

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

Mr. Gossweiler

BULLETIN 1287

July 27, 1959

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New Jersey State Library

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

BULLETIN 1287

July 27, 1959

1. APPELLATE DECISIONS - GROSS v. PATERSON AND PUCSAH, INC.
(APPEAL DISMISSED).

LEON GROSS,)

Appellant,)

v.)

ON APPEAL
ORDER

BOARD OF ALCOHOLIC BEVERAGE)

CONTROL FOR THE CITY OF)

PATERSON, AND PUCSAH, INC.,)

Respondents.)

Saltzman & Rubenstein, Esqs., by J. Mortimer Rubenstein, Esq.,
Attorneys for Appellant.

Harry L. Schoen, Esq., by Adolph Romei, Esq., Attorney for
Respondent Board.

Joseph M. Harrison, Esq., Attorney for Respondent Pucsa, Inc.

BY THE DIRECTOR:

This is an appeal from the action of respondent Board whereby it granted a transfer of License C-35, issued for premises at 38 Bridge Street, Paterson, from Lee-Earl, Inc. to respondent Pucsa, Inc.

The appeal herein was heard on November 5, 1958, and a supplemental hearing was scheduled to be held on April 2, 1959. At the supplemental hearing the attorney representing appellant stated that appellant (president of Lee-Earl, Inc.) and Aaron Hascup (secretary and treasurer of Lee-Earl, Inc. and majority stockholder of Pucsa, Inc.) had adjusted their differences. A stipulation of dismissal, dated June 12, 1959, signed by the attorneys representing all interested parties, has been filed herein. No reason appearing to the contrary,

It is, on this 17th day of June, 1959,

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

WILLIAM HOWE DAVIS
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - CHARGE ALLEGING SALE TO MINORS DISMISSED.

In the Matter of Disciplinary Proceedings against)

KEANSBURG STEAMBOAT COMPANY)
STEAMER CITY OF KEANSBURG)
75 Beachway)
Keansburg, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Transit License M-1, issued by the Director of the Division of Alcoholic Beverage Control.)

Roberts, Pillsbury & Carton, Esqs., by John M. Pillsbury, Esq., Attorneys for Defendant-licensee.
David S. Piltzer, 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 the following charge:

'On August 15, 1958, 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., Robert ---, age 18, Pasquale ---, age 19, Eugene ---, age 19, and Gretchen ---, age 19, and you 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.'

"Four ABC agents (hereinafter designated as Agents M, F, R and O) participated in the investigation which led to the institution of the proceedings herein.

"There has been no reference by the attorney appearing for the Division regarding Robert and Pasquale mentioned in the charge preferred herein and, therefore, the part of the charge with respect to them appears to have been abandoned. Insofar as Gretchen is concerned, she is a non-resident and failed to appear at the hearing. There was no proof presented that might properly establish her age. See State v. Huggins, 83 N.J.L. 43; State v. Koettgen, 89 N.J.L. 678; State v. Girone, 91 N.J.L. 498; Hancock v. Catholic, etc., 69 N.J.L. 309; and State v. Andoloro, 108 N.J.L. 47.

"Eugene --- testified that he was 19 years of age when, on August 15, 1958, he and a female companion boarded the steamship City of Keansburg at South Ferry in New York City; that 'shortly after 10 o'clock' he and his companion went to the bar where he ordered two 'rum collins' which, after service by the bartender, were taken to a booth; that ABC agents came over to the booth, identified themselves, inquired about the ages of him and his friend and then seized the drinks; that the bartender, prior to

...serving the drinks, did not ask for any representation with respect to age.

