

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

BULLETIN 1795

June 20, 1968

TABLE OF CONTENTS

ITEM

1. DISCIPLINARY PROCEEDINGS (West Orange) - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS.
2. DISCIPLINARY PROCEEDINGS (Trenton) - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS.
3. DISCIPLINARY PROCEEDINGS (Hoboken) - GAMBLING (NUMBERS BETS) - LOTTERY (POSSESSION OF PUERTO RICAN LOTTERY TICKETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.
4. ACTIVITY REPORT FOR APRIL 1968.
5. DISCIPLINARY PROCEEDINGS (Hoboken) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - UNQUALIFIED EMPLOYEE - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Flemington) - SALE TO A MINOR - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (Kearny) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (Camden) - ORDER IMPOSING DEFERRED SUSPENSION.
9. DISCIPLINARY PROCEEDINGS (North Plainfield) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
10. STATE LICENSES - NEW APPLICATION FILED.

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

BULLETIN 1795

June 20, 1968

1. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - LICENSE
SUSPENDED FOR 60 DAYS.

In the Matter of Disciplinary)
Proceedings against)

SALVATORE IANDOLI)
t/a Hazel Nut Bar)
554 Valley Road)
West Orange, N. J.)

) CONCLUSIONS
) AND ORDER

Holder of Plenary Retail Consumption)
License C-49, issued by the Board of)
Alcoholic Beverage Control of the)
Town of West Orange.)

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

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charges:

"1. On September 14 and 19, 1967, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of bets in a lottery, commonly known as the 'numbers game' on both of said dates, and on horse races on said date of September 14, 1967; in violation of Rule 7 of State Regulation No. 20.

"2. On September 14 and 19, 1967, you allowed, permitted and suffered tickets and participation rights in a lottery, commonly known as the 'numbers game' to be sold and offered for sale in and upon your licensed premises, in violation of Rule 6 of State Regulation No. 20."

The Division offered the testimony of three ABC agents in substantiation of the charges.

Agent S (who possessed ample experience in gambling investigations, including horse race betting and numbers betting) gave the following account: Accompanied by Division agents M, R and G, he entered the licensed premises (described as a neighborhood bar) on September 19, 1967, at 1:10 p.m. The agents positioned themselves at the far end of the bar. Approximately ten patrons were in the tavern at that time. A male (identified as Frank Wolf) was tending bar. He noted the presence of a patron referred to as "Lefty" and identified as Frank Gurren.

Referring to observations he made of the bartender Frank,

he testified, "I also observed on a couple of occasions male patrons enter the premises and go into the rear with Frank and exchange paper and money, and the patrons depart and Frank return to his position at the bar."

In describing a transaction which occurred between Lefty and Frank, the testimony revealed the following:

"Q What did you hear Lefty say, if anything, to Frank?

A Lefty told Frank he wanted 112 and 212 for 50 and 50, 50 and 50 for a total of \$2 numbers bets placed for that date.

Q Did you see any exchange of money?

A Yes, sir. Lefty handed Frank \$2, and Frank proceeded to the telephone booth."

The agent characterized the transaction as a numbers bet. At the time of the occurrence Lefty was seated at the bar, "one empty stool" away from the agent. G and M were seated to S's left; R was in the men's room. The agents departed from the tavern at approximately 2:20 p.m.

Accompanied by Agents M, R and G, S entered the licensed premises on September 14, 1967 at approximately 1:55 p.m. They placed themselves in the same position at the far end of the bar. Frank Wolf was tending bar. The patronage consisted of approximately nine males and one female.

The questioning of S proceeded as follows:

"Q While you were in the premises that day did you make any general observations of Mr. Wolf?

A Yes, sir.

Q What were your observations?

A I observed Frank tend bar, and on occasion he would enter the phone booth and answer calls in the rear and make notations on a slip and place this slip right in his pocket. On a couple of occasions he went to the rear with unidentified males, and they handed him pieces of paper and money, and he returned to the bar and they departed.

Q Did you observe where, if any place, Frank went?

A Into the telephone booth on all occasions.

Q Did you observe whether those persons you just referred to in your testimony made any purchases?

A None of them made any purchases."

