

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

BULLETIN 2017

December 15, 1971

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

BULLETIN 2017

December 15, 1971

1. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITY  
(PROSTITUTION) - LICENSE SUSPENDED FOR 95 DAYS.

In the Matter of Disciplinary )  
Proceedings against )

Club Aquarius, Inc. )  
t/a Club Aquarius )  
53 Wilson Avenue )  
Newark, N. J., )

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption )  
License C-714, issued by the Municipal )  
Board of Alcoholic Beverage Control )  
of the City of Newark. )

- - - - - )  
C. Robert Sarcone, Esq., Attorney for Licensee  
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charge:

"On Wednesday night, January 13 into Thursday morning, January 14 and Wednesday night January 20, 1971 you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., solicitation for prostitution and the making of overtures and arrangements for acts of illicit sexual intercourse; in violation of Rule 5 of State Regulation No. 20."

Three ABC agents participated in the investigation which led to the preferment of the charge.

Agent S testified that pursuant to a specific assignment to investigate an allegation of prostitution he, accompanied by ABC agents C and M, entered the licensed premises (a tavern) on January 13, 1971 at approximately 11:15 p.m. The agents positioned themselves, next to each other, at the bar which was then being tended by Patrick McConnell (Butch) and John Salkowski (John). Approximately 22 patrons were in the barroom.

Agent S observed a female called "Bunny" by some patrons, "Louise" by others and later identified as Judith B-- dancing on top of the bar. Later, on her own initiative, Bunny joined the agents at the bar and at various times sat on the laps of each. Agent C informed Bunny that he could go for her in a big way. In reply, Bunny said, "For \$40, you can have me all the way."

Later, the female joined another male. She departed from the tavern (accompanied by the said male) approximately forty-five minutes subsequent to the agents' entry. Immediately prior to leaving, Bunny informed agent M that she was leaving with a male; that she wouldn't return that night; and requested the agents to return the next night.

Thereafter agent S asked Butch "Does Louise always get \$40 for a blow job?" Butch replied that as far as he knew that was the amount she gets. Upon being asked whether "...she's any good?" Butch responded "No. I never had her." The agents departed from the premises at approximately 1:15 a.m.

The witness, again accompanied by ABC agents C and M, returned to the tavern on January 20, 1971, at approximately 10:50 p.m. The agents stood next to each other at the far corner of the bar. Approximately 35 patrons were in the barroom. Butch and John were tending bar. A male identified as Dominick Gatea was acting in a managerial capacity.

Agent C had in his possession a \$20 bill and a \$5 bill, the serial numbers of which were prerecorded.

Upon entry, he observed Judith seated at the bar with a male patron. Thereafter she proceeded to dance on top of the bar. Shortly after 11:00 p.m., agent C beckoned the female and inquired concerning her whereabouts the previous night, stating they had a date. Judith (Bunny) replied that she couldn't keep the date.

At approximately 11:35 p.m., after rejoining the agents, Judith engaged in conversation with agent C, as follows: "Do you want to get laid?". Agent C asked, "What's it going to cost me?" Judith replied, "It's \$25. If you're fast, it's \$20; we'll use your car." She then suggested to agent C, "You go out first and I'll meet you outside."

After she left the area, agent S informed John, the bartender, "My buddy (indicating agent C) is going out with Bunny to get laid. She wants \$25 and they're going to use her car... Is she okay?" John did not give an oral reply, he waved his hands over his head. Agent C departed from the tavern at approximately 11:50 p.m. Judith followed at approximately 11:55 p.m. Prior to agent C's departure, the following took place:

"Investigator C called him [Butch] over, asked him if he had any rubbers, saying he was going out with Bunny to get laid in the car. He [Butch] stated he didn't have any rubbers. And Investigator C asked, 'How is she?' He also waved his hands and walked away."

