

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

BULLETIN 827

JANUARY 4, 1949.

TABLE OF CONTENTS

- ITEM
1. DISCIPLINARY PROCEEDINGS (Lodi) - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS IN VIOLATION OF MUNICIPAL REGULATIONS - PERMITTING BRAWL AND DISTURBANCE - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
 2. DISCIPLINARY PROCEEDINGS (Union City) - FALSE ANSWER IN APPLICATION FOR LICENSE CONCEALING MATERIAL FACT (NON-RESIDENCE OF HOLDER OF MORE THAN 10% OF CORPORATE STOCK) - ILLEGAL SITUATION CORRECTED - LICENSE SUSPENDED FOR 10 DAYS.
 3. DISCIPLINARY PROCEEDINGS (Newark - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
 4. DISCIPLINARY PROCEEDINGS (Bayonne) - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
 5. DISCIPLINARY PROCEEDINGS (Camden) - SALE TO WOMEN OVER BAR IN VIOLATION OF LOCAL ORDINANCE - "DIRECTLY OVER ANY BAR" CONSTRUED - LICENSE SUSPENDED FOR 5 DAYS.
 6. DISCIPLINARY PROCEEDINGS (Hoboken) - FALSE STATEMENT IN LICENSE APPLICATION CONCEALING MATERIAL FACT (ONE PARTNER CONVICTED OF CRIME INVOLVING MORAL TURPITUDE) - LICENSE SUSPENDED FOR BALANCE OF TERM WITH PERMISSION TO APPLY FOR LIFTING AFTER 90 DAYS UPON CORRECTION OF ILLEGAL SITUATION - CANCELLATION PROCEEDINGS DISCONTINUED.
 7. DISCIPLINARY PROCEEDINGS (Cliffside Park) - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
 8. DISCIPLINARY PROCEEDINGS (Newark) - PERMITTING PATRON TO USE OBSCENE LANGUAGE AND ACT IN AN INDECENT MANNER - SALE OF ALCOHOLIC BEVERAGES TO INTOXICATED PERSONS - NUISANCE - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
 9. DISCIPLINARY PROCEEDINGS (Linden) - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
 10. DISCIPLINARY PROCEEDINGS (Union City) - ILLICIT LIQUOR - DISSIMILAR VIOLATION COMMITTED MORE THAN FIVE YEARS AGO - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
 11. DISCIPLINARY PROCEEDINGS (Ridgefield Park) - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
 12. DISCIPLINARY PROCEEDINGS (Clinton Township) - FALSE STATEMENT IN LICENSE APPLICATION CONCEALING MATERIAL FACT - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF LICENSE - ILLEGAL SITUATION CORRECTED - LICENSE SUSPENDED FOR 20 DAYS.
 13. DISCIPLINARY PROCEEDINGS (Newark) - ILLICIT LIQUOR - PRIOR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
 14. DISCIPLINARY PROCEEDINGS (Dunellen) - CLUB LICENSEE - SALE TO NON-MEMBERS - HEREIN OF "MEMBERSHIP CARDS" - SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
 15. STATE LICENSES - NEW APPLICATIONS FILED.

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

BULLETIN 827

JANUARY 4, 1949.

1. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS IN VIOLATION OF MUNICIPAL REGULATIONS - PERMITTING BRAWL AND DISTURBANCE - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

CHI-CHI CLUB, INC.)

T/a CHI-CHI CLUB)

478-480 N. Main Street)

Lodi, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-13, issued by the)
Mayor and Council of the Borough)
of Lodi.)

Chi-Chi Club, Inc., Defendant-licensee, by Anthony Capaci, Pres.
Edward F. Ambrose, Esq., appearing for Department of Alcoholic
Beverage Control.

BY THE COMMISSIONER:

The defendant pleads non vult to a charge alleging (1) it sold, served and delivered alcoholic beverages during prohibited hours on Sunday, November 7, 1948, in violation of Section 2 of a municipal ordinance, and (2) on Sunday, November 7, 1948, it allowed, permitted and suffered a disturbance and brawl in and upon its licensed premises, in violation of Rule 5 of State Regulations No. 20.

The file in the instant case discloses that defendant sold and served alcoholic beverages to ABC agents on Sunday, November 7, 1948, at 4:20 a.m. The closing hour provided by Section 2 of an ordinance adopted by the Mayor and Council of the Borough of Lodi on September 27, 1948, prohibits such conduct between the hours of 4:00 a.m. and noon on Sunday.

