

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

BULLETIN 998

JANUARY 18, 1954.

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

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JANUARY 18, 1954.

DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES
(PROSTITUTION) (OBSCENE LANGUAGE) - HOSTESSES - SALE TO WOMEN
DIRECTLY OVER A BAR - SALE TO INTOXICATED PERSON - LICENSE
REVOKED.

In the Matter of Disciplinary)
Proceedings against)

MERJACK CORPORATION)
T/a 318 Club)
318 Federal Street)
Camden, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-37, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Camden.)
-----)

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

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. On July 8, August 7 and 8, and September 2 and 3, 1953, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., solicitation for prostitution and the making of arrangements for illicit sexual intercourse; in violation of Rule 5 of State Regulations No. 20.

"2. On July 8, August 7, 8, 11 and 12, and September 2 and 3, 1953, you allowed, permitted and suffered females employed on your licensed premises to accept beverages at the expense of and as a gift from customers and patrons; in violation of Rule 22 of State Regulations No. 20.

"3. On July 8, August 7, 8, 11 and 12, and September 2 and 3, 1953, you allowed, permitted and suffered foul, filthy and obscene language and conduct in and upon your licensed premises; in violation of Rule 5 of State Regulations No. 20.

"4. On July 8, August 7, and September 2 and 3, 1953, you served beverages to women directly over a bar on your licensed premises; in violation of Section 10 of an Ordinance adopted by the Board of Commissioners of the City of Camden on December 27, 1934, as amended by Ordinance adopted September 12, 1935.

"5. On August 11, 1953, 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 such beverages by such person in and upon your licensed premises; in violation of Rule 1 of State Regulations No. 20."

The file discloses that at 8:45 p.m. on July 8, 1953 two ABC agents entered defendant's licensed premises while two agents remained outside. The agents who entered observed four males and one female patron seated at the bar and some women patrons drinking beer at a table. As the agents ordered drinks a female named Martha, who was acting as bartender and also manager of defendant's establishment, said in a loud voice, "Here's a couple of nice looking men for you. What are you waiting for? I've got my shingle out. I'm a prostitute. I'm running a whore house." Everyone then laughed and a woman at the bar named Helen said, "What are you doing, you bastard? Trying to take business away from me?" Martha then asked Helen how she made out with "that old bastard last night" and Helen explained that she and the man referred to performed unnatural sexual acts. On several occasions Martha repeated that "she was a prostitute, had her shingle out and was running a whore house", pulled down her blouse and as she exposed the upper portions of her breasts, inquired if the agents liked them. Four or five times as Martha was seated on a stool behind the bar she pulled up her skirt far above the knees so that her bare thighs were exposed to view. A male patron and Martha engaged in conversation with reference to sexual intercourse. After a time the man who sat with Helen at the bar went to the men's room and, as he did so, Martha told Helen to get rid of him as she had two nice guys (meaning the agents) for her and she could make twenty dollars for herself. However, before Helen could reply, her male companion rejoined her at the bar. Martha told the agents that Helen gets ten dollars, adding that "she's not so clean about herself when she's drinking. She's the lowest type. She'll do anything." As Helen indicated her intention to leave, Martha told her to remain, repeating that she had a couple of nice guys for her. However, Helen left defendant's premises and Martha again joined the agents. Martha said, "She'll be back. I get the guys for her and if she stays here, she can do good. She brings business to me too. You should have been in last night. I had a couple of high class whores in and there were no guys around." Helen returned in about half an hour and joined her male companion at the bar. They had a drink and left. As she was leaving, Martha said to the agents, "What's the matter with you? I can fix you up, but I can't talk for you." The agents left the premises at 11:30 p.m.

At 3:30 p. m. on August 7, 1953, the two ABC agents who had visited defendant's licensed premises on July 8, 1953, again went into the licensed premises. Another agent remained outside. A female named Anne, the daughter of Martha, was tending bar at the time. The agents asked Anne concerning the whereabouts of Martha and Anne answered that she was at home asleep but that she expected her in at about 10:00 p. m. They also inquired about Helen, and Anne stated that Helen better not come into the establishment when she was on duty. The agents left at 5:30 p.m. At 10:00 p. m. the same two agents returned to defendant's licensed premises. Anne was still on duty behind the bar. Martha came into the premises at 10:30 p.m. and greeted the agents. After a few minutes Martha came over to where they were seated and engaged in conversation with them. During the course of the conversation Martha told the agents that Helen was at home; and when one of the agents remarked, "It looks like we're out of luck again huh?" Martha replied, "There's whores in here all the time. It just seems like you guys are here at the wrong time." After Martha had served a few patrons she returned to the agents and asked, "How about the one in the back?" referring to a female named Ethel whom the agents had observed earlier in the evening when they entered the premises. Martha said that Ethel would engage in unnatural sexual activities. When one of the agents asked Martha, "Is she good." Martha answered, "Yeah, she's O.K. just throw her a couple of bucks." Martha called Ethel over and introduced her to the agents. The agents acknowledged the introduction and ordered a drink for Ethel but before service was made she left the agents to join three other men who had just

entered the premises. Ethel had a few drinks with these men and at Martha's instruction Ethel went behind the bar and washed glasses. Later when the three men left, Ethel told the agents that one of the men was her boy friend. The agents conversed with Martha and she promised to make a date with Helen for the agents for the following Tuesday night. The two agents left the premises at about 12:45 a.m. on Saturday, August 8, 1953.

