

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

BULLETIN 1348

August 17, 1960

TABLE OF CONTENTS

ITEM

1. DISCIPLINARY PROCEEDINGS (Trenton) - LEWDNESS AND IMMORAL ACTIVITIES (PERMITTING ARRANGEMENTS FOR ILLICIT SEXUAL INTERCOURSE) - POSSESSING INDECENT PRINTED MATTER - LICENSE REVOKED.
2. DISCIPLINARY PROCEEDINGS (Union City) - LEWDNESS AND IMMORAL ACTIVITIES (INDECENT ENTERTAINMENT) - SALE TO INTOXICATED PERSON - PRIOR RECORD OF PREDECESSOR IN INTEREST - LICENSE SUSPENDED FOR 110 DAYS, LESS 5 FOR PLEA.
3. DISCIPLINARY PROCEEDINGS (Camden) - UNLAWFUL TRANSPORTATION - FAILURE TO HAVE INVOICE OR MANIFEST IN POSSESSION - RECEIVING DELIVERY OF ALCOHOLIC BEVERAGE DURING SUSPENSION - HINDERING INVESTIGATION - PRIOR RECORD - LICENSE SUSPENDED FOR 80 DAYS.

SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION BY LICENSEE OF TAXPAID ALCOHOLIC BEVERAGES IN A VEHICLE NOT AUTHORIZED TO TRANSPORT SUCH BEVERAGES - APPLICATION BY LICENSEE FOR RETURN OF MOTOR VEHICLE DENIED BECAUSE OF ABSENCE OF GOOD FAITH - MOTOR VEHICLE ORDERED FORFEITED.
4. DISCIPLINARY PROCEEDINGS (Rahway) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - PRIOR RECORD - LICENSE SUSPENDED FOR 70 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (New Brunswick) - SALES TO MINORS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
6. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1959 THROUGH JUNE 30, 1960.
7. DISCIPLINARY PROCEEDINGS (Passaic) - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (East Paterson) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 RAYMOND BLVD. NEWARK 2, N. J.

August 17, 1960

BULLETIN 1348

L. DISCIPLINARY PROCEEDINGS -- LEWDNESS AND IMMORAL ACTIVITIES
(PERMITTING ARRANGEMENTS FOR ILLICIT SEXUAL INTERCOURSE) -
POSSESSING INDECENT PRINTED MATTER - LICENSE REVOKED.

In the Matter of Disciplinary)
Proceedings against)

ANTHONY W. CARSELLA)
t/a Carsella's Hideaway)
117 Sherman Avenue)
Trenton 9, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-190, issued by the Board)
of Commissioners of the City of)
Trenton.)

William Reich, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On March 25 and 30, 1960 and on divers days prior thereto, you allowed, permitted and suffered lewdness and immoral activity and foul, filthy and obscene language and conduct in and upon your licensed premises, viz., in that you made offers to male patrons and customers on your licensed premises to procure and did procure females to engage in acts of sexual intercourse and/or perverted sexual relations with said male patrons and customers; participated in and allowed, permitted and suffered the making of overtures and arrangements, in and upon your licensed premises, by said females with male patrons and customers for acts of illicit sexual intercourse and/or perverted sexual relations, as aforesaid; and allowed, permitted and suffered foul, filthy and obscene language in and upon your licensed premises; in violation of Rule 5 of State Regulation No. 20.
- "2. On March 30, 1960, you allowed, permitted and suffered in and upon your licensed premises and had in your possession obscene, indecent, filthy, lewd, lascivious and disgusting matter in form of a group of printed sketches, drawings, cartoons and representations; in violation of Rule 17 of State Regulation No. 20."

ABC agents assigned to investigate defendant's licensed business visited his premises on March 5, 8, 10, 11, 15 and 18, 1960 and on each occasion obtained information from male patrons indicating that arrangements could be made for illicit sexual relations with females who frequented the establishment. Although the agents sought to engage the licensee, hereinafter called Tony,

in conversation during the aforesaid visits, they got no response.

However, at 4:40 p.m., March 25, 1960, two of the agents returned to the licensed premises, took seats at the bar at which Clint and Joe (two patrons whom the agents had previously met at the tavern) were seated and immediately entered into conversation with them and Tony. Clint spoke of his sexual experiences with two females known as Kim and Betty, whom the agents had seen in the premises on their previous visits and when Tony related how he had fixed Joe up with a "good professional ... job", Joe asked, "You mean those two from Philly?", to which Tony replied, "Yeah". Clint then continued, "I'm still thinking of taking on Carol but I'm afraid of the old lady", and Tony said, "I wonder where Carol is, she hasn't been in all day." Because the agents had told Tony on a previous visit that they were going to Philadelphia to look for some girls, Tony inquired how they had made out and when the agents informed him that they had two Chinese girls, Tony said, "Listen, I'll fix you guys up with those two from Philly -- Penny and Billy, the ones I fixed Joe up with. I'll telephone them and make all the arrangements then I'll even go down with you two guys to Philly." The agents concurred and Tony told them that the charge would be \$15. When one of the agents suggested that the other agent be careful of what he said because a stranger at the bar was listening to the conversation, Tony said, "Who, him?", pointing to a stranger, "I fixed him up with the broad with the 47" breasts. He's O.K." Tony then related that when he first opened up, three females who engaged only in perverted sex acts occupied his apartment over the barroom and he continued to brag about his ability "to fix guys up with the broads". When one of the agents asked about a female whom he referred to as Peggy, Tony said, "You mean Jean. She isn't a good-looking head but she's got a nice body", and told of her perverted sex tendencies. Clint then asked the agents where they get their girls and when told that they got them in New York, he asked for the address. One of the agents left the premises and returned with a slip of paper upon which was a fictitious name and address which he gave to Clint who recorded the information in a notebook. Tony also recorded the name and address in a book which he placed behind the bar. At this point Tony again assured the agents that he would fix them up with the "broads from Philly", after which the conversation lagged and the agents departed at 6:50 p.m.

