

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

BULLETIN 1345

JULY 19, 1960

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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 1345

JULY 19, 1960

1. NEW LEGISLATION - AMENDMENT OF STATE LIMITATION OF THE NUMBER OF PLENARY AND SEASONAL RETAIL CONSUMPTION AND PLENARY RETAIL DISTRIBUTION LICENSES - CHAPTER 72 OF THE LAWS OF 1960.

Senate, No. 107, amending section 2 of the 1947 State Limitation Law (Chapter 94 of the Laws of 1947), was approved by the Governor on June 23, 1960, and thereupon became Chapter 72 of the Laws of 1960, effective immediately. In original Section 2, the ratio for plenary and seasonal retail consumption licenses, in the aggregate, was 1 for each 1,000 of the municipality's population as shown by the last then-preceding Federal census; and for plenary retail distribution licenses 1 for each 3,000. Chapter 72 of the Laws of 1960 changed the ratio as to retail consumption licenses to 1 for each 2,000 of population, and as to plenary retail distribution licenses to 1 for each 5,000.

WILLIAM HOWE DAVIS  
DIRECTOR

July 11, 1960

closed during those hours.

"I have carefully considered the evidence adduced herein and I find that the testimony of the police officer reflects what actually occurred on the date alleged and at the time testified to by him, and I conclude that appellants have failed to establish by the necessary preponderance of the evidence that the action of respondent was erroneous. I recommend, therefore, that an order be entered affirming respondent's action, vacating the order entered on December 18, 1959, and fixing the effective dates of the ten-day suspension heretofore imposed by respondent."

Written exceptions to the Hearer's Report and written argument in substantiation thereof were filed with me by appellants' attorney, pursuant to Rule 14 of State Regulation No. 15.

Having carefully considered the record herein, including the transcript of the proceedings before respondent Board, the Hearer's Report and the written exceptions and argument with respect thereto, I concur in the findings and conclusions of the Hearer and adopt his recommendation.

Accordingly, it is, on this 23rd day of May 1960,

ORDERED that the action of respondent Board be and the same is hereby affirmed and that the appeal herein be and the same is hereby dismissed; and it is further

ORDERED that the order entered on December 18, 1959, be and the same is hereby vacated at 2 a.m. Tuesday, May 31, 1960, and that the ten-day-suspension heretofore imposed by respondent be and the same is hereby reimposed against appellants' license to commence at 2 a.m. Tuesday, May 31, 1960, and terminate at 2 a.m. Friday, June 10, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

3. APPELLATE DECISIONS - VIESPI v. CLIFTON.

THOMAS AND ANGELINE VIESPI, )  
t/a CANARY INN, )

Appellants, )

v. )

MUNICIPAL BOARD OF ALCOHOLIC )  
BEVERAGE CONTROL OF THE CITY )  
OF CLIFTON, )

Respondent. )

ON APPEAL  
CONCLUSIONS  
AND ORDER

-----  
Eigen and Krakauer, Esqs., by Sol Eigen, Esq., Attorneys for  
Appellants.  
Edward F. Johnson, Esq., by Manfred Triebel, Esq., Attorney  
for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from respondent's action on November 23, 1959 whereby it suspended appellants' license C-123 for fifteen days, effective at 3:00 a.m., November 30, 1959, after finding appellants guilty of a charge alleging that on Saturday, October

10, 1959, they allowed, permitted and suffered the sale and delivery of alcoholic beverages in their original containers for off-premises consumption, in violation of Rule 1 of State Regulation No. 38. Appellants' premises are located at 306 Main Avenue, Clifton.

"Upon the filing of the instant appeal, an order dated November 25, 1959 was entered by the Director staying respondent's order of suspension until the entry of a further order herein. R.S. 33:1-31.

"The petition of appeal alleges that the action of respondent was contrary to the weight of the evidence.