At 8:30 p.m. on Tuesday, August 11, 1953, the same two agents again visited defendant's licensed premises while a third agent remained outside the premises. As the two agents took places at the bar, Martha, who was on duty as bartender, said that Helen had not come over, but that she received a birthday card from her. The conversation between the agents and Martha revolved around Helen who Martha indicated was beneficial for defendant's business as "she makes the cash register ring." During the course of the conversation Martha used filthy language from time to time. The agents observed a male patron repeatedly strike the juke box with his fists. This man staggered when he walked, his speech was incoherent, his eyes were bloodshot, his clothing was untidy and his hair hung over his face. He was very loud, and when Martha told him to "quiet down" he paid no attention to her. Although this man was intoxicated in the opinion of the agents, Martha thereafter served him beer on two occasions. One of the agents remarked, "Do you think he's loaded?" to which Martha replied, "Boy, he's drunk." Finally Martha requested a patron to call a taxicab, and when the driver of the taxicab arrived Martha said, "He's drunk, take him home." Martha resumed conversation with the two agents and told them, among other things, that she has eight rooms upstairs; that at times Helen stays upstairs to engage in illicit sexual relations. The agents left defendant's premises at 12:30 p. m. on August 12, 1953.

At 9:00 p.m. on September 2, 1953, the same two agents entered defendant's licensed premises. Two other agents remained outside. The agents who entered took seats at the bar and observed a male and two females, Anne and Helen, tending bar. Both females greeted the agents. The latter ordered two bottles of beer from Helen, and when she served the beer one of the agents asked her if she remembered them. When she answered "No," the other agent said, "We were talking to you in here about six weeks ago. Martha introduced us and we were all fixed up to go out with you but you went with someone else." She replied, "Oh yeah, I remember" and walked away to wait on a patron. The agents entered into conversation with a male bartender named John and told him that they were waiting for Martha as she had promised to fix them up with Helen to engage in sexual intercourse. John told the agents, "I can take care of that for you. The only thing is, Martha's got the keys for upstairs and I can't give you a room until she comes back." When one of the agents remarked that Helen may date some other man before Martha returns, John said, "I'll fix you up right now." He thereupon approached Helen and a short time thereafter both Helen and John came over to the agents and John said, "It's all fixed up, she'll go out with you." Helen asked the agents to buy a drink for John and her. The agents acceded to this request and Helen poured two drinks of whiskey for Helen and John and took seventy cents of the agents' money from the bar. One of the agents spoke to Helen, who told him that they could go upstairs when Martha returned. John then came over to the agents and said, "Don't worry boys, she'll take good care of you, I had her upstairs for a couple of hours this afternoon and she's good." As he said this, John grabbed Helen's left breast and squeezed it and Helen said, "Oh you bastard you," then threw her arms around him pressing her body against his so that her lower abdomen was tight against his. She then rolled her body, hips, buttocks and lower abdomen from side to side and back and forth against him with motions suggestive of

sexual intercourse. At times during the evening Helen took the agents' money from the bar and deposited it in the juke box. The agents danced with Anne and Helen and although Anne danced in a proper fashion, Helen pressed her breasts and private parts against her partner while dancing. At about 11:00 p. m. one of the agents asked John about Martha and he said, "She's supposed to be here before 12 o'clock." The agent then discussed the renting of a room with John who said that Martha gets \$3.00 for the room but that he would have to make his own deal with Helen. He further told the agent that, "The other night a guy wanted to give her \$5.00 and she wanted \$10.00 but she's broke tonight." A fight broke out and one of the participants called his adversary filthy and obscene names. John jumped over the bar and rushed the name-calling person out of the premises. The man came back into the premises and John again ejected him. The man returned and John then permitted him to remain at the end of the bar near the door, remarking, "I'll let you stay, are you buying a drink?" The man then bought a drink for John and one for Helen, the money in payment therefor being taken from the bar in front of the man. One of the agents left the premises and when he returned he observed Helen talking to the other agent. He joined in the conversation and said to Helen, "When's Martha coming in? I can't wait all night. What are you going to do, give us the run around again?" Helen replied, "Don't worry about it, I'll take care of you. We can go upstairs." The agent then asked Helen about contraceptive devices and Helen said she had some. They agreed on a price of ten dollars and Helen reminded him that Martha gets \$3.00 for the room. The agent then asked Helen whether they couldn't go out somewhere, and after he told her he had a car she said, "O. K. let's go, if you can't wait. Then we'll come back and spend the night upstairs." The agent then handed Helen two five dollar bills, the serial numbers of which had been previously noted on a slip of paper. Helen accepted the money and the agent said, "I better get my money's worth." Helen remarked, "Don't worry about it." The agent then said to John, who was opposite them on the other side of the bar during the conversation with Helen, "We're going out in the car for a fast one. I gave her ten bucks. I hope I get my money's worth. If Martha gets in before we get back, get that room upstairs for me." John said, "O.K. she should be in." Helen and the agent then left the premises and on her suggestion entered another licensed premises. After each had a drink they left. As they reached the corner of Federal and Third Streets they were stopped by the agents who had remained outside defendant's licensed premises and a municipal detective. When asked where they were going, the agent remarked "to get laid." Helen was asked to empty her pockets and brought forth two five dollar bills. A check of the serial numbers of the bills disclosed that they corresponded with the serial numbers which had previously been noted on the slip of paper.

