

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

BULLETIN 1118

JUNE 25, 1956.

N O T I C E

TO ALL MUNICIPAL CLERKS:

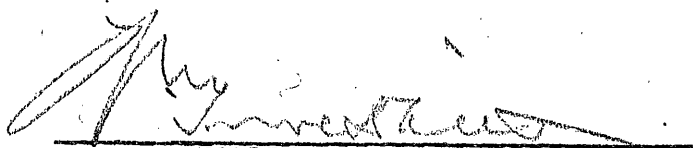
On and after July 2, 1956 the
address of this Division will be:

DIVISION OF ALCOHOLIC BEVERAGE CONTROL
ROOM 102, 1100 RAYMOND BOULEVARD
NEWARK 5, NEW JERSEY

Our telephone number will remain:

MARKET 3-3970

It would be appreciated if you would
advise the Chief of Police of your munici-
pality of our change of address.



William Howe Davis
Director.

SEE REVERSE SIDE FOR TABLE OF CONTENTS

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

BULLETIN 1118

JUNE 25, 1956.

TABLE OF CONTENTS

ITEM

1. DISCIPLINARY PROCEEDINGS (Passaic) - SALE OF ALCOHOLIC BEVERAGES AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - PRIOR RECORD - LICENSE SUSPENDED FOR BALANCE OF TERM.
2. DISCIPLINARY PROCEEDINGS (Elizabeth) - LEWDNESS AND IMMORAL ACTIVITIES (FEMALE IMPERSONATORS - INDECENT LANGUAGE AND CONDUCT) - SALE TO INTOXICATED PERSON - PRIOR RECORD - LICENSE SUSPENDED FOR BALANCE OF TERM.
3. DISCIPLINARY PROCEEDINGS (Stillwater Township) - FALSE ANSWER IN APPLICATION AS TO BENEFICIAL OWNER AND AS TO RESIDENCE OF STOCKHOLDERS - AIDING AND ABETTING NON-LICENSEE TO EXERCISE PRIVILEGE OF LICENSE - PRIOR RECORD - LICENSE SUSPENDED FOR BALANCE OF TERM, WITH LEAVE TO APPLY TO LIFT AFTER 40 DAYS UPON PROOF OF CORRECTION.
4. DISCIPLINARY PROCEEDINGS (Union City) - ALLOWING PREMISES TO BE CONDUCTED AS A NUISANCE - ALLOWING OBSCENE LANGUAGE ON LICENSED PREMISES - SALE TO INTOXICATED PERSON - POSSESSING INDECENT FIGURINES - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Ocean Township, Monmouth County) - GAMBLING - PRIOR RECORD OF PREDECESSOR IN INTEREST - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Linden) - SALES TO MINORS - EXTENUATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (Newark) - SALE FOR OFF-PREMISES CONSUMPTION IN OTHER THAN ORIGINAL CONTAINER - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (Paterson) - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (Atlantic City) - AGGRAVATED SALES TO MINORS - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Atlantic City) - AGGRAVATED SALES TO MINORS - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (Jersey City) - PERMITTING PERSONS OTHER THAN THE LICENSEE AND EMPLOYEES ON LICENSED PREMISES DURING PROHIBITED HOURS IN VIOLATION OF LOCAL ORDINANCE - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

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

BULLETIN 1118

JUNE 25, 1956.

1. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - PRIOR RECORD - LICENSE SUSPENDED FOR BALANCE OF TERM.

In the Matter of Disciplinary)
Proceedings against)

GUS STEIN)
118 Market Street)
Passaic, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-124, issued by the)
Board of Commissioners of the City)
of Passaic.)

Braff, Litvak & Ertag, Esqs., by Jerome B. Litvak, Esq.,
Attorneys for Defendant-licensee.
Dora P. Rothschild, appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded not guilty to the following charge:

"On Thursday, December 22, 1955, you sold, at retail, two one-quart bottles of 'Schenley Reserve Blended Whiskey', an alcoholic beverage at less than the price thereof listed in the then currently effective Minimum Resale Price List published by the Director of the Division of Alcoholic Beverage Control; in violation of Rule 5 of State Regulations No. 30."

