

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

BULLETIN 1301

October 8, 1959

TABLE OF CONTENTSITEM

1. APPELLATE DECISIONS - CHEVESTUIK, EXEC. v. LINDEN.
2. APPELLATE DECISIONS - CHEVESTUIK, EXEC. v. LINDEN (AMENDED ORDER).
3. DISCIPLINARY PROCEEDINGS (Jersey City) - SALES TO MINORS - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
4. DISCIPLINARY PROCEEDINGS (Middletown Township) - SALES TO MINORS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Camden) - SALE DURING PROHIBITED HOURS IN VIOLATION OF LOCAL REGULATION - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Elizabeth) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (Newton) - SALE TO MINOR - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (Spring Lake) - SOLICITOR'S PERMIT - ENGAGING IN CONDUCT PROHIBITED TO EMPLOYER - LOAN OF MONEY TO RETAILER FOR PURCHASE OF ALCOHOLIC BEVERAGES - PRIOR RECORD - PERMIT SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (Keansburg) - SALE TO MINOR - PRIOR RECORD OF STOCKHOLDERS OF LICENSED CORPORATION - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.
12. DISCIPLINARY PROCEEDINGS (Newark) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
13. STATE LICENSES - NEW APPLICATION FILED.

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

BULLETIN 1301

October 8, 1959

1. APPELLATE DECISIONS - CHEVESTUIK, EXEC. v. LINDEN.

FLORENCE CHEVESTUIK, EXECUTRIX, )  
ESTATE OF TILLIE CIECIUCH, DEC'D, )  
Appellant, )

ON APPEAL  
CONCLUSIONS  
AND ORDER

v. )

MUNICIPAL BOARD OF ALCOHOLIC )  
BEVERAGE CONTROL OF THE CITY OF )  
LINDEN, )  
Respondent. )

-----  
Robert J. Rubacky, Esq., Attorney for Appellant.  
Lewis Winetsky, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the respondent's action on March 30, 1959 whereby it suspended appellant's license C-9, issued for the 1958-59 licensing year, for thirty days effective at 2:00 a.m., April 6, 1959, after finding defendant guilty of a charge alleging that on January 30, 1959 the licensee sold, served and delivered alcoholic beverages to a minor, in violation of Rule 1 of State Regulation No. 20. Appellant's premises are located at 15 South Wood Avenue, Linden.

"Upon the filing of this appeal, an order was entered on April 2, 1959 staying respondent's order of suspension until the entry of a further order herein. R.S. 33:1-31.

"The petition of appeal alleges that the action of respondent was contrary to the weight of the evidence, was wholly inadequate and insufficient in law, and that incompetent and irrelevant evidence of a nature to inflame and prejudice the members of respondent was introduced.

"At the hearing herein the transcript of the proceedings held before respondent, and various exhibits referred to therein, were presented in evidence with consent of counsel for the respective parties and pursuant to Rule 8 of State Regulation No. 15. Additional evidence was presented by appellant.

"The issue squarely presented by the evidence is one of veracity. Charles ---, 17 years of age, claims that on January 30, 1959 at about 7:30 p.m., he purchased three six-packs of Rheingold beer at appellant's licensed premises from Charles Savage, a bartender. Savage, when confronted by police officers and Charles, is said to have admitted to them that there were six-packs of Rheingold beer available on the licensed premises but stated that he had never seen Charles before and did not sell any such beer to Charles. Savage, on his part, reiterates that he did not sell the beer to Charles and denies that he told the officers that six-packs of Rheingold beer were available and claims that, in fact, six-packs of Rheingold beer had not been available for sale on the premises for a considerable length of time.

"At the hearing below, respondent permitted considerable evidence to be presented tending to establish that Charles and two other minors who were involved in the case (but who were not with Charles when he is alleged to have purchased the beer) frequented appellant's licensed premises prior to January 30th and obtained beer there. This evidence may have been helpful to decide whether Charles thereby could easily identify Savage as the person who sold the beer to him on January 30th, but it is not a major or controlling factor to the only issue, which is: did Charles purchase the three six-packs of Rheingold beer at appellant's licensed premises on January 30, 1959.

"The charge against the appellant developed from interrogation by a Clark Township police officer of Charles and the two other minors on January 30th at about 10:00 p.m. when the officer's attention was attracted to their automobile parked on the highway at or near the boundary line between Clark Township and Westfield. Concluding that the actual location where the car was parked was in Westfield, police officers of that town were called to the scene and brought the three boys to the Westfield Police Headquarters. There the three boys were questioned by Sergeant Moran of the Westfield Police. When Charles told Sergeant Moran that he had purchased the beer at appellant's licensed premises, Moran communicated with the Linden police authorities and brought Charles to Linden Police Headquarters. Thereafter, Sergeant Moran and Deputy Chief Tomaszewski and Captain McKane of the Linden Police were directed by Charles to appellant's licensed premises, where they arrived about 11:00 p.m. There, in the presence of the officers, Charles identified Savage as the bartender who had sold him the beer.

