

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

May 8, 1963

BULLETIN 1510

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

May 8, 1963

BULLETIN 1510

1. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE
SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

PIO RICCI, PETER NAPPA AND)
SANTA NAPPA)
14 Belmont Avenue)
Belleville, N. J.)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-35, issued by the Board of Commissioners of the Town of Belleville.)

Anthony P. Bianco, Esq., Attorney for Licensees.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensees plead non vult to a charge alleging that on March 2, 1963, they sold drinks of alcoholic beverages (principally beer) to fourteen minors, six age 18, five age 19 and three age 20, in violation of Rule 1 of State Regulation No. 20.

Absent prior record and in view of the number and ages of the minors involved, 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. Cf. Re Horwech, Bulletin 1435, Item 2; Re Polish Peoples Home, Inc., Bulletin 1137, Item 1.

Accordingly, it is, on this 26th day of March, 1963,

ORDERED that Plenary Retail Consumption License C-35, issued by the Board of Commissioners of the Town of Belleville to Pio Ricci, Peter Nappa and Santa Nappa for premises 14 Belmont Avenue, Belleville, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. Tuesday, April 2, 1963, and terminating at 2:00 a.m. Monday, May 27, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

"San Filippo was cautioned by the co-licensee not to make any further statement and he thereupon kept silent. Maczka denied serving drinks; refused to explain that he had failed to open the door because 'I didn't know who you were' and refused to make any further oral or written statement. The agent further testified that, with the exception of the two glasses on the bar which were still wet, all the other glasses were dry.

"Agent T corroborated the relevant testimony of Agent G and added that the second glass contained a liquid which was lighter in color than the liquid in San Filippo's glass. This glass was located immediately in front of the co-licensee. He also stated, upon questioning San Filippo, San Filippo admitted that he had been served the highball by Maczka. He added that 'I only had a highball', that he did not want to get into any trouble and left the premises immediately.

"John Maczka, testifying in behalf of the licensees, denied that he had served any drinks to San Filippo and stated that San Filippo had visited him on this day for friendly conversation because he was his regular butcher. He further asserted that he had placed an order for meats with him, and that was the total substance of their conversation. On cross examination he denied that San Filippo had engaged in any conversation at all with the agent.

"Vincent J. San Filippo, testifying on behalf of the licensees, also denied that he had had anything to drink or that any drinks had been served to him. He admitted that he had a conversation with the agents in which he told them that he was a butcher and that the licensee had just placed an order for meats with him.

"On cross examination he also testified that he had been serving the licensees for about six or seven years, and that he also sold meats to the co-licensee's mother and other members of the family. He also admitted that, when he does drink, he usually drinks a highball known as 'Carstairs and Coke.' He then denied that the agents had questioned him about having a drink or that he had had a drink at that time.

"This case presents a sharp conflict between the testimony of the witnesses for the licensees and the agents for this Division. I have had an opportunity to observe the demeanor of the witnesses and am strongly inclined to doubt the veracity of the testimony of the licensee and his witness. The licensee, for example, testified that San Filippo did not engage in any conversation with the agents, whereas San Filippo admitted several times during his testimony that he was engaged in conversation with the agents for several minutes after they entered the premises. San Filippo's testimony that he usually drinks 'Carstairs and Coke', which is a dark colored liquid, lends credence to the testimonial observation of the agent.

"I am also influenced by the testimony to the effect that the licensees admonished San Filippo not to make any statement to the agents with respect to the activities on the premises; and, indeed, San Filippo left without making any additional statement. Thus the fact that neither the co-licensee nor the witness was willing to make a verbal or written statement at the time of confrontation, when the charge was made against the licensees, presents a strong inference that they could not have honestly denied the said charge.

"After reviewing the evidence I conclude that the Division has established the truth of the charge by a fair preponderance of the believable evidence, and I recommend that the licensees be found guilty as charged.

"Licensees have a prior adjudicated record. Effective September 25, 1959, their license was suspended for a period of ten days by the local issuing authority for sale after hours, in violation of Rule 1 of State Regulation No. 38. The usual penalty for sale on Election Day is fifteen days. Re Lazar, Bulletin 1395, Item 5. Sale during polling hours on Election Day is basically an 'hours' violation. In view of the similar 'hours' violation which occurred within five years of the date of this violation, I further recommend that an order be entered suspending the license for thirty days. Cf. Re Centinaro, Bulletin 1468, Item 4."

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

Having carefully considered the record herein, including the transcript of the proceedings and the Hearer's Report, I concur in the findings and conclusions of the Hearer and adopt his recommendations. Hence, I find the licensees guilty as charged.