Anthony Capaci, President of defendant corporate licensee, and manager of the establishment, became involved in a brawl with a man shortly after 4:00 a.m. on Sunday, November 7, 1948. During the altercation the man in question sustained a severe laceration on the face.

Defendant has no previous adjudicated record. I shall suspend defendant's license fifteen days on charge (1) (Re Nixon, Bulletin 813, Item 7), and fifteen days on charge (2) (Re Teevan et al., Bulletin 676, Item 11), making a total of thirty days. Five days will be remitted for the plea, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 23rd day of December, 1948,

ORDERED that Plenary Retail Consumption License C-13, issued by the Mayor and Council of the Borough of Lodi to Chi-Chi Club, Inc., t/a Chi-Chi Club, for premises 478-480 N. Main Street, Lodi, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 6:00 a.m. January 3, 1949, and terminating at 6:00 a.m. January 28, 1949.

ERWIN B. HOCK
Commissioner.

2. DISCIPLINARY PROCEEDINGS - FALSE ANSWER IN APPLICATION FOR LICENSE CONCEALING MATERIAL FACT (NON-RESIDENCE OF HOLDER OF MORE THAN 10% OF CORPORATE STOCK) - ILLEGAL SITUATION CORRECTED - LICENSE SUSPENDED FOR 10 DAYS.

In the Matter of Disciplinary Proceedings against)

BUSTER'S, INC.)

4723 Bergenline Avenue)

Union City, N. J.,)

Holder of Plenary Retail Consumption License C-11, issued by the Board of Commissioners of the City of Union City, and transferred during the pendency of these proceedings to)

HERB'S TAVERN, INC.)

for the same premises.)

CONCLUSIONS
AND ORDER

Samuel L. Marcus, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The defendant pleaded not guilty to a charge alleging that, in its license application dated November 3, 1947, it falsely stated the residence of Peter J. Knoth as 512 - 56th Street, Union City, N. J., whereas in truth and fact his residence at such time was 765 Amsterdam Avenue, New York City.

Peter J. Knoth was the president of the defendant corporation and holder of half of its corporate stock. In a written statement given to an ABC agent on January 7, 1948, he claimed to have moved from New York City to Union City on March 5, 1947. His alleged Union City residence consisted of one small room, about 12 feet square, in a boarding house. This room contained a single bed and a three-quarter size bed. In addition to Mr. Knoth, the room was occupied by Arthur Mantel, who was also a half owner of the stock of the corporate defendant, and the latter's brother.

An ABC agent investigated the premises at 765 Amsterdam Avenue, New York City, on four separate occasions in February 1948. It is admitted that Mr. Knoth's wife resides at this address, where she occupies an apartment consisting of four rooms and bath. On February 4, 1948, the ABC agent found Mr. Knoth's car parked opposite this address at about 3:30 p.m. About a half-hour later Mr. Knoth got in the car and drove away. On February 6, 1948, at about 9:00 a.m., the agent observed Mr. Knoth's car parked in the same vicinity and kept it under observation until 11:15 a.m., when Mr. Knoth came out of the building at 765 Amsterdam Avenue, entered his car and drove away. On February 7, 1948 the agent noticed Mr. Knoth's car parked there from 8:00 a.m. to 12:15 p.m. On February 9, 1948 the agent arrived there at 8:00 a.m. and found Mr. Knoth's car parked across the street from 765 Amsterdam Avenue. At 11:45 a.m., Mr. Knoth came out of the building and approached his car. The agent then engaged Mr. Knoth in conversation and inquired of him what he was doing there. Mr. Knoth first claimed to have just arrived there but, when told by the agent that he had had his car under observation for almost four hours that morning, Mr. Knoth changed his story and said his wife had called him at 2:00 a.m. at the licensed premises in Union City and told him she was in urgent need of funds.

The gas, electric and telephone utilities for the New York address are in the name of Mr. Knoth. In October 1947, Mr. Knoth registered

for voting purposes from that address and, on November 4, 1947, he actually voted in New York despite the fact that he had sworn in the license application, dated November 3, 1947, that he was a New Jersey resident. His explanation for so doing was that he is "civic-minded", although it was not a national election and he admitted that he was not "interested in any particular candidate". His New York driver's and owner's licenses were not changed until December 1947.

