

V

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

February 9, 1965.

BULLETIN 1601

TABLE OF CONTENTS

ITEM

1. DISCIPLINARY PROCEEDINGS (Atlantic City) - LEWDNESS AND IMMORAL ACTIVITY (STRIP TEASE) - NUISANCE (SOLICITATION FOR PROSTITUTION AND FOR DRINKS) - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 180 DAYS, LESS 5 FOR PLEA.
2. DISCIPLINARY PROCEEDINGS (Parsippany-Troy Hills) - GAMBLING (HORSE RACE BETS) - LOTTERY (POSSESSION OF SWEEPSTAKES TICKETS) - FALSE STATEMENT IN LICENSE APPLICATION - LICENSE SUSPENDED FOR 70 DAYS, LESS 5 FOR PLEA.
3. DISCIPLINARY PROCEEDINGS (Jersey City) - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.
4. DISCIPLINARY PROCEEDINGS (Paterson) - SALE TO MINORS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - GAMBLING (WAGERING) - LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Haddon Township) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.
6. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1964 THROUGH DECEMBER 31, 1964.
7. DISCIPLINARY PROCEEDINGS (Hopewell Township) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS.
8. DISQUALIFICATION REMOVAL PROCEEDINGS - CONSPIRACY TO DEFRAUD THE UNITED STATES - ORDER REMOVING DISQUALIFICATION.
9. DISQUALIFICATION REMOVAL PROCEEDINGS - BURGLARY - POSSESSION OF NUMBERS SLIPS - OBSTRUCTING JUSTICE - MAINTAINING GAMBLING ESTABLISHMENT - ORDER REMOVING DISQUALIFICATION - DEFERRED EFFECTIVE DATE OF ORDER.
10. DISCIPLINARY PROCEEDINGS (Orange) - SALE TO MINORS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (Newark) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR RECORD DISREGARDED BECAUSE OF CHANGE OF STOCKHOLDERS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
12. DISCIPLINARY PROCEEDINGS (Wallington) - SALE TO MINORS - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

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

February 9, 1965.

BULLETIN 1601

1. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITY
(STRIP TEASE) - NUISANCE (SOLICITATION FOR PROSTITUTION
AND FOR DRINKS) - PRIOR SIMILAR RECORD - LICENSE SUSPENDED
FOR 180 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

LANIN CORPORATION)
t/a BAMBOO CLUB)
2101 Pacific Ave. and)
38 S. Arkansas Ave.)
Atlantic City, N.J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-156 for the 1963-64 license)
year and C-175 for the 1964-65 license)
year, issued by the Board of Commissioners)
of the City of Atlantic City.)

Sherman Kendis, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on April 4, 1964, it (1) permitted lewdness and immoral activity (strip tease accompanied by indecent exposure and posturing) on the licensed premises and (2) conducted the licensed place of business as a nuisance by permitting solicitation for prostitution and solicitation of drinks from male patrons by females on the licensed premises, all in violation of Rule 5 of State Regulation No. 20.

With respect to the solicitation of drinks, reports of investigation disclose that within the short space of an hour and a half, while the participating agents were consuming three drinks, two females, one employed as an entertainer and another not ostensibly employed (but introduced to the agents by the entertainer as a "house broad") promoted the purchase for themselves of a number of drinks at a total cost of \$33, principally comprising champagne "cocktails" (champagne over ice) at a charge of \$5 each.

Licensee has a previous record of suspension of license by the Director for fifty days effective April 23, 1962, for permitting similar indecent entertainment and hostess activity. Re Lanin Corporation, Bulletin 1429, Item 3; Bulletin 1452, Item 9.

The prior record of suspension for similar violations occurring within the past five years considered, the license will be suspended on the first charge for sixty days (Re Jockey Club, Inc., Bulletin 1543, Item 2) and on the second charge for one hundred twenty days, comprising sixty days for the element of solicitation for prostitution (Re Lemongelli, Bulletin 1580,

Item 4) and sixty days for the element of aggravated hostess activity (Re Jamaica Room, Inc., Bulletin 1584, Item 3; Re Jockey Club, supra), or a total of one hundred eighty days, with remission of five days for the plea entered, leaving a net suspension of one hundred seventy-five days.

