

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

BULLETIN 1562

June 3, 1964

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

BULLETIN 1562

June 3, 1964

1. DISCIPLINARY PROCEEDINGS - NUISANCE (APPARENT HOMOSEXUALS) -
LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ANTHONY LITHKOUSKY, JR. &)
EVELYN LITHKOUSKY, t/a O.K. CORRAL)
38 - 38½ Pennington Street)
Newark 2, New Jersey)

Holder of Plenary Retail Consumption License C-113, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark and transferred during the pendency of these proceedings to)

JOHNNIE MAE ISHMAL)
t/a O.K. CORRAL)
(for the same premises))

CONCLUSIONS
AND ORDER

Irving L. Hodes, Esq., Attorney for Licensees Anthony and Evelyn Lithkousky.

Ira April, Esq., Attorney for Transferee, Johnnie Mae Ishmal.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead guilty to a charge alleging that on January 11 and 18, 1964, they conducted the licensed place of business as a nuisance, viz., permitting apparent female homosexuals on the licensed premises, in violation of Rule 5 of State Regulation No. 20.

Reports of investigation disclose that on the dates mentioned, the licensed premises was patronized by comparatively large numbers of apparent female homosexuals, i.e., on January 11 five out of a total of seven females and on January 18 twelve out of a total of fourteen females.

On February 20, 1964, after the institution of these proceedings by charge dated February 10, 1964, the license was transferred to Johnnie Mae Ishmal, t/a O.K. Corral, for the same premises. The license is nevertheless subject to suspension or revocation on the basis of the charge preferred. See Rules 1, 2 and 3 of State Regulation No. 16.

Absent prior record and on the basis of the facts appearing (congregation of a relatively large number of apparent homosexuals), 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 Club Tequila, Inc., Bulletin 1557, Item 1; Re Rose Mary, Inc., Bulletin 1557, Item 3.

Accordingly, it is, on this 7th day of April, 1964,

ORDERED that Plenary Retail Consumption License C-113 issued by the Municipal Board of Alcoholic Beverage Control to Anthony Lithkousky, Jr. and Evelyn Lithkousky, t/a O.K. Corral, for premises 38-38½ Pennington Street, Newark, and transferred during the pendency of these proceedings to Johnnie Mae Ishmal, t/a O.K. Corral, for the same premises, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. Tuesday, April 14, 1964, and terminating at 2:00 a.m. Monday, June 8, 1964.

JOSEPH P. LORDI
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - FALSE STATEMENT IN APPLICATION FOR LICENSE - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)
JULES BERNSTEIN)
t/a JULES TAVERN)
253 - 12th Avenue)
Paterson 4, New Jersey)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Con-)
sumption License C-111, issued)
by the Board of Alcoholic Beverage)
Control for the City of Paterson.)

-----)
Nussman & Kaplan, Esqs., by Samuel R. Kaplan, Esq., Attorneys)
for Licensee.)
David S. Piltzer, Esq., Appearing for the Division of Alcoholic)
Beverage Control.)

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on March 6, 1964, he possessed alcoholic beverages in six bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20, and (2) in his currently effective application for license, he failed to disclose two prior suspensions of his license in 1943 and 1950, in violation of R.S. 33:1-25.

Licensee's previous record of suspensions, the partial concealment of which is the subject of the second charge, consists of suspension of license (1) while in partnership with Dorothy Stern, for premises 21 Broadway, Paterson, by the Commissioner for ten days effective October 25, 1943, for possession of "refills" (Re Bernstein and Stern, Bulletin 591, Item 5), (2) by the Director for ten days effective September 18, 1950, for sale in violation of State Regulation No. 38 (Re Bernstein, Bulletin 884, Item 12), and (3) by the Director for twenty-five days effective January 2, 1951, for sale in violation of State Regulation No. 38 (Re Bernstein, Bulletin 894, Item 4).

The prior record of suspension in 1943 for similar violation disregarded because occurring more than ten years ago and the prior record of suspension in 1950 and 1951 for dissimilar violation disregarded because occurring more than five years ago, the license will be suspended on the first charge for twenty-five days (Re Stanley Laurence Associates, Inc., Bulletin 1508, Item 6) and

on the second charge for ten days (Re Kickey's, Inc., Bulletin 1541, Item 9), making a total suspension of thirty-five days, with remission of five days for the plea entered, leaving a net suspension of thirty days.

Accordingly, it is, on this 20th day of April, 1964,

ORDERED that Plenary Retail Consumption License C-111 issued by the Board of Alcoholic Beverage Control for the City of Paterson to Jules Bernstein, t/a Jules Tavern, for premises 253-12th Avenue, Paterson, be and the same is hereby suspended for thirty (30) days, commencing at 3:00 a.m. Monday, April 27, 1964 and terminating at 3:00 a.m. Wednesday, May 27, 1964.

