

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

BULLETIN 1370

January 6, 1961

TABLE OF CONTENTS

ITEM

1. DISCIPLINARY PROCEEDINGS (Irvington) - SALES TO MINOR - PRIOR RECORD - MITIGATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
2. STATE REGULATIONS - REGULATION NO. 34 - SAMPLE PERMITS ISSUABLE UNDER RULE 13 - CANCELLATION OF OUTSTANDING PERMITS - ANNOUNCEMENT OF POLICY RE FUTURE GRANTING OF PERMITS.
3. DISCIPLINARY PROCEEDINGS (Long Branch) ALCOHOLIC BEVERAGES NOT TRULY LABELED - SALE DURING PROHIBITED HOURS IN VIOLATION OF LOCAL REGULATION - PRIOR RECORD OF PREDECESSOR-IN-INTEREST - LICENSE SUSPENDED FOR 85 DAYS, LESS 5 FOR PLEA.
4. DISCIPLINARY PROCEEDINGS (Long Branch) - SUSPENSION TEMPORARILY LIFTED.
5. DISCIPLINARY PROCEEDINGS (Newark) - SALE TO INTOXICATED PERSON - PRIOR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Newark) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PENALTY REDUCED FROM 15 TO 10 DAYS.
7. DISCIPLINARY PROCEEDINGS (Union) - SALE TO MINOR - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (Mt. Ephraim) - GAMBLING - LOTTERY - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (Long Branch) - SALES TO MINORS - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Newark) - SALES TO INTOXICATED PERSON - PERMITTING OBSCENE LANGUAGE - PRIOR RECORD - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.
11. ACTIVITY REPORT FOR NOVEMBER 1960.
12. DISCIPLINARY PROCEEDINGS (Montville) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
13. AUTOMATIC SUSPENSION (Paterson) - EFFECT OF SUSPENSION STAYED PENDING OUTCOME OF APPEAL TO DIRECTOR FROM SUSPENSION IMPOSED BY LOCAL ISSUING AUTHORITIES.
14. STATE LICENSES - NEW APPLICATION FILED.

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

BULLETIN 1370

January 6, 1961

1. DISCIPLINARY PROCEEDINGS - SALES TO MINOR - PRIOR RECORD -  
MITIGATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 30 DAYS,  
LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

ORANGE BAR & LIQUOR STORE, INC. )  
217-223 Orange Avenue )  
Irvington, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )  
License C-45, issued by the Board of )  
Commissioners of the Town of Irvington. )

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Herman E. Hillenbach, Esq., and Sidney H. Smith, Esq., Attorneys  
for Defendant-licensee  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charge:

"On May 28, 1960, you sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., Francis ---, age 16, in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20."

It appears that on May 28, 1960, at about 8 p.m., a local police officer observed a group of four boys in the vicinity of Orange and Madison Avenues, Irvington, acting suspiciously. The officer questioned the boys and found in their possession two packages containing a total of eighteen cans and two quart-bottles of beer which the officer took into his possession. One of the boys (Francis---), age 16, stated that earlier that evening he had purchased such beer at defendant's licensed premises.

Written statements were obtained by the police officers from the four boys and Walter H. Hauschild (defendant's bartender). On the same evening Francis, accompanied by police officers, went to defendant's licensed premises and there identified Walter H. Hauschild as the person who sold the beer to him.

Francis, in a statement subsequently obtained by ABC agents, asserts that he and his three companions decided to purchase beer; that they "chipped in" and he entered defendant's licensed premises and purchased eighteen cans and two quarts of beer from Walter H. Hauschild who was behind the counter; that he left the store with the beer, joined his companions and, before they could drink the beer, they were apprehended by the police; that he purchased beer at the same premises on May 25 when, at Hauschild's request, he signed, using a fictitious name and address, a document representing that he was 21 years of age and that on May 28 Hauschild looked through a number of such documents seeking but unable to find the one previously signed by him, although Hauschild did not request him to sign another such document.

The written, signed statements of Francis and the other

boys obtained by the local police are in substantial accord with the above recited facts. In Walter H. Hauschild's statement, he asserts that he is a part-time employee of defendant-licensee; that he obtained the document from Francis heretofore referred to and, when the same boy entered on May 28, sold the beer in question to him but did not ask Francis his age because he remembered him from his previous visit.