Accordingly, it is, on this 30th day of December, 1964,

ORDERED that Plenary Retail Consumption License C-175, issued by the Board of Commissioners of the City of Atlantic City to Lanin Corporation, t/a Bamboo Club, for premises 2101 Pacific Avenue and 38 S. Arkansas Avenue, Atlantic City, be and the same is hereby suspended for one hundred seventy-five (175) days, commencing at 7:00 a.m. Wednesday, January 6, 1965, and terminating at 7:00 a.m. Wednesday, June 30, 1965.

JOSEPH P. LORDI
DIRECTOR

- 2. DISCIPLINARY PROCEEDINGS - GAMBLING (HORSE RACE BETS) - LOTTERY (POSSESSION OF SWEEPSTAKES TICKETS) - FALSE STATEMENT IN LICENSE APPLICATION - LICENSE SUSPENDED FOR 70 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

LAKE HIAWATHA INN, INC.)
t/a LAKE HIAWATHA INN-CLUB 45)
45 N. Beverwyck Road)
Parsippany-Troy Hills)
PO Lake Hiawatha, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-25, issued by the Township Council of the Township of Parsippany-Troy Hills.)

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

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) and (2) on divers days between April 14 and October 14, 1964, it permitted acceptance of horse race bets and possessed and sold Irish Sweepstakes tickets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20, and (3) in its current application for license, failed to disclose its record of prior license suspension, in violation of R.S. 33:1-25.

The licensee has a previous record of suspension of license by the Director for thirty days effective March 30, 1964, for false statements in its application for license and for farming out its license (Re Lake Hiawatha Inn, Inc., Bulletin 1008, Item 4), non-disclosure of this suspension being the subject of the third charge.

The prior record of suspension for similar violation occurring more than ten years ago disregarded, the license will be suspended on the first and second charges for sixty days

(Cf. Re Friendly Tavern, Inc., Bulletin 1581, Item 9), and on the third charge for ten days (Re Perry, Bulletin 1582, Item 2), or a total of seventy days, with remission of five days for the plea entered, leaving a net suspension of sixty-five days.

Accordingly, it is, on this 30th day of December 1964,

ORDERED that Plenary Retail Consumption License C-25, issued by the Township Council of the Township of Parsippany-Troy Hills to Lake Hiawatha Inn, Inc., t/a Lake Hiawatha Inn-Club 45, for premises 45 N. Beverwyck Road, Parsippany-Troy Hills, be and the same is hereby suspended for sixty-five (65) days, commencing at 3 a.m. Wednesday, January 6, 1965, and terminating at 3 a.m. Friday, March 12, 1965.

JOSEPH P. LORDI
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)	
)	
PRATO & GANGEMI, INC.)	
t/a HI-LITE TAVERN & GRILL)	CONCLUSIONS
467 Communipaw Avenue)	AND ORDER
Jersey City, N. J.)	
Holder of Plenary Retail Consumption License C-294, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)	

Licensee, by Morris Prato, President, pro se.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads guilty to charges (1) and (2) alleging that on November 24, 25, and December 1, 1964, it permitted acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Nicolai, Bulletin 1593, Item 5.

Accordingly, it is, on this 5th day of January, 1965,

ORDERED that Plenary Retail Consumption License C-294, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Prato & Gangemi, Inc., t/a Hi-Lite Tavern & Grill, for premises 467 Communipaw Avenue, Jersey City, be and the same is hereby suspended for fifty-five (55) days, commencing at 2 a.m. Tuesday, January 12, 1965, and terminating at 2 a.m. Monday, March 8, 1965.

JOSEPH P. LORDI
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - GAMBLING (WAGERING) - LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ROGER ROYCE)
t/a ROYCE'S TAVERN)
331 E. Railway Avenue)
Paterson, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-282, issued by the Board of Alcoholic Beverage Control for the City of Paterson.)

