

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

BULLETIN 1162

APRIL 25, 1957.

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

BULLETIN 1162

APRIL 25, 1957.

1. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE
SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

STATUTORY AUTOMATIC SUSPENSION - APPLICATION TO LIFT GRANTED
AT EXPIRATION OF SUSPENSION.

In the Matter of Disciplinary Proceedings against)	
)	
K AND L CIRCLE INN, INC.)	CONCLUSIONS
T/a CIRCLE INN)	AND ORDER
Corner S-4 & 35 & Chevalier Ave.)	
Sayreville)	
PO RFD #1, South Amboy, N.J.,)	
Holder of Plenary Retail Consump- tion License C-57, issued by the Borough Council of the Borough of Sayreville.)	
-----)	
Auto. Susp. #131-)	
In the Matter of a Petition by)	ON PETITION
)	O R D E R
K AND L CIRCLE INN, INC.)	
T/a CIRCLE INN)	
To Lift the Automatic Suspension of aforesaid license.)	

Patten & Pryga, Esqs., by James F. Patten, Esq., Attorneys for
Defendant-licensee, Petitioner.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant-licensee has pleaded non vult to the following
charge:

"On Monday night, December 31, 1956 and early Tuesday
morning, January 1, 1957, you sold, served and delivered
and allowed, permitted and suffered the sale, service and
delivery of alcoholic beverages, directly or indirectly,
to persons under the age of twenty-one (21) years, viz.,
Robert E. ---, age 17, George W. ---, Jr., age 17, George
F. ---, age 18, Cornelius ---, age 18, and John A. ---,
age 19, and allowed, permitted and suffered the consump-
tion of alcoholic beverages by such persons in and upon
your licensed premises; in violation of Rule 1 of State
Regulation No. 20."

Acting upon information obtained from the Sayreville
Police Department, ABC agents obtained sworn statements from
the minors mentioned in the charge. Each minor stated that the
five minors entered defendant's licensed premises on December
31, 1956, about 7:30 p.m.; that, after remaining there for a
short time, they left the premises and went elsewhere; that
they returned to defendant's licensed premises about 11:30 p.m.
and remained there until about 1:30 a.m. on the following
morning.

Each minor further says that on the first visit he consumed one or more bottles of beer purchased from William J. Jensen (president of defendant corporation) who was then the sole bartender in the premises. Two of the minors say that on the second visit they consumed several bottles of beer and three of the minors say that on the second visit they consumed several mixed drinks, all of which were purchased from an older male bartender. All minors allege that no one in the licensed premises questioned them on either visit as to their respective ages.

In mitigation the president of defendant corporation has submitted to me a letter in which he says that the licensed premises were crowded on New Year's Eve; that he previously knew only one of the minors and that he is positive that this minor was not on the premises on the evening in question. He further says that on a previous occasion this minor (17 years of age) had exhibited to him an "ID" card indicating that he was twenty-two years of age. The ABC agents report that this minor is 6 feet 2 inches tall, weighs 200 pounds and appears to be about nineteen years of age. The agents also report that the other seventeen-year-old minor is over 6 feet tall, heavily built and appears to be of full age.

On February 18, 1957, William J. Jensen pleaded non vult in the Sayreville Municipal Court to a charge of selling alcoholic beverages to the same minors, in violation of R. S. 33:1-77, and was fined \$50.00. Said conviction resulted in the automatic suspension of defendant's license for the balance of its term. R. S. 33:1-31.1. On February 20, 1957, an ABC agent picked up defendant's license and the corporation has not operated under its license since that time. A petition requesting the lifting of said suspension has been filed with me. R. S. 33:1-31.1.

Defendant has no prior record. In Re Butts, Bulletin 1098, Item 5, the facts were substantially similar to the facts herein and I suspended defendant's license for twenty-five days. Because of the increased penalties imposed for sales to minors subsequent to January 16, 1956, I would ordinarily increase the penalty by five days. However, because of the aforesaid mitigating circumstances as to both seventeen-year-old minors, I shall suspend defendant's license for twenty-five days. Five days will be remitted for the plea, leaving a net suspension of twenty days, effective from February 20, 1957 (when the license was automatically suspended).

As to the petition to lift, I shall grant the requested relief upon the expiration of the aforesaid suspension.