JOSEPH P. LORDI
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - FRONT - FALSE STATEMENTS IN APPLICATION FOR LICENSE - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO LIFT UPON PROOF OF CORRECTION OF UNLAWFUL SITUATION AFTER EXPIRATION OF 25 DAYS.

In the Matter of Disciplinary)
Proceedings against)
SAMUEL BERELMAN, INC.)
t/a PAYTON'S PLACE)
629 Ferry Avenue)
Camden, New Jersey)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-100, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Camden.)

S. Arthur Levy, Esq., by Morrey Lacktman, Esq., Attorney for Licensee.

David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

The licensee pleaded not guilty to the following charges:

"1. In your application dated June 14, 1962, filed with the Municipal Board of Alcoholic Beverage Control of the City of Camden, upon which you obtained your 1962-63 plenary retail consumption license, in answer to Question No. 22, you falsely listed Doris B. Davis as the holder of 90 shares (90%) of your issued and outstanding stock and, in answer to Question No. 24, which asks: 'Has any stockholder of the applicant corporation any beneficial interest, directly or indirectly, in the stock of any other stockholder of the applicant corporation?', you falsely stated 'No', whereas in truth and fact Raymond R. Payton and Joan L. Payton, each listed

in your application as the owners of only five shares (5%) of your issued and outstanding stock, were also the real and beneficial owners of the 90 shares (90%) listed in your application as owned by Doris B. Davis; in violation of R.S. 33:1-25.

"2. In your aforesaid application, you falsely stated 'No' in answer to Question No. 31, which asks: 'Have you agreed to pay (by way of rent, salary or otherwise) to any employee, or other person, any portion or percentage of the gross or net profits or income derived from the business to be conducted under the license applied for?', whereas in truth and fact you had agreed to permit Raymond R. Payton and Joan L. Payton to retain all the profits and income derived from your licensed business; in violation of R.S. 33:1-25.

"3. From on or about February 16, 1962 to date, you knowingly aided and abetted Raymond R. Payton and Joan L. Payton to exercise, contrary to R.S. 33:1-26, the rights and privileges of your successive plenary retail consumption licenses; in violation of R.S. 33:1-52."

To substantiate the charges, the Division produced ABC agents H and T who participated in the investigation of the licensed business. Licensee produced Doris B. Davis, secretary of the corporation, Everett L. Jones, an attorney, Clarence Fullard, an accountant, and Joan and Raymond Payton, president and treasurer, respectively, of the corporate licensee.

It appears from the evidence adduced herein that Gotham Investors, Inc. (hereafter Gotham) held a chattel mortgage in the amount of \$11,000 on the fixtures and equipment of the licensee Samuel Berelman, Inc., t/a Cindy's Bar, which represented security for a portion of the sales price. The licensee had defaulted in its mortgage payments to the extent of \$900 and Gotham was about to institute proceedings to foreclose. Everett L. Jones, a Camden attorney, and Joseph Maggio, a building developer, became interested in the licensed business and tentatively agreed with Mr. Berelman, principal stockholder in said corporation, to assume the obligations of the corporation in exchange for its assets, which consisted of the license and a small amount of stock. After discussing the matter with Mr. Toll, president of both Gotham and the D.B.T. Realty Company, owner of the licensed building, they decided it would not be to their advantage to engage in the tavern business.

Joan Payton, legal secretary to Mr. Jones, who was to have been a minority stockholder in the venture, expressed a desire to take over the business with the help of her husband, Raymond, a Philadelphia policeman. When Mr. Jones informed her that they could not become licensees because they were not residents of New Jersey, she discussed the matter with her mother, Mrs. Doris Davis, a resident of New Jersey, who sought the advice of Mr. Jones. Being assured that an investment in the licensed business was worth while, Mrs. Davis states she agreed to put up \$800 and Mr. and Mrs. Payton agreed to invest \$150, the total representing the amount of the arrearages on the mortgage loan, plus a nominal fee of \$50 to Mr. Toll, who had prepared the foreclosure papers.

On February 16, 1962, Mrs. Davis and Mr. and Mrs. Payton appeared with their attorney, Mr. Jones, at the law offices of Tomaselli, Toll and DeMartino in Camden and signed numerous docu-

ments prepared by Mr. Tomaselli, attorney for Gotham, including an agreement between Gotham as lender and Samuel Berelman, Inc. as borrower and Doris B. Davis, Raymond R. Payton and Joan L. Payton of South Academy Street, Glassboro, N. J., as sureties (Exhibit S-4). The amount borrowed was \$10,151.20 at 6% interest payable in equal weekly installments of \$83.20. The borrower and sureties agreed to execute a collateral note for the principal amount and to place in escrow with Mr. Tomaselli all of the issued and outstanding stock certificates of the borrower corporation. The borrower also assumed the obligation of the lease between D.B.T. Realty Company and Samuel Berelman, Inc. dated May 2, 1961, terminating five years therefrom.