Harold Breslow, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on November 18, 1964, he sold drinks of beer to two minors, age 17 and 20, in violation of Rule 1 of State Regulation No. 20; (2) on November 11 and 18, 1964 he sold a pint bottle of wine and a pint of gin for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38, and (3) on November 10-11, 1964 he permitted gambling (wagering on pool games) on the licensed premises, in violation of Rule 7 of State Regulation No. 20.

Absent prior record, the license will be suspended on the first charge for twenty days (cf. Re Kriss and Ward, Bulletin 1538, Item 3); on the second charge for fifteen days (Re Kristensen, Bulletin 1593, Item 10), and on the third charge for fifteen days (Re Fluckiger, Bulletin 1590, Item 5), or a total of fifty days, with remission of five days for the plea entered, leaving a net suspension of forty-five days.

Accordingly, it is, on this 4th day of January 1965,

ORDERED that Plenary Retail Consumption License C-282, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Roger Royce, t/a Royce's Tavern, for premises 331 E. Railway Avenue, Paterson, be and the same is hereby suspended for forty-five (45) days, commencing at 3 a.m. Monday, January 11, 1965, and terminating at 3 a.m. Thursday, February 25, 1965.

JOSEPH P. LORDI
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against WHITE TRIANGLE, INC. t/a "Alfred's" 3200-3202 Mt. Ephraim Avenue and 1326 Elm Avenue Haddon Township PO West Collingswood, N.J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-4, issued by the Board of Commissioners of the Township of Haddon.

Richman, Berry & Ferren, Esqs., Attorneys for Licensee. Morton B. Zemel, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 26, 1964, it possessed alcoholic beverages in eight bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for fifteen days effective July 19, 1962, for sale to a minor. Re White Triangle, Inc., Bulletin 1472, Item 7.

The license will be suspended for thirty days (Re D.I.M.G. Corporation, Bulletin 1577, Item 5), to which will be added five days by reason of the record of suspension for previous dissimilar violation occurring within the past five years (Re Perry, Bulletin 1582, Item 2), or a total of thirty-five days, with remission of five days for the plea entered, leaving a net suspension of thirty days.

Accordingly, it is, on this 30th day of December 1964,

ORDERED that Plenary Retail Consumption License C-4, issued by the Board of Commissioners of the Township of Haddon to White Triangle, Inc., t/a Alfred's, for premises 3200-3202 Mt. Ephraim Avenue and 1326 Elm Avenue, Haddon Township, be and the same is hereby suspended for thirty (30) days, commencing at 2 a.m. Wednesday, January 6, 1965, and terminating at 2 a.m. Friday, February 5, 1965.

JOSEPH P. LORDI DIRECTOR

6. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1964 THROUGH DECEMBER 31, 1964