It has long been held that solicitation for immoral purposes and the making of arrangements for illicit sexual intercourse cannot and will not be tolerated upon licensed premises. The public is entitled to protection from these sordid and dangerous evils. Re 17 Club, Inc., Bulletin 949, Item 2 (affirmed In re 17 Club, Inc., 26 N.J. Super. 43 -- App. Div. 1953). As was said in Re Paton, Bulletin 898, Item 3:

"Licensees must learn and remember that their liquor license is not a license to engage in activities detrimental to the public welfare."

While there is no evidence that the officers, directors or stockholders of defendant corporate licensee personally participated in the violations, such fact is neither a defense nor an excuse. Re Pier Hotel, Inc., Bulletin 983, Item 3; Re Belair Inn, Inc., Bulletin

981, Item 1; Re Overlook Hotel, Inc., Bulletin 848, Item 4. In disciplinary proceedings it is sufficient if the violation was committed by an agent, servant or employee of the licensee. Rule 31 of State Regulations No. 20. "A licensee must exercise close supervision over his licensed premises at all times and violations occurring there cannot be excused merely because he had no personal knowledge of them. As was said in Essex Holding Corp. v. Hock, 136 N. J. L. 28 (Sup. Ct. 1947), 'Although the word "suffer" may require a different interpretation in the case of a 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 A. 2d 140 (Sup. Ct. of Err., Conn., 1941). ... When a privilege to enter [licensed premises] is given, whether general, conditional or restricted, the licensee has the duty of taking such measures as the circumstances of the particular case require to prevent prohibited conduct on the licensed premises arising out of the grant of the privilege.' Greenbrier, Inc. v. Hock, 14 N. J. Super. 39 (App. Div. 1951)," Pier Hotel, Inc., supra. This doctrine has been very recently reaffirmed in Mazza v. Cavicchia, 28 N. J. Super. 280 (App. Div. 1953).

Considering all the circumstances in this case, and the multiple violations involved, the only proper and justifiable penalty is revocation of the license. Re Filippone, Bulletin 875, Item 6; Re Pecorino, Bulletin 889, Item 4; Re Paton, supra; Re Schumacher, Bulletin 901, Item 5; Re Ewaski, Bulletin 937, Item 1; Re Bond Service Center, Inc., Bulletin 939, Item 1; Re 17 Club, Inc., supra; Re McKnight, Bulletin 961, Item 1; Re Guittari, Bulletin 974, Item 4; Re Pisano, Bulletin 977, Item 3; Re Tulipano, Bulletin 978, Item 1; Re Arlington Inn, Bulletin 982, Item 1. The license will be revoked.

Accordingly, it is, on this 29th day of December, 1953,

ORDERED that Plenary Retail Consumption License C-37, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Merjack Corporation, t/a 318 Club, 318 Federal Street, Camden, be and the same is hereby revoked, effective immediately.

DOMINIC A. CAVICCHIA
Director.

DISCIPLINARY PROCEEDINGS - PERMITTING CONSUMPTION OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS AND FAILURE TO HAVE LICENSED PREMISES CLOSED DURING PROHIBITED HOURS - FALSE ANSWER IN APPLICATION - PRIOR RECORD - LICENSE SUSPENDED FOR 90 DAYS.

In the Matter of Disciplinary Proceedings against)
SCARNE ENTERPRISES, INC.)
T/a MONTE CARLO)
Route #46 & Frederick Street)
formerly Route #6))
Little Ferry, N. J.,)
Holder of Plenary Retail Consumption License C-5, issued by the Mayor and Council of the Borough of Little Ferry.)
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CONCLUSIONS
AND ORDER

Basile & Delchop, Esqs., by Paul Basile, Esq., Attorneys for Defendant-licensee.
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded not guilty to the following charges:

"1. On Friday, August 21, 1953, between the hours of 3:00 A.M. and 3:28 A.M., you permitted the consumption of alcoholic beverages upon your licensed premises; in violation of Section 1 of an ordinance passed by the Mayor and Council of the Borough of Little Ferry on January 29, 1945.

"2. On Friday, August 21, 1953, between the hours of 3:00 A.M. and 3:28 A.M., you failed to keep your entire licensed premises closed; in violation of Section 1 of the above mentioned ordinance.

"3. In your application dated June 16, 1953, filed with the Mayor and Council of Little Ferry, upon which you obtained your current plenary retail consumption license, you falsely stated 'No' in answer to Question 41, which asks: 'Have you or has any person mentioned in this application ever had any interest, directly or indirectly, in any alcoholic beverage license in New Jersey which was surrendered, suspended or revoked?', whereas in truth and fact your plenary retail consumption license for the year 1952-1953, issued by the Mayor and Council of Little Ferry, was suspended on two occasions by the Mayor and Council of Little Ferry for sale and consumption of alcoholic beverages and being open during hours prohibited by local regulations, the first suspension being for three days effective January 5, 1953, and the second suspension being for five days effective June 21, 1953; said false statement being in violation of R. S. 33:1-25.

