

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

BULLETIN 1328

March 3, 1960

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BULLETIN 1328

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1. FEES - DIVISION BULLETINS - ADDITIONAL COPIES TO SUBSCRIBERS AND COPIES TO NON-SUBSCRIBERS HENCEFORTH FURNISHED ONLY ON PAYMENT OF FEE OF 50¢ FOR EACH BULLETIN REQUESTED.

The growing practice of requesting additional copies of bulletins by subscribers to the Division Bulletin Service as well as requests by non-subscribers to be furnished with pertinent bulletins for guidance, has imposed an unreasonable burden on the State and this Division. The fast mounting cost of paper supplies and the assignment of personnel for the specific purpose of assembling and publishing bulletin material make it imperative that a nominal charge be made for additional copies of bulletins requested by bulletin subscribers as well as copies furnished to non-subscribers.

Accordingly, effective March 15, 1960 requests for additional copies of bulletins by subscribers as well as requests for copies by non-subscribers must be accompanied by a fee of 50¢ for each bulletin requested, such fee to be in cash, money order or certified check made payable to the Division of Alcoholic Beverage Control.

WILLIAM HOWE DAVIS  
DIRECTOR

Dated: February 26, 1960

2. APPELLATE DECISIONS - ELMWOOD BAR & GRILL, INC. v. NORTH BERGEN.

Elmwood Bar & Grill, Inc., t/a )  
Elmwood Bar & Grill, )

Appellant, )

v. )

On Appeal )

Municipal Board of Alcoholic )  
Beverage Control of the Township )  
of North Bergen, )

CONCLUSIONS and ORDERS :

Respondent. )  
----- )

Samuel Raffaello, Esq., Attorney for Appellant.  
Leo Brauer, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the action of respondent whereby it suspended appellant's plenary retail consumption license C-82, issued for premises 704 74th Street, North Bergen, for thirty days effective at 12:01 a.m. September 21, 1959. The suspension was imposed after appellant was found guilty, in contested disciplinary proceedings, of the following charges (as amended at the hearing held below):

'Sale, service and delivery and allowing, permitting and suffering the sale, service and delivery of alcoholic beverages, and allowing the consumption of alcoholic beverages on the licensed premises between the hours of 3:00 A.M. and 7:00 A.M. on Saturday, May 9, 1959; in violation of Section 9 of an ordinance adopted by the Board of Commissioners of the Township of North Bergen on December 4, 1940.

'Allowing, permitting and suffering in and upon the licensed premises a disturbance and unnecessary noise on May 3, 1959; in violation of State Regulation No. 20, Rule 5 of the Rules and Regulations of the State of New Jersey, Department of Law and Public Safety, Division of Alcoholic Beverage Control.'

"The resolution suspending the license specifically provided that the license was suspended for fifteen days because of the alleged violation on May 9 and for fifteen days because of the alleged violation on May 3.

"The petition of appeal alleges that the finding of guilt was contrary to the evidence and contrary to the weight of the evidence.

"Upon the filing of the appeal an order was entered by the Director on September 18, 1959, staying respondent's order of suspension until entry of a further order herein. R.S. 33:1-31.

"By written stipulation, signed by both attorneys, this appeal has been submitted solely upon the stenographic transcript of the proceedings before the issuing authority. Rule 8 of State Regulation No. 15.

"As to the alleged violation on May 9: At the hearing below, Sergeant John E. Farley (of the North Bergen Police Department) testi-

fied that he and other police officers entered appellant's premises at approximately 3:15 a.m. Saturday, May 9, 1959; that he observed no sales of alcoholic beverages, but that he observed at the bar a group of eight or ten men, all of whom were consuming drinks which were mostly beer. He further testified that the bartender, who was at the cash register counting money, said that the patrons 'were just having a nightcap' and that the premises were being closed. It was then stipulated that, if two other police officers were called to testify, they would corroborate the testimony of Sergeant Farley.

"On behalf of appellant, Robert Mercurio testified that he was tending bar on the morning in question; that shortly before 3 a.m. he served drinks to all his patrons and told them that 'it was the last one;' that he served no drinks after 3 a.m.; that the police officers entered a little after 3 a.m. and that he told them he was getting ready to close up.