S identified two of the patrons to the left of where the agents were grouped as Raymond Schoenleber, also known as "Jake", and Benjamin Bookbinder, also known as "Benny." He overheard Jake and a male patron refer to a numbers bet and horse bets. Jake said he was going to make a telephone call and proceeded toward the telephone booth. As Jake was passing by the rear portion of the bar past the agents, M left his stool and walked with Jake to the telephone. M handed Jake a dollar bill to bet on number 554. At the telephone booth Jake called a number and hung up. M then informed Jake that he wanted to bet on a certain horse. Jake again dialed a number and called in the horse bet. M handed Jake \$2 in payment of the bet at the telephone booth.

After Jake returned to the bar, S informed Jake that he wanted to bet a dollar on 711. Frank was behind the bar approximately six or seven feet distant from S. R, who was seated three stools from Jake, said, "Let me have 363 for a dollar straight." Jake took a dollar bill from R and from M and proceeded to the telephone booth. The numbers bets were made in a normal conversational tone. After Jake returned to his position at the bar, they continued to talk about the bets made. Frank was still behind the bar.

On cross examination the agent admitted that he had no knowledge of what the bartender was writing on the paper when he answered the telephone. On September 14 none of the agents placed a bet directly with Frank. When he was at the bar he could not hear conversations at the telephone.

The testimony offered by Agent R, who accompanied Agents S, M and G on the dates mentioned in the charges, was substantially corroborative of the testimony given by S.

It was stipulated at the hearing herein that the testimony of Agent G would be similar to the testimony given by S.

In defense of the charges the licensee called as his first witness Frank J. Wolf, who was employed as the daytime bartender at the licensed premises. He was on duty alone on both days mentioned in the charges.

He recalled the presence of the agents in the tavern on September 14, dressed in work clothes. In response to the question, "Outside of ordering drinks did they have any other conversation with you", the bartender responded, "Yes, sir. They were batting the breeze, more or less. A couple of times they asked about gambling, where they can get a bet in. I told them we didn't allow that stuff. On two occasions I threatened to put them out for talking like that. One time Mr. R--- was very obscene, and I threatened to put him out." He did not recall on which visit this conversation took place.

Continuing, he testified that Raymond Schoenleber (Jake) and his sister and her husband patronized the tavern regularly. Wolf recalled that they patronized the tavern on September 14 and were seated at the "far end of the bar away from the agents." He observed Jake and the agents conversing with each other; however, he did not overhear the conversation. He did not see any of the agents hand Jake money, nor did he see Jake make any telephone calls. He was busy. He admitted receiving telephone calls every day. He would make a note of telephone numbers, or orders and "little memorandums;" however, he did not accept or place bets. He did not see or hear anyone place bets or observe any gambling in the tavern.

He recalled that Bookbinder was in the tavern on the same day. When questioned as to whether or not Bookbinder had any conversation with the agents, he replied, "He was talking to them. At one time they mentioned about getting bets in, and right in front of Mr. Bookbinder I told them we did not allow that stuff." Neither he nor the licensee would tolerate gambling in the licensed premises.

He recalled that Frank Gurren (Lefty) was a patron on September 19, and that the four agents (dressed in work clothes)

came in on that day. He overheard no conversation involving gambling activities on that day. He denied that Lefty gave him \$2 and that he then proceeded to the telephone booth.

On cross examination Wolf testified that, on September 19, R and Lefty sat alongside each other and conversed with each other "the whole time they were there." S was with R and Lefty. He overheard no mention of numbers. He saw no exchange of money between R and Lefty.

Benjamin Bookbinder testified that, on the first date in September 1967 the agents came in the tavern, he was seated near the door, the agents positioned themselves at the other end of the bar. On that occasion he had no conversation with the agents. He noted that Raymond Schoenleber (Jake) was in the tavern. Jake had no conversation with the agents other than to say "hello."

Neither the bartender nor the licensee permitted conversations concerning betting. Whenever he heard talk of betting, "they were told to cut it out." On many occasions he heard the management threaten to evict persons who discussed betting. On an occasion when S asked him as to whether or not he could put in a bet, he replied, "Why don't you cut out this stuff? You know they don't fool around with stuff like this in a place like this."