"4. In your above mentioned application for license, you failed to answer Question 34, which asks: 'Have you or has any person mentioned in this application ever been convicted of or committed any violation of the Alcoholic Beverage Control Act (P. L. 1933, c. 436 as amended and supplemented) or R. S. Title 33, c. 1?', thereby evading and suppressing material facts in the securing of your current license; said evasion and suppression being in violation of R.S. 33:1-25."

At the hearing herein an ABC agent testified that, at approximately 1:15 a.m., on Friday, August 21, 1953, he and another agent entered the barroom at defendant's licensed premises and took seats at the bar; that there were then seven other patrons in the premises; that the agents left the premises about 2:00 a.m. and returned at 2:25 a.m.; that other patrons entered thereafter, including a group of six people who arrived at 2:50 a.m.; that, at 2:55 a.m., when there were at least fifteen patrons (exclusive of the agents) in the barroom, the bartender asked the patrons whether they wanted anything more to drink; that he served drinks of alcoholic beverages to various patrons, including drinks of "scotch and soda" to the agents; that the bartender then came from behind the bar and sat at a table with a man later identified as defendant's president; that no drinks were served thereafter but that eleven patrons, including the agents, continued to consume their drinks after 3:00 a.m., the local "closing" hour, and that the agents identified themselves to the bartender at 3:28 a.m., at which time they still had not completely consumed their drinks.

It was stipulated that the testimony of the other agent would be the same as that of the first agent.

Parts of the agents' drinks were introduced in evidence together with a certified copy of the chemical analysis, prepared by the Division's chemist, from which it appears that each of the drinks contained more than one-half of one per cent. of alcohol by volume and thus was an alcoholic beverage within the meaning of the Alcoholic Beverage Law. R. S. 33:1-1(b).

A certified copy of the local "hours" ordinance was introduced in evidence. It prohibits sale, service and delivery of alcoholic beverages between 3:00 a.m. and 7:00 a.m. on weekdays and also provides that no licensee shall permit the consumption of any alcoholic beverage upon the licensed premises during those hours. It further requires that the entire licensed premises shall be and remain closed during those hours.

A certified copy of the license application for the 1953-54 licensing period was also introduced in evidence. Question #34 therein is unanswered while Question #41 is answered "No."

There were also introduced in evidence certified copies of the charges preferred by the local issuing authority and certified copies of the orders of suspension referred to in Charge 3.

Defendant produced no witnesses at the hearing and sought a fourth adjournment (three adjournments having been previously granted) claiming illness on the part of defendant's president and serious illness of the mother of defendant's bartender. Defendant's counsel admitted, however, that these witnesses, if called to testify, would not deny the allegations contained in the charges but would merely seek to explain certain mitigating circumstances. In that posture of the case, the Hearer denied the request for further adjournment and permitted defendant's counsel to submit the alleged mitigating circumstances in writing. Counsel agreed to this procedure and submitted a letter setting forth alleged mitigating circumstances. As to Charge (1) he contends that defendant believed that, so long as no drinks were served after 3:00 a.m. there was no violation and that it would be embarrassing to take back "any drinks that were not consumed prior to the closing hour or to insist upon the consumption of any drinks already ordered prior to said closing hour." This claim is not only wholly without merit; it is unbelievable. Both prior charges preferred locally included an allegation that defendant permitted consumption of alcoholic beverages upon the licensed premises during prohibited hours. Moreover, the terms of the ordinance are crystal clear. Licensees are prohibited from permitting consumption of alcoholic beverages upon the licensed premises after the closing hour, no matter when the drinks were served. Re Kelly, Bulletin 947, Item 1.

As to Charge (2), it is contended that the defendant conducts a bar and a restaurant and that the licensed premises were closed but the restaurant was open. This cannot be so, since the uncontroverted evidence is that the patrons, including the agents, remained in the barroom consuming their drinks after 3:00 a.m. Furthermore, according to the certified copy of the license application, the entire building comprises the licensed premises. A licensed premises is deemed to be "open" and not "closed" when the licensee continues to entertain the public. Re Zenda, Bulletin 271, Item 5; Town House, Inc. v. Montclair, Bulletin 792, Item 3.

As to Charge (3), it is contended that the failure to answer Question #34 was "an oversight" and, as to Charge (4), it is contended that defendant's president who signed the license application misunderstood the question. Neither explanation constitutes an excuse for the failure to properly and truthfully answer the questions. All statements in license applications are deemed material and must be fully and truthfully answered. R. S. 33:1-25.

After carefully considering all of the evidence I find defendant guilty on all four charges.

Defendant has a prior record. As alleged in Charge (3) its license was suspended by the local issuing authority twice within the year 1953 for violation of the local "hours" ordinance; the first time for three days, effective January 5, 1953 and the second time for five days,

Because said issuing authority had imposed wholly inadequate penalties against this very licensee it was placed on the "Blacklist" on June 11, 1953; and, consequently, the instant case was heard at the Division instead of being sent to such issuing authority. After considering all of the facts and circumstances, including the frequency with which defendant has disregarded the local "hours" regulation, and taking into account the additional violations (Charges 3 and 4), I have concluded that the smallest justifiable penalty is a ninety-day suspension of the license.

Accordingly, it is, on this 29th day of December, 1953,

DOMINIC A. CAVICCHIA
Director.