Accordingly, it is, on this 28th day of February, 1957,

ORDERED that Plenary Retail Consumption License C-57, issued by the Borough Council of the Borough of Sayreville to K and L Circle Inn, Inc., t/a Circle Inn, for premises at Corner S-4 & 35 & Chevalier Avenue, Sayreville, be and the same is hereby suspended for twenty (20) days, effective February 20, 1957, and terminating at 7:00 a.m. March 12, 1957; and it is further

ORDERED that the statutory automatic suspension mentioned herein will be lifted effective at 7:00 a.m. March 12, 1957, at which time the license will be restored to full force and operation.

WILLIAM HOWE DAVIS
Director.

- 2. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS, FAILURE TO HAVE PREMISES CLOSED DURING PROHIBITED HOURS AND FAILURE TO HAVE PREMISES OPEN TO PUBLIC VIEW DURING PROHIBITED HOURS IN VIOLATION OF LOCAL REGULATION - EMPLOYING FEMALE BARTENDER IN VIOLATION OF LOCAL REGULATION - LICENSE SUSPENDED FOR 25 DAYS.

In the Matter of Disciplinary)
 Proceedings against)
 MICHAEL ESKEWICZ)
 T/a UP AND UP CAFE)
 315 River Street)
 Paterson 4, N.J.)

Holder of Plenary Retail Consump-)
 tion License C-91, for the 1955-56)
 licensing year, issued by the Board)
 of Alcoholic Beverage Control for)
 the City of Paterson, which license)
 has been extended to and renewed for)
 the 1956-57 licensing year in the)
 name of)

CONCLUSIONS
 AND
 ORDER

MINNIE ESCOVITCH, Guardian of)
 Michael Eskewicz)
 t/a UP AND UP CAFE)
 315 River Street)
 Paterson 4, N. J.)

 Theodore D. Rosenberg, Esq., Attorney for Defendant-licensee.
 William F. Wood, Esq., appearing for the Division of Alcoholic
 Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant has pleaded not guilty to charges alleging that (1) he allowed the consumption of alcoholic beverages on his licensed premises on Sunday, April 1, 1956 during prohibited hours, (2) he failed to have his entire premises closed on March 24 and Sunday, April 1, 1956 during prohibited hours, (3) he failed on the aforesaid dates to keep the interior of his licensed premises open to public view from the outside thereof during hours when the sale and consumption of alcoholic beverages therein is prohibited, and (4) on the aforesaid dates he employed a female bartender other than the licensee or the wife of the licensee, in violation of local ordinances.

"The testimony of the ABC agents at the hearing is substantially as follows: On March 24, 1956 two agents entered defendant's licensed premises at about 2:20 a.m. Minnie Escovitch (Eskewicz), daughter-in-law of the licensee, was tending bar. At about 3:00 a.m. she told the agents to finish their drinks and leave. Five patrons remained in the tavern when the agents left. The agents remained outside, keeping the tavern under surveillance. They observed three or four men leave the tavern. At about 3:14 a.m., three persons entered the premises and shortly thereafter two of such persons emerged therefrom. At 3:30 a.m., an ABC agent attempted to view the interior of the tavern but was unable to do so because the venetian blinds on the windows and the door panels were closed.

"These agents returned to the licensed premises on Sunday, April 1. One of the agents entered about 3:24 a.m.

At this time the exterior blinds were closed and no view of the interior could be had from the outside. The exterior lights were extinguished while the interior was lighted. There were thirteen persons present, a number of whom were drinking alcoholic beverages.

"The agent identified himself to Minnie Escovitch (Eskewicz) who was tending bar and called in two fellow agents who had remained outside. Four drinks in front of various patrons were seized by the agents. The Division chemist reports that two of these drinks were beer and one was whiskey and carbonated water.

"In defense, Minnie Escovitch (Eskewicz) testified that the venetian blinds were open on March 24 and that all persons in the tavern on that date left with the agents; that the persons observed at about 3:14 a.m. were relatives who stopped there momentarily; that on April 1 she did not permit the sale or consumption of alcoholic beverages after 3:00 a.m.; that the venetian blinds were not open because some time ago a person or persons who observed her through the open blinds when she was closing the place tried to break in and she was frightened and summoned the police; and that ten or more persons who were in the tavern after 3:00 a.m. on April 1 were waiting for Easter eggs which she intended to distribute to them.

"It appears that the licensee has been confined to a mental institution since 1953, and that the licensee's wife has similarly been confined since the spring of 1956, and that Minnie Escovitch (Eskewicz) has been conducting the licensed business for about seven or eight months, and that the license was extended to her as guardian of Michael Eskewicz after the institution of these disciplinary proceedings.

