

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

May 7, 1951.

BULLETIN 904

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

BULLETIN 904

May 7, 1951.

1. MUNICIPAL ORDINANCES - MINIMUM DISTANCE BETWEEN LICENSED PREMISES - QUESTION OF AMENDING OR SUPPLEMENTING ORDINANCES TO MAKE EXCEPTION FOR LICENSEES FORCED TO MOVE BECAUSE PREMISES ARE IN THE PATH OF A NEW HIGHWAY.

TO MUNICIPAL GOVERNING BODIES:

A number of New Jersey municipalities have ordinances concerning minimal distance between licensed premises. Licensed premises in some of these municipalities may be in the path of a new Highway or Turnpike and, thus, the license holders may be compelled to move. In the municipalities concerned I suggest that the governing bodies, if they have not already done so, give careful thought to the question whether an ordinance should be adopted (amending or supplementing the distance-between-premises ordinance) to make an exception in favor of place-to-place transfers of licenses the premises for which may be so displaced.

It will be understood that such an ordinance would merely remove the affected licenses from the restrictive operation of the distance-between-premises ordinance. It would not assure a specific transfer or commit the municipal issuing authority to the granting thereof. Despite the exceptive ordinance the specific transfer application would be granted or denied, on the merits, by the municipal issuing authority and the granting or denying would be appealable to me pursuant to Revised Statutes, 33:1-26.

Distance-between-premises ordinances are complex and their provisions vary widely among different municipalities. I suggest, therefore, that a copy of any proposed amendatory or supplementary ordinance on the subject be sent to this Division before introduction for such technical comment, if any, as may be in order.

ERWIN B. HOCK
Director.

Dated: April 23, 1951.

2. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES (RENTING ROOMS FOR IMMORAL PURPOSES) - LICENSE SUSPENDED FOR 180 DAYS.

In the Matter of Disciplinary Proceedings against)

JACOB H. HARTMAN)
T/a RICHMOND HOTEL)
E. Bay Street)
Union Township (Ocean County))
P.O. Barnegat, N. J.,)

CONCLUSIONS AND ORDERS

Holder of Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Union (Ocean County).)
-----)

Percy Camp, Esq., Attorney for Defendant-licensee.)
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.)

BY THE DIRECTOR:

Defendant pleaded not guilty to a charge as follows:

"On September 12, 1950, and on divers dates prior thereto, you allowed, permitted and suffered lewdness and immoral activities in and upon your licensed premises, viz., the renting of rooms for the purpose of illicit sexual intercourse; in violation of Rule 5 of State Regulations No. 20."

Two agents of the State Division of Alcoholic Beverage Control testified that on Friday, September 1, 1950, at about 6:00 p.m., they entered the defendant's licensed premises. There they talked to Leonard (Lennie) Engel, the bartender and apparently the only person then in charge of said premises. During the course of this conversation, the agents inquired as to the possibility of securing rooms in the hotel part of the licensed premises, advising Lennie that they intended to bring a couple of "girls -- friends of ours" to the rooms "for a couple of hours" for the purpose of engaging in sexual intercourse. The agents also told Lennie that they would probably return the following week; that they would then pick up the "girls" so that they wouldn't get "in trouble" with their wives because they were "going to do a little cheating" with a reference to illicit sexual intercourse; that they proposed to leave the girls outside and come in to see Lennie for the rooms and that "the girls would come in later on so that there won't be no trouble". Lennie indicated his acquiescence in these arrangements and suggested that they see him when the time came to engage the rooms.

Returning to the licensed premises on Tuesday, September 12, 1950, at about 6:00 p.m., they again spoke to Lennie, again the only person attending the barroom, advising him of their alleged intention of going to Waretown to "pick up a couple of girl friends" and to use the rooms "to do a little cheating on their wives", and again discussed the modus operandi of renting rooms and their plan for having the "girls" follow them to the rooms after a suitable interval. Lennie, when asked if he had any "rubbers" (contraceptive devices) on him or in the hotel, replied "No. You can get them down at the drug-store." The agents then left the premises at 6:30 p.m. Returning at 8:00 p.m., they were greeted by Lennie with the question, "Now, that's two double rooms you want?" Assured that such was their desire,