"Returning to Linden Police Headquarters, Charles gave the officers a signed statement (which is in evidence) wherein, among other matters, he states that on that day at about 7:30 p.m., he drove to and entered defendant's licensed premises; that Charles Savage, whom he knew, was tending bar and he purchased from Savage three six-packs (18 cans) of Rheingold beer; that Savage did not ask his age, require any identification or ask him to sign any written representation as to his age; that he placed the beer in his car, met John --- and Frank ---, two of his friends, by pre-arrangement, at a restaurant located in Clark Township; that they drove to Dover and Lake Hopatcong and then towards home; that they stopped temporarily on a street in Clark Township and when a police officer of that Township questioned them and discovered the beer on the rear seat of the car, one of the boys told the officer that they had obtained the beer in Staten Island; that they were brought to Westfield Police Headquarters where he told Sergeant Moran that he purchased the beer at the Linden Hotel (which is appellant's premises) in Linden; that thereafter he accompanied Sergeant Moran to Linden Police Headquarters and from there, he and Moran and the two Linden police officers went to appellant's licensed premises and there he identified Charles Savage by sight and by name as the bartender who sold the beer to him.

"At the hearing before respondent, Charles reiterated the facts set forth in his statement. Additionally, he testified that when he was at appellant's licensed premises with the officers they asked Savage whether he sold Rheingold six-packs and that Savage said he did but that he had never seen Charles before. On cross-examination of Charles there was developed some variations concerning the time when and place where Charles received contributions from his companions towards the purchase of the beer, the places they drove to after he left defendant's licensed premises and met his companions elsewhere, and a conflict between his assertion in the statement that

he did not drink any of the beer, and his testimony at the hearing that he did. It was further developed that on a previous occasion while driving in his car, one of his present companions and he were apprehended with beer in the car and he was fined in the magistrate's court for a traffic violation, and his companion was fined for having the beer, and that this was the only criminal offense he had ever been charged with. These minor incidental variations, subordinate to, and not directly connected with the actual alleged purchase of the beer, do not serve to impeach the testimony of Charles.

"John testified that on January 30th by previous arrangement, Charles met him and Frank at a restaurant; that John in his car and Charles in his car, drove to the home of Charles where three six-packs of Rheingold beer were transferred from Charles' car to his car; that they drove around until apprehended by the Clark Township policeman; that he and his companions were questioned separately out of each other's hearing and that he told the police that he purchased the beer in Staten Island; that he made such statement because he did not want to make trouble for Savage (allegedly known to him by his prior visits to defendant's licensed premises) and that he told Charles and Frank to say the same thing, but does not know what they told the police; that the police officers told John they did not believe him because that story had been used too much.

"Frank was not asked at the hearing before respondent what, if anything, he had told the police concerning the source of the beer. (None of the minors testified at the appeal hearing).

"Sergeant Moran testified that after questioning the three boys at Westfield Police Headquarters and there being informed that Charles had purchased the beer, although the other two boys did not know where, he brought Charles to Linden Police Headquarters; that there he met Deputy Chief Tomaszewski and Captain McKane and the group proceeded at Charles' direction to appellant's licensed premises where Charles identified Savage as the person who sold him the three six-packs of Rheingold beer; that thereupon Deputy Chief Tomaszewski asked Savage whether he sold any six-packs of Rheingold beer, to which Savage replied: 'Yes, I did'; that Savage said: 'I sell them but did not sell them to him', pointing to Charles, and declared: 'I never see him before.'

"Deputy Chief Tomaszewski testified that the group visited the licensed premises and that Charles pointed out Savage as the bartender who sold the beer to him.

"Captain McKane's version of the conversation with Savage is that Deputy Chief Tomaszewski told Savage why they were there and asked him if he sold Rheingold six-packs and Savage said: 'Yes'; that then the Deputy Chief told him Charles had been in there about 7:30 that night and had bought the three six-packs of Rheingold beer and Savage replied that he had never seen Charles before and that he did not buy the beer there.

"Charles Michael Savage's testimony at the hearing before respondent is, so far as pertinent, as follows: Charles was not in the licensed premises on January 30th or at any time previous and he did not sell him the beer, and that there were no six-pack containers of Rheingold beer in stock and they did not have any request for such packages for the past six years. His version of the conversation with Deputy Chief Tomaszewski is that he was asked whether he ever observed any such six-packs and he answered: 'No'; that the only 'thing' that he sold that night was two six cans individually, in their individual bag, and it went across the street to the bowling alley; that previously he had never seen John or Frank.

