

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

BULLETIN 1456

July 6, 1962

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STATE OF NEW JERSEY
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BULLETIN 1456

July 6, 1962

1. APPELLATE DECISIONS - R.H. MACY & CO., INC. v. CHERRY HILL and
CHERRY HILL LIQUOR STORE, INC.

#2895)
R. H. Macy & Co., Inc., a New York)
Corporation, t/a Bamberger's)
New Jersey,)
Appellant,) On Appeal
v.)
Board of Commissioners of the)
Township of Cherry Hill, and)
Cherry Hill Liquor Store, Inc.,)
t/a Cherry Hill Liquor Store,)
Respondents.)

Lum, Biunno & Tompkins, Esqs., Attorneys for Appellant.
Warren C. Douglas, Esq., Attorney for Respondent Board of
Commissioners
Richman & Berry, Esqs., by Edwin T. Ferren, III, Esq., Attorneys
for Respondent Cherry Hill Liquor Store, Inc.

BY THE DIRECTOR:

Appellant appeals from granting by respondent Board of
Commissioners on January 8, 1962 for application of respondent
Cherry Hill Liquor Store, Inc. for place-to-place transfer of
plenary retail distribution license from premises 7656 Maple
Avenue to premises in Cherry Hill Shopping Center, northeasterly
intersection of Haddonfield Road and State Highway #38, Cherry
Hill Township.

Prior to the hearing on appeal, by letter of May 2,
1962, appellant advised me that the appeal was withdrawn. No
reason appearing to the contrary,

It is, on this 3d day of May, 1962,

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

WILLIAM HOWE DAVIS
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - SOLICITATION FOR PROSTITUTION - LICENSE
SUSPENDED FOR 60 DAYS.

In the Matter of Disciplinary
Proceedings against)

Howard Tavern, Inc.)
147 Springfield Avenue &)
121 Howard Street,)
Newark, New Jersey)

CONCLUSIONS and ORDERS

Holder of Plenary Retail Consumption
License C-321, issued by the Municipal)
Board of Alcoholic Beverage Control of)
the City of Newark.)

Friedman & D'Alessandro, Esqs., by Edward G. D'Alessandro, Esq.,
Attorneys for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Licensee pleaded not guilty to the following charge:

'On Friday night January 12 and early Saturday morning,
January 13, 1962, you allowed, permitted and suffered
lewdness and immoral activity in and upon your licensed
premises, viz., the making of overtures and arrangements
for illicit sexual intercourse; in violation of Rule 5 of
State Regulation No. 20.'

"Three ABC agents were produced by the Division to sub-
stantiate the charge. Their testimony may be summarized as follows:
At 10:30 p.m. Friday, January 12, 1962, the agents entered the li-
censed premises and took seats at the bar at which five bartenders,
assigned to different sections, were dispensing beverages to about
ninety patrons, ten of whom were females. The bartender assigned
to the section at which the agents sat was later identified as Joe
Martin. The agents observed that the females moved about the prem-
ises conversing with the male patrons and they were attracted to one
female in particular, named Annette. A male patron asked if the
agents wanted to meet her, telling them that she took care of a lot
of fellows. After the male talked to her, she came over to the
agents and one of them asked if he could buy her a drink. She re-
plied, 'I'll take a rain check' and walked over to Mitchell Warner
(president of the corporate licensee) and talked to him. Warner
was seen to shake his head from left to right, and the female left
the premises followed by the male who had informed the agents of
her proclivities. Thereafter two females seated themselves near
the agents and asked them if they were looking for girls, stating
that they would fix them up. The females left the premises after a
special officer talked to them. At 11:45 Annette returned and re-
joined the agents saying, 'I'll take that drink now.' While con-
suming her drink a different male entered the premises and Annette
asked him if he wanted to see her. He replied that he didn't be-
cause he had just had sexual relations with another female. Annette
then said, 'Come around to see me tomorrow night.' Continuing her
conversation with the agents, she told two of them who were seated
apart from the other agent that she could fix them up for \$15 each
and, when they questioned the price, she said there were other fe-
males on the premises who would oblige them. Finally the agents

