

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

Gossweiler

January 29, 1964

BULLETIN 1547

TABLE OF CONTENTS

ITEM

1. COURT DECISIONS - SEVERINI v. DIVISION OF ALCOHOLIC BEVERAGE CONTROL - DIRECTOR AFFIRMED.
2. APPELLATE DECISIONS - SOUTH JERSEY RETAIL LIQUOR STORES ASSOCIATION v. CAMDEN and SHAPIRO.
3. APPELLATE DECISIONS - SHAPIRO v. CAMDEN.
4. DISCIPLINARY PROCEEDINGS (Elizabeth) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - SALE BELOW FILED PRICE - PERMITTING FOUL LANGUAGE - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Newark) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.
6. ACTIVITY REPORT FOR DECEMBER 1963.
7. DISCIPLINARY PROCEEDINGS (Hoboken) - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (Keyport) - GAMBLING (HORSE RACE BETS) - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (Orange) - GAMBLING (HORSE RACE BETS) - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (East Newark) - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE DURING PROHIBITED HOURS - SERVICE TO WOMAN AT BAR - PRIOR SIMILAR RECORD DISREGARDED BECAUSE OF CHANGE IN STOCK-HOLDERS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
12. DISCIPLINARY PROCEEDINGS (Passaic) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
13. DISCIPLINARY PROCEEDINGS (Newark) - PURCHASE FROM ANOTHER RETAILER - SALE TO ANOTHER RETAILER - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
14. DISCIPLINARY PROCEEDINGS (Newark) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

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

January 29, 1964

BULLETIN 1547

1. COURT DECISIONS - SEVERINI v. DIVISION OF ALCOHOLIC BEVERAGE CONTROL - DIRECTOR AFFIRMED.

SUPERIOR COURT OF NEW JERSEY  
APPELLATE DIVISION  
A-785-62

ARTHUR J. SEVERINI,  
Defendant-Appellant,

vs.

THE STATE OF NEW JERSEY,  
DEPARTMENT OF LAW AND PUBLIC  
SAFETY, DIVISION OF ALCOHOLIC  
BEVERAGE CONTROL,

Plaintiff-Respondent.

---

Argued November 18, 1963 - Decided January 2, 1964

Before Judges Conford, Freund and Sullivan.

Mr. John A. Craner argued the cause for appellant.

Mr. Avrom J. Gold, Deputy Attorney General, argued the cause for respondent (Mr. Arthur J. Sills, Attorney General of New Jersey, attorney).

The opinion of the court was delivered by

SULLIVAN, J.A.D.

This is an appeal from a ruling by the Acting Director of the Division of Alcoholic Beverage Control (Director).

The matter has the following background. Arthur J. Severini, appellant herein, became employed as a truck driver by Red Star Express Lines (Red Star), the holder of a New Jersey liquor transportation license. Under regulations of the Alcoholic Beverage Control Division, and subject to certain enumerated exceptions, every employee of a liquor licensee is required to execute a specified form of questionnaire. If answers to the questionnaire disclose conviction of a crime, such questionnaire must be filed with the Division. In December 1962 Severini filled out a questionnaire which disclosed that on June 25, 1962, he had been convicted of a crime in New York City. Upon the filing of such questionnaire with the Division, inquiry was made of the New York City Police Department and it was ascertained that appellant had been convicted of criminally concealing and withholding stolen and wrongfully acquired property.

The Director then wrote to Severini's employer Red Star and advised it that Severini had been convicted of a crime which "may involve moral turpitude." The Director pointed out that under provision of the Alcoholic Beverage Control Law, N.J.S.A. 33:1-25 and

26, a person convicted of a crime involving moral turpitude was disqualified from employment by a liquor licensee, and that employment of such a person was grounds for suspension or revocation of the employer's liquor license. Red Star was directed that "you may not continue to employ" Severini unless Severini filed with the Division a petition to determine his eligibility.

Severini requested a hearing before the Division as to his eligibility for employment. A hearing was had and Severini appeared and testified on his own behalf. Thereafter the Director rendered a decision that in his opinion the crime of which Severini had been convicted involved the element of moral turpitude and that "in the opinion of the Director, he is not presently eligible . . . to be employed by . . . the holder of any such license within the meaning of R.S. 33:1-25, 26." Severini and his employer were notified of the ruling. It is from such ruling that Severini appeals.