While Hauschild complied in part with the pertinent statute in obtaining from Francis a written representation that he was over 21 years of age, such action does not constitute a complete defense since an additional requirement of such statute is that the licensee must establish that the minor's physical characteristics and appearance were such that an ordinarily prudent person would believe him to be 21 years of age or over, and that the sale of alcoholic beverages to the minor was made in good faith and reliance upon the written representation and his mature appearance. Re Sudzina & Pingicer, Bulletin 1138, Item 5. On the score of the minor's appearance, an ABC agent reports that on August 10, 1960, Francis had the appearance of a 17-year-old boy.

Defendant has a prior adjudicated record. Effective May 14, 1959, the local issuing authority suspended its license for fifteen days for sale of alcoholic beverages to a minor. Counsel for the licensee urges in alleged mitigation of the offense the conduct of the minor in signing such representation and in other ways persuading Hauschild to serve alcoholic beverages to him. The minimum penalty imposed for an unaggravated sale of alcoholic beverages to a 16-year-old minor is twenty-five days. Re Tecza, Bulletin 1344, Item 6. In view of the mitigating circumstances in the case, I shall, instead, suspend defendant's license for twenty days (Re Point Inn, Inc., Bulletin 1355, Item 5), to which will be added ten days for the similar violation occurring during the past five years (Re E. F. Jenkins, Inc., Bulletin 1337, Item 6), making a total suspension of thirty days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 3rd day of November 1960,

ORDERED that plenary retail consumption license C-45, issued by the Board of Commissioners of the Town of Irvington to Orange Bar & Liquor Store, Inc., for premises 217-223 Orange Avenue, Irvington, be and the same is hereby suspended for twenty-five (25) days, commencing at 2 a.m. Monday, November 14, 1960, and terminating at 2 a.m. Friday, December 9, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

2. STATE REGULATIONS - REGULATION NO. 34 - SAMPLE PERMITS ISSUABLE UNDER RULE 13 - CANCELLATION OF OUTSTANDING PERMITS - ANNOUNCEMENT OF POLICY RE FUTURE GRANTING OF PERMITS.

December 20, 1960

TO ALL MANUFACTURERS AND WHOLESALERS OF ALCOHOLIC BEVERAGES OTHER THAN MALT ALCOHOLIC BEVERAGES (V, VL, S, SL, R, W, WL AND WW LICENSEES):

Pursuant to power reserved therein, all outstanding special permits authorizing the giving of samples of alcoholic beverages other than malt alcoholic beverages, by their manufacturers or wholesalers to retailers, granted pursuant to Rule 13 of State Regulation No. 34, are hereby cancelled, effective immediately.

Likewise, effective immediately and continuing until further notice, it is announced that, as a matter of policy, no special permit to authorize the giving of samples to retailers will be granted pursuant to Rule 13 of State Regulation No. 34 except with respect to new brands or products (including changes in formula of existing brands), and then only for a period not to exceed 90 days, and thereafter not renewable.

WILLIAM HOWE DAVIS  
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - SALE DURING PROHIBITED HOURS IN VIOLATION OF LOCAL REGULATION - PRIOR RECORD OF PREDECESSOR-IN-INTEREST - LICENSE SUSPENDED FOR 85 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
  
G. T. CORP.  
t/a GREEN GROVE MANOR  
480 Ocean Avenue  
Long Branch, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-60, issued by the Board of Commissioners of the City of Long Branch.

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Edelstein & Edelstein, Esqs., by Benjamin Edelstein, Esq., Attorneys for Defendant-licensee.

William F. Wood, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to charges alleging that (1) it possessed on its licensed premises alcoholic beverages in bottles bearing labels which did not truly describe the contents, in violation of Rule 27 of State Regulation No. 20, and (2) that it sold alcoholic beverages and permitted the consumption of such beverages during prohibited hours in and upon its licensed premises, in violation of a local ordinance.

On August 25, 1960 an ABC agent tested and gauged defendant's open stock of liquor and found that the contents of 25 bottles appeared to be low in proof. The bottles were seized and turned over to the Divison's chemist for further analysis of the contents. The

chemist's report shows that the contents of all of the bottles were short in proof, varying from 4.6 to 6.8 and that, in addition, the contents of most of the bottles varied in solids or color or both from the contents of genuine samples of the same brand tested by the chemist. When the agent was making his tests, defendant's manager informed him that he had been refilling bottles for the past two or three weeks.

On Sunday, August 28, 1960, three ABC agents entered defendant's licensed premises at 2:20 a.m. and remained therein until 3:35 a.m. During that period defendant's employees served alcoholic beverages to one of the agents and to a patron after the 3:00 a.m. closing hour, and permitted all the agents and numerous patrons to consume such beverages until 3:32 a.m., when for the first time, all were requested to leave.