- In the Matter of Disciplinary
Proceedings against
- ITALIAN AMERICAN COLUMBUS RELIEF
ASSOCIATION
Second Street
Woodbridge Township
P.O. Port Reading, N. J.,
- Holder of Club License CB-1, issued
by the Township Committee of the
Township of Woodbridge.

Defendant pleaded non vult to the following charges:

"1. On October 9, 1953, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to persons not bona fide members of your club or bona fide guests of such members; in violation of Rule 8 of State Regulations No. 7.

"2. On October 9, 1953, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of an alcoholic beverage, viz., a pint bottle of Seagram's Seven Crown Blended Whiskey, for consumption off your licensed premises; in violation of Rule 9 of State Regulations No. 7.

"3. On October 9, 1953, you sold at retail a pint bottle of Seagram's Seven Crown Blended Whiskey, an alcoholic beverage, at less than the price thereof listed in the then currently effective Minimum Resale Price List published by the Director of the Division of Alcoholic Beverage Control; in violation of Rule 5 of State Regulations No. 30."

The file herein discloses that, at approximately 2:00 p.m., Friday, October 9, 1953, two ABC agents arrived in the vicinity of defendant's licensed premises. One of the agents entered defendant's barroom at approximately 2:15 p.m. where he was joined by the other agent a little later. Both agents were served bottled beer by defendant's secretary who was tending bar and who charged twenty-five cents a bottle for the beer. Neither agent was a member of or a guest of a member of defendant club. When one of the agents asked for a pint of whiskey to take out, the bartender sold him a pint bottle of Seagram's Seven Crown Blended Whiskey for \$2.75. The price of a pint of that whiskey, as listed in the then effective Minimum Consumer Resale Price List was \$2.83. One of the agents took the pint of whiskey out of the licensed premises and, upon his return to the barroom, both agents identified themselves to the bartender who stated that he was defendant's secretary and admitted the violations. However, he refused to give a written statement.

The minimum suspensions for the violations hereinabove set forth are: on charge (1) fifteen days (Re Burlington Lodge #965 Loyal Order of Moose, Bulletin 983, Item 8); on charge (2) fifteen days (Re Maplewood Country Club, Bulletin 954, Item 8) and on charge (3) ten days (Re Zotto, Bulletin 968, Item 9), or a total of forty days. However, defendant has a prior record. Its license was suspended by the local issuing authority for five days, effective June 18, 1951, for sale of alcoholic beverages to nonmembers and by the State Director for thirty-five days, effective February 25, 1952, for "farming out" its license, for giving a false answer in its license application and for failing to notify the local issuing authority of changes in certain facts concerning the organization (Re Italian-American Columbus Relief Association, Bulletin 928, Item 3). Under all of the circumstances, including the fact that the violation set forth in charge (1) is similar to that for which defendant's license was suspended in June 1951, I shall suspend defendant's license for sixty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifty-five days.

Accordingly, it is, on this 29th day of December, 1953,

ORDERED that Club License CB-1, issued by the Township Committee of the Township of Woodbridge to Italian American Columbus Relief Association, Second Street, Woodbridge Township, be and the same is hereby suspended for a period of fifty-five (55) days, commencing at 2:00 a.m. January 5, 1954, and terminating at 2:00 a.m. March 1, 1954.

DOMINIC A. CAVICCHIA
Director.

4. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - EMPLOYMENT OF MINOR WITHOUT EMPLOYMENT PERMIT - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

THE ALOHA, INC.
T/a THE ALOHA
15th Avenue & Ocean Avenue
Belmar, N. J.,

CONCLUSIONS
AND ORDER

Holder of Seasonal Retail Consump-
tion License CS-6, issued by the
Board of Commissioners of the
Borough of Belmar.

The Aloha, Inc., Defendant-licensee, by Walter J. Sokolski,
President-Treasurer.
David S. Piltzer, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to charges alleging that (1) it sold served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to four minors, and allowed, permitted and suffered the consumption thereof by said minors upon its licensed premises, in violation of Rule 1 of State Regulations No. 20; and (2) it knowingly employed and had connected on its premises in a business capacity a bar boy under twenty-one years of age who had not obtained a requisite employment permit from the Director of the Division of Alcoholic Beverage Control, in violation of Rule 3 of State Regulations No. 13.

The file herein discloses that on August 21, 1953, ABC agents while in defendant's licensed premises observed three youths enter the premises and take seats at the bar. Their ages were subsequently learned to be 16, 17 and 18 years, respectively. Each of the three minors was served a glass of beer by the bartender. A few moments thereafter another youth, whose age was subsequently learned to be 19 years, came into the premises and joined the three youths aforementioned at the bar. He ordered a glass of beer from the bartender, which the latter served to him. A short time after the first round of drinks was consumed by the four minors, the bartender served another round of beer to them. At this time the agents made known their identity to the four minors and seized the unconsumed portions of their drinks. The agents also made known their identity to the bartender who had served the beer to the minors in question.

On August 22, 1953 during the course of a retail inspection of defendant's licensed premises, the payroll records of defendant disclosed that a minor, twenty years of age had been employed as a "bar boy" (namely to clean up behind the bar) from July 31, 1953 to the date of the inspection without first obtaining the necessary employment permit from the Director of the Division of Alcoholic Beverage Control.