After considering the evidence given at the hearing herein, I find that the following facts are undisputed. On the afternoon of December 22, 1955, an ABC agent entered defendant's licensed premises and approached Bernard Slaff, who was then acting as a clerk in defendant's store. The licensee was then nearby and was waiting on a woman customer. The agent told Slaff that he would like to buy a couple of quarts of Schenley. The price posted on the shelf directly under the bottles of Schenley was \$5.55. Slaff, who alleged that this was his first day as clerk in defendant's premises, took two bottles of Schenley Reserve Blended Whiskey from the shelf and placed them on the counter. The licensee told Slaff that "the price is right under the bottles" and Slaff then said to the agent, "That will be \$11.10 for the two bottles." Eventually the agent paid to Slaff the sum of \$10.30 for the two bottles, took them from the premises in a bag in which they had been placed, and contacted another ABC agent who had remained outside. Both agents then returned to the premises and identified themselves to Slaff and the licensee.

There is a serious dispute as to what occurred after Slaff quoted the price of \$11.10 for the two bottles. The agent testified that he then said, "I think I can do better than that;" that the licensee then asked the agent, "Did you ever do better here?" and that, when assured by the agent that he did "about three months ago", the licensee said to Slaff, "Give them to him

for \$5.15 a bottle." On the other hand, the licensee testified that, after the agent said he could do better, the licensee told the agent that he had better buy it somewhere else; that the agent started toward the door but returned and said that he had only \$10.30, whereupon the licensee said to the agent, "We can trust you for the difference and you can bring it back later on." The licensee's testimony is substantially corroborated by his clerk. However, both the licensee and his clerk admit that they did not previously know the agent; that they did not ask him for his name or address, and that they made no record of what the purchaser owed on the transaction. The testimony given by the licensee and his clerk is completely incredible and I believe the testimony of the ABC agent that there was no conversation with reference to trusting him for the difference between the minimum consumer resale price and the price at which the item was sold. At the time of the sale the minimum resale price of the item in question was \$5.55. After carefully considering all the evidence herein and the oral argument on May 4, 1956, I find the defendant guilty as charged.

Defendant has a prior record which is set forth in full in Re Stein, Bulletin 1067, Item 4. Summarizing said record it appears that defendant was found guilty of similar violations in 1941, 1943, 1947 and 1955. Under the circumstances I shall suspend defendant's license because of the violation herein for the balance of its term.

Accordingly, it is, on this 14th day of May, 1956,

ORDERED that Plenary Retail Consumption License C-124, issued by the Board of Commissioners of the City of Passaic to Gus Stein, for premises 118 Market Street, Passaic, be and the same is hereby suspended for the balance of its term, commencing at 3:00 a.m. May 18, 1956, and terminating at midnight June 30, 1956.

WILLIAM HOWE DAVIS
Director.

2. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES (FEMALE IMPERSONATORS - INDECENT LANGUAGE AND CONDUCT) - SALE TO INTOXICATED PERSON - PRIOR RECORD - LICENSE SUSPENDED FOR BALANCE OF TERM.

In the Matter of Disciplinary Proceedings against)	
JESSIE LLOYD)	
76 West Jersey Street)	CONCLUSIONS
Elizabeth 2, N. J.,)	AND ORDER

Holder of Plenary Retail Consumption License C-146, issued by the Municipal Board of Alcoholic Beverage Control of the City of Elizabeth.

-----)
George R. Walsh, 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 December 3, 9, 10, 15, 17, 18, 22 and 23, 1955, you allowed, permitted and suffered female impersonators in and upon your licensed premises; in violation of Rule 4 of State Regulations No. 20.

"2. On the occasions aforesaid, you allowed, permitted and suffered lewdness and immoral activity and foul, filthy and obscene language and conduct in and upon your licensed premises and your licensed place of business to be conducted in such manner as to become a nuisance in that you permitted persons who appeared to be homosexuals to congregate on your licensed premises and to engage and participate in foul, filthy and obscene language and conduct and to mingle with, solicit and make overtures for and arrangements with patrons for acts of perverted sexual relations and otherwise conducted your place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulations No. 20.

"3. On Thursday night, December 22 and early Friday morning, December 23, 1955, 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 alcoholic beverages by such person in and upon your licensed premises; in violation of Rule 1 of State Regulations No. 20."

The evidence herein discloses that ABC agents entered defendant's premises at 12:45 a.m. December 3, 1955; at 11:30 p.m. on December 9, 1955; at 8:30 p.m. on December 15, 1955; at 9:50 p.m. on December 17, 1955, and at 8:30 p.m. on December 22, 1955. On the second, fourth and fifth visits they remained there until the early morning hours of the following day.