"Section 9 of the ordinance in questions prohibits the sale, service or delivery of alcoholic beverages between 3 a.m. and 7 a.m. on weekdays and also provides that no licensee shall allow the consumption of any alcoholic beverages on licensed premises during said hours. The evidence fully establishes the guilt of appellant as to that portion of the charges which refers to May 9.

"As to the alleged violation on May 3: The only witness who testified as to this charge was a man who resides next door to appellant's premises. He testified that about 4 a.m. Sunday, May 3, 1959, he was awakened from his sleep, looked through the window and saw a number of people on the street who were talking, hollering and singing. He also testified that there was singing and hollering inside and outside and that he heard a jukebox playing inside the premises; that he 'went to bed again, because you know really it bothers me a little bit, but not much.' On cross-examination he testified that he could not see into the licensed premises and did not hear any 'loud or abusive noise emanating from the tavern.'

"At the close of this witness' testimony appellant's attorney moved for dismissal of that portion of the charges and decision thereon was reserved.

"The evidence herein does not establish that a brawl or disturbance occurred on or near appellant's premises. The only remaining question is whether appellant permitted unnecessary noise. However, the question as to what constitutes unnecessary noise is a difficult one. The only evidence herein concerns an isolated incident which occurred as patrons were leaving at or about 4 a.m. (the closing hour in the Township on Sunday morning). I conclude that the evidence is insufficient to establish appellant's guilt as to that portion of the charges which refers to May 3.

"After considering all the evidence herein, I recommend that an order be entered affirming the action of respondent as to that portion of the charges referring to May 9, and reversing its action as to that portion of the charges referring to May 3. Under the circumstances, the order should further provide that the suspension be reduced from thirty to fifteen days, and should fix the effective dates of the fifteen-day suspension."

No exceptions to the Hearer's Report were filed within the time limited by Rule 14 of State Regulation No. 15.

After carefully considering the evidence herein, I concur in the findings and conclusions of the Hearer and shall adopt his recommendations.

Accordingly, it is, on this 21st day of January 1960,

ORDERED that the action of respondent as to that portion of the charges referring to May 9, 1959, be and the same is hereby affirmed, and the action of respondent as to that portion of the charges referring to May 3, 1959, be and the same is hereby reversed; and it is further

ORDERED that the suspension imposed by respondent, which was stayed by my order entered herein, be and the same is hereby reduced from thirty to fifteen days, commencing at 3 a.m. Monday, February 1, 1960, and terminating at 3 a.m. Tuesday, February 16, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

3. APPELLATE DECISIONS - REMLEY AND BARR v. PATERSON.

Leroy B. Remley and Alice M. Barr,	)	
t/a Al & Roy's Popular Tavern,	)	
	)	ON APPEAL
Appellants,	)	
	)	CONCLUSIONS
v.	)	
	)	AND
Board of Alcoholic Beverage Control	)	
for the City of Paterson,	)	ORDER
	)	
Respondent.	)	

-----  
Goodman Singer, Esq., Attorney for Appellants.  
Harry Smith, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the action of respondent whereby on June 4, 1959 it suspended appellants' license for a period of twenty-five days, effective July 1, 1959, after finding them guilty of charges alleging that (1) on November 24, 1958 they allowed, permitted and suffered an actually or apparently intoxicated person to work as a bartender in and upon their licensed premises, in violation of Rule 24 of State Regulation No. 20; (2) on the same date they hindered, delayed or caused the hindrance or delay of an investigation of their licensed premises by the Paterson Police Department, in violation of R.S. 33:1-35; (3) on the same date they permitted and maintained a nuisance in and upon their licensed premises, in violation of Rule 5 of State Regulation No. 20, and (4) on March 20, 1959 they hindered, delayed or caused the hindrance or delay of an investigation of their licensed premises by the Paterson Police Department, in violation of R.S. 33:1-35.

"Upon the filing of the appeal, the Director entered an order on July 1, 1959 staying respondent's order of suspension until further order herein, pursuant to R.S. 33:1-31.

"In their petition of appeal appellants allege that the action of respondent was erroneous in that it was contrary to the weight of the evidence.

"Respondent in its answer denies appellants' allegation.

"The appeal was heard de novo pursuant to Rule 6 of State Regulation No. 15.

"At the hearing herein respondent called as its witnesses Police Officers Esposito, McPartland, De Silvo and Heerschap of the Paterson Police Department and appellants Remley and Barr testified in their own behalf.