"The licensee testified that the last time they had six-pack containers of beer was three or four years ago.

"The credit manager of the brewery established by his testimony that the cans of beer found in the car of the minor were canned on January 5, 1959 and that his records, established by delivery slips, disclose that there was no delivery of six-packs of Rheingold beer to appellant's licensed premises during the period of January 7 to 28, 1959.

"At the hearing on appeal, two delivery men employed by the brewery, the licensee and Charles Michael Savage were the only persons who testified. One driver who made a delivery on January 7th testified that he had been delivering beer to appellant's licensed premises for about eight years and that he never delivered any six-packs of Rheingold beer there. Another driver who made deliveries on January 14th, 21st and 28th testified that he did not deliver any six-packs and never saw six-packs of any brand for the past number of years in the cooler in the cellar of the licensed premises. The licensee and Savage testified in a similar vein.

"To decide the case solely on the testimony of the brewery employees and its records is to assume that such records, its practice in delivery of its product, and the memory of its delivery men, are infallible. The evidence presented by the brewery employees is only one factor to be considered.

"Charles appears to be a normal, high-school student who works part-time delivering milk for a dairy. The evidence given by him is clear, logical and has the ring of truth. The police officers have no apparent reason to relate other than what actually occurred. On the other hand, Savage's testimony is naturally tinged with his interest in the outcome of the proceedings. His admission that six-packs of Rheingold beer were available as stated by the police officers, if accepted, would sweep away all of the testimony presented by the brewery employees. His denial that either Charles, John or Frank were ever previously in the licensed premises is in direct contradiction to their testimony. The appellant contends that when the police were there with Charles it was their duty to ascertain whether any six-packs of Rheingold beer were then on the premises. This contention has no merit if, in fact, Savage admitted to the police that six-packs of Rheingold beer were then available for sale.

"After reviewing all of the testimony, I am of the opinion that the respondent was justified in its conclusions that the appellant was guilty of the violation charged. Under the circumstances, I find that appellant has failed to sustain the burden of proof in showing that the action of respondent was erroneous. Rule 6 of State Regulation No. 15. It is recommended, therefore, that appellant's petition filed herein be dismissed and that an order be entered affirming respondent's action and reimposing the thirty-day suspension."

Written exceptions to the Hearer's Report and written argument with respect thereto were filed with me by the appellant's attorney within the time limited by Rule 14 of State Regulation No. 15.

Having carefully considered the entire record, including the evidence, the Hearer's Report and the exceptions and written argument, I concur in the conclusions of the Hearer and adopt said conclusions as my conclusions herein.

It appears that during the pendency of the appeal, the license was renewed on application of appellant, the number of the renewed license being C-10, and on July 13, 1959, effective July 15, 1959,

such license was transferred from appellant to Jersey Lanes Bar and Grill, A Corporation of New Jersey and from premises 15 So. Wood Avenue to premises 30 Park Avenue, Linden. The order of suspension herein is effective against the transferred license at its present location. Rule 3 of State Regulation No. 16.

Accordingly, it is, on this 27th day of August 1959,

ORDERED that the action of respondent be and the same is hereby affirmed and the appeal herein be and the same is hereby dismissed; and it is further

ORDERED that the thirty-day suspension imposed by respondent which was stayed during the pendency of these proceedings, be and the same is hereby reimposed and reinstated, and, hence, it is further

ORDERED that Plenary Retail Consumption License C-10 for the 1959-60 licensing year, now held by Jersey Lanes Bar and Grill, A Corporation of New Jersey, for premises 30 Park Avenue, Linden, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m., Wednesday, September 9, 1959 and terminating at 2:00 a.m., Friday, October 9, 1959.

WILLIAM HOWE DAVIS  
DIRECTOR

2. APPELLATE DECISIONS - CHEVESTUIK, EXEC. v. LINDEN (AMENDED ORDER).

FLORENCE CHEVESTUIK, EXECUTRIX,  
ESTATE OF TILLIE CIECIUCH, DEC'D., )

Appellant, )

v. )

MUNICIPAL BOARD OF ALCOHOLIC  
BEVERAGE CONTROL OF THE CITY  
OF LINDEN, )

Respondent. )

ON APPEAL  
AMENDATORY  
ORDER

-----  
BY THE DIRECTOR:

On August 27, 1959 my order was entered in the above matter dismissing the appeal herein and directing that License C-10, held by Jersey Lanes Bar and Grill, A Corporation of New Jersey, for premises 30 Park Avenue, Linden, be suspended for a period of thirty days, commencing at 2:00 a.m., Wednesday, September 9, 1959 and terminating at 2:00 a.m., Friday, October 9, 1959.