agreed to pay her price and she said she wanted the money before she left the premises. She then left to meet a friend, and one of the agents said to Martin (the bartender), 'Ann wants \$15 to get laid. That's a lot of bread, isn't it?', to which he replied, 'It's up to you. You've got to work that out with her.' The agent handed him a \$20 bill and asked him to change it, saying 'I want to have the right change. Give me two fives and a ten.' At about 12:30 a.m. Annette again returned, rejoined the agents and told them she had to be careful because there were 'lots of detectives around' but that the special officers and other patrons had told her they (the agents) were not detectives. One of the agents gave her three five-dollar bills, the serial numbers of two of them having been previously recorded, and she advised him to drive around to the side of the building where she would join him. The agent did as requested, and Annette informed the other agent with whom she had been conversing that she would return at about 2 a.m. to take care of him. In the meantime, the agent who had sat apart from the others left the premises and got in contact with the local police. When Annette entered the agent's car, two local detectives and the agent who had called them confronted Annette and her agent companion, identified themselves, questioned both and, ascertaining from the agent with her that he had paid her \$15 to have sexual relations with her, they asked her for the money. When Annette told them she didn't have the money, all of them proceeded to police headquarters. While driving there, an envelope containing \$39 in various bills, including one of the marked bills, was found under the seat where Annette had sat. Annette admitted that she had put it there when the detectives identified themselves. One of the detectives and the agent who had called him then returned to the licensed premises. When they entered they identified themselves to Mr. Warner and bartender Martin and questioned both. Martin admitted that he knew Annette and, when asked if he recalled one of the agents asking him if she was worth \$15, he replied 'I don't have nothing to do with that crap.' He did, however, remember that he changed a twenty-dollar bill so that the agent could give Annette the right change to get laid. Mr. Warner said that Annette had been coming to the tavern for a couple of months, but denied knowing that females were soliciting for prostitution on the licensed premises.

"Upon completion of the Division's case it was stipulated that, in view of a pending appeal from Annette's conviction in the Magistrate's Court, based upon her participation in matters alleged herein, no testimony respecting those matters would be elicited from her. She, however, testified that she is over twenty-one years of age and unemployed; that she had frequented the Howard Tavern more than ten times since December 1, 1961, and that on the date alleged she had no conversation with either the bartender or Mr. Warner.

"Mr. Warner testified that he was in and about the licensed premises on the date alleged; that he didn't know Annette, 'just that I saw her come in;' that he did not converse with her or hear any conversation she had with the agents; and that he had no knowledge that females were soliciting males on the licensed premises for prostitution.

"Mr. Martin testified that he recalled one of the agents saying to him, 'This girl said she worked for \$15. You think she's worth it?'; that he replied, 'I don't have nothing to do with that because we don't have that in here;' and that, when the agent asked for change, 'I gave him the change and that was all.' He further testified that he didn't hear any conversation the

agents had with Annette, that he didn't know her personally and didn't know she was using the premises to solicit men for purposes of prostitution.

"Having had the opportunity to judge the credibility of the witnesses, I find that the testimony of the agents clearly reflects what actually occurred on the date alleged. Considering that testimony, it is apparent that the licensee 'suffered' the aforesaid immoral activities to take place in and upon the licensed premises. In Essex Holding Corp. v. Hock, 136 N.J.L. 28, at p. 31, the Supreme Court said:

'Although the word "suffer" may require a different interpretation in the case of the trespasser, it imposes responsibility on a licensee, regardless of knowledge, where there is a failure to prevent the prohibited conduct by those occupying the premises with his authority. Guastamachio v. Brennan, 128 Conn. 356; 23 Atl.Rep. (2d) 140.'

"The privilege of selling alcoholic beverages at retail to the public, one granted to the few and denied to the many (Paul v. Gloucester County, 50 N.J.L. 585), must be exercised in the public interest. The evidence in this case reveals a callous disregard of the Alcoholic Beverage Law and Regulations by the agents of the corporate licensee, and indicates a lack of appreciation and understanding by them of fundamental decencies in the operation of the licensed business. While there is no doubt that the licensee's agents were aware of what was occurring in and upon the licensed premises, there is no concrete evidence that they procured the female in question to engage in sexual relations with the investigators. Had they done so, I would have had no hesitancy in recommending revocation of the license. Re Merjack Corporation, Bulletin 998, Item 1, and cases therein cited.

"In view of the aforesaid, I conclude that the Division has established the truth of the charge by more than a fair preponderance of the believable evidence. I recommend, therefore, that the licensee be adjudged guilty as charged and, absent previous record, that an order be entered suspending its license for a period of sixty days. Cf. Re Cozy Circle, Bulletin 1413, Item 1."

Written exceptions to the Hearer's Report and written argument to substantiate the exceptions were filed with me by the licensee's attorney within the time limited by Rule 6 of State Regulation No. 16.

Having carefully examined the record herein, including the transcript of the testimony, the Hearer's Report and the written exceptions and argument with respect thereto, I concur in the findings and conclusion of the Hearer and adopt his recommendations.