	1st Quarter July, Aug., Sept.	2nd Quarter Oct., Nov., Dec.	Total
ARRESTS:			
Total number of persons arrested	51	53	104
Licensees and employees	25	32	57
Bootleggers	26	21	47
SEIZURES:			
Motor vehicles - cars	1	2	3
Stills - over 50 gallons	1	2	3
- 50 gallons or under	2	2	4
Alcohol - gallons	16.105	287.80	303.905
Mash - gallons	300	1,331	1,631
Distilled alcoholic beverages - gallons	364.990	62.40	427.390
Wine - gallons	44.281	240.7459	285.0269
Brewed malt alcoholic beverages - gallons	91.952	66.5352	158.4872
RETAIL LICENSEES:			
Premises inspected	1,575	1,917	3,492
Premises where alcoholic beverages were gauged	1,160	1,653	2,813
Bottles gauged	18,513	24,180	42,693
Premises where violations were found	172	168	340
Violations found	241	219	460
Unqualified employees	94	83	177
Reg. #38 sign not posted	51	32	83
Application copy not available	33	25	58
Other mercantile business	13	16	29
Disposal permit necessary	9	12	21
Prohibited signs	11	6	17
Improper beer taps	2	-	2
Other violations	28	45	73
STATE LICENSEES:			
Premises inspected	56	28	84
License applications investigated	38	27	65
COMPLAINTS:			
Complaints assigned for investigation	1,012	1,113	2,125
Investigations completed	983	1,067	2,050
Investigations pending	(163)	233	233
LABORATORY:			
Analyses made	460	298	758
Refills from licensed premises - bottles	142	136	278
Bottles from unlicensed premises	86	33	119
IDENTIFICATION:			
Criminal fingerprint identifications made	26	13	39
Persons fingerprinted for non-criminal purposes	1,119	759	1,878
Ident. contacts made w/other enforcement agencies	690	521	1,211
MV identifications via N.J. State Police teletype	2	5	7
DISCIPLINARY PROCEEDINGS:			
Cases transmitted to municipalities	34	28	62
Violations involved	39	28	67
Sale during prohibited hours	26	16	42
Sale to minors	9	10	19
Failure to close premises during prohibited hours	3	-	3
Single instance of other violations	1	2	3
Cases instituted at Division	74*	48	122*
Violations involved	87	78	165
Possessing liquor not truly labeled	14	8	22
Sale to minors	8	14	22
Sale during prohibited hours	8	12	20
Permitting lottery activity on premises	16	4	20
Permitting bookmaking on premises	9	2	11
Sale below filed price	4	2	6
Hindering investigation	2	3	5
Fraud in application	2	3	5
Failure to close premises during prohibited hours	1	4	5
Beverage Tax Law non-compliance	1	3	4
Permitting gambling on premises	2	2	4
Substituting alc. bev. other than ordered	1	2	3
Permitting foul language on premises	1	2	3
Possessing pinball machine on premises	2	1	3
Retailer-to-retailer sales	-	3	3
Conducting business as a nuisance	2	1	3
Permitting hostess activity on premises	2	1	3
Permitting immoral activity on premises	2	-	2
Fraud and front	1	1	2
Unauthorized transportation	-	2	2
Unqualified employees	1	1	2
Single instance of other violations	8	7	15

*Includes two cancellation proceedings - licenses improvidently issued to licensees convicted of crimes involving moral turpitude.

	1st Quarter		2nd Quarter		Total
	July	Aug., Sept.	Oct., Nov.	Dec.	
DISCIPLINARY PROCEEDINGS (Continued)					
Cases brought by municipalities on own initiative and reported to Division					
Violations involved	73		70		143
Sale to minors	98		94		192
Permitting brawl, etc. on premises	37		41		78
Sale during prohibited hours	17		8		25
Failure to close premises during prohibited hours	13		4		17
Conducting business as a nuisance	10		4		14
Hindering investigation	5		3		8
Permitting lottery activity on premises	1		6		7
Permitting minors on premises unaccomp. by parents or guardians (local reg.)	1		4		5
Failure to afford view into premises during prohibited hours	3		2		5
Permitting immoral activity on premises	3		1		4
Employing persons w/o ident. cards (local reg.)	1		3		4
Act of violence	-		2		2
Permitting gambling on premises	1		1		2
Employing female bartender (local reg.)	2		-		2
Single instance of other violations	-		2		2
	4		3		7
HEARINGS HELD AT DIVISION:					
Total number of hearings held	109		106		215
Appeals	23		15		38
Disciplinary proceedings	61		58		119
Eligibility	21		26		47
Seizures	2		2		4
Tax revocations	1		3		4
Applications for license	-		2		2
Order to show cause	1		-		1
STATE LICENSES AND PERMITS ISSUED:					
Total number issued	5,264		4,515		9,779
Licenses	756		7		763
Solicitors' permits	173		136		309
Employment permits	1,090		705		1,795
Disposal permits	270		170		440
Social affair permits	1,344		1,236		2,580
Wine permits	---		893		893
Miscellaneous permits	667		571		1,238
Transit insignia	867		741		1,608
Transit certificates	97		56		153
OFFICE OF AMUSEMENT GAMES CONTROL:					
Licenses issued	233		99		332
Premises inspected	1,094		--		1,094
Premises where violations were found	20		--		20
Number of violations found	27		--		27
Enforcement files established	76		55		131
Disciplinary proceedings instituted at Division	3		1		4
Violations involved	3		1		4
Redemption of prize for money	-		1		1
Charge in excess of 25¢	3		-		3

JOSEPH P. LORDI
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

Dated: January 18, 1965

7. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
Labeled - LICENSE SUSPENDED FOR 15 DAYS.

