

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street Newark 2, N. J.

BULLETIN 1109

APRIL 30, 1956.

TABLE OF CONTENTS

ITEM

1. DISCIPLINARY PROCEEDINGS (Union City) - AGGRAVATED GAMBLING - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.
2. DISCIPLINARY PROCEEDINGS (Bogota) - FAILING TO NOTIFY LOCAL ISSUING AUTHORITY OF CHANGE OF FACTS, IN VIOLATION OF R. S. 33:1-34 - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF THE LICENSE, IN VIOLATION OF R. S. 33:1-52 - ILLEGAL SITUATION CORRECTED - PRIOR RECORD - LICENSE SUSPENDED FOR 25 DAYS.
3. DISCIPLINARY PROCEEDINGS (Hightstown) - GAMBLING - LOTTERY - LICENSE SUSPENDED FOR 20 DAYS.
4. DISCIPLINARY PROCEEDINGS (Pahaquarry Township) - CHARGE ALLEGING FALSE ANSWERS IN APPLICATION, DISMISSED.
5. DISCIPLINARY PROCEEDINGS (Atlantic City) - SALES TO MINORS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
6. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1955 THROUGH MARCH 31, 1956.
7. DISCIPLINARY PROCEEDINGS (Palisades Park) - SALES TO MINORS - PRIOR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (Lakewood) - SALES TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (North Arlington) - SALES TO MINORS - PRIOR RECORD - LICENSE SUSPENDED FOR 25 DAYS.
10. STATE LICENSES - NEW APPLICATIONS FILED.

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street Newark 2, N. J.

BULLETIN 1109

APRIL 30, 1956.

1. DISCIPLINARY PROCEEDINGS - AGGRAVATED GAMBLING - LICENSE
SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

DOMINICK & ANTHONY SINISI)
424 - 45th Street)
Union City, N.J.,)

CONCLUSIONS
AND ORDER

-----)
Holders of Plenary Retail Consump-)
tion License C-137, issued by the)
Board of Commissioners of the City)
of Union City.)

-----)
Samuel Moskowitz, Esq., Attorney for Defendant-licensees.)
Edward F. Ambrose, Esq., appearing for Division of Alcoholic)
Beverage Control.)

BY THE DIRECTOR:

Defendants have pleaded non vult to the following charge:

"On February 8, 16, 23, March 2 and 3, 1956, and on
divers other days, you engaged in and allowed, permitted
and suffered gambling, viz., the making and accepting of
horse race bets in and upon your licensed premises; in
violation of Rule 7 of State Regulations No. 20."

The file herein discloses that at 1:00 p.m. on February
8, 1956, two ABC agents visited defendants' licensed premises
and that they observed two men called Danny and Tony accepting
money and slips of paper from various patrons. These men were
subsequently identified as Dominick and Anthony Sinisi, respec-
tively, the defendant-licensees (hereinafter referred to as
Dominick and Anthony). The agents made no attempt to place any
bets on this occasion and left the premises at 3:15 p.m.

At 1:20 p.m., February 16, 1956, the two agents returned
to defendants' licensed premises and observed the licensees
seated at the bar and receiving money and slips of paper from
divers patrons. Anthony sat near the telephone booth and when
the telephone rang he would answer it and immediately thereafter
would make a notation on a small white pad. He would then make
a telephone call and read from the pad upon which he had made
notations from the incoming call. The agents engaged in several
games of shuffleboard and at times Dominick and Anthony would
participate in the games. One of the agents obtained a scratch
sheet from Dominick and as he examined it Dominick stood near
him with a white pad and a pen in his hand and then inquired,
"What will it be?" The agent in answer thereto named a horse
scheduled to race at one of the tracks saying, "Four to win and
two to place". Dominick wrote the name of the horse on the pad
and when the agent gave him a \$10.00 bill, Dominick handed the
money to Anthony and asked for \$4.00 change. Dominick placed
the change on the bar in front of the agent. Anthony took the
slip upon which the agent's bet was written and proceeded to
the telephone booth where he made a call. After conversing at
some length with Dominick, the agents left the premises at
about 3:50 p.m.

At 1:05 p.m. on February 23, 1956, the agents again
entered defendants' licensed premises at which time they had in

their possession various bills, the serial numbers of which were previously recorded. At 1:10 p.m. Anthony, after answering the telephone, opened the door of the booth and called out "The ABC is coming". Anthony, Dominick and various patrons gathered slips and papers and carried them into a side room of the premises. Anthony and Dominick cautioned the patrons to make sure that they had nothing pertaining to horse racing on their persons. At 2:45 p.m. the agents left the premises.

At 12:45 p.m. on March 2, 1956, two different ABC agents arrived in the vicinity of the licensed premises. One agent entered and thereafter observed Dominick place slips of paper of various sizes on the bar in front of Anthony. The latter took the slips, proceeded to the telephone booth and remained there for a period of approximately five minutes. The agent also observed several male patrons hand Anthony money and small slips of paper and on one of these occasions Anthony said to a patron, "You got \$21.00 coming". The agent saw Dominick hand a man called Chester numerous slips of paper, remarking, "Take it out the back and burn this". Chester left the premises by the rear door and in about five minutes returned to the barroom. The agent also observed Dominick tear up several small slips of paper which he carried to the men's room. The agent left the premises at about 2:00 p.m.