It now appears that the place-to-place transfer of the license to the Park Avenue premises was conditioned upon and subject to the approval of the building inspector upon completion of the building which, I am informed, has not yet been endorsed and effective by reasons of the non-completion of the building. Thus, the place-to-place transfer is not presently effective and the licensed business, again according to information received, is still being conducted at premises 15 So. Wood Avenue, Linden, by Jersey Lanes Bar and Grill, A Corporation of New Jersey, the same premises wherein appellant, Chevestuik, formerly conducted business.

Accordingly, it is, on this 1st day of September 1959,

ORDERED that the last paragraph of my aforesaid order of August 27, 1959 be and the same is hereby amended to read as follows:

"ORDERED that Plenary Retail Consumption License C-10 for the 1959-60 licensing year, now held by Jersey Lanes Bar and Grill, A Corporation of New Jersey, for premises 15 So. Wood Avenue, Linden, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m., Wednesday, September 9, 1959 and terminating at 2:00 a.m., Friday, October 9, 1959."

WILLIAM HOWE DAVIS  
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

MICHAEL FARMER  
342 Grove Street  
Jersey City 2, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption  
License C-531, issued by the Municipal  
Board of Alcoholic Beverage Control  
of the City of Jersey City.

-----  
Michael Farmer, 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 alleging that on July 10, 1959 he sold alcoholic beverages to three minors and permitted the consumption of such beverages by said minors in defendant's licensed premises, in violation of Rule 1 of State Regulation No. 20.

On July 10, 1959, at about 10:20 p.m., three ABC agents in defendant's licensed premises observed three apparent minors, subsequently identified as James ---, age 17; George ---, age 18, and Louis ---, age 19, enter and take seats at the bar. The defendant-licensee asked the minors what they wanted and they asked for beer. Thereupon, the licensee served each minor with a glass of beer, without questioning any of them as to their age or requiring any written representation thereof. After each of the minors partially consumed his drink, the agents revealed their identity to the licensee and interrogated the minors. The licensee verbally admitted the sale of beer to the minors.

The licensee has submitted a letter setting forth what he deems to be mitigating circumstances, but which presents no good cause why I should impose less than the minimum penalty in such a case.

Defendant's only prior record is a suspension by the local issuing authority in 1935 for sale on Election Day, and will not be considered in imposing penalty. I shall suspend defendant's license for twenty-five days, the minimum penalty for an unaggravated sale of alcoholic beverages to three minors, one of whom is only seventeen years of age. Re Shady Hollow Farms, Inc., Bulletin 1204, Item 3. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.



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

ORDERED that Plenary Retail Consumption License C-531, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Michael Farmer, for premises 342 Grove Street, Jersey City, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m., Tuesday, September 8, 1959 and terminating at 2:00 a.m., Monday, September 28, 1959.

WILLIAM HOWE DAVIS  
DIRECTOR

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

In the Matter of Disciplinary  
Proceedings against

EMMA WOLFE, MARY WOLFE, THOMAS D.

WOLFE, ALBERT J. WOLFE,

t/a RIDGEWOOD INN

N/E corner Monmouth & Ridgewood Aves.,

Middletown Township

PO Leonardo, N. J.

CONCLUSIONS  
AND ORDER

Holders of Plenary Retail Consumption  
License C-21, issued by the Township  
Committee of the Township of Middletown.

-----  
Defendant-licensees, Pro se.

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

BY THE DIRECTOR:

Defendants pleaded guilty to the following charge:

"On July 12, 1959, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years, viz., Walter ---, age 18, William ---, age 19 and John ---, age 19 and allowed, permitted and suffered the consumption of alcoholic beverages by such persons in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20."

On Sunday, July 12, 1959, at about 12:30 a.m., two ABC agents who were in defendants' licensed premises observed Sebastian Muratore (a bartender) serve a whiskey highball to Walter --- (age 18), following which they saw George Atwater (another bartender on duty) serve William --- (age 19) and John --- (age 19), companions of Walter, each with a glass of beer. The service was made by the bartenders without requiring any written representation of the ages of any of the minors. After Walter, William and John had consumed a portion of their drinks, the agents identified themselves to the minors who gave written statements that they had not been questioned about their ages.

Defendants have no prior adjudicated record. I shall suspend defendants' license for twenty days, the minimum penalty imposed for a sale to three minors all of whom are 18 years of age or over. Re Serwatka, Bulletin 1285, Item 4. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.