It further appears from the evidence that on February 23, 1962, Mr. Jones notified the excise board of the City of Camden and the Division of Alcoholic Beverage Control of the change of officers of Samuel Berelman, Inc., which were listed as follows: Doris B. Davis, South Academy Street, Glassboro, N. J., secretary, ninety shares; Joan L. Payton, 4729 Walnut Street, Philadelphia, Pa., president, five shares; Raymond R. Payton, 4729 Walnut Street, Philadelphia, Pa., treasurer, five shares (Exhibits L-2 and L-3). The same officers, their addresses and the shares of stock held by each appear in the renewal applications filed by the corporate licensee for the 1962-63 and 1963-64 license years (Exhibits S-1 and S-2).

It further appears that Joan L. Payton obtained from the Clerk of the County of Camden a Certificate of Trade Name certifying that the licensed business was to be conducted under the firm name of "Payton's Place", listing the aforesaid corporate officers as members of the firm (Exhibit L-4) and that Mr. Fullard prepared the 1962 joint Income Tax Return of Raymond C. and Joan Payton, the New Jersey Corporation Business Tax Return and the U. S. Corporation Income Tax Return of Samuel Berelman, Inc., t/a Payton's Place, setting forth in each the amount of \$4800 as "management fees" of the Payton's from which no social security or income deductions were made (Exhibits L-5, L-6 and L-7). According to the corporate tax returns, the corporation lost \$117.42 for the year 1962.

The testimony of Agents H and T shows the following: On March 6, 1963, they interviewed Joan Payton and obtained from her twenty-two cancelled checks (Exhibit S-3) drawn by her husband Raymond against the account of "Raymond or Joan L. Payton" in the First Camden National Bank and Trust Company, depository of the receipts of the licensed business. Joan Payton stated at the time that because the account of Samuel Berelman, Inc., t/a Cindy's, was still active, the business account was opened in the name of herself and her husband to prevent mistakes. Respecting one of the checks dated January 21, 1963, made payable to her husband in the amount of \$707.41, she stated that it was to reimburse him for the money he had withdrawn from another account to open the licensed business account. Respecting another check dated May 8, 1962, payable to her husband in the amount of \$150, she stated that it was to reimburse him for monies he had expended from his own personal funds. Respecting another check dated August 22, 1962 and another dated December 31, 1962, payable to the Philadelphia Gas Works in the amount of \$39.89 and \$52.82, she stated that they were in payment for gas used at her home for cooking food for the tavern and that three other checks dated August 28, October 12, 1962 and January 10, 1963 payable to the Bell Telephone Company in the amount of \$25, \$34.98 and \$42.89, respectively, were for calls made from her home in connection with tavern business.

The agents further testified that on April 9, 1963, they interviewed Raymond Payton at his home and obtained from him a

copy of the agreement between Gotham and Samuel Berelman, Inc. and the sureties (S-4) and a letter dated February 19, 1962 from Daniel B. Toll of Gotham to Everett L. Jones, Esq. (Exhibit S-5) advising him to send letters to the Camden excise board and the Division of Alcoholic Beverage Control relative to the change of stockholders of Samuel Berelman, Inc. and to "send a carbon copy of each letter to me, so that I can issue the new stock" and reminding him that "no stockholder who resides elsewhere than in New Jersey can hold more than nine (9) shares of stock."

At the agents' request, Doris B. Davis and Joan L. Payton appeared on May 1, 1963, at the Division offices with their present attorney, Mr. Lacktman, and gave signed, sworn statements. Mrs. Davis in her statement (Exhibit S-6) stated that her daughter and son-in-law asked her if she wanted to invest some money in the tavern business, telling her that she would have to put up \$800 and they would put up \$150; that she would be the boss and hold 90% of the stock and that they would each hold 5%. She further stated that "My father gave me the money, when he died"; that "I normally don't keep this type of cash at home"; and when asked "Did you get a receipt for this cash given", she answered, "I don't remember there were so many lawyers and I had Mr. Jones and he made up all the papers and I can't remember anything about the receipt." She further stated that she paid over the money in cash; that she did not know who the landlord was or that the fixtures in the licensed premises were encumbered by a chattel mortgage; that her daughter Joan and her son-in-law do the work and attend to what has to be done in the tavern; that she visits the tavern about once a week; that her daughter and son-in-law get in touch with her when a bill should be paid and respecting such things as repairing the building; that "I put the money in to make money. I know that we are not making money now but we are paying bills and in a couple of years we will get money from the business."

