

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

BULLETIN 1831

December 18, 1968

TABLE OF CONTENTSITEM

1. DISCIPLINARY PROCEEDINGS (Trenton) - GAMBLING (NUMBERS BETS) - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 65 DAYS.
2. DISCIPLINARY PROCEEDINGS (Asbury Park) - GAMBLING (HORSE RACE BETS) - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 70 DAYS, LESS 5 FOR PLEA.
3. DISCIPLINARY PROCEEDINGS (Hamilton Twp.) - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.
4. DISCIPLINARY PROCEEDINGS (Newark) - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Bayonne) - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Roxbury Twp.) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
7. ACTIVITY REPORT FOR OCTOBER 1968.
8. DISCIPLINARY PROCEEDINGS (Sea Bright) - SALE TO INTOXICATED PERSON - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA - DEFERRED EFFECTIVE DATE OF SUSPENSION.
9. DISCIPLINARY PROCEEDINGS (Somerdale) - SALE TO A MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Orange) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (Closter) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

A blonde female identified as Peggy, who was sitting on a stool immediately to the left of Massaro, discussed numbers plays for the date with Maryanne and then Peggy "wrote down 725 for a quarter and 642 for a quarter and a few other numbers." Peggy wrote the numbers on a white piece of paper while she was positioned on the patrons' side of the bar, at which time Maryanne was behind the bar "almost in front of us."

Thereafter a male called "Vince", and later identified as Vincent Innocenzi, entered the tavern, had a drink, conversed with an older man identified as Maryanne's father (now deceased) and then proceeded to a pool table in the rear room approximately thirty-five feet distant from where Massaro was seated. He then observed "the barmaid and this girl Peggy went back there with him and they gave Vince a slip of paper with some numbers on it and money." Vince took the slips and went upstairs. Massaro remained in the tavern a period of approximately forty-five minutes.

Massaro re-entered the licensed premises on September 6 at approximately 1 p.m. and sat at the bar next to Peggy. When questioned as to what he observed, he responded, "I was discussing her number play for the day with her and again she wrote 725 for a quarter and about four other number plays on a white piece of paper." He was not certain as to who was behind the bar and the position of the barmaid at the time of this incident. At approximately 1:35 p.m. he observed Vince enter the tavern, order and consume a drink and proceed to the pool table. He then testified, "Peggy went to him and handed him a piece of paper with the numbers on it along with the money. Again, he took the bets and he went upstairs, and I finished my drink and I left."

Massaro returned to the tavern on September 7 at approximately 1:45 p.m. He observed Vince at the bar consuming a drink and Maryanne tending bar. At approximately 1:55 p.m. Vince proceeded to the rear room near the pool table. Maryanne proceeded to the rear and handed Vince a slip of paper and money. Vince went upstairs. He did not see what was on the paper. At approximately 2 p.m. Peggy entered the tavern and asked Maryanne as to whether she had put in her number on that day. Maryanne responded, "she did not put her number in, but Vince was upstairs in his apartment." Peggy requested Maryanne to "put in 725 for fifty cents." Maryanne proceeded to the rear room and called out to Vince. When Vince responded, Maryanne said, "725 for fifty cents for Peggy." Vince responded, "Okay." Massaro's concluding observation for that day was as follows:

"Then I was in a conversation with Peggy, and about 2:40 p.m. Peggy told me why she was playing 725, because she had a dream and according to the dream book of numbers, this is what number was to be played for about two weeks. I told Peggy I would like to play the same number for one dollar straight for two days. Peggy said she would give it to Vince that night as it was too late to play the numbers that day. She wrote the number on a piece of paper and said she would make sure Vince got it. I gave her the money, I finished my drink and I left."

At that time Maryanne was back and forth behind the bar.