On cross examination he insisted that he never saw Jake in conversation with any of the agents. He never heard any mention of numbers except when one of the agents asked, "where he could put in a bet."

Raymond Schoenleber (Jake) testified that he patronized the licensed premises regularly. He did not visit the tavern on Thursday, September 14; however, he did patronize it on Tuesday, September 19. The Division agents were already in the tavern (positioned at the end of the bar) when he entered at approximately "quarter after, half-past one."

After one of the agents addressed him as "Jake" (his nickname) and reminded that they were neighbors "twenty years ago", the agent related that he wanted to play a number he found in a Chinese cookie. Jake accepted a dollar for placing a bet on the number "455" as a friendly gesture or favor and said, "I wish you luck." He walked out with the dollar bill after trying to make a telephone call and finding the line busy. The bartender knew nothing of the transaction and had nothing to do with the transaction. The occurrence he described took place "right in front of the bar." He never gave money to the bartender for betting purposes, nor did he ever observe gambling or numbers on horses in the tavern.

On cross examination the witness denied that he took bets on the numbers "711" or "363." He took no additional money or bets from the agents.

The licensee then produced as his witness Frank Gurren (Lefty). It is apparent that this witness was confused concerning the matters relevant to the charges. Hence I am not in anywise considering his testimony in arriving at my determination herein. If I were to give Gurren's testimony any weight at all in my deliberation, I would be inclined to consider that his testimony corroborated the fact that numbers betting was discussed at the bar.

The licensee, (Salvatore Iandoli) testified that he tends bar at night only and he is not there during the day time. Frank Wolf was in charge during the daytime. He has no knowledge of the matters alleged in the charges. He has instructed his employees not to permit gambling of any kind.

In rebuttal R testified that at no time did the bartender threaten to evict the agents or anyone else for talking about numbers. He denied using obscene language.

S corroborated R's rebuttal testimony.

Upon conclusion of the Division's case the attorney for the licensee moved for a dismissal of Charge 2 on the ground that there was no evidence adduced that a lottery was conducted or that tickets or participation rights in a lottery were sold or offered for sale on the licensed premises. Decision was reserved on the said motion. It is recommended that the motion be denied on the ground that the "numbers game" referred to in the charge is in itself a lottery, and the wording "participation rights" expressed in the charge is not necessarily connotive of a writing.

Succintly stated, in his memorandum counsel for licensee argued that the charges should be dismissed for the reasons that (1) the proof was insufficient to sustain a finding that the licensee as a general course of conduct allowed, permitted and suffered gambling activities in and upon the licensed premises and (2) that there was a "lack of any testimony of any violations other than those in which the agents themselves were directly involved."

In adjudicating this matter I observe primarily that, in evaluating the testimony and its legal impact, we are guided by the firmly established principle that disciplinary proceedings against liquor licensees are civil in nature and require proof by a preponderance of the believable evidence only. Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373 (1956); Freud v. Davis, 64 N.J. Super. 242 (App.Div. 1960); Howard Tavern, Inc. v. Division of Alcoholic Beverage Control (App.Div. 1962), not officially reported, reprinted in Bulletin 1491, Item 1.

In appraising the factual picture presented in this proceeding, the credibility of witnesses must be weighed. Testimony, to be believed, must not only proceed from the mouth of a credible witness but must be credible in itself. It must be such as common experience and observation of mankind can approve as probable in the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App.Div. 1961).

The general rule in these cases is that the finding must be based on competent legal evidence and must be grounded on a reasonable certainty as to the probabilities arising from a fair consideration of the evidence. 32A C.J.S. Evidence, sec. 1042.

In view of the fact that the primary issue presented for determination is factual, I closely observed the demeanor of the witnesses as they testified and made a careful analysis and evaluation of their testimony.

Directing my attention to the occurrences of September 14, it is clear to me that Division agent M placed a numbers bet and a horse race bet in the licensed premises with a patron,

Raymond Schoenleber (Jake), who accepted the money therefor and called in the bets on the telephone in the tavern. This activity took place after Jake and a male patron were heard discussing a numbers bet and horse bets, and as Jake was passing by toward a telephone booth. After M placed his bets with Jake, Jake accepted a numbers bet on 711 from S for the sum of one dollar and accepted a numbers bet from R on 363 for the sum of one dollar and collected a dollar from each. The activity thus described was carried on openly.