Accordingly, it is, on this 27th day of March, 1963,

ORDERED that Plenary Retail Consumption License C-129, issued by the City Council of the City of Elizabeth to John Maczka and Stasia Maczka, t/a Pop's Tavern, for premises 230 Second Street, Elizabeth, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m. Wednesday, April 3, 1963, and terminating at 2:00 a.m. Friday, May 3, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

3. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

HAROLD C. CAPELLI
t/a HICKEY'S CAFE
5 1/2 Zabriskie Street
Jersey City, N. J.

)
)
) CONCLUSIONS
) AND ORDER
)

Holder of Plenary Retail Consumption License C-418, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

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

BY THE ACTING DIRECTOR:

Licensee pleads non vult to charges alleging that on March 9, 1963, he (1) and (2) sold drinks of alcoholic beverages after 2:00 a.m., in violation of local hours regulation, and (3) at 2:08 a.m. sold a pint bottle of whiskey for off-premises consumption in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license will be suspended for thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days. Re Senatore, Bulletin 1400, Item 6.

Accordingly, it is, on this 25th day of March, 1963,

ORDERED that Plenary Retail Consumption License C-418, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Harold C. Capelli, t/a Hickey's Cafe, for premises 5 1/2 Zabriskie Street, Jersey City, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m. Monday, April 1, 1963, and terminating at 2:00 a.m. Friday, April 26, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

5. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN PRIVATE DWELLING - CLAIM OF UNLAWFUL SEARCH AND SEIZURE REJECTED - COMMINGLED CASH AND ALCOHOLIC BEVERAGES ORDERED FORFEITED.

In the Matter of the Seizure on)	
October 28, 1962 of a quantity of)	CASE NO. 10,934
alcoholic beverages and \$10.56 in)	ON HEARING
cash from David Nelson and Dorothy)	CONCLUSIONS
Nelson at 125 Prince Street, in the)	AND ORDER
City of Newark, County of Essex and)	
State of New Jersey.)	

David Nelson, Pro Se.

I. Edward Amada, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

The Hearer has filed the following Report herein:

"This matter came on for hearing pursuant to R.S. 33:1-66 and State Regulation No. 28 to determine whether 49 pint bottles of wine, two cans of beer and \$10.56 in cash, more particularly described in a schedule annexed hereto, made part hereof and marked Schedule 'A', seized on October 28, 1962 at premises occupied by David Nelson at 125 Prince Street, Newark, N.J., constitute unlawful property and should be forfeited.

"The seizure was made by ABC agents because of alleged unlawful sales of alcoholic beverages at the premises. When the matter came on for hearing pursuant to R.S. 33:1-66, David Nelson appeared pro se at such hearing and sought return of both the cash and the alcoholic beverages.

"ABC agent C, appearing on behalf of the Division, testified to the following: In company with other ABC agents he made two visits to the above-named premises, the first one of which occurred on October 21, 1962. At that time at about 10:35 a.m. he entered the premises, went to the second floor which is the apartment occupied by one David Nelson. Nelson opened the door partially and the agent said, 'Give me a pint of Tiger' and then gave him a one-dollar bill. 'Tiger' is the common name for Tiger Rose Wine. Nelson handed him the wine together with a quarter change. On October 28th this agent returned with a five-dollar bill and a one-dollar bill, the serial numbers of which had been previously recorded. While other agents and police officers stationed themselves outside the premises on the morning of this date, this agent went up to the second floor and knocked on the door. The door was partially opened by a female later identified as Mrs. David Nelson, and after conversation a purchase was made from her by this agent of a pint of Tiger Rose Wine for which he paid the sum of seventy-five cents. He handed her the 'marked' one-dollar bill. After this purchase, by pre-arranged signal, the other agents and police officers entered the apartment and found Nelson in the living room. A search revealed a total of \$10.56 on his person together with the wine described in the annexed schedule. Included therewith was the 'marked' one-dollar bill and a total of \$9.56, exclusive of the 'marked' money.

"Nelson was thereupon arrested, and admitted that he had sold the alcoholic beverages as hereinabove described. Under cross examination by Nelson the agent stated that he had no search warrant.

"The testimony of Agent C was substantially corroborated by ABC Agent S who added that when the agents and police officers entered the premises on October 28th they saw several males seated around the kitchen table and Nelson was in one of the bedrooms of the apartment. Nelson was identified by Agent C as the one who sold him the wine and the 'marked' dollar bill found on Nelson's person was the one whose serial number corresponded with that on the prepared list. He further testified that after his arrest a voluntary, signed statement was made by Nelson in which he admitted the sale of the alcoholic beverages without a license as testified to by Agent C. The statement was admitted into evidence as were the affidavit of mailing, affidavit of publication, the inventory and the chemist's report.