Shortly thereafter agents S and M departed from the tavern. Agent S saw agent C and Judith in agent C's car. He identified himself as an ABC agent. Agent C drove the car containing agent S and Judith to a local police precinct. Upon arriving at the police precinct he observed Judith open the door of the car and throw something out of the car. This was immediately recovered by agent C. Agent S observed that it was the \$25 marked money.

Thereafter the three agents and two local detectives proceeded to the licensed premises and identified themselves to both bartenders and to Gatea. Butch denied that agent S informed him that agent C and Bunny were going out. He recalled that agent C did mention something concerning rubbers. John denied having the said conversation with agent S.

Under vigorous cross examination, agent S's testimony was corroborative of the testimony adduced on direct examination.

It was stipulated by the attorneys that the testimony of ABC agents C and M on direct examination would be corroborative of the testimony offered by agent S. On cross examination both agents C and M conceded that no employee of the licensee initiated any conversation or other activity relating to solicitation or the making of arrangements for acts of illicit sexual intercourse.

In defense of the charge, Patrick McConnell (Butch) testified that at the time of the alleged occurrences he was employed by the licensee as a full time bartender. He had observed that Bunny patronized the tavern approximately twice weekly for a period of two months. He recalled seeing the ABC agents and Bunny in the licensed premises on January 13. He did not pay any particular attention to her activities. He did not hear any conversations between the agents and Bunny. He did not see or hear anything which would cause him to feel that they were engaged in any immoral activity. His observation of Bunny prior to January 13 did not lead him to feel that she would engage in acts of prostitution. He specifically denied that any of the agents asked him "Does Louise get \$40 for a blow job," or, "Is she any good?"

Insofar as the date of January 20 is concerned, he did not see or hear anything which would cause him to form an opinion that the agents and the female were discussing prostitution or other immoral activity. He recalled being asked by one of the agents whether he had any rubbers and he responded by stretching out his hands and asking "What are you, crazy?" Nothing was asked of him concerning the payment of \$25 to Bunny, or "Was she okay?" He was very busy that night; he did not recall either Bunny or agent C leaving the tavern.

He recalled that when the agents returned to the tavern in the early morning hours of January 21, and confronted Salkowski with a statement that he had been informed that Bunny and one of them were going to engage in sexual intercourse, Salkowski (John) called him a liar. Upon being confronted by the agents at the same time that Salkowski was questioned, he admitted that he was asked for a rubber, but denied that anything else was said to him.

On cross examination McConnell (Butch) testified that at times Judith patronized the tavern accompanied by a female, and at times by a male. Upon being questioned as to whether she departed with a male on some of the occasions when she visited the tavern alone or with a female, the witness responded that, sometimes she did; however, he did not keep her under observation at all times.

At times Judith engaged in stool-hopping, sitting with other females or with males; and she occasionally danced on the stage or on the bar.

John Salkowski, who was also employed as a bartender by the licensee on the nights alleged in the charge, testified that he never observed Judith engage in any activity or heard any conversation which would lead him to suspect that she was engaging in prostitution or any other immoral activity either with the ABC agents or with any one else. Particularly referring to the night of January 20, he denied that he had any conversation with them other than what they wanted to drink. He denied that any one of the agents informed him that he was about to engage in a sex act in his car and, that in response, he waved his hands.

On cross examination the witness testified that he never observed Judith going from one male to another. She never entered the tavern alone nor did she depart the premises with a male.

Both bartenders testified that they were instructed by the manager, Dominick Gatea, not to allow or permit any immoral activity in the licensed premises.

Dominick Gatea, the manager of the licensed premises testified that he was instructed by his employer to keep out bookies and prostitutes from the tavern and, if he saw any violation occurring, he was to stop it immediately.

He did not see Judith engage in any activity which would lead him to believe that she was engaging in immoral activity.