In the Matter of Disciplinary Proceedings against
 PASQUALE ORLANDO, JR.
 t/a BROOKSIDE INN
 Route #69
 Hopewell Township
 PO Hopewell, N.J.
 Holder of Plenary Retail Consumption License C-4, issued by the Township Committee of the Township of Hopewell.

CONCLUSIONS
AND ORDER

 Licensee, Pro se.
 Morton B. Zemel, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

Licensee pleaded not guilty to the following charge:

"On September 29, 1964, you possessed, had custody of and allowed, permitted and suffered in and upon your licensed premises, alcoholic beverages in bottles which bore labels which did not truly describe their contents, viz.,

One quart bottle labeled 'Dewar's White Label Blended Scotch Whisky, 86.8 Proof', and

One quart bottle labeled 'Smirnoff Vodka, 100 Proof';

in violation of Rule 27 of State Regulation No. 20."

ABC agent M testified that on routine inspection on September 29, 1964, he entered the licensee's premises, gauged and tested all of said licensee's open stock of alcoholic beverages. His preliminary testing of a quart bottle labeled Imported Seagram's V.O. Canadian Whisky, one quart bottle labeled Dewar's White Label Blended Scotch Whisky, and one quart bottle labeled Smirnoff Vodka showed that their contents appeared to be off in color and proof based upon the standard for those brands. The agent seized the three bottles and three full sealed comparison bottles of the same brands. The opened bottles were sealed, a receipt was given to the licensee and the said bottles and the comparison bottles were brought in to the Division chemist for analysis.

Harry H. Turken, the Division chemist, who is well qualified on the basis of background and experience to make these chemical analyses, produced the following report: The open bottle of Dewar's contained an alcoholic beverage which was slightly off in color, the color was light and the solids low and, therefore, its contents were not genuine as compared to the contents of the comparison bottle. The seized bottle of Smirnoff Vodka was low in alcoholic content, namely, 89 proof as compared to 100.6 of the comparison bottle. He therefore concluded that the

alcoholic content was low. His analysis proved that neither the bottle containing the vodka nor the bottle containing the Dewar's whisky was genuine and, therefore, the labels thereon did not truly describe their contents. With respect to the Seagram's V.O. bottle he concluded that the contents were genuine.

Pasquale Orlando, Jr. (the licensee) testified that, so far as he was concerned, he did not tamper with any bottles. However, he does not tend bar, although he helps out occasionally on Saturday evenings. He explained that at the time of this investigation he was away on a hunting trip in Wyoming. His bartender was running the premises, although his wife checked on the bartender occasionally. He stated that he believes the bartender is an honest man and is still employed at these premises.

He also suggested that, since the open bottle of vodka was purchased about thirteen months ago, it may have had an effect on its alcoholic content.

The bartender was not called as a witness.

Mr. Turken, called in rebuttal, stated that thirteen months would have no effect on the alcoholic content. He explained that the evaporation of water and alcohol coincides, although "after a certain period of time the alcohol evaporates (at a rate) greater than water, but it is a very, very slow process and would take much longer to evaporate...." He further testified that it is the custom of distillers usually to add one or two proofs higher than the label proof to take care of this contingency.

My examination and evaluation of this case convinces me that beyond any reasonable doubt, and surely by substantial evidence, the licensee possessed, had custody of and allowed, permitted and suffered on his premises alcoholic beverages in bottles which bore labels which did not truly describe their contents.

The Division has produced the Division chemist who stated his tests established that the labels on the bottles did not truly describe the contents therein. Such testimony must be considered as conclusive in the absence of any contradictory testimony. No such testimony in opposition was offered by the licensee.