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

ORDERED that Plenary Retail Consumption License C-21, issued by the Township Committee of the Township of Middletown to Emma Wolfe, Mary Wolfe, Thomas D. Wolfe, Albert J. Wolfe, t/a Ridgewood Inn, for premises at N/E corner Monmouth & Ridgewood Avenues, Middletown Township, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Tuesday, September 8, 1959, and terminating at 2 a.m. Wednesday, September 23, 1959.

WILLIAM HOWE DAVIS  
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF LOCAL REGULATION - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

ORDER OF BROTHERLY LOVE )  
MARCONI SPORTING CLUB #24 )  
412 Benson Street )  
Camden, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Club License CB-7, issued )  
by the Municipal Board of Alcoholic )  
Beverage Control of the City of )  
Camden. )

-----  
Defendant-licensee, by Anthony DiMatteo, Master.  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On Sunday, June 28, 1959, at or about 12:10 p.m., you sold, served and delivered and suffered and permitted the sale, service and delivery of alcoholic beverages, directly or indirectly, upon your licensed premises; in violation of Section 5 of an Ordinance adopted by the Board of Commissioners of the City of Camden on December 27, 1934."

The ordinance referred to in the above charge prohibits the sale of alcoholic beverages between 2 a.m. on Sunday and 7 a.m. on Monday.

On Sunday, June 28, 1959, at about 12:10 p.m., an ABC agent, after identifying himself to Onofrio Troto (financial secretary of defendant-licensee) was admitted into defendant's licensed premises where he observed two men consuming beer at the bar. In addition, there was a bottle of beer and some change in front of each male on the bar.

Mr. Troto, upon being questioned by the agent, orally admitted that he had sold the beer to aforesaid males.

Defendant has no prior adjudicated record. I shall suspend defendant's license for fifteen days, the minimum penalty for an "hours" violation. Re Club Rainbow, Inc., Bulletin 1269, Item 4. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 31st day of August, 1959,

ORDERED that Club License CB-7, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Order of Brotherly Love, Marconi Sporting Club #24, for premises 412 Benson Street, Camden, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Monday, September 14, 1959, and terminating at 2 a.m. Thursday, September 24, 1959.

WILLIAM HOWE DAVIS  
DIRECTOR

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

In the Matter of Disciplinary  
Proceedings against

ST. MICHAEL'S SOCIAL CLUB  
899 E. Jersey Street  
Elizabeth, N. J.

CONCLUSIONS  
AND ORDER

Holder of Club License CB-2, issued  
by the City Council of the City of  
Elizabeth.

-----  
Defendant-licensee, by Rev. Francis A. Reinbold, Director.  
William F. Wood, Esq., Appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant entered a plea of non vult to a charge alleging that it possessed, had custody of and suffered in and upon its licensed premises an alcoholic beverage in a bottle which bore a label that did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

On June 23, 1959 an ABC agent gauged and tested the open stock of assorted brands of liquor in defendant's licensed premises and found in a stock room closet a quart bottle of Cobbs Creek Blended Whiskey, the contents of which appeared to be off in proof and color. The agent seized the questionable bottle, together with a sealed bottle of the same brand of liquor, and turned them over to the Division's Chemist for analysis. The chemist's report indicates that the questionable whiskey is 30 proof short; that the solids and acids are too high, and that it is an alcoholic beverage containing whiskey, vermouth and bitters. The seized bottle was not found behind the bar, but, even if it was not intended for sale, it was permitted on the licensed premises, in violation of the cited rule.

Defendant has no prior adjudicated record. However, when its predecessor, the St. Michael's Ex. Parish House Executive Board, held the license for the same premises, the license was suspended for twenty days by the local issuing authority, effective September 12, 1949, for sale to non-members and possession of slot machines. Since the aforesaid suspension was imposed more than five years ago for violations dissimilar to that charged herein, those violations will not be considered in fixing the penalty herein. I shall suspend defendant's license for ten days and remit five days for the plea entered herein, leaving a net suspension of five days. Re Anchor Corporation, Bulletin 1281, Item 12.

Accordingly, it is, on this 31st day of August 1959,

ORDERED that Club License CB-2, issued by the City Council of the City of Elizabeth to St. Michael's Social Club, for premises 899 E. Jersey Street, Elizabeth, be and the same is hereby suspended for five (5) days, commencing at 6:00 a.m., Monday, September 14, 1959 and terminating at 6:00 a.m., Saturday, September 19, 1959.