One of the ABC agents testified that on the first visit there were, among other patrons, six men in male attire who referred to each other as "she", "sweet" and "doll" and acted in an effeminate manner; that the licensee was present and seemed to know these men quite well. He further testified that on the second and third visits about eight male patrons acted in the same way; that on the fourth visit about twenty males, many of whom he had seen on previous visits, referred to each other as "darling", "precious" and "delightful;" that one of these males asked him if they could go out together and that the licensee was present during this visit; that on the fifth visit the licensee, who was tending bar, sold four shots of whiskey to a patron who was apparently intoxicated and that another patron used indecent language in the presence of the licensee. Three other ABC agents testified that they participated in the investigation and that their testimony would be the same as that given by the first agent. It was stipulated that a fifth ABC agent, if called to testify, would testify in the same manner.

On behalf of defendant, a patron testified that he saw the ABC agents in defendant's premises in December 1955 and that he never saw any objectionable conduct while the agents were present. He also testified that the patron who was apparently intoxicated has an affliction which makes it difficult for him to maintain equilibrium. Defendant testified that the men mentioned by the agent appeared to her to be normal men; that she did not hear any patron invite the agent to go out with him and that she never permitted any patron to use indecent language. She also denied that she served drinks to

any intoxicated patron, but admitted that the man referred to by the agent "is mostly always a little -- you know -- under the weather." She further testified that she is a widow; that the licensed business is her only means of support, and that she has accepted a deposit from a person who desires to purchase her business.

After considering the evidence herein and the oral argument, I find defendant guilty as charged.

Defendant has a prior record. Aside from a suspension more than five years ago for sale to minors, her license was suspended by me for 120 days, effective January 3, 1955, after she had pleaded non vult to charges including a charge similar to Charge 1 herein (Re Lloyd, Bulletin 1045, Item 7). Revocation might well be warranted but, because of defendant's age, I shall suspend her license for the balance of its term. It would be advisable for her to arrange to sell her business at once so that the purchaser may have an opportunity to complete the requirements for a transfer of the license before the license expires.

Accordingly, it is, on this 14th day of May, 1956,

ORDERED that Plenary Retail Consumption License C-146, issued by the Municipal Board of Alcoholic Beverage Control of the City of Elizabeth to Jessie Lloyd, for premises 76 West Jersey Street, Elizabeth, be and the same is hereby suspended for the balance of its term, commencing at 2:00 a.m. May 18, 1956, and terminating at midnight June 30, 1956.

WILLIAM HOWE DAVIS
Director.

- 3. DISCIPLINARY PROCEEDINGS - FALSE ANSWER IN APPLICATION AS TO BENEFICIAL OWNER AND AS TO RESIDENCE OF STOCKHOLDERS - AIDING AND ABETTING NON-LICENSEE TO EXERCISE PRIVILEGE OF LICENSE - PRIOR RECORD - LICENSE SUSPENDED FOR BALANCE OF TERM, WITH LEAVE TO APPLY TO LIFT AFTER 40 DAYS UPON PROOF OF CORRECTION.

In the Matter of Disciplinary Proceedings against)

HOTEL HOLIDAY, INC.)
T/a HOTEL HOLIDAY)
Fairview Lake Road from)
Five Points Corner)
Stillwater Township)
PO RD 2, Newton, N. J.,)

CONCLUSIONS
AND ORDER

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

Mackerley and Friedman, Esqs., by Peter Friedman, 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 the following charges:

"1. In your application dated June 1, 1955, filed with the Stillwater Township Committee, upon which you obtained your current plenary retail consumption license and wherein

you listed your stockholders in answer to Question 22 as Ida Palma (80 shares or 80%), Robert Barbieri (1 share or 10%) and Helen Barbieri (1 share or 10%), you falsely stated 'No' in answer to Question 23, which asks: 'Has any...individual other than the stockholders hereinbefore set forth any beneficial interest, directly or indirectly, in the stock held by said stockholders?', whereas in truth and fact Frank Palma (not mentioned in the application as a stockholder or as beneficially interested in any of your stock) had such an interest in that he and Ida Palma were the real and beneficial owners of all of your stock; said false statement being in violation of R. S. 33:1-25.

"2. From about June 14, 1949 until the present time, you knowingly aided and abetted Frank Palma to exercise, contrary to R. S. 33:1-26, the rights and privileges of your successive plenary retail consumption licenses; thereby yourself violating R. S. 33:1-52.

"3. In your aforesaid application, you falsely stated the residence of Ida Palma (your president, director and 80% stockholder) in answer to Questions 20, 21 and 22 as Newton, 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 Ida Palma then resided and maintained a home at 1948 - 81st Street, Brooklyn, New York; such false statements, evasion and suppression being in violation of R. S. 33:1-25."