A licensee is responsible for any "refills" found upon his licensed premises. Cedar Restaurant and Cafe Co. v. Hock, 135 N.J.L. 156. As the court stated in that case at p. 159:

"We find nothing within the Alcoholic Beverage Control Act, R.S. 33:1-1, et seq., to indicate an intent that the holder of a retail consumption license must have knowledge that he possesses illicit beverages in order to make him amenable to disciplinary action. Our courts have consistently held that such knowledge is not an essential ingredient to conviction for possession under statutes similar to the one under consideration." (citing cases therein)

In Re Whitey's Welcome Tavern, Inc., Bulletin 940, Item 2, it was alleged that one of the stockholders and his son tended bar. The son denied knowledge of said "refills." The licensee was held accountable, nevertheless, on the said charge.

Cf. English v. Hock, 137 N.J.L. 34.

It is significant that the licensee failed to produce the bartender who, he admits, is still employed at his premises and was apparently available to testify.

A licensee is liable for the acts and conduct of his employee regardless of his personal knowledge or intent or participation, and the licensee is not relieved from responsibility even if the violation were contrary to his express instructions. Mazza v. Cavicchia, 28 N.J. Super. 280, reversed on other grounds 15 N.J. 498; Greenbrier, Inc. v. Hock, 14 N.J. Super. 39; Essex Holding Corp. v. Hock, 136 N.J.L. 28.

I conclude that the Division has established the truth of this charge by a fair preponderance of the believable evidence and recommend that an order be entered accordingly.

Licensee has no prior adjudicated record. It is therefore recommended that an order be entered suspending the license for fifteen days, the minimum penalty in such cases involving two bottles bearing labels which did not truly describe their contents. Re West End Casino, Inc., Bulletin 1587, Item 3.

Conclusions and Order

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

Having carefully considered the entire record herein, including the transcript of the testimony, the exhibits and the Hearer's Report, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 30th day of December, 1964,

ORDERED that Plenary Retail Consumption License C-4, issued by the Township Committee of the Township of Hopewell to Pasquale Orlando, Jr., t/a Brookside Inn, for premises on Route #69, Hopewell Township, be and the same is hereby suspended for fifteen (15) days, commencing at 2:30 a.m. Wednesday, January 6, 1965, and terminating at 2:30 a.m. Thursday, January 21, 1965.

JOSEPH P. LORDI
DIRECTOR

8. DISQUALIFICATION REMOVAL PROCEEDINGS - CONSPIRACY TO DEFRAUD
THE UNITED STATES - ORDER REMOVING DISQUALIFICATION.

In the Matter of an Application to)	CONCLUSIONS
Remove Disqualification because of)	AND
a Conviction, pursuant to R.S. 33:1-31.2)	ORDER
Case No. 1877)	

Kasen, Schnitzer & Kasen, Esqs., by Daniel G. Kasen, Esq.,
Attorneys for Petitioner.

BY THE DIRECTOR:

Petitioner's criminal record discloses that on June 8, 1951, following a plea of guilty in the U.S. District Court at Newark to a charge of knowingly and wilfully conspiring to defraud the United States of substantial sums of money through the sale of sub-standard meats to it and through the corruption of United States meat inspectors and through false representations in violation of 18 U.S.C. 88 (1946 Ed.) and 18 U.S.C. 371, he was sentenced to serve eighteen months in a federal correctional institution and was fined \$5,000.00. Petitioner was paroled on January 27, 1952.

Since the crime of which petitioner was convicted involves the element of moral turpitude, he was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this State. R.S. 33:1-25, 26.

At the hearing held herein, petitioner (51 years old) testified that he is married and living with his wife; that for the past sixteen years, he has lived at his present address and that, ever since 1938, he has been engaged in the meat industry.

Petitioner further testified that he is asking for the removal of his disqualification to be free to engage in the alcoholic beverage industry in this State and that ever since his parole on January 27, 1952, he has not been convicted of any crime or arrested.

The police department of the municipality wherein the petitioner resides reports that there are no complaints or investigations presently pending against petitioner.

Petitioner produced three character witnesses (a banker, a physician and a general manager of a subsidiary of a chain of supermarkets) who testified that they have known petitioner for more than five years last past, and that in their opinion he is now an honest, law-abiding person with a good reputation.

Considering all of the aforesaid facts and circumstances, I am satisfied that petitioner has conducted himself in a law-abiding manner for five years last past, and that his association with the alcoholic beverage industry in this State will not be contrary to the public interest.