Mrs. Davis further stated that she did not remember off-hand the total purchase price of the business; that Mr. Jones arranged the distribution of shares; that "I cannot give you an answer as to why the corporation is paying for the gas and electric at their home. I was not aware of this"; that she did not know anything about the \$707.41 check made payable to Raymond Payton; that she did not know why the address of her daughter and son-in-law was listed in the lender-borrower agreement as South Academy Street, Glassboro--"they have always lived on Walnut Street, Philadelphia"; and that she knew for a long time that a non-resident of New Jersey could not hold more than 10% of the stock in a corporation holding a retail liquor license, but did not know when she first found this out.

Joan L. Payton in her statement (Exhibit S-7) stated that she has lived in Philadelphia for the past eleven years; that she and her husband invested \$150 in the licensed business and each holds 5% of the corporate stock; that the \$800 invested by her mother was paid to Mr. Toll; that "originally it was Mr. Jones, Mr. Maggio and myself that was going to buy the business but all of them backed out of the situation and that left me all by myself to buy the business. My mother knew all along that I was going to buy this business so my husband and myself asked my mother if she wanted to invest into the business also"; that her mother's \$800 was "in cash that my grandfather left her." Respecting the investment of herself and her husband she stated, "I think that this was our combined pay checks at that time and then we had a certified check made."

The agents further testified that on June 6, 1963, they

received from Lacktman a cancelled certified check dated February 15, 1962, in the amount of \$450 drawn against the account of "Raymond R-Joan L Payton" in the Girard Trust Corn Exchange Bank of Philadelphia by Raymond R. Payton to the order of Gotham (Exhibit S-8) and that on April 3, 1963, Joan Payton showed them the corporate account books which listed the day-to-day expenses and payments which were verified by the twenty-two checks and various bills; that no profits were shown in the books and that Joan Payton stated that any monies which would have been profits were used to renovate the building.

The testimony of Mrs. Davis shows that she is a housewife and substitute teacher without any previous business experience; that she has lived at South Academy Street, Glassboro, for the past twenty years; that her father, a doctor, wanted to take her and her sister to Europe and, because she was unable to accompany them at the time, he gave her the \$800; that she did not receive this money from her father's estate or after his death; that this money was "all I had" at the time she invested it; that she kept the \$800 cash at home, although she would normally put her cash in the bank; that after she decided to invest in the tavern business, she gave her daughter first \$350 and shortly thereafter \$450; that she did not bring her money to the closing; that she attended only one meeting, the closing, at which several attorneys were present; that her daughter and son-in-law take care of the tavern, and that Sarah Abel is employed as a barmaid; that after purchasing the licensed business, the premises were enlarged, repaired, cleaned and painted; that "I decided it should be done, but we talked it over together all three of us... I am talking about my daughter and her husband and myself"; that she has not received any compensation, but that each of the Paytons receives about \$45 per week as salary; that any money that is left is put back into the business; and that since February 1962, the rent and the mortgage obligations have been paid.

She further testified that the \$150 check (Exhibit S-3) was made payable to Raymond Payton and cashed by him to pay a liquor salesman who would not accept a check; that the \$707.41 check (Exhibit S-3) was drawn against a special checking account and deposited in a regular checking account in the same bank so that they would receive a monthly statement rather than one every three months; that the \$100 check (Exhibit S-3) was a Christmas gift from Raymond Payton to his mother, the amount of which was repaid by Mr. Payton; that the checks to the Philadelphia Gas Works and the Bell Telephone Company (Exhibit S-3) were for gas used by her daughter who did a lot of cooking for the tavern and for telephone calls to the tavern; and that Mr. and Mrs. Payton are taking good care of her interests and she trusts them.

Joan L. Payton testified in substance that she and her husband invested \$150 in the licensed business and each owns five shares of the corporate stock; that her mother invested \$800 and owns ninety shares; that after the tavern was purchased, she worked from 6:00 p. m. to 2:00 a. m. six nights a week; that "I did quite a lot of cooking. From Wednesday to Saturday I was offering chicken and having chicken sandwiches and what not" which were transported from her home to the tavern to be sold there; that the two checks paid to the Philadelphia Gas Works did not fully compensate for the amount of gas used; that the payments to the telephone company were for calls made from her home to the tavern, to whiskey companies and to her mother; and that before she paid either the gas or telephone companies, she consulted with her mother, who agreed that she should be compensated for the telephone calls and gas bills.