"Agent M testified that at about 8:15 p.m. on August 15, 1958 Agents F and R and he boarded the steamship City of Keansburg at the Battery in New York City; that at 8:40 p.m. the boat set sail for Keansburg; that at 10:10 p.m. he observed Eugene and a girl companion come to the bar and then saw them being served drinks by the bartender (subsequently identified as Steve Toth); that after each took a sip of their respective drinks, they proceeded to a booth which Eugene left for awhile and went to the fruit counter and, upon his return at 10:14 p.m., each took another sip of their respective drinks; that he (Agent M) and Agent R went to the booth, identified themselves to Eugene and to his companion and, after ascertaining their ages, seized both drinks; that at 10:25 p.m., the boat docked at the Keansburg pier. Agent M's testimony in response to questions asked by the attorney concerning the whereabouts of the boat at the time of the alleged violation was: 'I assume it was in Jersey waters. From the distance from the shore, the lights, I truthfully thought I was in Jersey waters', and, when pressed as to whether he was positive of the fact, he answered, 'Positively, I don't know.' On re-direct examination, when Agent M was asked by the attorney appearing for the Division what he meant when he said he couldn't positively state the position of the boat, he answered: 'I couldn't exactly pin point that right down to a "T", no. From my observation of the landmarks I thought that I was in New Jersey waters.'

"Agent F testified that between 10:10 and 10:12 p.m. he observed the bartender (Toth) serve Eugene and his female companion; that the couple raised the containers to their lips and proceeded to a booth; that Eugene proceeded to a small sandwich counter and, upon his return, both he and the girl took a second sip from the cups; that the agents identified themselves and seized the drinks; that when Toth was called over to the booth, he admitted serving the two persons in question.

"A chemical analysis of the seized drinks made by the Division chemist disclosed that each contained rum, carbonated water and lemon flavor.

"It was stipulated by the attorneys for the parties hereto that Agent R, who was called to testify on behalf of the Division, would, if he were questioned, substantiate the testimony of Agent F.

"Agent O testified that he drove the other agents to the Battery in New York on the night of August 15, 1958 and then proceeded by automobile to Keansburg; that he was on the pier in Keansburg when the boat docked at 'exactly 10:25'.

"Paul Foulks, captain of the steamboat City of Keansburg, testified that he has operated boats between New York and Keansburg for thirty years; that on the night in question he was not aware of the alleged violation until the boat reached the Keansburg dock; that when testifying as to time, he stated he would have to refer to the ship's log for such information; that at 8:38 p.m. on August 15, 1958 the City of Keansburg left the Battery in New York City and arrived in Keansburg at 10:30 p.m.; that on the trip in question he estimated the boat was travelling 8 knots; that the distance between the Battery and the Keansburg dock is 17.3 nautical miles; that the distance between buoy 14 and buoy 3 is 1.1 miles and between buoy 3 and the Keansburg dock is 1.2 miles; that at 10:00 p.m. the boat was between Old Orchard and buoy 14,

which is entirely in New York waters; that it takes 18 minutes from the time the boat leaves the dividing lines between New York and New Jersey to reach the Keansburg pier. The captain emphasized the fact that the time schedules about which he testified had application to an ordinary or average run from the Battery to Keansburg and that he had no reason to record any particular data to be used in the instant case. Furthermore, Captain Foulks testified that the time consumed between the Battery and Keansburg depends on existing weather conditions and tides and, on this particular trip, a north wind was blowing and there was ebb tide.

"Each of the parties hereto offered in evidence identical maps (marked as exhibits herein) printed by the Coast and Geodetic Survey of the United States Department of Commerce (New York Harbor, C. & G.S. No. 369, revised April 21, 1958), which maps were marked by the respective parties to indicate the boundary line between the two states. The dividing line passed between buoy 14 and buoy 3. In State v. Carlaftes, 24 N.J. 451 on page 463, the Supreme Court of New Jersey (1957) ruled that each state enjoys total sovereignty to said boundary line. Thus, if the boat were in New Jersey waters at the time of the alleged violation, its law regarding sales of alcoholic beverages to a 19-year-old minor must prevail.