Accordingly, it is, on this 30th day of December, 1964,

ORDERED that petitioner's statutory disqualification because of the conviction described herein be and the same is hereby removed, in accordance with the provisions of R.S. 33:1-31.2.

JOSEPH P. LORDI
DIRECTOR

9. DISQUALIFICATION REMOVAL PROCEEDINGS - BURGLARY - POSSESSION OF NUMBERS SLIPS - OBSTRUCTING JUSTICE - MAINTAINING GAMBLING ESTABLISHMENT - ORDER REMOVING DISQUALIFICATION - DEFERRED EFFECTIVE DATE OF ORDER.

In the Matter of an Application)
to Remove Disqualification because) CONCLUSIONS
of a Conviction, Pursuant to) AND ORDER
R.S. 33:1-31.2)

Case No. 1880)

BY THE DIRECTOR:

Petitioner's criminal record discloses that on June 21, 1939, he was sentenced to serve three months in jail on a burglary charge. It further appears that petitioner was convicted in a county court on June 29, 1950, for possession of numbers slips; on May 4, 1956, for obstructing justice, and two disorderly conduct charges; on June 29, 1956, for possession of numbers slips, and on October 25, 1956, for maintaining a gambling establishment and for possession of numbers slips; that on his first conviction he was given a ten-month suspended sentence and fined \$1,000; that on his second conviction (obstructing justice) he was given a two-to-three year suspended sentence, fined \$1,000 and placed on probation for three years and was fined \$25 on each of the disorderly conduct charges; that on his third conviction he received a one-to-three year suspended sentence, fined \$1,000 and placed on probation for five years; and that on his last two convictions he was sentenced to serve a term of three-to-four-and-one-half years in New Jersey State Prison and was discharged therefrom on July 31, 1959.

Since the crimes of which petitioner was convicted involve the element of moral turpitude, he was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this State. R.S. 33:1-25, 26.

Petitioner's convictions for disorderly conduct are not convictions of crime.

The records of this Division disclose that on April 18, 1962, following an inquiry by petitioner as to his eligibility, he was notified by the Director that he was ineligible for employment by a licensee because he had been convicted of crimes which involved the element of moral turpitude.

At the hearing held herein, petitioner (46 years old) testified that he is married and living separate and apart from his wife; that he has been contributing to the support of his minor child; that for the past five years he has lived in two neighboring counties; that he has been working as a barber for the past two years; that prior thereto he worked irregularly as a construction worker for three years; that recently he had been employed by a licensee as a porter and part-time bartender for about two or three weeks; that he was aware of his ineligibility for such employment and that he accepted the job because "I was really up against it."

Petititioner further testified that he is asking for the removal of his disqualification to be free to accept employment in the alcoholic beverage industry in this State and that ever since his release from State Prison on July 31, 1959, he has not

been convicted of any crime or arrested.

Petitioner produced three character witnesses (a truck driver, a carpenter and a retired carpenter) who testified that they have known petitioner for more than five years last past and, in their opinion, he is now an honest, law-abiding person with a good reputation.

The Police Department of the municipality wherein the petitioner resides reports that there are no complaints or investigations presently pending against petitioner.

I hesitate to grant the relief sought herein for the reason that petitioner worked in a licensed premises in this State despite the aforesaid notice advising him he was ineligible for such employment. I am, however, favorably influenced by (1) his disclosure at the hearing of said employment, (2) the nature and short duration of the same, (3) the testimony of his character witnesses and (4) his present attitude.

Considering all of the aforesaid facts and circumstances, I shall grant his application but shall withhold relief until two months after December 3, 1964 (the date upon which he filed the within application). Cf. Re Case No. 1809, Bulletin 1561, Item 5.

Accordingly, it is, on this 4th day of January 1965,

ORDERED that petitioner's statutory disqualification because of the convictions described herein be and the same is hereby removed in accordance with the provisions of R.S. 33:1-31.2, effective February 3, 1965; provided, however, that petitioner shall not in the interim be associated with the alcoholic beverage industry in this State in any manner whatsoever.