Defendant has no prior adjudicated record. However, when George Trad, principal shareholder and officer of the defendant corporate-licensed herein, was the principal shareholder and officer of the corporate-licensee Green Grove Manor, Inc., Green Grove Road, New Shrewsbury, that license was suspended by the local issuing authority for ten days, effective November 26, 1951, and for five days effective February 27, 1955 for engaging in alcoholic beverage activity during prohibited hours. In addition, George Trad, while he held the present license individually, was warned by this Division on September 19, 1959 for allowing consumption of alcoholic beverages after the closing hour. The minimum suspension imposed in "refill" cases involving 25 bottles is sixty-five days. Re Penn Brook Inn, Inc., Bulletin 1358, Item 8. The minimum suspension imposed for an "hours" violation is fifteen days. Re Baumann, Bulletin 1197, Item 10. Because of the previous record of "hours" violations, I shall suspend defendant's license for an additional five days (Re Stein, Bulletin 1067, Item 4), thus making a total suspension of eighty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of eighty days.

Accordingly, it is, on this 14th day of November 1960,

ORDERED that Plenary Retail Consumption License C-60 issued by the Board of Commissioners of the City of Long Branch to G. T. Corp., t/a Green Grove Manor, for premises 480 Ocean Avenue, Long Branch, be and the same is hereby suspended for eighty (80) days, commencing at 2:00 a.m., Monday, November 21, 1960 and terminating at 2:00 a.m., Thursday, February 9, 1961.

WILLIAM HOWE DAVIS  
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - SUSPENSION TEMPORARILY LIFTED.

In the Matter of Disciplinary Proceedings against )

G. T. CORP. )  
T/A GREEN GROVE MANOR )  
480 Ocean Avenue )  
Long Branch, N. J. )

ON PETITION ORDER

Holder of Plenary Retail Consumption License C-60, issued by the Board of Commissioners of the City of Long Branch. )

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Edelstein & Edelstein, Esqs., Attorneys for Petitioner.

BY THE DIRECTOR:

On November 14, 1960, I entered an order suspending defendant's license for eighty days effective from 2 a.m. Monday, November 21, 1960, to 2 a.m. Thursday, February 9, 1961; and

It appearing from a petition filed herein that, long prior to the entry of said order, arrangements had been made between the Red Bank Men's Club and defendant for an affair to be held at defendant's premises on Saturday, November 26, 1960; and

It appearing to my satisfaction that numerous persons would be inconvenienced by the suspension of the license on said date,

It is, on this 17th day of November 1960,

ORDERED that the suspension heretofore imposed shall commence at 2 a.m. Monday, November 21, 1960, and continue in effect until 2 a.m. Saturday, November 26, 1960; that said suspension shall then be lifted until 2 a.m. Sunday, November 27, 1960, at which time the suspension shall be reinstated and continue in effect until 2 a.m. Friday, February 10, 1961.

WILLIAM HOWE DAVIS  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against

ANNA SIEGEL  
118 $\frac{1}{2}$ -120-122 Mulberry Street  
Newark 2, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-775, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

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William Osterweil, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On August 4, 1960, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person actually or apparently intoxicated and allowed, permitted and suffered the consumption of such beverages by such person in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20."

While two ABC agents were in defendant's premises on the afternoon of August 4, 1960, a patron, who was apparently intoxicated, entered the premises. Frank Walsh was tending bar. The patron asked the bartender for a glass of wine and the bartender refused to serve him and requested Samuel Siegel (manager) to get some coffee. The bartender helped the patron to a booth in the front sitting-room where coffee was served to the patron. Later the bartender served a glass of wine at the booth to the patron who was still apparently intoxicated. The manager then helped the patron to a table in the rear sitting-room where he served to the patron one shot of whiskey which was consumed and a second shot of whiskey which was being consumed when the agents identified themselves.

Defendant has a prior record. Effective August 2, 1955, her license was suspended by the local issuing authority for ten days for an "hours" violation. However, since this dissimilar violation occurred more than five years ago, it will not be considered in fixing penalty herein. Effective August 21, 1959, I suspended defendant's license for fifty-five days for conducting her business as a nuisance, selling to intoxicated persons and possessing obscene matter. See Bulletin 1293, Item 3. The minimum suspension for selling alcoholic beverages to an intoxicated person is fifteen days. Re Keszler, Bulletin 1328, Item 10. Since this is a second similar violation within the past five years, I shall suspend defendant's license for thirty days. Five days will be remitted for the plea, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 3rd day of November 1960,

ORDERED that Plenary Retail Consumption license C-775, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Anna Siegel, for premises 118 $\frac{1}{2}$ -120-122 Mulberry Street,

Newark, be and the same is hereby suspended for twenty-five (25) days, commencing at 2 a.m. Monday, November 14, 1960, and terminating at 2 a.m. Friday, December 9, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PENALTY REDUCED FROM 15 TO 10 DAYS.