"The local ordinances prohibit the sale and consumption of alcoholic beverages on weekdays between 3:00 a.m. and 7:00 a.m. and on Sundays between 3:00 a.m. and 1:00 p.m.; provide that during that period the entire premises must be closed and the entire interior of the licensed premises shall be kept open to public view from the outside thereof and no screen, partition or other obstacle shall be permitted to interfere with a clear public view; and that no licensee shall have in his or her employ any female bartender unless said female bartender is the licensee or the wife of the licensee.

"In my opinion, from the evidence presented, it is abundantly clear that Minnie Escovitch (Eskewicz) has conducted the licensed business very loosely so far as closing hours and open view regulations are concerned. Whether that was due to the exigencies of the situation when she sought to aid her relatives or to failure on her part to realize her responsibility in conducting the licensed business is immaterial since, in any event, it will not serve to excuse the offenses. I, therefore, recommend that the defendant-licensee be adjudged guilty of the four charges preferred herein.

"Defendant has no prior adjudicated record. I further recommend that defendant's license be suspended for a period of twenty days for the violations set forth in Charges (1), (2) and (3), Re Pawlowski, Bulletin 1123, Item 3, and for an additional period of five days for the violation set forth in Charge (4), Re Narr, Bulletin 1002, Item 9."

No exceptions were taken to the Hearer's Report within the time limited by Rule 6 of State Regulation No. 16.

After carefully considering the facts and circumstances herein, I concur in the recommended conclusions in the Hearer's Report and I adopt them as my conclusions herein. Hence, I shall suspend the license for a period of twenty-five days.

Accordingly, it is, on this 4th day of March, 1957,

ORDERED that Plenary Retail Consumption License C-91, issued by the Board of Alcoholic Beverage Control for the City of Paterson, presently in the name of Minnie Escovitch, Guardian of Michael Eskewicz, t/a Up and Up Cafe, 315 River Street, Paterson, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 3:00 a.m. March 11, 1957, and terminating at 3:00 a.m. April 5, 1957.

WILLIAM HOWE DAVIS
Director.

3. DISCIPLINARY PROCEEDINGS - CHARGE ALLEGING SALES TO MINORS DISMISSED.

In the Matter of Disciplinary Proceedings against
JOHN W. McCARTHY & HELEN E. McCARTHY
T/a McCARTHY'S TAVERN
Rockaway-Green Pond Road
Marcella, Rockaway Township
PO RD 1, Rockaway, N. J.,

CONCLUSIONS
AND ORDER

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

Sidney Simandl, Esq., Attorney for Defendant-licensees.
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendants pleaded not guilty to the following charge:

'On June 2, 1956 and on divers days prior thereto, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years, viz., Robert E. ---, age 18, and John E. ---, age 18, and allowed, permitted and suffered the consumption of alcoholic beverages by such persons in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.'

"At the hearing herein John --- testified that he was born July 3, 1937; that after 11:00 p.m. on the evening of June 2, 1956 he and one Robert --- visited defendants' licensed premises; that they remained in the premises until 'A little after twelve', during which time he ordered and consumed six drinks of beer; that 'Sometimes it was glasses; sometimes it was bottles'; that he and his companion were served by John W. McCarthy, one of the defendant-licensees; that he was never questioned as to his age; and that on June 29, 1956 he again

visited the defendants' premises in the company of two ABC agents. On cross-examination John testified that he could not remember the brand of beer which was served him; that he thought the price of the beer was fifteen cents a glass but could not remember the price of the beer in bottles; that a month prior to the hearing herein he admitted speaking to a man identified at the hearing as William Hustl and requested Hustl to say that he (John) drank beer at defendants' licensed premises but Hustl 'didn't say a word'; that when the ABC agents interrogated him about the alleged sales to him at defendants' premises, he told them he was not drinking and signed a statement to that effect but characterized said statement as 'It was all lies'; and that the following day he changed his mind and made another statement that he obtained drinks at defendants' premises.

"An ABC agent testified that on June 29, 1956 he, a fellow agent, and John went to defendants' licensed premises where the minor identified John W. McCarthy as the person who had served him beer on June 2, 1956 and that the first written statement made by John (the minor) to him did not involve defendants.