Massaro revisited the licensed premises on September 11 at approximately 1:10 p.m. and sat at the bar next to Peggy

toward the rear, "two or three stools from the end." He did not recall whether Maryanne was tending bar or the licensee Mary Szantai was tending bar. After being informed by Peggy that the number didn't come out, Massaro gave Peggy two dollars and asked her to play 725 for a dollar for that day and the next day. She wrote his number on a piece of paper and said that she would give the bets to Vince when he came in. At approximately 2:15 p.m., when Vince had not appeared, Peggy remarked that it would be too late to get the numbers play in that day and that "she will play the number for the next two days instead with Vince when she saw him that night."

Massaro revisited the tavern for the last time on September 14 at approximately 1:05 p.m. and positioned himself at about the same area as the date previous. Maryanne, who was tending bar, informed Massaro that "Peggy had given Vince my bets but they didn't win."

At approximately 1:30 p.m. Vince entered the tavern and proceeded directly upstairs. Up to the time of Massaro's departure from the tavern at 2 p.m., Peggy had not come in the tavern on this date. Massaro did not engage in betting activity on this date. Neither did Maryanne.

On cross examination the witness testified that, prior to August 29, he had never seen Peggy, Vince, Mary Szantai or Maryanne. On August 29 he observed the presence of a black-haired female whom he described as Maryanne's "girl friend."

During the course of the cross examination Massaro identified both the licensee (Mary Szantai) and her daughter Maryanne Buroczi (who were seated in the hearing room) as being the persons who were tending bar at the licensed premises.

State Trooper Thomas H. Walsh testified that he entered the licensed premises for the purpose of executing a search warrant on September 21, 1967, at approximately 1:20 p.m. He confronted an elderly male who fitted the description contained in the search warrant. The male identified himself as Vince or Vincent Innocenczi. Numbers slips were found on the person of Innocenczi and in his room over the tavern premises.

Although I have completely disregarded and removed from any consideration the testimony offered by State Trooper Thomas H. Walsh for the reasons that, firstly, his investigation conducted on September 21 did not per se inculcate the licensee or the licensed premises with the commission of the violations charged against the licensee and, secondly, Walsh's activity concerned a date subsequent to the dates mentioned in the charges and not included therein, nonetheless I find Walsh's testimony significant for the purpose hereinafter advanced.

In behalf of the licensee, Maryanne Buroczi testified that she tends bar, works in the kitchen and that her hours are irregular although she generally opens up the tavern at approximately 8:30 a.m. She had never seen or conversed with Massaro in the licensed premises. She was acquainted with Vincent Innocenczi for many years; he rented a room over the tavern. She had never seen Vince accept bets of any kind or collect pieces of paper from any patron. She has never placed bets or accepted bets to pass on to anyone else. She never observed anyone writing numbers on pieces of paper or place bets or hand paper and money to Vince or any other person. She was aware that to permit such activity was a violation of the Division regulations.

On cross examination the witness reiterated that she had never seen Massaro in the licensed premises. She never saw Massaro speak with a person named Peggy. She knew Peggy as a patron for approximately six months. She would patronize the tavern "maybe three times a week" at "9 o'clock at night" and during the daytime "maybe twice" a week, at "3:30, 4 o'clock." She never came in earlier than that.

Margaret Allen (presumably Peggy) testified that she first started patronizing the licensed premises approximately four years ago and was acquainted with both the licensee (Mary Szantai) and her daughter (Maryanne Buroczi). Due to the fact that she was "flagged" by the licensee, she did not patronize the tavern from approximately the middle part or the latter part of August 1967 to November when she attended the wake for the licensee's husband. Thereafter she again commenced patronizing the licensed premises.

On cross examination the witness testified that she didn't recall as to whether or not she was in the tavern in August 1967; then admitted that she was in the tavern in September 1967. Later she testified that she did not patronize the tavern in August or September 1967 and that she last visited the tavern on July 17, which was her birth date. Later she testified that she visited the tavern in early August and was flagged. She was acquainted with Innocenzi who resided above the tavern. She saw Innocenzi seated at the bar. He patronized the tavern daily. She was not acquainted with a Raymond Massaro. The only male that she ever conversed with at the bar was a painter that she became acquainted with because he patronized the bar.