William Parana, who patronizes the licensed premises once or twice weekly, testified that he entered the tavern on January 20 at approximately 9:15 p.m. He had seen Bunny (Judith) in the tavern on approximately seven to ten occasions. He never saw Bunny engage in any activity which would cause him to suspect that she engaged in solicitation for prostitution, nor did she have that reputation.

At approximately 10:00 p.m. the agents were positioned one stool distant from him. He observed the agents converse with Butch on one occasion. The jukebox was playing; however, he did hear rubbers being mentioned. Butch had a "funny" expression on his face and shouted "What are you, crazy?" He heard no conversation pertaining to "going out" with Bunny for \$25, nor did he hear the agent ask "Is she okay"? He did not hear the agents mention to John that they were taking Bunny to the car for immoral purposes.

I am persuaded that arrangements were in fact made on the dates charged between the female and one of the agents for acts of illicit sexual intercourse. On the last date alleged in the charge, that is, January 20, 1971- the making of the arrangements was corroborated by the recovery of the "marked" money given to the female in furtherance of the arrangements. Therefore, it is apparent that the dispositive issue in this proceeding is whether the licensee did "allow, permit or suffer" the immoral activity alleged in the charge.

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

Applying this principle, I am convinced that agent S's testimony of his conversation with Butch, the bartender, concerning the arrangements made with Judith (amply corroborated by the testimony offered by the other agents) was not a fabrication and preconceived in order to falsely inculcate an otherwise innocent licensee. Although the Division witnesses were subjected to intensive cross examination by the attorney for the licensee, their testimony remained unshaken.

From the evidence presented it is manifest that the licensee through its employees permitted and suffered the solicitation for prostitution to take place on the licensed premises, as charged.

As the Supreme Court said in Essex Holding Corp. v. Hock, 136 N.J.L. 28 (Sup. Ct. 1947), at p.31:

"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 Atl. Rep. (2d) 140."

It has long been held that the solicitation for immoral purposes and the making of arrangements for sexual intercourse cannot and will not be tolerated on licensed premises. The public is entitled to protection from these sordid and dangerous evils. Re 17 Club, Inc., Bulletin 949, Item 2, aff'd In re 17 Club, Inc., 26 N.J. Super. 43 (App. Div. 1953).

The licensee is clearly inculpated by the misconduct of his employee. Such conduct constitutes a grave threat to the public welfare and morals and, unless eliminated, tends towards the abuse and abasement. Kravis v. Hock, 137 N.J.L. 252 (Sup. Ct. 1948); In re Schneider, 12 N.J. Super. 449 (App. Div. 1951). Furthermore, it is a basic principle that, in disciplinary proceedings, the licensee is fully accountable for all violations committed, or permitted and suffered by his servants, agents or employees.

After carefully considering and evaluating all of the evidence adduced herein, and the legal principles applicable thereto, I conclude that the Division has proved its case by a fair preponderance of the credible evidence - indeed, by clear and convincing evidence. I, therefore, recommend that the licensee be found guilty as charged.

Licensee has a previous record of suspension of license by the municipal issuing authority for twenty days, effective February 22, 1971, for "hours" and view violations of local ordinance.

I further recommend that the license be suspended for ninety days (Re W.J. Burnett, Inc., Bulletin 2001, Item 1), to which should be added an additional five days by reason of the record of suspension for dissimilar violation within the past five years (Re Galicia Bar, Inc., Bulletin 2001, Item 8), or a total of ninety-five days.

#### Conclusions and Order

No exceptions to the Hearer's report were filed pursuant to Rule 6 of State Regulation No. 16.

Having carefully considered the entire record herein, including the transcripts 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 4th day of November 1971,

ORDERED that Plenary Retail Consumption License C-714, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Club Aquarius, Inc., t/a Club Aquarius for premises 53 Wilson Avenue, Newark, be and the same is hereby suspended for ninety-five (95) days, commencing at 2:00 a.m. Thursday, November 18, 1971, and terminating at 2:00 a.m. Monday, February 21, 1972.