JOSEPH P. LORDI
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

FRANK M. & PETER M. PETRUCELLI)
t/a POLAR STAR LOUNGE)
150 South Essex Avenue)
Orange, New Jersey)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-61, issued by the Municipal Board of Alcoholic Beverage Control of the City of Orange.)

Licensees, Pro se.

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

BY THE DIRECTOR:

Licensees plead non vult to charges alleging that (1) on November 20, 1964, they sold drinks of beer to two minors, ages 19 and 20, in violation of Rule 1 of State Regulation No. 20, and (2) on November 13 and 20, 1964, they sold on each occasion six cans of beer for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license will be suspended on the first charge for fifteen days (Re The Old Homestead, Inc., Bulletin 1540, Item 13) and on the second charge for fifteen days (Re Rosenbauer, Bulletin 1590, Item 10) or a total of thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 4th day of January, 1965,

ORDERED that Plenary Retail Consumption License C-61, issued by the Municipal Board of Alcoholic Beverage Control of the City of Orange, to Frank M. and Peter M. Petrucelli, t/a Polar Star Lounge, for premises 150 South Essex Avenue, Orange, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m. Monday, January 11, 1965, and terminating at 2:00 a.m. Friday, February 5, 1965.

JOSEPH P. LORDI
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR RECORD DISREGARDED BECAUSE OF CHANGE OF STOCKHOLDERS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

WHITE POODLE, INC.)
339 Plane Street)
Newark, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-534, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

Samuel Raffaello, Esq., Attorney for Licensee.
Morton B. Zemel, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 16, 1964, it possessed alcoholic beverages in four bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license for the balance of its term effective September 9, 1963, because of undisclosed interests in the license, with leave to file petition for lifting of the suspension after it had been in effect for twenty-five days, upon proof of correction of the unlawful situation, which suspension was lifted effective October 18, 1963. Re White Poodle, Inc., Bulletin 1530, Item 4; Bulletin 1540, Item 11.

The prior record disregarded by reason of the fact that the present stockholders of the licensee corporation were not then stockholders (Re Rick's Circle Inn, Inc., Bulletin 1576, Item 5), the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Ten Pin Lounge, Inc., Bulletin 1570, Item 3.

Accordingly, it is, on this 4th day of January, 1965,

ORDERED that Plenary Retail Consumption License C-534, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to White Poodle, Inc. for premises 339 Plane Street, Newark, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Monday, January 11, 1965, and terminating at 2:00 a.m. Tuesday, January 26, 1965.

JOSEPH P. LORDI
DIRECTOR

12. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JOSEPH R. WOJASCUK t/a LOCUST BAR & GRILL 32 Locust Avenue Wallington, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-42, issued by the Mayor and Council of the Borough of Wallington.)

Licensee, pro se.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

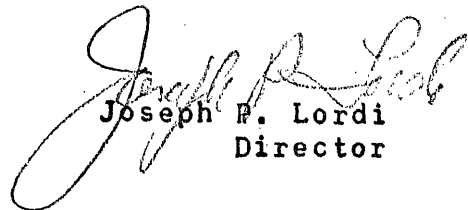
Licensee pleads non vult to a charge alleging that on November 14, 1964, he sold drinks of beer to five minors, four age 19 and one age 20, in violation of Rule 1 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for five days effective December 2, 1963, for possession of an alcoholic beverage not truly labeled. Re Wojascuk, Bulletin 1543, Item 5.

The license will be suspended for twenty days (cf. Re Per-Mac Corp., Bulletin 1546, Item 2), to which will be added five days by reason of the record of suspension for previous dissimilar violation within the past five years (Re Perry, Bulletin 1582, Item 2), or a total of twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days.

Accordingly, it is, on this 5th day of January 1965,

ORDERED that Plenary Retail Consumption License C-42, issued by the Mayor and Council of the Borough of Wallington to Joseph R. Wojascuk, t/a Locust Bar & Grill, for premises 32 Locust Avenue, Wallington, be and the same is hereby suspended for twenty (20) days, commencing at 3 a.m. Tuesday, January 12, 1965, and terminating at 3 a.m. Monday, February 1, 1965.


Joseph F. Lordi
Director