In the Matter of Disciplinary Proceedings against )

JOHN RUTKA )  
t/a RUTKA'S TAVERN )  
249 Bruce Street )  
Newark 3, N. J. )

SUPPLEMENTAL  
CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-318 (for the 1959-60 and 1960-61 licensing years), issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark. )

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Ernest P. Biro, Esq., Attorney for Defendant-licensee.  
William F. Wood, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

On September 8, 1960, I entered an order suspending defendant's license for fifteen days commencing at 2 a.m. Monday, September 19, 1960, and terminating at 2 a.m. Tuesday, October 4, 1960. The return date of the hearing of the charge in question was April 25, 1960, but, due to several requests for adjournments by the defendant's former attorney, the case was carried for a long period of time. The matter was finally scheduled (with the consent of the attorneys representing the respective parties) to be heard on July 26, 1960, and, when neither the attorney for defendant nor the defendant filed to appear, the aforementioned order was entered.

Thereafter the defendant retained the present attorney who represented to me that the defendant had no knowledge of the fact that the matter was to be heard on July 26, 1960. In corroboration thereof the defendant's former attorney submitted an affidavit wherein he assumed full responsibility for the failure to notify his client of the adjournment. I am satisfied that, because of serious illness of a member of the attorney's family, he inadvertently failed to notify defendant. On September 21, 1960, I entered an order staying the suspension for the purpose of affording defendant an opportunity to employ a chemist to testify at the hearing to be held at 2 p.m. October 20, 1960, regarding his findings as a result of his analysis of the contents of the bottle of alcoholic beverages for which the charge had been brought. On the date of the continued hearing it was shown to my satisfaction that defendant was unable to obtain the service of a chemist to appear at the Division laboratory to make an analysis of the questionable bottle although effort had been made by him to do so

Under the circumstances appearing herein, and out of fairness to the defendant, I have permitted him to withdraw his original plea of not guilty and, in lieu thereof, enter a plea of non vult to the charge.

The usual penalty for a case involving possession of one bottle of an alcoholic beverage bearing a label which did not truly

describe its contents in ten days. Re Zicaro, Bulletin 1343, Item 8. Because of defendant's prior similar violation occurring more than five years ago but during a ten-year period, an additional suspension of five days is warranted, making a total suspension of fifteen days. Five days will be remitted for the plea of non vult entered herein, leaving a net suspension of ten days. Inasmuch as two days have already been served by defendant, I shall enter an order suspending his license for eight days.

Accordingly, it is, on this 7th day of November 1960,

ORDERED that Plenary Retail Consumption License C-318, for the 1960-61 licensing year, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to John Rutka, t/a Rutka's Tavern, for premises 249 Bruce Street, Newark, be and the same is hereby suspended for eight (8) days, commencing at 2 a.m. Monday, November 14, 1960, and terminating at 2 a.m. Tuesday, November 22, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

OSCAR AND MARTHA HAMANN )  
t/a OSCAR'S BAR )  
Springfield Road and Route #22 )  
Union, N. J. )

CONCLUSIONS  
AND ORDER

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Holders of Plenary Retail Consumption License C-35, issued by the Township Committee of Union Township (Union County). )

Daniel G. Covine, Esq., Attorney for Defendant-licensees.  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they sold, served and delivered alcoholic beverages to a minor and permitted the consumption thereof upon their licensed premises, in violation of Rule 1 of State Regulation No. 20.

Upon information received at this Division from the New Jersey State Police, a subsequent investigation disclosed that on July 12 and 18, 1960, a fifteen-year-old minor, without being questioned as to his age, was served three double shots of whiskey and three glasses of beer and two double shots of whiskey and two glasses of beer, respectively, by Richard Haussman (a bartender employed by the defendants). The licensees are strictly responsible for the acts of their agents or employees. Rule 33 of State Regulation No. 20.