Accordingly, it is, on this 7th day of May 1962,

ORDERED that plenary retail consumption license C-321, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Howard Tavern, Inc., for premises 147 Springfield Avenue & 121 Howard Street, Newark, be and the same is hereby suspended for the balance of its term, commencing at 2 a.m. Monday, May 14, 1962; and it is further

ORDERED that any renewal of said license shall be and remain under suspension until 2 a.m. Friday, July 13, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - NUISANCE (HOMOSEXUALS) - SALE TO INTOXICATED PERSON - LICENSE SUSPENDED FOR 50 DAYS.

In the Matter of Disciplinary
Proceedings against)

Vincent A. Lippi)
t/a The Casino)
6 Bank Street)
Paterson 6, New Jersey)

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption
License C-124, issued by the Board of)
Alcoholic Beverage Control for the)
City of Paterson.)

George S. Grabow, Esq., and Harry Castelbaum, Esq., Attorneys for
Defendant-licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Licensee pleaded not guilty to the following charges:

- '1. On January 25, 26, 27, 28 and February 11, 1961, you allowed, permitted and suffered your licensed place of business to be conducted in such manner as to become a nuisance, viz., in that you allowed, permitted and suffered persons who appeared to be homosexuals, e.g., females impersonating males, in and upon your licensed premises; allowed, permitted and suffered such persons to frequent and congregate in and upon your licensed premises; allowed, permitted and suffered lewdness, immoral activity and foul, filthy and obscene conduct by such persons and by others in and upon your licensed place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulation No. 20.
- '2. On February 11, 1961, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person actually or apparently intoxicated and allowed, permitted and suffered the consumption of alcoholic beverages by such person in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.'

"At the hearing held herein, the Division called as its witnesses seven ABC agents, hereinafter referred to as Agent R, Agent S, Agent B, Agent Sp, Agent Sr, Agent Mc and Agent C.

"Agent R testified that except for two five-minute intervals (1:30 to 1:35 a.m. and 2:25 to 2:30 a.m.), he was in the licensed premises on Saturday, February 11, 1961 between 12:30 and 3:30 a.m.; that there were twenty males and twenty-five females in the premises; that this patronage remained relatively constant during his aforesaid visit; that about fifteen of the females wore their hair

closely cropped, were devoid of make-up and were dressed in masculine attire; that they wore shirts (with rolled-up sleeves) which buttoned on the right side and had pockets on the left side (men's style); that they wore trousers with zipper flies and pockets in the rear; that several of the females in question wore men's wrist watches and large signet rings; that one of the females had a tattoo on the upper part of her forearm; that unlike females, they walked without swaying their hips, wore men's shoes and spoke gruffly and that, in his opinion, these fifteen females were apparent lesbians impersonating males.

"Agent R further testified that he observed two of the alleged lesbians dancing to rock and roll music supplied by a band; that they had their arms around each other and were resting their hands on each other's buttocks; and that throughout the dance they continuously engaged in bringing the pelvic regions of their bodies together by 'bumps' and with back and forth movements.

"Agent R further testified that Joseph Damiano and Vincent Lippi, the licensee, were tending bar; that his attention was attracted to a male patron (later identified as Sidney W. Clark) drinking beer at the bar; that Clark appeared intoxicated, his hair was slightly disheveled, his eyes were a little glassy, he was bumping into other patrons at the bar and, at times, had difficulty in finding his drink; that in the interval, at about 12:40 a.m., Agent S entered the premises and departed the same at 12:50 a.m. and that Agent B came into the premises at about 1:00 a.m.

"Agent R further testified that about 1:10 a.m. Clark and Lippi engaged in a heated argument; that Lippi stated to Clark that he had too much to drink and physically ejected him from the premises; that at about 2:00 a.m. Clark, accompanied by a male and female, returned to the premises; that they took a position at the bar alongside of Agent B; that Agent B moved to within a foot of Clark; that there was no change in Clark's intoxicated appearance; that at 2:00 a.m. Damiano served a bottle of beer to Clark and two mixed drinks to his companions; that Clark swayed back and forth and, while consuming his drink, bumped into other patrons; that after Clark had consumed his first drink, he observed him walking with an unsteady gait to and from the men's room and bumping into patrons in the course of the same; that at about 2:15 a.m. Damiano served another round of drinks to Clark and his companions; that at about 2:25 a.m. he stated to Lippi that Clark had too much to drink; that Lippi smiled, shrugged his shoulders and walked away; that at about 2:30 a.m. Damiano served a third bottle of beer to Clark; that after observing Clark consume a portion of this drink, he and Agent B seized the same; that at about 2:35 a.m., Agent S re-entered the premises and called the local police, following which seven of the alleged lesbians and other patrons left the premises.

