

STATE OF NEW JERSEY
 Department of Law and Public Safety
 DIVISION OF ALCOHOLIC BEVERAGE CONTROL
 1100 Raymond Blvd. Newark, N. J. 07102

March 10, 1965.

BULLETIN 1605

TABLE OF CONTENTS

ITEM

1. STATE REGULATIONS - REGULATION NO. 13 - RULES 3, 4, 5 AND 6 AMENDED TO INCREASE FEES FOR EMPLOYMENT PERMITS.
2. DISCIPLINARY PROCEEDINGS (Union City) - HOSTESS ACTIVITY FOUL LANGUAGE - UNQUALIFIED EMPLOYEES - FAILURE TO HAVE COPY OF LICENSE APPLICATION AVAILABLE - HINDERING INVESTIGATION - PRIOR DISSIMILAR AND SIMILAR RECORD - LICENSE SUSPENDED FOR 90 DAYS, LESS 5 FOR PLEA.
3. DISCIPLINARY PROCEEDINGS - PERMITTING PERSON OF ILL REPUTE ON LICENSED PREMISES - UNQUALIFIED EMPLOYEES - LICENSE SUSPENDED FOR 25 DAYS.
4. DISQUALIFICATION REMOVAL PROCEEDINGS - OBTAINING GOODS UNDER FALSE PRETENSES - PETTY LARCENY - ORDER REMOVING DISQUALIFICATION - DEFERRED EFFECTIVE DATE OF ORDER.
5. DISCIPLINARY PROCEEDINGS (Wildwood) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Norwood) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (Millville) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (Paulsboro) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (Camden) - SALE BELOW FILED PRICE - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Newark) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark, N. J. 07102

March 10, 1965

BULLETIN 1605

1. STATE REGULATIONS - REGULATION NO. 13 - RULES 3, 4, 5 AND 6
AMENDED TO INCREASE FEES FOR EMPLOYMENT PERMITS.

NOTICE TO ALL LICENSEES:

In view of recent announcement (Bulletin 1602, Item 1) with respect to increase of fees for certain types of special permits, it is necessary to amend Rules 3, 4, 5 and 6 of State Regulation No. 13 to indicate the new fees for employment permits to become effective April 1, 1965.

Accordingly, Rules 3, 4, 5 and 6 of State Regulation No. 13 are hereby amended as follows:

Rule 3. No licensee, except a retail licensee conducting a bona fide hotel or public restaurant, shall employ any person under the age of twenty-one (21) years, or shall allow, permit or suffer the employment of any such person, in or upon the licensed premises unless such person shall (1) have first obtained an employment permit from the Director of the Division of Alcoholic Beverage Control or (2) within ten (10) days after becoming employed, have filed with the Director of the Division of Alcoholic Beverage Control the application and fee for his employment permit or (3) shall be covered under a blanket employment permit issued to his employer pursuant to Rule 10 hereof. The fee for an individual permit is Three Dollars (\$3.00) per annum, or any part thereof.

Rule 4. No retail licensee, except a plenary retail transit licensee or a retail licensee conducting a bona fide hotel or public restaurant, shall employ any person who is not a bona fide resident of the State of New Jersey, or allow, permit or suffer the employment of any such person, in or upon the licensed premises unless such person shall (1) have first obtained an employment permit from the Director of the Division of Alcoholic Beverage Control or (2) within ten (10) days after becoming employed, have filed with the Director of the Division of Alcoholic Beverage Control the application and fee for his employment permit or (3) shall be covered under a blanket employment permit issued to his employer pursuant to Rule 10 hereof. The fee for an individual permit is Ten Dollars (\$10.00) per annum, or any part thereof.

Rule 5. No retail licensee conducting a bona fide hotel or public restaurant shall allow, permit or suffer a person who is not a bona fide resident of the State of New Jersey to serve, sell or solicit the sale of any alcoholic beverage or to participate in the mixing, processing or preparation thereof, unless such person shall (1) have first obtained an employment permit from the Director of the Division of Alcoholic Beverage Control or (2) within ten (10) days after becoming employed, have filed with the Director of the Division of Alcoholic Beverage Control the application and fee for his employment permit or (3) shall be covered under a blanket employment permit issued to his employer pursuant to Rule 10 hereof. The fee for an individual permit is Ten Dollars (\$10.00) per annum, or any part thereof.

