

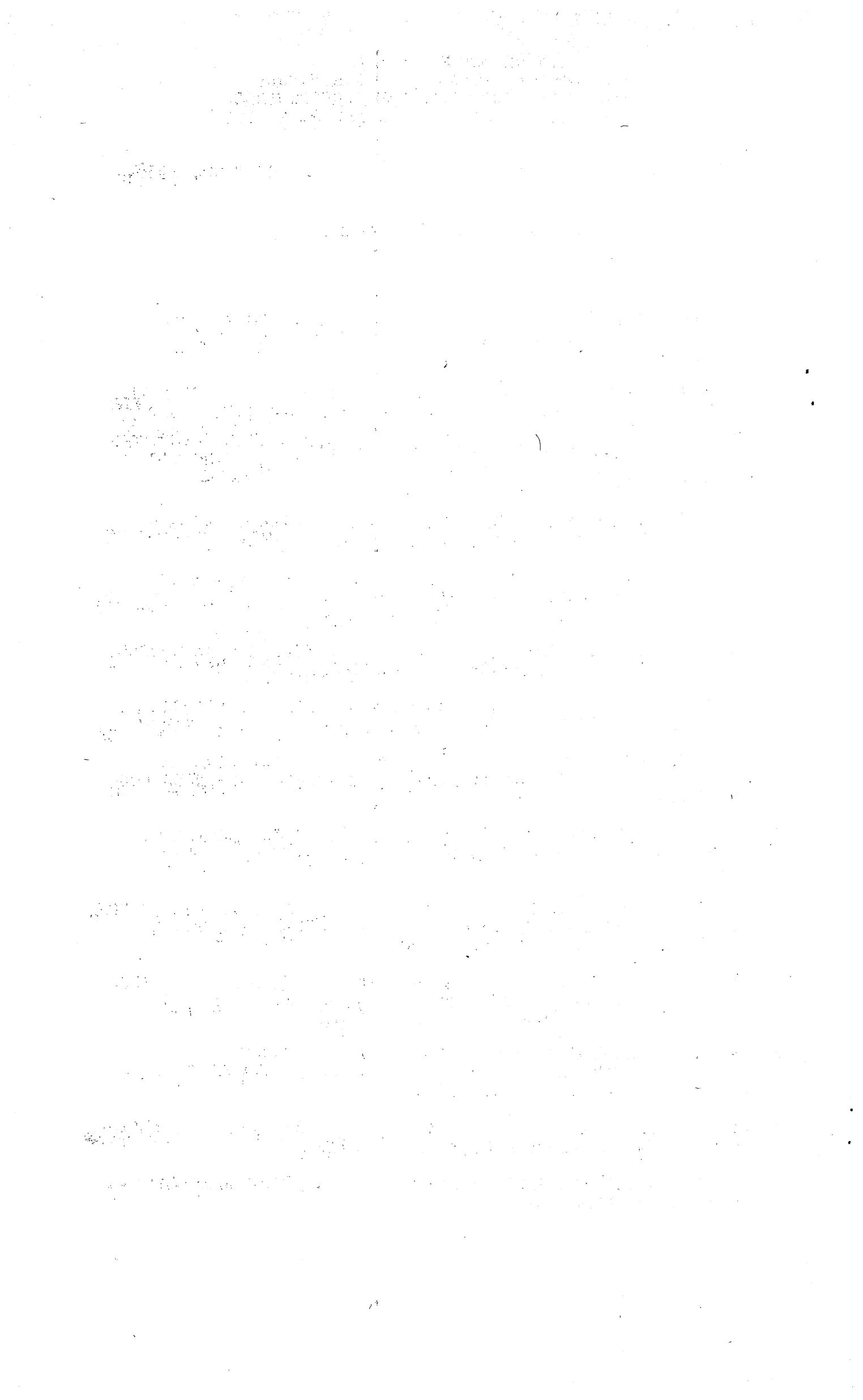
STATE OF NEW JERSEY
 Department of Law and Public Safety
 DIVISION OF ALCOHOLIC BEVERAGE CONTROL
 1100 Raymond Blvd. Newark 2, N. J.

BULLETIN 1239

AUGUST 22, 1958.

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

BULLETIN 1239

AUGUST 22, 1958.

1. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - PRIOR RECORD -
LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

AGNES C. COCHRANE)
t/a COCHRANE'S COCKTAIL LOUNGE)
1274 North Broad Street)
Hillside, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-11 for the 1957-58)
and 1958-59 licensing periods,)
issued by the Municipal Board of)
Alcoholic Beverage Control of the)
Township of Hillside.)

Agnes C. Cochrane, Defendant-licensee, Pro se.
Edward F. Ambrose, Esq., appearing for the Division of
Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that she sold, served and delivered alcoholic beverages to three minors and permitted the consumption of such beverages by said minors in and upon her licensed premises, in violation of Rule 1 of State Regulation No. 20.

The file herein discloses that on Saturday night, May 31, 1958, ABC agents visited defendant's licensed premises and took seats at the bar. The agents observed three apparent minors seated at the bar. A short time thereafter one of the bartenders served one of the youths a mixed drink containing whiskey and served a glass of beer apiece to the other two. After each consumed a portion of their respective drinks, the agents identified themselves to the bartender and also to the three male patrons, and it was ascertained that the three youths were 18, 20 and 20 years of age, respectively. Two of the minors displayed to the agents, and said they had previously displayed to a bartender in defendant's premises, identification cards belonging to other persons, on which cards the ages listed showed them to be 21 years or older. In any event, the bartender failed to obtain a written representation from the minors as to their alleged ages. Thus, one of the necessary requirements in order to establish a valid defense to a sale of alcoholic beverages to a minor is lacking. R. S. 33:1-77.

Defendant has a prior adjudicated record. Effective June 21, 1943 when the license was held in the names of defendant and Fred Cochrane, as partners, it was suspended by the local issuing authority for ten days for sale of alcoholic beverages to minors. Again, effective June 3, 1957, defendant's license was suspended by the local issuing authority for ten days for sale of alcoholic beverages to minors. Inasmuch as the first suspension for a similar violation happened more than ten years ago, it will not be considered in fixing the penalty herein. However, the similar violation as that herein which resulted in a suspension of defendant's license, effective

June 3, 1957, will be taken into consideration. The sale to an 18-year-old minor when no aggravating circumstances appear warrants a suspension of the license for fifteen days. Re O'Byrne, Bulletin 1201, Item 5. However, because three minors were involved, the penalty will be twenty days. Cf. Re Belann Tavern, Inc., Bulletin 1211, Item 8. An additional ten days for the past similar violation occurring within the past five years, will be added to the usual penalty to be imposed in the instant case, making a total suspension of defendant's license for thirty days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 7th day of July, 1958,

ORDERED that Plenary Retail Consumption License C-11 for the 1958-59 licensing period, issued by the Municipal Board of Alcoholic Beverage Control of the Township of Hillside to Agnes C. Cochrane, t/a Cochrane's Cocktail Lounge, for premises 1274 North Broad Street, Hillside, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m. July 14, 1958, and terminating at 2:00 a.m. August 8, 1958.

WILLIAM HOWE DAVIS
Director.

- 2. DISCIPLINARY PROCEEDINGS - FAILURE TO FILE NOTICE OF CHANGE IN APPLICATION IN THAT EMPLOYEE WAS TO RECEIVE HALF OF NET PROFITS AND IN THAT LICENSEE CHANGED RESIDENCE - LICENSE SUSPENDED FOR BALANCE OF TERM, WITH LEAVE TO APPLY TO LIFT AFTER EXPIRATION OF 20 DAYS IF SITUATION CORRECTED.

In the Matter of Disciplinary Proceedings against

GEORGE R. JACOBSEN
t/a GEORGE'S TAVERN
35 Joyce Street
West Orange, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-9 for the 1957-58 and 1958-59 licensing years, issued by the Municipal Board of Alcoholic Beverage Control of the Town of West Orange.

George R. Jacobsen, Defendant-licensee, Pro se.
William F. Wood, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. You failed to file with the West Orange Municipal Board of Alcoholic Beverage Control, within ten days after the occurrence thereof, written notice of change in fact set forth in answer to Question No. 31 of your license application dated June 11, 1957, upon which you obtained your current plenary retail consumption license, such change being that in or about December 1957 you agreed to pay Louis Mascari, an

employee, 50% of the net profits from your licensed business; your failure to file such notice being in violation of R. S. 33:1-34.