"On cross-examination, Agent R identified Gail Forgash (present at the hearing) as one of the alleged lesbians he had observed on the licensed premises on February 11th and testified that Mrs. Forgash, in her present attire, does not have the appearance of an apparent lesbian; that unlike on February 11th the buttons on her shirt were on the left side and that she appeared to be wearing make-up. Agent R, on further cross-examination, testified that on February 11th, at the height of activity, twelve of the seventeen females in the premises were apparent lesbians; that while on the premises, he had observed about twenty-five apparent lesbians enter and leave the premises and that of this number, twelve to fifteen were constantly in the premises on the morning in question.

"On further cross-examination, Agent R substantially reiterated his direct testimony concerning his observations of the apparent lesbians and description of Clark.

"Agent S testified that between 12:40 and 12:50 a.m. on February 11, 1961, he was in the licensed premises and substantially corroborated the testimony of Agent R. Agent S further testified that at 2:35 a.m., he re-entered the premises and interrogated Lippi and that Lippi, in the presence of Agents B and Sp, identified four of the females in the premises as lesbians.

"On cross-examination, Agent S reiterated the pertinent parts of his direct testimony and further testified that he had recognized two of the apparent lesbians in the premises from previous investigations; that two other apparent lesbians gave their names as Gail Forgash and Sally Pool; that between 12:50 and 2:35 a.m. on February 11, 1961, he was at a post of observation and that he had observed a number of apparent lesbians enter the premises in the company of 'straight' females.

"Upon further cross-examination, Agent S identified Sally Pool (present at the hearing) as one of the apparent lesbians he has observed in the premises, and testified that on the morning of February 11th, Mrs. Pool, unlike her present appearance and attire, wore men's trousers (with cuffs and zipper fly), a red windbreaker jacket, dark-rimmed glasses, a man's wrist watch and a man's shirt (buttons on the right); that her hair was closely cropped and that she was without lipstick.

"Agent B testified that on February 11, 1961, he was in the licensed premises between 1:00 and 3:00 a.m. and substantially corroborated the testimony of Agents R and S.

"On cross-examination, Agent B reiterated the pertinent parts of his direct testimony.

"Agent Sp testified that on Saturday, February 11, 1961, at about 2:40 a.m., he and two local police officers entered the premises; that he observed eight apparent lesbians, four of whom he recognized from previous investigations in the area, and that the eight apparent lesbians were dressed as described by Agents R, S and B.

"Agent Sp further testified that he was present when Agent S was questioning Mr. Lippi with reference to seven females who were in the premises at about 2:45 a.m.; that he heard Mr. Lippi identify four of the females as lesbians; that he heard Mr. Lippi refer to the fifth apparent lesbian as his 'girl friend' and two of the 'straight' females as his wife and mother, respectively.

"On cross-examination, Agent Sp substantially corroborated his direct testimony and further testified that between 12:30 and 2:40 a.m., he kept the premises under surveillance from an automobile parked in a lot about 60 feet from the entrance of the licensed premises; that the area was well lighted; that on several occasions, he observed some apparent lesbians, known to him from previous investigations, enter the premises; that he was able also to detect other apparent lesbians who had parked their cars in his immediate vicinity, enter the premises and that he had also observed some of the apparent lesbians hugging each other and holding hands as they approached and entered the premises.

"Agent Sr testified that he visited the licensed premises on three occasions: January 25th between 11:15 to 11:40 p.m.,

January 26th between 12:05 and 1:30 a.m. the next morning, and January 27, 1961 from 11:55 p.m. to 1:05 the next morning; that on each visit Lippl and Damiano were tending bar; that on his first visit he observed twenty-one patrons (twelve males and nine females, four of whom were apparent lesbians); that on his second visit he observed twelve males and two of the aforesaid four apparent lesbians; that on his third visit he observed twenty-eight males and female patrons, five of whom were apparent lesbians; that on his second visit Agent M followed him into the premises and that on his last visit he and Agent M, followed by Agent Mc, entered the premises together.

"Agent Sr further testified that he first recognized the aforesaid apparent lesbians by their general appearance; that they had closely-cropped hair, no facial make-up and no earrings; that they wore men's trousers (fly front and cuffs), men's style shoes and shirts and that he observed some of them smoke their cigarettes, flick their ashes, hold and consume their drinks in a manner peculiar to the male sex.

"On cross-examination, Agent Sr reiterated the essential parts of his direct testimony.