Richard C. McDonough  
Director

## 2. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 15 DAYS.

In the Matter of Disciplinary  
Proceedings against

Stockhouse Corporation  
t/a "Stockhouse Corporation"  
60-62 Beachway  
Keansburg, N. J.,

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption  
License C-29, issued by the Municipal  
Council of the Borough of Keansburg.

Abraham R. Klitzman, Esq., by Franklin A. Goldstein, Esq., Attorney  
for Licensee

Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charge:

"On Friday night March 5 into Saturday morning March 6, 1971, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years, viz., Andrea E. ---, age 19, and Donna ---, age 20, and allowed, permitted and suffered the consumption of alcoholic beverages by such persons in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20."

The Division presented the testimony of the two minors involved and the testimony of two ABC agents in support of the charge.

Donna --- testified that she was born on January 24, 1951 and was twenty years of age on the dates mentioned in the charge. Accompanied by Andrea S --- she entered the licensed premises on March 6, 1971 at 9:00 p.m. Upon entry she proceeded to the ladies' room and thereafter sat at the bar.

Donna asserted that she did not order anything to drink; that she was not served anything, and that she did not consume anything in the licensed premises although she did observe a glass of beer (Pilsner-type glass) in front of her. She admitted consuming a can of beer in her car outside the premises that she had purchased in Staten Island earlier that evening.

On cross examination the witness asserted that she did not see who placed the glass of beer in front of the place where she was seated, she saw it there when she returned from playing pool.

Continuing, the witness testified that she first observed ABC agents B and O when they approached her and asked her for her identification. The agents saw the glass of beer in front of her; however, they did not ask her whether it was her beer. Upon inquiry, she informed the agents that she was twenty years of age.

Andrea testified that she was born on March 26, 1951 and was nineteen years of age on the dates alleged in the charge.

On cross examination Andrea asserted that she had nothing to drink in the licensed premises on the night alleged in the charge.

Agent B testified that, accompanied by agent O and former agent Bo, he entered the licensed premises (described as a restaurant-bar facility furnishing entertainment) on March 5, at approximately 9:45 p.m. and sat at the bar. He observed two males, identified as Thomas Hughes and Thomas Keelen engaged as bartenders. He also observed two youthful appearing females (identified as Donna and Andrea) and a youthful appearing male in the premises among approximately seventy-five patrons.

The agent observed Hughes proceed to the place where the aforementioned females were positioned and after some conversation fill a glass from a tap with a liquid that appeared to be beer and place it in front of Andrea. He then observed Andrea consume a portion of it.

The agent moved to the pool table located approximately four feet distant from Donna. He observed a Pilsner-type glass "...amber in color with a white foam head" in front of Donna. He saw Donna drink from the glass and place it on the bar.

Thereupon agent B called the local police department for assistance and at approximately 11:00 p.m. he identified himself to Donna and Andrea, both of whom stated that they were under twenty-one years of age.

On cross examination agent B testified that he observed Donna and Andrea enter the licensed premises approximately one-half hour after he entered. The females positioned themselves almost diagonally across from the place where the agents were seated at a large rectangular-shaped bar. Two islands approximately six to eight feet long and four feet high stocked with liquor were contained inside the bar area.

Upon moving to an area approximately four feet from where Donna was seated he observed a glass in front of Donna. The contents of the glass appeared to be beer, however, he was not positive that it was beer. After observing Donna consuming what appeared to be beer he waited approximately two hours prior to identifying himself.

On redirect examination the agent testified that, in his opinion, the liquid he observed in the glass was beer.

Agent O testified that he accompanied agent B to the licensed premises. He observed Hughes serve Andrea a mug which contained (according to his experience) beer. He also observed Donna consume a liquid from a Pilsner-type glass which according to his experience was beer. He did not see who paid for or served the beverage.