Joan Marie Broadway testified that she patronized the licensed premises at various times during the year 1967 and was acquainted with the licensee and her daughter. Mrs. Allen stopped patronizing the tavern some time during the "warm months" and she did not see her again "until it was quite cold." She had no specific recollection of the dates she patronized the tavern. She generally visited the tavern at "12:30, 1 o'clock" and would stay "an hour, half-hour, sometimes an hour and a half."

The licensee's attorney stated that Innocenzi was not produced as a witness because he was hospitalized.

The licensee, although present at the hearings, did not testify in defense of the charges.

The attorneys for the respective parties stipulated that former State Trooper Raymond Massaro (who had testified in behalf of the Division) had pleaded guilty to an indictment alleging that he had attempted to conspire to bribe another officer in a gambling case (not the present case) and was awaiting sentencing at the time. For the purpose of considering in my mind to what extent this witness' credibility has been affected, I am assuming that Massaro had not only pleaded guilty but that he had also been sentenced and that he, therefore, possesses a record of having been convicted of a crime.

It is apparent that the dispositive issue presented for determination is mainly factual.

We are guided by the firmly established principle that disciplinary proceedings against liquor licensees are civil in nature and require proof by a preponderance of the believable

evidence only. Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373 (1956); Freud v. Davis, 64 N.J. Super. 242 (App. Div. 1960); Howard Tavern, Inc. v. Division of Alcoholic Beverage Control (App. Div. 1962), not officially reported, reprinted in Bulletin 1491, Item 1.

In appraising the factual picture presented herein the credibility of witnesses must be weighed. Testimony, to be believed, must not only proceed from the mouth of a credible witness but must be credible in itself. It must be such as the common experience and observation of mankind can approve as probable in the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App. Div. 1961).

The general rule in these cases is that the finding must be based on competent legal evidence and must be grounded on a reasonable certainty as to the probabilities arising from a fair consideration of the evidence. 32A C.J.S. Evidence, sec. 1042.

I closely observed the demeanor of the witnesses as they testified and have made a careful analysis and evaluation of their testimony. I am imperatively persuaded that Massaro's testimony describing the numbers betting activity was credible. Massaro was subjected to a lengthy and incisive cross examination by capable counsel. I did not perceive any improper motivation in the account which he offered at the hearing, nor did I perceive any personal animus against the licensee. In substantiation of my view that Massaro had no personal animus against the licensee and that his testimony was not contrived, I refer to this witness' testimony concerning the events of September 6 and September 14. Referring to September 6, Massaro admitted on direct examination that he was uncertain as to whether the licensee or her daughter was behind the bar. Additionally, he admitted that he did not know where the barmaid was positioned at the time of the alleged gambling incident. As to September 14, Massaro candidly admitted that neither he nor the barmaid in attendance engaged in gambling activities on that day. However, concerning the other dates mentioned in the charges, it is my view that Massaro's account was not fictional and truly depicted the gambling activities which he described. Furthermore, it is my view that Massaro's testimony as to the existence of a person known as Vince Innocenczi was buttressed by Trooper Walsh. It will be recalled that Trooper Walsh testified that he confronted on the licensed premises a person identified as Vince Innocenczi. Furthermore, from the totality of the testimony it can be inferred that Innocenczi was a numbers bookie.

On the other hand, I reject Maryanne Buroczi's testimony to the effect that she never saw Massaro in the licensed premises for the reason that it is unbelievable. I reject the testimony offered by Margaret Allen for the reason that it is vacillating. Joan Marie Broadway's testimony did not in anywise weaken the strong and convincing testimony offered by Massaro.

After carefully considering all of the evidence adduced herein, the legal principles applicable thereto, and the conviction of crime of the Division's principal witness Massaro, I conclude that the Division has proved its case by clear and convincing testimony and by a fair preponderance of the credible evidence. I therefore recommend that the licensee be found guilty of said charges which particularly refer to the dates of August 29, September 7 and 11, 1967, and I further recommend that

there be a finding of not guilty as to that part of the charges which refers to September 6 and 14, 1967.