Rule 6. No licensee shall employ any person who is not a citizen of the United States or a national of a country with which

the United States has an existing trade treaty affording reciprocal privileges to respective nationals, or allow, permit or suffer the employment of any such person, in or upon the licensed premises unless such person shall (1) have first obtained an employment permit from the Director of the Division of Alcoholic Beverage Control or (2) within ten (10) days after becoming employed, have filed with the Director of the Division of Alcoholic Beverage Control the application and fee for his employment permit or (3) shall be covered under a blanket employment permit issued to his employer pursuant to Rule 10 hereof. The fee for an individual permit is Ten Dollars (\$10.00) per annum, or any part thereof. Such employment permit may limit the capacity in which the alien may be employed on licensed premises.

JOSEPH P. LORDI
DIRECTOR

Promulgated February 17, 1965

Effective April 1, 1965

Filed with the Secretary of State (New Jersey) February 17, 1965

2. DISCIPLINARY PROCEEDINGS - HOSTESS ACTIVITY - FOUL LANGUAGE - UNQUALIFIED EMPLOYEES - FAILURE TO HAVE COPY OF LICENSE APPLICATION AVAILABLE - HINDERING INVESTIGATION - PRIOR DISSIMILAR AND SIMILAR RECORD - LICENSE SUSPENDED FOR 90 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
Jamaica Room, Inc.
517 Paterson Plank Road
Union City, N. J.
Holder of Plenary Retail Consumption License C-165, issued by the Board of Commissioners of the City of Union City

CONCLUSIONS
AND
ORDER

Samuel Moskowitz, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on December 9 and 11, 1964, it (1) and (2) permitted females employed as entertainers and unescorted females not ostensibly employed, to solicit and accept drinks of alcoholic beverages from male patrons, in violation of Rules 22 and 5 of State Regulation No. 20, and on December 11, 1964 (3) permitted foul, filthy and obscene language by its employees, in violation of Rule 5 of State Regulation No. 20, (4) employed non-resident female entertainers without requisite employment permit, in violation of Rule 4 of State Regulation No. 13, (5) failed to have available for inspection copy of license application, in violation of Rule 16(b) of State Regulation No. 20, and (6) hindered investigation by destruction of evidence and failure to furnish requested information, in violation of R.S. 33:1-35.

Licensee has a previous record of suspension of license then held for premises 602 Paterson Plank Road, Union City, by the municipal issuing authority for thirty days effective October 1,

1962, for conducting the licensed business as a nuisance, permitting indecent entertainment and a brawl and disturbance on the licensed premises and employing a bartender without locally required work permit, and at the present premises by the Director for thirty days effective September 16, 1964, for permitting hostess activity by females employed and unescorted females. Re Jamaica Room, Inc., Bulletin 1584, Item 3.

The totality of the charges considered, as well as the prior record of suspension, under all the facts and circumstances the license will be suspended for ninety days, with remission of five days for the plea entered, leaving a net suspension of eighty-five days.

Accordingly, it is, on the 2d day of February, 1965,

ORDERED that Plenary Retail Consumption License C-165, issued by the Board of Commissioners of the City of Union City to Jamaica Room, Inc. for premises 517 Paterson Plank Road, Union City, be and the same is hereby suspended for eighty-five (85) days, commencing at 3:00 a.m. Thursday, February 4, 1965, and terminating at 3:00 a.m. Friday, April 30, 1965.

JOSEPH P. LORDI
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - PERMITTING PERSON OF ILL REPUTE ON LICENSED PREMISES - UNQUALIFIED EMPLOYEES - LICENSE SUSPENDED FOR 25 DAYS.

In the Matter of Disciplinary Proceedings against
Thomas Giaquinto
t/a Silver Slipper
235 Buffalo Avenue
Paterson, New Jersey,
Holder of Plenary Retail Consumption License C-173, issued by the Board of Alcoholic Beverage Control for the City of Paterson.

CONCLUSIONS
AND
ORDER

Joseph M. Harrison, Esq., Attorney for Licensee
David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

Licensee pleaded not guilty to the following charges:

- "1. On August 21, 1964 and on divers occasions prior thereto extending to June 4, 1963, you allowed, permitted and suffered in and upon your licensed premises Bart Barrecchia, a notorious criminal, gangster, racketeer and person of ill repute; in violation of Rule 4 of State Regulation No. 20.

- "2. On August 21, 1964, you employed, and allowed, permitted and suffered the employment in and upon your licensed premises of Richard ---, age 19, Edwin ---, age 18, and Gilbert ---, age 18, persons under the age of twenty-one (21) years, each of whom had not obtain or applied for requisite employment permit from this Division within 10 days after becoming so employed; in violation of Rule 3 of State Regulation No. 13."