"2. You failed to file with the West Orange Municipal Board of Alcoholic Beverage Control, within ten days after the occurrence thereof, written notice of change in fact set forth in answer to Question No. 3 of your aforesaid application, such change being that in or about September 1957 you changed your residence from 339 Valley Road, West Orange (the address originally stated in answer to that question) to 18 Micklejohn Avenue, Singac; your failure to file such notice being in violation of R. S. 33:1-34."

The file herein includes a signed, sworn statement from each of the following persons: George R. Jacobsen, the licensee; Louis Perruso, his stepfather, who appears to have been in charge of the licensed business; and Louis Mascari, an employee. The substance of these statements is that, after the issuance of the 1957-58 license, Perruso, under the authority delegated to him by Jacobsen, entered into a verbal agreement with Mascari whereby the latter was employed to operate the licensed business at a salary of \$30.00 a week and 50 per cent of the net profits.

The licensee failed to file with the local issuing authority a written notice of his agreement to pay a percentage of the profits to his employee. Such a notice is required under R. S. 33:1-34. It is to be noted that, aside from the failure to file such notice, a licensee is not permitted to enter into an agreement of that nature with a person whose name does not appear on the license for the premises. Re Century Holding Co., Bulletin 1122, Item 5.

It further appears that the licensee changed his residence after the license was issued to him and that, similarly, he did not file a written notice of such change with the local issuing authority as required by R. S. 33:1-34.

Defendant has no prior adjudicated record. Although the application for the current 1958-59 license issued to him states that he resides at 18 Micklejohn Avenue, Little Falls, it does not set forth detailed facts sufficient to warrant a final determination that the agreement with Mascari has been terminated. Hence, I have no alternative except to suspend such license for the balance of its term. However, I shall entertain a petition to lift the suspension herein upon presentation of satisfactory evidence that such agreement has been terminated, but in no event will the suspension be lifted until the license has been under suspension for a period of twenty days from the effective date hereof. Re Tashiy, Bulletin 927, Item 6.

Accordingly, it is, on this 14th day of July, 1958,

ORDERED that Plenary Retail Consumption License C-9 for the 1958-59 licensing year, issued by the Municipal Board of Alcoholic Beverage Control of the Town of West Orange to George R. Jacobsen, t/a George's Tavern, for premises 35 Joyce Street, West Orange, be and the same is hereby suspended for the balance of its term, effective at 2:00 a.m. July 21, 1958; and it is further

ORDERED that, in the event a correction of the illegal situation is effected, leave will be given to make application to me for the lifting of said suspension, as aforesaid.

WILLIAM HOWE DAVIS
Director.

3. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 JOHN J. HARKINS
 t/a NEW GRETNA HOUSE
 N. W. Cor. N. Maple Avenue & New York Road
 Bass River Township
 PO New Gretna, N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-1 for the 1957-58 and 1958-59 licensing periods, issued by the Township Committee of Bass River Township.

 Parker, McCay and Criscuolo, Esqs., by William V. Webster, Jr., Esq., Attorneys for Defendant-licensee.
 Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he, directly or indirectly, sold alcoholic beverages to two minors and permitted the consumption of such beverages by said minors in and upon his licensed premises, in violation of Rule 1 of State Regulation No. 20.

The file herein discloses that ABC agents, acting upon information transmitted to this Division by the State Police, obtained sworn statements signed by Charles ---, age 19, and George ---, age 20, wherein both state that on Sunday, May 11, 1958, they consumed on the licensed premises alcoholic beverages served to them by the licensee who required no written proof of their ages. George states that he consumed eight bottles of beer and Charles states that he consumed four bottles of beer and eight rye highballs. Later, both minors directed the agents to defendant's licensed premises and pointed it out as the place wherein the sale was made and they identified therein the licensee as the person who served them.

Defendant has no prior adjudicated record. The minimum penalty imposed for an unaggravated sale of alcoholic beverages to a 19 and a 20-year-old minor is fifteen days. Re Monterey Enterprises, Inc., Bulletin 1188, Item 8. However, considering the amount and type of alcoholic beverages served, I shall suspend the defendant's license for twenty days. Re Polato, Bulletin 1145, Item 11. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 7th day of July, 1958,

ORDERED that Plenary Retail Consumption License C-43 for the 1958-59 licensing period, issued by the Township Committee of Bass River Township to John J. Harkins, t/a New Gretna House, for premises N.W. Cor. N. Maple Avenue & New York Road, Bass River Township, be and the same is hereby suspended for fifteen (15) days, commencing at midnight, July 14, 1958, and terminating at midnight, July 29, 1958.