"David Nelson, testifying in his own behalf, stated that on November 28th (sic: he meant October 28th, as was subsequently developed and corroborated by his prior sworn statement), a friend of his had come home from jail 'and we got together and chipped in and were going to have a party.'

"He stated that after the wine had been purchased Agent C came to the door and asked for a bottle of wine. He told Agent C that the wine wasn't for sale, that it was for a party, but Agent C said that he needed a drink real bad, so Mrs. Nelson sold him the bottle. When he was thereafter confronted with the alleged sale, he stated that his wife was the one who sold the bottle and therefore he was not involved.

"On cross examination, he told the police officers that he had actually sold the wine. In his own words, 'I told them I sold the wine to protect my wife, and my wife said she sold the wine to protect me'. He explained his possession of the 'marked' one-dollar bill, saying that his wife gave it to him to hold for her. He further insisted that the agents entered his premises without legal authority and without a search warrant and therefore he was entitled to return of the property.

"Since this claimant admits that he sold alcoholic beverages without a license authorizing such sale, the only issue to be considered is whether the seizure of the said alcoholic beverages was, in fact, illegal, because of the absence of a search warrant. The general rule is that forfeiture under this statute does not depend upon the seizure of property pursuant to a search warrant. Re Tricoli, Bulletin 164, Item 9; Strong v. United States, 46 F. (2d) 257 (C.C.A.1st, 1931); Seizure Case No. 9280, Bulletin 1166, Item 8. This is not affected by the decision of Mapp v. Ohio, 367 U.S. 643, 6 L. ed 2d 1081, 81 S. Ct. 1684, and other recent cases relating to seizures because the agents were invitees to this apartment upon the sale. The apartment because a public place for the sale of these beverages and it well established that it is not necessary for officers to have a search warrant to enter a public place. Cf. Cox v. State 12 SW 2d. 856, 116 Texas Cr 260; 48 C.J.S. § 394, 631. In any event, no search warrant was really necessary where the violation of the liquor laws is committed in the presence of the officers. In this case the sale was made directly to an ABC agent, The Atlantic 68 F. (2d) 8; Leinenbach v. U.S., 38 F. (2d) 442, cert. den. 50 S. Ct. 466, 281, U.S. 767.

"The officer herein had a lawful right to be there as an invitee when he witnessed the commission of this offense, namely, the sale of alcoholic beverages to him. United States v. 146, 157 Gallons of Alcohol (D.C., D.N.J.) 3 Fed. Sup. 450; The Helen

72 Fed. 2d. 772 may be also set forth as an established principle that a search and seizure without a warrant is justified where the officer has direct knowledge through his hearing, sight or other senses of the violation of the liquor laws, or where it is in his presence and he can plainly see him. Thus, the defense of illegal search and seizure must be rejected because there was a direct sale to the agent by the said claimant. The search was made after the arrest of the offender and incidental to said arrest.

"This claimant testified in support of his claim for the return of the alcoholic beverages that he was planning a party for a friend of his who had just been released from jail and on that day purchased over fifty pint bottles of wine. This story seems incredible in view of the marginal income which this claimant had. He admitted that his primary income derives from a disability check in the sum of \$74.00 which he receives from the U.S. Government, and small payments from two boarders living in his apartment. He further admitted under cross examination that in the conversation with the agent he admitted that he could not afford to give him a drink because '...I only get a check once a month', and 'I can't afford to give it away'.

"Since this claimant did not have any license authorizing him to sell alcoholic beverages the illicit alcohol and the cash found in his possession constitute unlawful property and are subject to forfeiture. R.S. 33:1-1(1); R.S. 33:1-2; R.S. 33:1-66; Seizure Case No. 9576, Bulletin 1212, Item 3; Seizure Case No. 10,044, Bulletin 1313, Item 6.

"I, therefore, recommend that an order be entered forfeiting the alcoholic beverages and cash, as set forth in the annexed schedule."

No exceptions were taken to the Hearer's Report within the time limited by Rule 4 of State Regulation No. 28.

After carefully considering the facts and circumstances herein, I concur in the recommended conclusions in the Hearer's Report and adopt them as my Conclusions herein.