Defendant has no prior adjudicated record. I shall suspend defendant's license for a period of twenty-five days on charge (1), Re Poirier Bulletin 970, Item 4, and for a further period of five days on charge (2), Re Janulis, Bulletin 747, Item 13, making a total of thirty days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Defendant holds a Seasonal Retail Consumption License which, if renewed, normally will become effective on May 1, 1954. Thus, no effective penalty can be imposed at the present time. Cf. Re Stratford Inn, A Corp., Bulletin 886, Item 8.

Accordingly, it is, on this 31st day of December, 1953,

ORDERED that Seasonal Retail Consumption License CS-6, issued by the Board of Commissioners of the Borough of Belmar, to The Aloha, Inc., t/a The Aloha, for premises 15th Avenue and Ocean Avenue, Belmar, or any license issued in renewal thereof, be and the same is hereby suspended for a period of twenty-five days. Further order fixing the period of suspension will be entered if and when the defendant, or any other person, resumes business after obtaining a renewal of said Seasonal Retail Consumption License for the period commencing May 1, 1954.

DOMINIC A. CAVICCHIA
Director.

DISCIPLINARY PROCEEDINGS - UNLABELED BEER TAP - SIGN ON PREMISES
ADVERTISING BRAND OF ALCOHOLIC BEVERAGES NOT ACTUALLY AVAILABLE -
LICENSE SUSPENDED FOR 8 DAYS, LESS 3 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

JOSEPH LUCCI)
T/a LUCCI'S TAVERN)
1600 Hamilton Avenue)
Hamilton Township (Mercer County))
P. O. Trenton 9, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-45, issued by the Township)
Committee of the Township of Hamilton)
(Mercer County).)

Joseph Lucci, Defendant-licensee, Pro Se.
David S. Piltzer, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charge:

"1. On October 19, 1953, you allowed, permitted and suffered two taps on your licensed premises to be connected with a barrel of a malt alcoholic beverage, which taps did not bear any marker which truly indicated the name or brand of the manufacturer of such malt alcoholic beverage, in that two taps bearing no markers were connected to a barrel of Schaefer beer; in violation of Rule 26 of State Regulations No. 20.

"2. On October 19, 1953, you allowed, permitted and suffered in and upon your licensed premises a sign advertising 'Ballantine On Tap', a brand and type of alcoholic beverage not actually available for sale at such premises; in violation of Rule 4 of State Regulations No. 21."

The file herein discloses that during a routine inspection of defendant's licensed premises on October 19, 1953, an ABC agent found on tap a half barrel of Schaefer's beer with a double outlet. Each outlet was connected to a dispensing spigot, the knob of which bore no label indicating the name of the brand of beer to be drawn therefrom. Also, there was an electric neon sign in the front window of the licensed premises advertising "Ballantine On Tap" but there was no Ballantine beer on tap or on hand in the premises.

In attempted mitigation of Charge (2) defendant has advised me that "on the day in question I had run out of Ballantine's beer for the week-end." However, the file discloses that, when the violation was discovered, the licensee told the ABC agent that he had discontinued Ballantine barrel beer for about a week.

Defendant has no prior adjudicated record. I shall suspend his license on Charge 1 for three days (Re Cavanaugh & Hrasna, Bulletin 979, Item 8), and for an additional five days on Charge 2 (Re Porcoro, Bulletin 582, Item 9), making a total of eight days. Three days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 28th day of December, 1953,

ORDERED that Plenary Retail Consumption License C-45, issued by the Township Committee of the Township of Hamilton to Joseph Lucci, t/a Lucci's Tavern, 1600 Hamilton Avenue, Hamilton Township (Mercer County), be and the same is hereby suspended for a period of five (5) days, commencing at 2:00 a.m. January 4, 1954, and terminating at 2:00 a. m. January 9, 1954.

DOMINIC A. CAVICCHIA
Director.

6. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

FRANCESCO M. BACCICHI
S/e Corner County Road & Rose Street
Matawan Township
P. O. Cliffwood, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distribution
License D-1, issued by the Township
Committee of the Township of Matawan.

Heuser & Heuser, Esqs., by Ralph S. Heuser, Esq., Attorneys for
Defendant-licensee.
David S. Piltzer, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages at his licensed premises to a minor, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that, during the course of an investigation, William ---, 19 years of age, gave to an ABC agent a statement wherein he said that he entered defendant's licensed premises on Friday, October 30, 1953, at about 6:00 p.m. and purchased from defendant a case of beer. Subsequently, the agent accompanied the minor to defendant's premises and the minor identified the licensee as the person who had sold the case of beer to him. The defendant-licensee admitted to the agent that he had sold the beer to the minor.

In attempted mitigation defendant alleges that the minor appeared to him to be over the age of twenty-one years. His contention is not supported by the report of the ABC agent. In any event, it does not appear that the minor falsely represented in writing that he was twenty-one years of age or over and, hence, defendant has not established a valid defense to the charge herein, pursuant to the provisions of R.S. 33:1-77.