"Sergeant George Chopie (of the City of Clifton Police Department) testified that at approximately 1:50 a.m. on October 10, 1959, he was driving a police car in a westerly direction on Main Avenue when he observed an automobile with lights on and the motor running standing in a bus stop in front of appellants' premises; that he proceeded past the premises for a distance of 250 feet or 300 feet, made a 'U' turn and, as he approached the car in question, he saw a man carrying a bag come out of the appellants' premises and get into the parked car; that as he (Chopie) put in a radio call to police headquarters for assistance, the car pulled away; that he followed the car for some distance when he halted same and spoke to the occupants; that he flashed a light into the front part of the car and, on the floor in front of a man (subsequently identified as Joseph Day) seated next to the operator, he observed a paper bag which was subsequently determined to contain a six-pack of ice cold Schaefer Beer; that when questioned, Day stated he purchased the beer in appellants' licensed premises; that he (Chopie) and the occupants of the car returned to appellants' licensed premises where he spoke to Angeline Viespi, one of the appellant-licensees, who denied that the purchase of the beer was made at appellants' establishment.

"Sergeant Chopie was cross-examined at length by appellants' attorney but his version of what happened on the morning in question was unshaken.

"Joseph Day testified that around 8:45 p.m. (October 9, 1959) when he left his home, he took six cans of Schaefer Beer from the refrigerator and put them in a paper bag which he placed in an insulated bag and then set the bag in his car; that he drove to appellants' premises which he entered about 9:00 p.m.; that he left 'around 10:00, 10:30', returned 'about 11:00, 11:30' and had one drink and 'we left again' and visited another liquor establishment; that at 1:30 a.m. (October 10, 1959) he and his companions returned to the vicinity of appellants' premises where he went to his car, obtained the beer in question from the insulated bag, walked across the parking lot, entered 'Doug's' (Hingher) car and proceeded toward the latter's home.

"On cross-examination, Day testified that despite the fact that it was his intention to drive to appellants' licensed premises on the evening of October 9, he put a six pack (six twelve-ounce cans) of Schaefer Beer in a paper bag, placed the bag containing the beer in an insulated plastic bag and took the bag with the beer with him; that the beer was left in the unlocked car and the keys in the ignition from 9:00 p.m. until 1:50 a.m. the following morning; that although he never locks his car he realized it wasn't 'proper to leave keys in the ignition'; that, nevertheless, at 1:50 a.m. he decided to lock the car for fear that it might be driven away and, furthermore, that he did not wish to lose the plastic bag.

"Douglas Hingher testified that he had met Day and Joseph Morett in appellants' licensed premises some time 'after 9:00

o'clock'; that he left the premises 'around 11:30' and went to another tavern where he and his two companions remained for 'half hour' and then they drove to another licensed premises looking for a 'fellow named Charlie'; that he then drove his car with his two companions to appellants' premises, arriving there at 1:30 a.m.; that Day got out of the car, walked to his car and a couple of minutes later came back with a package in his hand, set it on the floor and then they drove away; that, thereafter, a police officer stopped them, inquired about his license, walked around to the other side of the car and took the package containing the beer; that he did not remember the conversation which took place between the officer and Day. On cross-examination Hingher testified that 'I seen him (Day) when he was half way across the parking lot approaching my car'.

"Angeline Viespi aforementioned testified that there was no sale of any alcoholic beverages in original containers for off-premises consumption made by anyone in the tavern on the morning in question and, when the police officer came into the premises with Day, Morett and Hingher, she so advised him.

"It was stipulated by the attorneys for the respective parties that if one Grace Day (who testified before the respondent Board) were called as a witness by appellant, her testimony would be that she is the wife of Joseph Day and that she obtained the plastic bag from the hallway for her husband who put beer into same before leaving home at about 9:00 p.m. on October 9, 1959. Furthermore, it was also stipulated that Joseph Morett (who also testified before the respondent Board) if called as a witness would testify that he saw Day leave the Hingher car, go to his parked car and return with the package containing the beer and that Day did not go into the appellants' licensed premises. The stipulation was amended in accordance with the recollection of respondent's attorney to the effect that Morett did not have his eyes on Day every moment of the time.