WILLIAM HOWE DAVIS  
DIRECTOR

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

In the Matter of Disciplinary  
Proceedings against

677 OCEAN AVENUE CORPORATION  
677 Ocean Avenue  
Jersey City, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption  
License C-428, issued by the Municipal  
Board of Alcoholic Beverage Control of  
the City of Jersey City.

-----  
Defendant-licensee, by Enrico Cerillo, President.  
Dora P. Rothschild, Appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that on Sunday, July 5, 1959, it sold during prohibited hours alcoholic beverages in their original containers for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

At about 1:20 p.m. on the above-mentioned date, an ABC agent in the licensed premises observed the bartender sell six cans of beer to a person who left the premises with the beer. A few minutes later, the agent purchased six cans of beer from this bartender, who placed the beer in a bag. The agent left the premises with the beer, joined a fellow agent who had remained outside, and both agents entered the premises and identified themselves to the bartender.

Defendant has no prior adjudicated record. I shall suspend defendant's license for the minimum period of fifteen days. Re Celtic Bar, Inc., Bulletin 1281, Item 9. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 31st day of August 1959,

ORDERED that Plenary Retail Consumption License C-428, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to 677 Ocean Avenue Corporation, for premises 677 Ocean Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m., Tuesday, September 8, 1959 and terminating at 2:00 a.m., Friday, September 18, 1959.

WILLIAM HOWE DAVIS  
DIRECTOR

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

In the Matter of Disciplinary  
Proceedings against

JOHN'S TAVERN, INC.  
t/a JOHN'S TAVERN  
205 Spring Street  
Newton, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption  
License C-8 (for the 1958-59 and  
1959-60 licensing years), issued by  
the Town Committee of the Town of  
Newton.

-----  
Defendant-licensee, by Wilbur D. Hamler, President.  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On June 8, 1959, 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., William ---, age 20 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."

Acting upon information obtained from the State Police, ABC agents obtained a sworn statement from William --- (20 years of age) wherein he says that on June 8, 1959, he purchased and consumed a glass of beer in defendant's licensed premises and also purchased six 12-ounce cans of Schaefer beer for off-premises consumption.

Defendant has no prior adjudicated record. I shall impose the minimum penalty of ten days for a sale of alcoholic beverages to a twenty-year-old minor. Re Boggetti, Bulletin 1246, Item 7. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 31st day of August, 1959.

ORDERED that Plenary Retail Consumption License C-8 (for the 1959-60 licensing year), issued by the Town Committee of the Town of Newton to John's Tavern, Inc., t/a John's Tavern, for premises 205 Spring Street, Newton, be and the same is hereby suspended for five (5) days, commencing at 7 a.m. Monday, September 14, 1959, and terminating at 7 a.m. Saturday, September 19, 1959.

WILLIAM HOWE DAVIS  
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SOLICITOR'S PERMIT - ENGAGING IN CONDUCT PROHIBITED TO EMPLOYER - LOAN OF MONEY TO RETAILER FOR PURCHASE OF ALCOHOLIC BEVERAGES - PRIOR RECORD - PERMIT SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

JOHN K. CASSIDY  
405 Washington Avenue  
Spring Lake, N. J.

CONCLUSIONS  
AND ORDER

Holder of Solicitor's Permit  
No. 2711, issued by the Director  
of the Division of Alcoholic  
Beverage Control.

-----  
Stoffer and Jacobs, Esqs., by Joseph M. Jacobs, Esq., Attorneys  
for Defendant-permittee.  
David S. Piltzer, Esq., Appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

- "1. On or about May 2, 1958 and on divers occasions prior thereto, you, the holder of a solicitor's permit, engaged in conduct prohibited to your employer, Garden State Liquor Wholesalers, Inc., holder of a New Jersey Plenary Wholesale License, by Rule 4(a) of State Regulation No. 39, in that you sold alcoholic beverages except for payment in cash on delivery to a retail licensee, Sea Bay Inn, Inc., t/a Murphy's Seabay Inn, Highway No. 35 and Deauville Drive, Deauville Beach, Brick Township, PO Normandy Beach, N. J., which licensee at the time of such sales was on the Default List published by the Division of Alcoholic Beverage Control; in violation of Rule 12 of State Regulation No. 14.
- "2. On or about May 2, 1958 and on divers occasions prior thereto, you, the holder of a solicitor's permit, then employed by a wholesaler engaged in the sale in New Jersey of alcoholic beverages other than malt alcoholic beverages, Garden State Liquor Wholesalers, Inc., furnished and offered to furnish, directly and indirectly, to a retail licensee, the above mentioned Sea Bay Inn, Inc., a thing of value and inducement in that you loaned it money for the purchase of alcoholic beverages from your aforesaid employer; in violation of Rule 3 of State Regulation No. 35."