Prior to the discussion of the testimony of witnesses produced by the Division (licensee did not call any witnesses on his behalf), it is necessary that reference be made to preliminary correspondence between the Division, on the one hand, and the licensee and his attorney, on the other. A letter dated July 22, 1964, from the Director was mailed to the licensee, the pertinent part of which reads as follows:

"Recent Division investigation discloses that you have been allowing Bart Barrecchia, your cousin, to manage your above licensed business conducted under a plenary retail consumption license. In this connection, our records show that, in Conclusions entered on February 17, 1960, then Director Davis advised Barrecchia that he was disqualified from engaging in the alcoholic beverage industry by reason of criminal record. His criminal record now consists of conviction of: assault and battery in 1931, impersonating a police officer in 1934, conspiracy to make book in 1956 and conspiracy to make book on October 6, 1961, for which he was sentenced in the Passaic County Court to six months imprisonment. Additionally, his fingerprint returns disclose that he has been arrested on several other criminal charges, including gambling violations, resisting arrest and obstructing execution of process, all in Passaic County.

"Under the State Alcoholic Beverage Law (R.S. 33:1-25 and 26) and State Regulation (Rule 1 of State Regulation No. 13), any person convicted of a crime involving moral turpitude is disqualified from holding any alcoholic beverage license or from being employed by or connected in any business capacity whatsoever with any New Jersey licensee. Such person may not be employed nor their services utilized in any way by any licensees in connection with his licensed business, regardless of the fact that such person may not receive compensation from or be considered a formal employee of the licensee.

"Accordingly, Barrecchia is presently disqualified from being employed by you in any way. This disqualification remains unless and until it is removed by the Director pursuant to petition filed by Barrecchia, under R.S. 33:1-31.2, after the lapse of at least five years from the date of his latest disqualifying conviction, in this case at least October 6, 1966 or the date of his release from the imprisonment that commenced on such date, which ever is later.

"Any licensee who employs a disqualified person or is connected in any business capacity with him is subject to the suspension or revocation of his license. Additionally, Rule 4 of State Regulation No. 20 prohibits any licensee from allowing, permitting or suffering in or upon his licensed premises any notorious criminal, gangster, racketeer, or other person of ill repute. It is our opinion that Barrecchia comes within such prohibition.

"You are therefore directed not only to discontinue your employment of Barrecchia in any way, but to prevent him from being found on your licensed premises at any time. You are warned that, if you fail to abide by this directive, more stringent action will be taken against your license."

A response to the said letter was received from Joseph M. Harrison, Esq., which stated:

"Please be advised that I represent Thomas Giaquinto, trading as Silver Slipper, at 235 Buffalo Avenue, Paterson, New Jersey, in the above matter.

"Confirming my conversation with Mr. Helfand, and supplementing this conversation regarding your letter of July 22, 1964, please be advised that my client has consulted me in this matter. As a result of discussions we have had in this matter, it is our feeling that the restriction you impose upon us, in relation to customers, are unreasonable. As a result of this, it is our desire to institute a test case in this matter.

"We are willing to enter into a stipulation to the effect that we have received your letter of July 22, 1964, that Mr. Bart Barrecchia is a patron in our tavern and has been served by us after receipt of this notice of July 22, 1964. The stipulation could further include the record of convictions of Mr. Barrecchia and the record of arrests as set forth in your letter could also be included subject to an objection as to the legal question of whether these arrests are evidential in this matter."

The Director declined to enter into any stipulation as suggested in the aforesaid letter from the attorney for the licensee.

ABC Agent S identified Bart Barrecchia (hereinafter Barrecchia) attending the hearing herein, and then testified that at 7:15 p.m. on July 30, 1964, as he entered the licensed premises of the licensee, he observed Barrecchia pick up keys from behind the bar and then leave the premises; that at 11:15 p.m. on August 21, 1964, he and Agent D entered the said premises and Agent P remained outside; that he saw Barrecchia standing outside the premises with John Currie who he (Agent S) subsequently learned to be employed as a manager of the licensed premises; that he observed Barrecchia on four occasions enter the premises, twice being called by Currie to the telephone; at another time Barrecchia spoke to a patron, and on the last occasion was conversing with patrons when he (Agent S) and Agent D approached Barrecchia and identified themselves to him and also to Currie; that Barrecchia said he was advised by his attorney to fully cooperate with ABC agents; that the agents then spoke to Currie who informed them that, although he knew Barrecchia, he had never been informed that Barrecchia was not to be permitted on the licensed premises; that three bartenders also were questioned by the agents and all said that they were not told that Barrecchia was not to be allowed on the licensed premises; that three members of a four-piece band (all under twenty-one years of age) admitted that they did not have permits to be employed on the premises; that Currie then stated that the minors had been employed week-ends during the past two months and that he would see to it that permits would be obtained.