Licensee has a previous record of suspension of license by the municipal issuing authority for three days effective April 24, 1967, for permitting minors to loiter on the licensed premises, in violation of municipal regulation.

The prior record of suspension of license for dissimilar violation within the past five years considered, it is further recommended that the license be suspended for sixty-five days. Re Castillo deJagua, Inc., Bulletin 1793, Item 5.

Conclusions and Order

Written exceptions to the Hearer's report and argument thereto were filed by the licensees and answer thereto was filed by the attorney for the Division, pursuant to Rule 6 of State Regulation No. 16.

I find that the matters contained in the exceptions have either been considered in detail by the Hearer in his report or are without merit.

Consequently, having considered the entire record herein, including the transcript of the testimony, the Hearer's report and the exceptions, argument and answer filed with reference thereto, I concur in the findings and recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 6th day of November ,
1968,

ORDERED that Plenary Retail Consumption License C-229, issued by the City Council for the City of Trenton to Mary Szantai, t/a Szantai's Bar, for premises 629 Whittaker Avenue, Trenton, be and the same is hereby suspended for sixty-five (65) days, commencing at 2:00 a.m. Wednesday, November 13, 1968, and terminating at 2:00 a.m. Friday, January 17, 1969.

JOSEPH M. KEEGAN
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - GAMBLING (HORSE RACE BETS) - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 70 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

FRANCESCO A. MARINACCIO)
t/a Marino's Bar and Restaurant)
807-809-811 Main Street)
Asbury Park, New Jersey)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-68, issued by the City Council of the City of Asbury Park)

Julius J. Golden, Esq., Attorney for Licensee
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on divers dates between June 5 and July 2, 1968, he permitted acceptance of horse race bets on the licensed premises, in violation of Rule 7 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for thirty days effective November 29, 1966 for sale during prohibited hours and permitting wagering (pool games) on the licensed premises, and for twenty-five days effective August 5, 1968 for permitting wagering (pool games) on the licensed premises. Re Marinaccio, Bulletin 1688, Item 6; Bulletin 1712, Item 5; and Bulletin 1812, Item 7.

The license will be suspended for sixty days (Re Samra, Bulletin 1823, Item 2), to which will be added ten days by reason of the record of two suspensions for dissimilar (Re Conrad's Wine and Liquors, Inc., Bulletin 1719, Item 4) violations within the past five years (Re Silver Star Cafe, Inc., Bulletin 1820, Item 5), or a total of seventy days, with remission of five days for the plea entered, leaving a net suspension of sixty-five days.

Accordingly, it is, on this 4th day of November, 1968,

ORDERED that Plenary Retail Consumption License C-68, issued by the City Council of the City of Asbury Park to Francesco A. Marinaccio, t/a Marino's Bar and Restaurant, for premises 807-809-811 Main Street, Asbury Park, be and the same is hereby suspended for sixty-five (65) days, commencing at 3:00 a.m. Monday, November 11, 1968, and terminating at 3:00 a.m. Wednesday, January 15, 1969.

JOSEPH M. KEEGAN
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against CAMPO ASSOCIATES (A CORPORATION) t/a Campo's Bar 1029 Nottingham Way Hamilton Township PO Trenton, New Jersey Holder of Plenary Retail Consumption License C-33, issued by the Township Committee of the Township of Hamilton (Mercer County).

CONCLUSIONS AND ORDER

Henry F. Gill, Esq., Attorney for Licensee Louis F. Treole, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on divers dates between May 19 and September 21, 1967, it permitted the acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re D'Andrea, Bulletin 1822, Item 5.

Accordingly, it is, on this 12th day of November 1968,

ORDERED that Plenary Retail Consumption License C-33, issued by the Township Committee of the Township of Hamilton (Mercer County) to Campo Associates (A Corporation), t/a Campo's Bar, for premises 1029 Nottingham Way, Hamilton Township, be and the same is hereby suspended for fifty-five (55) days, commencing at 2 a.m. Tuesday, November 19, 1968, and terminating at 2 a.m. Monday, January 13, 1969.