Preliminarily the Division argues that the Director's ruling was not a final decision and therefore not appealable. R.R. 4: 88-8(a). While the ruling is in the form of an advisory opinion by the Director, the effect of such opinion is to declare appellant ineligible to continue in the employment of Red Star (or to be employed by any liquor licensee). Appellant's standing to appeal such ruling is clear. Kravis v. Hock, 136 N.J.L. 161, 164 (E. & A. 1947).

On the merits of the appeal appellant argues that a determination by a state agency that a crime involves moral turpitude should be based solely on the record of conviction and that a conviction of criminally concealing and withholding stolen and wrongfully acquired property as a misdemeanor is not a crime involving moral turpitude.

Our consideration of the criminal law here involved, New York Penal Law, § 1308, makes it clear that the elements of the crime spell out moral turpitude. Weinstein v. Div. of Alcoh. Bev. Control, 70 N.J. Super. 164 (App. Div. 1961); Raphalides v. N. J. Dept. of Civil Service, 80 N.J. Super. 407 (App. Div. 1963); Cf. State Bd. of Medical Examiners v. Weiner, 68 N.J. Super. 468, 488-494 (App. Div. 1961). The statute makes the crime a felony or misdemeanor depending on the value of the property involved. However, the elements of the crime are the same no matter what the value of the property is. Raphalides v. N.J. Dept. of Civil Service, supra.

Appellant's other point is that the Director had no jurisdiction to render a decision that appellant was not eligible for employment by any liquor licensee. He relies on the holding in Kravis v. Hock, supra. In that case the Commissioner (now Director) had ruled that Kravis was ineligible to be employed by any liquor licensee in New Jersey because of his conviction of a crime involving moral turpitude. On appeal the Court of Errors and Appeals held that the Commissioner was without jurisdiction to make such a ruling and that the Alcoholic Beverage Control Law did not empower the Commissioner to make "any rule or decision concerning the eligibility of an individual for employment on licensed premises." 136 N.J.L. at p. 163. The court went on to state that the Commissioner might institute disciplinary proceedings against any licensee found employing an ineligible person and that such licensee was also subject to criminal proceedings. The court concluded that the only control the Commissioner has over those employed in the liquor business is through the licensees and that "he has no power to rule a person ineligible to work in a licensed establishment except, on proper grounds, to order the licensee not to employ such person." 136 N.J.L. at p. 163.

We question the soundness of the Kravis holding since it would appear that the type of ruling there (and herein) involved is well within the supervisory and investigatory powers vested in the Director under the Alcoholic Beverage Control Law and highly desirable, if not absolutely necessary, for the proper and efficient administration of the act. However, Kravis was decided by the highest court of this State and we must follow its holding. Miller v. Zurich Gen. Accident and Liability Ins. Co., 36 N.J. Super. 288, 294 (App. Div. 1955).

In any event the defect in the Director's ruling herein appears to be one of form only. Under Kravis, the Director has power to order Red Star not to employ Severini on the ground that Severini has been convicted of a crime involving moral turpitude.

At oral argument appellant made the argument that his conviction of the crime in question did not disqualify him from employment by Red Star because his work assignment was in nowise connected with the transportation of liquor. This issue was not raised at the hearing before the Director, nor were any facts as to the scope of appellant's employment by Red Star presented. Appellant requested that we remand the matter to the Director for establishment of the facts and consideration of this new issue. The parties were permitted to submit supplemental memoranda on the question of a remand.

In support of his request appellant refers to Regulation No. 12 of the Division, under which employees of liquor licensees are required to execute the aforementioned form of questionnaire, and cites Rule 2 of said Regulation which states "that this Rule shall not apply to:

- . . . (c) Stenographers, telephone operators, clerks, office boys and other employees who do not handle any alcoholic beverages and have no voice in the conduct of the licensee's alcoholic beverage business in this State".

From the foregoing appellant argues that the sense of the Regulation is that employees who do not handle any alcoholic beverages and have no voice in the conduct of the licensee's alcoholic beverage business are excluded from the disqualification in the statute and that the Regulation reflects the true meaning of the act.

Assuming appellant's contention as to the nature of his employment to be the fact, we see no merit to his argument. The statute involved provides inter alia that "No person who would fail to qualify as a licensee under this chapter shall be knowingly employed by or connected in any business capacity whatsoever with a licensee". N.J.S.A. 33:1-26. This provision must be read together with the previous section which inter alia provides that "No license of any class shall be issued . . . to any person who has been convicted of a crime involving moral turpitude." N.J.S.A. 33:1-25.