"Succinctly stated, the evidence adduced by respondent shows that on November 24, 1958 Officers Esposito and McPartland who were cruising in a squad car, received a call from headquarters at 2:33 a.m. advising them that a complaint had been made that loud music was emanating from appellants' licensed premises; that the officers proceeded to the tavern, talked to Remley who was behind the bar and asked him to turn down the juke box music; that after Remley complied they left the premises and while making out their reports they again heard the music which was louder than before; that they re-entered the tavern and asked Remley for the tavern license which, at first, he refused to give them and when they demanded it, he took it from the wall and 'swung it across the bar at us'; that they noticed Mrs. Barr and two patrons at the bar and observed that Remley's speech was slurred; that he was unsteady; that he became belligerent and was uncooperative and that he appeared to have been drinking. On cross-examination, both officers admitted that they did not smell alcohol on Remley's breath and that they did not see him serve drinks to anyone. They also testified that appellants' premises are located in 'partially industrial and there are some stores and dwelling houses in the neighborhood'. The evidence further shows that on March 20, 1959 Officers De Silvo and Heerschap, who were cruising in a squad car, received a call from headquarters informing them that there was trouble in appellants' tavern; that they proceeded to the licensed premises wherein they heard patrons hollering and observed Mrs. Barr crying behind the bar; that the patrons told them that Mrs. Barr had hit Remley with a glass and that he punched her; that Remley was belligerent and that when they asked for the license he ripped it up, threw it in a garbage pail and told them to get it there if they wanted it; that the patrons were ordered to leave; that they smelled alcohol on Remley's breath; that both Mrs. Barr and Remley admitted that they had been drinking; that they placed Remley under arrest and ordered Mrs. Barr to close the tavern; that she became abusive and interfered with them and that they placed her under arrest.

"Remley testified that he and Mrs. Barr hold the license as partners; that the neighborhood in which the licensed premises are located is mostly industrial; that on November 24, 1958 the juke box was playing when the officers came in; that during his conversation with the officers the music ceased; that after the officers left a patron played the juke box and that the music was loud until he turned it down and then pulled the plug out; that he didn't recall whether he was behind the bar; that he had not been drinking that evening; that he was not unsteady but was just leaning over the bar; that when the officers who came into the tavern on the first occasion asked for his license he put it on the bar and that he complied with whatever request they made. On cross-examination Remley admitted that he was behind the bar 'checking out the register' and that he was belligerent to the officers because 'I'm a very hot-headed person'. Respecting March 20, 1959, Remley admitted on cross-examination that he tore up the license and threw it down.

"Mrs. Barr testified that on November 24, 1958 Remley 'was very upset and aggressive'; that a patron turned on the juke box after the officers had left and she pulled out the plug; that she was on duty serving drinks that evening; that Remley was not drunk, 'he was shaking with temper' and that she merely pleaded with the officers not to arrest Remley. On cross-examination she admitted that the music emanating from the juke box was loud; that on November 24th Remley put the license on the bar 'in an excited manner' and that on



On the date alleged in the charge herein ABC agents, while in defendant's licensed premises, observed Shari O'Dea (employed as an entertainer) accept drinks from and at the expense of a male patron. Later in the evening she accepted a drink which was paid for by one of the agents.

Defendant corporation has no prior adjudicated record. However, in fixing the penalty to be imposed in this case I have found it necessary to review and to refer to the unsavory record of its predecessors, The New French Quarter, Inc., which sustained four license suspensions within a two-year period, the last as recent as June 1, 1959, for a period of forty days (Bulletin 1286, Item 5), and The French Quarter, Inc., which sustained two suspensions within a ten-month period in 1956 (Bulletin 1096, Item 4, and Bulletin 1141, Item 1).

It is significant that one Donald LaSalle was a bartender when New French Quarter, Inc. held the license for the same premises but is now the holder of 98% of the capital stock of defendant corporate licensee; that Peter Nitti (commonly known as "Pete the Crutch") during the course of prior investigations involving New French Quarter, Inc. and The French Quarter, Inc. was usually on the licensed premises, and his brother James Nitti now holds a 1% interest in the capital stock of defendant corporate licensee. "Pete the Crutch" was observed on the licensed premises by agents of this Division on each of their visits during this investigation and during investigations conducted while the license was held by the two predecessor corporations aforementioned, not in the role of a patron, as claimed by the licensee, but ostensibly acting as one with authority referred to by employees of the licensee as the "boss." This is further borne out by the agents' reports that on one occasion "Pete the Crutch" ordered the orchestra to continue with the music when it had stopped playing, saying "What do you think I'm paying you for?"