Referring to the date of September 19, S described numbers betting activity which took place at the bar wherein a patron, Frank Gurren, placed a bet in the total sum of \$2 on 112 and 212 with the bartender Wolf.

I am persuaded that the testimony presented by the Division agents was factual and truly depicted the gambling activities described.

It is axiomatic that a licensee may not avoid his responsibility for conduct occurring on his premises by merely closing his eyes and ears. On the contrary, licensees or their agents or employees must use their eyes and ears, and use them effectively, to prevent the improper use of their premises. Bilowith v. Passaic, Bulletin 527, Item 3; Re Ehrlich, Bulletin 1441, Item 5; Re Club Tequila, Inc., Bulletin 1557, Item 1.

Additionally, I am mindful that Rule 33 of State Regulation No. 20 provides as follows:

"...The fact that the licensee did not participate in the violation or that his agent, servant or employee acted contrary to instructions given to him by the licensee or that the violation did not occur in the licensee's presence shall constitute no defense to the charges preferred in such disciplinary proceedings."

After carefully considering and evaluating all of the evidence adduced herein, and the legal principles applicable thereto, I conclude that the Division has proved its case by clear and convincing testimony and by a fair preponderance of the credible evidence. I therefore recommend that the licensee be adjudged guilty of the charges.

The licensee has a prior adjudicated record of suspension of license by the municipal issuing authority for fifteen days effective January 2, 1946, for local "hours" violation. The prior record of suspension of license for dissimilar violation disregarded because occurring more than five years ago, it is further recommended that the license be suspended for sixty days. Re Jesswell, Inc., Bulletin 1778, Item 4.

Conclusions and Order

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

I find that the exceptions have been either covered by the Hearer in his report or are without merit.

Having carefully considered the entire record herein, including the transcript of the testimony, the memorandum filed

herein, the Hearer's report and the exceptions and arguments filed with reference thereto, I concur in the Hearer's findings and conclusions and adopt his recommendations.

Accordingly, it is, on this 22nd day of April 1968,

ORDERED that Plenary Retail Consumption License C-49, issued by the Board of Alcoholic Beverage Control of the Town of West Orange to Salvatore Iandoli, t/a Hazel Nut Bar, for premises 554 Valley Road, West Orange, be and the same is hereby suspended for sixty (60) days, commencing at 2 a.m. Monday, April 29, 1968, and terminating at 2 a.m. Friday, June 28, 1968.

JOSEPH M. KEEGAN
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS.

In the Matter of Disciplinary Proceedings against)

AGNES BYRNES)
t/a Sweeney's)
1292 East State Street)
Trenton, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-36, issued by the City Council of the City of Trenton)

Harvey L. Stern, Esq., Attorney for Licensee
David S. Piltzer, Esq., Attorney for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charges:

"1. On July 13, 1967, you engaged in and allowed, permitted and suffered in and upon your licensed premises, pool-selling and gambling, viz., the making and accepting of bets in a lottery, commonly known as the 'numbers game'; in violation of Rule 7 of State Regulation No. 20.

"2. On July 13, 1967, you allowed, permitted and suffered participation rights in a lottery, commonly known as the 'numbers game' to be sold and offered for sale in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20.

"3. On July 29, 1967, you possessed, had custody of and allowed, permitted and suffered tickets and participation rights in a lottery, commonly known as the 'numbers game', in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20.

"4. On July 29, 1967, you possessed, had custody of and allowed, permitted and suffered in and upon your licensed premises a slip, ticket, record, document, memorandum and writing pertaining to pool-selling, an unlawful game and gambling, viz., a lottery known as the 'numbers game'; in violation of Rule 7 of State Regulation No. 20."

Inasmuch as it is my view that there appears to be a lack of necessary preponderance of evidence to sustain a finding of guilty of Charges 3 and 4, I shall confine my references to the evidence pertinent to the disposition of Charges 1 and 2.

