

BULLETIN 1099

FEBRUARY 27, 1956.

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THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
5800 S. UNIVERSITY AVENUE
CHICAGO, ILLINOIS 60637

RECEIVED
JAN 15 1964

TO THE DIRECTOR
FROM THE DEPARTMENT OF CHEMISTRY

RE: [Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street Newark 2, N. J.

BULLETIN 1099

FEBRUARY 27, 1956.

1. DISCIPLINARY PROCEEDINGS - AGGRAVATED SALE TO MINORS -
LICENSE SUSPENDED FOR 25 DAYS.

In the Matter of Disciplinary)
Proceedings against)

WALTER P. HEMPEL & HOWARD E. BAER)
T/a MANSFIELD INN)
Route #24, Beatystown)
Mansfield Township)
PO Hackettstown R.D. 1, N. J.,)

CONCLUSIONS
AND ORDER

-----)
Holders of Plenary Retail Consumption)
License C-4, issued by the Township)
Committee of the Township of Mansfield.)
-----)

Archie Roth, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The defendants pleaded not guilty to a charge alleging that on Sunday, July 24, 1955, they sold, served and delivered alcoholic beverages to a minor and allowed, permitted and suffered the consumption thereof by said minor, in violation of Rule 1 of State Regulations No. 20.

Laura Grace --- testified that on July 24, 1955, at which time she was 15 years of age, she, Woodrow R. Hann and Aaron Clark Hann visited defendants' licensed premises; that while in the tavern, she had two glasses of beer which were served to her by Howard E. Baer, one of the defendants herein; that no one questioned her as to her age; that she had visited defendants' establishment at a prior time but only drank soda on that occasion.

The testimony of Woodrow R. Hann and Aaron Clark Hann corroborated Laura's testimony that they accompanied her to defendants' premises on July 24, 1955. Woodrow R. Hann testified that Laura had two glasses of beer during their stay in the premises. Aaron Clark Hann testified that he did not remember whether Laura had beer on said occasion.

An ABC agent testified that on August 3, 1955, he, Laura, her mother and another ABC agent visited defendants' premises; that when they arrived, Helen Baer was tending bar; that about ten minutes after their arrival Walter P. Hempel, one of the licensees, came into the establishment; that Laura looked at him and stated he was not the person who served her beer on July 24, 1955; that the agents, Laura and her mother left but returned about a half hour later, at which time Howard E. Baer was present; that Laura identified him as the man who served her beer at the time in question; that Howard E. Baer made a statement that was reduced to writing (said statement being marked as an exhibit in the present case). The statement of Howard E. Baer, aforementioned, disclosed that Laura came into the tavern at about 6:00 p.m. with a man; that the latter ordered two beers and that he served each a glass of beer; that in so far as he could remember, they left the premises in about fifteen minutes and had no other drinks; and that he remembered her and a man being in the tavern about two weeks prior to July 24, 1955, at which time he served her orange soda and the man beer.

Howard E. Baer, one of the defendants, testified that he remembered Laura being in the premises on July 24, 1955 with two male companions; that he served her birch beer; that on August 3, 1955 he made a statement to the agents which he did not read in full but only made a spot check thereof before signing same; and that he did not inform the agents that he wished to change the statement to show that birch beer was served to Laura instead of beer. Another witness, Walter J. Carpenter, testified that he knew Laura; that he was present at the time in question and that Laura drank birch beer. Laura, in rebuttal, testified that Carpenter was not in the premises on July 24, 1955.

By stipulation between attorneys, it was agreed that the testimony, given in another case (Re Landzberger), of Laura and Charlotte E. Benward concerning a statement signed by Laura on September 28, 1955, should be considered as testimony in the instant case. Laura contended that the part of said statement wherein she denied accepting alcoholic beverages at defendants' licensed premises was false and that she signed the statement because she was scared and didn't want to make trouble. Charlotte E. Benward's testimony was that she prepared the statement which was signed by Laura when Laura assured her that she did not have any alcoholic beverages to drink on the date in question at defendants' licensed premises. Laura, when asked in rebuttal, testified that Charlotte E. Benward prepared the statement and told her to sign it.