"Agent Mc corroborated the testimony of Agent Sr with respect to their visit to the premises on January 27th aforesaid.

"On cross-examination, Agent Mc testified that the five apparent lesbians, while walking about the premises, 'swayed their shoulders rather than their hips' and that their voices were gruff.

"Agent C testified that on January 25, 1961, he visited the licensed premises between 9:05 and 11:00 p.m.; that he observed four males and five females in the premises; that he concluded that the five females were apparent lesbians because of their appearance, attire and mannerisms, as testified by Agent Sr; that none of them carried pocketbooks; that they paid for their drinks with money taken from their trouser pockets and that 'they walked in manly fashion, heavy-footed, with swaggering of the shoulders'.

"On cross-examination, Agent C reiterated his direct testimony.

"Vincent Lippl, the licensee, testified that for about fourteen to fifteen years prior to purchasing the licensed business on October 20, 1960, he was a part owner of a licensed premises, a part-time bartender and a tobacco salesman; that the license of his predecessor had been suspended on a charge similar to Charge 1 herein; that he had reopened the premises at the end of the aforesaid suspension; that he had redecorated its entire interior to discourage its former patronage (lesbian) and to invite a 'different type of clientele' and that, in addition, he 'would not permit any two females or women in the bathroom at the same time; they had to go single file. Secondly, I permitted no dancing with the same sex. I permitted no fraternization at the bar between male and female. The biggest problem there was with the female homosexual. I wouldn't permit them to fraternize with one another at the bar. Any time I spotted any of them, I told them to leave'.

"Mr. Lippl further testified that he was able to detect an apparent lesbian from his previous experiences as a bartender; that by February 11 aforesaid, he had eliminated 99 per cent of the former patronage (lesbians) from the premises; that none of the females in the premises on February 11, 1961 were lesbians; that he had observed female couples enter the premises on the morning of

February 11th aforesaid; that he did not recall their attire; that they were well behaved; that there were forty to fifty patrons in the premises; that he did not point out any of the females as lesbians to Agent S; that he did not remember how Sally Pool and Gail Forgash were dressed; and that he had noticed that some of the females were dressed in a manner as described by the agents.

"The licensee further testified that on February 10th aforesaid, Clark entered the licensed premises between 10:30 and 11:00 p.m.; that he served Clark two bottles of beer; that at about 11:30 a.m. he observed Clark in an argument with another patron, following which they left the premises; that between 1:30 and 1:45 a.m., Clark returned with a male and female; that Damiano served them a few rounds of drinks, and that at no time did Clark appear intoxicated while in the premises.

"On cross-examination, Lippi testified that for a period of eight years prior to October 20, 1960, he was tending bar on and off for a licensee whose license was subsequently suspended on a charge similar to Charge 1 herein; that he had also held forty-eight per cent of the stock of a corporate-licensee; that its license had been suspended on a charge of permitting immoral activities (strip-tease) in the licensed premises; that many of the patrons who had visited aforementioned premises had become patrons of the licensed premises in question; that some were females who dressed in a style as testified by the agents and that between October 20, 1960 and February 11, 1961, he had invited many apparent homosexuals to leave the premises.

"On further cross-examination, Mr. Lippi reiterated that Clark did not appear to be intoxicated; that Clerk 'looks shot most of the time' and that at no time did Agent R speak with him with reference to Clark or state to him that Clark had had too much to drink.

"Gail Forgash, on behalf of the defendant, denied that she was a lesbian and further testified she was 22 years of age; that she had been married on July 16, 1960 and lived with her husband for 'a couple of months'; that she was a patron of the licensed premises and that she lived in a room above the same.

"Mrs. Forgash further testified that on occasion she wore dresses; that she favored slacks; that at about 9:00 p.m. on February 10, 1961, she came into the licensed premises to meet Tom Dodd, with whom she had an appointment; and that she wore slacks, a shirt, white sneakers and girl's white socks.

"On cross-examination, Mrs. Forgash testified that she has been living separate and apart from her husband; that except for lipstick, she was presently without facial make-up; that her hair is cut very short; that she was wearing girl's sneakers, slacks and socks and female undergarments; that she does not try to effect the appearance of a male; that her slacks had a zipper on its side; that on February 11th aforesaid, she wore slacks with a fly-front zipper; that on occasions she uses nail polish; that she has none today and that she wore none on February 11th aforesaid.