Concerning Charges 1 and 2, Division Agent D gave the following account: on July 13, 1967, he entered the licensed premises (a tavern) "just prior to twelve noon" and sat towards the middle of the bar. The patronage consisted of five males and one female. Thomas Edward Sweeney was tending bar. He observed the female seated to his right place a numbers bet with the bartender for twenty-five cents on number 176. The bartender took a quarter from the bar in front of the female and "put it in his right rear pocket and proceeded to the rear of the premises where the rear room is, the opening, and as he went into this rear portion of the building he removed a yellow pencil from his ear and he remained in there less than a minute."

D then heard a conversation between a male patron and Sweeney wherein the patron played two numbers, "number 196 and the other number I couldn't recall, for twenty-five cents, and he [Sweeney] removed two quarters from the bar in front of this male."

The bartender repeated the act of putting the money in his rear pocket. He proceeded into the rear room, removed a pencil from his ear and remained there approximately a half a minute. This procedure was pursued with another male patron with whom he "played at least two numbers, but I don't know if he played any more or not, but it was for a dollar and he took a dollar bill from in front of this male and he followed the same procedure, in the back room with the pencil and out."

In defense of the charges, Thomas Edward Sweeney, who was employed by the licensee to manage the tavern business, denied that he ever accepted bets on the numbers 176 or 196 or on any other number. Referring to the date of July 13, 1967, he was not certain as to whether or not ABC Agent D was in the premises on that day. It was probable that patrons would ask for change of a quarter in order to use the bowling machine installed in the tavern. Numbers, such as 176 and 196, might represent the scores attained by users of the bowling machine.

On cross-examination, the witness conceded that he was tending bar on July 13, 1967, from approximately noon time to 2:00 P.M.

In rebuttal, Agent D testified that Sweeney did not give change of a quarter to the patrons who played the numbers 176 and 196, respectively, and reiterated that Sweeney placed the money in his rear pocket.

Thus, a purely factual question is presented for determination.

In adjudicating this matter I observe primarily that, in evaluating the testimony and its legal impact, we are guided by the firmly established principle that disciplinary proceedings against liquor licensees are civil in nature and require proof by a preponderance of the believable evidence only. Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373 (1956); Freud v. Davis, 64 N.J. Super. 242 (App.Div. 1962), not officially reported, reprinted in Bulletin 1491, Item 1.

In appraising the factual picture presented herein the credibility of witnesses must be weighed. Testimony to be believed, must not only proceed from the mouth of a credible witness but must be credible in itself. It must be such as the common experience and observation of mankind can approve as probable in the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App.Div. 1961).

The general rule in these cases is that the finding must be based on competent legal evidence and must be grounded on a reasonable certainty as to the probabilities arising from a fair consideration of the evidence. 32A C.J.S. Evidence, sec. 1042.

Having determined that the fundamental issue presented for determination is factual, I closely observed the demeanor of the witnesses as they testified and made a careful analysis and evaluation of their testimony.

I find the testimony of the Division agent, describing the numbers betting activity engaged in by the bartender with two patrons on the numbers 176 and 196 and with a third patron on numbers not identified on July 13, 1967, persuasive, credible and truly depicted the gambling activities which he described. On the other hand, I was wholly unimpressed by the testimony offered by the bartender in defense of the charges.

Whether or not the licensee was aware of her employee's activities is of no consequence. In disciplinary proceedings, a licensee is fully accountable for all violations committed or permitted on the licensed premises by his servants, agents or employees. Knowledge on the part of the employer is not a prerequisite to a finding of guilt where an employee participates in the misdeeds. Rule 33 of State Regulation No. 20. Cf. In re Schneider, 12 N.J. Super. 449 (App.Div. 1951).

A careful evaluation and consideration of the testimony adduced herein, and the legal principles applicable thereto, compel me to conclude that the Division has established the truth of Charges 1 and 2 by a fair preponderance of the believable evidence and I recommend that the licensee be adjudged guilty of said charges. I recommend that the licensee be adjudged not guilty of Charges 3 and 4.

The licensee has no prior adjudicated record of suspension of license. I further recommend that the license be suspended for sixty days. Re Jesswell, Inc., Bulletin 1778, Item 4.

Conclusions and Order

No exceptions to the Hearer's report were filed pursuant to Rule 6 of State Regulation No. 16.