It was stipulated by the attorney for the licensee that, if Agents D and P were called as witnesses concerning the investigation on August 21, 1964, their testimony would be substantially similar to that of Agent S.

Andrew P. Soter (since September 5, 1958 an investigator in the Passaic County Prosecutor's office) testified that he has known Barrecchia "about 25 or 30 years", during which time they lived about a block away from one another; that he had occasions to see Barrecchia and that his reputation in the neighborhood "is not a good one; it is tending to be a bad one"; that he was known to have engaged in "bookmaking, illegal activities, gambling;" and that "I never knew Bart Barrecchia to have a job or position of any kind." Furthermore, Soter testified that he personally participated in investigations concerning activities of Barrecchia and that he had on March 10, 1960, apprehended him and an associate across the street from the Silver Slipper (licensee's premises) in the area of the farmers' market, as a result of which he was charged with "conspiracy to make book;" that also prior thereto, on February 20, 1959, during an investigation in licensee's premises, he had arrested Barrecchia and two other persons who were charged with conspiracy to make book but Barrecchia was subsequently acquitted of the charge.

Thomas Mahull, a police detective living in and employed by the City of Paterson, testified that, through alleged gambling investigations, he has known Barrecchia for approximately five years but has not seen him during the past eight months.

Duly certified copies of official records of convictions of crimes of Barrecchia disclose that on September 16, 1931 he was convicted in the Court of The First Criminal Judicial District of the County of Passaic of assault and battery, as a result of which he was fined \$5; that on January 25, 1935, after conviction of personating an officer, Barrecchia was sentenced to State Prison for the maximum term of two years and the minimum term of one year; that on June 7, 1957, after conviction of conspiracy to make book, Barrecchia was sentenced in the County Court of Passaic County, Law Division (Criminal) to pay a fine of \$1,000 and again, on October 6, 1961, after conviction of the crime of conspiracy to make book, in the County Court of Passaic County, Law Division (Criminal) was sentenced to a prison term of six months in Passaic County jail and to pay a fine of \$1,000.

The initial question to be determined with reference to Charge 1 is whether the presence on the licensed premises of Barrecchia is a violation of Rule 4 of State Regulation No. 20. The pertinent part of the Rule is as follows:

"No licensee shall allow, permit or suffer in or upon the licensed premises any prostitute, female impersonator, pickpocket, swindler, confidence man, or any notorious criminal, gangster, racketeer, or other person of ill repute...."

In an early ruling by then Chief Deputy Commissioner and Counsel Nathan L. Jacobs (Re Gedney, Bulletin 60, Item 5) it was stated:

"In its broad sense the word 'criminal' includes any person who has been convicted of the violation of any criminal statute. See Creeden vs. Boston & Maine Railroad, 79 N. E. 344 (Mass.); Molineaux vs. Collins, 69 N. E. 727, (N. Y.). But the use of the word 'criminal' in association with 'racketeer', 'gangster', etc. evidences an intent to confine its meaning to professional rogues and similar persons universally recognized as social menaces.

"Rule #4 was designed to aid in disassociating the liquor industry from its unsavory elements. To be effective,

it must be strictly observed and licensees must consistently decline to permit on the licensed premises persons who are known to defy law. Neither the presence nor the absence of a judicial conviction of crime is conclusive. A person who has been convicted of transporting beer in violation of law is not, without more, considered as a professional rogue; a person who has never been convicted of crime but is a member of a gang of racketeers or habitual law violators, is so considered. The latter type of person comes within the proscribed class; the former does not."

When a man's reputation is in issue, the special knowledge of the witness is invariably shown to the trier of the facts, so that he can have some basis to determine the weight to attach to the assertion. Stromberg et al. v. Judge of the Common Pleas of the County of Camden et al., 118 N.J.L. 387.

Wigmore's Principles of Judicial Proof (2nd ed. 383) states that "Reputation is simply cumulation of ordinary perception -- testimonies, heard and gathered and reduced to a single implied assertion, which assertion is reported to the tribunal by the witness who perceived the cumulative assertions."

Investigator Soter testified that for twenty-five to thirty years he lived in the neighborhood in which Barrecchia resided and on occasion spoke to persons who knew him, and that Barrecchia's reputation intended to be bad; that he had been known to be "engaged in bookmaking, illegal activities, gambling" and to his (Soter's) knowledge Barrecchia had never held a job or position of any kind.