WILLIAM HOWE DAVIS
 Director.

4. DISCIPLINARY PROCEEDINGS - VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - PRIOR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

KATHERINE VAFFEUS & E. GEORGE)
VAFFEUS)
622 Ocean Avenue)
Jersey City, N. J.,)

CONCLUSIONS AND ORDER

-----)
Holders of Plenary Retail Distribution License D-68 for the 1957-58 and 1958-59 licensing periods, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

Defendant-licensees, Pro se.
Dora P. Rothschild, appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded guilty to a charge alleging that they sold during prohibited hours for off-premises consumption an alcoholic beverage in its original containers, in violation of Rule 1 of State Regulation No. 38.

The file herein discloses that at 10:20 p.m., Saturday, May 24, 1958, ABC agents, from a vantage point outside defendant's licensed premises, observed George Vaffeus, one of the licensees herein, hand something in a paper bag to a patron who then left the premises. The agents approached the patron, identified themselves and requested that he show them the contents of the bag which he did willingly. The bag contained a quart bottle of wine. The patron re-entered the licensed premises with the agents, both licensees were apprized of the violation and the patron identified George Vaffeus as the person who made the after hours sale. Vaffeus refused to give a written statement saying, "I'm not denying I sold him a bottle of wine after 10:00 o'clock but what can you do, he's a customer and a good one".

Defendants have no prior adjudicated record. However, when the license for the same premises was held by Katherine Vaffeus, individually, it was suspended for ten days by the local issuing authority, effective June 4, 1951, for a violation similar to that charged herein. The minimum penalty imposed for a violation of Rule 1 of State Regulation No. 38 is a suspension of the license for fifteen days. Re Scott, Bulletin 1226, Item 4. Considering the prior similar violation which occurred within a ten-year period, I shall suspend defendants' license for twenty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 7th day of July, 1958,

ORDERED that Plenary Retail Distribution License D-68 for the 1958-59 licensing period, issued by the Municipal

Board of Alcoholic Beverage Control of the City of Jersey City to Katherine Vaffeus and E. George Vaffeus, for premises 622 Ocean Avenue, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 9:00 a.m. July 14, 1958, and terminating at 9:00 a.m. July 29, 1958.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - SUSPENSION REIMPOSED AFTER DENIAL OF CERTIFICATION BY SUPREME COURT.

In the Matter of Disciplinary Proceedings against

OLYMPIC, INC.
125 Essex Street
Maywood, N. J.,

ORDER

Holder of Plenary Retail Consumption License C-4 (for the 1956-57, 1957-58 and 1958-59 licensing years), issued by the Borough Council of the Borough of Maywood.

BY THE DIRECTOR:

By order dated March 31, 1958, I fixed the effective dates for a thirty-day suspension after the Superior Court, Appellate Division, had affirmed said suspension. See Bulletin 1224, Item 7. Thereafter licensee applied for certification to the Supreme Court, and the Court granted a stay of said suspension pending consideration of said application. The Supreme Court has denied the application for certification and, hence, the penalty may now be reimposed.

Accordingly, it is, on this 8th day of July, 1958,

ORDERED that the suspension of thirty (30) days, heretofore imposed upon Plenary Retail Consumption License C-4, issued by the Borough Council of the Borough of Maywood to Olympic, Inc., for premises 125 Essex Street, Maywood, be and the same is hereby reimposed, commencing at 2:00 a.m. July 14, 1958, and terminating at 2:00 a.m. August 13, 1958.

WILLIAM HOWE DAVIS
Director.

6. DISCIPLINARY PROCEEDINGS - ILLICIT ALCOHOLIC BEVERAGES - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

FAYE DIPIETRO GUARANO, INC. t/a FABRUNOS 131-37 Wagaraw Rd. Hawthorne, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-18, issued by the Board of Commissioners of the Borough of Hawthorne.)