Lennie left the barroom and shortly thereafter returned with a woman, later identified as Lillian Hartman, the wife of defendant-licensee, whom he introduced to the agents with the explanation that they (the agents) wanted two double rooms. Mrs. Hartman then showed the agents two such rooms, fixed the rental rate and, in the course of the conversation, was informed by the agents that they were "going to have our girl friends up to do a little cheating on the side", adding that they didn't want to "get into any trouble". Mrs. Hartman answered by saying, "I know -- that's OK." The agents registered under assumed names, using "Mr. & Mrs." before each name. Mrs. Hartman asked no questions about the agents' lack of baggage and accepted \$3.00 in marked money for each room. The agents then advised her that "the girls will be in in a little while, when they come in alone just send them up to the rooms". The agents then remarked that they "just wanted the rooms for a couple of hours and then we would leave", to which remark Mrs. Hartman answered, "That's all right."

Another agent, who entered the premises shortly thereafter, testified that, upon entering the premises, he questioned Mrs. Hartman and that she admitted renting the rooms; that she produced the marked money from her person and that, when asked to explain why no dates or room numbers appeared with signatures on the hotel register she replied, "Well, I didn't pay any attention how they signed these registers."

Lennie, although still in the employ of the defendant, was not produced as a witness. Mrs. Hartman admitted renting the rooms as described herein, denying the excerpts of the conversation as testified to by the agents, alleging in her examination that she thought any reference to "women" by the agents was a reference to the agents' wives, although clearly indicating that at no time did the agents use the terms "wife" or "wives". In fact, she denies that any such conversation took place and that any of the alleged remarks were made to her, except the request to send the women up when they arrived. However, she admitted on cross-examination that the agents had no luggage with them when they rented the rooms and that she had not discussed with them the subject of luggage. Mr. Hartman, the licensee, was not present and took no part in the activities leading to the arrangements.

The only other witnesses produced by defendant, six well-known and reputable citizens of the municipality, admittedly were not present at any of the times mentioned by the Division's witnesses. Hence, they are in no position to affirm or deny the incidents alleged to have occurred on the above mentioned dates. They merely testified as to the general good reputation of the defendant and his wife.

I am convinced from the record that the testimony of the agents fairly portrays the incidents and conversations which took place upon the licensed premises on the occasions in question and that the agents brought home to the bartender and the licensee's wife, both of whom were admittedly employed on the licensed premises, the unlawful purpose, i.e., illicit sexual intercourse, for which the rooms were ostensibly hired; and that the licensee's wife rented the rooms with a clear understanding of such proposed unlawful purpose. The mere fact that the licensee did not personally participate in the conversations or transactions is immaterial. A licensee is duty bound to exercise close supervision over his licensed premises and violations occurring there cannot be excused merely because he had no personal knowledge of them. Rule 31 of State Regulations No. 20; Stein v. Passaic, Bulletin 451, Item 5; Essex Holding Corp. v. Hock, 136 N.J.L. 28. As was said in Re Paton, Bulletin 896, Item 3, "He (a licensee) cannot hide behind his employees".

Nor is it material that no illicit sexual intercourse actually occurred in the rooms after they were rented to the agents. The offense charged (allowing, permitting and suffering lewdness and immoral activities in and upon the licensed premises) was complete when the rooms were rented with knowledge, on the part of the licensee's employees, that they were (ostensibly) to be used for the purpose of illicit sexual intercourse. In affirming a recent order of suspension by the Director in a case involving an almost identical factual situation, the Appellate Division, speaking through Judge Jayne, said "We are therefore confronted with the question whether the mere renting of bedrooms in the licensed premises by a licensee with the belief and intention that they will be occupied for the purposes of illicit sexual intercourse is an immoral activity within the signification of Rule 5. We answer the question in the affirmative." In the Matter of the Appeal of Sam Schneider, Appellate Division, No. A-246-50, September Term, 1950 (not yet officially reported). As stated by Judge Jayne: "The object manifestly inherent in the rule -- is primarily to discourage and prevent not only lewdness, fornication, prostitution, but all forms of licentious practices and immoral indecency on the licensed premises. The primary intent of the regulation is to suppress the inception of any immoral activity, not to withhold disciplinary action until the actual consummation of the apprehended evil."