"Sally Pool, on behalf of the defendant, denied she is a lesbian; denied that she 'dates' females and further testified that ever since October 20, 1960, she has been a patron at the licensed premises; that she resides in a furnished room above the same; that she is 33 years old; that she was married in 1945, divorced in 1955, and remarried her former husband in 1957; that she is the mother of four children; that on February 11, 1961, and for about three months prior thereto, she had been employed as a porter in the licensed premises and that within the past year she has been employed as a taxi dispatcher and power press operator.

"Mrs. Pool further testified that while employed as aforesaid

4. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE SUSPENDED FOR 20 DAYS.

In the Matter of Disciplinary
Proceedings against

Thomas R. Wallace
6 Broad Street
Keyport, New Jersey

Holder of Plenary Retail Consump-
tion License C-9, issued by the
Borough Council of the Borough of
Keyport.

CONCLUSIONS
AND
ORDER

Norman J. Currie, Esq., Attorney for licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"The licensee pleaded not guilty to a charge alleging that on January 10, 1962 he sold, served and delivered alcoholic beverages to a 17-year-old minor, in violation of Rule 1 of State Regulation No. 20.

"To substantiate the charge, the Division produced Ronald --- the minor, who testified that on the date alleged, he and two companions, John --- and Vernon ---, drove to the licensee's tavern and arrived there between 3:30 and 3:45 p.m.; that he got out of the car and proceeded toward the licensee's premises and that his companions drove away; that he entered the tavern and observed therein two men conversing with the bartender; that when the bartender, later identified as George Richardson, approached him, he ordered four quart bottles of Schaefer beer and two bags of potato chips; that the bartender, without requesting any written proof of his age, proceeded to a cooler, procured the beer, put the bottles in a paper bag and the two bags of potato chips on top and placed the package in front of him; that he paid two dollars for his purchase and carried it outside the premises. He further testified that when he emerged from the premises, his companions drove up to the tavern and that he got into the front seat and placed the package under his legs.

"John testified that he, Ronald and Vernon arrived in front of the licensed tavern at 3:30 p.m. on the date alleged; that Ronald got out of the car and proceeded empty-handed in the direction of the tavern; that he and Vernon drove around the block and, as they again approached the tavern, he saw Ronald emerging therefrom carrying a package; that they stopped in front of the tavern and Ronald got in the car; that they drove away and that he later saw four quart bottles of Schaefer beer and two bags of potato chips in the paper bag which Ronald had put in the car.

"Vernon's testimony corroborates that of John excepting that he saw only the potato chips on top of the bag.

"An ABC agent testified that on January 11, 1962 Ronald directed him and another agent to the licensed premises and pointed it out as the tavern where the beer was purchased; that therein Ronald identified George Richardson as the bartender who made the sale and that Richardson said that he had never seen the boy before and had never sold him alcoholic beverages. The agent further testified that on January 12, 1962, John and Vernon directed him and two other ABC agents to the licensee's premises and identified it as the tavern in question.

"Thomas R. Wallace, the licensee, testified in substance that on the date alleged, he was seated in a booth in the tavern from 1:15 to 4:15 p.m.; that he had a full view of the barroom; that the only patrons who entered the tavern while he was there were Walter Jones, John Core and Benton Kinder; that 'I never saw the boy (Ronald) before in my life', and that he carries in stock quart bottles of Schaefer beer which he sells for 45 cents each.

"George Richardson testified in substance that he is employed as a bartender by the licensee; that his tour of duty on the date alleged was from 7:00 a.m. to 6:00 p.m. with a lunch period from noon to 1:00 p.m.; that 'Mr. Wallace was just coming in the bar as I was going out to lunch, coming from lunch', and seated himself in a booth 'right in front of the bar'; that the only patrons who came in the tavern prior to 3:30 p.m. were Mr. Jones, Mr. Core and Mr. Kinder; that he didn't see Ronald come in; that he didn't sell any quart bottles of beer or potato chips that day; and that quart bottles of Schaefer beer sell for 45 cents each and potato chips for 10 cents a bag.

"Benton Kinder testified in substance that he is employed by a plastic company and quits work at 3:00 p.m.; that the plant in which he works is four blocks from the licensee's tavern; that on the date alleged, he arrived at the tavern about 3:15 p.m. and remained there until 7:00 p.m.; that when he entered the tavern he saw Mr. Wallace, who was seated in a booth, and met John Core who was at the bar; that no other patrons came into the tavern until about 4:30 p.m.; that he 'never saw the kid (Ronald) before'; that he didn't see the bartender put any quart bottles of beer in a bag; and that 'no beer was sold in quart bottles there'.