At 1:25 p.m., Wednesday, March 30, 1960, four ABC agents arrived in the vicinity of defendant's licensed premises. Two of them remained outside and the two who had visited the tavern on March 25th entered and seated themselves in the center of the bar where Tony, who was tending bar, greeted them. At about 2:00 p.m. two females entered the premises and after conversing with Tony, left with a male patron. Kim's name was mentioned and Tony, in gutter language, proceeded to describe her figure. At 2:05 p.m., one of the agents asked Tony if there was anything there, referring to two females seated at the near end of the bar, and Tony replied, "Yeah", shaking his head in a positive manner. Thereafter he introduced Carol and Peggy to the agents. One of the agents then left the bar and asked Tony if the girls were "free stuff" and Tony replied, "You have to pay" and when asked how much, Tony said, "\$10, but did you see that one that just came in? Well, if you want something real good, she is the best ... job in town. She isn't much to look at but **** She goes for \$10." The agent said, "O.K., when she sits down send her a drink on me". "Don't worry", said Tony, "I'll go over to her and talk to her. I'll fix you two guys up with her." Tony then conversed with the female and later introduced her to the agent saying, "I'd like you to meet Jean." The agent purchased a drink for her and asked the other agent to join him and Jean when he had finished his conversation with Carol and Peggy. Within a short time the agent who had been conversing

with the two females joined his partner and was introduced to Jean, after which he left the premises to get sandwiches. While outside, he signaled the agents who were stationed there to contact the local police after which he returned to the premises with sandwiches for the group, including Tony, and joined Jean and his partner. Shortly thereafter, Jean asked, "Shall we go now. It's getting late and I have to be home soon." The first agent who had been introduced to Jean asked her, "Can you take care of the two of us?", and Jean replied, "Yes, but I don't want you two to go out with me from this place." The agent then asked, "How much do you want from us?", and Jean answered, "\$10 a piece from both of you", and when asked where she was going to take them, Jean replied, "To the --- Motel ****, wait until I ask Tony about the arrangements." After a brief conversation with Tony he said aloud, "Let one of them go to the --- Diner and have a cup of coffee while you go to the motel with the other." Jean then said to the agents, "Give me a few minutes and meet me outside. My plate number is ---, I have a Ford." Jean left the premises and Tony admonished the agents, "Now don't forget, don't pay her any more than \$10. If she asks for more tell her to forget about it." The agents then left the premises and Jean, who was accompanied in her car by one agent, asked the other agent to follow in his car.

At about 3:50 p.m. the agent with Jean registered at the motel and the other agent went to the diner across the street where he was joined by the two agents who had remained outside the licensed premises and two local police officers. At about 4:05 p.m., the three agents and the police officers proceeded to the motel and entered the room occupied by Jean and her agent companion. There they found Jean disrobed and they also located in her purse a ten-dollar bill she had accepted from the agent, the serial number of which corresponded with the number previously recorded by the agents. Jean was arrested and later signed a sworn statement implicating Tony as the person who, during a period of two weeks, arranged with her to have illicit sexual relations with patrons of his establishment. Thereafter, the agents and the police officers searched defendant's licensed premises and found in the storage room several obscene, filthy and lascivious drawings which were seized for evidential purposes.

The lewd and filthy expressions indulged in by the licensee and some of his patrons have been omitted in the above summary since publishing them would serve no useful purposes. Suffice to say they are nauseating.

It has been held that solicitation for immoral purposes and the making of arrangements for illicit sexual intercourse cannot and will not be tolerated in and upon licensed premises. The public is entitled to protection from those sordid and dangerous evils. Re 17 Club, Inc., Bulletin 949, Item 2 (affirmed in re 17 Club, Inc., 26 N.J. Super. 43, App. Div. 1953). Considering the facts and circumstances in this case, the only proper and justifiable penalty is revocation of the license. Re Merjack Corporation, Bulletin 998, Item 1; Re Club Hi Li, Inc., Bulletin 1198, Item 3.

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

ORDERED that Plenary Retail Consumption License C-190, issued by the Board of Commissioners of the City of Trenton to Anthony W. Carsella, t/a Carsella's Hideaway, for premises 117 Sherman Avenue, Trenton, be and the same is hereby revoked, effective immediately.

WILLIAM HOWE DAVIS
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES (INDECENT ENTERTAINMENT) - SALE TO INTOXICATED PERSON - PRIOR RECORD OF PREDECESSOR IN INTEREST - LICENSE SUSPENDED FOR 110 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against 300 CLUB, INC. 300 - 48th Street Union City, N. J. Holder of Plenary Retail Consumption License C-41, issued by the Board of Commissioners of the City of Union City.