Further detail of the evidence is unnecessary. Suffice it to say that I find that the record makes it abundantly clear that Peter J. Knoth, at the time of the submission of the defendant's application for license to the local issuing authority, was not a bona fide resident of the State of New Jersey and that the defendant is, therefore, guilty as charged. See R. S. 33:1-25.

Since the institution of these proceedings, the license has been transferred to Herb's Tavern, Inc. and, so far as appears from the present record, the prior unlawful situation has been corrected. Under the circumstances, I shall suspend the license for a period of ten days. Cf. Re Keane & Prendergast, Bulletin 816, Item 1.

Accordingly, it is, on this 27th day of December, 1948,

ORDERED that Plenary Retail Consumption License C-11, issued by the Board of Commissioners of the City of Union City to Buster's, Inc., 4723 Bergenline Avenue, Union City, and transferred to Herb's Tavern, Inc. for the same premises, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. January 3, 1949, and terminating at 3:00 a.m. January 13, 1949.

ERWIN B. HOCK
Commissioner.

3. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

LOUIS & MARGARET SMITH
T/a SMITH'S BAR & GRILL
658-660 Sanford Avenue
Newark, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-544, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

Louis & Margaret Smith, Defendant-licensees, Pro Se.
William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The defendants pleaded non vult to a charge alleging that, on October 18, 1948, they possessed illicit alcoholic beverages, to wit, one 4/5 quart bottle of "Canadian Club Blended Canadian Whisky" and one 4/5 quart bottle of "Seagram's Seven Crown Blended Whiskey", which were not genuine as labeled, in violation of R. S. 33:1-50.

The defendants have no prior record. The usual fifteen-day penalty, less five days for the plea, leaving a net suspension of ten days, will be imposed. Re Hamilton Club, Bulletin 811, Item 10.

Accordingly, it is, on this 27th day of December, 1948,

ORDERED that Plenary Retail Consumption License C-544, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Louis & Margaret Smith, t/a Smith's Bar & Grill, 658-660 Sanford Avenue, Newark, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. January 3, 1949, and terminating at 2:00 a.m. January 13, 1949.

ERWIN B. HOCK
Commissioner.

4. DISCIPLINARY PROCEEDINGS - ILLICIT LICUOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

MAURICE McMAHON)
971 Broadway)
Bayonne, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-34, issued by the Board of Commissioners of the City of Bayonne.)

Bernard D. Dugan, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The defendant pleaded non vult to a charge alleging that, on October 22, 1948, he possessed illicit alcoholic beverages, to wit, two 4/5 quart bottles of "Canadian Club Blended Canadian Whisky", which were not genuine as labeled, in violation of R. S. 33:1-50.

In the absence, as here, of any prior record or any attendant aggravating circumstances, the usual fifteen-day penalty will be imposed. Five days will be remitted for the plea, leaving a net suspension of ten days. Re Hamilton Club, Bulletin 811, Item 10.

Accordingly, it is, on this 27th day of December, 1948,

ORDERED that Plenary Retail Consumption License C-34, issued by the Board of Commissioners of the City of Bayonne to Maurice McMahon, 971 Broadway, Bayonne, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. January 3, 1949, and terminating at 2:00 a.m. January 13, 1949.

ERWIN B. HOCK
Commissioner.

5. DISCIPLINARY PROCEEDINGS - SALE TO WOMEN OVER BAR IN VIOLATION OF LOCAL ORDINANCE - "DIRECTLY OVER ANY BAR" CONSTRUED - LICENSE SUSPENDED FOR 5 DAYS.

In the Matter of Disciplinary Proceedings against)

CHOICE LIQUORS, INC.)
3512 Westfield Avenue)
Camden, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-199 issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.)

Carl Kisselman, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant pleaded not guilty to a charge alleging that it served beverages to women over the bar on its licensed premises in violation of Section 10 of an ordinance of the City of Camden adopted December 27, 1934, as amended September 12, 1935, which provides:

"Section 10: No woman shall be served with beverages directly over any bar; and no licensee shall sell, serve, deliver or allow, permit or offer the service or delivery of any alcoholic beverage directly or indirectly to any person under the age of twenty-one (21) years, or allow, permit or suffer the consumption of alcoholic beverages by any such person upon the licensed premises."

Testimony establishes that in the early morning of September 12, 1948, an investigator of this Department entered the licensed premises and observed at the far end of the bar a man and woman to whom several glasses of beer were served. During the observation, another woman entered the licensed premises, spoke to two men seated at the bar and, while standing with them, was served a glass of beer, leaving shortly afterward.