Having carefully considered the entire record, including the transcript of the testimony and the Hearer's report,

I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 22nd day of April 1968,

ORDERED that Plenary Retail Consumption License C-36, issued by the City Council of the City of Trenton to Agnes Byrnes, t/a Sweeney's, for premises 1292 East State Street, Trenton, be and the same is hereby suspended for sixty (60) days, commencing at 2 a.m. Monday, April 29, 1968, and terminating at 2 a.m. Friday, June 28, 1968.

JOSEPH M. KEEGAN
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - LOTTERY (POSSESSION OF PUERTO RICAN LOTTERY TICKETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JUAN GONZALES and HERMAN NAZARIO)
86 Garden Street)
Hoboken, New Jersey)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-66 issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken)

Licensees, by Herman Nazario, Pro se
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to charges (1) and (2) alleging that on November 10 and 28 and December 7 and 14, 1967, they permitted acceptance of numbers bets and possessed tickets in the Puerto Rican lottery on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Cantore's Bar & Grill, Inc., Bulletin 1716, Item 2.

Accordingly, it is, on this 18th day of April, 1968,

ORDERED that Plenary Retail Consumption License C-66, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Juan Gonzales and Herman Nazario for premises 86 Garden Street, Hoboken, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. Thursday, April 25, 1968, and terminating at 2:00 a.m. Wednesday, June 19, 1968.

JOSEPH M. KEEGAN
DIRECTOR

4.

ACTIVITY REPORT FOR APRIL 1968

ARRESTS:		
Total number of persons arrested - - - - -		16
Licensees and employees - - - - -	11	
Bootleggers - - - - -	5	
SEIZURES:		
Motor vehicles - cars - - - - -		1
Stills - 50 gallons or under - - - - -		1
Alcohol - gallons - - - - -		58.50
RETAIL LICENSEES:		
Premises inspected - - - - -		801
Premises where alcoholic beverages were gauged - - - - -		659
Bottles gauged - - - - -		10,292
Premises where violations were found - - - - -		142
Violations found - - - - -		187
No Form E-141-A on premises - - - - -	82	Disposal permit necessary - - - - - 2
Unqualified employees - - - - -	44	Other mercantile business - - - - - 1
Application copy not available - - - - -	30	Other violations - - - - - 28
STATE LICENSEES:		
Premises inspected - - - - -		20
License applications investigated - - - - -		16
COMPLAINTS:		
Complaints assigned for investigation - - - - -		356
Investigations completed - - - - -		412
Investigations pending - - - - -		211
LABORATORY:		
Analyses made - - - - -		110
Refills from licensed premises - bottles - - - - -		82
Bottles from unlicensed premises - - - - -		5
IDENTIFICATION:		
Criminal fingerprint identifications made - - - - -		8
Persons fingerprinted for non-criminal purposes - - - - -		448
Identification contacts made with other enforcement agencies - - - - -		318
Motor vehicle identifications via N.J. State Police teletype - - - - -		1
DISCIPLINARY PROCEEDINGS:		
Cases transmitted to municipalities - - - - -		11
Violations involved - - - - -		11
Sale to minors - - - - -	6	
Sale during prohibited hours - - - - -	5	
Cases instituted at Division - - - - -		29
Violations involved - - - - -		34
Possessing liquor not truly labeled - - - - -	12	Permitting misc. gambling on premises - - - - - 1
Sale to minors - - - - -	9	Fraud in application - - - - - 2
Sale during prohibited hours - - - - -	4	Unqualified employees - - - - - 1
Permitting lottery on premises - - - - -	3	Sale outside scope of license - - - - - 1
Sale below filed price - - - - -	1	
Cases brought by municipalities on own initiative and reported to Division - - - - -		26
Violations involved - - - - -		35
Sale to minors - - - - -	14	Employment w/o ID card (local reg.) - - - - - 2
Conducting business as a nuisance - - - - -	6	Fraud and front - - - - - 1
Sale during prohibited hours - - - - -	3	Permitting female impersonator on prem. - - - - - 1
Unqualified employees - - - - -	3	Permitting immoral acty. on prem. - - - - - 1
Permitting brawl, etc. on premises - - - - -	2	Employee working while intoxicated - - - - - 1
Hindering investigation - - - - -	1	
HEARINGS HELD AT DIVISION:		
Total number of hearings held - - - - -		56
Appeals - - - - -	4	Seizures - - - - - 2
Disciplinary proceedings - - - - -	40	Tax revocations - - - - - 1
Eligibility - - - - -	9	
STATE LICENSES AND PERMITS:		
Total number issued - - - - -		3,366
Licenses - - - - -	6	Wine permits - - - - - 1
Solicitors' permits - - - - -	52	Miscellaneous permits - - - - - 231
Employment permits - - - - -	2,666	Transit insignia - - - - - 45
Disposal permits - - - - -	42	Transit certificates - - - - - 18
Social affair permits - - - - -	305	
OFFICE OF AMUSEMENT GAMES CONTROL:		
Licenses issued - - - - -	78	
Enforcement files established - - - - -	4	