I find the defendant guilty as charged.

The facts and circumstances disclosed by the record in this case are quite similar to those found in Re Denti, Bulletin 835, Item 8. Under all the circumstances, I shall suspend the defendant's license for 180 days.

Accordingly, it is, on this 20th day of April, 1951,

ORDERED that Plenary Retail Consumption License C-3, issued for the 1950-51 licensing year by the Township Committee of the Township of Union (Ocean County) to Jacob H. Hartman, t/a Richmond Hotel, for premises E: Bay Street, Union Township (Ocean County), be and the same is hereby suspended for the balance of its term, effective at 2:00 a.m. April 27, 1951; and it is further

ORDERED that if any license be issued to the said licensee, or anyone else, for the premises in question for the 1951-52 fiscal year, such license shall be under suspension until 2:00 a.m. October 24, 1951.

ERWIN B. HOCK
Director.

- 3. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - SALE TO PERSON ACTUALLY OR APPARENTLY INTOXICATED - EMPLOYING MINOR UNDER AGE OF FIFTEEN YEARS - ALLOWING BRAWL, ACT OF VIOLENCE AND DISTURBANCE - ALLOWING PERSON ACTUALLY OR APPARENTLY INTOXICATED TO WORK ON LICENSED PREMISES - LICENSE SUSPENDED FOR 90 DAYS.

In the Matter of Disciplinary Proceedings against
 STELLA BUCHKEVICH
 T/a MONROE HOTEL
 Monroe Corners
 Sparta Township
 P.O. Monroe, N. J.,

CONCLUSIONS AND ORDERS

Holder of Plenary Retail Consumption License C-17, issued by the Township Committee of the Township of Sparta.

 Emanuel A. Honig, Esq., Attorney for Defendant-licensee.
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to charges alleging that she (1) sold, served and delivered and allowed, permitted and suffered the service and delivery of alcoholic beverages to a minor, in violation of Rule 1 of State Regulations No. 20; (2) sold, served and delivered and allowed, permitted and suffered the service of alcoholic beverages to persons actually or apparently intoxicated, in violation of Rule 1 of State Regulations No. 20; (3) employed a minor under the age of 15 years on her licensed premises, in violation of Rule 6 of State Regulations No. 13; (4) allowed, permitted and suffered a brawl, act of violence and disturbance, in violation of Rule 5 of State Regulations No. 20; and (5) allowed, permitted and suffered a person actually or apparently intoxicated to work on her licensed premises, in violation of Rule 24 of State Regulations No. 20.

The file in the instant case discloses that on December 25, 1950, one Tony Buchkevich, the husband of the defendant and also an employee on the licensed premises, sold and served alcoholic beverages to Daniel H. ---, a minor, 17 years of age. It appears that the minor aforementioned arrived at defendant's licensed premises at about 2:00 p.m. in the company of his brother, two members of the armed forces, and another youth. The two members of the armed forces were permitted to consume alcoholic beverages after they were actually or apparently intoxicated. When the group of youths first entered the licensed premises at 2:00 p.m., Tony Buchkevich, the bartender, directed a 14-year-old boy to go to an adjacent room for five bottles of beer. The boy returned to the barroom with the five bottles of beer and placed them on a shelf under the bar. A gentleman who was standing nearby took the caps off the bottles and Tony Buchkevich made service to the five youths, one of whom was Daniel H. ---, the 17-year-old youth aforementioned. Tony Buchkevich was actually intoxicated but, nevertheless, continued to drink alcoholic beverages and work on the licensed premises. On one occasion Tony Buchkevich grabbed a bottle and struck one of the youths on the side of the head.

Although the defendant was not in the barroom when the violations took place, there is evidence in the file that at the time she was in the kitchen of the licensed premises. I am constrained to wonder if the licensee is a fit person to be entrusted with the privilege conferred by a liquor license. The practices carried on at her

licensed premises will not be tolerated. In view of the fact, however, that defendant has no previous adjudicated record, I shall suspend defendant's license for a period of ninety days.