Defendants' attorney alleges in attempted mitigation of penalty that the minor was nearly sixteen years of age at the time of the violation herein, and that the defendants bear a fine reputation in the community wherein the licensed premises are located. Although such may be the case, in view of the quantity of alcoholic beverages sold to and consumed by the minor during the short periods of time spent in the premises on each occasion, I cannot impose less than

the minimum penalty herein.

Defendants have no prior adjudicated record. However, effective March 21, 1946, when Oscar Hamann held the license in his individual name, it was suspended for five days by the municipal issuing authority for permitting bookmaking on the licensed premises. Because of the lapse of time occurring between said violation and the one now under consideration, I shall not take it into consideration in fixing the penalty herein.

Defendants' license will be suspended for the minimum period of thirty days where sale of alcoholic beverages to a fifteen-year-old minor is involved (Re Increased Penalties, Bulletin 1095, Item 1). Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 7th day of November 1960,

ORDERED that Plenary Retail Consumption License C-35, issued by the Township Committee of Union Township (Union County) to Oscar and Martha Hamann, t/a Oscar's Bar, for premises at Springfield Road and Route #22, Union, be and the same is hereby suspended for twenty-five (25) days, commencing at 2 a.m. Monday, November 14, 1960, and terminating at 2 a.m. Friday, December 9, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - GAMBLING - LOTTERY - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

TONY GUISEPPI AND JOHN GUISEPPI  
t/a Corner Cafe  
13-15 S. Black Horse Pike  
Mt. Ephraim, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-2, issued by the Board of Commissioners of the Borough of Mt. Ephraim, and transferred during the pendency of these proceedings to

JOHN GUISEPPI, individually

for the same premises.

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A. Morton Shapiro, Esq., Attorney for Defendant-licensees.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to the following charges:

- "1. On June 25, July 2, 7, 9 and 16, 1960, you engaged in and allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of horse race bets and the making and accepting of bets in a lottery, commonly known as the 'numbers game'; in violation of Rule 7 of State Regulation No. 20.

"2. On the occasions aforesaid and on July 12, 13, 14 and 15, 1960, 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 and possessed, had custody of and allowed, permitted and suffered such tickets and participation rights in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20."

On the dates set forth in Charge 1 herein, Tony Guiseppi, one of the licensees, or Mario Latini, a bartender, accepted horse race bets from a New Jersey State trooper (working undercover) and patrons on the premises. On July 16, 1960, as prearranged, other State troopers entered the premises immediately after the undercover agent had left the same and identified themselves to Mario Latini and Tony Guiseppi who were tanding bar.

The troopers found \$1423, including one five-dollar bill and five one-dollar bills (prepared by the troopers), a debit and credit account with horseplayers, a sheet of white paper evidencing two "numbers" bets and an Armstrong scratch sheet, dated July 16, 1960, in the possession of Latini. The troopers also found \$1295 and two "numbers" tickets, dated July 16, 1960, in the possession of Tony Guiseppi.

Behind the bar the troopers found six score cards, dated July 9, July 11, July 12, July 13, July 14 and July 15, 1960. The winning number for each of said days was written in ink on the cards.

Latini admitted he played the two "numbers" found in his possession; that he played the horses and that he placed horse race bets over the telephone for patrons.

Tony Guiseppi admitted he purchased the "numbers" found in his possession from a patron in the premises.

The reports of the troopers disclose that aforesaid gambling activities were openly conducted over the bar and by telephone.

By way of mitigation, the attorney for defendants has submitted a letter setting forth therein that the license for the premises is now in the name of John Guiseppi, individually; that John Guiseppi did not participate in the gambling activities and that he had no knowledge of the same. However, a licensee is under a duty to exercise close supervision of his licensed premises, and violations occurring therein cannot be excused because he had no personal knowledge of them. Rule 33 of State Regulation No. 20; Stein v. Passaic, Bulletin 451, Item 5; Essex Holding Corp. v. Hock, 136 N.J.L. 28; Uptown Cafe, Inc., Bulletin 1357, Item 7.

Defendants have no prior adjudicated record. Because of the magnitude of the operation, I shall suspend their license for thirty-five days (Re Contreras, Bulletin 1312, Item 12). Five days will be remitted for the plea entered herein, leaving a net suspension of thirty days.