JOSEPH M. KEEGAN DIRECTOR

4. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against LEWIS R. WEAVER t/a North End Grill 873 Broadway Newark, New Jersey Holder of Plenary Retail Consumption License C-375, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

CONCLUSIONS and ORDER

George R. Sommer, Esq., Attorney for Licensee Louis F. Treole, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on September 20 and 21, 1968 he permitted acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re D'Andrea, Bulletin 1822, Item 5.

Accordingly, it is, on this 30th day of October 1968,

ORDERED that Plenary Retail Consumption License C-375, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Lewis R. Weaver, t/a North End Grill, for premises 873 Broadway, Newark, be and the same is hereby suspended for fifty-five (55) days, commencing at 2 a.m. Wednesday, November 6, 1968, and terminating at 2 a.m. Tuesday, December 31, 1968.

JOSEPH M. KEEGAN
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ZYRY'S TAVERN, INC.
65 E. 25th Street
Bayonne, New Jersey

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-51 issued by the Municipal Council of the City of Bayonne

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Louis R. Cerefice, Esq., Attorney for Licensee
Louis F. Treole, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on divers dates between October 23 and December 7, 1967, it permitted acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Zarafu, Bulletin 1812, Item 5.

Accordingly, it is, on this 4th day of November, 1968,

ORDERED that Plenary Retail Consumption License C-51, issued by the Municipal Council of the City of Bayonne to Zyry's Tavern, Inc. for premises 65 E. 25th Street, Bayonne, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. Tuesday, November 12, 1968, and terminating at 2:00 a.m. Monday, January 6, 1969.

JOSEPH M. KEEGAN
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

TRIPLE LAKE RANCH, INC.
t/a Triple Lake Ranch, Inc.
One E. Main Street
Roxbury Township
PO Succasunna, New Jersey

Holder of Plenary Retail Consumption License C-11, issued by the Township Committee of the Township of Roxbury and transferred during the pendency of the proceedings to

RANCH OPERATING CORPORATION
t/a Triple Lake Ranch,

for the same premises.

CONCLUSIONS
and
ORDER

Nouhan, Palmisano, Berowitz & Rosenberg, Esqs., by Joseph E. Nouhan, Esq., Attorneys for Licensee Triple Lake Ranch, Inc.
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee Triple Lake Ranch, Inc. pleads non vult to a charge alleging that on June 27, 1968 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 Director for ten days effective November 16, 1964 for possession of pin ball machines on the licensed premises, and for fifty-five days effective April 19, 1966 for sale to minors, employing non-residents without permit and hindering investigation. Re Triple Lake Ranch, Inc., Bulletin 1594, Item 9; Bulletin 1676, Item 3. In addition, when the license for the premises was issued to Eli and Janice Gaynor (officers and stockholders of the corporate licensee), such license was suspended by the municipal issuing authority for ten days effective January 8, 1962 for sale to minors.

During the pendency of this proceeding the license was transferred on October 29, 1968 to Ranch Operating Corporation, t/a Triple Lake Ranch, for the same premises. However, the license continues to be subject to any order of suspension herein notwithstanding the transfer. See Rules 1, 2 and 3 of State Regulation No. 16.

The prior record of suspension of license for dissimilar violation in 1962 occurring more than five years ago disregarded, the license will be suspended for twenty days (Re Esposito's, Inc., Bulletin 1819, Item 5), to which will be added ten days by reason of the record of two suspensions for dissimilar violations in

1964 and 1966 within the past five years (Re Silver Star Cafe, Inc., Bulletin 1820, Item 5), or a total of thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days.

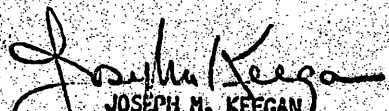
Accordingly, it is, on this 8th day of November 1968,

ORDERED that Plenary Retail Consumption License C-11, issued by the Township Committee of the Township of Roxbury to Triple Lake Ranch, Inc. and transferred to Ranch Operating Corporation, t/a Triple Lake Ranch, for premises One E. Main Street, Roxbury, be and the same is hereby suspended for twenty-five (25) days, commencing at 2 a.m. Monday, November 18, 1968, and terminating at 2 a.m. Friday, December 13, 1968.