CONCLUSIONS AND ORDER

William J. Tierney, Esq., Attorney for Defendant-licensee. Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

- "1. On April 6 and 9, 1960, you allowed, permitted and suffered lewdness and immoral activity and foul, filthy and obscene language and conduct in and upon your licensed premises, viz., in that persons employed on your licensed premises conducted themselves and performed thereon for the entertainment of your customers and patrons, in a lewd, indecent and immoral manner; in violation of Rule 5 of State Regulation No. 20.
"2. On April 9, 1960, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person actually or apparently intoxicated and allowed, permitted and suffered the consumption of alcoholic beverages by such person in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20."

Two ABC agents were at defendant's licensed premises on April 6, 1960. Two bartenders addressed as Mike and John were on duty. A piano player and a bass fiddle player were entertaining on a platform behind the bar. Various male patrons were there. The piano player wore a comical headgear while playing and singing. During such performance, John joined the piano player on the platform and engaged in a performance which was vulgar and indecent. At the end of the performance, John resumed his position behind the bar.

On April 9th the aforementioned two ABC agents returned to the licensed premises. John (John Emerson, president of the corporate-licensee) and Mike (Marcus Pujo, treasurer of subject-licensee) were the bartenders on duty. The same piano player and bass fiddle player whom they observed on the previous visit were entertaining. A number of male and female patrons were present. One of these females was greeted by John and introduced as his guest vocalist and she later sang from the platform. While so engaged, John joined her on the platform and gave substantially the same indecent performance the agents had observed on their previous visit.

Throughout their visit the agents observed a male patron whose hair was disheveled, eyes red and glassy, who slurred his speech with head resting on the bar at various times. At one time he was observed in the men's room, barely able to stand and with no control over his activities there. When he returned to the bar, he bumped into doorways, staggered and fell against one of the stools at the bar. This man was served by Mike with a drink of whiskey after he returned to the bar. At this point the agents revealed their identities to the bartender.

Counsel for the licensee has submitted a letter accompanying the plea, setting forth what are alleged to be mitigating circumstances. It is urged that John's conduct was something done on the spur of the moment in horseplay or fun. A repeated performance, such as here, cannot be considered as something done on the spur of the moment, and the conduct itself is a far cry from "fun". It was a depraved performance and disgusting conduct in licensed premises, and inimical to public welfare and morals.

Concerning the intoxicated person, it is claimed that there was some doubt as to his condition in that the man in question asserted that he was not drunk and the police officers who were summoned by the agents, had some doubts on the subject and bystanders in the tavern were of similar opinions. The record does not disclose any such state of facts, other than the man's assertion that he was not drunk.

Defendant corporate-licensee has no previous adjudicated record. However, when license for the premises was held in the individual names of John Emerson and Marcus Pujo, it was suspended, effective February 17, 1957 by the local issuing authority for five days for an "hours" violation. I shall suspend defendant's license for a period of ninety days on Charge 1 (Re Prospero, Bulletin 1077, Item 2), for a period of fifteen days on Charge 2 (Re Keszler, Bulletin 1328, Item 10), and for an additional period of five days for the dissimilar violation which occurred during the past five years (Re Horstmann, Bulletin 1338, Item 5), making a total suspension of one hundred ten days. Five days will be remitted for the plea entered herein, leaving a net suspension of one hundred and five days.

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

ORDERED that Plenary Retail Consumption License C-41, issued by the Board of Commissioners of the City of Union City to 300 Club, Inc., for premises 300 - 48th Street, Union City, be and the same is hereby suspended for the balance of its term, effective at 3:00 a.m., Wednesday, June 29, 1960; and it is further

ORDERED that any renewal for the 1960-61 licensing year or transfer of said license shall be and remain under suspension until 3:00 a.m., Wednesday, October 12, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

- 3. DISCIPLINARY PROCEEDINGS - UNLAWFUL TRANSPORTATION - FAILURE TO HAVE INVOICE OR MANIFEST IN POSSESSION - RECEIVING DELIVERY OF ALCOHOLIC BEVERAGE DURING SUSPENSION - HINDERING INVESTIGATION - PRIOR RECORD - LICENSE SUSPENDED FOR 80 DAYS.

SEIZURE - FORFEITURE PROCEEDINGS - TRANSPORTATION BY LICENSEE OF TAXPAID ALCOHOLIC BEVERAGES IN A VEHICLE NOT AUTHORIZED TO TRANSPORT SUCH BEVERAGES - APPLICATION BY LICENSEE FOR RETURN OF MOTOR VEHICLE DENIED BECAUSE OF ABSENCE OF GOOD FAITH - MOTOR VEHICLE ORDERED FORFEITED.

In the Matter of Disciplinary Proceedings against)

CARIDI'S BAR, INC.)
 t/a PAT'S BAR)
 700 Mt. Vernon Street)
 Camden 3, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-191, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.)

-----)
 In the Matter of the Seizure on February 11, 1960 of a Chrysler Sedan, at or near the intersection of Second Street and Beckett Street in the City of Camden, County of Camden and State of New Jersey.)