The file herein discloses that Frank Palma, a non-resident of New Jersey, obtained the license in question on December 16, 1946 and on June 10, 1949 the said license was transferred by him to defendant corporate-licensee, effective June 14, 1949. The licensed premises have been operated continuously by defendant since acquiring the license by transfer, as aforementioned. It appears that Frank Palma and Ida Palma, his wife, owners of all the issued and outstanding stock of said defendant corporation, are now and have been residents of New York since the defendant became the holder of the license. In fact, Frank Palma held the license individually prior to its transfer to defendant when a non-resident of New Jersey. Statements made by Frank and Ida Palma indicate that the defendant corporation was organized to protect Frank Palma in the event of lawsuits by individual creditors.

Defendant has a prior adjudicated record. Effective October 3, 1955, its license was suspended by me for a period of twenty-five days for allowing immoral activities in and upon its licensed premises in violation of Rule 5 of State Regulations No. 20. Re Hotel Holiday, Inc., Bulletin 1083, Item 7. The usual penalty for the violation committed herein is a suspension of the license for a period of thirty days. Re Villa Roma Hoboken (A Corp.), Bulletin 955, Item 2. Under all of the circumstances appearing herein and taking into consideration the past dissimilar violation of defendant, aforementioned, I shall suspend its license for a period of forty days. However, since the unlawful situation continues to exist, I have no alternative except to suspend the license for the balance of its term. Leave is reserved to defendant or other qualified person

to file a petition with me to have the suspension lifted upon proof of proper correction but no relief will be afforded petitioner prior to the expiration of at least forty days from the effective date of the Order herein.

Accordingly, it is, on this 14th day of May, 1956,

ORDERED that Plenary Retail Consumption License C-9, issued by the Township Committee of the Township of Stillwater to Hotel Holiday, Inc., t/a Hotel Holiday, Fairview Lake Road from Five Points Corner, Stillwater Township, be and the same is hereby suspended for the balance of its term, effective at 2:00 a.m. May 18, 1956; and it is further

ORDERED that in the event the illegal situation hereinabove referred to is corrected, leave will be given as aforesaid to make application to me to lift the suspension but no order to that effect will become effective prior to June 27, 1956.

WILLIAM HOWE DAVIS
Director.

- 4. DISCIPLINARY PROCEEDINGS - ALLOWING PREMISES TO BE CONDUCTED AS A NUISANCE - ALLOWING OBSCENE LANGUAGE ON LICENSED PREMISES - SALE TO INTOXICATED PERSON - POSSESSING INDECENT FIGURINES - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JOHN J. REDDAN)
4806 Broadway)
Union City, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-120, issued by the Board of Commissioners of the City of Union City.)

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

BY THE DIRECTOR:

Defendant has pleaded guilty to the following charge:

"On March 31 and April 4, 1956, you allowed, permitted and suffered your licensed place of business to be conducted in such manner as to become a nuisance and in a manner offensive to common decency and public morals in that on the former date you allowed, permitted and suffered foul, filthy and obscene language in and upon your licensed premises; and on the latter date you allowed, permitted and suffered the sale, service and delivery to and the consumption of alcoholic beverages by persons actually or apparently intoxicated in and upon your licensed premises and allowed, permitted and suffered in and upon your licensed premises and had in your possession matter containing indecent, filthy, lewd, lascivious and disgusting representations, viz., two certain rubber-like figures known as 'Bubbling Boy'; in violation of Rule 5 of State Regulations No. 20."

On March 31, 1956, two ABC agents, while at defendant's licensed premises, heard various patrons express themselves in loud and vulgar language, obscene in tenor and offensive even to those who might tolerate minor vulgarity.

On April 4, 1956, the same ABC agents were again at defendant's licensed premises and observed a patron enter, proceed to the bar and order a glass of beer. When this drink was served, the patron had considerable difficulty in finding the glass, his eyes were partly closed and his head was bobbing up and down and his speech appeared to be incoherent. He was quite obviously intoxicated but, nevertheless, the bartender served this patron with another glass of beer. Thereupon the agents identified themselves and spoke with the patron who remarked that he had a "good load on." The bartender said that he would not say that the patron was drunk or that he was sober.

During the course of their activities at the premises the agents discovered two rubber figurines which could be manipulated to simulate a call of nature. One of these figurines was on the cash register and another one in the storeroom.