An examination of the testimony of the various witnesses clearly indicates that Laura had beer in defendants' licensed premises on July 24, 1955. I do not believe the testimony of Howard E. Baer that Laura had birch beer but believe his former statement on August 3, 1955 that Laura had a glass of beer in the premises on the date in question.

I find defendants guilty as charged.

Defendants have no prior adjudicated record. The minimum suspension of the license for a sale to a minor is ten days. In view of the fact that the minor in the instant case, to whom alcoholic beverages were served and who was permitted to consume same on the licensed premises, was fifteen years of age, I shall suspend defendants' license for a period of twenty-five days. Re Wachter, Bulletin 973, Item 4.

Accordingly, it is, on this 18th day of January, 1956,

ORDERED that Plenary Retail Consumption License C-4, issued by the Township Committee of the Township of Mansfield to Walter P. Hempel and Howard E. Baer, t/a Mansfield Inn, Route #24, Beatystown, Mansfield Township, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 2:00 a.m., January 26, 1956, and terminating at 2:00 a.m., February 20, 1956.

WILLIAM HOWE DAVIS
Director.

2. DISCIPLINARY PROCEEDINGS - AGGRAVATED SALE TO MINORS - LICENSE SUSPENDED FOR 25 DAYS.

In the Matter of Disciplinary Proceedings against)

GEORGE E. NEULS)
T/a RIVER VIEW INN)
Route #24, Stephensburg)
Mansfield Township)
PO Washington R.D., N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Mansfield.)

Archie Roth, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendant pleaded not guilty to a charge alleging that on Sunday, July 24, 1955, he sold, served and delivered alcoholic beverages to a minor and allowed, permitted and suffered the consumption thereof by said minor, in violation of Rule 1 of State Regulations No. 20.

Laura Grace --- testified that at 6:00 p.m., on Sunday, July 24, 1955, when she was 15 years of age, she and the two Hann brothers, namely, Woodrow R. and Aaron Clark, respectively, visited defendant's licensed premises; that William Vosios was tending bar and that he served her several glasses of beer which were ordered for her by her male companions; and that no one questioned her about her age.

The testimony of Aaron Clark Hann and Woodrow R. Hann corroborated that of Laura to the effect that the three visited defendant's licensed premises on Sunday, July 24, 1955, and while there Laura Grace --- was served beer by the bartender; that neither of the Hann brothers could identify the bartender who made service of the beer; and that no one questioned Laura with reference to her age.

An ABC agent who participated in the investigation in the instant case testified that on August 9, 1955, Laura, who was accompanied by her father, directed him and a fellow agent to defendant's licensed premises and identified it as the place where she had consumed beer on July 24, 1955; that when they entered, she pointed out William Vosios as the man who had served her on the occasion in question; and that William Vosios remarked that Laura could have been in the premises at the time but that because Sunday is a busy day he could not remember the incident.

William Vosios testified that on Sunday, July 24, 1955, he was on duty as bartender until 5:00 p.m. but remained in the premises until "between six-thirty and seven"; that he did not recall the minor or her male companions being in the defendant's premises on the day in question; and that the first time he saw Laura was "approximately two weeks after the incident took place when the ABC agents brought Miss --- and her father into the tavern".

Hazel Davis testified that she entered defendant's licensed premises at 3:30 p.m. on July 24, 1955 and remained there until "around six-thirty, quarter to seven" but that she never saw either Laura or her male companions in the premises during the time she was there.

Defendant testified that he relieved William Vosios as bartender at 5:00 p.m. on Sunday, July 24, 1955 and that he did not see Laura or the Hann brothers in his establishment at any time that day.

By stipulation between attorneys, it was agreed that the testimony, given in another case (Re Landzberger), of Laura and Charlotte E. Benward concerning a statement signed by Laura on September 28, 1955, should be considered as testimony in the instant case. Laura contended that the part of said statement wherein she denied accepting alcoholic beverages at defendant's licensed premises was false and that she signed the statement because she was scared and didn't want to make trouble. Charlotte E. Benward's testimony was that she prepared the statement which was signed by Laura when Laura assured her that she did not have any alcoholic beverages to drink on the date in question at defendant's licensed premises. Laura, when asked in rebuttal, testified that Charlotte E. Benward prepared the statement and told her to sign it.