There is no denial of the fact that beverages were served to and consumed by these women, but it is contended on behalf of the defendant that the service was not made "directly" to these women because, in each instance, the beer intended for their consumption was ordered by and served to their male companions who in turn handed the beer to the women. In support of this defense, effort was made in the defense testimony to establish that the first woman was seated eighteen or twenty inches from the bar (albeit close enough so that she was able to set the beer glass on the bar without getting off the stool), and that the second woman merely stood behind the two men at the bar when she consumed the beer that was handed to her by one of them.

A similar regulation, viz., "No woman shall be served with alcoholic beverages directly over any bar", was considered by the late Commissioner Burnett in Re Foster, Bulletin 41, Item 1, wherein it was ruled:

"If your question relates to the interpretation or operation of the regulation, it means that no alcoholic beverages shall be served, passed out or otherwise delivered directly from any bar to any woman who is standing or otherwise present at the bar to receive, directly or indirectly, the beverage. It does not prohibit service to a woman who is seated at a table in the barroom providing that she is not standing at the bar. (Underscoring added.)

"These municipal regulations must be given a common sense interpretation consistent with the reasonably presumable intent of those who enacted the resolution. That intent was plainly to prohibit service to women at the bar. Whether a woman is standing at the bar is a mere question of fact and no different or more difficult than to determine whether a man is 'at the bar'. He may be standing in the outer ranks, three or four deep, unable physically to touch the bar, and still you and I would agree that he was standing 'at the bar'. So may she."

So, in this case, it is obvious that the prohibition against serving beverages to women "directly" over the bar is not satisfied by having the woman standing or seated a mere arm's length from the bar where she is permitted to consume drinks ordered for her and handed to her by a male companion sitting or standing at the bar. Considering the purpose of the regulation, viz., the prohibition against women mingling and drinking with men at the bar, the arm's length spacing and devious service cannot insulate licensees from its requirements. Cf. Re Davidow, Bulletin 796, Item 11.

Since in the instant case the women were permitted to consume beverages in such close proximity to the bar that they were "at the bar", and since the drinks they consumed were served directly over the bar, such service is within the interdiction of the regulation although the service may have been either interrupted or facilitated by a male companion. I find the defendant guilty as charged.

Defendant has no prior adjudicated record. Hence, I shall suspend the license for five days. Re 11th Ward Democratic Association, Bulletin 793, Item 1.

Accordingly, it is, on this 27th day of December, 1948,

ORDERED that Plenary Retail Consumption License C-199, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Choice Liquors, Inc., for premises 3512 Westfield Avenue, Camden, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. January 3, 1949, and terminating at 2:00 a.m. January 8, 1949.

ERWIN B. HOCK
Commissioner.

6. DISCIPLINARY PROCEEDINGS - FALSE STATEMENT IN LICENSE APPLICATION CONCEALING MATERIAL FACT (ONE PARTNER CONVICTED OF CRIME INVOLVING MORAL TURPITUDE) - LICENSE SUSPENDED FOR BALANCE OF TERM WITH PERMISSION TO APPLY FOR LIFTING AFTER 90 DAYS UPON CORRECTION OF ILLEGAL SITUATION - CANCELLATION PROCEEDINGS DISCONTINUED.

In the Matter of Disciplinary
Proceedings against

CARMEN M. BALLETTA and
CHARLES ROMANO
660 First Street
Hoboken, N. J.,

CONCLUSIONS
AND ORDERS

Holder of Plenary Retail Consumption License C-215, issued by the Board of Commissioners of the City of Hoboken.

Robert F. McAlevy, Jr., Esq., Attorney for Defendant-licensees.
William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendants have pleaded ~~not guilty~~ to a charge as follows:

"In your application dated June 7, 1948, filed with the Board of Commissioners of Hoboken, upon which you obtained your current plenary retail consumption license, you falsely stated 'No' in answer to Question 33, which asks: 'Have you...ever been convicted of any crime?', whereas in truth and fact you, Carmen M. Balletta, had been convicted on April 26, 1936 in the Hudson County Quarter Sessions Court of the crime of breaking, entering and larceny; said false statement being in violation of R. S. 33:1-25."

Carmen M. Balletta was, on April 26, 1936, convicted on a charge of breaking, entering and larceny, unquestionably a crime involving moral turpitude. He and any partnership of which he is a member is, therefore, mandatorily disqualified by the provisions of R.S. 33:1-25 from holding a retail liquor license in New Jersey.