The statutory language is absolute. "No person" who has been convicted of a crime involving moral turpitude, "shall be knowingly employed by . . . a licensee." We take the statute to mean what it says and to bar the employment of any person convicted of a crime involving moral turpitude no matter what the nature of his employment.

As to Rule 2 of Regulation 12 we note that it deals only with the requirement that, subject to certain enumerated exceptions, employees of a licensee shall execute a specified form of questionnaire. Quaere whether a person employed as a truck driver by the

holder of a liquor transportation license would come under the exception in Rule 2(c) relating to "employees who do not handle any alcoholic beverages and have no voice in the conduct of the licensee's alcoholic beverage business". In any event, the Regulation cannot modify or change the statutory provision. N.J.S.A. 33:1-39. We are satisfied that the disqualification set forth in the statute applies to appellant and that the Director has the power to order the licensee not to employ appellant.

The matter is remanded to the Division for the entry of an order in conformity with this opinion.

2. APPELLATE DECISIONS - SOUTH JERSEY RETAIL LIQUOR STORES ASSOCIATION v. CAMDEN and SHAPIRO.

South Jersey Retail Liquor Stores Association,	)	
	)	
Appellant,	)	On Appeal
	)	
v.	)	O R D E R
	)	
Municipal Board of Alcoholic Beverage Control of the City of Camden, and Goldie Shapiro, t/a Sycamore Tavern,	)	
	)	
Respondents.	)	

Richman, Berry & Ferren, Esqs., Attorneys for Appellant  
Michael Melissas, Esq., Attorney for Respondent Municipal Board  
Joseph T. Sherman, Esq., Attorney for Respondent Goldie Shapiro

BY THE ACTING DIRECTOR:

Appellant appeals from the grant by respondent Municipal Board on March 11, 1963, of application of respondent Shapiro for place-to-place transfer of plenary retail consumption license from premises 1240 Kaighn Avenue to premises 1125 Broadway, Camden.

Prior to the hearing on appeal, by letter of December 26, 1963, appellant advised me that the appeal was withdrawn. No reason appearing to the contrary, it is, on this 30th day of December 1963,

ORDERED that the appeal herein be and the same is hereby dismissed.

EMERSON A. TSCHUPP  
ACTING DIRECTOR

3. APPELLATE DECISIONS - SHAPIRO v. CAMDEN.

Goldie Shapiro, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 Municipal Board of Alcoholic )  
 Beverage Control of the City )  
 of Camden, )  
 )  
 Respondent. )  
 -----

On Appeal  
O R D E R

Joseph T. Sherman, Esq., Attorney for Appellant  
Michael Melissas, Esq., Attorney for Respondent

BY THE ACTING DIRECTOR:

Appellant appeals from denial by respondent on July 18, 1963, of her application for place-to-place transfer of her plenary retail consumption license from premises 1240 Kaighn Avenue to 1125 Broadway, Camden.

Prior to the hearing on appeal, by letter of December 19, 1963, appellant advised me that the appeal was withdrawn. No reason appearing to the contrary, it is, on this 30th day of December 1963,

ORDERED that the appeal herein be and the same is hereby dismissed.

EMERSON A. TSCHUPP  
ACTING DIRECTOR

- 4. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - SALE BELOW FILED PRICE - PERMITTING FOUL LANGUAGE - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
 Manruff Corp.  
 t/a Woody's Tap Room  
 40 West Grand Street  
 Elizabeth, New Jersey  
 Holder of Plenary Retail Consumption License C-252, issued by the City Council of the City of Elizabeth

CONCLUSIONS  
 AND ORDER

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 Licensee, by Frank J. Woodruff, Secretary-Treasurer, Pro se.  
 Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on October 3, 1963, at 1:05 a.m. and 11:55 p.m., and on October 24, 1963, at 10:50 p.m., it sold bottles of alcoholic beverages for off-premises consumption, in violation of Rule 1 of State Regulation No. 38, (2) on October 24, 1963, it sold a pint bottle of whiskey at less than filed price, in violation of Rule 5 of State Regulation No. 30, and (3) on October 2, 3, 9-10, 16 and 24, 1963, it permitted foul language on the licensed premises, in violation of Rule 5 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days, effective September 18, 1961, for sale during prohibited hours in violation of State Regulation No. 38.