I have carefully examined all of the testimony adduced herein and am satisfied that Laura consumed beer when in defendant's licensed premises on July 24, 1955. Laura directed the ABC agents to defendant's premises and without hesitation identified William Vosios as the man who served her beer. The male companions who accompanied her corroborated the fact that she was served and consumed beer in defendant's premises at the time in question. The defendant's witnesses denied that Laura and her male companions were in the licensed premises at any time on July 24, 1955. However, the ABC agent whom Laura accompanied to defendant's licensed premises on August 9, 1955 testified that when he spoke to William Vosios, who was identified by Laura as the bartender who served her, he stated that she could have been there although he did not remember because Sunday is a busy day.

I find defendant guilty as charged.

Defendant has no prior adjudicated record. The minimum suspension for a sale to a minor is ten days. In view of the fact that the minor in the instant case to whom alcoholic beverages were served and who was permitted to consume same on the licensed premises was fifteen years of age, I shall suspend defendant's license for a period of twenty-five days. Re Wachter, Bulletin 973, Item 4.

Accordingly, it is, on this 18th day of January, 1956,

ORDERED that Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Mansfield to George E. Neuls, t/a River View Inn, Route #24, Stephensburg, Mansfield Township, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 2:00 a.m. January 26, 1956, and terminating at 2:00 a.m. February 20, 1956.

WILLIAM HOWE DAVIS
Director.

3. DISCIPLINARY PROCEEDINGS - AGGRAVATED SALE TO MINORS - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 25 DAYS.

In the Matter of Disciplinary Proceedings against
 FRANK E. HORNAUER
 T/a BLUE ROOF RESTAURANT
 Route #69 (formerly Route 30)
 Washington Township (Warren Co.)
 PO RD 1, Hampton, N. J.,
 Holder of Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Washington.

CONCLUSIONS AND ORDER

 Edward E. Stover, Esq., Attorney for Defendant-licensee.
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded not guilty to the following charge:

"On Sunday, July 24, 1955, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., Laura Grace ---, age 15, 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 Regulations No. 20."

Laura Grace --- testified that at 7:00 p.m. on Sunday, July 24, 1955, when she was 15 years of age, she and two adult male companions visited defendant's licensed premises; that a man and two women, whom she identified at the hearing as the defendant, Mary Sillett, and Anita Blehl, respectively, were tending bar; that one of her companions ordered three bottles of beer from the defendant who placed a bottle of beer and a glass in front of her; that she drank the contents of the aforesaid bottle and thereafter consumed two drinks of orange soda; and that she was not questioned by anyone in the establishment concerning her age.

Aaron Clark Hann, one of the male companions referred to by Laura as having been with her at defendant's licensed premises on the evening in question, corroborated her testimony that she was served and permitted to consume beer at defendant's premises. He testified that he "believed" she had more than one bottle of beer but he was not sure as he was not paying "that much attention"; that he was sure, however, "the first time she had beer"; and that he could not identify the male bartender or the two waitresses whom he had observed behind the bar that evening.

Woodrow R. Hann testified that he accompanied his brother, Aaron Clark Hann, and Laura to defendant's licensed premises on the evening of July 24, 1955; that Laura was served a bottle of beer by the male bartender, the contents of which bottle she consumed; that no one inquired as to her age; and that he did not know whether she had more than one bottle of beer but he remembered seeing her drink orange soda.

An ABC agent testified that he interrogated Laura at her home on August 3rd, at which time she informed him that she was served orange soda at defendant's licensed premises on the

evening in question; that on August 6th Woodrow R. Hann, who had accompanied Laura to defendant's premises, advised him that Laura had been served beer on July 24th in defendant's premises; that he again questioned Laura on August 6th but she still maintained that she drank soda; that on August 8th he took a statement from Aaron Clark Hann and was told by him that Laura had consumed beer on the occasion in question; that on August 9th he again spoke to Laura and "she admitted drinking beer" in defendant's tavern; that he, another agent, Laura and her father then drove to defendant's place of business; that the defendant and Anita Blehl were behind the bar and Laura identified the defendant as the person who served her beer on July 24th; that defendant said "She could have been in here. I don't remember"; that he admitted he was tending bar that evening and remarked to Laura "You didn't get any beer in here. You got soda", to which Laura answered, "I told them I had soda but I had beer too".