Defendant has a prior record. Effective September 24, 1938, a license held by John J. Reddan for premises 552 Park Avenue, West New York, was suspended by the then Commissioner for ten days for an "hours" violation (Re Reddan, Bulletin 269, Item 2). Effective October 21, 1940, a license held by John J. Reddan for premises 5610 Park Avenue, West New York, was suspended by the then Commissioner for twenty days for an "hours" violation (Re Reddan, Bulletin 428, Item 2). Effective May 12, 1941, a license issued to John J. Reddan for the last mentioned premises was suspended by the then Commissioner for the balance of its term for an "hours" violation (Re Reddan, Bulletin 458, Item 4). However, since ten years or more have elapsed since said violations occurred, I shall not consider the prior record in fixing the penalty herein (Re Danker, Bulletin 1108, Item 4). I shall suspend defendant's license for a period of forty days. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 14th day of May, 1956,

ORDERED that Plenary Retail Consumption License C-120, issued by the Board of Commissioners of the City of Union City to John J. Reddan, for premises 4806 Broadway, Union City, be and the same is hereby suspended for thirty-five (35) days, commencing at 3:00 a.m. May 21, 1956, and terminating at 3:00 a.m. June 25, 1956.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - GAMBLING - PRIOR RECORD OF PREDECESSOR IN INTEREST - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

FRANK LOU, INC.)
T/a STAGE COACH)
Route #35)
Ocean Township)
PO RFD #1, Asbury Park, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-7, issued by the Township Committee of Ocean Township.)
-----)

Frank Lou, Inc., t/a Stage Coach, Defendant-licensee, by Frank Vacchiano, Secretary.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charge:

"On March 24 and 31, 1956, you 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 an ABC agent investigating defendant's licensed business visited its premises on March 24 and 31, 1956. The agent observed on his first visit evident gambling activities therein and eventually placed with "Pat", the bartender, a \$6.00 bet on a horse scheduled to race that day. On the second visit "Pat" accommodated the agent with a "scratch sheet" and with one of defendant's business cards upon which to record his bet and then accepted the inscribed card and \$9.00 in marked bills which he secreted beneath the bar. Shortly thereafter, as prearranged, another ABC agent entered the licensed premises and both agents identified themselves to "Pat" who at their insistence came from behind the bar. Presently a police officer arrived and the marked bills and recorded bet were recovered. The "scratch sheet" was reluctantly produced by Lou Vaccaro, president of the defendant corporate-licensee, who had it on his person.

Defendant has no prior adjudicated record. However, when Louis J. Vaccaro and Frank S. Vacchiano (both officers of defendant corporate-licensee herein) held the license a plea of non vult to an "hours" violation was entered and the local issuing authority, by a resolution adopted April 26, 1954, reprimanded the licensees. The usual penalty heretofore imposed for a violation as charged herein was 20 days. Re Dakos, Bulletin 1095, Item 10. On January 16, 1956, I announced that in such cases the penalty would be increased by five days. Re Increased Penalties, Bulletin 1095, Item 1. Since the violations in the instant case occurred after that announcement and since the prior dissimilar violation of defendant's predecessors in interest occurred within a five-year period, Re Cadillac Bar Corporation, Bulletin 1072, Item 8, I shall suspend defendant's license for 30 days and remit five days for the plea entered herein, leaving a net suspension of 25 days.

Accordingly, it is, on this 7th day of May, 1956,

ORDERED that Plenary Retail Consumption License C-7, issued by the Township Committee of the Township of Ocean to Frank Lou, Inc., t/a Stage Coach, Route #35, Ocean Township, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 3:00 a.m. May 21, 1956, and terminating at 3:00 a.m. June 15, 1956.

WILLIAM HOWE DAVIS
Director.

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

In the Matter of Disciplinary Proceedings against)

POLISH NATIONAL HOME OF LINDEN, N. J., INC.)
300-304 Roselle Street)
Linden, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-47, issued by the Municipal Board of Alcoholic Beverage Control of the City of Linden.)

Charles E. Leonard, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has entered a plea of not guilty to the following charge:

"On Saturday night, January 21, 1956, you allowed, permitted and suffered the consumption of alcoholic beverages in and upon your licensed premises by persons under the age of twenty-one (21) years, viz., Richard ---, age 16, Frederick N. ---, age 16, James P. ---, age 18, and John R. F. ---, age 18; in violation of Rule 1 of State Regulations No. 20."

At the hearing herein defendant, through its attorney, admitted the truth of the facts underlying the charge and stipulated that the information contained in the Division's file should be considered as proof of the violation in lieu of oral testimony.

Reviewing the reports of the Division's investigators and the confirmatory signed sworn statements contained in the file, it is evident that on the date alleged in the charge each of the minors referred to therein, while in a hall which is part of defendant's licensed premises, consumed alcoholic beverages served to them by members of a church club sponsoring a dance at which such beverages were dispensed under a special permit.