-----) Braff, Litvak & Ertag, Esqs., by Jerome B. Litvak, Esq., Attorneys for Defendant-licensee. William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

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

The file discloses that on April 10, 1958, an ABC agent, while testing the licensee's open bottles, seized eight bottles the contents of which appeared to be low in proof. Subsequent analysis by the Division's chemist disclosed no evidence that the contents of one bottle were not genuine as labeled. However, the contents of four one-quart bottles of Seagram's 7 Crown American Blended Whiskey, one one-quart bottle of Calvert Reserve American Blended Whiskey and two one-quart bottles of Four Roses Blended Whiskey varied substantially in solids and acids from the contents of genuine samples of the same items. The Vice-President of defendant corporation denied to the agent that he had knowledge of any tampering with the contents of the seized bottles. This does not excuse the violation.

Defendant has no prior adjudicated record. I shall suspend defendant's license for thirty days (the minimum suspension for a violation involving seven bottles). Re Frank's Tavern, Inc., Bulletin 1164, Item 3. Five days will be remitted for the plea, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 30th day of June, 1958,

ORDERED that any renewal of Plenary Retail Consumption License C-18, issued by the Board of Commissioners of the Borough of Hawthorne to Faye DiPietro Guarano, Inc., t/a Fabrunos, for premises 131-37 Wagaraw Rd., Hawthorne, be and the same is hereby suspended for twenty-five (25) days, commencing at 3:00 a.m. July 3, 1958, and terminating at 3:00 a.m. July 28, 1958.

WILLIAM HOWE DAVIS Director.

7. DISCIPLINARY PROCEEDINGS - 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)

ANGELO D'AMICO & CLEMENTE MANZO)
t/a TWO BUDDIES)
423 1/2 Monmouth Street)
Jersey City, N. J.,)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-196 (for the 1957-58 licensing year), issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

Daniel M. Figurelli, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

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

The file herein discloses that at about 1:55 p.m. on Sunday, June 15, 1958, after observing several sales of alcoholic beverages in original containers to patrons for off-premises consumption, an ABC agent purchased six twelve-ounce cans of beer in original containers for off-premises consumption from the bartender on duty at the time. The agent left the premises but returned immediately thereafter, and he and another ABC agent who had remained on the premises identified themselves to the bartender who admitted the sale but declined to give a written statement to that effect.

Defendants have no prior adjudicated record. I shall suspend defendants' license for the minimum period of fifteen days (Re Sada, Bulletin 1217, Item 4). Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 1st day of July, 1958,

ORDERED that any renewal for the 1958-59 licensing year or transfer of Plenary Retail Consumption License C-196, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Angelo D'Amico & Clemente Manzo, t/a Two Buddies, for premises 423 1/2 Monmouth Street, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. July 7, 1958, and terminating at 2:00 a.m. July 17, 1958.

WILLIAM HOWE DAVIS
Director.

8. DISCIPLINARY PROCEEDINGS - ILLICIT ALCOHOLIC BEVERAGES - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

STANLEY BRYGIER
472 Boulevard
Bayonne, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-121 for the 1957-58 and 1958-59 licensing periods, issued by the Board of Commissioners of the City of Bayonne,

-----)
Stephen P. McCarthy, 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 a charge alleging that he possessed on his licensed premises alcoholic beverages in bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

The file herein discloses that on May 15, 1958 an ABC agent, while testing defendant's open stock of alcoholic beverages, found two quart bottles of Imperial Hiram Walker Blended Whiskey to be low in proof and off in color. The Division chemist's report of the analysis of the two bottles in question indicated that the whiskey in the respective bottles was very low in proof and also the acids and solids contained therein were low when compared with an analysis of the contents of a genuine bottle of the same brand.

Defendant has no prior adjudicated record. I shall suspend his license for fifteen days, the minimum period where two bottles of alcoholic beverages are involved. Re Kiken, Bulletin 1187, Item 11. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 1st day of July, 1958,

ORDERED that Plenary Retail Consumption License C-121 for the 1958-59 licensing period, issued by the Board of Commissioners of the City of Bayonne to Stanley Brygier, for premises 472 Boulevard, Bayonne, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. July 7, 1958, and terminating at 2:00 a.m. July 17, 1958.

WILLIAM HOWE DAVIS
Director.