JOSEPH M. KEEGAN
DIRECTOR

ACTIVITY REPORT FOR OCTOBER 1968

7.	
ARRESTS:	
Total number of persons arrested	22
Licensees and employees	8
Bootleggers	13
ABC Agent impersonators	1
SEIZURES:	
Distilled alcoholic beverages - gallons	8.60
Wine - gallons	30.76
Brewed malt alcoholic beverages - gallons	41.58
RETAIL LICENSEES:	
Premises inspected	964
Premises where alcoholic beverages were gauged	671
Bottles gauged	10,255
Premises where violations were found	235
Violations found	338
No Form E-141-A on premises	129
Unqualified employees	100
Application copy not available	39
Prohibited sign & practice	4
Disposal permit necessary	2
Other violations	64
STATE LICENSEES:	
Premises inspected	47
License applications investigated	8
COMPLAINTS:	
Complaints assigned for investigation	480
Investigations completed	506
Investigations pending	221
LABORATORY:	
Analyses made	108
Refills from licensed premises - bottles	64
Bottles from unlicensed premises	5
IDENTIFICATION:	
Criminal fingerprint identifications made	5
Persons fingerprinted for non-criminal purposes	441
Identification contacts made with other enforcement agencies	286
DISCIPLINARY PROCEEDINGS:	
Cases transmitted to municipalities	5
Violations involved	5
Sale during prohibited hours	3
Sale to minors	2
Cases instituted at Division	24*
Violations involved	26
Permitting lottery & bookmaking on prem.	4
Beverage Tax Law non-compliance	4
Sale during prohibited hours	4
Permitting lottery acty. on prem.	3
Sale to minors	3
Hindering investigation	1
Permitting misc. gambling on prem.	1
Failure to close premises during prohibited hours	1
Permitting hostesses on premises	1
Fraud in application	1
Fraud and front	1
Unqualified employee	1
Possessing liquor not truly labeled	1
Cases brought by municipalities on own initiative and reported to Division	10**
Violations involved	11
Sale to minors	4
Permitting gambling on premises	2
Permitting brawl, etc. on prem.	2
Fraud and front	1
Failure to display current license certificate on premises	1
Permitting minors to congregate on premises (local reg.)	1
HEARINGS HELD AT DIVISION:	
Total number of hearings held	57
Appeals	8
Disciplinary proceedings	29
Eligibility	10
Seizures	2
Tax revocations	8
STATE LICENSES AND PERMITS:	
Total number issued	2,267
Licenses	2
Solicitors' permits	47
Employment permits	410
Disposal permits	69
Social affair permits	611
Wine permits	503
Miscellaneous permits	192
Transit insignia	388
Transit certificates	45
OFFICE OF AMUSEMENT GAMES CONTROL:	
Enforcement files established	54


 JOSEPH M. KEEGAN
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

Dated: November 7, 1968

*Includes one cancellation proceeding - license improvidently issued by reason of conviction of officer of crime involving moral turpitude.
 **Includes one cancellation proceeding - license improvidently issued by Director.

8. DISCIPLINARY PROCEEDINGS - SALE TO INTOXICATED PERSON - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA - DEFERRED EFFECTIVE DATE OF SUSPENSION.

In the Matter of Disciplinary Proceedings against)

DOWNSEA BEACH HOTEL, INC.)
t/a Downsea Beach Hotel, Inc.)
150 Ocean Avenue)
Sea Bright, New Jersey)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-6 issued by the Mayor and Council of the Borough of Sea Bright)

Louis R. Aikins, Esq., Attorney for Licensee
Louis F. Treole, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on June 15, 1968, it sold drinks of alcoholic beverages to an intoxicated person, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the confessional plea entered. Re Chaled, Inc., Bulletin 1758, Item 3.