"John Core testified in substance that he is unemployed; that there are two other licensed premises on the same side of the street as the tavern in question; that on the date alleged, he entered the licensee's tavern at about 2:30 p.m. and remained until about 6:00 p.m.; that when he entered the premises, he saw Walter Jones at the bar and Mr. Wallace seated in a booth, and that Mr. Kinder came in later; that he didn't see the bartender make any sales of quart bottles of beer or potato chips, and didn't see Ronald enter the tavern.

"Having had the opportunity to judge the credibility of the witnesses and recognizing the sharp dispute of facts, I find that the testimony of the witnesses for the Division is highly credible and that the testimony of the licensee, his employee and the two long time patrons is incredible and I conclude that the Division has sustained the burden of establishing the truth of the charge by a fair preponderance of the believable evidence.

"Since the licensee's previous record of two dissimilar violations, which occurred more than ten years ago, should not be considered in fixing the penalty herein, I recommend that the licensee be found guilty of the charge preferred against him and that an order be entered suspending the licensee's license for a period of twenty days, the minimum penalty imposed for the sale of alcoholic beverages to a 17-year-old minor. Re DeLellis, Bulletin 1432, Item 10."

No exceptions to the Hearer's Report were filed with me within the time limited by Rule 6 of State Regulation No. 16. Having carefully considered the transcript of the testimony and the Hearer's Report, I concur in the findings and conclusion of the Hearer and adopt his recommendation.

Accordingly, it is, on this 1st day of May, 1962,

ORDERED that Plenary Retail Consumption License C-9, issued by the Borough Council of the Borough of Keyport to Thomas R. Wallace for premises 6 Broad Street, Keyport, be and the same is hereby suspended for a period of twenty (20) days, commencing at 3:00 A. M. Tuesday, May 8, 1962, and terminating at 3:00 A. M. Monday, May 28, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Mary DeFrancisco
t/a Rosenhayn Bar
Morton Avenue
Deerfield Township
PO Rosenhayn, N. J.

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consump-
tion License C-4, issued by the Township
Committee of Deerfield Township.

Harry R. Adler, Esq., Attorney for licensee.

Mrs. Dora P. Rothschild, Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, March 4, 1962, she sold a half gallon bottle of wine for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

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 Tom and Jerry's, Inc., Bulletin 1445, Item 7.

Accordingly, it is, on this 7th day of May, 1962,

ORDERED that Plenary Retail Consumption License C-4, issued by the Township Committee of Deerfield Township to Mary DeFrancisco, t/a Rosenhayn Bar, for premises on Morton Avenue, Deerfield Township, be and the same is hereby suspended for ten (10) days, commencing at 2:00 A. M. Monday, May 14, 1962, and terminating at 2:00 A. M. Thursday, May 24, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