The agent who had visited the premises in question on March 2, 1956, returned at 1:00 p.m. on March 3, 1956. Anthony was in the premises when he entered and Dominick came in about five minutes thereafter. Dominick handed Anthony several slips of white paper and immediately Anthony went to the telephone booth. At this time Dominick cashed a check for a female patron who went to the booth and handed Anthony a slip of paper. The agent placed a bet with Anthony on a horse scheduled to run at one of the tracks and in payment therefor gave Anthony four \$1.00 bills, the serial numbers of which had previously been noted. At 1:20 p.m., four ABC agents entered the premises and identified themselves to the licensees.

A search of the licensed premises produced twenty slips of paper with writing thereon which Anthony admitted were horse race bets. Anthony also emptied his pockets which contained \$197.00, which included the four \$1.00 bills given him by the agent in payment for his bet. Anthony signed a statement admitting that he had been engaged in accepting horse race bets at the licensed premises for a period of 2 1/2 to 3 months; that he averaged about \$120.00 or \$130.00 during the week and about \$250.00 on Saturday; and that Dominick accepted a bet from one of the agents and brought it over to him. Dominick admitted in a signed statement that he was aware his brother accepted bets on the licensed premises and that he approved of the practice because he and his brother were partners and "it brought in a little business".

Defendants have no prior adjudicated record. Until recently the usual penalty for the unaggravated violation of permitting commercialized gambling upon the licensed premises was twenty days. Re Conklin, Bulletin 1086, Item 4. However, on January 16, 1956, I announced that the penalty in such cases would be increased by five days. Re Increased Penalties, Bulletin 1095, Item 1. In the instant case it is apparent from the facts contained therein that the defendants engaged in gambling activities on a large scale. Under the circumstances, I shall suspend defendants' license for a period of thirty-five days. Cf. Re Clark, Bulletin 1094, Item 3. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty days.

Accordingly, it is, on this 27th day of March, 1956,

ORDERED that Plenary Retail Consumption License C-137, issued by the Board of Commissioners of the City of Union City to Dominick & Anthony Sinisi, 424 - 45th Street, Union City, be and the same is hereby suspended for a period of thirty (30) days, commencing at 3:00 a.m. March 29, 1956, and terminating at 3:00 a.m. April 28, 1956.

WILLIAM HOWE DAVIS
Director.

- 2. DISCIPLINARY PROCEEDINGS - FAILING TO NOTIFY LOCAL ISSUING AUTHORITY OF CHANGE OF FACTS, IN VIOLATION OF R.S. 33:1-34 - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF THE LICENSE, IN VIOLATION OF R. S. 33:1-52 - ILLEGAL SITUATION CORRECTED - PRIOR RECORD - LICENSE SUSPENDED FOR 25 DAYS.

In the Matter of Disciplinary Proceedings against
 RECREATION CENTER OF BOGOTA,
 A CORPORATION
 20 E. Fort Lee Road
 Bogota, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-5, issued by the Borough Council of the Borough of Bogota.

 Hein, Smith & Mooney, Esqs., by Seymour A. Smith, Esq.,
 Attorneys for Defendant-licensee.
 William F. Wood, Esq., appearing for Division of Alcoholic
 Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to charges alleging that it (1) failed to file proper notice, as required by the provisions of R. S. 33:1-34, of changes in its operation whereby on September 1, 1955, one Edward A. Thornton secured a beneficial interest in defendant's plenary retail consumption license, retaining all the profits from the licensed business, for a fixed monthly fee; and (2) knowingly aided and abetted the said Edward A. Thornton to exercise the rights and privileges of its license, in violation of R. S. 33:1-52.

The file herein discloses that on September 1, 1955, Albert A. Rossini, president of defendant corporate-licensee and holder of 75% of its outstanding capital stock, entered into a written agreement with Edward A. Thornton whereby the latter leased the licensed premises including the fixtures and bowling alleys and the liquor business conducted thereon for a term of three years. There is nothing in the record to indicate that Thornton is disqualified from holding a license. This leasing of the licensed business effectively "farmed out" the license and actually constituted the licensee-defendant an extra-legal issuing authority. Re Elmwood House (Corp.), Bulletin 877, Item 3.

Such action is a serious violation of the liquor laws and, in effect, circumvents the control of the license by legally

constituted authority. Re Stetz, Bulletin 512, Item 3; Re Beringer, Bulletin 571, Item 10.

No notice was filed with the local issuing authority within ten days of the change in the facts as set forth in defendant's application as required by R. S. 33:1-34.

Defendant has submitted a signed copy of an agreement dated February 7, 1956 whereby the lease dated September 1, 1955 has been terminated by the parties thereto. Furthermore, an original affidavit dated February 7, 1956 of Albert Rossini, president of the defendant corporate-licensee, has been filed with the Division wherein he states that Edward A. Thornton has no further proprietary interest in the business, the liquor license, or the licensed premises.

I am satisfied that the illegal situation which resulted in the charges preferred herein has been corrected.