It is apparent from the testimony of Investigator Soter concerning Barrecchia, when both resided in the same neighborhood for many years, that Barrecchia is a person of ill repute. The official records (marked as exhibits in evidence herein) are adequate proof that Barrecchia is not a law-abiding person.

It is not conducive to the best interest of the liquor industry to encourage and permit a person with a criminal background as that of Barrecchia to habitually frequent the licensed premises and, in addition thereto, to receive calls on the telephone in the licensed premises from unknown persons and for unexplained reasons. Moreover, when the licensee was notified that Barrecchia must not be allowed in the licensed premises, the licensee deliberately defied the directive.

In Zicherman v. Driscoll (133 N.J.L. 586, p. 588) Justice Oliphant, speaking for the New Jersey Supreme Court, among other things stated that:

"The liquor business is one that must be carefully supervised and it should be conducted by reputable people in a reputable manner."

The Director inter alia may make such special rulings and findings as may be necessary for the proper enforcement of the alcoholic beverage law with reference to criminals and disreputable characters. R.S. 33:1-39.

I find as a fact that Barrecchia is a person of ill repute, and was allowed, permitted and suffered on the licensed premises as alleged. I further find that minors were employed on the licensed premises without requisite permit as alleged.

Under the facts and circumstances appearing herein, it is recommended that the licensee be found guilty of so much of the first charge as alleges that Bart Barrecchia, a person of ill repute, was allowed, permitted and suffered on the licensed premises, and guilty of the second charge as alleged.

It is further recommended that licensee's license be suspended on Charge 1 for twenty days (cf. Re Peppermint Twist, Bulletin 1558, Item 4), and on Charge 2 for five days (Re Ewtushek, Bulletin 1351, Item 2), making a total suspension of twenty-five days.

Conclusions and Order

Written exceptions to the Hearer's Report were filed with me by the attorney for the licensee within the time limited by Rule 6 of State Regulation No. 16. The exceptions take issue only with the recommended finding of guilt with respect to Charge 1 and are based upon the contention that the record herein does not establish that Bart Barrecchia is a "notorious criminal, gangster, racketeer or person of ill repute" within the meaning of Rule 4 of State Regulation No. 20 and that, in any event, said Rule is "illegal, unconstitutional and without the general powers of the Director to promulgate." No argument or reasons were submitted to sustain or supply specificity to these contentions, nor did the licensee introduce any evidence in defense of either charge.

Preliminarily, it is noted that during the hearing held herein counsel for the licensee claimed that he was improperly denied access to parts of investigation reports submitted to the Division by one of the Division agents who testified on behalf of the Division. The demand for access to the reports was made for the purpose of testing the credibility of the agent during his cross examination and, accordingly, I find that access was properly granted with respect to only the subject matter about which the agent testified on direct examination. State v. Hunt, 25 N.J. 514, 531 (1958).

Also, during the hearing the licensee objected to the admission into evidence of fingerprint return records disclosing criminal arrests of Barrecchia which did not eventuate in conviction. No issue was raised as to the accuracy of these records of arrest. I find that these records were properly admitted into evidence in that they bear on the reputation of Barrecchia notwithstanding the lack of convictions resulting from the arrests.

Additionally, there was admitted into evidence a copy of Division Conclusions and Order dated June 22, 1959, in which a penalty was imposed against the licensee's predecessor for allowing Bart Barrecchia to engage in bookmaking activities on the licensed premises in question. Since the current licensee was not a party in interest in such disciplinary proceedings, this exhibit has not been taken into consideration in arriving at my decision herein.

As to the merits of the licensee's filed exceptions, I find that the licensee allowed, permitted and suffered Barrecchia to frequent the licensed premises during the period alleged in Charge 1, and that Barrecchia is a "person of ill repute" within the meaning of Rule 4 of State Regulation No. 20. Whether the term is used in the sense of a person of "bad reputation", viz., "what is reported or understood from report to be

the community's estimate of the person's character", 77 C.J.S. Reputation, p. 266, n. 22, or in the sense of an "habitual law violator", Re Silver, Bulletin 441, Item 12. "The purpose of the rule is to prohibit licensed premises from being used as a hang-out for persons generally known or known to the licensee or his agents to be undesirables." Re Silver, ibid.