The prior record considered, the license will be suspended on the first charge for thirty days (Re Mandel & Lichenstein, Bulletin 1536, Item 5), on the second charge for ten days (Re Bartolini Bar & Liquor Store, Inc., Bulletin 1541, Item 6) and on the third charge for ten days (Re Sal-Ruby Corporation, Bulletin 1522, Item 7) 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 31st day of December, 1963,

ORDERED that Plenary Retail Consumption License C-252, issued by the City Council of the City of Elizabeth to Manruff Corp., t/a Woody's Tap Room, for premises 40 West Grand Street, Elizabeth, be and the same is hereby suspended for forty-five (45) days, commencing at 2:00 a.m. Tuesday, January 7, 1964, and terminating at 2:00 a.m. Friday, February 21, 1964.

EMERSON A. TSCHUPP  
 ACTING DIRECTOR

5. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY  
Labeled - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Carmen A. Santora )  
t/a Jack & Bill's )  
304 Plane Street )  
Newark 2, N. J. )

CONCLUSIONS

AND ORDER

Holder of Plenary Retail Consumption License C-112, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark )

----- )  
Addonizio, Sisselman, Nitti & Gordon, Esqs., by G. George Addonizio, Esq., Attorneys for licensee.  
Davis S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 4, 1963, he possessed alcoholic beverages in thirteen 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 forty-five days, with remission of five days for the plea entered, leaving a net suspension of forty days. Re Al Melito, Inc., Bulletin 1413, Item 5.

Accordingly, it is, on this 2d day of January, 1964,

ORDERED that Plenary Retail Consumption License C-112, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Carmen A. Santora, t/a Jack & Bill's, for premises 304 Plane Street, Newark, be and the same is hereby suspended for forty (40) days, commencing at 2:00 a.m. Thursday, January 9, 1964, and terminating at 2:00 a.m. Tuesday, February 18, 1964.

EMERSON A. TSCHUPP  
ACTING DIRECTOR

6.

ACTIVITY REPORT FOR DECEMBER 1963

## ARRESTS:

Total number of persons arrested	-----	19
Licensees and employees	----- 9	
Bootleggers	----- 10	

## SEIZURES:

Motor vehicles - cars	-----	2
Stills - 50 gallons or under	-----	2
Mash - gallons	-----	875.000
Distilled alcoholic beverages - gallons	-----	18.065
Wine - gallons	-----	5.125
Brewed malt alcoholic beverages - gallons	-----	10.250

## RETAIL LICENSEES:

Premises inspected	-----	845	
Premises where alcoholic beverages were gauged	-----	452	
Bottles gauged	-----	6,523	
Premises where violations were found	-----	79	
Violations found	-----	139	
Unqualified employees	----- 56	Other mercantile business	----- 3
Reg. #38 sign not posted	----- 23	Disposal permit necessary	----- 3
Application copy not available	----- 23	Other violations	----- 23
Prohibited signs	----- 8		

## STATE LICENSEES:

Premises inspected	-----	29
License applications investigated	-----	5

## COMPLAINTS:

Complaints assigned for investigation	-----	330
Investigations completed	-----	325
Investigations pending	-----	168

## LABORATORY:

Analyses made	-----	54
Refills from licensed premises - bottles	-----	11
Bottles from unlicensed premises	-----	7

## IDENTIFICATION:

Criminal fingerprint identifications made	-----	6
Persons fingerprinted for non-criminal purposes	-----	221
Identification contacts made with other enforcement agencies	-----	151

## DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities	-----	6	
Violations involved	-----	6	
Sale during prohibited hours	----- 3	Failure to close during prohibited	-----
Sale to minors	----- 2	hours	----- 1
Cases instituted at Division	-----	15	
Violations involved	-----	22	
Sale during prohibited hours	----- 5	Unauthorized transportation	----- 2
Possessing liquor not truly labeled	----- 4	Sale to minors	----- 1
Hindering investigation	----- 3	Solicitor employed by retailer	----- 1
Storage off licensed premises	----- 2	Sale below filed price	----- 1
Retailer-to-retailer sales	----- 2	Conducting business as a nuisance	----- 1
Cases brought by municipalities on own initiative and reported to Division	-----	23	
Violations involved	-----	27	
Sale to minors	----- 13	Hindering investigation	----- 1
Sale during prohibited hours	----- 3	Sale to intoxicated person	----- 1
Permitting brawl on premises	----- 2	Failure to afford view during proh. hrs.	----- 1
Conducting business as a nuisance	----- 2	Permitting lottery activity (numbers)	-----
Act of violence	----- 2	on premises	----- 1
Possessing liquor not truly labeled	----- 1		