"I have set forth in detail the pertinent testimony concerning the events which took place at the time in question. It appears unlikely that a person, when going to a tavern for an evening and also visiting another licensed establishment or establishments would bring along from his home a quantity of beer to be consumed after the various licensed premises had closed. The police officer testified that when he felt the beer it was ice cold. Whether or not it could have continued to be ice cold from before 9:00 o'clock when taken from the refrigerator as alleged by Day until 1:50 a.m. the following morning appears to be problematical. Furthermore, Day's testimony as to leaving the car unlocked with the keys in the ignition and also leaving the plastic bag containing the beer for a period of approximately five hours and then suddenly determining that his car might be stolen or the plastic bag be lost appears unbelievable. I have examined the testimony of the other witnesses who appeared on behalf of the appellants and find such testimony very unimpressive. On the other hand, testimony of the police officer was forthright and lacking in any probable improper motivation. It is the quality rather than the quantity of evidence which should be considered. I am satisfied that Officer Chopie gave an accurate account of the events which transpired on the morning in question.

"I recommend, therefore, that an order be entered affirming the action of respondent, vacating the order dated November 25, 1959, and fixing the effective dates for the fifteen-day suspension imposed by respondent."

Written exceptions to the Hearer's Report and written argument with respect thereto were filed with me by appellants'



determined in this appeal to outline the recent history of the license and other events pertinent thereto, as appears from the record of the instant appeal.

"On June 24, 1959 the Director, on appeal, affirmed the action of respondent Board's action on March 18, 1959 in granting a place-to-place transfer of the plenary retail consumption license held by Philip Pecoraro from 357 Second Street to 348-350 First Street, Jersey City. DeStefano et als. v. Jersey City and Pecoraro, Bulletin 1289, Item 4.

"Excerpts from the record of the hearing before the local Board on such application were referred to as follows:

'Does Mr. Pecoraro intend, if he is permitted by this Board, to make the move, is he going to continue in business?

Mr. Marino: Mr. Mandell, I will say this. We are making arrangements now and we have consulted with people with money because we have to get that money to open up this restaurant to make this place which we figure will be about \$35,000. We haven't got that money to say its so or not. So I would be lying to you if I said what the future holds.

The Chairman: You are going to spend \$35,000 or procure a loan.

Mr. Marino: Or have someone come in with a partnership.'

"Thus, it appears that Levito and Allen, who were primarily interested in opening a restaurant business at the premises, and undertook to pay for the expensive alterations therein, were probably the partners which Pecoraro then had in mind. However, in arranging for the use of the premises after the place-to-place transfer was effected, the parties in interest apparently misconceived the privileges of the license and the licensee. The lease for the premise and, hence, possession thereof, was held by Levito and Allen, who were not the licensees. Pecoraro limited his activities in the restaurant to a 6' by 6' service bar, and permitted the employees of Levito and Allen, and not his, to sell, service and receive payment for alcoholic beverages. Such receipts, according to Pecoraro, were turned over to him periodically in full. A licensee may not operate an alcoholic beverage concession in a non-licensed restaurant, as Philip Pecoraro appears to have done for a period of time prior to the person-to-person transfer considered herein.

"Since there was no attempt to conceal this improper method of operation, it must be assumed that the persons involved were merely mistaken as to the measures they should adopt to carry out their intentions. Indeed, some of the counsel who appeared before the respondent Board at the hearing on the person-to-person application indicated lack of specific knowledge on the subject.

"The grant of the person-to-person transfer resulted in a complete correction of the unlawful situation, which situation arose out of conduct of the persons concerned but does not reflect moral or ethical misconduct. The respondent Board, by granting such application with knowledge of all the facts, evidently was of such opinion. The evidence fails to show that any of the applicants are unfit to hold a license.