Having carefully considered the entire record herein, I find the exceptions of the licensee to be without merit and, therefore, I concur in the findings and conclusions of the Hearer and adopt his recommendations. Under the circumstances I conclude that the licensee's guilt has been established by more than a fair preponderance of the believable evidence with respect to so much of Charge 1 as alleged that he allowed, permitted and suffered in and upon his licensed premises on August 21, 1964 and on divers occasions prior thereto extending to May 23, 1963 (the date to which the Charge was amended during the hearing) Bart Barrecchia, a person of ill repute, and with respect to all of Charge 2. I will therefore impose the penalty recommended by the Hearer.

Accordingly, it is, on this 28th day of January 1965,

ORDERED that Plenary Retail Consumption License C-173, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Thomas Giaquinto, t/a Silver Slipper, for premises 235 Buffalo Avenue, Paterson, be and the same is hereby suspended for twenty-five (25) days, commencing at 3 a.m. Monday, February 8, 1965, and terminating at 3 a.m. Friday, March 5, 1965.

JOSEPH P. LORDI
DIRECTOR

4. DISQUALIFICATION REMOVAL PROCEEDINGS - OBTAINING GOODS UNDER FALSE PRETENSES - PETTY LARCENY - ORDER REMOVING DISQUALIFICATION - DEFERRED EFFECTIVE DATE OF ORDER.

In the Matter of an Application)
to Remove Disqualification be-)
cause of a Conviction, Pursuant)
to R.S. 33:1-31.2)
Case No. 1792)

CONCLUSIONS
AND
ORDER

BY THE DIRECTOR:

Petitioner's criminal record discloses that he was convicted in a county court on April 16, 1957 of obtaining four tires (valued at \$120) under false pretenses, in violation of N.J.S.2A:111-1, and was given a suspended sentence to New Jersey State Prison. It further appears that petitioner was convicted in a magistrate's court on July 5, 1955 for possession and sale of fireworks; on January 13, 1956 as a disorderly person; on April 27, 1956 for contempt of court (two motor vehicle violations); on August 8, 1956 for failing to give a good account of himself; on February 27, 1957 for petty larceny; on January 15, 1958 for contempt of court; on March 11, 1958 as a gambling house inmate; on December 18, 1961 for creating a disturbance and resisting arrest; and on October 13, 1962 for making annoying telephone calls; that on his first conviction he was fined \$100; on his second conviction

he was sentenced to serve one hundred thirty days in a county jail; on his third conviction he was turned over to another municipality; on his fourth conviction he was sentenced to time spent in custody (25 days); on his fifth conviction he was sentenced to serve six months in a county jail, and six months on probation; on his sixth conviction he was fined \$15; on his seventh conviction he was fined \$25; on his eighth conviction he was given a ninety-day suspended sentence, and on his last conviction he was fined \$25. Petitioner was released from the county penitentiary on July 27, 1957.

Since the conviction of the crimes of obtaining goods under false pretenses and petty larceny involve the element of moral turpitude (Re Case No. 628, Bulletin 911, Item 8; Re Case No. 1784, Bulletin 1553, Item 6), petitioner was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this State. R.S. 33:1-25, 26.

Petitioner's other convictions in the magistrate's court are not convictions of crime.

At the hearing held herein, petitioner (30 years old) testified that he is married and living with his wife; that for the past twenty years he has lived in the same municipality where he presently resides; that during the past six years he has been employed as a shipping clerk (three years), operated a grocery store (one and one-half years) and employed by a transportation licensee as a truck driver since May 1963; that in a Division questionnaire submitted to him by his present employer he had denied that he had ever been convicted of a crime; that he concealed his convictions because he feared it would militate against his chances of being continued in his employment; that in November 1963, following an accident with his truck, his employer learned of his criminal record and advised him to seek a clearance from this Division.

Petitioner further testified that he is asking for removal of his disqualification to be free to continue his present employment and that ever since his release from jail on July 27, 1957, he has not been convicted of any crime or arrested except as aforesaid.

The Police Department of the municipality wherein the petitioner resides reports that there are no complaints or investigations presently pending against the petitioner.

Petitioner produced three character witnesses (a housewife, a coffee shop cashier, and a truck driver), two of whom testified that they have known petitioner for more than five years last past, and the third for four years last past, and that in their opinion he is now an honest, law-abiding person with a good reputation.

I hesitate to grant the relief sought because of petitioner's convictions in 1961 (for creating a disturbance and resisting arrest) and in 1962 (for making annoying telephone calls), his denial that he had not been convicted of any crime, and the fact that, although disqualified, he worked for a transportation licensee. To afford the petitioner the relief requested it is necessary that I find that he has been conducting himself in a law-abiding manner for five years following the date of his last conviction (or release from imprisonment resulting therefrom) and that his association with the alcoholic beverage industry will not be contrary to the public interest. See R.S. 33:1-31.2.