Defendant has no prior adjudicated record. I shall suspend defendant's license for a period of ten days, which is the minimum suspension imposed in a case of this kind. Re Highlander Hotel, Inc., Bulletin 985, Item 10. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 28th day of December, 1953,

ORDERED that Plenary Retail Distribution License D-1, issued by the Township Committee of the Township of Matawan to Francesco M. Baccichi, s/e Corner County Road & Rose Street, Matawan Township, be and the same is hereby suspended for a period of five (5) days, commencing at 9:00 a.m. January 4, 1954, and terminating at 9:00 a. m. January 9, 1954.

DOMINIC A. CAVICCHIA
Director.

7. DISCIPLINARY PROCEEDINGS - TRANSPORTATION OF ALCOHOLIC BEVERAGES WITHOUT BONA FIDE INVOICES OR MANIFESTS - SALE AT PREMISES OTHER THAN LICENSED PREMISES - LICENSE SUSPENDED FOR 15 DAYS.

In the Matter of Disciplinary)
Proceedings against)
MICHAEL AMICO)
T/a PAULISON WINE & LIQUOR CO.)
621 Paulison Avenue)
Clifton, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distribu-)
tion License D-37, issued by the)
Municipal Board of Alcoholic Beverage)
Control of the City of Clifton.)

Theodore D. Rosenberg, Esq., Attorney for Defendant-licensee.
David S. Piltzer, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The following charges were preferred against the defendant:

"1. On August 7, 1953, you delivered and transported alcoholic beverages in a vehicle, without the driver thereof having in his possession a bona fide, authentic and accurate delivery slip, invoice, manifest, waybill, or a similar document stating the bona fide name and address of the purchaser or consignee, and the brand, size of container, and quantity of each item of the alcoholic beverages being delivered or transported; in violation of Rule 3 of State Regulations No. 17.

"2. On August 7, 1953, you sold alcoholic beverages at premises other than your licensed premises, viz., at premises 520 Main Avenue, Wallington, N. J., beyond the scope of your license as limited by R. S. 33:1-26; in violation of R. S. 33:1-2."

The defendant pleaded guilty to charge 1 and not guilty to charge 2.

At the hearing held herein, an ABC agent testified as follows: that at 11:45 a.m., August 7, 1953, he and another agent entered private property on which a construction project was in progress; that he observed defendant's truck, bearing a transportation insignia, parked on the premises; that at noon about fifteen construction workers walked toward a wooden shed; that some of the men came out of the shed with cans which appeared to contain beer; that he and the other agent then

approached the shed; that his fellow agent entered while he remained immediately outside; that he observed a man (subsequently identified as the defendant-licensee) accept some change (money) from one of the workers after which he then went to a cooler, obtained a can of Carling's Black Label beer, opened the can and handed it to a man; that the witness and the other agent asked the defendant for beer but he refused to sell them any; that they identified themselves to the defendant who admitted the sale of the can of beer and admitted that he accepted twenty cents in payment therefor; that four cans of Carling's Black Label beer were found in the cooler, eight cans of the same brand of beer in a cardboard container and a full case of cans of Carling's Black Label beer in the defendant's truck; that there were no invoices or delivery slips to cover the beer in question.

The testimony of the other ABC agent who was present on August 7, 1953 was in substantial agreement as to the events described by the other agent which took place at the construction project at the time in question.

Defendant testified that while in the shed on August 7, 1953 he saw the two ABC agents but that he did not sell beer to anyone on the day in question although he admits that he was selling soda in the shed; that the beer had been delivered the previous day to an iron worker employed on the construction project; that he permitted the cans of beer to be kept in his cooler in which soft drinks sold by him to the construction workers were also kept; that when the agent ordered beer he told him the beer was not for sale but that it belonged to the construction workers and when the workers desired beer "they helped themselves." Defendant further testified that he was employed on the project then under construction.

After careful consideration of all the testimony I conclude that the two ABC agents have given a truthful version of the events that took place at the time in question. Although defendant testified that he delivered the beer in the shed on August 6, 1953 to an iron worker employed on the construction project, the fact that his truck parked outside the shed on August 7, 1953 contained a full case of beer of the same brand indicated that said beer was reserved for consumption if the demand so warranted. Moreover, defendant had no invoices or delivery slips to cover either the beer found in the shed or in the truck. Defendant's story is unworthy of belief. I find defendant guilty of charge 2. He entered a plea of guilty to charge 1.

Defendant has no prior adjudicated record. Under the circumstances I shall suspend his license for a period of fifteen days. Re Rutter's Inc., Bulletin 894, Item 8.

Accordingly, it is, on this 30th day of December, 1953,

ORDERED that Plenary Retail Distribution License D-37, issued by the Municipal Board of Alcoholic Beverage Control of the City of Clifton to Michael Amico, t/a Paulison Wine & Liquor Co., 621 Paulison Avenue, Clifton, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 9:00 a.m. January 6, 1954, and terminating at 9:00 a.m. January 21, 1954.

DOMINIC A. CAVICCHIA
Director.