Accordingly, it is on this 20th day of March, 1963,

DETERMINED and ORDERED that the alcoholic beverages and \$10.56 in cash, more fully described in Schedule "A", attached hereto, constitute unlawful property, and the same be and hereby are forfeited in accordance with the provisions of R.S. 33:1-66, and shall be retained for the use of hospitals and State, county, and municipal institutions, or destroyed in whole or in part, at the direction of the Acting Director of the Division of Alcoholic Beverage Control.

Emerson A. Tschupp
Acting Director

SCHEDULE "A"

49 - pint bottles of wine
2 - cans of beer
\$10.56 in cash

6. DISQUALIFICATION REMOVAL PROCEEDINGS - ASSAULT, SECOND DEGREE - ORDER REMOVING DISQUALIFICATION.

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

Case No. 1736

Alexander A. Abramson, Esq., Attorney for Petitioner

BY THE ACTING DIRECTOR:

Petitioner's criminal record discloses that in January 1955 he was given a suspended sentence and placed on probation in a Court of General Sessions of another State on a charge of assault, third degree, and that on December 20, 1955, following a conviction in the same court, on a charge of assault, second degree, he was sentenced to serve one year in a penitentiary. He was discharged from the penal institution in July 1956. Since the crime of assault, second degree, involves the element of moral turpitude (Re Case No. 991, Bulletin 943, Item 9), the petitioner was thereby ineligible to be engaged in the alcoholic beverage industry in this State. R.S. 33:1-25, 26. The crime of assault, third degree, does not involve that element (Re Case No. 386, Bulletin 472, Item 3); Re Elig. Case No. 682 (not reported in bulletin).

At the hearing held herein, petitioner (32 years old) testified that for the past four years he has lived in New Jersey in the same area where he presently lives; that prior thereto he has lived in a neighboring State; that he is married and living with his wife and three children, and that he has been steadily employed for the past five years as an order clerk by one company in New Jersey.

Petitioner further testified that he is asking for the removal of his disqualification to be free to accept employment in this State as a part-time bartender for the purpose of supplementing his present income and that, ever since July 1956 aforesaid, he has not been convicted of any crime or arrested.

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

The petitioner produced three character witnesses (a sheet metal worker, owner of a sandwich shop, and a waitress) 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 the 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 22nd day of March 1963,

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.

EMERSON A. TSCHUPP
 ACTING DIRECTOR

7. DISQUALIFICATION REMOVAL PROCEEDINGS - PROSTITUTION - ORDER REMOVING DISQUALIFICATION.

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

CONCLUSIONS
AND ORDER

Case No. 1738

BY THE ACTING DIRECTOR:

Petitioner's criminal record discloses that on February 14, 1946, following a plea of guilty to a charge of prostitution, she was sentenced in the Union County Court to serve three years in the Clinton Reformatory, from which institution she was released on July 23, 1946, and transferred to North Jersey Training School where she remained until 1951 (as testified). Since the crime of prostitution involves the element of moral turpitude (Re Case No. 288, Bulletin 582, Item 6), the petitioner 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 (41 years old) testified that for the past ten years she has lived in the same area where she presently resides; that she is married and living with her husband; that she has been regularly employed for the past eight years; that for the past few months she has been working as a checker in a super market where alcoholic beverages are sold and that, until recently notified by the local police department, she had no knowledge of her ineligibility.

Petitioner further testified that she is asking for the removal of her disqualification so that she may continue her present employment and that, ever since her release from the Clinton Reformatory on July 23, 1946, she has not been convicted of any crime or arrested.

The petitioner produced three character witnesses (two cashier clerks and a housewife) who testified they have known petitioner for more than five years last past and that, in their opinion, she is now an honest, law-abiding person with a good reputation.

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

The only hesitation I have to grant the relief sought herein is based on the fact that the petitioner, although disqualified, worked on a licensed premises in this State. I am, however, favorably influenced by three factors -- (a) that petitioner has not been convicted of crime since February 14, 1946; (b) her employment record, and (c) her sworn testimony that she was unaware of her ineligibility to be employed by a licensee. Knowledge of the law, moreover, is not an essential prerequisite to removal of disqualification in these proceedings. Re Case No. 1279, Bulletin 1124, Item 8.

Considering all of the aforesaid facts and circumstances, I am satisfied that the petitioner has conducted herself in a law-abiding manner for five years last past, and that her association with the alcoholic beverage industry in this State

will not be contrary to the public interest.

Accordingly, it is, on this 22nd day of March 1963,

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.