"Defendants called a number of witnesses, among whom was John W. McCarthy who testified that he was on duty on June 2, 1956 and that he did not serve John on that date or at any time prior thereto. Defendants also produced two witnesses who testified that on June 2, 1956 they were in defendants' licensed premises, one being there between the hours of 10:15 p.m. and midnight and the other from 11:00 p.m. until 1:30 a.m. the following morning and that neither saw John in the premises during the time they were there. Three other witnesses testified that although they were not in defendants' licensed premises on June 2, 1956, they had visited the establishment numerous times prior thereto but had never seen John in the premises.

"Robert --- did not appear at the within hearing, it being represented by the Division's attorney that he was in the military service and could not be produced as a witness.

"The case involves inconsistent stories told by the minor and by one of the defendants and divers witnesses produced on defendants' behalf. The testimony of the minor is uncorroborated and there is doubt of his veracity, whereas the testimony of defendants' witnesses appears to be reliable. The burden of proof to establish guilt of the defendants rests with the Division. After consideration of all the testimony adduced herein, I conclude that the Division has not sustained the burden of proof as to the alleged sales of alcoholic beverages to John and, hence, I recommend that the charge herein be dismissed. Furthermore, there was a lack of sufficient proof with reference to Robert ---, an alleged minor, to sustain the charge that he was sold alcoholic beverages in defendants' licensed premises at the time in question. I, therefore, recommend that the part of the charge relating to him be dismissed."

No exceptions were taken to the Hearer's Report within the time limited by Rule 6 of State Regulation No. 16.

After carefully considering the facts and circumstances herein, I concur in the recommended conclusions in the Hearer's Report and I adopt them as the conclusions herein. Hence, I shall dismiss the charge.

Accordingly, it is, on this 28th day of February, 1957,

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

WILLIAM HOWE DAVIS
Director.

4. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - MITIGATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 5 DAYS.

In the Matter of Disciplinary Proceedings against)

MICHAEL DOOLAN, EDWARD GALLAGHER & EDWARD ZUKOWSKI)
t/a VILLAGE BARN)
700 State Highway)
Spring Lake Heights)
PO Spring Lake, N. J.,)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-7 for the 1955-56 and 1956-57 licensing periods, issued by the Borough Council of the Borough of Spring Lake Heights.)

Meehan Brothers, Esqs., by John J. Meehan, Esq., Attorneys for Defendant-licensees.

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

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendants pleaded not guilty to a charge alleging that on Saturday night, May 26, 1956, they sold, served and delivered alcoholic beverages to two minors and permitted the consumption of such beverages by said minors in and upon their licensed premises, in violation of Rule 1 of State Regulation No. 20.

"At the hearing herein the Division called as its witnesses George ---, Harry --- and two ABC agents.

"George and Harry testified that they were born July 31, 1935 and October 16, 1935, respectively. The agents testified, in substance, that they entered defendants' licensed premises about 9:05 p.m., Saturday, May 26, 1956, and seated themselves at the bar therein; that at about 10:45 p.m. they observed two apparent minors approach the bar and heard one of them order '7 and 7'; that a glass of mixed drinks was placed on the bar in front of each youth by a bartender who made no inquiry as to their ages; and that when the youths had consumed a portion of the drinks they (the agents) identified themselves and seized the remainder of the drinks for evidential purposes. The agents further testified that during their stay approximately 300 patrons were in the premises and that Michael Doolan, one of the licensees herein, was stationed at the entrance apparently checking the ages of those who entered. On cross-examination they testified that the minors told Doolan that they entered the premises by walking between two couples who were departing therefrom and that Harry appeared 'close to six feet' tall and George 'just a little shorter.'

"An analysis of the beverages seized was made by the Division chemist and his report shows that the drinks contained whiskey, carbonated water and lemon flavor.

"The only witness appearing for defendants was Michael Doolan, one of the partner-licensees, who testified that on the night in question 'I checked the ages of the people that came in looking youthful to myself, and as they come in they are checked and allowed to proceed, and if there is any doubt in my mind they are always checked. We have a filing system of cards. I think we have somewhere close to 1,000, 1,500, maybe 2,000 cards we made different people sign when they prove themselves to be borderline cases'; and that he rejected 'quite a few' apparent minors that night.

"Three statements signed by the minors were received in evidence. Two of the statements read 'I entered the Village Barn and seen the sign not to enter unless you are 21 but entered anyway' and the other reads 'When we entered two couples were leaving. We walked thru the center of the couples at the door and proceeded to the bar.'