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

In the Matter of Disciplinary Proceedings against)
)
 PENNSY WINE & LIQUOR CO.)
 26-28 Ferry Street &)
 388 Market Street)
 Newark, N. J.,)
 Holder of Plenary Retail Distribution License D-58 for the 1957-58)
 licensing year, issued by the)
 Municipal Board of Alcoholic Beverage)
 Control of the City of Newark.)

CONCLUSIONS AND ORDER

 Addonizio, Siselman & Gordon, Esqs., by G. George Addonizio, Esq., Attorneys for Defendant-licensee.
 William F. Wood, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it sold an alcoholic beverage 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 April 29, 1958 Theodore J. Meloro, manager of the defendant's licensed premises, sold therein a gallon of San Benito Special Reserve American Burgundy Wine to an agent of this Division for \$3.00. The minimum consumer resale price then in effect for said alcoholic beverage was \$3.35. After the sale was completed the agent, and another agent in the premises who had witnessed the sale, identified themselves to Meloro, who admitted that he knew that the correct price of the wine was \$3.35.

Defendant has no prior adjudicated record. I shall suspend defendant's license for a period of ten days. Re George Rapp, Inc., Bulletin 1215, Item 8. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 30th day of June, 1958,

ORDERED that any renewal for the 1958-59 licensing year or transfer of Plenary Retail Distribution License D-58, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Pennsy Wine & Liquor Co., for premises 26-28 Ferry Street & 388 Market Street, Newark, be and the same is hereby suspended for five (5) days, commencing at 9:00 a.m. July 7, 1958 and terminating at 9:00 a.m. July 12, 1958.

WILLIAM HOWE DAVIS
Director.

10. DISCIPLINARY PROCEEDINGS - VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - PRIOR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

JOHN E. COLEMAN
614 Communipaw Avenue
Jersey City, N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-162 for the 1957-58 and 1958-59 licensing years, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

John E. Coleman, Defendant-licensee, Pro se.
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, May 25, 1958 he 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 on Sunday, May 25, 1958 starting at 2:55 p.m., two ABC agents kept the licensed premises under surveillance. At about 3:05 p.m. the agents observed one Sherman Marshall leave the licensed premises with a brown paper bag which he was attempting to conceal underneath his coat. The agents approached Marshall and learned that the bag contained two cans of Rheingold Extra Dry Beer. The agents, together with Marshall, returned to the licensed premises, identified themselves to Harbin Dinkins, the bartender, and informed him of the violation. The bartender orally admitted that shortly before Marshall left the premises he had sold him the aforesaid alcoholic beverages.

Defendant has a prior adjudicated record. Effective July 26, 1954 when the defendant held a license for premises 545 Boulevard, Bayonne, it was suspended for ten days by the local issuing authority for sale of alcoholic beverages to a minor and for permitting a brawl. The minimum suspension for the violation herein is fifteen days, Re Black, Bulletin 1221, Item 6, to which five days will be added because of the prior dissimilar violation which occurred within a five-year period. I shall suspend defendant's license for twenty days and remit five days for the plea entered, leaving a net suspension of fifteen days.

Accordingly, it is, on this 10th day of July, 1958,

ORDERED that Plenary Retail Consumption License C-162, for the 1958-59 licensing period, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to John E. Coleman, for premises 614 Communipaw Avenue, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. July 21, 1958, and terminating at 2:00 a.m. August 5, 1958.

WILLIAM HOWE DAVIS
Director.

11. PRACTICES UNDULY DESIGNED TO INCREASE CONSUMPTION - PROMOTIONAL SCHEMES BASED ON SPECIAL DRINK PRICES OR SIZE PROHIBITED BY SPECIAL RULING.

TO ALL PLENARY AND SEASONAL RETAIL CONSUMPTION LICENSEES:

This Division has recently found increasing instances in which consumption licensees have engaged in the following practices at licensed premises: (1) selling and advertising for sale drinks of alcoholic beverages at reduced prices during certain hours or on special occasions, usually referred to as "cocktail hours" or "ladies' nights", etc.; (2) selling and advertising for sale drinks of certain brands of alcoholic beverages at "special" or reduced prices, sometimes during a limited number of days or weeks; and (3) selling and advertising for sale "double" or "jumbo" drinks of alcoholic beverages at reduced per unit price (or merely advertising such drinks at regular per unit prices). These schemes are usually employed by licensees to stimulate business or to foster sales of a certain brand.