Although his above convictions in 1961 and 1962 are not convictions for violation of criminal statutes, they are nevertheless pertinent circumstances to consider on the question whether he has successfully rehabilitated himself and that his association with the alcoholic beverage industry in this State will not be contrary to public interest.

I do not believe that petitioner's convictions in 1961 and 1962 are sufficient to overcome his record of employment for the past six or seven years, the favorable testimony of his character witnesses, his present attitude and the report submitted to the Division by the Essex County Probation Office. Re Case No. 1824, Bulletin 1574, Item 10. I nevertheless cannot ignore petitioner's false statement in his application for employment.

Considering all of the aforesaid facts and circumstances, and the fact that a denial of the petition without some relief would presently work a hardship on the petitioner, I shall grant his application but shall withhold relief until thirty days from the date hereof. Cf. Re Case No. 1760, Bulletin 1570, Item 7.

Accordingly, it is, on this 25th day of January 1965,

ORDERED that petitioner's statutory disqualification because of the convictions described herein be and the same is hereby removed, in accordance with the provisions of R.S. 33: 1-31.2, effective Wednesday, February 24, 1965; provided, however, that petitioner shall not in the interim be associated with the alcoholic beverage industry in this State in any manner whatsoever.

JOSEPH P. LORDI
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Lebato's 7 Seas Cafe, Inc.)
t/a 7 Seas Cafe, Inc.)
4601-03-05 New Jersey Avenue)
Wildwood, N. J.,)

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption License C-32, issued by the Board of Commissioners of the City of Wildwood.)
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Joseph Tenenbaum, Esq., Attorney for Licensee
Morton B. Zemel, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on December 23, 1964 it possessed alcoholic beverages in four bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for five days effective March 13, 1961, for sale to a minor.

The prior record considered, the license will be suspended for twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re C.A.R. Corporation, Bulletin 1560, Item 9.

Accordingly, it is, on this 3rd day of February 1965,

ORDERED that Plenary Retail Consumption License C-32, issued by the Board of Commissioners of the City of Wildwood to Lebato's 7 Seas Cafe, Inc., t/a 7 Seas Cafe, Inc., for premises 4601-03-05 New Jersey Avenue, Wildwood, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Wednesday, February 10, 1965, and terminating at 2 a.m. Tuesday, March 2, 1965.

JOSEPH P. LORDI
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Villa Robatto, Inc.)
Tappan Road)
Norwood)
PO West Norwood, N. J.,)

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption License C-5, issued by the Mayor and Council of the Borough of Norwood.)
-----)

Licensee, by Angelo Robatto, President, Pro se
Morton B. Zemel, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 5, 1965, it possessed alcoholic beverages in five bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re American Resort and Recreation, Inc., Bulletin 1589, Item 8.

Accordingly, it is, on this 4th day of February 1965,

ORDERED that Plenary Retail Consumption License C-5, issued by the Mayor and Council of the Borough of Norwood to Villa Robatto, Inc., for premises on Tappan Road, Norwood, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Thursday, February 11, 1965, and terminating at 2 a.m. Wednesday, March 3, 1965.

JOSEPH P. LORDI
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 Marion Drezgal
 t/a Walt's Bar
 524 North High Street
 Millville, New Jersey,
 Holder of Plenary Retail Consumption License C-2, issued by the Board of Commissioners of the City of Millville.

CONCLUSIONS AND ORDER

Marvin M. Wodlinger, Esq., Attorney for Licensee
 Morton B. Zemel, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on December 31, 1964 she possessed alcoholic beverages in two bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for five days effective June 24, 1963, for sale to minors.

The prior record considered, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Brookside Tavern, Inc., Bulletin 1518, Item 6.

Accordingly, it is, on this 4th day of February 1965,

ORDERED that Plenary Retail Consumption License C-2, issued by the Board of Commissioners of the City of Millville to Marion Drezgal, t/a Walt's Bar, for premises 524 North High Street, Millville, be and the same is hereby suspended for fifteen (15) days, commencing at 1 a.m. Thursday, February 11, 1965, and terminating at 1 a.m. Friday, February 26, 1965.