JOSEPH M. KEEGAN
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

Dated: May 8, 1968

5. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - UNQUALIFIED EMPLOYEE - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JUAN ACEVEDO and WILLIAM RIVERA)
302 Monroe Street)
Hoboken, N. J.)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-7, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken)

John W. Yengo, Esq., Attorney for Licensees
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to charges alleging that on November 4, 1967 they (1) sold six cans of beer for off-premises consumption during hours prohibited by Rule 1 of State Regulation No. 38, (2) employed a minor, age 19, as a bartender serving and selling alcoholic beverages, in violation of Rule 2 of State Regulation No. 13, and (3) hindered and delayed the investigation being conducted by ABC agents by threats of bodily harm to them, in violation of Rule 35 of State Regulation No. 20.

Absent prior record, the license will be suspended on the first charge for fifteen days (Re Doyle's Tavern, Inc., Bulletin 1782, Item 4), on the second charge for ten days (Re 1601 Arctic Corporation, Bulletin 1759, Item 10), and on the third charge for twenty-five days (Re Patty's Umbrella Lounge, Inc., Bulletin 1777, Item 3), or a total of fifty days, with remission of five days for the plea entered, leaving a net suspension of forty-five days.

Accordingly, it is, on this 22nd day of April 1968,

ORDERED that Plenary Retail Consumption License C-7, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Juan Acevedo and William Rivera, for premises 302 Monroe Street, Hoboken, be and the same is hereby suspended for forty-five (45) days, commencing at 2 a.m. Monday, April 29, 1968, and terminating at 2 a.m. Thursday, June 13, 1968.

JOSEPH M. KEEGAN
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

WILLNER'S LIQUORS (A CORP.)
t/a Willner's Liquors
41 Reaville Avenue
Flemington, N. J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-1 issued by the Common Council of the Borough of Flemington

Ralph C. DeRose, Esq., Attorney for Licensee
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 15, 1968, it sold a six-pack of beer and a pint of liqueur to a minor, age 19, in violation of Rule 1 of State Regulation No. 20.

Licensee has a previous record of suspension of its license for premises Route 22, Great Eastern Mills Food Market, North Plainfield, by the municipal issuing authority for three days effective January 3, 1967, for sale to a minor.

The prior record of suspension of license for similar violation within the past five years considered, the license will be suspended for twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re South Amboy Thunderbird Inn, Inc., Bulletin 1778, Item 6; cf. Re Bilow, Bulletin 1695, Item 11.

Accordingly, it is, on this 18th day of April, 1968,

ORDERED that Plenary Retail Distribution License D-1, issued by the Common Council of the Borough of Flemington to Willner's Liquors (A Corp.), t/a Willner's Liquors, for premises 41 Reaville Avenue, Flemington, be and the same is hereby suspended for twenty (20) days, commencing at 9:00 a.m. Thursday, April 25, 1968, and terminating at 9:00 a.m. Wednesday, May 15, 1968.

JOSEPH M. KEEGAN
DIRECTOR

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

In the Matter of Disciplinary Proceedings against JOHN CUNNINGHAM & BEATRICE MC KEON, ADMINISTRATRIX OF THE ESTATE OF MICHAEL MC KEON, t/a Cunningham & McKeon 53 Johnston Ave. Kearny, N. J. Holders of Plenary Retail Consumption License C-15, issued by the Mayor and Council of the Town of Kearny.