"Proper liquor control dictates that an issuing authority should be free, within the confines of sound discretion, to determine the fitness of a person to hold a license, and where, as here, the record substantially supports the applicants' fitness, it cannot be said that the issuing authority has abused that discretion. Cf. Neiden Bar & Grill, Inc. et als v. Newark et als., Bulletin 1088, Item 1; 40 N.J. Super. 24 (App. Div. 1956).

"After considering all the evidence herein and the oral arguments of counsel for the respective parties herein, I conclude that appellants have failed to sustain the burden of establishing that the action of the respondent was arbitrary or constituted an abuse of its discretionary power. Rule 6 of State Regulation No. 15. It is recommended, therefore, that an order be entered affirming respondent's action and dismissing the appeal."

No exceptions to the Hearer's Report were filed within the time limited by Rule 14 of State Regulation No. 15. Having carefully considered all the facts and circumstances herein, I concur in the Hearer's findings and conclusions and adopt his recommendation.

Accordingly, it is, on this 24th day of May 1960,

ORDERED that the action of respondent Municipal Board be and the same is hereby affirmed, and that the appeal be and the same is hereby dismissed.

WILLIAM HOWE DAVIS  
DIRECTOR

5. APPELLATE DECISIONS - VIESPI v. CLIFTON.

THOMAS AND ANGELINE VIESPI, )  
t/a CANARY INN, )  
Appellants, )

AMENDED ORDER

v. )

MUNICIPAL BOARD OF ALCOHOLIC )  
BEVERAGE CONTROL OF THE CITY )  
OF CLIFTON, )  
Respondent. )

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Eigen and Krakauer, Esqs., by Sol Eigen, Esq., Attorneys for Appellants-Petitioners.  
Edward F. Johnson, Esq., by Manfred Triebel, Esq., Attorney for Respondent.

BY THE DIRECTOR:

On May 23, 1960, I entered an order affirming respondent's action and further providing that the fifteen-day suspension was to commence at 3 a.m. Wednesday, June 1, 1960, and to terminate at 3 a.m. Thursday, June 16, 1960; and

It appearing from a letter received from the attorneys for appellants that, prior to entry of said order, appellants had completed arrangements for wedding and engagement parties on their premises on June 11, 12 and 18; and

It appearing that numerous innocent persons would be inconvenienced by the suspension of appellants' license on June 11 and June 12 and that no relief is required as to June 18,

It is, on this 27th day of May 1960,

ORDERED that the fifteen-day suspension heretofore imposed against appellants' license is hereby restored and reinstated to commence as scheduled, at 3 a.m. Wednesday, June 1, 1960, and continue in effect until 3 a.m. Saturday, June 11, 1960; that said suspension shall then be lifted until 3 a.m. Monday, June 13, 1960, at which time the suspension shall be reinstated and continue in effect until 3 a.m. Saturday, June 18, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - CONDUCTING BUSINESS AS A NUISANCE - PRIOR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

V. M. & S., INC. )  
t/a FAMOUS BAR )  
501 Pacific Avenue )  
Atlantic City, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-216, issued by the Board of Commissioners of the City of Atlantic City. )

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

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On December 2, 1959, January 2, 3, 16 and 17, 1960, you allowed, permitted and suffered your licensed place of business to be conducted in such manner as to become a nuisance in that you allowed, permitted and suffered persons who appeared to be homosexuals, viz., females impersonating males, to frequent and congregate in and upon your licensed premises; and otherwise conducted your licensed place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulation No. 20."

ABC agents were at defendant's licensed premises on the late evening hours of December 2, 1959 and the late evening and early morning hours of January 2-3 and January 16-17, 1960. During the course of their first visit, two agents observed at least twelve women, no more than eight of whom were in the premises at one time, who, by their attire, speech, actions and general demeanor, appeared to be lesbians. On the second visit, two ABC agents observed in the premises a total of about six women who appeared to be lesbians. A bartender, in conversation with one of the agents, indicated that he was aware of the presence of such lesbians, who numbered about one-half of the patronage. On their last visit, the same agents who were there on January 2nd observed in the premises a total of about sixteen women who appeared to be lesbians. On this occasion the agents revealed the identity to James McDevitt, the bartender, who verbally admitted that he was aware that lesbians frequented the establishment.