It is to be wondered whether the principals of The New French Quarter, Inc. are actually the operators of the licensed business of defendant corporate licensee. Question also arises as to the real interest of "Pete the Crutch" in this license, particularly in view of his continued presence and activities on the licensed premises as aforementioned and more particularly in view of his violent conduct in hindering an investigation which resulted in a fifty-five-day suspension of the license of The French Quarter, Inc., effective October 30, 1956 (Bulletin 1141, Item 1). Certainly the entire background facts indicate something more than mere customer interest on the part of "Pete the Crutch" which cannot be ignored in fixing the penalty in this case.

Under all the circumstances, I shall suspend defendant's license for forty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of forty days.

Accordingly, it is, on this 21st day of January 1960,

ORDERED that plenary retail consumption license C-168, issued by the Board of Commissioners of the City of Union City to Pierre's French Quarter's, Inc., for premises 517 Paterson Plank Road, Union City, be and the same is hereby suspended for forty (40) days, commencing at 3 a.m. Wednesday, February 3, 1960 and terminating at 3 a.m. Monday, March 14, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 30 DAYS.

In the Matter of Disciplinary Proceedings against )

Maude Connelly & Walter Kunisch )  
t/a Allendale Bar & Grill )  
67 West Allendale Avenue )  
Allendale, New Jersey )

CONCLUSIONS

AND

ORDER

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

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Theodore D. Rosenberg, Esq., Attorney for Defendant-licensees.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendants pleaded not guilty to the following charge:

'On September 7, 1959, 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., Maurice ---, age 16, George ---, age 17, and James ---, age 19, 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.'

"At the hearing held herein, Maurice ---, age 16, testified that on Labor Day, September 7, 1959, he and the two other minors named in the charge arrived in an automobile at defendants' licensed premises between 6:00 and 6:30 p.m.; that the car was parked in front of the tavern under an arrangement between them that he was to buy beer there; that he left the car with a ten-dollar bill belonging to George, entered the premises and went to the bar, at which time there were fifteen or twenty other persons present; that he took a seat at the bar and ordered and consumed a glass of beer served to him by a bartender; that when served with the beer, he asked the bartender if he had any cold cases of beer and when informed that such beer was available, ordered from the bartender a case of Schaefer and a case of Rheingold beer; that the bartender obtained the beer requested in six-packs from a freezer behind the bar, placed the beer in a cardboard box and deposited the box on the bar; that he handed the bartender the ten-dollar bill in payment and received change. Maurice further testified that after he paid for the two cases of beer and while he was drinking his glass of beer, James and George entered and took seats next to him at the bar; that he gave George the change from the ten dollars, finished drinking his beer and, while they remained, he left the premises with the two cases of beer which he placed in the car; that on this occasion the bartender made no inquiry whatsoever with respect to his age, but that when at such tavern about two or three months previously, a bartender asked him if he was 21 and accepted his statement that he was 21 years of age.

"It appears from Maurice's testimony that earlier that after-

noon he had purchased a case of beer at another licensed premises, stopped at a park, where he and his companions drank some of the beer and gave some to friends whom they met there, and decided to purchase some more beer; that Maurice returned to the defendants' premises a few days later in the company of ABC agents but was unable to identify the bartender who sold the beer to him.

"James ---, 19 years of age, testified that he and his companions arrived in defendants' tavern at about 5:30 p.m., at which time Maurice left the car with George's ten-dollar bill to buy beer while he and George remained in the car for about fifteen or twenty minutes and both then entered the tavern; that they went to the bar where Maurice was seated finishing his beer with two cases of beer in a box on the bar; that they received some change from Maurice and observed him pick up the box of beer and leave; that George and James finished their beer, which had been served to them by a bartender who did not ask their age, left the premises, entered the car and drove away; that he returned to defendants' premises a few days later in the company of ABC agents but was unable to identify the bartender who served the beer to them. George ---, 17 years of age, testified substantially to the same effect.