Defendant has a prior adjudicated record. Effective May 20, 1952, its license was suspended for fifteen days for sale of alcoholic beverages to minors and permitting the sale of alcoholic beverages by a minor employee. The minimum penalty imposed for the type of violation now under consideration is twenty days. Re Russo, Bulletin 741, Item 4. Since the prior dissimilar violation occurred within a five-year period, it will be considered in fixing the instant penalty. Re Tony's White Tavern, Inc., Bulletin 1035, Item 4. I shall, therefore, suspend defendant's license for a period of twenty-five days. Cf. Re Pier Hotel, Inc., Bulletin 897, Item 4.

Accordingly, it is, on this 26th day of March, 1956,

ORDERED that Plenary Retail Consumption License C-5, issued by the Borough Council of the Borough of Bogota to Recreation Center of Bogota, a Corporation, 20 E. Fort Lee Road, Bogota, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 2:00 a.m. April 2, 1956, and terminating at 2:00 a.m. April 27, 1956.

WILLIAM HOWE DAVIS
Director.

3. DISCIPLINARY PROCEEDINGS - GAMBLING - LOTTERY - LICENSE SUSPENDED FOR 20 DAYS.

In the Matter of Disciplinary Proceedings against)

STEVE'S BAR, INCORPORATED)
136 Mercer Street)
Hightstown, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-3, issued by the Common Council of the Borough of Hightstown.)
-----)

Sido L. Ridolfi, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded not guilty to the following charges:

"1. On October 21 and 22, 1955, you allowed, permitted and suffered gambling, viz., the making and accepting of bets in a lottery commonly known as the 'numbers game' in and upon your licensed premises; in violation of Rule 7 of State Regulations No. 20.

"2. On the occasions aforesaid, 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 Regulations No. 20."

The testimony of an ABC agent (hereafter referred to as agent "W") discloses that at 7:00 a.m. on October 21, 1955 he entered defendant's licensed premises and took a seat at the bar. Several patrons were in the establishment at the time of his entry and a man, subsequently identified as Roland Counce, was tending bar. A short time after his arrival at the premises a man, later identified as Garfield Muse, came into the premises and sat at the bar. A few of the patrons came over to Muse and engaged in conversation with him, during which conversation the agent observed these men pass money to Muse. The latter began writing something and, thereupon, agent "W" walked over to him and in a loud voice asked, "Would you take these numbers, 110, 111 and 112*?" Muse then wrote the numbers on a slip of paper and accepted 30¢ from the agent. All during the time the number-writing activities were taking place, the bartender, aforementioned, was seated on a stool about five feet away and he neither said nor did anything with reference to the matter. The agent then left the premises.

At 7:00 a.m. on October 22, 1955, according to the testimony of agent "W", aforementioned, he entered defendant's licensed premises a few steps behind Muse. Roland Counce was again tending bar and there were some patrons seated at the bar and others seated "about the barroom." About 15 minutes after agent "W" entered, another agent, who had accompanied him but remained outside the premises (hereafter referred to as agent "C"), came in and sat on a stool a short distance from Muse. At the time agent "W" was engaged in conversation with Muse concerning numbers which he wished to play that day. The bartender was seated directly in front of them and facing in their direction. Agent "W" asked Muse, "Will you take the following numbers, 110, 111, 210, 211, 021, 012 and 102" and "Muse took a small cardboard and put -- placed it on the bar and took and write the numbers I had given him." While Muse was writing the numbers the bartender came over to him and said "Be careful! There is a stranger in the house." Agent "W" then gave Muse 2 one-dollar bills (the serial numbers of which had previously been recorded). Muse left the bar and started to walk toward the rear room when he was stopped by agent "C", who immediately identified himself to him and directed him to be seated. Thereafter agent "W" identified himself to Muse and to the bartender. Norman Zalasin (president of defendant-corporation) and the local Chief of Police then entered the licensed premises. Muse was told to empty his pockets and, as a result thereof, two bills, the serial numbers of which had been previously recorded, together with the sum of \$2.40, were produced. The 2 one-dollar bills and the cardboard upon which the numbers had been written by Muse were introduced in evidence and marked as exhibits herein.

Agent "C" testified that he accompanied agent "W" on the occasions in question but only entered defendant's premises on October 22, 1955; that he went into the premises at 7:15 a.m.

and took a seat at the bar five feet from the seat which agent "W" occupied; that he observed his fellow agent handing money to a man who was writing something; that he heard the bartender say to the man to whom agent "W" had handed money, "Careful! Stranger in the house"; that the man to whom agent "W" was speaking proceeded toward the "back room" and, before he reached his destination, agent "C" stopped him and requested that he be seated at a table in the barroom; that Chief of Police Davison asked the man in question to empty his pockets and, in so doing, the 2 one-dollar bills which contained the serial numbers previously recorded, along with other money, were produced.

On behalf of defendant, the bartender, Roland Cronce, testified that he was tending bar at the times in question and that he was acquainted with Muse "practically all my life"; that Muse visited defendant's premises at "about 10 minutes after 7" every morning; that after being served with whatever he ordered, remained there for a period of "15 or 20 minutes"; that he was aware that Muse was a number writer over a period of 15 years and that he had been apprehended by law-enforcement authorities on a recent date; that when agent "C" came into the premises he remembered him from a prior investigation made some time previous thereto and after he served agent "C" he went over to Muse who had "a pencil and something on the bar" and told him "to watch out" as "there was a stranger in the house" because he did not wish Muse to do anything while in the premises; and that, although Muse visited the premises on many occasions, he never permitted him to write numbers while in defendant's establishment.