"R. S. 33:1-77 provides that 'Anyone who sells any alcoholic beverage to a minor shall be guilty of a misdemeanor; provided, however, that the establishment of all of the following facts by a person making any such sale shall constitute a defense to any prosecution therefor: (a) that the minor falsely represented in writing that he or she was twenty-one (21) years of age or over, and (b) that the appearance of the minor was such that an ordinary prudent person would believe him or her to be twenty-one (21) years of age or over, and (c) that the sale was made in good faith relying upon such written representation and appearance and in the reasonable belief that the minor was actually twenty-one (21) years of age or over.'

"The defense outlined in the aforesaid statute has been ruled to be effective in disciplinary proceedings as well as in criminal proceedings. Cf. Caruso v. Jersey City, Bulletin 694, Item 1.

"It is apparent from the evidence adduced herein that defendants failed to comply with the aforesaid statutory provisions. I find defendants guilty as charged.

"The minimum suspension imposed for sale of alcoholic beverages to twenty-year-old minors is ten days. Re Salsberg et al., Bulletin 1126, Item 6. However, considering the mitigating circumstances appearing herein and the fact that defendants have no prior adjudicated record, I recommend that their license be suspended for a period of five days. Re Wedemeyer, Bulletin 1050, Item 8."

No exceptions were taken to the Hearer's Report within the time limited by Rule 6 of State Regulation No. 16.

After carefully considering the facts and circumstances herein, I concur in the recommended conclusions in the Hearer's Report and I adopt them as my conclusions herein. Hence, I shall suspend defendant's license for a period of five days.

Accordingly, it is, on this 28th day of February, 1957,

ORDERED that Plenary Retail Consumption License C-7, issued by the Borough Council of the Borough of Spring Lake Heights to Michael Doolan, Edward Gallagher & Edward Zukowski,

t/a Village Barn, 700 State Highway, Spring Lake Heights, be and the same is hereby suspended for a period of five (5) days, commencing at 2:00 a.m. March 11, 1957, and terminating at 2:00 a.m. March 16, 1957.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - REQUEST TO PRESENT ORAL ARGUMENT FOR RECONSIDERATION OF PENALTY GRANTED.

In the Matter of Disciplinary Proceedings against)

MICHAEL DOOLAN, EDWARD GALLAGHER)
& EDWARD ZUKOWSKI)
T/a VILLAGE BARN)
700 State Highway)
Spring Lake Heights)
PO Spring Lake, N. J.,)

ON PETITION
O R D E R

-----)
Holders of Plenary Retail Consumption License C-7 (for the 1955-56 and 1956-57 licensing periods) issued by the Borough Council of the Borough of Spring Lake Heights.)

Vincent T. Dee, Esq., Attorney for Petitioners.

BY THE DIRECTOR:

On February 28, 1957, I entered an order adopting recommended conclusions in the Hearer's Report as my conclusions herein and suspending petitioners' license for five days commencing at 2:00 a.m. March 11, 1957, and terminating at 2:00 a.m. March 16, 1957.

Petitioners have requested a reconsideration of my decision upon the ground that the finding of guilt is contrary to the weight of the evidence. They allege that the failure to file exceptions to the Hearer's Report within time was due to the fact that they understood that the time to file exceptions had been extended. The file does not disclose that the time to file exceptions had been extended, and I carefully considered the facts and circumstances before entering my Conclusions and Order. However, I have decided to permit petitioner's attorney to present oral argument before me within one week from the date hereof in support of petitioners' request for a reconsideration of my decision. Pending said argument, I shall stay the effect of the order heretofore entered.

Accordingly, it is, on this 6th day of March, 1957,

ORDERED that the five-day suspension scheduled to commence at 2:00 a.m. March 11, 1957 be and the same is hereby stayed pending the entry of a further order herein.

WILLIAM HOWE DAVIS
Director.

6. DISCIPLINARY PROCEEDINGS - REQUEST TO PRESENT ORAL ARGUMENT FOR RECONSIDERATION OF PENALTY WITHDRAWN - SUSPENSION REIMPOSED.

In the Matter of Disciplinary Proceedings against

MICHAEL DOOLAN, EDWARD GALLAGHER & EDWARD ZUKOWSKI T/a VILLAGE BARN 700 State Highway Spring Lake Heights PO Spring Lake, N. J.,

ON PETITION ORDER

Holder of Plenary Retail Consumption License C-7 (for the 1955-56 and 1956-57 licensing periods), issued by the Borough Council of the Borough of Spring Lake Heights.