"It appears from the testimony presented herein that neither the agents nor the captain could, with any degree of accuracy, (which is understandable) state where the boat was at the time the alleged violation took place. Therefore, the only way which the position of the boat can be established is by considering the testimony of the agent and also that of the captain with reference to the time element. Considering first Agent M's testimony that the boat left the Battery at 8:40 p.m. and reached the dock at Keansburg at 10:25 p.m., the trip took 1 hour and 45 minutes. On the other hand, the ship's log indicated that the boat left the Battery at 8:38 p.m. and reached its destination at Keansburg at 10:30 p.m., thus consuming 1 hour and 52 minutes during the course of the trip. Captain Foulks testified that it takes 18 minutes from the dividing lines between the waters of New York and New Jersey to reach the Keansburg dock. It appears that service of the drinks of alcoholic beverages were made to Eugene and his companion at about 10:12 p.m. and at 10:14 p.m. each had taken a sip thereof when apprehended by the agents. Thus, accepting the captain's testimony that it takes 18 minutes from the division lines between the two states to reach Keansburg, the boat would have entered Jersey waters at 10:12 p.m. Even though the position of of the boat insofar as the waters was concerned may be disregarded when the service of the alcoholic beverages was made to Eugene and his friend, there is no doubt that when they took a sip of the drink at 10:14 the boat was in New Jersey waters. I might also add that, if we consider the agents' testimony that the boat docked at 10:25, which I shall accept as more accurate than the ship's log, there is not a question of a doubt that the boat was in Jersey waters. I am therefore satisfied from a mathematical calculation of the time involved when the boat left the division line between the states that Eugene was served and permitted to consume alcoholic beverages while the boat was in New Jersey waters, in violation of the Alcoholic Beverage Law and the rules and regulations of the Division of Alcoholic Beverage Control.

"I, therefore, recommend that defendant be adjudged guilty of permitting consumption of alcoholic beverages by Eugene, a minor. Insofar as Robert, Pasquale and Gretchen are concerned, I recommend that so much of the charge pertaining to them be dismissed.

"Defendant has no prior adjudicated record. Therefore, I further recommend that the defendant's license be suspended for the minimum period of fifteen days for sale of alcoholic beverages to a 19-year-old minor. Re Domitrovitz, Bulletin 1268, Item 6."

Written exceptions to the Hearer's Report and written argument in substantiation thereof were filed with me by the attorneys for defendant, pursuant to Rule 6 of State Regulation No. 16. Written answering argument was filed by the attorney appearing for the Division. After considering the written arguments, I decided to hear oral argument by the respective attorneys and, pursuant thereto, the matter was argued orally before me on May 27, 1959.

The case herein presents a novel situation because the laws of the State of New York and of New Jersey are involved. In New York, it is legal for an 18-year-old minor to purchase and consume alcoholic beverages on licensed premises, whereas in New Jersey the minimum age is 21 years. Therefore, in the present case it is necessary to determine from the evidence adduced herein whether sale of alcoholic beverages to the minor in question and consumption thereof took place when the boat was in New York waters or if the sale of the alcoholic beverages was made when the boat was in New York waters but the minor was permitted to consume said beverages after the boat entered New Jersey waters. The time element, as discussed by the Hearer, appears to be the determining factor in this case. On the one hand the ship's log, as well as the testimony of the captain, places the boat in New York waters when the alcoholic beverages were purchased and consumed. On the other hand, the agents placed the boat in New Jersey waters at the time. Since conditions of wind and tide affect the progress of a boat, and since only a few minutes of time were involved, the question of fact is a very close one which is difficult of determination.

In disciplinary proceedings a preponderance of the evidence is necessary to support and justify a finding of guilt; and, in fairness, doubtful questions of fact must be resolved in a defendant's favor. My careful examination of the entire record herein constrains me to find that the Division has failed to sustain the burden of proving guilt by a preponderance of the evidence. Therefore, I find the defendant not guilty and the charge will be dismissed.

Accordingly, it is, on this 8th day of June 1959,

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

WILLIAM HOWE DAVIS
DIRECTOR

3. STATE BEVERAGE DISTRIBUTOR'S LICENSE - OBJECTIONS TO ISSUANCE HELD TO BE WITHOUT MERIT.

In the Matter of Objections to)
the Issuance of a State Beverage)
Distributor's License to)

CONCLUSIONS

S & M DISTRIBUTING COMPANY)
401 North Massachusetts Avenue)
Atlantic City, New Jersey)

Thomas W. Rauffenbart, Esq., Attorney for Applicant.
Leo J. Berg, Esq., Attorney for State Beverage Distributors' Association, an Objector.
North Side Beveragemen's Association, an Objector, by Louis Satinover, President.
Atlantic-Cape May County Liquor Stores Association, an Objector, by N. Harry Goodelman, Secretary.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Written objections to the granting of the application having been filed, a hearing was duly held thereon.