Although there is no evidence that the bartender was personally implicated in the violation, I am satisfied that he knew or should have known that Muse was writing numbers for various persons who patronized defendant's licensed premises. Muse, on the bartender's own admission, visited the premises each day at approximately the same time. Furthermore, on the dates in question various patrons engaged in conversation with Muse and passed money to him. Agent "W" testified that on these occasions, especially when Muse was writing numbers for him, the bartender sat on a stool a short distance away and faced the direction where the illegal activities were being engaged in. When the bartender recognized agent "C" from an investigation made some time previous to October 22, 1955 he walked over to Muse, who had a pencil in his hand at the time, and warned him to watch out because there was a stranger in the house.

Even though neither the president nor any of the officers of defendant corporate licensee were implicated in the violation, they are strictly responsible for what takes place on the licensed premises. The rule relating thereto was succinctly stated by former Commissioner Hock in Re Alberti, Bulletin 856, Item 11, as follows:

"Knowledge of the fact by the licensee or his employees that wrongdoing has taken place on the licensed premises is not a necessary ingredient to make the offense complete under the Alcoholic Beverage Law. Cf. Essex Holding Corp. (a corporation) v. Hock, 136 N. J. L. 28. As the Court said in Guastamachio v. Brennan, 128 Conn. 356; 23 Atl. (2d) 140:

"While it may well be that "suffer" as used in the regulation would not render the permittee responsible for the acts of a trespasser upon the premises, we conclude that it is effective to make him responsible, regardless of knowledge or negligence, for failure to take effectual measures to prevent prohibited conduct by those occupying them with his authority."

After considering all the evidence and the oral argument of counsel for defendant, I find defendant guilty of the charges preferred herein.

Since the violations now under consideration were committed previous to January 16, 1956, the date I announced that the penalty in a case involving commercialized gambling (book-making and numbers writing) would be increased over that heretofore imposed (Bulletin 1095, Item 1), the penalty herein will not be affected thereby.

Defendant has no prior adjudicated record. I shall suspend its license for the minimum penalty of twenty days. Cf. Re Demar Corporation, Bulletin 1102, Item 11.

Accordingly, it is, on this 23rd day of March, 1956,

ORDERED that Plenary Retail Consumption License C-3, issued by the Common Council of the Borough of Hightstown to Steve's Bar, Incorporated, 136 Mercer Street, Hightstown, be and the same is hereby suspended for a period of twenty (20) days, commencing at 7:00 a.m. April 3, 1956, and terminating at 7:00 a.m. April 23, 1956.

WILLIAM HOWE DAVIS
Director.

4. DISCIPLINARY PROCEEDINGS - CHARGE ALLEGING FALSE ANSWERS IN APPLICATION, DISMISSED.

In the Matter of Disciplinary Proceedings against)

RALPH STODDARD)
T/a KITTATINNY BEACH INN)
River Road)
Pahaquarry Township)
PO Columbia, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-2, issued by the Township Committee of the Township of Pahaquarry.)

-----)
Charles F. Paulis, Jr., Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded not guilty to the following charge:

"In your application dated June 7, 1955 filed with the Pahaquarry Township Committee, upon which you obtained your current plenary retail consumption license, you falsely stated your residence in answer to Question 3 as Columbia, New Jersey and you falsely stated 'Yes' in answer to Question 27(a), which asks: 'Are you and all persons mentioned in this application actual and bona fide residents of the State of New Jersey at the present time?', and you failed to answer Question 27(c), which asks 'whether you or any person mentioned in this application now maintains a home elsewhere than in New Jersey', whereas in truth and fact you then resided and maintained a home at 402 North Courtland Street, East Stroudsburg, Pennsylvania; such false statements, evasion and suppression being in violation of R. S. 33:1-25."

Defendant testified that on May 1, 1948 he rented a house in Pahaquarry Township, New Jersey and continuously resided there until August 1955; that in the latter month due to flood water the cottage wherein he resided was torn loose from its foundation and became uninhabitable; that he is now temporarily living with his brother in Wyckoff, New Jersey, had resided for a time with his sister in Midland Park, New Jersey and also for prolonged periods of time with his daughter at 402 North Courtland Street, East Stroudsburg, Pennsylvania; that during the past year and a half he had suffered serious illness at different times and on these occasions stayed at his daughter's home in Pennsylvania in order that she might administer to his needs; that from 1948 to date he has continuously voted each year in Pahaquarry Township and has had his mail sent to his New Jersey residence. He further testified that the truck registered in the State of Pennsylvania in his name belongs to his son who lives in Pennsylvania, but because the son was not of age it was necessary that defendant take out the vehicle license in his name.

A Post Office employee who delivers mail in Pahaquarry Township testified that since 1948 defendant has resided in New Jersey.

Defendant's former wife, a resident of Pennsylvania, and his brother and sister who reside in New Jersey, corroborated the testimony of defendant that he is and has been a resident of New Jersey.