Accordingly, it is, on this 19th day of April, 1951,

ORDERED that Plenary Retail Consumption License C-17, issued by the Township Committee of the Township of Sparta to Stella Buchkevich, t/a Monroe Hotel, Monroe Corners, Sparta Township, be and the same is hereby suspended for the balance of its term, effective at 2:00 a.m. April 25, 1951; and it is further

ORDERED that if any license be issued to the said licensee, or anyone else, for the premises in question for the 1951-52 fiscal year, such license shall be under suspension until 2:00 a.m. July 24, 1951.

ERWIN B. HOCK
Director.

4. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - GAMBLING - ALLOWING FOUL, FILTHY AND OBSCENE LANGUAGE AND CONDUCT IN AND UPON LICENSED PREMISES - PRIOR RECORD - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

KARL GREENBERG)
107 Patterson Street)
Harrison, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-44, issued by the Town Council of the Town of Harrison.)

Joseph F. McCarthy, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to charges alleging that he (1) sold, served and delivered, and allowed, permitted and suffered the service and delivery of an alcoholic beverage on his licensed premises to minors, in violation of Rule 1 of State Regulations No. 20; (2) allowed, permitted and suffered gambling in and upon his licensed premises, in violation of Rule 7 of State Regulations No. 20; and (3) allowed, permitted and suffered foul, filthy and obscene language and conduct in and upon his licensed premises, in violation of Rule 5 of State Regulations No. 20.

On Sunday, March 18, 1951, ABC agents, present during the early morning hours of same day, observed eight young men in a back room on defendant's licensed premises engaged in playing two card games -- four of them at one table playing poker, the other four at another table playing pinochle. The stakes at both games were small.

Between 12:00 Midnight and 2:30 a.m. on the same day, two persons from the back room came at different times to the bar where the defendant, acting as bartender, each time filled two one-half gallon pitchers with beer, which were then carried to the back room. After

the second filling, the agents entered the back room and observed that most of the players were apparently drinking the beer. Calling the local police, the agents, with the help of officers from the Harrison Police Department, took the card-players and the defendant to Police Headquarters, where statements were taken. From the statements it appears that five of the eight card-players were minors aged from eighteen to twenty, and that the licensee-defendant knew that they were minors. The defendant claims that this was a private party and that he did not know that the minors were consuming the alcoholic beverages carried to the back room. He admits that he never visited the back room and, accordingly, did not have knowledge of the gambling there being carried on. His apparent lack of proper supervision furnishes no excuse. Actually, it aggravates the occurrence.

It also appears that defendant, during the time the agents were in his barroom, wore a necktie bearing a painting of a nude female figure, and that he referred to the picture and handled it in a way that was clearly obscene. He further told several stories, clearly audible to the patrons at the bar, which stories were foul, filthy and obscene.

I find defendant guilty as charged.

Defendant has a previous record. Effective May 25, 1948, his license was suspended by the local issuing authority for three days after a finding of guilty to a charge of employing a female bartender, in violation of a local ordinance.

Under all the circumstances, including the prior record, I shall suspend the license for forty-five days. Five days will be remitted for the plea, leaving a net suspension of forty days.

Accordingly, it is, on this 19th day of April, 1951,

ORDERED that Plenary Retail Consumption License C-44, issued by the Town Council of the Town of Harrison to Karl Greenberg, for premises 107 Patterson Street, Harrison, be and the same is hereby suspended for forty (40) days, commencing at 2:00 a.m. April 23, 1951, and terminating at 2:00 a.m. June 2, 1951.

ERWIN B. HOCK
Director.

5. DISCIPLINARY PROCEEDINGS - ALLOWING VILE, FILTHY AND OBSCENE LANGUAGE ON LICENSED PREMISES - GAMBLING - SALE TO PERSON ACTUALLY OR APPARENTLY INTOXICATED - LICENSE SUSPENDED FOR 45 DAYS.

