hope Road )  
Lakewood, N. J., )

CONCLUSIONS AND ORDER

Holder of Club License CB-324 )  
for the 1956-57 licensing year, )  
as extended, issued by the )  
Director of the Division of )  
Alcoholic Beverage Control. )

-----)  
Edward F. Juska, Esq., Attorney for Defendant-licensee.  
William F. Wood, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charge:

"On Thursday, April 11, 1957, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to persons not bona fide members of your club or bona fide guests of such member; in violation of Rule 8 of State Regulation No. 7."

The file herein discloses that on April 11, 1957 three ABC agents visited defendant's licensed premises and were served and permitted to consume alcoholic beverages therein. None of the agents was a member of the defendant club. The agents identified themselves to the manager of the bar and restaurant who gave a signed written statement admitting the violation.

Defendant has a prior adjudicated record. Effective December 5, 1949, the license was suspended by the Director for ten days after admitting that someone other than the club was the beneficial owner of the license. Re Lakewood Country Club, Bulletin 861, Item 9. Inasmuch as the previous violation is dissimilar to the one now under consideration and happened more than five years ago, I shall not consider it in fixing the penalty to be imposed herein.

I shall suspend defendant's license for a period of fifteen days. Re American Legion Memorial Park Association, Inc., Bulletin 1076, Item 9. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 15th day of July, 1957,

ORDERED that Club License CB-324, issued by the Director of the Division of Alcoholic Beverage Control for the 1956-57 licensing period, as extended, to Lakewood Country Club, for premises on Hope Road, Lakewood, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. July 22, 1957 and terminating at 2:00 a.m. August 1, 1957.

WILLIAM HOWE DAVIS  
Director.

6. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

ERNEST REIMER )  
 114 Old Bergen Road )  
 Jersey City 5, N. J., )

CONCLUSIONS  
 AND ORDER

Holder of Plenary Retail Distribution License D-76, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City. )

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

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he sold during prohibited hours an alcoholic beverage in its original container for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

The file herein discloses that at 12:20 p.m., Sunday, June 2, 1957, an ABC agent entered defendant's licensed premises. The person in charge of the premises was the licensee. The agent first purchased from defendant a bottle of ginger ale and, after some conversation with the defendant, purchased a bottle of P. M. Blended Whiskey. The defendant placed the bottle of ginger ale and the bottle of whiskey in a paper bag, accepted payment therefor, and the agent left the premises, with the aforesaid purchases. Within a few minutes this agent, accompanied by other agents, entered the premises and identified themselves to the licensee who admitted the aforesaid illegal sale.

Defendant has no prior adjudicated record. I shall suspend defendant's license for fifteen days. Re Alexander's Del'n. & Caterers Corp., Bulletin 1167, Item 4. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 15th day of July, 1957,

ORDERED that Plenary Retail Distribution License D-76, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Ernest Reimer, 114 Old Bergen Road, Jersey City, be and the same is hereby suspended for a period of ten (10) days, commencing at 9:00 a.m. July 22, 1957, and terminating at 9:00 a.m. August 1, 1957.

WILLIAM HOWE DAVIS  
 Director.

7. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against HELEN GRZYBOWSKI T/a BARNEY'S BAR & REST'T. 136 Garfield Avenue. Jersey City 5, N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-106 (for the 1956-57 and 1957-58 licensing years), issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

Meehan Brothers, Esq., by John J. Meehan, Esq., Attorneys for Defendant-licensee. David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that during prohibited hours she sold alcoholic beverages in original containers for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

The file herein discloses that at 2:30 p.m., Sunday, May 19, 1957, one of two ABC agents who were in defendant's licensed premises asked the bartender therein for four cans of beer. The bartender placed the order in a paper bag, accepted payment, and placed the package under the bar, saying that he would give it to the agent when he was leaving. At 2:36 p.m., the two agents left the premises with the merchandise, re-entered immediately and identified themselves to the bartender who refused to give a written statement.

Defendant has no prior adjudicated record. I shall suspend her license for the minimum period of fifteen days. Re Schroeder, Bulletin 1071, Item 2. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 15th day of July, 1957,

ORDERED that Plenary Retail Consumption License C-106, for the 1957-58 licensing year, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Helen Grzybowski, t/a Barney's Bar & Rest't., 136 Garfield Avenue, Jersey City, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. July 22, 1957, and terminating at 2:00 a.m. August 1, 1957.

WILLIAM HOWE DAVIS Director.

8. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

JOSEPH WISNIEWSKI )  
T/a JOE'S BAR )  
2277 South 7th Street )  
Camden, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-38 (for the 1956-57 licensing year) and C-52 (for the 1957-58 licensing year), issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden. )

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Bruce A. Wallace, Esq., Attorney for Defendant-licensee.  
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to the following charge:

"On Friday, May 3, 1957 at about 10:25 p.m., you sold and delivered and allowed, permitted and suffered the sale and delivery of an alcoholic beverage, viz., one pint bottle of Four Roses Whiskey, at retail in its original container for consumption off your licensed premises, and you allowed, permitted and suffered the removal of such alcoholic beverage from your retail licensed premises; in violation of Rule 1 of State Regulation No. 38."