The law presumes that when a person takes up his residence "animo manendi", his residence continues at that place despite temporary absence. Cadwalader v. Howell et al., 18 N. J. L. 138. The defendant being unmarried, the usual test as to where he maintains his family cannot be applied in this case. I am satisfied from a careful examination of the testimony presented herein that on June 7, 1955, the date set forth in the charge herein, the defendant was a bona fide resident of New Jersey. He voted every year from 1948 to 1955, inclusive, in Pahaquarry Township and although this is not entirely conclusive in the matter, nevertheless, it is strong evidence that he considered New Jersey as his permanent home. In re Sedgwick, 223 Fed. 655.

Under the circumstances appearing in this case I conclude that defendant was a bona fide resident of New Jersey within the meaning of the term as used in the Alcoholic Beverage Law when he executed the application in question which is mentioned in the charge and, furthermore, that he is now a bona fide resident of this State. Hence, the charge will be dismissed.

Accordingly, it is, on this 29th day of March, 1956,

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

WILLIAM HOWE DAVIS
Director.

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

In the Matter of Disciplinary)
 Proceedings against)

LEON JACKSON & ETHEL JACKSON)
 T/a LIGHTHOUSE WINES & LIQUORS)
 510 Atlantic Avenue)
 Atlantic City, N. J.,)

CONCLUSIONS
 AND ORDER

-----)
 Holders of Plenary Retail Distribu-)
 tion License D-6, issued by the)
 Board of Commissioners of the City)
 of Atlantic City.)

Samuel Moskowitz, Esq., Attorney for Defendant-licensees.
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic
 Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge alleging that they sold alcoholic beverages to a minor, in violation of Rule 1 of State Regulations No. 20.

As a result of information from the Atlantic City Police, an ABC agent obtained a sworn written statement from Stephen ---, who is now seventeen years of age and in active military service. In his statement Stephen --- says that on February 25, 1956, he entered defendants' licensed premises and purchased a pint bottle of vodka from Ethel Jackson, one of defendant-licensees.

Defendants have no prior record. Until recently the usual penalty for sale to a seventeen-year-old minor was a suspension for fifteen days (Re Gelfand, Bulletin 1102, Item 10). On January 16, 1956, I announced that the penalty in such cases would be increased by five days (Bulletin 1095, Item 1). Since the violation herein occurred after that announcement, I shall suspend defendants' license for twenty days. Five days will be remitted for the plea herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 29th day of March, 1956,

ORDERED that Plenary Retail Distribution License D-6, issued by the Board of Commissioners of the City of Atlantic City to Leon Jackson & Ethel Jackson, t/a Lighthouse Wines & Liquors, for premises 510 Atlantic Avenue, Atlantic City, be and the same is hereby suspended for fifteen (15) days, commencing at 9:00 a.m. April 10, 1956, and terminating at 9:00 a.m. April 25, 1956.

WILLIAM HOWE DAVIS
 Director.

6. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1955 THROUGH MARCH 31, 1956

	1st Quarter		2d Quarter		3d Quarter		Total
	July	Aug., Sept.	Oct., Nov.	Dec.	Jan., Feb.	Mar.	
ARRESTS:							
Total number of persons arrested	94		106		81		281
Licensees and employees	28		38		32		98
Bootleggers	64		67		49		180
ABC agent impersonators	2		1		0		3
SEIZURES:							
Motor Vehicles - cars	12		16		10		38
- trucks	4		2		2		8
Still - over 50 gallons	5		3		2		10
- 50 gallons or under	3		2		2		7
Mash - gallons	14,884.00		850.00		12,350.00		28,084.00
Distilled alcoholic beverages - gallons	837.38		376.95		284.35		1,498.68
Wine - gallons	214.89		34.87		5.46		255.22
Brewed malt alcoholic beverages - gallons	144.39		34.12		5.09		183.60
RETAIL LICENSEES:							
Premises inspected	2,435		2,739		3,060		8,234
Premises where alcoholic beverages were gauged	1,726		1,953		2,411		6,090
Bottles gauged	33,631		36,065		44,042		113,738
Premises where violations were found	239		217		236		692
Violations found	327		310		319		956
Type of violations found:							
Unqualified employees	151		114		122		387
Disposal permit necessary	31		30		22		83
Regs. #38 sign not posted	30		23		19		72
Other mercantile business	20		12		12		44
Prohibited signs	4		6		5		15
Gambling devices	4		6		1		11
Probable fronts	3		0		1		4
Improper beer taps	3		0		0		3
Other violations	81		119		137		337
STATE LICENSEES:							
Premises inspected	29		83		71		183
License applications investigated	50		45		22		117
COMPLAINTS:							
Complaints assigned for investigation	1,404		1,229		1,277		3,910
Investigations completed	1,317		1,223		1,130		3,670
Investigations pending	(185)		(125)		183		183
LABORATORY:							
Analyses made	350		419		551		1,320
Refills (from licensed premises) - bottles	6		11		22		39
Bottles from unlicensed premises	65		127		57		249
IDENTIFICATION BUREAU:							
Criminal fingerprint identifications made	64		62		59		185
Persons fingerprinted for non-criminal purposes	720		517		533		1,770
Ident. contacts made with other enforcement agencies	608		463		457		1,528
NY identifications via N.J. State Police teletype	16		23		23		62
DISCIPLINARY PROCEEDINGS:							
Cases transmitted to municipalities	29		70		23		122
Violations involved:							
Sale during prohibited hours	17		39		11		67
Sale to minors	11		21		9		41
Failure to close premises during prohibited hours	0		5		2		7
Sale to non-members by clubs	0		4		2		6
Service to women at a bar (local reg.)	1		3		1		5
Permitting lottery activity (numbers, fight pool, baseball pool) on premises	3		0		0		3
Permitting bookmaking on premises	2		0		0		2
Permitting gambling (baseball bets, wagering)	1		1		0		2
Permitting hostesses on premises	1		1		0		2
Permitting brawls on premises	1		1		0		2
Sale to intoxicated persons	1		1		0		2
Failure to afford view into premises during prohibited hours	0		1		0		1
Possessing contraceptives on premises	0		1		0		1
Employing unqualified persons	0		1		0		1
Cases instituted at Division	65		75*		85		225
Violations involved:							
Sale to minors	38		26		33		97
Sale during prohibited hours	4		17		12		33
Permitting bookmaking on premises	9		6		8		23
Permitting lottery activity (Baseball pools, numbers, sweepstakes tickets, drawing)	7		8		2		17
Permitting immoral activity on premises	4		3		8		15
Sale below minimum resale price	2		6		6		14
Possessing illicit liquor	3		3		5		11