Defendant's attorney appeared before me on oral argument and contended in mitigation that officers of the licensee policed the club dance, had signs displayed in the hall to the effect that minors could not purchase or consume alcoholic beverages and, in fact, took every precaution possible to prevent the violations that did occur. Having given consideration to the argument of

counsel in arriving at my decision, the sole issue for my determination is whether the defendant "permitted and suffered" the admitted infractions in and upon its licensed premises.

"To permit is defined as meaning to authorize or to give leave (McHenry v. Winston, 49 S. W. Rep. 4), but the term 'permit' has been often used synonymously with 'suffer,' so that it may be said that one who suffers the doing of a thing which he might have prevented permits it. 22 Am. & Eng. Encycl. L. (2d ed.) 699, and cases there cited." Conner v. Fogg, 75 N.J.L. 245 (Sup. Ct. 1907). In Essex Holding Corp. v. Hock, 136 N.J.L. 28; the court said "***the word 'suffer' *** imposes responsibility on a licensee, regardless of knowledge, where there is a failure to prevent the prohibited conduct by those occupying the premises with his authority. Guastamachio v. Brennan, 128 Conn. 356; 23 Atl. Rep. (2d) 140." In the instant case the club was permitted by the licensee to enter upon the licensed premises. "When a privilege to enter is given, whether general, conditional or restricted, the licensee has the duty of taking such measures as the circumstances of the particular case require to prevent prohibited conduct on the licensed premises arising out of the grant of the privilege." Greenbrier, Inc. v. Hock, 14 N. J. Super. 39.

Under the circumstances, I find that the defendant-licensee, notwithstanding its efforts hereinbefore enumerated, failed in its duty to prevent the prohibited conduct as alleged in the charge. Defendant has no prior adjudicated record. Until recently the usual penalty imposed for sale of alcoholic beverages to a 16-year-old minor was a suspension of the license for twenty days. Re Cramer, Bulletin 1066, Item 3. 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 herein occurred after that announcement, a twenty-five day penalty is indicated, to which five days should be added because of the number of minors involved, Re Tobolewski, Bulletin 1085, Item 3, making a total suspension of thirty days. However, since it appears that the sales were made by agents of the permittee; that defendant-licensee had taken some measures to prevent the consumption of alcoholic beverages by minors; has admitted the facts; and has entered a plea of not guilty for the purpose of obtaining a ruling as to its culpability, I shall, under the circumstances, suspend defendant's license for a period of twenty days and remit the five days ordinarily granted for a confessional plea, Re Novembre, Bulletin 1056, Item 2, leaving a net suspension of fifteen days.

Accordingly, it is, on this 7th day of May, 1956,

ORDERED that Plenary Retail Consumption License C-47, issued by the Municipal Board of Alcoholic Beverage Control of the City of Linden to Polish National Home of Linden, N. J., Inc., 300-304 Roselle Street, Linden, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 2:00 a.m. May 14, 1956, and terminating at 2:00 a.m. May 29, 1956.

WILLIAM HOWE DAVIS
Director.

7. DISCIPLINARY PROCEEDINGS - SALE FOR OFF-PREMISES CONSUMPTION IN OTHER THAN ORIGINAL CONTAINER - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against KEYHOLE BAR, INC. 137 Pacific Street Newark 5, N. J., Holder of Plenary Retail Consumption License C-877, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

CONCLUSIONS AND ORDER

Irving Zwillman, Esq., Attorney for Defendant-licensee. 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 for off-premises consumption alcoholic beverages in other than their original containers, in violation of R. S. 33:1-2.

On Friday, March 9, 1956, at about 10:50 p.m., an ABC agent in defendant's licensed premises asked the bartender, Nathan Segelbaum, a stockholder of the corporate licensee, for a pint bottle of Four Roses Blended Whiskey to take out. The bartender, after some conversation with the agent, obtained a pint bottle of this whiskey, broke the seal on the bottle and poured a drink thereof into a glass remarking that "I have to do it this way for someone may be looking". The bartender then placed the cap back on the bottle which he then handed to the agent and witnessed the latter place it in his pocket. The agent paid the bartender \$3.50 for the whiskey and departed.

The agent returned to the premises on March 10th. Before entering, he verified by the car radio that it was 10:15 p.m. Nathan Segelbaum was tending bar. At about 10:23 p.m., the agent asked Segelbaum for a pint bottle of Four Roses Blended Whiskey and a pint bottle of Vincove Port Wine "to go". Segelbaum obtained the two bottles requested, broke the seal of both bottles, handed them to the agent, accepted \$4.25 in payment and told the agent to place the bottles in his pocket. The agent did so and left the premises. He returned almost immediately accompanied by another agent who had remained outside. The agents identified themselves to Segelbaum who verbally admitted the aforesaid sales of alcoholic beverages.