Vincent T. Dee, Esq., Attorney for Petitioners.

BY THE DIRECTOR:

The attorney for petitioners having advised me that he has decided not to present oral argument upon request for a reconsideration of my decision herein,

It is, on this 14th day of March, 1957,

ORDERED that the five-day suspension heretofore imposed shall commence at 2:00 a.m. March 25, 1957, and terminate at 2:00 a.m. March 30, 1957.

WILLIAM HOWE DAVIS Director.

7. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - ONE CHARGE DISMISSED - LICENSE SUSPENDED FOR 20 DAYS.

In the Matter of Disciplinary Proceedings against

MARGARET G. BILANSKY T/a SPRING BROOK PLACE Route #46, below Delaware Knowlton Township PO RD 1, Columbia, N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of Knowlton.

VanHorn & VanHorn, Esqs., by Richard D. VanHorn, Esq., Attorneys for Defendant-licensee. William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant has pleaded not guilty to the following charges:

'1. On Saturday night, May 26, 1956, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years, viz., Hildebrand ---, age 17 and Kenneth ---, age 18, and allowed, permitted and suffered the consumption of alcoholic beverages by said Hildebrand ---, on such date in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.

'2. On or about May 25, 1956 and on divers days prior thereto you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years, viz., Hildebrand ---, age 17, Kenneth ---, age 18, William ---, age 18, and George ---, age 19, and allowed, permitted and suffered the consumption of alcoholic beverages by such persons in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.'

"The evidence presented at the hearing centers around the testimony of Hildebrand --- (age 17) wherein he stated that on May 26, 1956, at about 8:00 p.m., he and Kenneth --- (a minor companion) entered defendant's licensed tavern and remained there for about fifteen minutes; that during that period he purchased and consumed a glass of beer served to him by the licensee and also purchased a bottle of Seagram's Seven Crown whiskey to take out of the premises without being questioned as to his age or asked to sign any written representation thereof. He further states that he was previously at this tavern 'a couple of times' including May 25, on which date he purchased and consumed a glass of beer purchased from and served to him by Myron Gilbert who was tending bar at the time. Kenneth confirms Hildebrand's account of what occurred on May 26, and states that he 'chipped in' part of the cost of the bottle of whiskey; that he was not at the tavern on May 25 but that he was previously there (generally with Hildebrand) to play quoits on four or five occasions but cannot fix any specific dates, and was served beer.

"On defendant's part, in defense to the charges, she and her son, Myron Gilbert, established by their testimony that licensee's tavern was attractive to youngsters because the game of quoits and other entertainment was available in the premises; that they tried to control the activities of the youngsters and were careful not to serve them alcoholic beverages. However, with specific reference to the sale of beer and whiskey to Hildebrand on May 26, while the licensee denied that Hildebrand and Kenneth were there, in my opinion the testimony of Hildebrand and Kenneth represents what actually occurred. I, therefore, recommend that defendant be adjudged guilty on Charge 1.

"The evidence presented by the Division to establish Charge 2 is in part the testimony of one uncorroborated witness and is in part general in terms and vague in detail concerning purchase and service of beer to the minors at the premises. The only evidence of a sale on May 25 (the specific date set forth in the charge) is the uncorroborated testimony of Hildebrand. The charge of sales on divers dates to the other minors depends upon Kenneth's testimony that he was at the tavern on four or five occasions but that he cannot fix any definite dates; that of William --- who states that,

unaccompanied by any other person, he was at the tavern and had beer there six or seven times some six or seven months prior to May 28, 1956; and that of George --- who states that he was in defendant's tavern and had beer there but cannot remember how many times or the dates or months except that it was four or five months prior to May 1956 and that on some of these occasions he was there with Hildebrand and Kenneth and at times they were served with beer.

"Defendant denied that any of the minors was in her premises on May 25, and stated that she had no recollection of having seen William --- or George --- in her premises at any time. She admitted that Kenneth --- had been in her premises with some 'young fellows' in the early part of May, but said that she refused to serve him any alcoholic beverages.