Mrs. Payton further testified that in answering the questions in the renewal application, she copied those given in the license application of Berelman, Inc., t/a Cindy's Bar, and respecting Question 31 in the renewal application she explained that it was answered "No" because "I thought it referred to persons other than the stockholders who were to receive -- who might receive money from the profits of the corporation." On cross-examination, she testified that she and her husband each receives \$45 per week, "not each and every week but those weeks that the corporation could pay it" and that she received \$2400 for her services during the year 1962.

Raymond Payton testified in substance that he has been a police officer in the City of Philadelphia for over ten years; that he and his wife invested in the corporation in question to supplement their income; that he had the three checks made payable to Gotham in the amounts of \$150, \$300 and \$450 certified at the Girard Trust Corn Exchange Bank in which he and his wife had an account; that the latter check was certified on February 15, 1962, and the other two within one week of said date. He explained the fact that a statement of the Girard Trust Corn Exchange Bank (Exhibit S-9) reflected only total deposits of \$820.80 and total checks paid in his account during the period of February 7 to March 6, 1962 by claiming that he did not deposit money in the account when he got the certified checks but "I took the money up to the window. You just have to have a clerk to certify your check. You give him the money and he gives you a certified check." He further testified that none of these checks were bank cashier's checks; that he first got \$300 and later \$450 from his wife, who had received the cash money from her mother, and that he used these cash monies to obtain each of the three certified checks; that he has no interest in the stockholdings of Mrs. Davis; that "after putting in 8 hours on the force I in turn would go over to the bar, which was my own free time, and that to me is considered 100 percent of my time"; that before buying the tavern, the Camden excise board made inquiries as to the type of work in which he was engaged and "I told them I was a police officer, and they said they had to have a meeting on it. They had a meeting and found out it was O.K. for me"; and that he would testify the same as his wife and Mrs. Davis respecting the checks paid to the telephone and gas companies.

Raymond Payton also testified that he and his wife withdrew in cash \$90 a week from the receipts of the licensed business "when the money was available"; that these sums, considered "management fees", were withdrawn in accordance with an agreement in which he, his wife and his mother-in-law participated; and that these withdrawals totalled \$4,800 for 1962.

After having carefully examined the evidence herein, I find that, since February 16, 1962, Raymond R. Payton and Joan L. Payton have been the real and beneficial owners of all of the issued and outstanding stock of the corporate licensee, the Paytons have been permitted to receive and retain all the profits and income of the licensed business since such date, by means of so-called "management fees", and the licensee has knowingly permitted the Paytons to exercise the rights and privileges of its successive licenses through their undisclosed ownership of the stock in the name of Doris B. Davis and their actual receipt of all the profits of the licensed business.

In support of these ultimate conclusions, I find that Mrs. Davis did not invest the \$800, as claimed by the licensee, which made up the principal part of the funds used to acquire all the

stock in the corporation; that Raymond Payton did not "purchase" three certified checks with Mrs. Davis' cash, as claimed; that the money invested in the licensed business was solely the money of the Paytons; and that the Paytons had full control over the operation of the licensed business, including the appropriation of the profits thereof under the guise of "management fees".

There are many discrepancies, conflicts and inconsistencies in the testimony of the licensee's witnesses. The assertion by Mrs. Davis that the \$800 cash she kept in her home for more than a year was received from her father prior to his death conflicts with the written statements of her and her daughter. In her written statement, she also implied that she gave the cash to someone at the closing. However, when it was later found that at least \$450 had been paid by certified check from the personal account of the Paytons, she testified that she gave this cash to her daughter prior to the closing.

I am more inclined to conclude that the believable evidence preponderates in favor of a finding that the Paytons are the true parties of interest herein and that they placed 90% of the corporation's stock in the name of Mrs. Davis in order to avoid the non-residency disqualification of R.S. 33:1-25. At the outset, the receipts of the licensed business were placed in a bank account of the Paytons, not the corporation. This account was used to pay personal bills of the Paytons, including their home telephone and gas, which I find were not authorized reimbursements for the licensee's benefit. The proportionate distribution of the shares of stock was determined not by the parties, but by their attorney, after the closing and after he was expressly advised as to the residency law.

The record discloses that Mrs. Davis was not familiar with any of the important matters concerning the licensed business, in which, as principal stockholder, she would normally take an interest. She was unaware of the existence of the substantial chattel mortgage, she did not know the name or address of the licensee's bank, she was unaware of the disbursements of the licensee's receipts directly to the Paytons, she thought the Paytons were each receiving \$45 per week straight salary, rather than "management fees" above and beyond such amount. Even the trade name of the business, Payton's Place bespeaks the true ownership of the business.

Furthermore, it is not reasonable that the Paytons, the ones who initially were active in seeking to acquire the licensed business, would be willing to expend their efforts to manage this business for a mere total 10% interest. It is much more reasonable to deduce that they made Mrs. Davis nominal owner of 90% of the stock and extracted the profits of the business through the form of "management fees".