In defense of the charge, Thomas Keelen, an officer of the corporate licensee, testified that he was tending bar from the early evening hours of March 5 to the early morning hours of March 6. He is acquainted with both Donna and Andrea and knew their ages. He saw them enter the licensed premises at approximately 9:15 p.m. Andrea sat at the "shuffle alley". Donna sat at the bar in the vicinity of the pool table. The witness recalled serving the agents bottled beer. They were positioned diagonally across the bar from where Donna was seated.

At approximately midnight, at which time some local police officers entered the licensed premises, he observed two of the agents interrogating two youthful looking males. He denied making any service to Donna or to Andrea. He asserted that Andrea never sat at the bar.



Additionally, Keelen asserted that the lamps and bottled goods on the islands situated inside the rectangular-shaped bar blocked the agents' vision of Donna.

On cross examination the witness testified that Donna and Andrea had been in the licensed premises on two or three occasions prior to the night of March 5 and that he had been acquainted with them for approximately one month prior to March 5. To the best of his recollection, upon checking their ages, Donna showed a drivers license and Andrea a birth certificate.

Thomas A. Hughes, who was employed as a bartender by the corporate licensee on the night of March 5 and the early morning of March 6, testified that he had been acquainted with Donna and Andrea for a period of approximately one month prior to March 5. He first saw Donna and Andrea in the barroom near the pool table and shuffle board at approximately 9:30 p.m. His only conversation with them was to say "Hello".

Neither of the females ordered a drink from him, nor did he serve them any drinks. The bar was very busy and there were numerous drinks, including beer, on the bar.

It is apparent that the basic issue to be resolved is factual. In the subject case, as in all disciplinary proceedings, the Division has the burden of proving the truth of the charge by a preponderance of the credible evidence. Re Varsity Bar, Incorporated, Bulletin 1785, Item 5.

### I

Insofar as the charge refers to Donna, I find that her denial on direct examination by the Division prosecutor that she ordered, was served or consumed an alcoholic beverage in the licensed premises is dispositive of that part of the charge. As a matter of fact, if Donna had made a prior statement contradictory to the testimony offered by her in behalf of the Division, at best, the contradictory prior statement could merely be used for the sole purpose of neutralizing or of wiping the slate clean of the unexpected adverse testimony. State v. Hogan, 137 N.J.L. 497 (Sup. Ct. 1948), aff'd 1 N.J. 375 (1949); State v. Cooper, 10 N.J. 532 (1952); Mendheim v. Newark, Bulletin 1928, Item 1.

### II

Turning my attention to that part of the charge which refers to Andrea, it is my view that the Division has established the charge with respect to her by a fair preponderance of the credible evidence. It is uncontroverted that she was nineteen years of age on March 5, 1971.

I deem credible agent B's testimony that he observed the bartender Hughes confer with the females Donna and Andrea at the place where they were seated at the bar, fill a glass from a tap with a liquid that appeared to be beer, place it in front of Andrea and observed Andrea consume a portion of it. This was corroborated by Agent O who testified that Hughes served Andrea a mug which contained, what was in his opinion, beer.

I find incredible Keelen's assertion that Andrea never sat at the bar. I also find incredible Hughes testimony that his only conversation with either Donna or Andrea was to say "Hello".

Obviously, the licensee did not take the minimum precaution of requiring the written representation imperatively required by the rule mentioned in the charge. Thus the licensee has not satisfied the regulatory requirements.

The prevention of sales of intoxicating liquor to a minor not only justifies but necessitates the most rigid control. Hudson Bergen County Retail Liquor Stores Assn. v. Hoboken, 135 N.J.L. 502 (E. & A. 1947); In re Schneider, 12 N.J. Super. 449 (App. Div. 1951); Mazza v. Cavicchia, 15 N.J. 498 (1954); Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373 (1956); Guill v. Hoboken, 21 N.J. 574 (1956).