*Includes 1 cancellation proceeding - license improvidently issued to club not bona fide.

DISCIPLINARY PROCEEDINGS (Continued)	1st Quarter			2d Quarter			3d Quarter			Total
	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	
Cases instituted at Division (Continued)										
Violations involved:										
Fraud and front		0		5			5			10
Hindering investigation		0		3			7			10
Permitting hostesses on premises		2		6			1			9
Failure to close premises during prohibited hours		0		4			2			6
Sale outside scope of license		0		3			3			6
Possessing indecent matter		2		2			1			5
Conducting business as a nuisance		0		2			3			5
Permitting foul language on premises		0		0			5			5
Permitting female impersonators on premises		2		0			2			4
Sale to intoxicated persons		0		2			2			4
Permittee engaging in conduct prohibited to employer		0		4			0			4
Failure to afford view into premises during prohibited hours		0		0			3			3
Employing unqualified persons		0		0			3			3
Possessing pin ball machine on premises		2		0			0			2
Illegal activity connected with licensed premises		1		1			0			2
Possessing contraceptives on premises		0		2			0			2
Mislabeling beer taps		0		2			0			2
Permitting brawls on premises		0		1			1			2
Retailer to retailer sales		0		0			2			2
Solicitor employed by retailer		1		0			0			1
Permitting consumption during license suspension		1		0			0			1
Sale to non-members by clubs		0		1			0			1
Permitting slot machines on premises		0		1			0			1
Failure to file notice of change in application		0		1			0			1
Permitting gambling (cards, dice) on premises		0		0			1			1
Unauthorized transportation		0		0			3			4
Service to women at a bar (local reg.)		0		0			1			1
Cases brought by municipalities on own initiative and reported to Division		37		32			43			112
Violations involved:										
Sale to minors		14		17			21			52
Permitting brawls on premises		12		7			12			31
Sale during prohibited hours		9		5			5			19
Hindering investigation		3		2			1			6
Permitting gambling (cards, wagering) on premises		3		2			0			5
Permitting bookmaking on premises		0		1			3			4
Employing unqualified persons		0		1			1			2
Employing person without working permit (local reg.)		0		1			1			2
Failure to afford view into premises during prohibited hours		1		0			0			1
Illegal activity connected with licensed premises		1		0			0			1
Permitting immoral activity on premises		1		0			0			1
Employing female bartender (local reg.)		1		0			0			1
Altering interior of premises without approval (local reg.)		1		0			0			1
Permitting female impersonators on premises		0		0			1			1
Service to women at a bar (local reg.)		0		0			1			1
Failure to close premises during prohibited hours		0		0			1			1
Conducting business as a nuisance		0		0			1			1
Permitting minors to loiter on prem. (local reg.)		0		0			1			1
Permitting lottery activity (drawing)		0		0			1			1
HEARINGS HELD AT DIVISION:										
Total number of hearings held		122		124			131			377
Appeals		18		17			15			50
Disciplinary proceedings		65		70			81			216
Eligibility		20		8			10			38
Seizures		13		21			15			49
Tax revocations		2		3			5			10
Applications for license		4		3			3			10
Orders to show cause		0		2			0			2
Objections to license		0		0			2			2
STATE LICENSES AND PERMITS ISSUED:										
Total number issued		19,834		4,993			3,064			27,891
Licenses		926		22			5			953
Employment permits		676		497			420			1,593
Solicitors "		2,744		169			176			3,089
Disposal "		229		270			285			784
Social affair "		1,019		1,017			807			2,843
Mine "		1		1,376			10			1,387
Miscellaneous "		764		551			340			1,655
Transportation insignia		13,198		1,039			940			15,177
Transportation certificates		77		52			81			210

Dated: April 11, 1956

WILLIAM HOWE DAVIS
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 236 BROAD AVENUE, INC.
 236 Broad Avenue
 Palisades Park, N. J.,
 Holder of Plenary Retail Distribution License D-10, issued by the Borough Council of the Borough of Palisades Park.