Sylvia Rosner, an officer of the corporate-licensee, appeared on the scene, was informed of the violation and stated that she did not know that lesbians were not permitted to hang out in a tavern.

Counsel for the licensee has submitted a letter urging in alleged mitigation of the offense that the licensee neither seeks nor encourages the patronage of these persons but finds itself in the position where it is almost impossible to refuse to serve patrons of such type for fear of being accused of illegal discrimination, with no warrant or justification for barring them in the absence of specific grounds; that it is a virtual impossibility to cope with the problem.

Insofar as the licensee's claimed inability to prevent this type of patronage, the answer is to be found in the language of Re Bader, Bulletin 1073, Item 4, wherein it was stated:

"In any event it is simple common sense that a licensee is not helpless to rid himself of undesirable patrons; he is master in his own house if he sincerely wishes so to be. This principle has been referred to and publicized in the early days of this Division. Commissioner Burnett, in Re Dorsey, Bulletin 226, Item 11, quoted from the opinion of Judge, afterwards Justice, Fort, in State v. Lynch, 23 N.J.L.J. 45, wherein he said:

'A saloon is not a public place. No one has a right to be or remain therein if the proprietor objects to his being there. Persons there, as in any other place of business, are mere licensees, subject to be ejected at the will of the proprietor.'

"Decisions of this Division to the same effect are Re Rollka, Bulletin 142, Item 4, Re Plaza Hotel-O'Leary, Bulletin 188, Item 9, and Re Griffin, Bulletin 200, Item 7.

"A similar contention that homosexuals cannot be barred from licensed premises has recently been rejected. Re Kaczka & Trobiano, Bulletin 1063, Item 1."

Defendant has a prior adjudicated record. Effective April 30, 1956 the license was suspended for ten days by the local issuing authority for sale to a minor and sale to an intoxicated person. The lesbians who were observed in the premises do not appear to have engaged in any lewd and obscene conduct. There were many patrons present on each visit of the ABC agents who were normal in appearance and there is nothing to indicate that the premises were a haven for lesbians or deliberately designed as a recreational meeting place for them. Under the particular circumstances in the case, including the previous record for a dissimilar violation within the past five years, I shall suspend defendant's license for a period of thirty-five days. Cf. Re Siegel, Bulletin 1293, Item 3. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty days.

Accordingly, it is, on this 25th day of May 1960,

ORDERED that Plenary Retail Consumption License C-216, issued by the Board of Commissioners of the City of Atlantic City to V.M. & S., Inc., t/a Famous Bar, for premises 501 Pacific Avenue, Atlantic City, be and the same is hereby suspended for thirty (30)

days, commencing at 7:00 a.m. Tuesday, May 31, 1960, and terminating at 7:00 a.m., Thursday, June 30, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 20 DAYS.

In the Matter of Disciplinary )  
Proceedings against )

JOHN J. STEFANSKI )  
t/a JACK'S TAVERN )  
506 Washington Avenue )  
South Amboy, N. J. )

CONCLUSIONS )  
AND ORDER )

Holder of Plenary Retail Consumption )  
License C-23, issued by the Common )  
Council of the City of South Amboy. )

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Defendant-licensee, Pro se.

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

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant pleaded not guilty to a charge alleging that on March 12, 1960 he sold, served and delivered alcoholic beverages to a 17-year-old minor, in violation of Rule 1 of State Regulation No. 20.

"When the matter came on for hearing, the Division called as its witnesses Louis ---, his minor companion Richard ---, and an ABC agent who participated in the investigation. John J. Stefanski, the licensee, appeared pro se.