Both partners claim that Romano knew nothing about this disqualification, and Balletta claims that he was misled by his interpretation of the Presidential Amnesty Proclamation (No. 2876, 10 F. R. 15409, dated December 24, 1945) which restored to those who had served in the armed forces during the late war the political, civil and other rights lost by reason of their conviction of certain crimes against the laws of the United States. It did not, however, act as a general pardon as to conviction of crimes against the laws of the several states.

I cannot permit the unlawful condition to continue, but I do desire to afford defendants an opportunity to salvage their investment in the business operated under the license. Hence, I shall suspend the license for the balance of its term and permit any bona fide qualified purchaser of the business or the interest of Balletta therein to petition me for a reinstatement of the license privileges after the license or Balletta's interest in the business has been transferred; providing that the license may in no event be reinstated until it has been under suspension for at least 90 days from the effective date of the said suspension. Re Lorusso, Bulletin 631, Item 9.

This disposition of the charge renders unnecessary any consideration of the rule to show cause why the license should not be cancelled as improvidently issued. The rule is therefore discharged.

Accordingly, it is, on this 27th day of December, 1948,

ORDERED that Plenary Retail Consumption License C-215, issued by the Board of Commissioners of the City of Hoboken to Carmen M. Balletta and Charles Romano, for premises 660 First Street, Hoboken, be and the same is hereby suspended for the balance of its term, commencing at 2:00 a.m. January 3, 1949; and it is further

ORDERED that, if a bona fide transfer of the license or the interest of the defendant Carmen M. Balletta in the licensed business is effected prior to June 30, 1949, such transferee may apply to me for a lifting of the suspension, but in no event will such suspension be lifted prior to the expiration of ninety (90) days from the effective date of the suspension herein.

ERWIN B. HOCK
Commissioner.

7. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

WALK-INN, INC.)
254 Walker Street)
Cliffside Park, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-34, issued by the Mayor and Borough Council of the Borough of Cliffside Park.)
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Walk-Inn, Inc., by Richard F. Kantor, President, Defendant-licensee, Pro Se.
William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The defendant pleaded non vult to a charge alleging that, on September 14, 1948, it possessed illicit alcoholic beverages, to wit, two 4/5 quart bottles labeled "Canadian Club Blended Canadian Whisky", which were not genuine as labeled, in violation of R. S. 33:1-50.

The defendant has no prior record. The usual fifteen-day penalty, less five days for the plea, leaving a net suspension of ten days, will be imposed. Re Hamilton Club, Bulletin 811, Item 10.

Accordingly, it is, on this 27th day of December, 1948,

ORDERED that Plenary Retail Consumption License C-34, issued by the Mayor and Borough Council of the Borough of Cliffside Park to Walk-Inn, Inc., 254 Walker Street, Cliffside Park, be and the same is hereby suspended for a period of ten (10) days, commencing at 3:00 a.m. January 3, 1949, and terminating at 3:00 a.m. January 13, 1949.

ERWIN B. HOCK
Commissioner.

8. DISCIPLINARY PROCEEDINGS - PERMITTING PATRON TO USE OBSCENE LANGUAGE AND ACT IN AN INDECENT MANNER - SALE OF ALCOHOLIC BEVERAGES TO INTOXICATED PERSONS - NUISANCE - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

SILVER TOP BAR & GRILL, INC.)
119 Washington Street)
Newark 2, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-119, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Newark.)

-----)
Saul C. Schutzman, Esq., Attorney for Defendant-licensee.)
Edward F. Ambrose, Esq., appearing for Department of Alcoholic)
Beverage Control.)

BY THE COMMISSIONER:

Defendant has pleaded non vult to charges as follows:

"1. On November 10, 1948, you allowed, permitted and suffered lewdness and immoral activities in and upon your licensed premises, in that you permitted a female patron to use foul and obscene language and to act in a lewd, indecent and immoral manner on your licensed premises; in violation of Rule 5 of State Regulations No. 20.

"2. On November 10, 1948, you sold, served and delivered and allowed, permitted and suffered the service and delivery of alcoholic beverages to Margaret E. Snyder and 'Dottie' (last name unknown), persons who were actually and apparently intoxicated and allowed, permitted and suffered the consumption of alcoholic beverages by such persons on your licensed premises; in violation of Rule 1 of State Regulations No. 20.

"3. On November 10, 1948, 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 all the foregoing violations to occur, and conducted the licensed place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulations No. 20."