I therefore conclude and recommend that the licensee be found not guilty of that part of the charge which pertains to Donna and guilty of that part of the charge which pertains to Andrea insofar as it refers to the date of March 5, 1971. I find no proof whatsoever of a sale, service, delivery or consumption with respect to that part of the charge which refers to the date of March 6, 1971, and therefore recommend dismissal thereof.

The licensee has no prior adjudicated record of suspension of license. I further recommend that the license be suspended for fifteen days. Re Lincoln Lounge, Bulletin 1997, Item 6.

#### Conclusions and Order

No exceptions to the Hearer's report were filed pursuant to 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 28th day of October 1971, .

ORDERED that Plenary Retail Consumption License C-29, issued by the Municipal Council of the Borough of Keansburg to Stockhouse Corporation, t/a "Stockhouse Corporation" for premises 60-62 Beachway, Keansburg, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Monday, November 15, 1971, and terminating at 2:00 a.m. Tuesday, November 30, 1971.

Richard C. McDonough  
Director

3. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS - SPORTS EVENTS) -  
LICENSE SUSPENDED FOR 60 DAYS, LESS 12 FOR PLEA.

In the Matter of Disciplinary	)	
Proceedings against	)	
Willie's, Inc.	)	
t/a Willie's Tavern	)	CONCLUSIONS
223 Market Street	)	and
Perth Amboy, N. J.,	)	ORDER
Holder of Plenary Retail Consumption	)	
License C-106, issued by the Board of	)	
Commissioners of the City of	)	
Perth Amboy.	)	
-----)		
John M. Kolibas, Esq., Attorney for Licensee		
Edward F. Ambrose, Esq., Appearing for Division		

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that:

- "1. On October 30, November 30, December 5, 6, 7, 9, 10 and 12, 1970, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of bets in a lottery, commonly known as the 'numbers game' on said dates of December 5, 6, 7 and 12, 1970, the making and accepting of bets on horse races on said dates of December 5, 9, 10 and 12, 1970, the making and accepting of bets on sports events (football games) on said dates of November 30, December 5, 6, 7 and 12, 1970, and the playing of a pool game for stakes of money on said dates of October 30 and December 7, 1970, and further on said date of December 12, 1970, you possessed, had custody of and allowed, permitted and suffered in and upon your licensed premises slips, tickets, records, memoranda and other writings pertaining to said 'numbers game' and horse race gambling activity; in violation of Rule 7 of State Regulation No. 20.
- 2. On December 5, 6, 7 and 12, 1970, you allowed, permitted and suffered ticket and participation rights in a lottery, commonly known as the 'numbers game,' to be sold and offered for sale in and upon your licensed premises and, further on said date of December 12, 1970, you possessed, had custody of and allowed, permitted and suffered such tickets and participation rights in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20."

Absent prior record, the license will be suspended for ninety days, with remission of eighteen days for the plea entered, leaving a net suspension of seventy-two days. Re Jean Arnone, Bulletin 1971, Item 3.

Accordingly, it is, on this 29th day of October 1971,

ORDERED that Plenary Retail Consumption License C-106, issued by the Board of Commissioners of the City of Perth Amboy to Willie's, Inc., t/a Willie's Tavern, for premises 223 Market Street, Perth Amboy, be and the same is hereby suspended for seventy-two (72) days,\*commencing at 2:00 a.m. Monday, November 15, 1971, and terminating at 2:00 a.m. Wednesday, January 26, 1972.\*

Richard C. McDonough  
Director

\*By the Director's Amended Order dated November 4, 1971, the penalty herein was reduced to 48 days commencing at 2 a.m. Tuesday, November 16, 1971 and terminating at 2 a.m. Monday, January 3, 1972 for the reason that the violation herein preceded the Director's policy changing increasing penalties in gambling violations Re Arnone, Bulletin 1971, Item 3.