-----)
 Cahill and Wilinski, Esqs., by Robert Wilinski, Esq., Attorneys for Defendant-licensee.)
 David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.)

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"These consolidated cases involve disciplinary proceedings against the licensee, and related seizure proceedings to determine whether the licensee's Chrysler sedan should be forfeited. The licensee pleaded not guilty to the disciplinary charges and seeks return of the motor vehicle. It rests such plea and claim solely on the evidence presented by the Division at the formal hearing on the disciplinary charges and seizure proceedings, without presenting any evidence on its own behalf.

"The charges read as follows:

- '1. On February 11, 1960, you engaged in the unlawful transportation of alcoholic beverages in violation of R.S. 33:1-2.
- '2. On February 11, 1960, you transported alcoholic beverages in a vehicle not having transit insignia affixed thereto or requisite inscription painted thereon; in violation of Rule 2 of State Regulation No. 17.
- '3. On February 11, 1960, you delivered and transported alcoholic beverages in a vehicle without the driver thereof having in his possession a

bona fide, authentic and accurate delivery slip, invoice, manifest, way-bill or similar documentation stating the bona fide name and address of the purchaser or consignee and the brand, size of container and quantity of each item of the alcoholic beverages being delivered and transported; in violation of Rule 3 of State Regulation No. 17.

- '4. On February 11, 1960, while your license was under suspension by order of the Director of Alcoholic Beverage Control, you received delivery of alcoholic beverages; in violation of Rule 32 of State Regulation No. 20.
- '5. On February 11, 1960, you failed to facilitate and hindered and delayed and caused the hindrance and delay of an investigation, examination and inspection being conducted by investigators of the Division of Alcoholic Beverage Control; in violation of R.S. 33:1-35.'

"The evidence presented on behalf of the Division includes the following: On February 11, 1960 two ABC agents were seated in a car parked near the retail licensed premises of Betzel, Inc., located at 624-6 South Second Street, Camden. At about 2:00 p.m. the agents observed the truck of a licensed wholesale liquor dealer stop at the side entrance to such premises, located on Beckett Street. Immediately on parking, the driver of the truck walked to the rear of the truck. Within a minute or so a Chrysler sedan was driven alongside the truck and double-parked. The driver of the Chrysler, later identified as Patrick Caridi, joined the other driver at the back of the truck. There the driver of the truck opened the door thereof and Caridi opened the trunk of the Chrysler. The two men then proceeded to transfer a number of cases wrapped in brown paper from the truck to the car. Caridi then closed the trunk of the car and backed it to the curb behind the truck. Both drivers then entered the licensed premises. About five minutes later, Caridi came out of the premises, entered the Chrysler sedan and drove towards Second Street. The agents, in their car parked 150 feet or 200 feet from Caridi's car, started to follow him. Caridi traveled about 20 or 30 feet, stopped abruptly, backed his car to the point from which he had started, opened the trunk of his car and hurriedly carried one of the packages from the car into the licensed premises. He then came out with the driver of the truck and each carried a package into the licensed premises.

"Thereupon, one of the agents entered the premises, identified himself and directed the men not to remove any more packages from the car. The agent then inspected seven packages remaining in the car, ascertained that each contained a case of alcoholic beverages, called Caridi's attention to the fact that there was no transit insignia issued by this Division on the car and asked Caridi whether he was employed by Betzel. Caridi replied that he was not so employed but that he was the manager of Caridi's Bar. That license was then under suspension for forty days for unlawful transportation of alcoholic beverages. The Chrysler sedan was registered in its name. Caridi did not have any way-bills or invoices for the alcoholic beverages in the car.

"Asked to explain his actions as observed by the agents, Caridi stated that Betzel's bartender asked him to place the packages in the Chrysler because there was no room in the tavern and he did so as a favor. The bartender and the driver of the

truck gave the same excuse. According to one of the agents, in his opinion, there was room for the packages to be stored in the service room, barroom or behind the bar, although the bartender told him he was making room for the alcoholic beverages in the storage room. The agent was presented with an invoice from the wholesaler covering the C.O.D. delivery of approximately eleven cases of alcoholic beverages, for the most part, those transferred to the Chrysler car. Other than as stated, the agents were unable to ascertain the intended use or destination of such alcoholic beverages.

"The primary charge is transportation of alcoholic beverages by the defendant-licensee, in violation of the rules and regulations. The evidence presented on the Division's behalf that the alcoholic beverages were transported twenty to thirty feet stands uncontroverted and uncontradicted. The distance traveled is of no moment. It is a technical violation insofar as disciplinary proceedings are concerned. In seizure proceedings, the alcoholic beverages transported or intended to be transported in violation of the law constitute illicit alcoholic beverages, R.S. 33:1-1(i), and, together with the motor vehicle, are subject to forfeiture. R.S. 33:1-1(y); R.S. 33:1-2 and R.S. 33:1-66.

"The extent of the penalty in disciplinary proceedings and whether the forfeiture should be waived in the seizure proceedings depends upon whether it was an innocent, unwitting technical violation or, instead, whether it was part of a deliberate design by the defendant-licensee to evade proper liquor control.