"An ABC agent testified that, accompanied by another agent and the local police officer and Maurice, he entered defendants' premises on September 11th, at which time Maurice identified the premises but was unable to identify the bartender who sold the beer to him; that Maude Connolly, one of the licensees, stated that Elwood Kintner, who was not then present, was the bartender on duty in the establishment on the date and time in question; that on September 14th they made a similar visit to defendants' premises with George and James, at which time the boys identified the tavern as the premises where they had purchased the glasses of beer on September 7th, but were likewise unable to identify the bartender although Elwood Kintner was present.

"Maude Connolly testified that Elwood Kintner is a part time bartender who helps her out on occasion and that he came on duty on September 7th about 6:00 or 6:30 p.m. In defense of the charge, she relies mainly on her claim that when the boys were there to identify the premises, they remarked that they had observed pizza pie boxes with the name 'Tree Tavern' printed thereon, whereas such boxes in her tavern have printed thereon the name 'Allendale Bar and Grill'.

"Elwood Kintner testified that he came on duty on the day in question at some time between 6:00 and 6:30 p.m., at which time Maude Connolly was busy in the kitchen. He denies that he sold beer to any of the boys, although he recollects the sale of six-can packs of canned beer 'earlier in the evening' and then corrects his statement as to time by saying, 'I will take that back, I sold a case of beer about 8:30' to a person whom he had never seen before, placing the beer in a paper carton which he deposited on top of the bar; that it was 'two full cases of six-packs--48'. Asked how he could be positive that he did not sell a glass of beer to each minor, he replied 'What I base my positive opinion on, because to my mind if they don't look 21 they don't get served without identification'.

"It seems hardly necessary to state that the evidence offered by the licensee appears to corroborate, rather than impeach, the clear cut version by the minors of what occurred at the time and place in question. The reading matter printed on the pizza boxes has no significant bearing on the case. The failure of the minors to identify the bartender is not fatal in disciplinary proceedings providing it be established that the minors purchased, had served to them, or were permitted to consume alcoholic beverages in the licensed premises. Re Chizun, Bulletin 1274, Item 7. I therefore recommend a finding that defendants are guilty of the charge.

"The only adjudicated record against either of the defendant-licensees is a suspension of the license for the same premises when it was held by Maude Connelly, individually, effective September 20, 1949, for a dissimilar violation. Such previous record having occurred more than five years ago, it should not be considered when imposing penalty. I therefore further recommend that defendants' license be suspended for a period of thirty days, the minimum penalty for a sale to a 16-year-old minor where three minors are involved. Re Nassaney, Bulletin 1305, Item 5."

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

After carefully considering the evidence herein, I concur in the conclusions and recommendation of the Hearer and adopt said conclusions as my conclusions herein. I find defendants guilty as charged.

Accordingly, it is, on this 20th day of January 1960,

ORDERED that plenary retail consumption license C-2, issued by the Borough Council of the Borough of Allendale to Maude Connelly & Walter Kunisch, t/a Allendale Bar & Grill, for premises 67 West Allendale Avenue, Allendale, be and the same is hereby suspended for thirty (30) days, commencing at 2 a.m. Monday, February 1, 1960, and terminating at 2 a.m. Wednesday, March 2, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - GAMBLING - LOTTERY - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

August Kronenberg and Helen Kronenberg )  
t/a Falcon Hall )  
106 Pulaski Avenue )  
Carteret, New Jersey, )

CONCLUSIONS

AND

Holder of Plenary Retail Consumption License C-17, issued by the Borough Council of the Borough of Carteret. )

ORDER

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Defendant-licensees, Pro se.

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

BY THE DIRECTOR:

Defendants pleaded non vult to the following charges:

"1. On Saturday, October 31, 1959 and prior thereto, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of football game bets and the making and accepting of bets in a lottery commonly known as a 'football pool'; in violation of Rule 7 of State Regulation No. 20.

"2. On Saturday, October 31, 1959, you possessed, had custody of and allowed, permitted and suffered tickets and participation rights in a lottery commonly known as a 'football pool' in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20."