In the Matter of Disciplinary Proceedings against)

N. IRVING DEUTSCH)
T/a ASTOR HOTEL BAR & GRILL)
59 Division Street)
Somerville, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-10, issued by the Borough Council of the Borough of Somerville.)
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Blumberg & Rosenberg, Esqs., by William B. Rosenberg, Esq., Attorneys for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded not guilty to charges alleging that he (1) allowed, permitted and suffered foul, filthy and obscene language on his licensed premises, in violation of Rule 5 of State Regulations No. 20; and (3) sold, served and delivered, and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages on his licensed premises to a person actually or apparently intoxicated, in violation of Rule 1 of State Regulations No. 20. Defendant pleaded non vult to Charge (2) alleging that he engaged in gambling on his licensed premises, i.e., the wagering of money on the outcome of a boxing exhibition, in violation of Rule 7 of State Regulations No. 20.

Agents of the State Division of Alcoholic Beverage Control testified that they were in the defendant's barroom on January 5, 6 and 12, 1951, and that on each evening they remained about two to two-and-a-half hours, leaving at approximately 12:00 Midnight.

The agents testified that the male customers (only one or two women were present at any of the times specified herein) habitually used obscene, filthy and foul language in addressing each other and the bartender, and on one occasion, in referring to the fighters appearing on January 12 on the television. A member of the local Police Department testified that on January 12, from outside the bar on the street pavement and outside a closed window, he heard, without any trouble, this foul and obscene language.

The agents testified that at about 9:00 p.m. on January 12 they observed a man enter the licensed premises; that he staggered to the bar, his face was flushed, his walk erratic, and his talk practically incoherent. The agents further testified that the bartender served a glass of beer to this man, and that he was permitted to consume it although, in the opinion of the agents, he was quite intoxicated. The local detective, observing the incident through the window, also reached the conclusion that this person was intoxicated when he entered the tavern and continued to be so intoxicated during his stay and until after he was arrested by the local detective and removed to Police Headquarters.

There is no doubt that defendant wagered sums of money with at least two of his customers on the outcome of the Charles-Oma boxing exhibition on January 12. The defendant admits the wagering and that he won and was "paid off".

The story told by the bartender -- a categorical denial of the use of any obscene language on any of the dates aforesaid on his licensed premises -- is unbelievable. I cannot conceive of any agent of this Division concocting a story utilizing such inane and meaningless words and phrases. Nor can I believe the defendant's story that he did not hear the words and phrases. On January 12 defendant was not over twenty feet away from the speakers and, had he listened, certainly could have heard as well as could the local detective who was not even in the barroom. The language used was utterly disgusting, unsavory and obscene.

Defendant, his bartender and two patrons testified that in their opinion the patron to whom the beer was served on January 12 was not intoxicated.

I believe the agents and the police.

Defendant is guilty as charged.

There being no commercial aspect to the gambling charge, and no other serious aggravation appearing, and in the absence of any prior adjudicated record, I shall suspend the license as follows: the minimum for Charge (1) is ten days (Re Arno, Bulletin 830, Item 1); for Charge (2), fifteen days (Re Pirone, Bulletin 760, Item 5), and for Charge (3), twenty days (Re Marinaccio, Bulletin 583, Item 5, making a total suspension of forty-five days.

Accordingly, it is, on this 23rd day of April, 1951,

ORDERED that Plenary Retail Consumption License C-10, issued by the Borough Council of the Borough of Somerville to N. Irving Deutsch, t/a Astor Hotel Bar & Grill, for premises 59 Division Street, Somerville, be and the same is hereby suspended for forty-five (45) days, commencing at 1:00 a.m. April 30, 1951, and terminating at 1:00 a.m. June 14, 1951.

ERWIN B. HOCK
Director.

6. DISCIPLINARY PROCEEDINGS - VIOLATION OF SPECIAL CONDITION (AS TO PARTITION) IMPOSED ON ISSUANCE OF LICENSE - PRIOR RECORD - LICENSE SUSPENDED FOR BALANCE OF TERM, WITH LEAVE TO PETITION TO LIFT SUSPENSION ON PROOF OF CORRECTION AFTER SUSPENSION HAS BEEN EFFECTIVE FOR AT LEAST 5 DAYS.