Defendant has no prior adjudicated record. I have considered the matters urged in mitigation by its counsel. I shall suspend defendant's license for the minimum period of fifteen days (Re Bunks, Bulletin 1075, Item 4). Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 7th day of May, 1956,

ORDERED that Plenary Retail Consumption License C-877, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Keyhole Bar, Inc., for premises 137 Pacific Street, Newark, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. May 14, 1956, and terminating at 2:00 a.m. May 24, 1956.

WILLIAM HOWE DAVIS Director

8. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

BERNARD DOORNBOS
T/a DOC'S TAVERN
219 Water Street
Paterson 2, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-248, issued by the Board of Alcoholic Beverage Control for the City of Paterson.

-----)
Bernard Doornbos, 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 an alcoholic beverage in its original container for off-premises consumption, in violation of Rule 1 of State Regulations No. 38.

The file herein discloses that at 10:30 p.m., Thursday, April 12, 1956, an ABC agent purchased from an employee of the defendant-licensee a pint bottle of wine for off-premises consumption. Rule 1 of State Regulations No. 38 prohibits the sale of alcoholic beverages at retail in original containers for consumption off the licensed premises on Sunday, or before 9:00 a.m. or after 10:00 p.m. on any other day of the week.

Defendant has no prior adjudicated record. I shall suspend his license for a period of fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days. Re Cahill, Bulletin 1102, Item 3.

Accordingly, it is, on this 8th day of May, 1956,

ORDERED that Plenary Retail Consumption License C-248, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Bernard Doornbos, t/a Doc's Tavern, 219 Water Street, Paterson, be and the same is hereby suspended for a period of ten (10) days, commencing at 3:00 a.m. May 15, 1956, and terminating at 3:00 a.m. May 25, 1956.

WILLIAM HOWE DAVIS
Director.

9. DISCIPLINARY PROCEEDINGS - AGGRAVATED SALES TO MINORS -
LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)
THOMAS COPPOLECCHIA)
T/a CASA LOMA)
338 N. New Hampshire Avenue)
Atlantic City, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-149, issued by the)
Board of Commissioners of the)
City of Atlantic City.)

Elias G. Naame, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that on April 1, 1956, he sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to three minors and permitted the consumption of such beverages by said minors in and upon his licensed premises, in violation of Rule 1 of State Regulations No. 20.

Acting upon information obtained from the Northfield, N.J. Police Department, ABC agents obtained sworn statements from the three minors referred to in the charge. In his statement Clarence --- (16 years of age) says that on April 1, 1956, at about 6:00 a.m., he, an adult and the other two minors entered defendant's premises and remained there for about one hour; that during his visit he had four drinks of whiskey and four beers. In his statement Ronald --- (16 years of age) says that, when they entered defendant's premises about 6:00 a.m. April 1, 1956, all went to the bar and ordered drinks and that he ordered and drank one beer. In his statement Joseph --- (19 years of age) says that, when they entered defendant's premises about 6:00 a.m. April 1, 1956, all went to the bar and that he ordered and drank whiskey but that "I have no idea how many we had." The three minors allege that no one in defendant's premises questioned them as to their respective ages. When the three minors subsequently visited defendant's premises with ABC agents, they identified the premises but were unable to identify the person who sold the drinks.

Defendant has no prior record. In alleged mitigation defendant's attorney states that the 19-year-old minor appears to be of full age; that the minors do not bear a good reputation, and that the premises were crowded when the sales were made. Until recently the usual penalty for sale to a 16-year-old minor was a suspension of the license for twenty days (Re Cramer, Bulletin 1066, Item 3). However, on January 16, 1956, I announced that the penalty in such cases would be increased by five days. Since the violation herein occurred after that announcement, a twenty-five-day penalty is indicated, to which five days should be added because of the number of minors involved (Re Tobolewski, Bulletin 1085, Item 3). I shall suspend defendant's license for thirty days. Five days will be remitted for the plea entered, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 10th day of May, 1956,

ORDERED that Plenary Retail Consumption License C-149, issued by the Board of Commissioners of the City of Atlantic City to Thomas Coppolecchia, t/a Casa Loma, for premises 333 N. New Hampshire Avenue, Atlantic City, be and the same is hereby suspended for twenty-five (25) days, commencing at 7:00 a.m. May 14, 1956, and terminating at 7:00 a.m. June 8, 1956.

WILLIAM HOWE DAVES
Director.