All schemes which constitute practices unduly designed to increase the consumption of alcoholic beverages have been disapproved by this Division. Re Advertising, Bulletin 314, Item 4; Re Lipitz, Bulletin 372, Item 2; Re Practices, Bulletin 732, Item 8; Re Retail Licensees, Bulletin 817, Item 14; and Re Retail Licensees, Bulletin 1010, Item 5. The selling and advertising for sale of alcoholic beverages in the manner above described constitutes such type of practice because of the implicit inducement to patrons to purchase larger quantities of alcoholic beverages in order to take advantage of the actual or implied temporary price reduction, regardless of their present needs or desires. In addition, these schemes encourage harmful price competition between licensees.

I am hereby specially ruling, pursuant to power conferred by R. S. 33:1-39 of the Alcoholic Beverage Law, that no retail licensee shall hereafter engage in any of the above described practices or any similar thereto. Violation of this ruling is cause for the institution of proceedings directed towards suspension or revocation of license. Licensees will be well advised to comply.

WILLIAM HOWE DAVIS
Director.

Dated: August 18, 1958.

12. PLENARY RETAIL CONSUMPTION LICENSE - OBJECTIONS TO TRANSFER OF LICENSE HELD TO BE WITHOUT MERIT.

In the Matter of Objections to)
the Transfer of Plenary Retail)
Consumption License C-17 from)

JOSEPH LEO DUNN)
t/a JOCKEY HOLLOW TAVERN)
13 Market Street)
Morristown, N. J.)

CONCLUSIONS

to)

MORRISTOWN COLUMBIAN CLUB)
340-348 Speedwell Avenue)
Morristown, N. J.)

-----)
Leonard Tolkoﬀ, Esq., Attorney for the Applicant.
Edward F. Broderick, Esq., Attorney for the Objectors.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an application filed by the Morristown Columbian Club for a person-to-person and place-to-place transfer of a plenary retail consumption license from Joseph Leo Dunn, t/a Jockey Hollow Tavern, to the applicant and from premises 13 Market Street to premises 340-348 Speedwell Avenue, Morristown. The application was filed with the Director because a member of the local issuing authority is also a member of the applicant club. R. S. 33:1-20. Annexed to the application for the license is a resolution adopted on May 12, 1958 by the Mayor and Board of Aldermen of the Town of Morristown which provides as follows:

'WHEREAS, Morristown Columbian Club, Inc. is about to apply to the Honorable William Howe Davis, Director of Alcoholic Beverage Control of the State of New Jersey, for transfer of Plenary Retail Consumption License C-17, heretofore issued to Joseph Leo Dunn, trading as Jockey Hollow Tavern, for premises at 13 Market Street, Morristown, New Jersey, to the Morristown Columbian Club, Inc. for premises at 340-348 Speedwell Avenue, Morristown, N. J.

'NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen of the Town of Morristown, New Jersey, have no objection to the transfer of license about to be applied for and consent thereto, and

'THAT it is not aware of any circumstances or provisions of the law or legal ordinances which would prohibit the transfer of said license.'

"The Department of Police, by letter dated May 15, 1958, advised this Division that the applicant has held a club license for several years and it has never been cited for any violation of the Alcoholic Beverage Control Regulations, nor are there any investigations pending concerning the applicant. The Board of Health and the Fire Department, respectively, of the municipality have advised they found the conditions

respecting the licensed premises to be in good order and satisfactory to both departments.

"The club in question was incorporated on March 22, 1933 and has been at its present location since March 1954. It further appears that the applicant has held a club license since June 7, 1946, said license being transferred to the present premises on April 19, 1955.

"A petition containing names of objectors to the transfer of the license in question was filed in this matter.

"Three of the objectors, in addition to the attorney who appeared for them, contended that they opposed the applicant having a plenary retail consumption license because the licensed premises would be used, in all probability, for business purposes. Moreover, at the present time the club has various functions and that, because of the number of automobiles used to bring persons to the premises, these affairs have disturbed the peace and enjoyment of the objectors. The attorney for the objectors stated that there is a large tract of land immediately across the street from the applicant's premises and it is his belief that in the future, if the present application is approved, an application will be made by the owners of said property to use same for business purposes.