On October 31, 1959, ABC agents observed a patron hand James Magner (the bartender) a small package which was subsequently ascertained to contain sixteen bet slips on the outcome of football games and \$18 in cash. In addition thereto the agents and members of the Carteret Police Department found on Magner's person seventy-three football bet slips filled in by different persons, twenty-one football bet slips not filled in and \$203 (an amount of cash acknowledge by him to have been received from persons placing bets on the outcome of football games).

August Kronenberg (one of the defendant-licensees) admitted to the ABC agents that he was aware the bartender was accepting bets in the premises and had on many occasions warned him about it.

Defendants have no prior adjudicated record. I shall suspend defendants' license for twenty-five days, the minimum suspension when an employee or a licensee is involved (Re McCann, Bulletin 1279, Item 10). Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 19th day of January 1960,

ORDERED that plenary retail consumption license C-17, issued by the Borough Council of the Borough of Carteret to August Kronenberg and Helen Kronenberg, t/a Falcon Hall, for premises 106 Pulaski Avenue, Carteret, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Tuesday, January 26, 1960, and terminating at 2 a.m. Monday, February 15, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Isaac Sussman )  
t/a Ike's Tavern )  
581 Main Street )  
Paterson 3, New Jersey )

CONCLUSIONS

AND

Holder of Plenary Retail Consumption License C-334, issued by the Board of Alcoholic Beverage Control for the City of Paterson. )

ORDER

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Defendant-licensee, Pro se.  
William F. Wood, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he possessed on his licensed premises alcoholic beverages in bottles bearing labels which did not truly describe the contents, in violation of Rule 27 of State Regulation No. 20.

On October 27, 1959, an ABC agent tested defendant's open stock of liquor and seized several bottles for further tests by the Division's chemist. Subsequent analysis by the chemist disclosed that the contents of four of such bottles were higher in solids, and the contents of two of the four were low in acids, when compared with the genuine product of the labeled brands.

Defendant has a prior adjudicated record. Effective August 12, 1957 his license was suspended by the Director for ten days for an "hours" violation. Re Sussman, Bulletin 1187, Item 10. I shall suspend defendant's license for the minimum period of twenty days imposed in cases involving four bottles (Re Willow Cafe & Restaurant, Inc., Bulletin 1314, Item 9), to which will be added five days because of the dissimilar violation which occurred within the past five years (Re Fanok, Bulletin 1307, Item 11), making a total suspension of twenty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 20th day of January, 1960,

ORDERED that Plenary Retail Consumption license C-334, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Isaac Sussman, t/a Ike's Tavern, for premises 581 Main Street, Paterson, be and the same is hereby suspended for twenty (20) days, commencing at 3:00 a.m., Tuesday, February 2, 1960, and terminating at 3:00 a.m., Monday, February 22, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - FAILURE TO AFFORD CLEAR VIEW OF PREMISES DURING PROHIBITED HOURS - CONTRACEPTIVES - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 15 DAYS.

In the Matter of Disciplinary Proceedings against )

John Alexis, Louis Alexis and )  
George Alexopoulos )  
t/a Belmont Bar )  
169 Monticello Avenue )  
Jersey City 4, New Jersey )

CONCLUSIONS

AND

ORDER

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Holders of Plenary Retail Consumption License C-182, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City. )

Alexis and Gonis, Esqs., by Peter G. Alexis, Esq., Attorneys for Defendant-licensees.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendants entered pleas of not guilty to charges alleging that (1) they failed to afford a clear view of their bar during prohibited hours, in violation of a local ordinance, (2) they possessed contraceptive devices in and upon their licensed premises, in violation of Rule 9 of State Regulation No. 20, and (3) they failed to facilitate and hindered and delayed ABC agents in the investigation of their licensed premises, in violation of R.S. 33:1-35.

"At the hearing herein, the Division called as its witnesses two ABC agents who participated in the investigation of defendants' licensed premises. Substantially, their testimony is as follows: At 12:17 p.m., Sunday, June 7, 1959, they arrived in front of defendants' licensed premises but were unable to view the bar within because the curtains on the front door were drawn and the panels in the window partitions were closed. Hearing voices within the tavern, the agents tried to enter and, finding the door locked, knocked on it repeatedly. Eventually

a person, later identified as John Miller, the porter, peered over the partition in the left window and the agents held their credentials against the window pane and shouted, 'ABC, let us in'. Miller turned his head to the rear of the premises and someone therein was heard to say, 'Come on, get out of here'. The agents persisted in their demand for admission and Miller said, 'I haven't got the key'. Finally, after a lapse of five minutes from the time the agents first knocked on the door, they were admitted by Louis Alexis, one of the licensees. When the agents entered the tavern, they noted several partially filled glasses of alcoholic beverages on the bar and they seized a box of contraceptives which were found in the cabinet behind the bar. Alexis said that he had been consuming the drinks and, when informed of the violations, he stated that the contraceptives were given to him by a seaman, since deceased; that he was unfamiliar with the ordinance requiring a clear view of the bar during prohibited hours and that he was in the men's room at the time the agents were trying to gain entry.