CONCLUSIONS AND ORDER

 236 Broad Avenue, Inc., Defendant-licensee, by William A. Cole, Manager.
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it sold, served and delivered alcoholic beverages to a minor, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that an ABC agent acting upon information transmitted to this Division by the Palisades Park Police, obtained a signed sworn statement from Herman ---, wherein he states that he is twenty years of age; that on March 8, 1956, he purchased from the manager in defendant's licensed premises two quart bottles of beer without being questioned as to his age. On March 10, 1956, Herman directed the agent to defendant's licensed premises and pointed it out as the place where he purchased the beer and therein identified William Cole, the manager, as the person who made the sale.

Defendant has a prior adjudicated record. Effective September 16, 1955, its license was suspended by the local issuing authority for ten days for an "hours" violation. The minimum penalty imposed for the sale of alcoholic beverages to a twenty-year-old minor is ten days. Re Santa Lucia Restaurant, Inc., Bulletin 1095, Item 12. However, since the prior dissimilar violation occurred within a five-year period, I shall suspend defendant's license for fifteen days, Re Cadillac Bar Corporation, Bulletin 1072, Item 8, and remit five days for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 29th day of March, 1956,

ORDERED that Plenary Retail Distribution License D-10, issued by the Borough Council of the Borough of Palisades Park to 236 Broad Avenue, Inc., 236 Broad Avenue, Palisades Park, be and the same is hereby suspended for a period of ten days, commencing at 9:00 a.m. April 9, 1956, and terminating at 9:00 a.m. April 19, 1956.

WILLIAM HOWE DAVIS
 Director.

8. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JOHN MURRAY)
T/a MURRAY'S LOG CABIN)
515 River Avenue)
Lakewood, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-15, issued by the Township Committee of the Township of Lakewood.)

-----)
John Murray, Defendant-licensee, Pro se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to a charge alleging that he sold, served and delivered alcoholic beverages to two minors, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that an ABC agent obtained signed sworn statements from David --- and George ---, both eighteen years of age, wherein they state that on March 9, 1956, each purchased in defendant's licensed premises six cans of beer from the bartender who did not require written proof of their ages. On March 13, 1956, both minors directed the agent to defendant's licensed premises and pointed it out as the place wherein they had purchased the alcoholic beverages and therein identified the licensee as the person who made the sale. The licensee admitted the violation.

Defendant has no prior adjudicated record. Until recently the usual penalty imposed for sale of alcoholic beverages to two eighteen-year-old minors was suspension of the license for ten days. Re Valentino, Bulletin 1085, Item 8. However, on January 16, 1956, I announced that the penalty in such cases would be increased by five days. Re Increased Penalties, Bulletin 1095, Item 1. Since the violation in the instant case occurred after that announcement, I shall suspend defendant's license for fifteen days and remit five days for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 29th day of March, 1956,

ORDERED that Plenary Retail Consumption License C-15, issued by the Township Committee of the Township of Lakewood to John Murray, t/a Murray's Log Cabin for premises 515 River Avenue, Lakewood, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. April 9, 1956 and terminating at 2:00 a.m. April 19, 1956.

WILLIAM HOWE DAVIS
Director.

9. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD - LICENSE SUSPENDED FOR 25 DAYS.

In the Matter of Disciplinary Proceedings against

ELMER WILSON
T/a "WILSON'S TAVERN"
318 Belleville Pike
North Arlington, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-13, issued by the Borough Council of the Borough of North Arlington.

William W. Wimmer, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded not guilty to a charge alleging that on January 7, 1956 he sold, served and delivered alcoholic beverages to three minors, ages 17, 18 and 20, and permitted the consumption of said beverages by said minors in and upon his licensed premises, in violation of Rule 1 of State Regulations No. 20.

At the hearing James --- testified, in substance, that he was born April 24, 1937; that at about 1:30 a.m. January 7, 1956, he and a companion named Stephen --- entered defendant's licensed premises and seated themselves at the bar therein; that he ordered and paid for three glasses of beer; that the bartender when told "The other fellow is coming in" placed the order on the bar and accepted payment without requiring proof of age; that he (James) consumed some of the beer and within minutes thereafter Richard --- (the other fellow) entered the premises and sat next to Stephen; that the bartender placed one of the beers in front of Richard; that immediately thereafter a local patrolman requested Richard to step outside; that when Richard left the premises the bartender inquired of him and Stephen "You sure you are 21?"; that he (James) replied in the affirmative and the bartender continued "Do you have anything to show because I want to make sure because the cops were here?"; that he took a pocket calendar from his wallet and hesitantly placed it on the bar; that the bartender without picking it up said "All right I wanted to make sure"; that after he finished his beer the patrolman and a police sergeant entered the tavern and requested him and Stephen to accompany them outside. James further testified that neither Stephen nor Richard was required to produce proof of his age. Richard testified that he was born October 20, 1938, and he corroborated James' testimony in so far as it pertained to his activities in and upon the licensed premises on the night in question. The patrolman testified that he entered the premises to summon Richard, at which time he observed a glass of beer in his (Richard's) hand; that when he later re-entered the premises accompanied by the sergeant he observed two empty glasses on the bar in front of James and Stephen. The sergeant corroborated the patrolman's testimony as to the empty glasses on the bar. An ABC agent testified that on January 13, 1956 he was directed by the aforesaid young men to defendant's licensed premises which they pointed out as the place wherein they had been served alcoholic beverages on the date

alleged but that they failed to identify therein the bartender who had served them. However, James and Richard identified the bartender from the witness chair and James, when called as a rebuttal witness, testified that their failure to identify the bartender on January 13 was because "We didn't want to get him in bad trouble."