"Patrick Petrozzo testified that he was elected chairman of the Board of Governors and that at present there are 151 members in the association. He further testified that the organization was formed to encourage Americanization and to participate in the educational and civic betterment of the community and to promote the social, moral and general welfare of its members; that the applicant club has contributed financially to local hospitals and other charitable organizations and, in addition thereto, permits the use of its facilities by four church groups each year; that among the members of the club is a member of the Board of Aldermen, doctors, lawyers, policemen, special policemen, a magistrate and various members of different appointive boards of the municipality; that the reason for desiring to obtain the license in question is that there is a possibility that former members or non-members of the club might be served alcoholic beverages in violation of the law and by reason thereof, it would be embarrassing not only to the members of the organization but to the organization itself. Petrozzo further gave assurances that the operation of the premises under the plenary retail consumption license would be similar to the operation under the club license which has been held for a great number of years.

"Emilio Gervasio, a lieutenant in the local police department, testified that at times when there are large meetings at the club, police protection in connection with the traffic is given by the police department at the request of the club.

"I am impressed with the fact that the Mayor and Board of Aldermen took affirmative action regarding the application for transfer. By its official resolution hereinbefore quoted in full, it not only stated it had no objection to the transfer of the said license, but consented thereto and that it was not aware of any circumstances or provision of the law or of any ordinance which would prohibit the transfer of the license in question. In view of this, it is quite obvious that the local issuing authority would have approved the transfer of this

license if the application therefor had been filed locally instead of with the State Director pursuant to R. S. 33:1-20. Considerable weight should be given to municipal issuing authority's resolution of consent. Cf. Re The Columbian Association of Livingston, Bulletin 1221, Item 7.

"Under the circumstances appearing herein, especially with reference to the assurances given in the manner the club will be operated, I recommend that the person-to-person and place-to-place transfer of the plenary retail consumption license in question be approved by the Director, subject to condition, however, that there shall be no exterior signs on the premises indicating the presence of a bar or that the applicant is the holder of a liquor license. I also recommend that the applicant admonish its members to observe even greater supervision over the conduct of its licensed premises than is normally required in order to maintain at a minimum any inconvenience to the neighbors located in the immediate vicinity of the club premises. Furthermore, I recommend that the club be cautioned to adhere strictly to the State Alcoholic Beverage Law, the Rules and Regulations of this Division and the town's ordinances. Cf. Re The Columbian Association of Livingston, supra."

No exceptions to the Hearer's Report were filed in this matter.

After careful consideration of the facts and circumstances herein, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

I shall grant the person-to-person and place-to-place transfers in accordance with the application filed herein.

WILLIAM HOWE DAVIS
Director.

Dated: July 7, 1958.

13. AUTOMATIC SUSPENSION - LICENSE SUSPENDED BY DIRECTOR -
SUSPENSION LIFTED.

Auto. Susp. #156)
In the Matter of a Petition by)
JOSEPH DOBROF)
6516 Winchester Avenue)
Ventnor City, N. J.,)
To Lift the Statutory Automatic)
Suspension of License D-13, issued)
by the Common Council of the City)
of Ventnor City.)
-----)

ON PETITION
O R D E R

Bertram M. Saxe, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

It appears from the petition herein that on July 14, 1958, Joseph Dobrof was fined \$50.00 after he pleaded non vult in the Atlantic County Court to an indictment alleging that he sold alcoholic beverages to a minor, in violation of R. S. 33:1-77. Said conviction resulted in the automatic suspension for the balance of its term of the license he now holds. R. S. 33:1-31.1. The petition requests the lifting of the automatic suspension. The license was not immediately picked up because of the pendency of these proceedings.

By order dated April 15, 1958, I suspended petitioner's license for fifteen days after he pleaded non vult in disciplinary proceedings to a charge of selling alcoholic beverages to the same minor. This suspension was effective from 9:00 a.m. April 28, 1958, to 9:00 a.m. May 13, 1958 (Bulletin 1226, Item 6). Under the circumstances, I shall grant the relief requested.

Accordingly, it is, on this 29th day of July, 1958,

ORDERED that the statutory automatic suspension of said License D-13 be and the same is hereby lifted, and said license is restored to full force and operation, effective immediately.



William Howe Davis
Director.