"In defendant-licensee's background there are the factors that on December 20, 1958 the licensee aided and abetted a third person to deliver alcoholic beverages in Philadelphia, in violation of its laws, and on March 6 and 17, 1959, hindered ABC agents in their investigation of its records (Bulletin 1324, Item 6); that on January 13, 1960 Patrick Caridi transported alcoholic beverages in the self same Chrysler sedan without any insignia or way-bill, ostensibly for New Jersey residents, and, in the present instance placed alcoholic beverages in the Chrysler sedan while defendant's license was under suspension. There is an inference that these violations are more than mere coincidences. The excuse offered in the present instance is too absurd to be accepted or to require detailed comment other than to note that there were many places where the momentary storage of the alcoholic beverages could be available rather than the motor vehicle owned by another licensee whose license was then under suspension. Rejecting such excuse for the reason that it is a deliberate evasion of the true destination of the alcoholic beverages leaves the licensee in the position of refusing to divulge this information. In the face of the evidence presented, it was the obligation of the licensee to come forward with evidence that the transaction in question did not represent misconduct in the operation of its licensed business or unlawful alcoholic beverage activity and, in the absence thereof, the Division has a right to infer that it was not a legitimate transaction. Cf. In re E. J. McGovern Dairy Products Inc., 60 N. J. Super. 163, at page 166 (App. Div. June 5, 1959).

"In disciplinary proceedings, the licensee's failure to reveal the destination of the alcoholic beverages constitutes at the very least a failure to facilitate an investigation by the ABC agents. Re Rosner and Greenwald, Bulletin 1244, Item 5. Accordingly, I recommend that defendant-licensee be found guilty of all charges. I further recommend determination and order that the Chrysler sedan be forfeited and that defendant-licensee's request for waiver of forfeiture and return of the motor vehicle be denied on the ground that such licensee did not act in good faith and unwittingly violate the law.

"Defendant's license was suspended for ten days, effective July 23, 1957, for selling to women over the bar (Bulletin 1185, Item 3); suspended for a period of forty days, effective January 27, 1960, and has again been suspended for a period of forty days by a contemporaneous order for the violations occurring on January 13, 1960; the latter charges stemming out of its evasion of the rules and regulations governing transportation of alcoholic beverages. This conduct by the licensee demonstrates a persistent disregard of the law and regulations governing the transportation of alcoholic beverages by a licensee, which might well warrant revocation of its license for any further continuance of such practice. I recommend that defendant's license be suspended for a period of eighty days on the present charges.

"For clarity, it should be noted that a separate Hearer's Report will be made in proceedings against Betzel, Inc."

No exceptions to the Hearer's Report were filed within the time limited by Rule 6 of State Regulation No. 16 and Rule 4 of State Regulation No. 28.

Having carefully considered the evidence, I concur in the findings and conclusions of the Hearer and shall adopt his recommendations.

Accordingly, it is, on this 23rd day of June 1960,

DETERMINED and ORDERED that the Chrysler sedan, described in Schedule "A" attached hereto, constitutes unlawful property and the same be and hereby is forfeited in accordance with the provisions of R.S. 33:1-66 and shall be sold at public sale for the use of the State in accordance with State Regulation No. 29 or retained for the use of hospitals and state, county and municipal institutions, at the direction of the Director of the Division of Alcoholic Beverage Control; and it is further

ORDERED that any renewal for the 1960-61 licensing year or transfer of Plenary Retail Consumption License C-191, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Caridi's Bar, Inc., t/a Pat's Bar, for premises 700 Mt. Vernon Street, Camden, be and the same is hereby suspended for eighty (80) days, commencing at 2:00 a.m., Saturday, July 16, 1960 and terminating at 2:00 a.m., Tuesday, October 4, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

SCHEDULE "A"

- 1 - Chrysler sedan, Serial No. GN68227, New Jersey Registration AKA607

4. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - PRIOR RECORD - LICENSE SUSPENDED FOR 70 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

THEODORE F. ROWLAND)
t/a TED ROWLAND'S CAFE)
39-41 E. Milton Avenue)
Rahway, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-22, issued by the Municipal Board of Alcoholic Beverage Control of the City of Rahway.)

William K. Miller, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On Sunday, April 3, 1960, at about 2:15 P.M., you sold and delivered and allowed, permitted and suffered the sale and delivery of an alcoholic beverage, viz., a 4/5 pint (tenth) bottle of Peter Hagen Blackberry Flavored Brandy, at retail, in its original container for consumption off your licensed premises, and allowed, permitted and suffered the removal of said alcoholic beverage in its original container from your licensed premises; in violation of Rule 1 of State Regulation No. 38.
- "2. On Sunday, April 3, 1960, at about 2:15 P.M., you sold and offered for sale, at retail, directly or indirectly, a 4/5 pint (tenth) bottle of Peter Hagen Blackberry Flavored Brandy, an alcoholic beverage, at less than the price thereof filed with the Director of the Division of Alcoholic Beverage Control; in violation of Rule 5 of State Regulation No. 30."

On Sunday, April 3, 1960, after two ABC agents observed various sales of alcoholic beverages for off-premises consumption, one of the agents, at about 2:15 p.m., purchased a pint of brandy from the licensee who told him to conceal the bottle because it was Sunday and he had to be careful. The agent, accompanied by a fellow agent, left the premises with the brandy. The agents returned almost immediately and revealed their identity to the licensee who denied making the sale and refused to sign a written statement.