"The objections allege that there is no need for an additional SBD license in that area because the area is amply served by existing licensees.

"The amended application filed herein discloses that the applicant was incorporated on December 1, 1958, and that 94% of the stock of said corporation is owned by Abraham A. Shanis and Reba Shanis, his wife. At the hearing herein Abraham A. Shanis testified that he is President of the corporation and that he has a commitment from the President of Camden County Beverage Company for the distribution of its beer in that area of the State if the license is obtained. Stanley Meehan testified that he is a special representative of Camden County Beverage Company and that part of his district is Atlantic County. He testified that he gets orders for Camden beer from various hotels and other licensed places in Atlantic City; that Vineland, located about forty miles from Atlantic City, is the closest place from which he can now obtain deliveries and that none of the twelve distributors in that area now handles Camden beer. Charles A. Bodine, President of Camden County Beverage Company, testified that his beer was formerly handled by a distributor in Atlantic County but that the former distributor was recently in financial difficulties and that his company has done no business with said distributor since August 1958. He further testified that he would not want any of the other distributors in that area to handle Camden beer because they have too many brands of beer and that he is willing to grant the distributorship to applicant corporation because 'I think the man will go out and try to sell beer.'

"Louis Satinover and N. Harry Goodelman, representatives of associations of retail licensees, testified that, in their respective opinions, there is no need for an additional license in the area. The former distributor testified that he is willing to continue to handle Camden beer and that, in his opinion, there is no need for the issuance of another SBD license in that area. Sixteen other persons who hold limited wholesale or SBD licenses or who represent corporations holding such licenses were present at the hearing and it was stipulated that, if

called, they would testify that there is no need or necessity for the issuance of the license in question. Only four of the sixteen persons are interested in licensed businesses conducted in or near Atlantic City.

"After considering all the testimony, I conclude that the objections of those who oppose the issuance of the license are not of sufficient weight to warrant a denial of the application, and that a sufficient need for an additional license to distribute Camden beer in the area has been established. However, there are a large number of retail licensees in Atlantic City. Under all the circumstances, I recommend that the application be granted subject, however, to the condition that no deliveries of alcoholic beverages to consumers shall be made on the licensed premises. Re Honchar, Bulletin 1215, Item 10; Re Phillips Distributing Company, Inc., Bulletin 1229, Item 4."

Written exceptions to the Hearer's Report and written argument thereto were filed by attorneys representing the objectors and answering argument was filed by the attorney for applicant. After carefully considering the testimony, the Hearer's Report, exceptions and written argument, I agree with the conclusions of the Hearer and adopt them as my conclusions herein. I shall grant the application for the license, subject to the condition that no deliveries of alcoholic beverages to consumers shall be made on the licensed premises.

WILLIAM HOWE DAVIS
DIRECTOR

Dated: June 3, 1959.

4. SEIZURE - FORFEITURE PROCEEDINGS - INTERSTATE TRANSPORTATION OF TAX-PAID ALCOHOLIC BEVERAGES - MOTOR VEHICLE AND ALCOHOLIC BEVERAGES RETURNED TO UNWITTING VIOLATOR UPON APPLICATION IN ADVANCE OF STATUTORY HEARING AFTER OBTAINING REQUISITE PERMITS FROM STATE OF DESTINATION.