"The proof presented by the Division as to Charge 2 and denied by defendant and her witnesses is not sufficiently firm or definite in character to support a finding of guilt. The testimony of one minor, uncorroborated, falls short of establishing the preponderance of the proof requisite to sustain a finding of guilt (Re Doolan, Bulletin 1104, Item 5). Similarly, in fairness, general categorical statements by the minors that they were at the premises and obtained beer there in the past, without any recollection of any specific date or dates or specific details of any such occurrence, falls short of the proof required to justify a finding of guilt where such statements are denied by defendant and defendant's witnesses. Cf. Re Brovero, not yet reported in Bulletin. For these reasons I recommend the dismissal of Charge 2.

"Defendant does not have any previous adjudicated record. I recommend that defendant's license be suspended for a period of twenty days (the minimum suspension in an unaggravated sale of alcoholic beverages to a minor seventeen years of age)."

No exceptions were taken to the Hearer's Report within the time limited by Rule 6 of State Regulation No. 16.

After carefully considering the facts and circumstances herein; I concur in the recommended conclusions in the Hearer's Report and I adopt them as my conclusions herein. Hence, I shall suspend defendant's license for a period of twenty days.

Accordingly, it is, on this 28th day of February, 1957,

ORDERED that Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of Knowlton to Margaret G. Bilansky, t/a Spring Brook Place, Route #46, below Delaware, Knowlton Township, be and the same is hereby suspended for a period of twenty (20) days, commencing at 7:00 a.m. March 11, 1957, and terminating at 7:00 a.m. March 31, 1957.

WILLIAM HOWE DAVIS
Director.

9. RETAIL CONSUMPTION LICENSEES - EGG NOG - EASTER DISPENSATION.

April 10, 1957.

TO ALL RETAIL CONSUMPTION LICENSEES:

Traditionally, every year during the Easter season, consumption licensees have been permitted to pre-mix and to serve such pre-mixed egg nog for on-premises consumption during a limited period of time.

I am glad to note that no abuse has developed from the exercise of this privilege.

The same privilege will therefore be granted this year beginning Thursday, April 18, 1957, and ending Monday, April 22, 1957, at midnight, on the understanding, of course, that the privilege will be used with reason and moderation.

WILLIAM HOWE DAVIS
Director.

10. DAYLIGHT SAVING TIME EFFECTIVE THROUGHOUT NEW JERSEY FROM 2:00 A.M. ON THE LAST SUNDAY IN APRIL UNTIL 2:00 A.M. ON THE LAST SUNDAY IN OCTOBER.

Under New Jersey Law (Revised Statutes, 1:1-2.3, as amended) the standard of time in the State is Eastern Standard Time except from 2:00 A.M. on the last Sunday in April until 2:00 A.M. on the last Sunday in October, in each year, when the standard is Eastern Daylight Saving Time which is one hour in advance of Eastern Standard Time.

The Law is State-wide in its application and is binding on all municipalities.

This year's Eastern Standard Time period is almost over. From 2:00 A.M. Sunday, April 28th, and throughout the Eastern Daylight Saving Time period (until 2:00 A.M. on October 27, 1957) the time will be one hour in advance of the present Eastern Standard Time. Thus, as of 2:00 A.M. Sunday, April 28th, clocks are to be turned ahead one hour.

On the morning of Sunday, April 28th, there will be no difference at all in the closing hour of licensed places in municipalities with an ordinance fixing the closing time at midnight or 1:00 A.M. or 2:00 A.M. There will be a difference in the closing hour on the morning of Sunday, April 28th, in municipalities with an ordinance fixing the closing hour later than 2:00 A.M. Take a municipality with a closing hour of 3:00 A.M. At 2:00 A.M. on the morning of Sunday, April 28th, the licensees in that municipality will turn their clocks ahead one hour and then, instantly, it will be 3:00 A.M. and the premises must be closed. Thus those licensees will lose one hour but, of course, they will regain it when clocks are turned back one hour at 2:00 A.M. on the last Sunday in October.

WILLIAM HOWE DAVIS
Director.

Dated: April 23, 1957.

11.