The factual basis for both charges is sufficiently detailed therein. By way of attempted mitigation of the violation defendant's counsel represents that there were only three such incidents when defendant advanced money in relatively small amounts to the retailer, used in payment of such retailer's purchases of alcoholic beverages from defendant's employer, only as a week-end accommodation; that it is a minimal offense and that a penalty against defendant would adversely affect his new employer. However, the files disclose that permittee admitted that he had performed this service to the retailer since the summer of 1957 until he left his prior employer,

and also admitted that this occurred on more occasions than those specifically recited in the charges. I stated in Re Kennelly, Bulletin 1262, Item 2, wherein a single similar violation was involved, that defendant's actions constituted a flagrant violation of his obligation as a permittee. Such conduct is designed to circumvent the rules intended to maintain an orderly market between wholesaler and retailer, and such practices will not be tolerated. In Re Kennelly, supra, the permittee also changed employers but this was held not to be a factor in imposing penalty.

Defendant has a prior adjudicated record. Effective October 17, 1955, a permit he then held was suspended by the Director for five days by reason of his employment as a bartender by a retail licensee (Re Cassidy, Bulletin 1087, Item 4). I shall suspend defendant's permit for a period of thirty-five days, to which five days will be added because of his prior record during the past five years, making a total suspension of forty days. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 1st day of September, 1959,

ORDERED that Solicitor's Permit No. 2711, issued to John K. Cassidy by the Director of the Division of Alcoholic Beverage Control, be and the same is hereby suspended for thirty-five (35) days, commencing at 9 a.m. Monday, September 14, 1959, and terminating at 9 a.m. Monday, October 19, 1959.

WILLIAM HOWE DAVIS  
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

WILLIAM HOOTON 3rd and THOMAS COONS  
t/a BILLY'S BAR  
1152 Summit Avenue  
Jersey City, N. J.

CONCLUSIONS  
AND ORDER

Holders of Plenary Retail Consumption  
License C-67, issued by the Municipal  
Board of Alcoholic Beverage Control  
of the City of Jersey City.

-----  
Defendant-licensees, Pro se.

Dora P. Rothschild, Appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendants entered a plea of guilty to a charge alleging that they sold during prohibited hours alcoholic beverages in their original containers for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

On Sunday, June 7, 1959, two ABC agents arrived in the vicinity of defendants' licensed premises and at 1:25 p.m. one of them entered the tavern wherein at about 1:50 p.m. he observed Joseph Whalen (the bartender) place six cans of beer in a paper bag and hand the package to a patron who left with his purchase.

At 2 p.m. the agent asked for six cans of beer to go and the bartender took six cans from the cooler, put them in a paper bag, place the package next to the refrigerator at the end of the bar, returned to the agent and took \$1.10 which he rang up on the register. The agent picked up the package and left with it through the side door and contacted his fellow agent. Both agents then entered the tavern and identified themselves to the bartender who readily admitted the violation.

Defendants have no prior adjudicated record. I shall suspend their license for fifteen days and remit five days for the plea entered herein, leaving a net suspension of ten days. Re Kenny and Butler, Bulletin 1284, Item 3.

Accordingly, it is, on this 1st day of September, 1959,

ORDERED that Plenary Retail Consumption License C-67, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to William Hooton 3rd and Thomas Coons, t/a Billy's Bar, for premises 1152 Summit Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m., Monday, September 14, 1959, and terminating at 2 a.m. Thursday, September 24, 1959.

WILLIAM HOWE DAVIS  
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - PRIOR RECORD OF STOCKHOLDERS OF LICENSED CORPORATION - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

SHEEHAN'S PACKAGE STORE, INC.  
t/a "JERRY SHEEHAN'S"  
57 Church Street  
Keansburg, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Distribution )  
License D-1 (for the 1958-59 and 1959- )  
60 licensing years), issued by the )  
Mayor and Council of the Borough of )  
Keansburg. )

-----  
William K. Miller, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge that it sold and permitted the sale of alcoholic beverages to a minor, in violation of Rule 1 of State Regulation No. 20.

Acting upon information obtained from the Police Department of Madison Township, ABC agents obtained signed, sworn statements from James --- and George ---. In his statement James --- says that he is 18 years of age; that at about 8:30 p.m. on June 16, 1959, he entered defendant's premises and purchased from a female clerk a quart-bottle of whiskey and six 12-ounce cans of beer which he carried from the premises; that the clerk asked his age and he replied that he was 21 years old; that the clerk did not request him to produce any proof of his age or request him to sign anything.