Accordingly, it is, on this 7th day of November 1960,

ORDERED that Plenary Retail Consumption License C-2, issued by the Board of Commissioners of the Borough of Mt. Ephraim to Tony Guiseppi and John Guiseppi, t/a Corner Cafe, and transferred to John Guiseppi, individually, for premises 13-15 S. Black Horse Pike, Mt. Ephraim, be and the same is hereby suspended for thirty (30) days,

commencing at 3:00 a.m., Monday, November 14, 1960, and terminating at 3:00 a.m., Wednesday, December 14, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

FRANKLIN JOS. GREER )  
t/a SPRINGDALE CAFE )  
527 Springdale Avenue )  
Long Branch, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-19, issued by the Board of Commissioners of the City of Long Branch. )

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Defendant-licensee, Pro se.

Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to the following charge:

"On Sunday night, September 11th and early Monday morning, September 12, 1960, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years viz., Francis ---, age 17 and Jeffrey ---, age 18 and allowed, permitted and suffered the consumption of alcoholic beverages by such persons in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20."

Acting upon information obtained from the Monmouth County Probation Office, ABC agents obtained signed sworn statements from Francis ---, age 17 and Jeffrey ---, age 18, from which it appears that on Sunday, September 11, 1960 at about 10:00 p.m., the two minors and another minor entered defendant's licensed premises, took seats at the bar and ordered and were served with various drinks of alcoholic beverages by the bartender without being questioned as to their age or requested to sign any written representation thereof; that from 10:00 p.m. until about 1:00 a.m., Francis consumed three or four drinks of whiskey and 7-Up and a few glasses of beer and Jeffrey consumed about six glasses of whiskey and gingerale and about twenty glasses of beer and both became intoxicated. The third minor is in service and not available as a witness.

Thereafter the two minors accompanied ABC agents to defendant's licensed premises which they identified from the exterior and then entered and identified Frank Delloso as the bartender from whom they had purchased the alcoholic beverages on the night in question.

Defendant has no prior adjudicated record. The defendant urges in alleged mitigation that he is sorry that the sales were made to the minors, but this does not warrant the imposition of less than the minimum penalty for such violation. I shall suspend defendant's license for twenty days, the minimum suspension for sale

to two minors, one of whom is only 17 years of age (Re Riddle, Bulletin 1308, Item 6), to which will be added five days because of the quantity of alcoholic beverages served to and consumed by the minors (Re Kronenwett, Bulletin 1292, Item 7), making a total suspension of twenty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 9th day of November 1960,

ORDERED that Plenary Retail Consumption License C-19 issued by the Board of Commissioners of the City of Long Branch to Franklin Jos. Greer, t/a Springdale Cafe, for premises 527 Springdale Avenue, Long Branch, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m., Tuesday, November 15, 1960 and terminating at 2:00 a.m., Monday, December 5, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - SALES TO INTOXICATED PERSON - PERMITTING OBSCENE LANGUAGE - PRIOR RECORD - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

JACK DOBBS & EMANUEL SUSSMAN )  
t/a JOE'S BAR )  
111 Washington Street )  
Newark 2, N. J. )

CONCLUSIONS  
AND ORDER

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Holders of Plenary Retail Consumption License C-897, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark. )

Joseph A. D'Alessio, Esq., Attorney for defendant-licensees.  
David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to charges alleging that (1) they sold, served and delivered alcoholic beverages to persons actually or apparently intoxicated and permitted the consumption of such beverages by said persons in and upon their licensed premises and (2) they allowed, permitted and suffered obscene language in their licensed premises, in violation of Rules 1 and 5, respectively, of State Regulation No. 20.

At 1:05 a.m. August 7, 1960, two ABC agents entered defendants' licensed premises wherein they observed Jack Dobbs (one of the licensees) serving patrons at one-half of a split bar and a bartender called "Jimmy" serving patrons at the other half. A special police officer moved about the premises maintaining order. At 1:15 a.m. an apparently intoxicated woman entered the premises and asked Dobbs for a drink. Dobbs refused, saying "You had it. I can't do it." The woman and an apparently intoxicated male who made her acquaintance went to "Jimmy's" half of the bar where the male purchased a bottle of beer for himself and a vodka and orange juice for the woman who was heard using foul and filthy language. When the woman was served the second drink, the agents identified themselves and seized for evidential purposes her

drink and that of her acquaintance.

Defendants have a prior adjudicated record. Effective August 29, 1960, I suspended their license for sixty days for selling to an intoxicated person, having taken into account the prior record of their predecessors-in-interest. Re Dobbs & Sussman, Bulletin 1356, Item 5. In the instant case it appears that Dobbs (who has been a licensee for a short period of time) is attempting to conduct the licensed business in a proper and lawful manner as is evidenced by his refusal to serve the apparently intoxicated woman and by his employment of a special police officer to maintain order in the premises. Furthermore, I have been advised by Dobbs' attorney that Dobbs has arranged to have the license transferred to him, individually, and that he will sever all connections with his co-partner. Considering all the facts and circumstances herein and the prior record, I shall suspend defendants' license for a period of forty-five days and remit five days for the plea entered herein, leaving a net suspension of forty days.