"Louis Alexis testified that he arrived at the licensed premises about 11:00 a.m. on the date alleged and that Miller arrived shortly thereafter; that he put the curtains on the door to avoid being seen while he counted the previous day's receipts; that about 12:20 p.m. he went to the men's room in the rear of the tavern, which is about 65 feet from the front entrance; that while seated therein he heard knocking on the door but made no inquiry as to who it was since people often try to enter the tavern before the opening hour of 1:00 p.m.; that when he emerged from the men's room he proceeded to the front door; that as he approached it Miller said 'ABC' and that he immediately admitted the agents. He further testified that he and his brother are the only persons who have keys to the premises; that the contraceptives found on the premises were given to him by a seaman; that he never sold or gave any of them away and that he cooperated fully with the agents during their investigation of the premises.

"Miller's testimony in the main corroborated that of Alexis and he testified additionally that when he understood that the men who were knocking on the door were ABC agents, 'I called Louis. The radio was playing. He was way back. There are two doors to the bathroom. I know he didn't hear me.'

"Having carefully considered the evidence herein, I find that the Division has established the guilt of defendants as to Charges 1 and 2 by more than a fair preponderance of the evidence. I find further that the evidence with respect to Charge 3 is insufficient to support a finding of guilt. I recommend, therefore, that Charge 3 be dismissed. Considering defendants' otherwise good record, I further recommend that their license be suspended for five days on Charge 1 (Re Fox, Bulletin 267, Item 9) and for ten days on Charge 2 (Re Pleasant Hour Cocktail Lounge, Inc., Bulletin 1096, Item 2), making a total suspension of fifteen days."

Written exceptions to the Hearer's Report and written argument with respect thereto were filed with me by the Division's attorney and written answering argument was filed by defendants' attorneys, pursuant to Rule 6 of State Regulation No. 16.

Having carefully considered the entire record herein, including the transcript of the proceedings, the Hearer's Report, the exceptions thereto and the arguments advanced by the attorneys for the respective parties herein, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 20th day of January 1960,

ORDERED that Plenary Retail Consumption License C-182, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to John Alexis, Louis Alexis and George Alexopoulos, t/a Belmont Bar, for premises 169 Monticello Avenue, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m., Wednesday, January 27, 1960 and terminating at 2:00 a.m., Thursday, February 11, 1960.

WILLIAM HOWE DAVIS  
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - IMMORAL ACTIVITIES - CHARGES NOLLE PROSSED WITHOUT PREJUDICE BECAUSE LICENSE PREVIOUSLY REVOKED ON OTHER CHARGES.

In the Matter of Disciplinary Proceedings against  
Bruce Isaacson  
t/a Hy's Hide-Away  
6137 Adams Street  
West New York, N. J.  
Holder of Plenary Retail Consumption License C-33, issued by the Board of Commissioners of the Town of West New York.

CONCLUSIONS  
AND  
ORDER

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William F. Wood, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

On September 10, 1959, charges were served on the defendant alleging that (a) on June 12, 17, 19, 24, July 6 and 8, 1959, he sold and permitted the sale of alcoholic beverages to minors and permitted the consumption of said alcoholic beverages by said minors in and upon defendant's licensed premises, in violation of Rule 1 of State Regulation No. 20, and (b) on June 12, 17, 19 and 24 and July 8, 1959, he allowed and permitted immoral activities and filthy language on the licensed premises, in violation of Rule 5 of State Regulation No. 20. On September 17, 1959 defendant entered a plea of not guilty to said charges.