During subsequent investigation James identified Edna Cardinale as the clerk who made the sale. In his statement George --- says that on the evening in question he drove James --- to the vicinity of defendant's premises; that James --- entered alone and returned to the car with a quart-bottle of whiskey and six cans of beer.

Defendant has no prior record. The license was transferred to it on March 19, 1959, by Jeremiah Sheehan and Benjamin Andreach (who own 98% of the stock of defendant corporation), and these predecessors-in-interest have no prior record during the time they operated under licenses issued for 57 Church Street. However, as partners they hold another license for premises at 69-75 Carr Avenue which was suspended for five days effective April 3, 1944, by the local issuing authority, for an "hours" violation and by the Director for twenty-five days effective February 2, 1959, for sale to a minor (Bulletin 1266, Item 3). Jeremiah Sheehan also held a license for Beachway and Riverview Avenue until it was transferred to Jerry Sheehan, Inc. While said license was held by him individually, it was suspended for five days and thirty days, respectively, effective April 18, 1955 and October 22, 1955, for sales to minors, and suspended by the Director for fifty-five days by order dated November 13, 1956 (Bulletin 1145, Item 4). The minimum suspension for sale of alcoholic beverages to an 18-year-old minor is fifteen days. Re Ferry Avenue Liquor Store, Inc., Bulletin 1281, Item 1. I have taken into consideration the fact that this is the first violation under licenses issued for 57 Church Street but, considering the prior record of the majority stockholders at other premises, I shall suspend defendant's license for thirty-five days. Five days will be remitted for the plea herein, leaving a net suspension of thirty days.

Accordingly, it is, on this 2nd day of September, 1959,

ORDERED that Plenary Retail Distribution License D-1, for the 1959-60 licensing year, issued by the Mayor and Council of the Borough of Keansburg to Sheehan's Package Store, Inc., t/a "Sheehan's Package Store, Inc.", for premises 57 Church Street, Keansburg, be and the same is hereby suspended for thirty (30) days, commencing at 9 a.m. Monday, September 14, 1959, and terminating at 9 a.m. Wednesday, October 14, 1959.

WILLIAM HOWE DAVIS  
DIRECTOR

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

In the Matter of Disciplinary  
 Proceedings against

ALEXANDER M. STEINREICH  
 t/a JOE'S BAR  
 278 Market Street  
 Newark 5, N. J.

CONCLUSIONS  
 AND ORDER

Holder of Plenary Retail Consumption  
 License C-378, issued by the Municipal  
 Board of Alcoholic Beverage Control of  
 the City of Newark.

-----  
 Alexander M. Steinreich, Defendant-licensee, Pro se.  
 David S. Piltzer, Esq., Appearing for the Division of Alcoholic  
 Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he  
 possessed on his licensed premises an alcoholic beverage in a bottle  
 bearing a label which did not truly describe its contents, in vio-  
 lation of Rule 27 of State Regulation No. 20.

On July 6, 1959 an ABC agent tested the licensee's open  
 bottles of alcoholic beverages and seized one of such bottles be-  
 cause it appeared to be off in color. Subsequent analysis by the  
 Division's chemist disclosed that the contents of said bottle,  
 when compared with the sample of the genuine product of the labeled  
 brand, are high in solids and low in acids.

Defendant has a prior adjudicated record. Effective February  
 16, 1948, while the license was in the name of Alexander & Rose  
 Steinreich for the same premises, it was suspended by the local  
 issuing authority for twenty-five days for bookmaking. Since this  
 violation occurred more than ten years ago, it will not be con-  
 sidered in fixing the penalty herein. I shall suspend defendant's  
 license for ten days. Re Anchor Corporation, Bulletin 1281, Item 12.  
 Five days will be remitted for the plea entered herein, leaving a  
 net suspension of five days.

Accordingly, it is, on this 3rd day of September, 1959,

ORDERED that Plenary Retail Consumption License C-378,  
 issued by the Municipal Board of Alcoholic Beverage Control of the  
 City of Newark to Alexander M. Steinreich, t/a Joe's Bar, for  
 premises 278 Market Street, Newark, be and the same is hereby  
 suspended for five (5) days, commencing at 2:00 a.m., Monday,  
 September 14, 1959, and terminating at 2:00 a.m., Saturday,  
 September 19, 1959.


WILLIAM HOWE DAVIS  
 DIRECTOR

13. STATE LICENSES - NEW APPLICATION FILED.

Galsworthy Ltd., t/a Service Distributing Co.  
 711 Pine Street, also known as 616-620 Newton Avenue  
 Camden, N. J.

Application filed October 7, 1959 for Plenary  
 Wholesale license.

New Jersey State Library

  
 William Howe Davis  
 Director