## HEARINGS HELD AT DIVISION:

Total number of hearings held	-----	34	
Appeals	----- 2	Tax revocations	----- 1
Disciplinary proceedings	----- 23	Applications for license	----- 1
Eligibility	----- 7		

## STATE LICENSES AND PERMITS ISSUED:

Total number issued	-----	1,261	
Licenses	----- 3	Social Affair Permits	----- 333
Solicitors' Permits	----- 21	Miscellaneous Permits	----- 259
Employment Permits	----- 227	Transit insignia	----- 279
Disposal Permits	----- 96	Transit certificates	----- 14
Wine Permits	----- 29		

## OFFICE OF AMUSEMENT GAMES CONTROL:

Licenses issued	-----	70
Enforcement files established	-----	2

EMERSON A. TSCHUPP  
Acting Director of Alcoholic Beverage Control  
Acting Commissioner of Amusement Games Control

Dated: January 7, 1964

7. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Martin Wladich, Jr. )  
99 Washington Street )  
Hoboken, N. J. )

CONCLUSIONS

AND ORDER

Holder of Plenary Retail Consumption License C-197, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken. )  
----- )

Maurice Gottlieb, Esq., Attorney for Licensee.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on September 24, October 3 and 9, 1963, he permitted the acceptance of numbers bets 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 twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re Turso, Bulletin 1540, Item 6.

Accordingly, it is, on this 2d day of January, 1964,

ORDERED that Plenary Retail Consumption License C-197, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Martin Wladich, Jr. for premises 99 Washington Street, Hoboken, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. Thursday, January 9, 1964, and terminating at 2:00 a.m. Wednesday, January 29, 1964.

EMERSON A. TSCHUPP  
ACTING DIRECTOR

8. DISCIPLINARY PROCEEDINGS - GAMBLING (HORSE RACE BETS) -  
LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )  
 Joseph Francis Sullivan )  
 259 Broadway )  
 Keyport, N. J. )  
 Holder of Plenary Retail Consumption License C-10, issued by the )  
 Borough Council of the Borough of )  
 Keyport )

CONCLUSIONS  
AND ORDER

-----  
 J. Frank Weigand, Esq., Attorney for Licensee.  
 Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on September 26, October 8, 15 and 17, 1963, he permitted the acceptance of horse race bets on the licensed premises, in violation of Rule 7 of State Regulation No. 20.

Absent prior record, 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 J. Boyle, Inc., Bulletin 1537, Item 8.

Accordingly, it is, on this 31st day of December, 1963,

ORDERED that Plenary Retail Consumption License C-10, issued by the Borough Council of the Borough of Keyport to Joseph Francis Sullivan for premises 259 Broadway, Keyport, be and the same is hereby suspended for twenty (20) days, commencing at 3:00 a.m. Tuesday, January 7, 1964, and terminating at 3:00 a.m. Monday, January 27, 1964.

EMERSON A. TSCHUPP  
ACTING DIRECTOR

9. DISCIPLINARY PROCEEDINGS - GAMBLING (HORSE RACE BETS) -  
LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
Nan's Bar & Grill Inc.  
24-26 South Day Street  
Orange, New Jersey  
Holder of Plenary Retail Consumption License C-39, issued by the Municipal Board of Alcoholic Beverage Control of the City of Orange  
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CONCLUSIONS  
AND ORDER

John F. Monica, Esq., Attorney for Licensee.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on September 10, 1963, it permitted the acceptance of horse race bets on the licensed premises in violation of Rule 7 of State Regulation No. 20.

Absent prior record, 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 J. Boyle, Inc., Bulletin 1537, Item 8.

Accordingly, it is, on this 31st day of December, 1963,

ORDERED that Plenary Retail Consumption License C-39, issued by the Municipal Board of Alcoholic Beverage Control of the City of Orange to Nan's Bar & Grill Inc. for premises 24-26 South Day Street, Orange, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. Tuesday, January 7, 1964, and terminating at 2:00 a.m. Monday, January 27, 1964.

EMERSON A. TSCHUPP  
ACTING DIRECTOR



11. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS - SERVICE TO WOMAN AT BAR - PRIOR SIMILAR RECORD DISREGARDED BECAUSE OF CHANGE IN STOCKHOLDERS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Blakjak, Inc. )  
t/a Blakjak )  
199 Warren Street )  
Jersey City, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-333, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City )

-----  
James F. McGovern, Jr., Esq., Attorney for Licensee.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to charges alleging that on November 16, 1963, it (1) and (2) sold drinks of alcoholic beverages after 2:00 a.m. and (3) served drinks of alcoholic beverages over the bar to a female, all in violation of municipal ordinance.