The testimony offered on behalf of defendant by his bartender and four regular patrons confirmed the presence of the minors and the police officers in the tavern on the date alleged. The bartender testified that he requested and was shown an identification card which he scrutinized and that while he was talking to the "boys" the police officers came in and took "all the boys out." He denied serving alcoholic beverages to the minors but admitted that "They asked for three beers." The testimony of the patron witnesses tended to corroborate that of the bartender and to contradict that of the minors and, in parts, that of the police.

Defendant's attorney filed a memorandum in which he contends that the charge should be dismissed because (a) it has not been proven by the preponderance of believable evidence and (b) the proofs fail to establish that the beverage allegedly sold to the minors was beer with sufficient alcoholic content to bring the sale within the prescribed regulation.

It has been established that when a minor or any other person testifies that the said minor ordered an alcoholic beverage by name (e.g., beer, whiskey, etc.) and that a drink was served pursuant to that order, a permissible inference may be drawn that the minor was actually served the beverage ordered and warrants judicial notice of the fact that such beverage has an alcoholic content of more than 1/2 of 1% by volume and, hence, constitutes an "alcoholic beverage" within the statutory definition. See State v. Marks, 65 N.J.L. 84, 87; Lewinsohn v. United States, 278 F. 421, 425, 426; Re La Corte, Bulletin 469, Item 1; R. S. 33:1-1.1.

It is evident from the testimony of James and the bartender that "three beers" were ordered by the minor. It is also evident from the testimony of the police officers respecting their observations and from the testimony of the minors that said minors were served the beverages ordered. It is further evident that the bartender did not request of the minors written proof of age as required by R. S. 33:1-77. However, the proofs herein are insufficient to support a finding that Stephen was in fact a minor as he did not appear at the hearing or that James and Richard consumed alcoholic beverages on the licensed premises. I, therefore, find defendant guilty of so much of the charge as pertains to the sale of such beverages by defendant to the two minors who testified.

Defendant has a prior adjudicated record. Effective June 19, 1938, his license was suspended for five days by the local issuing authority for possession of a slot machine and, effective July 13, 1953, his license was suspended for five days by the Director for sales to minors. Re Wilson, Bulletin 978, Item 4. The 1938 dissimilar violation, having occurred more than ten years ago, will not be considered in fixing the penalty herein. Re Eighth Ward Progressive Republican Club, Bulletin 1038, Item 6. Since the violation herein is the second similar offense within five years, the minimum penalty in this case, if otherwise unaggravated, would be a suspension

of the license for twenty days. Re Tarsi, Bulletin 1058, Item 2. However, an additional five days will be added because of the 17-year-old minor, making a total suspension of twenty-five days. Re Keelan, Bulletin 1095, Item 4.

Accordingly, it is, on this 2nd day of April, 1956,

ORDERED that Plenary Retail Consumption License C-13, issued by the Borough Council of the Borough of North Arlington to Elmer Wilson, t/a "Wilson's Tavern", 318 Belleville Pike, North Arlington, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 2:00 a.m. April 9, 1956, and terminating at 2:00 a.m. May 4, 1956.

WILLIAM HOWE DAVIS
Director.

10. STATE LICENSES - NEW APPLICATIONS FILED.

St. Louis Terminal Warehouse Company
380 Mt. Pleasant Ave., Wallington, N.J.
Application filed April 19, 1956 for transfer of Public Warehouse License X-3 from 27 Route 17, East Rutherford, N.J.

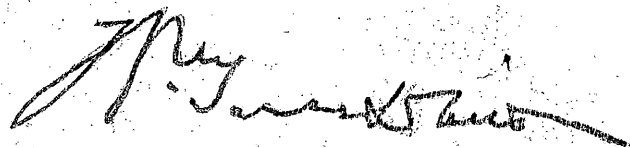
Peter Lusardi, Inc.
198 West Main St., Somerville, N.J.
Application filed April 23, 1956 for additional warehouse at 130-138 Somerset St., Somerville, N.J.

St. Johnsbury Trucking Co., Inc.
400 Delancy St., Newark, N.J.
Application filed April 23, 1956 for Transportation License.

Shirks Motor Express Corporation
2122 Tonnelle Ave., North Bergen, N.J.
Application filed April 24, 1956 for additional warehouse at Vineyard Road and Old Post Road, Edison Township, N. J.

Harrison Motor Freight
Third St. & Jacobus Ave., South Kearny, N.J.
Application filed April 26, 1956 for place-to-place transfer of Transportation License from 1151 Paterson Plank Road, Secaucus, N. J.

Edward C. Walkiewicz & Joseph R. Walkiewicz, t/a White Eagle Bottling Co., 177-181 South St., Newark, N. J.
Application filed April 26, 1956 for person-to-person, place-to-place transfer of State Beverage Distributor's License from Albert J. Bakunas, t/a A. J. Bakunas Beverages, 316 - 3rd St., Cliffside Park, N. J.



William Howe Davis
Director.