In the Matter of the Seizure)	Case No. 9982
on May 21, 1959 of a quantity)	
of taxpaid alcoholic beverages)	APPLICATION FOR RETURN OF
and a Buick sedan on the New)	SEIZED PROPERTY IN ADVANCE
Jersey Turnpike in the Township)	OF STATUTORY HEARING
of Woolwich, County of Gloucester)	
and State of New Jersey.)	CONCLUSIONS AND ORDER

Armond D. Goldstein, Pro se.
I. Edward Amada, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Application has been made pursuant to Rule 1 of State Regulation No. 28, for the return of property seized in the case in advance of statutory hearing which has been scheduled for June 24, 1959.

The application is in the form of a verified petition. It appears therefrom and from documents in the file that on May 21, 1959 a New Jersey State trooper took into custody on the New Jersey Turnpike in Woolwich, New Jersey five cases and seven bottles of taxpaid whiskey and a Buick sedan operated by its owner, Armond D. Goldstein, pending determination of the source and destination of such whiskey. Thereafter the motor vehicle and alcoholic beverages were turned over to ABC agents.

It appears that Armond D. Goldstein purchased the whiskey from a retail licensee in Washington, D.C. and had in his possession an invoice for all of the alcoholic beverages but that such invoice was defective in that the name and address of the consignee did not appear thereon as required by Rule 2 of State Regulation No. 18 governing the transportation of alcoholic beverages through this state for delivery in another state. Armond D. Goldstein, when apprehended, did not present any evidence to establish that he could legally import the whiskey into New York State. This is an integral part of the above mentioned rule.

It appears that Armond D. Goldstein is now, and has, for some time past, been an employee of the New York Times. He is single, insofar as appears, of good repute and of some financial means; that he purchased the whiskey for the use of himself and friends at social card games held at his home. Nevertheless, under the laws of New York such importation may only be made pursuant to a permit. Bulletin 1204, Item 8. Since Goldstein did not have any such permit transportation in this state was unlawful and subject to criminal prosecution.

Armond D. Goldstein has since obtained and now presents a permit issued by the New York State Liquor Authority authorizing the importation into that state of the alcoholic beverages listed herein in Schedule "A" attached hereto, and has also presented a receipt for New York State Tax on such liquor issued by the Commodities Tax Bureau of the New York State Department of Taxation and Finance. Hence, the transportation and delivery of the alcoholic beverages in question is now in full compliance with the laws of the State of New York. The defect in his bill insofar as seizure proceedings are concerned will therefore be considered as having been committed in good faith and in unknowing violation of the law. No opinion is expressed as to whether such permit obtained after the event affect the criminal proceedings which are within the sole jurisdiction of the Prosecutor of the County.

Accordingly, it is DETERMINED and ORDERED that if on or before the 12th day of June, 1959, Armond D. Goldstein pays the costs incurred in the seizure and storage of the motor vehicle and alcoholic beverages as listed in the aforesaid Schedule "A", such motor vehicle and alcoholic beverages will be returned to him.

Dated: June 9, 1959

WILLIAM HOWE DAVIS
DIRECTOR

SCHEDULE "A"

- 55 - four-fifth quart bottles of various brands of alcoholic beverages
- 24 - pint bottles of various brands of alcoholic beverages
- 1 - Buick sedan, Serial No. 6B3005150, Engine No. U7468576, New York Registration 7K9407

5. DISCIPLINARY PROCEEDINGS - GAMBLING - AGGRAVATED CIRCUMSTANCES - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JOSEPH DEBONIS)
t/a DEBONIS BAR & GRILL)
153-155 Remsen Avenue)
New Brunswick, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-14, issued by the Board of Commissioners of the City of New Brunswick.)

Messina and Arico, Esqs., by Anthony N. Arico, Esq., Attorneys for Defendant-licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant entered a plea of non vult to the following charge:

"On April 17, 24, 28, 29, 30 and May 2, 1959, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of horse race bets on April 17, 28, 29, 30 and May 2, 1959 and the playing of a pool game for stakes of money and/or valuable thing on April 17, 24 and 30, 1959; in violation of Rule 7 of State Regulation No. 20."