The charges grow out of the actions of two female patrons of the tavern. Reports of investigation upon which the above charges are based, disclose that the women were obviously intoxicated and that foul and obscene language was used by one of the women. The actions of the latter woman were undoubtedly indecent. The bartender not only served them while obviously drunk, but seemed to encourage their indecent conduct, even joining in the "fun".

Defendant has no prior adjudicated record. Considering all of the circumstances, I shall suspend the license for a period of thirty days, and remit five days because of the plea, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 27th day of December, 1948,

ORDERED that Plenary Retail Consumption License C-119, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Silver Top Bar & Grill, Inc., for premises 119 Washington Street, Newark, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 2:00 a.m. January 3, 1949, and terminating at 2:00 a.m. January 28, 1949.

ERWIN B. HOCK
Commissioner.

9. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

PETER VICARE & ANTHONY VICARE)
T/a HAWAIIAN PALMS)
426 North Wood Avenue)
Linden, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-66, issued by the Municipal Board of Alcoholic Beverage Control of the City of Linden.)

Joseph Louis Brescher, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The defendants pleaded guilty to a charge alleging that, on November 9, 1948, they possessed at their licensed premises illicit alcoholic beverages, viz., one 4/5 quart bottle labeled "Canadian Club Blended Canadian Whisky" and one 4/5 quart bottle labeled "Imported Seagram's V.O. Canadian Whisky A Blend", the contents of which were not genuine as labeled, in violation of R. S. 53:1-50.

The defendants have no previous adjudicated record. The usual fifteen-day suspension, less five days for the plea, leaving a net suspension of ten days, will be imposed. Re Wardlow, Bulletin 806, Item 8.

Accordingly, it is, on this 27th day of December, 1948,

ORDERED that Plenary Retail Consumption License C-66, issued by the Municipal Board of Alcoholic Beverage Control of the City of Linden to Peter Vicare and Anthony Vicare, t/a Hawaiian Palms, for premises 426 North Wood Avenue, Linden, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. January 3, 1949, and terminating at 2:00 a.m. January 13, 1949.

ERWIN B. HOCK
Commissioner.

10. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - DISSIMILAR VIOLATION COMMITTED MORE THAN 5 YEARS AGO - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against JULIO CORSI 722 Sixth Street Union City, N. J., Holder of Plenary Retail Consumption License C-180, issued by the Board of Commissioners of the City of Union City.

CONCLUSIONS AND ORDER

Max A. Sturm, Esq., Attorney for Defendant-licensee. William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The defendant pleaded non vult to a charge alleging that, on November 18, 1948, he possessed at his licensed premises an illicit alcoholic beverage, viz., one 4/5 quart bottle labeled "Canadian Club Blended Canadian Whisky", the contents of which were not genuine as labeled, in violation of N. S. 33:1-50.

The only adjudicated violation against the defendant's record arose from a dissimilar offense occurring more than five years ago wherein on November 22, 1942 his license was suspended for five days by the local issuing authority for permitting gambling on the licensed premises. These prior proceedings, therefore, will be disregarded in fixing the penalty on the instant charge. Cf. Re Sacco, Bulletin 819, Item 6. The usual suspension of fifteen days, less five days for the plea, leaving a net suspension of ten days, will be imposed. Re Sacco, supra.

Accordingly, it is, on this 27th day of December, 1948,

ORDERED that Plenary Retail Consumption License C-180, issued by the Board of Commissioners of the City of Union City to Julio Corsi, for premises 722 Sixth Street, Union City, be and the same is hereby suspended for a period of ten (10) days, commencing at 3:00 a.m. January 3, 1949, and terminating at 3:00 a.m. January 13, 1949.

ERWIN B. HOCK Commissioner.

11. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

EIGHTEEN CLUB, INC.)
T/a EIGHTEEN CLUB)
18 Paulison Avenue)
Ridgefield Park, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-6 issued by the Board of Commissioners of the Village of Ridgefield Park.)
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Sidney Simandl, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant pleaded non vult to a charge alleging that on October 11, 1948 it possessed at its licensed premises an illicit alcoholic beverage, viz., one 4/5 quart bottle labeled "Canadian Club Blended Canadian Whisky", the contents of which were not genuine as labeled, in violation of R. S. 33:1-50.

The fact that the President of the corporate licensee, who is its principal stockholder and is in charge of its licensed business, may not have participated in, or had knowledge of, the violation presents no defense. English v. Hock, 137 N.J.L. 34.