The hearing in this matter was finally scheduled for December 21, 1959 at this Division. At the hearing neither the defendant nor anyone on his behalf appeared to contest the charges. The attorney appearing for the Division stated that on September 16, 1959 the Board of Commissioners of the Town of West New York filed charges against defendant for sale and service of alcoholic beverages to minors and for allowing and permitting brawls on the licensed premises and that, as a result of a hearing on said charges, the Board, by resolution dated October 21, 1959, revoked defendant's license, effective immediately.

No appeal was taken to this Division from the resolution of the Board of Commissioners within the thirty-day period provided by statute.

The attorney appearing for the Division moved before the assigned Hearer that the charges filed herein be nolle prossed because the defendant's license was no longer in existence. Under the circumstances, the charges in question will be nolle prossed without prejudice.

Accordingly, it is, on this 19th day of January, 1960,

ORDERED that the charges in the case be and the same are hereby nolle prossed without prejudice.

WILLIAM HOWE DAVIS  
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - SALE TO INTOXICATED PERSON - FALSE ANSWER IN APPLICATION (AS TO PRIOR RECORD) - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Geza Keszler and Kathering Keszler )  
t/a Club Sumara )  
91-93 Whitehead Avenue )  
South River, N. J., )

CONCLUSIONS

AND

ORDER

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Holders of Plenary Retail Consumption License C-12, issued by the Borough Council of the Borough of South River. )

Burton, Seidman & Burton, Esqs., by Baruch S. Seidman, Esq., Attorneys for Defendant-licensees  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to the following charges:

"1. On Wednesday night, November 25, 1959, you sold and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person actually or apparently intoxicated and allowed, permitted and suffered the consumption of such beverages by such person in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.

"2. In your application filed with the Borough Council of the Borough of South River, dated June 9, 1959 and upon which you obtained your current plenary retail consumption license, you, while revealing in answer to Question No. 34, which asks: 'Have you or has any person mentioned in this application ever been convicted of any violation of the Alcoholic Beverage Law (R.S. Title 33) as amended and supplemented? ... If so, state details as to each conviction, giving date and nature thereof and the court in which sentence was imposed' and in answer to Question No. 41 which asks: 'Have you or has any person mentioned in this application ever had any interest, directly or indirectly, in any alcoholic beverage license or permit in New Jersey or any other state which was surrendered, suspended, revoked or cancelled?', a suspension of your license in 1956, suppressed the material fact that your license for the 1958-59 period had been suspended for five days, effective May 11, 1959 for violation of the 'hours' regulations of the Borough of South River; in violation of R.S. 33:1-25."

On the evening of November 25, 1959, between 10 p.m. and 11 p.m., ABC agents observed Geza Keszler as he served three different drinks, from time to time, to a patron who was apparently intoxicated. After the agents identified themselves and seized the last drink for

evidential purposes, the patron became belligerent and the agents summoned members of the South River Police Department who escorted the patron from the premises. The facts as to the second charge are fully set forth therein.

In attempted mitigation defendants have advised me in writing that it is very difficult to tell when said patron has had too much to drink, but I cannot accept this explanation as an excuse. They have further advised me that the failure to disclose the 1959 suspension was due to the fact that they intended to obtain information as to the exact nature of the violation from the Borough Clerk and then forgot to obtain such information before they filed the application.

Defendants have a prior record. Effective July 9, 1956, their license was suspended by the local issuing authority for twenty-five days for sales to minors and, effective May 11, 1959, their license was suspended by the same authority for an "hours" violation. I shall suspend defendants' license for fifteen days on Charge 1. Re Dublin House, Inc., Bulletin 1296, Item 3. Since it appears that defendants disclosed the earlier violation, I shall accept their explanation that the failure to disclose the 1959 violation was due to an oversight and, under the circumstances, shall suspend their license for five days on Charge 2. I shall add five days to the suspension because of the two prior dissimilar violations within the past five years (Re Skrobiszski, Bulletin 1300, Item 5), thus making a total suspension of twenty-five days. Five days will be remitted for the plea, leaving a net suspension of twenty days.

Accordingly, it is, on this 26th day of January 1960,

ORDERED that plenary retail consumption license C-12, issued by the Borough Council of the Borough of South River to Geza Keszler and Katherine Keszler, t/a Club Sumara, for premises 91-93 Whitehead Avenue, South River, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Wednesday, February 3, 1960 and terminating at 2 a.m. Tuesday, February 23, 1960.

  
William Howe Davis  
Director.