In the Matter of Disciplinary Proceedings against

BAUMEL'S LIQUOR AND DELICATESSEN, INC.
202 Westfield Avenue
Clark Township
P.O. RFD #2, Rahway, New Jersey,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-1, issued by the Board of Commissioners of Clark Township.

Julius R. Pollatschek, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded not guilty to the following charge:

"On January 19, 1951 and prior thereto you failed to partition the portion of your premises where alcoholic beverages are sold, from the remaining portion of the premises by a wooden or glass partition containing a door which could be locked during hours when sale of alcoholic beverage is prohibited, such failure being in violation of special condition imposed upon the issuance of your license by resolution passed by the Board of Commissioners of Clark Township on June 20, 1950 (approved by the Director of the Division of Alcoholic Beverage Control on July 21, 1950) pursuant to R. S. 33:1-32."

Defendant conducts a grocery, delicatessen and meat market on the left side, and a package store on the right side of a large room at 202 Westfield Avenue. The resolution passed by the Board of Commissioners provided:

"***that the portion of the premises from which alcoholic beverages are sold shall be partitioned off from remaining portion of premises by a wooden or glass partition containing one door, which shall be locked during hours when the sale of alcoholic beverages is prohibited."

All parties to this proceeding are in agreement that on January 19, 1951, three Venetian blinds, fastened with hooks attached to the ceiling, were used as a partition to separate the liquor section of the store from that section being used for other purposes. The Venetian blinds, when lowered, came to within two inches of the floor. When the blinds were lowered, there remained an open space, approximately three or four feet wide, between the front end of the blinds and the front wall of the room.

Abraham D. Baumel, President of defendant corporate-licensee, testified that, some time after the condition was imposed on the license, he enlarged and modernized the store. The witness testified that he consulted Committeeman Wilson, who was assigned by the Township Committee to handle alcoholic beverage matters, concerning the use of the Venetian blinds as a partition to meet the requirements of

the conditional license. The witness testified that Committeeman Wilson, after consultation with his colleagues on the Township Committee, advised him that there was no objection to the use of Venetian blinds as a partition to meet the requirements of the condition imposed upon the license.

Leon Schindler, Chairman of the Township Committee, testified that the matter had been taken up by the Committee as a whole, and that there was no objection on its part to substituting Venetian blinds for the partition that had been originally erected. Committeeman Schindler stated that they intended to draw up a new resolution to modify the condition, but were awaiting the outcome of this proceeding before doing so.

The condition mentioned herein was imposed by the issuing authority and approved by me pursuant to R. S. 33:1-32. Unless and until it is modified or rescinded by the issuing authority and said action approved by me, the condition is binding on defendant. From the evidence it appears that defendant has not complied with the condition and, hence, I must find defendant guilty as charged.

Defendant has a previous adjudicated record. Effective June 26, 1950, its license was suspended by the local issuing authority for a period of five days as a result of sale of alcoholic beverages during prohibited hours.

Apparently the violation of the condition imposed on defendant's license still continues. Hence, I must suspend the license for the balance of its term. If, however, the defendant shall make the alterations necessary to conform to the existing condition, or, if the local issuing authority by proper resolution modifies said condition so that the present partition meets its requirements, and such modification is approved by me, and satisfactory proof thereof is submitted, I shall, upon presentation of a verified petition indicating that the violation has been corrected in either of the aforesaid ways, lift the suspension imposed herein. In no event, however, will the suspension be lifted until the license has remained suspended for five days.

Accordingly, it is, on this 20th day of April, 1951,

ORDERED that Plenary Retail Distribution License D-1, issued by the Board of Commissioners of Clark Township to Baumel's Liquor and Delicatessen, Inc., for premises 202 Westfield Avenue, Clark Township, be and the same is hereby suspended for the balance of its term, viz., until Midnight, June 30, 1951, effective at 9:00 a.m. April 30, 1951; and it is further

ORDERED that application may be made to me to lift such suspension upon proof of correction of the violation as hereinabove set forth, but in no event will such suspension be lifted until five (5) days have elapsed from the effective date of the suspension herein.

ERWIN B. HOCK
Director.

7. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES -
SUSPENSION REIMPOSED UPON AFFIRMANCE OF DIRECTOR'S DECISION BY
APPELLATE DIVISION.

In the Matter of Disciplinary)
Proceedings against)

SAM SCHNEIDER)
T/a OCEAN HOUSE)
N/W Cor. Main & Water Streets)
Dover Township)
P.O. Toms River, N. J.,)

O R D E R

Holder of Plenary Retail Consump-)
tion License C-1 for the 1949-50 and)
1950-51 licensing years, issued by)
the Township Committee of the)
Township of Dover.)

BY THE DIRECTOR:

On December 27, 1950, the defendant's license was suspended for the balance of the term, effective January 8, 1951, or a total suspension of one hundred seventy-four days. See Bulletin 892, Item 3. The suspension was held in abeyance pending the defendant's appeal to the Superior Court, Appellate Division. The Court has recently affirmed the Director's decision, and the penalty may now be reimposed.

Accordingly, it is, on this 17th day of April, 1951,

ORDERED that Plenary Retail Consumption License C-1, issued by the Township Committee of the Township of Dover to Sam Schneider, t/a Ocean House, for premises at N/W cor. Main and Water Streets, Dover Township, be and the same is hereby suspended for the balance of its term, effective April 23, 1951, at 2:00 a.m.; and it is further

ORDERED that any license issued to the defendant for this or any other premises for the licensing year 1951-52, by the Township Committee of the Township of Dover, or to any other person to whom the license may be transferred, shall be and remain under suspension until October 14, 1951, at 2:00 a.m.

ERWIN B. HOCK
Director.

8. DISCIPLINARY PROCEEDINGS - MISLABELED BEER TAP - LICENSE SUSPENDED FOR 3 DAYS, LESS 1 FOR PLEA.

In the Matter of Disciplinary Proceedings against

VERA MESSEKA
T/a VERA'S TAVERN
35 Whitehead Avenue
South River, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-15, issued by the Borough Council of the Borough of South River.

Vera Messeka, Defendant-licensee, Pro Se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendant pleaded guilty to the charge that, on March 19, 1951, she possessed a mislabeled beer tap in her licensed premises, in violation of Rule 26 of State Regulations No. 20.

An ABC agent, on routine inspection of the defendant's licensed premises on the day in question, found that beer was being drawn from a barrel marked "Ballantine" through a spigot labeled "Schaefer".

Defendant has no previous adjudicated record. The license, therefore, will be suspended for a period of three days, less one day's remission for the plea entered herein, or a net suspension of two days. Re Hearns, Bulletin 854, Item 4.

Accordingly, it is, on this 16th day of April, 1951,

ORDERED that Plenary Retail Consumption License C-15, issued by the Borough Council of the Borough of South River to Vera Messeka, t/a Vera's Tavern, for premises 35 Whitehead Avenue, South River, be and the same is hereby suspended for a period of two (2) days, commencing at 2:00 a.m. April 23, 1951, and terminating at 2:00 a.m. April 25, 1951.

ERWIN B. HOCK
Director.

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

In the Matter of Disciplinary Proceedings against

EDWARD P. MEYERS, JR.
T/a EDDIE'S PALM GARDEN INN
White Horse Avenue & Berlin Road
Clementon, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-6, issued by the Borough Council of the Borough of Clementon.

Edward P. Meyers, Jr., Defendant-licensee, Pro Se.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he possessed one 4/5 quart bottle labeled "Old Charter Kentucky Straight Bourbon Whiskey 86 Proof" and one quart bottle labeled "Seagram's Seven Crown Blended Whiskey 86.8 Proof", which bottles bore labels which did not truly describe their contents, in violation of Rule 27 of State Regulations No. 20.

On March 9, 1951, an ABC agent tested 24 open bottles of alcoholic beverages and seized the two bottles in question when his preliminary test indicated that the contents thereof varied in proof from the contents of genuine bottles of the same products.

Defendant has no previous adjudicated record. I shall suspend his license for a period of fifteen days, less five days' remission for the plea entered herein, leaving a net suspension of ten days. Re Paci, Bulletin 883, Item 9.