Accordingly, it is, on this 10th day of November 1960,

ORDERED that Plenary Retail Consumption License C-897, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Jack Dobbs & Emanuel Sussman, t/a Joe's Bar, for premises 111 Washington Street, Newark, be and the same is hereby suspended for forty (40) days, commencing at 2 a.m. Thursday, November 17, 1960, and terminating at 2 a.m. Tuesday, December 27, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

11.

ACTIVITY REPORT FOR NOVEMBER 1960

**ARRESTS:**

Total number of persons arrested	-----	24
Licensees and employees	----- 13	
Bootleggers	----- 11	

**SEIZURES:**

Motor vehicles - cars	-----	4
Stills - over 50 gallons	-----	2
Mash - gallons	-----	3,575.00
Distilled alcoholic beverages, - gallons	-----	214.11
Wine - gallons	-----	463.70

**RETAIL LICENSEES:**

Premises inspected	-----	425
Premises where alcoholic beverages were gauged	-----	553
Bottles gauged	-----	9,148
Premises where violations were found	-----	34
Violations found	-----	42
Unqualified employees	----- 12	
Prohibited signs	----- 9	
Reg. #38 sign not posted	----- 7	
Application copy not available	----- 5	
Disposal permit necessary	----- 2	
Improper beer taps	----- 1	
Other violations	----- 6	

**STATE LICENSEES:**

Premises inspected	-----	25
License applications investigated	-----	11

**COMPLAINTS:**

Complaints assigned for investigation	-----	334
Investigations completed	-----	305
Investigations pending	-----	161

**LABORATORY:**

Analyses made	-----	180
Refills from licensed premises - bottles	-----	18
Bottles from unlicensed premises	-----	30

**IDENTIFICATION:**

Criminal fingerprint identifications made	-----	9
Persons fingerprinted for non-criminal purposes	-----	195
Identification contacts made with other enforcement agencies	-----	136
Motor vehicle identifications via N. J. State Police teletype	-----	3

**DISCIPLINARY PROCEEDINGS:**

Cases transmitted to municipalities	-----	27
Violations involved	-----	29
Sale during prohibited hours	----- 19	
Sale to minors	----- 6	
Failure to close premises during prohibited hours	----- 2	
Possessing chilled beer (DL licensee)	----- 1	
Employing female bartender (local reg.)	----- 1	
Cases instituted at Division	-----	17
Violations involved	-----	23
Possessing liquor not truly labeled	----- 5	
Sale during prohibited hours	----- 4	
Permitting bookmaking on premises	----- 3	
Sale to minors	----- 2	
Possessing contraceptives on premises	----- 1	
Permitting lottery activity (horse-race pool) on premises	----- 1	
Sale below filed price	----- 1	
Conducting business as a nuisance	----- 1	
Permitting foul language on premises	----- 1	
Hindering investigation	----- 1	
Failure to file notice of change in application	----- 1	
Act or happening	----- 1	
Unqualified employees	----- 1	
Cases brought by municipalities on own initiative and reported to Division	-----	10
Violations involved	-----	11
Sale to minors	----- 6	
Permitting gambling (dice) on prem.	----- 2	
Sale during prohibited hours	----- 1	
Permitting lottery activity on prem.	----- 1	
Permitting bookmaking on premises	----- 1	

**HEARINGS HELD AT DIVISION:**

Total number of hearings held	-----	39
Appeals	----- 7	
Disciplinary proceedings	----- 22	
Eligibility	----- 4	
Seizures	----- 5	
Tax revocations	----- 1	

**STATE LICENSES AND PERMITS ISSUED:**

Total number issued	-----	1,491
Licenses	----- 2	
Solicitors' permits	----- 76	
Employment "	----- 178	
Disposal "	----- 60	
Social affair "	----- 402	
Wine permits	----- 312	
Miscellaneous permits	----- 213	
Transit insignia	----- 240	
Transit certificates	----- 8	

**OFFICE OF AMUSEMENT GAMES CONTROL:**

Enforcement files established	-----	10
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WILLIAM HOWE DAVIS  
 Director of Alcoholic Beverage Control  
 Commissioner of Amusement Games Control

Dated: December 5, 1960

12. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY  
Labeled - PRIOR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS  
5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