When purchasing the above mentioned brandy, the licensee told the agent the price was \$2.10, which was the amount the agent paid. When the agents returned and confronted the licensee with the sale in violation of the "hours" regulation, they asked the licensee to check the Minimum Consumer Resale Price List for this item, which he did. The correct price disclosed was \$2.49, and the licensee asserted that he was well aware that such was the price.

This is the third similar "hours" violation by the licensee during the past five years. Effective October 31, 1955, his license was suspended for three days by the local issuing authority, and

effective April 27, 1959, his license was suspended for thirty days by the Director (Re Rowland, Bulletin 1278, Item 2). For such persistent violations during this period of time, revocation of the license might well be warranted. However, his counsel represents that the licensee is aware of the seriousness of these violations and hereafter will comply strictly with the Rules and Regulations governing the conduct of his licensed business.

I shall suspend defendant's license for sixty days on Charge 1 (Re Hamps, Inc., Bulletin 1212, Item 2), and for ten days on Charge 2 (Re Friedman, Bulletin 1338, Item 11), making a total suspension of seventy days. Five days will be remitted for the plea entered herein, leaving a net suspension of sixty-five days.

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

ORDERED that any renewal for the 1960-61 licensing year or transfer of plenary retail consumption license C-22, issued by the Municipal Board of Alcoholic Beverage Control of the City of Rahway to Theodore F. Rowland, t/a Ted Rowland's Cafe, for premises 39-41 E. Milton Avenue, Rahway, be and the same is hereby suspended for sixty-five (65) days, commencing at 2 a.m. Tuesday, July 5, 1960, and terminating at 2 a.m. Thursday, September 8, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

OLD QUEENS TAVERN, INC. (A Corp.))
108 Easton Avenue)
New Brunswick, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-57, issued by the Board of Commissioners of the City of New Brunswick.)

Jacob Cohen, Esq., Attorney for Defendant-licensee.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On May 7, 1960, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of an alcoholic beverage, directly or indirectly, to a person under the age of twenty-one (21) years, viz., Margo ---, age 18, and you allowed, permitted and suffered the consumption of an alcoholic beverage by such person in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.
- "2. On May 7, 1960 at about 10:55 P.M., you sold and delivered and allowed, permitted and suffered the sale and delivery of an alcoholic beverage, viz., a 4/5 quart bottle of Brugal Superior White Label Rum, at retail, in its original container

for consumption off your licensed premises and you allowed, permitted and suffered the removal of such alcoholic beverage from your licensed premises; in violation of Rule 1 of State Regulation No. 38."

On Saturday evening, May 7, 1960, ABC agents visited defendant's licensed premises and observed a female (subsequently identified as Margo ---, age 18 years) drinking a mixed drink known as a Tom Collins. One of the agents seized the glass from Margo and she identified the waitress who served her the drink containing alcoholic beverages.

At about 10:50 p.m. agents observed a man get out of a car and walk into defendant's licensed premises. The man spoke to Thomas De Napoli, the bartender, and then left by the main entrance. He walked to another entrance leading to upstairs apartments and waited outside the door. Thereafter the agents saw De Napoli place a "fifth" of Brugal Superior White Label Rum in a paper bag, enter the apartment hallway through an inside door and admit the man who had waited outside. The agents attempted to gain entrance through said door but found it to be locked. Shortly thereafter the man in question came out of the doorway carrying a paper bag containing the bottle of rum. The agents identified themselves and escorted him into the premises where the bartender admitted the violation but refused to give a written statement with reference thereto.

Defendant has no prior adjudicated record. The minimum suspension for sale or service to an 18-year-old minor is fifteen days (Re Jack Kennedy's, Inc., Bulletin 1322, Item 7). The minimum suspension for a sale of alcoholic beverages for off-premises consumption in violation of Rule 1 of State Regulation No. 38 is fifteen days (Re Deock, Bulletin 1338, Item 4). Under the circumstances, I shall suspend defendant's license for a period of thirty days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

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

ORDERED that Plenary Retail Consumption License C-57, issued by the Board of Commissioners of the City of New Brunswick to Old Queens Tavern, Inc. (A Corp.), for premises 108 Easton Avenue, New Brunswick, be and the same is hereby suspended for twenty-five (25) days, to commence at 2:00 a.m., Thursday, June 30, 1960, and remain in effect until the expiration of said license at midnight, June 30, 1960; and it is further

ORDERED that any renewal or transfer of said license shall be and remain under suspension until 2:00 a.m., Monday, July 25, 1960.