JOSEPH P. LORDI
 DIRECTOR

8. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Anthony Scuderi)
t/a Cozy Corner Bar)
815 N. Delaware St.,)
Paulsboro, New Jersey,)

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption License C-13, issued by the Borough Council of the Borough of Paulsboro.)
-----)

William C. Flowers, Esq., Attorney for Licensee
Morton B. Zemel, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 13, 1965 he possessed alcoholic beverages in three bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license (then held in partnership with Dorothy Scuderi) by the municipal issuing authority for ten days effective September 14, 1953, and as an individual again by the municipal issuing authority for sixty days effective October 28, 1957, both for sale to minors.

The prior record of suspension for dissimilar violation occurring more than five years ago disregarded, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Washington Street Tavern, Bulletin 1571, Item 9.

Accordingly, it is, on this 4th day of February 1965,

ORDERED that Plenary Retail Consumption License C-13, issued by the Borough Council of the Borough of Paulsboro to Anthony Scuderi, t/a Cozy Corner Bar, for premises 815 N. Delaware St., Paulsboro, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Thursday, February 11, 1965, and terminating at 2 a.m. Friday, February 26, 1965.

JOSEPH P. LORDI
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE BELOW FILED PRICE - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against Caesar Campana t/a A-Bar Restaurant 822-824-826 Locust Street Camden, N. J. Holder of Plenary Retail Consumption License C-103, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden

CONCLUSIONS AND ORDER

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on December 29, 1964, he sold a case of pint bottles of whiskey below filed price, in violation of Rule 5 of State Regulation No. 30.

Licensee has a previous record of suspension of license by the municipal issuing authority for five days effective February 27, 1939, for sale during prohibited hours, by the Commissioner for ten days effective November 20, 1939, for sale below minimum resale price (Re Campana, Bulletin 299, Item 6; Bulletin 362, Item 1), and by the Director for ten days effective July 6, 1964, for sale during prohibited hours (Re Campana, Bulletin 1570, Item 4).

The prior record of suspension for dissimilar and similar violation in 1939 occurring, respectively, more than five and ten years ago disregarded but the prior record of suspension for dissimilar violation in 1964 considered, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re 183 Meeker Avenue Corporation, Bulletin 1386, Item 7.

Accordingly, it is, on this 8th day of February, 1965,

ORDERED that Plenary Retail Consumption License C-103, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Caesar Campana, t/a A-Bar Restaurant, for premises 822-824-826 Locust Street, Camden, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, February 15, 1965, and terminating at 2:00 a.m. Thursday, February 25, 1965.

JOSEPH P. LORDI DIRECTOR

10. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
Labeled - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

Camilla Zambolla & Vincent Zambolla)
t/a Vincent's Tavern)
723 Springfield Avenue)
Newark, New Jersey,)

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption)
License C-265, issued by the Municipal)
Board of Alcoholic Beverage Control of)
the City of Newark.)

Licensees, by Vincent Zambolla, Pro se
Morton B. Zemel, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

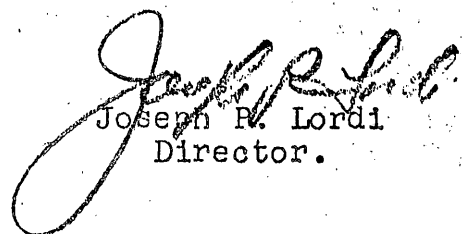
Licensees plead non vult to a charge alleging that on
January 18, 1965, they possessed alcoholic beverages in two bot-
tles bearing labels which did not truly describe their contents,
in violation of Rule 27 of State Regulation No. 20.

Licensee Vincent Zambolla has a previous record of sus-
pension of license then held for premises 118 Pacific Street, Newark,
by the municipal issuing authority for five days effective September
7, 1942, for sale to minors, and suspension of license then held in
partnership with John Menzione for premises 251 Fabyan Place, Newark,
by the municipal issuing authority for fifteen days effective Novem-
ber 10, 1952, also for sale to minors.

The prior record of suspension for dissimilar violations
occurring more than five years ago disregarded, the license will be
suspended for fifteen days, with remission of five days for the
plea entered, leaving a net suspension of ten days. Re West End
Casino, Inc., Bulletin 1587, Item 3.

Accordingly, it is, on this 8th day of February 1965,

ORDERED that Plenary Retail Consumption License C-265,
issued by the Municipal Board of Alcoholic Beverage Control of
the City of Newark to Camilla Zambolla & Vincent Zambolla, t/a
Vincent's Tavern, for premises 723 Springfield Avenue, Newark,
be and the same is hereby suspended for ten (10) days, commencing
at 2 a.m. Monday, February 15, 1965, and terminating at 2 a.m.
Thursday, February 25, 1965.


Joseph P. Lordi
Director.