In view of these considerations, I find that the believable evidence more than preponderates against the licensee and, therefore, I recommend that it be found guilty of each of the three preferred charges.

The licensee has a previous record of suspension of license by the Director for ten days effective January 8, 1962, for possession of liquor not truly labeled. Re Samuel Berelman, Inc., Bulletin 1431, Item 9. However, in view of the change in stockholders since that time, as above indicated, this record of suspension should not be considered in fixing the penalty herein. Re C. & S. Tavern Corp., Bulletin 1549, Item 1.

The prior record thus disregarded, it is recommended that an order be entered suspending the license for twenty-five days. Cf. Re A. & L. Inc., Bulletin 1216, Item 5; Re Lu-Anne, Inc., Bulletin 1526, Item 15.

Conclusions and Order

No exceptions to the Hearer's Report were filed with me within the time limited by Rule 6 of State Regulation No. 16.

Having carefully considered the entire record herein, including the transcript of the testimony, the exhibits, argument of counsel and the Hearer's Report, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Since it does not appear that to date any correction of the unlawful situation has been accomplished, the license will be suspended for the balance of its term, with leave granted to the licensee or any bona fide transferee of the license to apply for the lifting of the suspension whenever the unlawful situation has been corrected but in no event sooner than twenty-five days after commencement of the suspension herein.

Accordingly, it is, on this 6th day of April, 1964,

ORDERED that Plenary Retail Consumption License C-100 issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Samuel Berelman, Inc., t/a Payton's Place, for premises 629 Ferry Avenue, Camden, be and the same is hereby suspended for the balance of its term, effective 7:00 a.m. Monday, April 13, 1964, with leave to the licensee or any bona fide transferee of the license to file verified petition establishing correction of the unlawful situation for lifting of the suspension of the license on or after 2:00 a.m. Friday, May 8, 1964.

JOSEPH P. LORDI
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - SALE TO INTOXICATED PERSON - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

TONY MAITA'S OASIS, INC.)
197 Avenue E)
Bayonne, New Jersey)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-82, issued by the Municipal Council of the City of Bayonne.)

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

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on March 6-7, 1964, it sold drinks of whiskey to an intoxicated person, in violation of Rule 1 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 Kriss and Ward, Bulletin 1538 Item 3.

Accordingly, it is, on this 14th day of April, 1964,

ORDERED that Plenary Retail Consumption License C-82, issued by the Municipal Council of the City of Bayonne to Tony Maita's Oasis, Inc. for premises 197 Avenue E, Bayonne, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Tuesday, April 21, 1964, and terminating at 2:00 a.m. Wednesday, May 6, 1964.

JOSEPH P. LORDI
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - - ORDER DEFERRING EFFECTIVE DATES OF SUSPENSION.

In the Matter of Disciplinary Proceedings against

TONY MAITA'S OASIS, INC.
197 Avenue E
Bayonne, New Jersey

Holder of Plenary Retail Consumption License C-82, issued by the Municipal Council of the City of Bayonne.

AMENDED
ORDER

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

BY THE DIRECTOR:

On April 14, 1964, I entered an order suspending the license herein for fifteen days commencing April 21, 1964. Re Tony Maita's Oasis, Inc., Bulletin 1562, Item 4.

Licensee has filed petition indicating that the imposition of the penalty of suspension on the date fixed will work inconvenience to substantial numbers of the general public who will attend scheduled social affairs at the licensed premises on numerous dates between now and June 14, 1964. For good cause appearing, the imposition of the penalty will be deferred until after the conduct of these scheduled social affairs. Cf. Re C.A.R. Corporation, Bulletin 1560, Item 9; Re Uncle Milty's, Inc., Bulletin 1501, Item 6.

Accordingly, it is, on this 17th day of April, 1964,

ORDERED that the previous order of suspension herein is hereby vacated; and it is further

ORDERED that Plenary Retail Consumption License C-82, issued by the Municipal Council of the City of Bayonne to Tony Maita's Oasis, Inc. for premises 197 Avenue E, Bayonne, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Monday, June 15 1964, and terminating at 2:00 a.m. Tuesday, June 30, 1964.

JOSEPH P. LORDI
DIRECTOR

6.