On each of the dates alleged in the charge, an ABC agent visited the defendant's licensed premises wherein he observed the activities of two individuals known as "Smokey" and "Poopy", later identified as Carl Recine and Anthony Melita. On the first visit the agent placed a horse race bet with "Smokey" and also played five games of pool for small money stakes and drinks with four patrons of the establishment. As the agent was about to leave, he told the licensee herein of the bet he had placed and asked if "Smokey" was good for the money. The licensee replied, "You don't have to worry about him, he'll pay if you win." On each of the succeeding dates, the agent placed horse race bets with "Poopy" and on the last visit he explained to "Smokey" that the reason he placed his bets with "Poopy" was because he had money coming from him. "It don't make any difference", said "Smokey", "We work together on the bets, just make sure you don't give bets to anyone else in here." On the last visit the agent paid "Poopy" with marked currency and, as prearranged, prosecutor's detectives and another ABC agent entered the premises, identified themselves, took "Smokey" and "Poopy" to the rear of the premises and had them empty their pockets, the contents of which disclosed the agent's betting slip and the marked currency. When the agent visited the premises on April 24 and 30, he played pool for small stakes or drinks with various patrons.

When the licensee was informed of the violations, he refused to give a signed statement. However, he verbally admitted that he had told the agent that "Smokey" would make good on the bet

placed by the agent and that patrons play pool for drinks and cigars. He further stated that he, himself, does not accept horse race bets and that he can't help it if bets are made on his premises or in the parking lot.

Defendant has no prior adjudicated record. Since neither he nor his agents actively participated in the gambling activities, I shall suspend his license for the minimum period of twenty days, to which five days will be added because of the different types of gambling permitted in and upon the licensed premises, 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. Re Turse, Bulletin 1260, Item 9.

Accordingly, it is, on this 10th day of June 1959,

ORDERED that Plenary Retail Consumption License C-14, issued by the Board of Commissioners of the City of New Brunswick to Joseph DeBonis, t/a DeBonis Bar & Grill, for premises 153-155 Remsen Avenue, New Brunswick, be and the same is hereby suspended for the balance of its term, effective at 2:00 a.m., Tuesday, June 16, 1959; and it is further

ORDERED that any renewal for the 1959-60 licensing year or transfer of said license shall be and remain under suspension until 2:00 a.m., Monday, July 6, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - GAMBLING - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

JOSEPH REPAC AND MILDRED REPAC
t/a J & S TAVERN
97-99 Lang Street
Newark 5, N. J.

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-407, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

Defendant-licensees, by Joseph Repac, Partner.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to the following charge:

"On May 22 and 23, 1959 and on divers days prior thereto, including April 8, 15, 16 and 22, 1959, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the playing of a pool game for stakes of money; in violation of Rule 7 of State Regulation No. 20."

The file discloses that ABC agents visited defendants' premises on the evenings of April 8, 1959, April 15, 1959, April 22, 1959, April 29, 1959 and May 22, 1959. On the second

of each item of the alcoholic beverages being so delivered and transported; in violation of Rule 3 of State Regulation No. 17.

"2. On May 1, 1959, you transported alcoholic beverages in a vehicle having no transit insignia affixed thereto or inscription painted thereon, as provided by Rule 12 of State Regulation No. 17; in violation of Rule 2 of State Regulation No. 17."

On May 1, 1959 a New Jersey State Trooper halted a Chevrolet truck during his routine patrol of traffic in South Port Norris, Cumberland County, New Jersey. The trooper ascertained that the truck was being operated by Carl Holland, who was transporting a quantity of tax paid alcoholic beverages without a license or permit or any insignia affixed to or inscription painted on the truck authorizing such transportation. Further inquiry developed that the defendant licensees were the owners of the truck and that a transportation insignia for the truck was in the glove compartment thereof. It is claimed that the insignia had not been affixed because the owners were about to have the truck painted.

ABC agents were notified of this incident and, upon checking invoices and manifests in Holland's possession, discovered that these documents were without names or addresses as required by Rule 3 of State Regulation No. 17. Holland directed the agents to the ostensible consignee of the alcoholic beverages, but the latter denied that he had ordered such beverages.