Accordingly, it is, on this 16th day of April, 1951,

ORDERED that Plenary Retail Consumption License C-6, issued by the Borough Council of the Borough of Clementon to Edward P. Meyers, Jr., t/a Eddie's Palm Garden Inn, for premises White Horse Avenue & Berlin Road, Clementon, be and the same is hereby suspended for a period of ten (10) days, commencing at 3:00 a.m. April 23, 1951, and terminating at 3:00 a.m. May 3, 1951.

ERWIN B. HOCK
Director.

10. DISCIPLINARY PROCEEDINGS - PERMITTING LICENSED PREMISES TO BE USED IN CONNECTION WITH ILLEGAL ACTIVITY (GAMBLING), IN VIOLATION OF RULE 4 OF STATE REGULATIONS NO. 20 - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

CATALDA B. BIGGS)
T/a TALLY'S TAVERN)
35 Moonachie Road)
Moonachie)
PO RFD Wood-Ridge, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-4, issued by the Mayor and Council of the Borough of Moonachie.)

Macy Davidson, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendant has pleaded non vult to the following charge:

"On or about April 19, 1950, and on divers days prior thereto you allowed, permitted and suffered your licensed premises and licensed business to be used in furtherance and aid of and in connection with an illegal activity or enterprise resulting in a conviction in a criminal prosecution in that you allowed, permitted and suffered bookmaking and gambling in an unlicensed portion of your licensed building accessible from the licensed portion, with respect to which Herbert Biggs, your husband, who was also employed by you as bartender at your licensed premises, and Lewis Pinckney and Joseph A. Crispo, were convicted on or about February 21, 1951 in the Bergen County Court of the crime of conspiracy to make book, contrary to R. S. 2:119-1; in violation of Rule 4 of State Regulations No. 20."

The investigation in the within case discloses that on April 19, 1950, law enforcement officers raided a room of defendant's living quarters located on the second floor of the building containing defendant's licensed premises. Two men were apprehended while in the act of accepting horse-race bets over two telephones installed in said room. The enforcement officers also seized the two telephones and racing paraphernalia used in connection with the gambling establishment. At the time of the raid, Herbert Biggs, husband of defendant-licensee, was tending bar in the barroom on the ground floor of the building, which floor comprises the licensed premises. Said Herbert Biggs was apprehended by the officers in connection with the gambling activities. After indictment by the Grand Jury, Herbert Biggs pleaded guilty to the crime of "conspiracy to make book".

Although the violation occurred about a year ago, the requisite evidence for the institution of these proceedings was not in the possession of this Division until after the conviction of Herbert Biggs on or about February 21, 1951.

Under the circumstances, I shall suspend defendant's license for a period of thirty days, less five days' remission for the plea

entered herein, leaving a net suspension of twenty-five days.
Cf. Re Buonomo, Bulletin 815, Item 14.

Accordingly, it is, on this 25th day of April, 1951,

ORDERED that Plenary Retail Consumption License C-4, issued by the Mayor and Council of the Borough of Moonachie to Catalda B. Biggs, t/a Tally's Tavern, for premises 35 Moonachie Road, Moonachie, be and the same is hereby suspended for twenty-five (25) days, commencing at 3:00 a.m. April 30, 1951, and terminating at 3:00 a.m. May 25, 1951.

ERWIN B. HOCK
Director.

11. STATE LICENSES - NEW APPLICATIONS FILED.

American Express Field Warehousing Corporation
241 Chelsea Avenue
Long Branch, N. J.
Application filed April 19, 1951 for Public Warehouse License.

Saracco Trucking Co., Inc.
480 West Broadway
New York, New York.
Application filed April 19, 1951 for transfer of Transportation License from Charles & Mario Saracco, t/a Saracco Trucking Co.

Ace Waterways Inc.
Boat "ACE"
Pier "B", Jersey City, N. J.
Application for Plenary Retail Transit License filed April 26, 1951.

John Cattani, t/a John Cattani & Sons
603-607 Central Ave.
Union City, N. J.
Application for Additional Warehouse at 600-608 Central Avenue, Union City, filed April 30, 1951.

Erwin B. Hock

Director.