Licensee has a previous record of suspension of license by the Director for fifteen days, effective March 26, 1962, for local "hours" violation. Re Blakjak, Inc., Bulletin 1447, Item 6.

In mitigation of penalty, it appears that the present officers and stockholders of the licensee corporation were not officers and stockholders at the time of the previous offense. Consequently, such offense will be disregarded in fixing penalty herein. Re 677 Ocean Avenue Corporation, Bulletin 1531, Item 5.

The prior record thus disregarded, the license will be suspended on the first and second charges for fifteen days (Re Fischer, Bulletin 1530, Item 3) and on the third charge for five days (Re Wisniewski, Bulletin 1492, Item 11) or a total of twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days.

Accordingly, it is, on this 30th day of December, 1963,

ORDERED that Plenary Retail Consumption License C-333, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Blakjak, Inc., t/a Blakjak, for premises 199 Warren Street, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Monday, January 6, 1964, and terminating at 2:00 a.m. Tuesday, January 21, 1964.

EMERSON A. TSCHUPP  
ACTING DIRECTOR

12. 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  
 Gertrude Stein  
 327 Monroe Street  
 Passaic, N. J.  
 Holder of Plenary Retail Consumption License C-143, issued by the Board of Commissioners of the City of Passaic  
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 ) CONCLUSIONS  
 ) AND ORDER  
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Licensee, Pro se.  
 Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, November 10, 1963, she sold six cans of beer for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Hampshire Bar, Inc., Bulletin 1541, Item 3.

Accordingly, it is, on this 31st day of December, 1963,

ORDERED that Plenary Retail Consumption License C-143, issued by the Board of Commissioners of the City of Passaic to Gertrude Stein for premises 327 Monroe Street, Passaic, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Tuesday, January 7, 1964, and terminating at 3:00 a.m. Friday, January 17, 1964.

EMERSON A. TSCHUPP  
 ACTING DIRECTOR

13. DISCIPLINARY PROCEEDINGS - PURCHASE FROM ANOTHER RETAILER - SALE TO ANOTHER RETAILER - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
 Fountainebleau (A Corp.)  
 258 Washington Street  
 Newark, New Jersey  
 Holder of Plenary Retail Consumption License C-769, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark  
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CONCLUSIONS AND ORDER

Parker and Strickland, Esqs., by Maurice R. Strickland, Esq.,  
 Attorneys for Licensee.  
 David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on March 28, April 14 and 16, 1963, it purchased various bottles of alcoholic beverages from other retail licensees and (2) on April 11 and 25, 1963, it sold various bottles of alcoholic beverages to another retail licensee, both in violation of Rule 15 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. Cf. Re Blue Ribbon Bar, Inc., Bulletin 1511, Item 3.

Accordingly, it is, on this 2d day of January, 1964,

ORDERED that Plenary Retail Consumption License C-769, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Fountainebleau (A Corp.) for premises 258 Washington Street, Newark, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Thursday, January 9, 1964, and terminating at 2:00 a.m. Friday, January 24, 1964.

EMERSON A. TSCHUPP  
 ACTING DIRECTOR

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

In the Matter of Disciplinary )  
Proceedings against )

Arpad Homoky )  
631 Ferry Street )  
Newark 5, N. J. )

CONCLUSIONS

AND ORDER

Holder of Plenary Retail Consumption )  
License C-303, issued by the Municipal )  
Board of Alcoholic Beverage Control of )  
the City of Newark )

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Henry Spielvogel, Esq., Attorney for Licensee.  
David S. Piltzer, Esq., Appearing for the Division of Alcoholic  
Beverage Control.

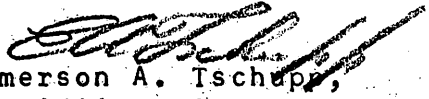
BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on  
October 18, 1963, he possessed alcoholic beverages in four 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 Affilitto, Bulletin  
1526, Item 9.

Accordingly, it is, on this 2d day of January, 1964,

ORDERED that Plenary Retail Consumption License C-303,  
issued by the Municipal Board of Alcoholic Beverage Control of  
the City of Newark to Arpad Homoky for premises 631 Ferry Street,  
Newark, be and the same is hereby suspended for fifteen (15) days,  
commencing at 2:00 a.m. Thursday, January 9, 1964, and terminating  
at 2:00 a.m. Friday, January 24, 1964.

  
Emerson A. Tschupp,  
Acting Director.