"Louis testified that he is 17 years of age; that at about 7:00 p.m. on March 12, 1960, he and Richard drove to defendant's licensed premises and parked the car across the street therefrom; that Richard gave him \$2 to purchase some wine; that he alone entered defendant's tavern and purchased from the licensee a quart bottle of muscatel wine and a pack of cigarettes; that the licensee, without requiring any written representation of his age, placed the quart of wine in a paper bag and accepted \$1.10 as payment for the wine; that he carried the package to the car and handed it to Richard and that both drove from the vicinity of defendant's premises and consumed the beverage.

"Richard testified that he gave Louis \$2 with which to purchase the wine; that he observed Louis go into the tavern empty-handed and return therefrom carrying a package; that Louis handed him the package which contained a quart bottle of muscatel wine which he and Louis consumed after leaving the vicinity of defendant's premises.

"The ABC agent testified that at 7:15 p.m., Wednesday, March 16, 1960, the two minors directed him and another agent to defendant's tavern; that both minors identified the premises wherein the wine was obtained and Louis identified the licensee as the person who had made the sale; that prior to going to the tavern both minors had described the premises and Louis had described the person who made the sale; that the descriptions corresponded with what he observed; that the licensee, while admitting that he was the only person who tended bar on the date alleged, claimed that he had not made the sale and that

he had never before seen Louis.

"John Stefanski testified that he has a family trade; that on March 12, 1960 he was on duty from 11:00 a.m. to 1:00 or 1:30 a.m. on the following morning; that he sells muscatel wine; that he keeps a book on the premises which those who appear to be under age must sign; that he did not make the alleged sale and that prior to the agent's visit he had never before seen Louis.

"Having carefully considered the evidence herein, I find the testimony of the minors to be straightforward and convincing, and I conclude that the Division has established the guilt of defendant by more than a fair preponderance of the believable evidence.

"Defendant has a prior adjudicated record. Effective November 10, 1952, his license was suspended for three days by the local issuing authority for sale of alcoholic beverages on credit for consumption on the licensed premises, in violation of a local ordinance. Since the aforesaid prior violation is dissimilar to the violation charged herein and occurred more than five years ago, it should not be considered in fixing the penalty in the instant case. I recommend, therefore, that an order be entered finding defendant guilty as charged and suspending his license for a period of twenty days (the minimum penalty for sale to a 17-year-old minor). Re Campbell, Bulletin 1320, Item 10."

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 record herein, including the transcript of the testimony and the Hearer's Report, I concur in the Hearer's findings and conclusion and adopt his recommendation.

Accordingly, it is, on this 25th day of May 1960,

ORDERED that Plenary Retail Consumption License C-23, issued by the Common Council of the City of South Amboy to John J. Stefanski, t/a Jack's Tavern, for premises 506 Washington Avenue, South Amboy, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m., Wednesday, June 1, 1960 and terminating at 2:00 a.m., Tuesday, June 21, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - FAILURE TO HAVE LICENSED PREMISES CLOSED IN VIOLATION OF LOCAL REGULATION - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against AUSTIN CLUB, INC. 212 1/2 - 214 Stuyvesant Avenue Newark 6, N. J. Holder of Plenary Retail Consumption License C-604, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

CONCLUSIONS AND ORDER

Defendant-licensee, by Austin J. Waldron, President Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- 1. On Sunday, May 8, 1960 between 3:27 A.M. and 3:45 A.M., you failed to have your entire licensed premises closed; in violation of Section 3.1(b) of the Revised Ordinances of the City of Newark, New Jersey adopted October 15, 1952 as amended December 5, 1956. 2. On Sunday, May 8, 1960 between 3:33 A.M. and 3:45 A.M., you, through Austin Waldron, president, director and shareholder of your corporation, failed to facilitate and hindered and delayed and caused the hindrance and delay of an investigation, inspection and examination at your licensed premises then and there being conducted by Investigators of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety of the State of New Jersey; in violation of R.S. 33:1-35."