Defendants have no prior adjudicated record. I shall suspend their license for fifteen days. Re Bowne, Bulletin 1210, Item 7. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 3rd day of June, 1959,

ORDERED that Plenary Retail Distribution License D-1, issued by the Township Committee of Deerfield Township to Joseph Carlino, Jr. and Anthony Zitto, t/a Tri-City Liquor Store, for premises Southside of Irving Avenue, Carmel, Deerfield Township, be and the same is hereby suspended for ten (10) days, commencing at 9:00 a.m., Monday, June 15, 1959, and terminating at 9:00 a.m., Thursday, June 25, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - EFFECTIVE DATES FIXED FOR SUSPENSION PREVIOUSLY IMPOSED UPON RESUMPTION OF BUSINESS.

In the Matter of Disciplinary Proceedings against)
)
 CORK'N BOTTLE, INC.)
 t/a CORK'N BOTTLE, INC.)
 S.E. Cor. Admiral Wilson Blvd. &)
 Rosemont Avenue)
 Pennsauken Township)
 PO Camden, N. J.)

Holder of Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Pennsauken, and transferred during the pendency of these proceedings to)

ORDER

W. LESLIE ROGERS)
 t/a SPORTLAND RESTAURANT)
 N/S Route 38 & South Side of)
 Drexel Avenue)
 Pennsauken Township, N. J.)

 Hermann, Melnik & Lowengrub, Esqs., by Albert B. Melnik, Esq.,
 Attorneys for Defendant-licensee.
 Frank M. Lario, Esq., Attorney for W. Leslie Rogers.

BY THE DIRECTOR:

By order dated May 28, 1958, I suspended defendant's license for forty-five days. Because defendant was not conducting business at that time, the order provided that the effective dates for said suspension would be fixed by subsequent order after the licensed premises shall have reopened for business. See Bulletin 1232, Item 3. It appears that the license for the 1958-59 licensing year was renewed in the name of Cork'n Bottle, Inc., and that on October 14, 1958, the Township Committee granted a transfer of said license to W. Leslie Rogers, t/a Sportland Restaurant, and to N/S Route 38 & South Side of Drexel Avenue, subject to completion of a building to be constructed at said premises and that the transfer became effective on January 13, 1959. Recent investigation of the premises discloses that business is being conducted at the premises to which the license was transferred.

Accordingly, it is, on this 11th day of June, 1959,

ORDERED that the forty-five-day suspension heretofore imposed on License C-3, issued by the Township Committee of the Township of Pennsauken, shall commence at 2 a.m. Monday, June 22, 1959, and remain in effect until the expiration of said license at Midnight June 30; and it is further

ORDERED that any renewal or transfer of said license shall be and remain under suspension until 2 a.m. Thursday, August 6, 1959.

WILLIAM HOWE DAVIS
 DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

HUGH J. MURTAGH)
t/a MURTAGH'S TAVERN)
508-510 Bergen Avenue)
Jersey City, New Jersey)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-13, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

Hugh J. Murtagh, Defendant-licensee, Pro se.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to a charge alleging that he sold, served and delivered alcoholic beverages to a minor and permitted the consumption of such beverages by the minor in and upon his licensed premises, in violation of Rule 1 of State Regulation No. 20.

On the evening of Saturday, May 16, 1959, ABC agents at defendant's licensed premises observed a bartender, later identified as George Wolf, serve James ---, age 20, a glass of beer after James displayed something from his wallet to Wolf. James was then joined by another patron, who ordered and was served with beer for himself and James on two occasions. After James had partly consumed his third glass of beer, the agents revealed their identity to the bartender and the minor. Thereupon, the minor displayed his draft card which gave his date of birth as December 19, 1938. The bartender then stated that this card was the item James had displayed to him when he first entered, and that he had made a mistake in checking it (in calculating James' age therefrom).