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

In the Matter of Disciplinary)
Proceedings against)

TACKROOM CORPORATION)
T/a THE TACK ROOM BAR)
20 North Virginia Avenue)
Atlantic City, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-102, issued by the)
Board of Commissioners of the City)
of Atlantic City.)

-----)
David R. Brone, Esq., Attorney for Defendant-licensee.
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 three minors and permitted the consumption of such beverages by said minors in and upon its licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that ABC agents, acting upon information received from the Atlantic City Police Department, obtained signed sworn statements from Benjamin --- (age 17), James --- (age 19), and Stephen --- (age 20). Benjamin and James stated that between 9:00 and 10:00 p.m., Sunday, April 29, 1956, they visited defendant's licensed premises wherein they consumed "a couple of glasses of beer"; that after a short stay they left; that a little after midnight on April 30th they met Stephen --- and an adult and returned with them to the licensed premises; that each of the minors consumed "about five glasses of beer" and left "around 2:00 a.m." Stephen corroborated the statements of Benjamin and James with respect to his visit to the licensed premises, stating, however, that during his stay therein each of them consumed "between five and ten glasses of beer". The minors stated that no one in the licensed premises required proof of their ages. After volunteering their statements the three minors directed the agents to the licensed premises and pointed it out as the place wherein they had been served alcoholic beverages but they could not identify the person who had served them. The failure to identify the specific person who made the sale is not fatal in disciplinary proceedings against the licensee. Re Miller, Jr., Bulletin 1106, Item 10.

Defendant has no prior adjudicated record. The usual penalty heretofore imposed for a violation involving a seven-teen-year-old minor was a suspension of the license for fifteen days. Re Keelan, Bulletin 1095, 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. Since the violation in the instant case occurred after that announcement and considering the number of minors involved, I shall suspend defendant's license for twenty-five days. Cf. Re Miller, Jr., supra. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 14th day of May, 1956,

ORDERED that Plenary Retail Consumption License C-102, issued by the Board of Commissioners of the City of Atlantic City to Tackroom Corporation, t/a The Tack Room Bar, for premises 20 North Virginia Avenue, Atlantic City, be and the same is hereby suspended for a period of twenty (20) days, commencing at 2:00 a.m. May 22, 1956, and terminating at 2:00 a.m. June 11, 1956.

WILLIAM HOWE DAVIS
Director.

11. DISCIPLINARY PROCEEDINGS - PERMITTING PERSONS OTHER THAN THE LICENSEE AND EMPLOYEES ON LICENSED PREMISES DURING PROHIBITED HOURS IN VIOLATION OF LOCAL ORDINANCE - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

PETER N. KATSANIS)
T/a P. N. K. TAVERN)
97 Mallory Avenue)
Jersey City 4, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-115, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

Peter N. Katsanis, Defendant-licensee, Pro se.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to a charge alleging that he suffered and permitted persons other than his actual employees and agents in and upon his licensed premises during prohibited hours, in violation of the provisions of a local ordinance.

On Sunday, April 8, 1956, at about 7:30 a.m., ABC agents observed two men enter defendant's licensed premises through a rear door and leave said premises at about 7:50 a.m. At about 9:45 a.m., an ABC agent who had observed two other men enter defendant's licensed premises through the rear door compelled the licensee to admit him to such premises, over the

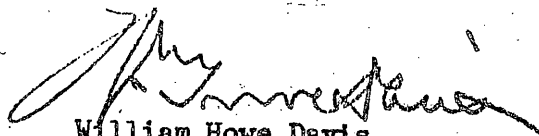
licensee's objections that there was no one else therein. Actually there were three men besides the licensee in the rear room which is part of the licensed premises. One of the men was a porter, the second a baker and the third a plumber. There was 70¢ and wet "ring marks" on a table in the rear room.

The local ordinance prohibits the conduct of the licensed business between 2:00 a.m. and 1:00 p.m. on Sundays and, subject to an exception not here pertinent, prohibits persons other than the licensee and his actual employees to be in and upon the licensed premises between said hours.

Defendant has no prior adjudicated record. I shall suspend defendant's license for fifteen days. Re Dlugolencki, Bulletin 1068, Item 7; Re American Legion, Bayonne Post #19, Bulletin 1007, Item 8. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 14th day of May, 1956,

ORDERED that Plenary Retail Consumption License C-115, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Peter N. Katsanis, t/a P.N.K. Tavern, for premises 97 Mallory Avenue, Jersey City, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. May 21, 1956, and terminating at 2:00 a.m. May 31, 1956.


William Howe Davis
Director