EMERSON A. TSCHUPP
ACTING DIRECTOR

- 8. DISCIPLINARY PROCEEDINGS - GAMBLING ("MATCH STICK" GAME) - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

BELANN TAVERN, INC.
2 Hilliard Avenue
Edgewater, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-2, issued by the Mayor and Council of the Borough of Edgewater

Licensee, by David O'Shea, President, Pro se.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 6, 1963, it permitted the playing of a "match stick" game for money stakes, in violation of Rule 7 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for fifteen days, effective February 3, 1958, for sale to minors (Bulletin 1211, Item 8) and by the municipal issuing authority for ten days, effective November 6, 1960, for sale in violation of State Regulation No. 38.

The prior dissimilar record of suspension in 1958 disregarded because occurring more than five years ago but considering the prior dissimilar record of suspension in 1960, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Cf. Re Garcia, Bulletin 1443, Item 4.

Accordingly, it is, on this 25th day of March, 1963,

ORDERED that Plenary Retail Consumption License C-2, issued by the Mayor and Council of the Borough of Edgewater to Belann Tavern, Inc. for premises 2 Hilliard Avenue, Edgewater, be and the same is hereby suspended for fifteen (15) days, commencing at 3:00 a.m. Monday, April 1, 1963, and terminating at 3:00 a.m. Tuesday, April 16, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

9. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

HOWARD & ALICE E. HAMMERSTEDT t/a JOHNNIE'S PLACE N. W. Boulevard & Oak Rd. Vineland, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-9, issued by the City Council of the City of Vineland.)

Robert W. Wolfe, Esq., Attorney for Licensees. David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensees plead non vult to a charge alleging that on February 5, 1963, they possessed an alcoholic beverage in one bottlebearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Licensees have a previous record of suspension of license by the municipal issuing authority for five days, effective May 14, 1961, for sale of alcoholic beverages to a minor.

The prior record considered, 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 Diesel Inn, Inc., Bulletin 1485, Item 9.

Accordingly, it is, on this 25th day of March, 1963,

ORDERED that Plenary Retail Consumption License C-9, issued by the City Council of the City of Vineland to Howard and Alice E. Hammerstedt, t/a Johnnie's Place, for premises N. W. Boulevard and Oak Road, Vineland, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, April 1, 1963, and terminating at 2:00 a.m. Thursday, April 11, 1963.

EMERSON A. TSCHUPP ACTING DIRECTOR

10. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

STRAND'S TAVERN, INC.
90-92 Walnut Street
Montclair, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-1, issued by the Board of Commissioners of the Town of Montclair.

Licensee, by George Strand, President, Pro se.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on February 7, 1963, it possessed alcoholic beverages in three bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Jacob Rothwacks, Inc., Bulletin 1498, Item 11.

Accordingly, it is, on this 26th day of March, 1963,

ORDERED that Plenary Retail Consumption License C-1, issued by the Board of Commissioners of the Town of Montclair to Strand's Tavern, Inc. for premises 90-92 Walnut Street, Montclair, be and the same is hereby suspended for fifteen (15) days, commencing at 1:30 a.m. Tuesday, April 2, 1963, and terminating at 1:30 a.m. Wednesday, April 17, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

11. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

FRANK'S BAR & GRILL, INC.
975-7-9 Westside Ave.
Jersey City, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-380, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

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

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on February 27, 1963, it sold drinks of beer to two minors, one age 19 and one age 20, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re 10 Henry Street, Inc., Bulletin 1469, Item 13.

Accordingly, it is, on this 27th day of March, 1963,

ORDERED that Plenary Retail Consumption License C-380, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Frank's Bar & Grill, Inc. for premises 975-7-9 Westside Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, April 1, 1963, and terminating at 2:00 a.m. Thursday, April 11, 1963.

EMERSON A. TSCHUPP
ACTING DIRECTOR

12. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
Labeled - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

SOPHIE HRABAR)
t/a THE ROOST)
154 First Street)
Elizabeth, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-154, issued by the City Council of the City of Elizabeth.)

Licensee, Pro se.

David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

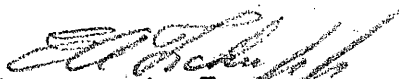
BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on February 19, 1963, she possessed an alcoholic beverage in one bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Rosamilia, Bulletin 1495, Item 4.

Accordingly, it is, on this 1st day of April, 1963,

ORDERED that Plenary Retail Consumption License C-154, issued by the City Council of the City of Elizabeth to Sophie Hrabar, t/a The Roost, for premises 154 First Street, Elizabeth, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, April 8, 1963, and terminating at 3:00 a.m. Saturday, April 13, 1963.


Emerson A. Tschupp
Acting Director