ACTIVITY REPORT FOR APRIL 1964

ARRESTS:		
Total number of persons arrested	-----	22
Licensees and employees	10	
Bootleggers	4	
SEIZURES:		
Motor vehicles - cars	-----	1
Alcohol - gallons	-----	32
Brewed malt alcoholic beverages - gallons	-----	4,314
RETAIL LICENSEES:		
Premises inspected	-----	742
Premises where alcoholic beverages were gauged	-----	410
Bottles gauged	-----	5,983
Premises where violations were found	-----	79
Violations found	-----	103
Unqualified employees	27	Disposal permit necessary 4
Application copy not available	22	Other mercantile business 2
Reg. #38 sign not posted	19	Improper beer taps 1
Prohibited signs	10	Other violations 18
STATE LICENSEES:		
Premises inspected	-----	36
License applications investigated	-----	3
COMPLAINTS:		
Complaints assigned for investigation	-----	383
Investigations completed	-----	345
Investigations pending	-----	159
LABORATORY:		
Analyses made	-----	66
Refills from licensed premises - bottles	-----	26
Bottles from unlicensed premises	-----	8
IDENTIFICATION:		
Criminal fingerprint identifications made	-----	6
Persons fingerprinted for non-criminal purposes	-----	352
Identification contacts made with other enforcement agencies	-----	251
Motor vehicle identifications via N.J. State Police teletype	-----	4
DISCIPLINARY PROCEEDINGS:		
Cases transmitted to municipalities	-----	8
Violations involved	-----	8
Sale to minors	4	Sale to non-members by club 1
Sale during prohibited hours	2	Possessing chilled beer (DL Licensee) 1
Cases instituted at Division	-----	24
Violations involved	-----	36
Beverage Tax Law non-compliance	4	Permitting hostess activity on prem. 1
Permitting lottery (numbers) on prem.	4	Possession of pinball mach. on prem. 1
Sale during prohibited hours	4	Failure to close prem. dur. proh. hrs. 1
Possessing liquor not truly labeled	4	Hindering investigation 1
Permitting bookmaking on premises.	3	Sale on Election Day 1
Fraud in application	2	Mislabeled beer tap on premises. 1
Permitting immoral activity on prem.	2	Sale to intoxicated person 1
Conducting business as a nuisance	2	Failure to possess copy of lic. appl. 1
Permitting foul lang. on premises	2	Sale to minor 1
Cases brought by municipalities on own initiative and reported to Division	-----	35
Violations involved	-----	44
Sale to minors	21	Unqualified employee 1
Permitting brawls on premises	7	Hindering investigation 1
Sale during prohibited hours	4	Permitting lottery activity (sweepstakes) 1
Permitting minors to congregate on prem. (local reg.)	2	Permitting bookmaking on premises 1
Conducting business as a nuisance	2	Employee working while intoxicated 1
Failure to close prem. dur. proh. hrs.	2	Licensee working while intoxicated 1
HEARINGS HELD AT DIVISION:		
Total number of hearings held	-----	36
Appeals	4	Eligibility 9
Disciplinary proceedings	22	Tax revocation 1
STATE LICENSES AND PERMITS ISSUED:		
Total number issued	-----	3,152
Licenses	2	Social affair permits 484
Solicitors' permits	34	Miscellaneous permits 143
Employment permits	2,356	Transit insignia 52
Disposal permits	71	Transit certificates 8
Wine permits	2	
OFFICE OF AMUSEMENT GAMES CONTROL:		
Licenses issued	101	
Enforcement files established	30	

JOSEPH P. LORDI
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

Dated: May 7, 1964

7. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #248)
 In the Matter of a Petition to Lift)
 the Automatic Suspension of Plenary)
 Retail Distribution License D-6,)
 issued by the Mayor and Council of) ON PETITION
 the Borough of Lodi to) ORDER
)
 WILLIAM & VIOLA VAN JURA)
 t/a VAN JURA'S LIQUOR &)
 DELICATESSEN)
 256 Union Street)
 Lodi, New Jersey)
)

 Petitioners, by William Van Jura, Pro se

It appears from the petition filed herein and the records of this Division that on April 6, 1964, Viola Van Jura, one of the licensees-petitioners, was fined \$25 in the Lodi Municipal Court after being found guilty of a charge of sale of alcoholic beverages to a minor on January 31, 1964, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of the license for the balance of its term. R.S. 33:1-31.1. The suspension has not been effectuated because of the pendency of this proceeding.

It further appears that the municipal issuing authority has suspended the license for five days effective 6:00 a.m. April 20, 1964, after confesive plea to a charge in disciplinary proceedings alleging the same sale to a minor. Hence, I shall lift the automatic suspension in anticipation of the service of the currently effective municipal suspension. Re Hillman, Bulletin 1512, Item 5.

Accordingly, it is, on this 21st day of April, 1964,

ORDERED that the statutory automatic suspension of said license D-6 be and the same is hereby lifted, effective 6:00 a.m. Saturday, April 25, 1964.