3. ACTIVITY REPORT FOR DECEMBER 1953

ARRESTS:

Total number of persons arrested - - - - -	27
Licensees and employees - - - - -	14
Bootleggers - - - - -	13

SEIZURES:

Motor vehicles - cars - - - - -	4
Still - over 50 gallons - - - - -	1
- 50 gallons or under - - - - -	2
Mash - gallons - - - - -	600.00
Distilled alcoholic beverages - gallons - - - - -	13.77
Wine - gallons - - - - -	1.76
Brewed malt alcoholic beverages - gallons - - - - -	4.50

RETAIL LICENSEES:

Premises inspected - - - - -	1,134
Premises where alcoholic beverages were gauged - - - - -	677
Bottles gauged - - - - -	12,197
Premises where violations were found - - - - -	77
Violations found - - - - -	115
Type of violations found:	
Unqualified employees - - - - -	49
Prohibited signs - - - - -	9
Reg. #38 sign not posted - - - - -	8
Disposal permit necessary - - - - -	6
Other mercantile business - - - - -	8
Gambling devices - - - - -	2
Other violations - - - - -	33

STATE LICENSEES:

Premises inspected - - - - -	19
License applications investigated - - - - -	10

COMPLAINTS:

Complaints assigned for investigation - - - - -	392
Investigations completed - - - - -	335
Investigations pending - - - - -	144

LABORATORY:

Analyses made - - - - -	125
Refills from licensed premises - bottles - - - - -	1
Bottles from unlicensed premises - - - - -	30

IDENTIFICATION BUREAU:

Criminal fingerprint identifications made - - - - -	25
Persons fingerprinted for non-criminal purposes - - - - -	178
Identification contacts made with other enforcement agencies - - - - -	144
Motor vehicle identifications via N. J. State Police teletype - - - - -	1

DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities - - - - -	15
Violations involved:	
Sale to minors - - - - -	9
Sale during prohibited hours - - - - -	4
Permitting lottery activity (raffle) - - - - -	1
Permitting bookmaking on premises - - - - -	1
Sale to non-members by club - - - - -	1
Sale to intoxicated persons - - - - -	1
Failure to afford view into premises during prohibited hours - - - - -	1
Cases instituted at Division - - - - -	28
Violations involved:	
Sale to minors - - - - -	18
Sale below minimum resale price - - - - -	3
Sale during prohibited hours - - - - -	3
Hindering investigation - - - - -	3
Fraud and front - - - - -	2
Possessing illicit liquor - - - - -	2
Cases brought by municipalities on own initiative and reported to Division - - - - -	11
Violations involved:	
Licensee working while drunk - - - - -	1
Hindering investigation - - - - -	1
Permitting brawl on premises - - - - -	2
Permitting gambling (cards) on premises - - - - -	1
Sale to minors - - - - -	2
Permitting person of ill repute on premises - - - - -	1
Permitting foul language on premises - - - - -	1

HEARINGS HELD AT DIVISION:

Total number of hearings held - - - - -	31
Appeals - - - - -	6
Disciplinary proceedings - - - - -	16
Eligibility - - - - -	4
Seizures - - - - -	1
Tax revocations - - - - -	2
Applications for license - - - - -	2

PERMITS ISSUED:

Total number of permits issued - - - - -	907
Employment - - - - -	162
Solicitors - - - - -	57
Disposal of alcoholic beverages - - - - -	64
Social affairs - - - - -	277
Special wine - - - - -	138
Miscellaneous - - - - -	209

DOMINIC A. CAVICCHIA
Director.

Dated: January 4, 1954.

9. DISCIPLINARY PROCEEDINGS - UNLABELED BEER TAP - LICENSE SUSPENDED FOR 3 DAYS, LESS 1 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

GEORGE'S FAMOUS RESTAURANT, INC.)
T/a GEORGE'S FAMOUS RESTAURANT, INC.)
35 E. Main Street)
Freehold, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-2, issued by the Borough Council of the Borough of Freehold.)
-----)

Harry Sagotsky, Esq., Attorney for Defendant-licensee.
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it allowed an unlabeled beer tap on its licensed premises, in violation of Rule 26 of State Regulations No. 20.

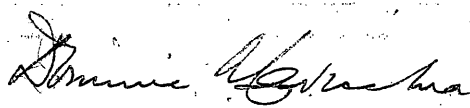
The file herein discloses that on November 5, 1953, during the course of a routine inspection of defendant's licensed premises, an ABC agent found a barrel of Schaefer's beer connected to a tap which bore no name of the brand of beer to be dispensed therefrom. Rule 26 of State Regulations No. 20 provides in effect, that no tap shall be connected with any container of malt alcoholic beverages unless such tap bears a marker "which truly indicates the name or brand of the manufacturer of such malt alcoholic beverage."

Defendant, in attempted mitigation of penalty, alleges that the threads on the dispensing spigot where the knob was to be placed were stripped and, although notified, the company had not repaired or replaced the defective part. This, of course, does not excuse the violation.

Defendant has no prior adjudicated record. The minimum penalty imposed for an unaggravated violation of this character is a suspension of the license for a period of three days. Under the circumstances, I shall suspend defendant's license for the minimum period of three days. One day will be remitted for the plea entered herein, leaving a net suspension of two days. Re Cavanaugh & Hrasna, Bulletin 979, Item 8.

Accordingly, it is, on this 28th day of December, 1953,

ORDERED that Plenary Retail Consumption License C-2, issued by the Borough Council of the Borough of Freehold to George's Famous Restaurant, Inc., t/a George's Famous Restaurant, Inc., 35 E. Main Street, Freehold, be and the same is hereby suspended for a period of two (2) days, commencing at 2:00 a.m. January 4, 1954, and terminating at 2:00 a.m. January 6, 1954.


Dominic A. Cavicchia
Director.