JOHN ANDREW KUFTA )  
t/a KUFTA'S TAVERN )  
Main Road, Rt. #202 )  
Montville, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption )  
License C-9, issued by the Township )  
Committee of Montville Township. )

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John J. Genoble, Esq., Attorney for Defendant-licensee.  
William F. Wood, Esq., Appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

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

On August 17, 1960 an ABC agent tested defendant's open stock of liquor and seized two one-quart bottles labeled "Calvert Reserve American Blended Whiskey 86 Proof" for further tests by the Division chemist. Subsequent analysis by the chemist disclosed that the contents of the two bottles were low in acids and high in solids when compared with the analysis of the contents of a genuine sample of the labeled brand.

Defendant has a prior adjudicated record. Effective June 29, 1938 his license was suspended for twenty-four hours by the municipal issuing authority for an "hours" violation. Effective March 24, 1946 his license was suspended for four days by the municipal issuing authority for an "hours" violation. Again, effective February 4, 1957 defendant's license was suspended for five days by the municipal issuing authority for an "hours" violation. The minimum suspension for the instant violation involving two bottles is fifteen days. Re Sefchick, Bulletin 1331, Item 9. Inasmuch as one of the previous dissimilar violations occurred within the past five years, five days will be added to the penalty imposed herein, making a total suspension of twenty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 14th day of November 1960,

ORDERED that Plenary Retail Consumption License C-9, issued by the Township Committee of Montville Township to John Andrew Kufta, t/a Kufta's Tavern, for premises on Main Road, Rt. #202, Montville, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m., Monday, November 21, 1960, and terminating at 2:00 a.m., Tuesday, December 6, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

13. AUTOMATIC SUSPENSION - EFFECT OF SUSPENSION STAYED PENDING  
OUTCOME OF APPEAL TO DIRECTOR FROM SUSPENSION IMPOSED BY LOCAL  
ISSUING AUTHORITIES.

Auto. Susp. #188 )  
In the Matter of a Petition to )  
Stay the Automatic Suspension )  
of License C-305, issued by the )  
Board of Alcoholic Beverage ) ON PETITION  
Control for the City of Paterson ) ORDER  
to )  
MILDRED REMLEY )  
t/a FAMILY BAR & GRILL )  
613 Main Street )  
Paterson, N. J. )

-----  
Feder & Rinzler, Esqs., Attorneys for Petitioner.

BY THE DIRECTOR:

The petition herein discloses that on November 14, 1960, Mildred Remley was fined the sum of \$35 after she was found guilty in the Municipal Court of the City of Paterson of a charge alleging that she sold alcoholic beverages to two minors, in violation of R.S. 33:1-77. Said conviction resulted in the automatic suspension of her license for the balance of its term. R.S. 33:1-31.1. The petition requests that said suspension be stayed because of the facts hereinafter set forth. The license has not been picked up because the Division was informed that the licensee intended to apply for a stay.

It appears from an appeal now pending before me that on October 5, 1960, the local issuing authority suspended petitioner's license for seventy-five days after finding her guilty on charges of selling alcoholic beverages to the said two minors and other minors; that, upon the filing of an appeal from said action, I entered an order on October 7, 1960, staying said suspension until further order, and that the appeal is scheduled to be heard on November 29, 1960. Under the circumstances, I conclude that the automatic suspension should be temporarily stayed.

Accordingly, it is, on this 21st day of November 1960,

ORDERED that the aforesaid automatic suspension be stayed pending the entry of a further order herein.

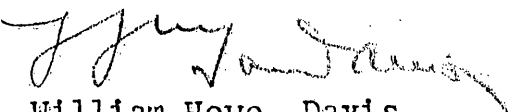
WILLIAM HOWE DAVIS  
DIRECTOR

14. STATE LICENSES - NEW APPLICATION FILED.

The House of Seagram, Inc.  
t/a Seagram-Distillers Company, Calvert Distillers,  
Four Roses Distillers Company, General Wine and Spirits  
Company, Kessler-Hunter Distillers Company and Leroux  
and Company  
Suite 2647-2649, 1180 Raymond Boulevard  
Newark, New Jersey.

Application filed January 3, 1961 for place-to-place  
transfer of Additional Salesroom License AW-63 on  
Plenary Wholesale License W-85, from 345-347 Avon  
Avenue, Newark, New Jersey, to 960 Springfield Avenue,  
Irvington, New Jersey.

New Jersey State Library

  
William Howe Davis  
Director