Defendant has no prior adjudicated record. I shall suspend the defendant's license for the minimum period of ten days. Re Guinness, Bulletin 1270, Item 10. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 8th day of June, 1959,

ORDERED that Plenary Retail Consumption License C-13, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Hugh J. Murtagh, t/a Murtagh's Tavern, for premises 508-510 Bergen Avenue, Jersey City, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m., Monday, June 15, 1959, and terminating at 2:00 a.m., Saturday June 20, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

10. 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)

CATHERINE BOCZAR)
t/a SHADY GROVE TAVERN)
70 Jabez Street)
Newark 5, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-776, issued by the Municipal)
Board of Alcoholic Beverage Control)
of the City of Newark.)

Walter A. Beers, 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 she
possessed on her licensed premises alcoholic beverages in bottles
bearing labels which did not truly describe their contents, in
violation of Rule 27 of State Regulation No. 20.

On May 11, 1959 an ABC agent tested the licensee's open
stock of 28 bottles of alcoholic beverages and seized one bottle,
the contents of which appeared to be over in proof, and another
bottle, the contents of which appeared to be off in color. Sub-
sequent analysis by the Division chemist confirmed the fact that
the contents of the one bottle was over-proof and the contents of
the other bottle was higher in solids and too dark in color, when
compared with samples of the genuine product of the labeled brands.

Defendant has a prior adjudicated record. Effective January
23, 1956 her license was suspended by the local issuing authority
for ten days for an "hours" violation, and effective February 27,
1956 her license was suspended by the local issuing authority for
fifteen days for sale to minors. I shall suspend defendant's
license for the minimum period of fifteen days where two bottles
are involved (Re Hittner & Hodes, Bulletin 1278, Item 5), to
which will be added five days because of the two dissimilar viola-
tions within the past five years (Re Club Windsor, Inc., Bulletin
1269, Item 1), thus 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 15th day of June 1959,

ORDERED that Plenary Retail Consumption License C-776,
issued by the Municipal Board of Alcoholic Beverage Control of
the City of Newark to Catherine Boczar, t/a Shady Grove Tavern,
for premises 70 Jabez Street, Newark, be and the same is hereby
suspended for the balance of its term, effective at 2:00 a.m.,
Monday, June 22, 1959; and it is further

ORDERED that any renewal for the 1959-60 licensing year
or transfer of said license shall be and remain under suspension
until 2:00 a.m., Tuesday, July 7, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED -
LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
RIVERVIEW (A CORP.)
26 Peace Street
New Brunswick, N. J.
Holder of Plenary Retail Consumption License C-54, issued by the Board of Commissioners of the City of New Brunswick.

CONCLUSIONS
AND ORDER

Defendant-licensee, by Walter Ulecki, President.
William F. Wood, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that it possessed on its licensed premises an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

On April 17, 1959, an ABC agent tested the licensee's open bottles of alcoholic beverages (47 bottles) and seized three of such bottles because they appeared to be off in proof and color. Subsequent analysis by the Division's chemist disclosed that the contents of one of said bottles, when compared with the sample of the genuine product of the labeled brand, are low in proof and high in solids.

Defendant has no prior adjudicated record. I shall suspend defendant's license for ten days. Re Rossetti, Bulletin 1258, Item 7. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 8th day of June 1959,

ORDERED that Plenary Retail Consumption License C-54, issued by the Board of Commissioners of the City of New Brunswick to Riverview (A Corp.), for premises 26 Peace Street, New Brunswick, be and the same is hereby suspended for five (5) days, commencing at 2 a.m., Monday, June 15, 1959 and terminating at 2 a.m., Saturday, June 20, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

12. STATE LICENSES - NEW APPLICATIONS FILED.

M. Sinisi & Sons, Inc.
251 Montgomery Street
Bloomfield, N. J.

Application filed July 20, 1959 for person-to-person, place-to-place transfer of State Beverage Distributor's license SBD-152 from Beer Depot, Inc., 193 East 21st Street, Bayonne, N. J.

Julius Santucci, t/a Liberty Bell Beverages
101 Mill Street, Paterson, N. J.

Application filed July 22, 1959 for person-to-person, place-to-place transfer of State Beverage Distributor's license SBD-119 from Alexander T. Lasnick, 165 Central Ave., Rochelle Park, N. J.


WILLIAM HOWE DAVIS
DIRECTOR