JOSEPH P. LORDI
 DIRECTOR

8. DISCIPLINARY PROCEEDINGS - PEDDLING - ACCEPTING ORDERS AT OTHER THAN LICENSED PREMISES - DELIVERY WITHOUT INVOICE - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against JOSEPH H. & HENRY J. MAROSOVITZ t/a GEORGE'S BEVERAGES 522 Miller Avenue Hamilton Township PO Trenton 9, New Jersey

CONCLUSIONS AND ORDER

Holders of Plenary Retail Distribution License D-1, issued by the Township Committee of the Township of Hamilton, County of Mercer

Samuel Moskowitz, Esq., Attorney for Licensees.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to charges alleging that on February 29, 1964, they (1) sold a case (twenty-four 12-ounce bottles) of beer from a vehicle on a public highway, in violation of Rule 3 of State Regulation No. 17, (2) sold alcoholic beverages beyond the scope of their license by accepting an order for and selling the beer off their licensed premises, in violation of R.S. 33:1-2, and (3) transporting the beer in a vehicle without accompanying requisite delivery slip, in violation of Rule 3 of State Regulation No. 17.

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 Alampi, Bulletin 1255, Item 8.

Accordingly, it is, on this 21st day of April, 1964,

ORDERED that Plenary Retail Distribution License D-1 issued by the Township Committee of the Township of Hamilton, County of Mercer, to Joseph H. and Henry J. Marosovitz, t/a George's Beverages, for premises 522 Miller Avenue, Hamilton Township, be and the same is hereby suspended for twenty (20) days, commencing at 9:00 a.m. Tuesday, April 28, 1964, and terminating at 9:00 a.m. Monday, May 18, 1964.

JOSEPH P. LORDI
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

HARRY PAUL HAGEN)
t/a THE HAGEN'S BAR & GRILL)
229 - 61st Street)
West New York, New Jersey)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-43, issued by the Board of Commissioners of the Town of West New York)

-----)
Licensee, Pro se)
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.)

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 2, 1964, he permitted the acceptance of horse race and 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 Green Lantern, Inc., Bulletin 1553, Item 8.

Accordingly, it is, on this 21st day of April, 1964,

ORDERED that Plenary Retail Consumption License C-43 issued by the Board of Commissioners of the Town of West New York to Harry Paul Hagen, t/a The Hagen's Bar & Grill, for premises 229 - 61st Street, West New York, be and the same is hereby suspended for twenty (20) days, commencing at 3:00 a. m. Tuesday, April 28, 1964, and terminating at 3:00 a. m. Monday, May 18, 1964.

JOSEPH P. LORDI
DIRECTOR

10. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #249)
 In the Matter of Petition to)
 Lift the Automatic Suspension)
 of Plenary Retail Distribution)
 License D-8, issued by the)
 Mayor and Council of the)
 Borough of North Arlington to)
 ON PETITION
 ORDER

C & B LIQUOR & DELICATESSEN, INC.)
 203 Prospect Avenue)
 North Arlington, New Jersey)

Charles J. Harrington, Jr., Esq., Attorney for Petitioner.

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on April 2, 1964, Bartley J. Ruggiero, president of the licensee-petitioner, was fined \$25 in the North Arlington Municipal Court after being found guilty of a charge of sale of alcoholic beverages to a minor on February 7, 1964, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of the license for the balance of its term. R.S. 33:1-31.1. The suspension has not been effectuated because of the pendency of this proceeding.

It further appears that the municipal issuing authority has suspended the license for twenty days effective 7:00 A. M. April 12, 1964, after confessional plea to a charge of disciplinary proceedings alleging the same sale to the minor. Hence, I shall lift the automatic suspension in anticipation of the service of the currently effective municipal suspension. Re Hillman, Bulletin 1512, Item 5.

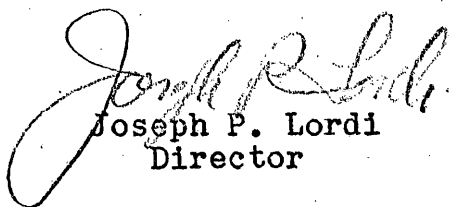
Accordingly, it is, on this 27th day of April, 1964,

ORDERED that the statutory automatic suspension of said license D-8 be and the same is hereby lifted, effective 7:00 a. m. Saturday, May 2, 1964.

JOSEPH P. LORDI
DIRECTOR

11. STATE LICENSES - NEW APPLICATION FILED.

Kerns Distillers Products Corporation
 North Alley rear of 302-04-06-08 North Broad St. and 302
 North Broad Street, Trenton, N. J.
 Application filed June 2, 1964 for person-to-person transfer
 of Plenary Wholesale License W-61 from E. K. Kerns Co.


Joseph P. Lordi
Director