4. DISCIPLINARY PROCEEDINGS - SALE TO NON-MEMBERS - LICENSE  
SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary	)	
Proceedings against	)	
	)	
Cape May Loyal Order of Moose #1054	)	CONCLUSIONS
1027 Lafayette Street	)	and
Cape May City, N.J.,	)	ORDER
	)	
Holder of Club License CB-1, issued	)	
by the City Council of the City of	)	
Cape May.	)	
- - - - -	)	
Licensee, Pro se	)	
Walter H. Cleaver, Esq., Appearing for Division	)	

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on September 11, 1971, it sold alcoholic beverages to persons not bona fide members or bona fide guests of members of licensee club, in violation of Rule 8 of State Regulation No. 7.

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 Progressive Democratic Club, Bulletin 1911, Item 7.

Accordingly, it is, on this 29th day of October 1971,

ORDERED that Club License CB-1, issued by the City Council of the City of Cape May to Cape May Loyal Order of Moose #1054, for premises 1027 Lafayette Street, Cape May, be and the same is hereby suspended for ten (10) days, commencing at 1:00 a.m. on Monday, November 15, 1971, and terminating at 1:00 a.m. Thursday, November 25, 1971.

Richard C. McDonough  
Director

5. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITY  
(OBSCENE LITERATURE) - LICENSE SUSPENDED FOR 30 DAYS, LESS  
5 FOR PLEA - APPLICATION FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary	)	
Proceedings against	)	
Harry Manthey	)	
t/a Poor Harry's	)	CONCLUSIONS
613 North Fourth Street	)	and
Harrison, N. J.,	)	ORDER
Holder of Plenary Retail Consumption	)	
License C-2, issued by the Mayor and	)	
Council of the Town of Harrison.	)	
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Licensee, Pro se		
Edward F. Ambrose, Esq., Appearing for Division		

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on August 8, 1971, he possessed lewd and obscene printed matter on the licensed premises, in violation of Rule 17 of State Regulation No. 20.

Absent prior record the license would normally be suspended for thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days. Re Tomaino, Bulletin 2000, Item 7. However, the licensee has made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of \$1000 in lieu of suspension.

Accordingly, it is, on this 28th day of October 1971,

ORDERED that the payment of a \$1000 fine by the licensee is hereby accepted in lieu of a suspension of license for twenty-five (25) days.

Richard C. McDonough  
Director

6. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE  
SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary	)	
Proceedings against	)	
Di Giorgio Corporation	)	CONCLUSIONS
t/a Lola's Restaurant & Bar	)	and
975-977-979 West Side Avenue	)	ORDER
Jersey City, N. J.,	)	
Holder of Plenary Retail Consumption	)	
License C-380, issued by the Municipal	)	
Board of Alcoholic Beverage Control	)	
of the City of Jersey City.	)	
-----)		
Licensee, Pro se		
Edward F. Ambrose, Esq., Appearing for Division		

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on September 4, 1971, it sold alcoholic beverages to two minors, ages 19 and 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 2705 Pacific Corporation, Bulletin 1946, Item 8.

Accordingly, it is, on this 28th day of October 1971,

ORDERED that Plenary Retail Consumption License C-380, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Di Giorgio Corporation, t/a Lola's Restaurant & Bar, for premises 975-977-979 West Side Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. on Tuesday, November 16, 1971, and terminating at 2:00 a.m. Friday, November 26, 1971.

Richard C. McDonough  
Director

7. DISCIPLINARY PROCEEDINGS - SUPPLEMENTAL ORDER - APPLICATION  
FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary	)	
Proceedings against	)	
Di Giorgio Corporation	)	
t/a Lola's Restaurant & Bar	)	SUPPLEMENTAL
975-977-979 West Side Avenue	)	CONCLUSIONS
Jersey City, N. J.,	)	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.	)	
- - - - -	)	
Licensee, Pro Se	)	
Edward F. Ambrose, Esq., Appearing for Division	)	

BY THE DIRECTOR:

On October 28, 1971, Conclusions and Order were entered in the matter suspending the license of the licensee for ten days commencing on November 16, 1971, after the licensee pleaded non vult to a charge of selling alcoholic beverages to two minors, ages 19 and 20. Re Di Giorgio Corporation, Bulletin 2017, Item 6. .