CONCLUSIONS AND ORDER

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

BY THE DIRECTOR:

Licensees plead guilty to a charge alleging that on Sunday, February 11, 1968, they sold a pint bottle of whiskey for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Licensees have a previous record of suspension of license by the local issuing authority for five days effective December 1, 1952, and for five days effective January 8, 1962, both for similar violations. The prior record of suspension for similar violation occurring in 1952 more than ten years ago disregarded, but considering the prior record of suspension for similar violation in 1962 more than five but less than ten years ago, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Horse Shoe Bar, Inc., Bulletin 1776, Item 6.

Accordingly, it is, on this 18th day of April 1968,

ORDERED that Plenary Retail Consumption License C-15, issued by the Mayor and Council of the Town of Kearny to John Cunningham & Beatrice McKeon, Administratrix of the Estate of Michael McKeon, t/a Cunningham & McKeon, for premises 53 Johnston Avenue, Kearny, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Thursday, April 25, 1968, and terminating at 2 a.m. Friday, May 10, 1968.

JOSEPH M. KEEGAN DIRECTOR

8. DISCIPLINARY PROCEEDINGS - ORDER IMPOSING DEFERRED SUSPENSION.

In the Matter of Disciplinary Proceedings against)

EDISON'S, INCORPORATED)
t/a Ed's Place)
601-603 Kaighn Avenue)
Camden, N. J.)

SUPPLEMENTAL ORDER

Holder of Plenary Retail Consumption License C-188, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden; transferred during the pendency of these proceedings to)

MATEY, INC.,)

for the same premises.)

David Novack, Esq., Attorney for Licensee Matey, Inc.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

On March 7, 1967 the Director entered an order herein deferring the license suspension of fifteen days (for purchase by Edison's, Incorporated of a quantity of alcoholic beverages from another retail licensee) because it appeared that the licensed business was not then being conducted. Re Edison's, Incorporated, Bulletin 1729, Item 6.

Report of recent inspection discloses that the licensed business has now been resumed by the transferee, Matey, Inc. Consequently, I am satisfied that the deferred suspension may now be imposed.

Accordingly, it is, on this 19th day of April 1968,

ORDERED that Plenary Retail Consumption License C-195, issued to Matey, Inc., for premises 601-603 Kaighn Avenue, Camden, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Tuesday, April 23, 1968, and terminating at 2 a.m. Wednesday, May 8, 1968.

JOSEPH M. KEEGAN
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

CEDAR BAR, INC.)
 210 Somerset Street)
 North Plainfield, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-2 issued by the Borough Council of the Borough of North Plainfield)

 Alphonse R. Makowski, Esq., Attorney for Licensee
 Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 23, 1967, it possessed alcoholic beverages in three bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Boysen's Sunset Tavern, Inc., Bulletin 1766, Item 3.

Accordingly, it is, on this 18th day of April, 1968,

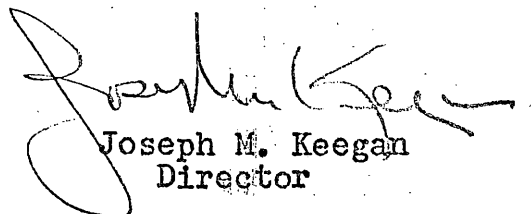
ORDERED that Plenary Retail Consumption License C-2, issued by the Borough Council of the Borough of North Plainfield to Cedar Bar, Inc. for premises 210 Somerset Street, North Plainfield, be and the same is hereby suspended for fifteen (15) days, commencing at 1:00 a.m. Thursday, April 25, 1968, and terminating at 1:00 a.m. Friday, May 10, 1968.

JOSEPH M. KEEGAN
 DIRECTOR

10. STATE LICENSES - NEW APPLICATION FILED.

Wine Imports of America, Ltd.
 1 Loretto Avenue
 Hawthorne, New Jersey

Application filed June 17, 1968 for person-to-person and place-to-place transfer of Plenary Wholesale License W-31 from Western Grape Products, 841 Clinton Avenue, Kenilworth, New Jersey.


 Joseph M. Keegan
 Director