Recent investigation discloses that the licensed business is presently being conducted only on a minimal basis following conclusion of the summer season so that no effective penalty can be imposed at this time. Hence the effective dates for the suspension will be fixed by the entry of a further order herein after the operation of the licensed business shall have been fully resumed on a substantial basis.

Accordingly, it is, on this 7th day of November, 1968,

ORDERED that Plenary Retail Consumption License C-6, issued by the Mayor and Council of the Borough of Sea Bright to Downsea Beach Hotel, Inc., t/a Downsea Beach Hotel, Inc., for premises 150 Ocean Avenue, Sea Bright, be and the same is hereby suspended for fifteen (15) days, the effective dates of such suspension to be fixed by further order as aforesaid.

JOSEPH M. KEEGAN
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE
SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

BROWN & CUNNIFF ENTERPRISES, INC.
Warwick & Preston
Somerdale, New Jersey

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-7 issued by the Borough Council of the Borough of Somerdale

Anthony M. Lario, Esq., Attorney for Licensee
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on September 28, 1968, it sold four quart containers of beer to a minor, age 18, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, 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 Meisegeir, Bulletin 1815, Item 7.

Accordingly, it is, on this 4th day of November, 1968,

ORDERED that Plenary Retail Consumption License C-7, issued by the Borough Council of the Borough of Somerdale to Brown & Cunniff Enterprises, Inc. for premises at Warwick and Preston, Somerdale, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Monday, November 11, 1968, and terminating at 3:00 a.m. Thursday, November 21, 1968.

JOSEPH M. KEEGAN
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)
)
 FRANK V. DANGLER & WILLIAM BARRARO)
 t/a Willie's Italian Cuisine) CONCLUSIONS
 535 Central Avenue) and
 Orange, New Jersey) ORDER

-----)
 Holders of Plenary Retail Consumption License C-29 issued by the Municipal Board of Alcoholic Beverage Control of the City of Orange)
)
 Licensees, by William Barraro, Pro se)
 Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control)

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on August 16, 1968, they 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.

Licensees have a previous record of suspension of license by the municipal issuing authority for twenty days effective April 20, 1959, and again for thirty days effective January 4, 1963, both for sale to minors. In addition, the license of William Barraro (then in partnership with Carmen Mariano) was suspended by the Director for ten days effective September 11, 1956 for sale in violation of State Regulation No. 38. Re Barraro and Mariano, Bulletin 1134, Item 7.

The prior record of suspension of license 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 McCoy, Bulletin 1817, Item 6.

Accordingly, it is, on this 12th day of November, 1968,

ORDERED that Plenary Retail Consumption License C-29, issued by the Municipal Board of Alcoholic Beverage Control of the City of Orange to Frank V. Dangler & William Barraro, t/a Willie's Italian Cuisine, for premises 535 Central Avenue, Orange, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, November 18, 1968, and terminating at 2:00 a.m. Thursday, November 28, 1968.

JOSEPH M. KEEGAN
DIRECTOR

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

In the Matter of Disciplinary)	
Proceedings against)	
CHINA CHALET, INC.)	CONCLUSIONS
208 Piermont Road)	and
Closter, New Jersey)	ORDER
Holder of Plenary Retail Consumption)	
License C-3 issued by the Borough)	
Council of the Borough of Closter)	
-----)		
Alfred D. Schiaffo, Esq., Attorney for Licensee		
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic		
Beverage Control		

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on July 26, 1968, it possessed alcoholic beverages in six 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 Dora's Bar, Inc., Bulletin 1812, Item 14.

Accordingly, it is, on this 12th day of November, 1968,

ORDERED that Plenary Retail Consumption License C-3, issued by the Borough Council of the Borough of Closter to China Chalet, Inc. for premises 208 Piermont Road, Closter, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. Tuesday, November 19, 1968, and terminating at 2:00 a.m. Monday, December 9, 1968.

Joseph M. Keegan
 Joseph M. Keegan
 Director