The file herein discloses that at 10:27 p.m. on Friday, May 3, 1957 an ABC agent purchased a pint of whiskey from the bartender on duty in defendant's licensed premises. The agent immediately left the premises but returned shortly thereafter with another ABC agent and confronted the bartender with the alleged violation. The bartender admitted that he had made the sale during prohibited hours.

The attorney for the defendant, in attempted mitigation of penalty to be imposed herein for the violation committed, requested that, because this was the first offense of the defendant, the minimum penalty be imposed herein.

The penalty where no aggravating circumstances appear for an "after-hours" violation such as that in question is a suspension for a minimum of fifteen days (Re Cohn, Bulletin 1155, Item 6). I shall, therefore, in absence of a prior record, suspend defendant's license for a period of fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 15th day of July, 1957,

ORDERED that Plenary Retail Consumption License C-52 (for the 1957-58 licensing year), issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to

Joseph Wisniewski, t/a Joe's Bar, for premises 2277 South 7th Street, Camden, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. July 22, 1957, and terminating at 2:00 a.m. August 1, 1957.

WILLIAM HOWE DAVIS  
Director.

9. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

GREEN DOOR BAR, INC.  
419 Grove Street  
Jersey City 2, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-240 (for the 1956-57 and 1957-58 licensing years), issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City. )  
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Green Door Bar, Inc., Defendant-licensee, by Theresa N. Shanahan, President.

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

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging it sold alcoholic beverages during prohibited hours for off-premises consumption in violation of Rule 1 of State Regulation No. 38.

On Friday, May 31, 1957, at about 9:30 p.m., an ABC agent entered defendant's licensed premises where he observed Michael Sullivan, a bartender, serving ten patrons seated at the bar. At 10:30 p.m. the agent heard one of the patrons ask the bartender for three cans of Piel's beer "to go". The bartender thereupon took three cans of the aforementioned brand of beer from a cooler, placed them in a brown paper bag and handed the package to the patron. The patron then left the premises from which he was followed into the street by the agent who was joined by another stationed in the area. Both agents stopped the patron, identified themselves and escorted him back to the premises. The patron pointed out Sullivan as the one who sold him the beer for 60 cents and Sullivan orally admitted making the sale.

Defendant has no prior adjudicated record. I shall suspend its license for fifteen days (Re DiMattia, Bulletin 1141, Item 10). Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 9th day of July, 1957,

ORDERED that Plenary Retail Consumption License C-240 for the 1957-58 licensing year, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Green Door Bar, Inc., 419 Grove Street, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. July 22, 1957, and terminating at 2:00 a.m. August 1, 1957.

WILLIAM HOWE DAVIS  
Director.

10. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - PRIOR RECORD - LICENSE SUSPENDED FOR 12 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against ALBERT ANGELONI T/a AL'S TAVERN 512 N. Clinton Avenue cor. Webster Street Trenton 9, N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-120 (for the 1956-57 and 1957-58 licensing years), issued by the Board of Commissioners of the City of Trenton.

Albert Angeloni, Defendant-licensee, Pro se. Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

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

The file herein discloses that on Thursday, June 20, 1957, Andrew Szejner, a bartender on duty at the licensed premises, sold six 12-ounce cans of Ballantine's beer to an agent of this Division for \$1.00. The minimum consumer resale price then in effect was \$1.10. After the sale was consummated the agent and another who accompanied him, identified themselves to the bartender who admitted the aforesaid illegal sale.

Defendant has a prior adjudicated record. Effective August 13, 1956, his license was suspended for five days by the local issuing authority for permitting minors on his licensed premises in violation of a local regulation. The minimum suspension imposed for a violation as set forth in the charge herein is ten days (Re Bregman, Bulletin 1128, Item 12). Because of the prior violation of a local regulation within the past five years, I shall, under all the circumstances, suspend defendant's license for twelve days. Five days will be remitted for the plea entered herein, leaving a net suspension of seven days.

Accordingly, it is, on this 17th day of July, 1957,

ORDERED that Plenary Retail Consumption License C-120 for the 1957-58 licensing period, issued by the Board of Commissioners of the City of Trenton to Albert Angeloni, t/a Al's Tavern, for premises 512 N. Clinton Avenue cor. Webster Street, Trenton, be and the same is hereby suspended for seven (7) days, commencing at 2:00 a.m. July 29, 1957 and terminating at 2:00 a.m. August 5, 1957.

WILLIAM HOWE DAVIS Director.

## 11. STATE LICENSES - NEW APPLICATIONS FILED.

Supreme Beverage Company  
631-635 Bergen Street  
Newark, N. J.

Application filed September 10, 1957 for additional warehouse on State Beverage Distributor's License SBD-144 at 93 Jackson Street, South River, N. J.

AAA Trucking Corporation  
551 New York Avenue  
Trenton, N. J.

Application filed September 13, 1957 for Transportation License.

Park Beverages, Inc.  
15-17 Hackensack Avenue  
Ridgefield Park, N. J.

Application filed September 17, 1957 for person-to-person transfer of State Beverage Distributor's License No. SBD-17 from Joe Stareshesky, t/a Park Beverages.



William Howe Davis  
Director.