6. ACTIVITY REPORT FOR MAY 1962

ARRESTS:	
Total number of persons arrested - - - - -	23
Licensees and employees - - - - - 14	
Bootleggers - - - - - 9	
SEIZURES:	
Distilled alcoholic beverages - gallons - - - - -	4,922
Wine - gallons - - - - -	458
Brewed malt alcoholic beverages - gallons - - - - -	65,782
RETAIL LICENSEES:	
Premises inspected - - - - -	982
Premises where alcoholic beverages were gauged - - - - -	557
Bottles gauged - - - - -	9,176
Premises where violations were found - - - - -	110
Violations found - - - - -	142
Reg. #38 sign not posted - - - - - 30	Other mercantile business - - - - - 6
Unqualified employees - - - - - 28	Disposal permit necessary - - - - - 4
Application copy not available - - - - - 26	Other violations - - - - - 24
Prohibited signs - - - - - 24	
STATE LICENSEES:	
Premises inspected - - - - -	24
License applications investigated - - - - -	20
COMPLAINTS:	
Complaints assigned for investigation - - - - -	430
Investigations completed - - - - -	442
Investigations pending - - - - -	168
LABORATORY:	
Analyses made - - - - -	285
Refills from licensed premises - bottles - - - - -	40
Bottles from unlicensed premises - - - - -	50
IDENTIFICATION:	
Criminal fingerprint identifications made - - - - -	6
Persons fingerprinted for non-criminal purposes - - - - -	363
Identification contacts made with other enforcement agencies - - - - -	235
Motor vehicle identifications via N.J. State Police teletype - - - - -	1
DISCIPLINARY PROCEEDINGS:	
Cases transmitted to municipalities - - - - -	17
Violations involved - - - - -	17
Sale during prohibited hours - - - - - 10	Sale to minors - - - - - 7
Cases instituted at Division - - - - -	34
Violations involved - - - - -	57
Possessing liquor not truly labeled - - - - - 10	Unauthorized transportation - - - - - 1
Sale to minors - - - - - 8	Fraud in application - - - - - 1
Sale during prohibited hours - - - - - 6	Permitting immoral activity on premises - - - - - 1
Conducting business as a nuisance - - - - - 5	Sale to intoxicated person - - - - - 1
Permitting lottery activity (numbers) on premises - - - - - 4	Employee working while intoxicated - - - - - 1
Permitting foul language on premises - - - - - 3	Permitting brawls on premises - - - - - 1
Sale below filed price - - - - - 2	Permitting gambling on premises - - - - - 1
Permitting bookmaking on premises - - - - - 1	Serving women at bar (local reg.) - - - - - 1
Sale beyond scope of license - - - - - 1	Permitting hostesses on premises - - - - - 1
Aiding and abetting unauthorized sale - - - - - 1	Hindering investigation - - - - - 1
Unlicensed sale by solicitor - - - - - 1	Employing female bartenders (local reg.) - - - - - 1
Solicitor aiding and abetting unauth. sale - - - - - 1	Fraud and front - - - - - 1
Unlicensed purchase by solicitor - - - - - 1	Failure to file notice of change in license application - - - - - 1
Cases brought by municipalities on own initiative and reported to Division - - - - -	23
Violations involved - - - - -	30
Sale to minors - - - - - 10	Permitting brawls on premises - - - - - 2
Failure to close prem. during proh. hrs. - - - - - 4	Sale during prohibited hours - - - - - 2
Permitting bookmaking on premises - - - - - 3	Hindering investigation - - - - - 2
Permitting lottery activity (numbers) on premises - - - - - 2	Permitting minors to loiter on premises (local reg.) - - - - - 1
Conducting business as a nuisance - - - - - 2	Unqualified employees - - - - - 1
	Fraud and front - - - - - 1
HEARINGS HELD AT DIVISION:	
Total number of hearings held - - - - -	42
Appeals - - - - - 7	Eligibility - - - - - 6
Disciplinary proceedings - - - - - 26	Seizures - - - - - 3
STATE LICENSES AND PERMITS ISSUED:	
Total number issued - - - - -	14,204
Licenses - - - - - 4	Social affair permits - - - - - 529
Solicitors' permits - - - - - 35	Miscellaneous permits - - - - - 367
Employment permits - - - - - 391	Transit insignia - - - - - 11,714
Disposal permits - - - - - 97	Transit certificates - - - - - 1,146
Wine permits - - - - - 1	
OFFICE OF AMUSEMENT GAMES CONTROL:	
Licenses issued - - - - - 148	Number of violations found - - - - - 8
Premises inspected - - - - - 271	Enforcement files established - - - - - 5
Premises where violations were found - - - - - 7	

WILLIAM HOWE DAVIS
Director of Alcoholic Beverage Control
Commissioner of Amusement Games Control

7. DISCIPLINARY PROCEEDINGS - ORDER IMPOSING DEFERRED SUSPENSION.

In the Matter of Disciplinary
Proceedings against)

Samjo Corporation)
t/a Stage Door Bar)
2228-2230 Atlantic Avenue)
Atlantic City, N. J.)

O R D E R

Holder of plenary Retail Consump-)
tion License C-169, issued by the)
Board of Commissioners of the City)
of Atlantic City.)

Isaac C. Ginsburg, Esq., Attorney for licensee.
Davis S. Piltzer, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

On December 12, 1961, I entered an order in the above matter deferring the license suspension of ten days because it appeared that the licensed business was conducted only on a limited basis. Bulletin 1430, Item 3.

I am now satisfied that the suspension should be imposed.

Accordingly, it is, on this 7th day of May 1962,

ORDERED that Plenary Retail Consumption License C-169, issued by the Board of Commissioners of the City of Atlantic City to Samjo Corporation, t/a Stage Door Bar, for premises 2228-2230 Atlantic Avenue, Atlantic City, be and the same is hereby suspended for ten (10) days, commencing at 7:00 A. M. Monday, May 14, 1962, and terminating at 7:00 A. M. Thursday, May 24, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

8. STATE LICENSE - NEW APPLICATION FILED

Hoffman Import & Distributing Company
t/a Walton Liquor Imports, Ltd. and
Carew Morris Liquor Imports, Ltd.
772-776 Communipaw Avenue
Jersey City, New Jersey

Application filed July 3, 1962
for place-to-place transfer of
Plenary Wholesale License W-10
from 34 Exchange Place, Unit 3,
6th Floor East, Jersey City, New
Jersey.


William Howe Davis
Director