Licensee has made application for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of \$470 in lieu of suspension.

Accordingly, it is, on this 4th day of November, 1971,

ORDERED that the Conclusions and Order entered in this matter on October 28, 1971, suspending the license in question for ten days is hereby vacated, and the payment of a \$470 fine by the licensee is hereby accepted in lieu of such suspension.

Richard C. McDonough  
Director

8. DISCIPLINARY PROCEEDINGS - SUPPLEMENTAL ORDER - APPLICATION  
FOR FINE IN LIEU OF SUSPENSION GRANTED.

In the Matter of Disciplinary	)	
Proceedings against	)	
Seely Enterprises, a Corp.	)	
t/a Seely's Hudson House	)	SUPPLEMENTAL
19 East 13th Street	)	CONCLUSIONS
Long Beach Township	)	and
PO North Beach Haven, N.J.	)	ORDER
Holder of Plenary Retail Consumption	)	
License C-5, issued by the Board of	)	
Commissioners of the Township of	)	
Long Beach.	)	
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Shackleton and Kelly, Esqs., by Richard J. Shackleton, Esq., Attorneys  
for Licensee  
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

On October 7, 1971, Conclusions and Order were entered in the matter suspending the license of the licensee for twenty-five days commencing on October 25, 1971, after the licensee pleaded non vult to a charge of selling alcoholic beverages during prohibited hours and permitting foul language to be used during an investigation of the licensed premises. Re Seely Enterprises, Bulletin 2012, Item 4.

On October 22, 1971, the aforesaid suspension was stayed to consider an application made by the licensee for the imposition of a fine in lieu of suspension in accordance with the provisions of Chapter 9 of the Laws of 1971.

Having favorably considered the application in question, I have determined to accept an offer in compromise by the licensee to pay a fine of \$1,000. in lieu of the suspension.

Accordingly, it is, on this 4th day of November, 1971

ORDERED that the Conclusions and Order entered in this matter on October 7, 1971, suspending the license in question for twenty-five (25) days is hereby vacated, and the payment of a \$1,000 fine by the licensee is hereby accepted in lieu of such suspension.

Richard C. McDonough  
Director



9. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - NOLLE PROSSED .

In the Matter of Disciplinary )  
Proceedings against )  
Happy Hour, Inc. )  
t/a Happy Hour )  
3201-03-05 Pacific Avenue ) ORDER  
Wildwood, N. J., )  
Holder of Plenary Retail Consumption )  
License C-39, issued by the Board of )  
Commissioners of the City of Wildwood. )  
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Cafiero and Balliette, Jr., Esqs., by J. S. Cafiero, Esq., Attorneys  
for Licensee  
Walter H. Cleaver, Esq., Appearing for Division

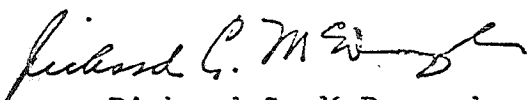
BY THE DIRECTOR:

Licensee pleaded not guilty to a charge alleging that  
on August 13, 1971 it sold, served and delivered alcoholic  
beverages to a minor, in violation of Rule 1 of State Regulation  
No. 20.

The attorney for the Division represents that the minor,  
an essential witness,<sup>who</sup> resides in Munhall, Pennsylvania, failed to  
appear at the hearing herein although every effort has been made  
to produce him. Since his identity and age could not be other-  
wise established, the Division's attorney moved to nolle pros  
the charge. Good cause appearing, I shall grant the motion.

Accordingly, it is, on this 4th day of November 1971,

ORDERED that the charge herein be and the same is  
hereby nolle prosessed.

  
Richard C. McDonough  
Director