On Sunday, May 8, 1960, at about 3:27 a.m., ABC agents looked through the opened venetian blinds on a door of defendant's premises and observed Austin J. Waldron and another person seated at the bar with glasses and a bottle of beer in front of them. The agents identified themselves by knocking on the door, placing their credentials against the glass panel of the door and by announcing that they were ABC agents. Austin J. Waldron looked through the glass window and said "I won't open the door. I don't care who you are." The agents left, telephoned to the Newark Police Department and then returned to the door of the premises and identified themselves in the same manner. Finally, at 3:45 a.m. Austin J. Waldron, after he had removed the glasses and bottles of beer to another part of the bar, opened the door and admitted the agents. He verbally abused the agents while they were checking the license application and attempting to obtain the name of the other person on the premises.

The local ordinance requires that defendant's premises must be closed on Sundays between 2 a.m. and noon.

Defendant has no prior adjudicated record. I shall suspend defendant's license for fifteen days on Charge 1 (Re Venezia, Bulletin 1277, Item 2) and for fifteen days on Charge 2 (Re Schlosser, Bulletin 1243 Item 4), thus making a total suspension of thirty days.

Five days will be remitted for the plea, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 26th day of May 1960,

ORDERED that Plenary Retail Consumption License C-604, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Austin Club, Inc., for premises 212½ - 214 Stuyvesant Avenue, Newark, be and the same is hereby suspended for twenty-five (25) days, commencing at 2 a.m. Monday, June 6, 1960, and terminating at the expiration of the license at midnight Thursday, June 30, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against CHARLES M. FOX, JR. t/a WHITE HORSE BOWLING ACADEMY Bordentown Rd. & Ruskin Avenue Hamilton Township P.O. Trenton 10, N. J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-8, issued by the Hamilton Township Committee.

Mario H. Volpe, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he sold, served and delivered alcoholic beverages 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 Regulation No. 20.

At 8:45 p.m. Sunday, January 24, 1960, ABC agents who were in defendant's licensed premises observed three U.S. Army servicemen who appeared to be minors consuming alcoholic beverages served to them by Willard Vanhise (one of defendant's bartenders) who required no written representation of their ages. The agents identified themselves to the servicemen and, ascertaining that the trio were Jerry --- (age 18), John --- (age 19) and Larry --- (age 20), seized the remaining portions of the minor's drinks for evidential purposes and obtained a signed, sworn statement from each verifying the aforesaid violation. The bartender orally admitted the sale in the presence of William Thornton (defendant's general manager) who advised him not to give a signed statement.

Defendant and his attorney have submitted letters in which they set forth alleged mitigating circumstances which I have considered. However, I am not persuaded to impose less than the minimum penalty in such cases.

Since defendant has no prior adjudicated record, I shall suspend his license for twenty days, the minimum penalty imposed in cases involving the sale of alcoholic beverages to three minors (the youngest of whom is 18 years of age). Re Knoblauch, Bulletin 1243, Item 6. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 31st day of May 1960,

ORDERED that Plenary Retail Consumption License C-8, issued by the Hamilton Township Committee to Charles M. Fox, Jr., t/a White Horse Bowling Academy, for premises at Bordentown Rd. & Ruskin Avenue, Hamilton Township, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Monday, June 13, 1960, and terminating at 2 a.m. Tuesday, June 23, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

10. STATE LICENSES - NEW APPLICATION FILED.

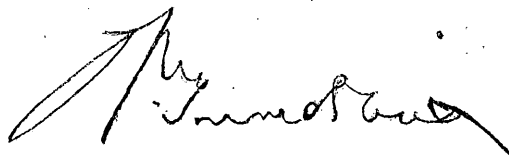
Katharina Lee, Executrix of the Estate of Jacob Lee

North Side of New Jersey Highway No. 130

Mansfield Township

PO RFD #1, Bordentown, New Jersey

Applications filed July 14, 1960 for place-to-place transfer of Limited Winery Licenses VL-3 and VL-16 to include additional space.



William Howe Davis  
Director