WILLIAM HOWE DAVIES
DIRECTOR

RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1959 THROUGH JUNE 30, 1960

	1st Quarter			2d Quarter			3d Quarter			4th Quarter			Total
	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	
ARRESTS:													
Total number of persons arrested		98			99			98			90		385
Licensees and employees		49			39			45			36		169
Bootleggers		48			59			52			54		213
ABC agent impersonators		1			1			1			-		3
SEIZURES:													
Motor vehicles - cars		7			4			6			4		21
- trucks		1			1			1			1		4
- trailers		1			-			1			-		2
Stills - over 50 gallons		1			-			2			2		5
- 50 gallons or under		2			2			2			2		8
Alcohol - gallons		-			-			4.50			4.50		4.50
Mash - gallons		1,800.00			-			1,862.00			940.00		4,602.00
Distilled alcoholic beverages - gallons		299.21			315.95			120.36			177.14		912.66
Wine - gallons		52.95			134.46			956.78			33.57		1,177.76
Brewed malt alcoholic beverages - gallons		134.98			45.66			51.21			97.16		329.01
RETAIL LICENSEES:													
Premises inspected		1,308			1,697			1,938			1,606		6,549
Premises where alcoholic beverages were gauged		1,480			1,521			1,490			1,920		6,411
Bottles gauged		26,620			26,177			24,735			31,813		109,345
Premises where violations were found		141			128			115			103		487
Violations found		223			178			181			155		737
Unqualified employees		146			70			95			81		392
Application copy not available		45			46			30			34		155
Reg. #38 sign not posted		9			20			12			9		50
Prohibited signs		6			9			5			4		24
Other mercantile business		5			7			3			7		22
Disposal permit necessary		1			6			9			4		20
Improper beer taps		1			1			1			-		3
Other violations		10			19			26			16		71
STATE LICENSEES:													
Premises inspected		107			99			32			79		317
License applications investigated		34			21			14			59		128
COMPLAINTS:													
Complaints assigned for investigation		1,389			1,257			1,139			1,172		4,957
Investigations completed		1,330			1,248			1,109			1,163		4,850
Investigations pending		(195)			(190)			(177)			184		184
LABORATORY:													
Analyses made		1,176			843			865			825		3,709
Refills from licensed premises - bottles		252			100			80			95		527
Bottles from unlicensed premises		285			105			175			188		753
IDENTIFICATION:													
Criminal fingerprint identifications made		56			55			38			31		180
Persons fingerprinted for non-criminal purposes		885			631			629			930		3,075
Identification contacts made w/other enf.agencies		707			441			457			790		2,395
MV identifications via N.J.State Police teletype		21			7			5			7		40
DISCIPLINARY PROCEEDINGS:													
Cases transmitted to municipalities		43			43			36			40		162
Violations involved		43			44			43			42		177
Sale during prohibited hours		28			21			26			15		90
Sale to minors		11			15			8			16		50
Failure to close prem.during prohibited hours		4			1			6			-		11
Service to women at the bar (local reg.)		-			1			2			6		9
Sale to non-members by club		3			1			1			-		5
Possessing chilled beer (DL licensee)		-			2			-			2		4
Sale of drinks on credit (local reg.)		-			1			-			2		3
Permitting brawl, etc. on premises		1			1			-			-		2
Failure to afford view into prem.during prohibited hrs		-			-			-			1		2
Employing female bartender (local reg.)		-			1			-			-		1
Cases instituted at Division		117			78*			64**			62		321
Violations involved		177			107			92			88		464
Possessing liquor not truly labeled		26			16			13			17		72
Sale to minors		30			15			12			11		68
Sale during prohibited hours		16			19			11			16		62
Permitting lottery activity on premises		12			4			8			3		27
Sale at less than filed price		6			3			7			3		19
Hindering investigation		8			3			3			4		18
Permitting bookmaking on premises		9			2			2			2		15
Conducting business as a nuisance		4			5			3			3		15
Permitting immoral activity on premises		5			5			1			4		15
Fraud and front		2			5			2			4		13
Sale to intoxicated persons		4			5			1			1		11
Possessing indecent matter		6			2			1			2		11
Possessing contraceptives on premises		6			2			1			1		10
Sale outside scope of license		3			3			2			2		10
Unauthorized transportation		5			-			3			1		9
Permitting gambling on premises		3			2			1			2		8
Delivery without bona fide invoice		3			-			4			-		7
Purchase from improper source		5			-			-			2		7
Unqualified employees		1			2			1			3		7

*Includes one cancellation proceeding against blanket employment permit--females who acted as hostesses