ACTIVITY REPORT FOR MARCH 1957

ARRESTS:		
Total number of persons arrested	-----	32
Licensees and employees	----- 11	
Bootleggers	----- 21	
SEIZURES:		
Motor vehicles - cars	-----	2
Stills - over 50 gallons	-----	1
Alcohol - gallons	-----	4.25
Mash - gallons	-----	140.00
Distilled alcoholic beverages - gallons	-----	273.70
Wine - gallons	-----	2.25
Brewed malt alcoholic beverages - gallons	-----	3.37
RETAIL LICENSEES:		
Premises inspected	-----	580
Premises where alcoholic beverages were gauged	-----	705
Bottles gauged	-----	12,058
Premises where violations were found	-----	32
Violations found	-----	45
Type of violations found:		
Unqualified employees	----- 16	Reg. #38 sign not posted ----- 2
Application copy not available	----- 13	Other mercantile business ----- 1
Prohibited signs	----- 6	Other violations ----- 7
STATE LICENSEES:		
Premises inspected	-----	15
License applications investigated	-----	10
COMPLAINTS:		
Complaints assigned for investigation	-----	408
Investigations completed	-----	371
Investigations pending	-----	150
LABORATORY:		
Analyses made	-----	168
Refills from licensed premises	-----	2
Bottles from unlicensed premises	-----	32
IDENTIFICATION BUREAU:		
Criminal fingerprint identifications made	-----	11
Persons fingerprinted for non-criminal purposes	-----	200
Identification contacts made with other enforcement agencies	-----	155
Motor vehicle identifications via N. J. State Police teletype	-----	9
DISCIPLINARY PROCEEDINGS:		
Cases transmitted to municipalities	-----	19
Violations involved	-----	22
Sale during prohibited hours	----- 9	Permitting hostesses on premises ----- 1
Sale to minors	----- 8	Sale to intoxicated persons ----- 1
Failure to close premises during prohibited hours	----- 2	Failure to afford view into premises during prohibited hours ----- 1
Cases instituted at Division	-----	27*
Violations involved	-----	32
Sale to minors	----- 10	Conducting business as a nuisance ----- 1
Sale during prohibited hours	----- 6	Retailer soliciting house to house ----- 1
Permitting gambling (cards, wagering, pool)	----- 3	Sale outside scope of license ----- 1
Sale to non-members by club	----- 2	Sale below minimum resale price ----- 1
Possessing indecent matter	----- 2	Possessing illicit liquor ----- 1
Permitting foul language on premises	----- 1	Mislabeled beer taps ----- 1
Sale to intoxicated persons	----- 1	Employing person without identification card (local reg.) ----- 1
*Includes one cancellation proceeding - DL license inadvertently issued for premises not operated as a bona fide food store		
Cases brought by municipalities on own initiative and reported to Division	-----	15
Violations involved	-----	17
Sale to minors	----- 7	
Permitting brawls on premises	----- 7	
Sale to intoxicated persons	----- 2	
Permitting gambling (dice) on premises	----- 1	
HEARINGS HELD AT DIVISION:		
Total number of hearings held	-----	60
Appeals	----- 7	Seizures ----- 7
Disciplinary proceedings	----- 33	Tax revocations ----- 4
Eligibility	----- 8	Applications for license ----- 1
STATE LICENSES AND PERMITS ISSUED:		
Total number issued	-----	786
Licenses	----- 3	Social affair permits ----- 257
Employment permits	----- 112	Miscellaneous " ----- 87
Solicitors' "	----- 32	Transit insignia ----- 184
Disposal "	----- 65	Transit certificates ----- 46

Dated: April 4, 1957

WILLIAM HOWE DAVIS
DIRECTOR

12. ELECTION DAY - SERVICE OF WINE AT PASSOVER SEDER SERVICES
ON LICENSED PREMISES NOT PROHIBITED BY STATE REGULATION
NO. 20, RULE 2.

April 12, 1957

William Howe Davis
Director Alcohol Beverage Control
Newark, New Jersey.

Dear Sir I am sending this wire as instructed by Mr. Bernard Murphy, Local Director of Alcohol Beverage Control. I would like permission to be granted for the serving of sacramental wine Tuesday, April 16th, Election Day. We serve Passover meals and wine is part of the ritual. I sincerely hope you can render a favorable decision in this request. Please wire collect, Liquor License C-220.

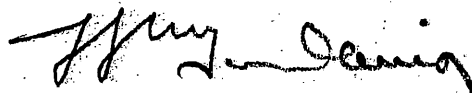
William Shumsky
Shumsky's Restaurant

April 12, 1957

William Shumsky
Shumsky's Restaurant
Atlantic City, N. J.

Service of four traditional cups of sacramental wine during Seder religious service on Passover not prohibited on licensed premises by Rule 2 of State Regulation No. 20 notwithstanding religious service conducted during polling hours on Primary Election Day. Such service to, and consumption of wine by, participants are not within the intendment of the Rule.

WILLIAM HOWE DAVIS
Director, Division of Alcoholic
Beverage Control.



William Howe Davis
Director.