The defendant has no previous record. The usual fifteen-day suspension, less five days for the plea, leaving a net suspension of ten days, will be imposed. Re Hotchkiss, Bulletin 820, Item 1.

Accordingly, it is, on this 27th day of December, 1948,

ORDERED that Plenary Retail Consumption License C-6, issued by the Board of Commissioners of the Village of Ridgefield Park to Eighteen Club, Inc., t/a Eighteen Club, for premises 18 Paulison Avenue, Ridgefield Park, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. January 3, 1949, and terminating at 3:00 a.m. January 13, 1949.

ERWIN B. HOCK
Commissioner.

12. DISCIPLINARY PROCEEDINGS - FALSE STATEMENT IN LICENSE APPLICATION CONCEALING MATERIAL FACT - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF LICENSE - ILLEGAL SITUATION CORRECTED - LICENSE SUSPENDED FOR 20 DAYS.

In the Matter of Disciplinary Proceedings against)

MINNIE MOEBUS)
T/a MAPLE LODGE)
S/S Highway 28 bet. Lebanon & Whitehouse)
Potterstown, Clinton Township)
P. O. Lebanon, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-5, issued by the Township Committee of the Township of Clinton.)

Lester W. Oliver, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant has pleaded non vult to charges alleging (1) that in her application upon which her current license was issued she failed to disclose that Walter H. Atkinson was interested in the license so applied for or in the business to be conducted thereunder, in violation of R. S. 33:1-25; (2) that she further falsified said license application by failing to state that she had agreed to permit said Atkinson to retain all the profit derived from said business, in violation of R. S. 33:1-25; and (3) since January 23, 1946, she knowingly aided and abetted the said Atkinson to exercise the rights of her successive licenses, in violation of R. S. 33:1-52.

In 1946, Atkinson, who is the son-in-law of defendant, apparently came to New Jersey to operate the tavern business under an agreement to operate the business and keep the net profits, paying only a stipulated rent for the premises owned by Mrs. Moebus.

The illegal situation is now corrected. An accounting of the business since its inception has been agreed upon. Atkinson has been paid all moneys due him and he has withdrawn from any interest in the business, except that of an employee at a moderate salary.

Apparently all parties herein have at all times been qualified to hold the license.

I shall suspend the license for the minimum period provided in front cases, i.e., twenty days. Re Russo, Bulletin 741, Item 4.

Accordingly, it is, on this 27th day of December, 1948,

ORDERED that Plenary Retail Consumption License C-5, issued by the Township Committee of the Township of Clinton to Minnie Moebus, t/a Maple Lodge, for premises S/S Highway 28 bet. Lebanon & Whitehouse, Potterstown, Clinton Township, be and the same is hereby suspended for a period of twenty (20) days, commencing at 2:00 a.m. January 3, 1949, and terminating at 2:00 a.m. January 23, 1949.

ERWIN B. HOCK
Commissioner.

13. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - PRIOR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

MAX WEINSTEIN)
157 Watson Avenue)
Newark 8, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-598 issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)
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Max Weinstein, Defendant-licensee, Pro Se.
William F. Wood, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant has pleaded non vult to a charge alleging that he possessed illicit alcoholic beverages, namely, two 4/5 quart bottles labeled "Canadian Club Blended Canadian Whisky", the contents of which bottles were not genuine as labeled, in violation of R. S. 33:1-50.

On November 27, 1948, an ABC agent tested the contents of thirty-nine opened bottles of alcoholic beverages on defendant's premises. He seized the two bottles mentioned in the charge when the contents thereof did not appear to be genuine as labeled. Subsequent analysis disclosed that the contents of the seized bottles varied in substantial respects from genuine samples of the same product. Defendant denied any knowledge as to how the violation occurred. Nevertheless, he is responsible for any "refills" found in his stock of liquor.

Defendant has a prior record. The local issuing authority suspended his license for a net period of five days, effective December 4, 1944, after he had pleaded non vult to charges of selling alcoholic beverages to minors. In view of the prior record, I shall suspend the license for twenty days and remit five days because of the plea, leaving a net suspension of fifteen days. See Bulletin 793, Item 5.

Accordingly, it is, on this 28th day of December, 1948,

ORDERED that Plenary Retail Consumption License C-598, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Max Weinstein, for premises 157 Watson Avenue, Newark, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. January 10, 1949 and terminating at 2:00 a.m. January 25, 1949.