**Includes one cancellation proceeding--license improvidently issued since licensee had ceased to be a bona fide club.

DISCIPLINARY PROCEEDINGS (Continued)	1st Quarter		2d Quarter		3d Quarter		4th Quarter		Total
	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	
Cases Instituted at Division (Continued)									
Violations involved:									
Aiding and abetting unauthorized transportation	3						3		6
Failure to close prem. during prohibited hours				2			2		4
Sale to non-members by club	1			2			1		4
Permitting prem. to be used in connection with illegal activity	3			1					4
Permitting foul language on premises	2			1					3
Failure to file notice of change in application	1			1			1		3
Aiding and abetting unauthorized sale	2			1					3
Sol'r engaging in conduct prohibited to employer	2						1		3
Permitting hostesses on premises				2					2
Permitting brawl, etc. on premises				2					2
Failure to file tax reports within time	1						1		2
Retailer to retailer sales								2	2
Single instance of other violations	8			2			7		18
Cases brought by municipalities on own initiative and reported to Division	49			66			71		242
Violations involved	62			61			87		289
Sale to minors	30			44			35		137
Sale during prohibited hours	6			5			20		39
Permitting brawl, etc. on premises	7			6			7		26
Conducting business as a nuisance	1			3			2		13
Failure to close prem. during prohibited hours	4			1			4		11
Hindering investigation	3			3			2		10
Permitting bookmaking on premises	2			4			1		8
Permitting lottery activity on premises				3			3		6
Permitting immoral activity on premises	4			2					6
Permitting prostitutes on premises	3			1			1		5
Unqualified employees				4			1		5
Permitting gambling on premises							3		3
Sale to intoxicated persons	1			1			1		3
Employee working while intoxicated				1			1		2
Employing female bartender (local reg.)							2		2
Failure to afford view into prem. during prohibited hrs								1	1
Employee w/o requisite identification card (local reg.)							1		1
Single instance of other violations				3			3		7
HEARINGS HELD AT DIVISION									
Total number of hearings held	171			134			136		557
Appeals	24			15			18		69
Disciplinary proceedings	107			90			75		347
Eligibility	17			12			21		64
Seizures	14			11			14		45
Tax revocations	5			6			7		26
Applications for license	4						1		6
STATE LICENSES AND PERMITS ISSUED:									
Total number issued	4,851			4,472			2,823		33,534
Licenses	609			12			4		633
Solicitors' permits	106			156			241		3,368
Employment permits	894			583			422		4,611
Disposal permits	260			255			228		995
Social affair permits	1,247			1,157			1,044		4,707
Wine permits				936			4		940
Miscellaneous permits	605			538			271		2,191
Transit insignia	971			776			517		14,485
Transit certificates	79			59			72		1,608

STATE OF NEW JERSEY
 Department of Law and Public Safety
 OFFICE OF AMUSEMENT GAMES CONTROL
 1100 Raymond Blvd. Newark 2, N. J.

RECAPITULATION OF ACTIVITY FROM APRIL 5, 1960 THROUGH JUNE 30, 1960

Licenses issued	562
Premises inspected	509
Premises where violations were found	47
Number of violations found	70
(Violations all of technical nature, corrected on notice which included warning)	

WILLIAM HOWE DAVIS
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

Dated July 25, 1960

DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JOSEPH W. BILAR)
 t/a WALT'S CASINO)
 161 Eighth Street)
 Passaic, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-91, issued by the Board of Commissioners of the City of Passaic.)

 Defendant-licensee, Pro se
 Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to a charge alleging that on Sunday, February 28, 1960, he sold during prohibited hours alcoholic beverages in their original containers for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

At about 1:15 p.m. on the above mentioned date two ABC agents observed a patron leaving defendant's premises through a side entrance. The patron was carrying a paper bag. The agents stopped him, identified themselves to him and ascertained that the bag contained a 4/5 quart bottle of whiskey and a pint bottle of wine. The agents and the patron then entered the premises where the licensee verbally admitted that he had sold the items in question to the patron.

Defendant has a prior record. Effective June 3, 1940, his license was suspended for three days by the local issuing authority for selling during prohibited hours. However, since this similar violation occurred more than ten years ago, it will not be considered in fixing a penalty herein. Re Cosmanic, Bulletin 1248, Item 2. I shall suspend defendant's license for the minimum period of fifteen days. Re Sypko, Bulletin 1336, Item 11. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 27th day of June 1960,

ORDERED that any renewal for the 1960-61 licensing year or transfer of plenary retail consumption license C-91, issued by the Board of Commissioners of the City of Passaic to Joseph W. Bilar, t/a Walt's Casino, for premises 161 Eighth Street, Passaic, be and the same is hereby suspended for ten (10) days, commencing at 3 a.m. Tuesday, July 5, 1960, and terminating at 3 a.m. Friday, July 15, 1960.

WILLIAM HOWE DAVIS
 DIRECTOR

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

In the Matter of Disciplinary Proceedings against

THEODORE A. ELIAS
Route 46 and Boulevard
East Paterson, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-16, issued by the Borough Council of the Borough of East Paterson.

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

BY THE DIRECTOR:

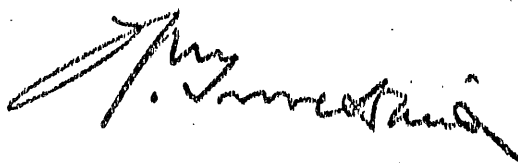
Defendant pleaded non vult to a charge alleging that he possessed on his licensed premises an alcoholic beverage in a bottle which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

On May 24, 1960, an ABC agent tested defendant's open bottles of alcoholic beverages and seized a quart bottle labeled "Four Roses Blended Whiskey 86 Proof" for further tests by the Division's chemist. Subsequent analysis by the chemist disclosed that the contents of the seized bottle were high in solids and off in color when compared with an analysis of the genuine product.

Defendant has no prior adjudicated record. I shall suspend his license for the minimum period of ten days. Re Picklo, Bulletin 1338, Item 12. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 28th day of June 1960,

ORDERED that any renewal for the 1960-61 licensing year or transfer of Plenary Retail Consumption License C-16, issued by the Borough Council of the Borough of East Paterson to Theodore A. Elias, for premises on Route 46 and Boulevard, East Paterson, be and the same is hereby suspended for five (5) days, commencing at 3:00 a.m., Monday, July 11, 1960 and terminating at 3:00 a.m., Saturday, July 16, 1960.



William Howe Davis
Director