ERWIN B. HOCK
Commissioner.

14. DISCIPLINARY PROCEEDINGS - CLUB LICENSEE - SALE TO NON-MEMBERS -
HEREIN OF "MEMBERSHIP CARDS" -- SALE OF ALCOHOLIC BEVERAGES FOR
OFF-PREMISES CONSUMPTION - LICENSE SUSPENDED FOR 30 DAYS, LESS
5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

TADEUSZ KOSCIUZKO POLISH)
AMERICAN DEMOCRATIC CLUB)
303 Pulaski Street)
Dunellen, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Club License CB-1, issued)
by the Borough Council of the)
Borough of Dunellen.)

Henry Handelman, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Department of Alcoholic
Beverage Control.

BY THE COMMISSIONER:

Defendant has pleaded non vult to charges alleging (1) that it
sold alcoholic beverages to non-members, in violation of Rule 8 of
State Regulations No. 7; and (2) that it sold alcoholic beverages in
original containers for off-premises consumption, also in violation
of Rule 8 of State Regulations No. 7.

At 1:00 p.m. on Sunday, November 21, 1948, two agents of the
State Department of Alcoholic Beverage Control entered the defendant's
barroom and requested the service of two glasses of beer. Asked by
the bartender if they were members of the club, they answered by
asking, "Do we have to be members to get a drink". The bartender then
asking them for their addresses said, "I'll let you sign the register
book and give you membership cards and you can drink here any time if
you show your cards." The investigators signed and received the
"membership cards" and were served two glasses of beer each. At about
1:45 p.m. one of the agents requested two bottles of beer to take out.
The bartender then sold him two quart-bottles of beer, placing them in
an empty cardboard box. The two bottles of beer were taken out by the
investigators, who then returned to the bar and made their identity
known.

A club license by its terms permits the sale of alcoholic bever-
ages only to members of the club or their bona fide guests, and for
immediate consumption on the club licensed premises.

Obviously, the ABC agents did not become members of the club
merely by obtaining "membership cards" from the bartender. If the
club has any other such "members", their "membership cards" must be
cancelled. A continuance of this illegal method of selling alcoholic
beverages to the general public will subject the club license to fur-
ther proceedings. Cf. Re Lithuanian Citizens Independent Aid Club,
Bulletin 820, Item 2, and cases cited.

The present violations require a suspension of fifteen days for
each violation, Re Club Lido, Bulletin 773, Item 2; Re 14th Ward
Democrat Club, Inc., Bulletin 616, Item 8. Defendant has no prior
adjudicated record. I shall suspend the license for thirty days.
Remitting five days of said suspension because of the plea will leave
a net suspension of twenty-five days.

Accordingly, it is, on this 28th day of December, 1948,

ORDERED that Club License CB-1, issued by the Borough Council of the Borough of Dunellen to Tadeusz Kosciuzko Polish American Democratic Club, for premises 303 Pulaski Street, Dunellen, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 1:00 a .m. January 10, 1949, and terminating at 1:00 a.m. February 4, 1949.

ERWIN B. HOCK
Commissioner.

15. STATE LICENSES - NEW APPLICATIONS FILED.

United Parcel Service of New York, Inc. (Transportation License T-54)
70 Gould Ave.
Newark, N. J.

Application filed December 30, 1948 for transfer of additional warehouse from 191 Broadway, Jersey City, N. J. to 453 St. Paul's Ave., Jersey City, N. J.

Chelius Distributors, Inc.
Rear 80-88 Jay St. (a/k/a 14 Dickerson St.)
Newark, N. J.

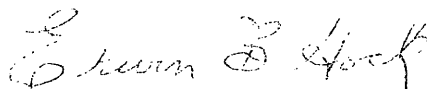
Application filed December 30, 1948 for transfer of Limited Wholesale License WL-74 from George B. Chelius, Jr., Paul J. Brienza, James N. Durkin, and George A. Kelley, t/a George B. Chelius, Jr. and Associates, 11 Commerce Street, Newark, N. J.

Motor Transportation Corp.
715 East 135th St.
New York, New York.

Application filed January 3, 1949 for transfer of Transportation License T-48 from Jacobson Bros., Inc.

Denver Chicago Trucking Co., Inc.
1375 Paterson Plank Road
Secaucus, N. J.

Application filed January 3, 1949 for an additional warehouse located at 1535 Paterson Plank Road, Secaucus, N. J.



Director.