Defendant testified that he, Anita Blehl, and Mary Sillett were on duty on July 24th; that he remembered the Hann brothers and Laura being in the premises that evening but that he did not serve any of them; that they were served by Anita Blehl, the men with bottled beer and Laura with orange soda; that he recalled the day the ABC agents and Laura were in his premises and he told the agents that Laura had only orange soda and that Laura made no statement whatsoever at the time but threw up her hands.

Anita Blehl testified that the two Hanns and Laura came into the premises and took seats at the bar; that "The boys ordered and they ordered three beers and she says 'I don't want anything to drink. I want orange soda'. That's when they got two bottles of beer and orange soda"; that on another occasion she served beer to the men but that another waitress "gave her a second orange soda. She had two if I recall"; and that the three remained in the premises for about an hour.

Mary Sillett testified that she served the Hanns beer at times and an orange soda to Laura, and that she did not know who made the initial service of drinks to them.

James Ludwig testified that he was in defendant's premises on the evening of July 24th and saw Laura, whom he had known previously, and the Hanns at the bar; that he saw Anita Blehl serve beer to the men and orange soda to Laura; that she was seated near him and that he knew "she only had two orange sodas. She left half of the second one remaining when she left"; that no one spoke to him about the case until yesterday (September 25, 1955); and that in response to a question how he remembered the occurrences that happened on July 24th, he said, "Well, I remember her. I couldn't help remembering them two. They was sitting there and trying to smooch up at the bar. I was sitting right there, naturally I would remember that."

I am satisfied after careful consideration of all the evidence presented herein that defendant served the minor a bottle of beer and that she consumed the contents thereof. The testimony of the two male companions corroborates that she was served and drank beer, as charged, in defendant's licensed premises at the time in question. I am not impressed by the testimony of the defendant that he did not serve the minor at any time, especially when considering the fact that she positively identified him as the person who made the service thereof. Mary Sillett, one of the waitresses who occasionally tends bar, according to her testimony did not know who made the service of the initial round of drinks. I am not impressed with either the testimony of Anita Blehl the other waitress, or James Ludwig who appeared to be so certain about the occurrences although

they had happened two months prior to the hearing and which he said he had not discussed with any one until the day before the hearing. I, therefore, find defendant guilty of the charge preferred herein.

Defendant has a prior adjudicated record. Effective December 8, 1947, his license was suspended by the local issuing authority for five days for sale of alcoholic beverages during prohibited hours. In view of the fact that said violation is dissimilar to that now under consideration and occurred more than five years ago, I shall not consider it in fixing the penalty herein. Under the circumstances shown herein and in view of the minor's tender age, I shall suspend defendant's license for a period of twenty-five days. Re Wachter, Bulletin 973, Item 4.

Accordingly, it is, on this 18th day of January, 1956,

ORDERED that Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Washington to Frank E. Hornauer, t/a Blue Roof Restaurant, Route #69 (formerly Route 30), Washington Township, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 3:00 a.m. January 26, 1956, and terminating at 3:00 a.m. February 20, 1956.

WILLIAM HOWE DAVIS
Director.

4. DISCIPLINARY PROCEEDINGS - AGGRAVATED SALE TO MINORS - LICENSE SUSPENDED FOR 25 DAYS.

In the Matter of Disciplinary Proceedings against

SIGMUND LANDZEERGER
T/a AL KING'S BAR & GRILL
Independence Township
PO RD Hackettstown, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-2, issued by the Township Committee of Independence Township.

Archie Roth, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendant pleaded not guilty to a charge alleging that on Sunday, July 24, 1955, he sold, served and delivered alcoholic beverages to a minor and allowed, permitted and suffered the consumption thereof by said minor, in violation of Rule 1 of State Regulations No. 20.

At the hearing herein defendant's attorney requested that the case be adjourned until after a decision had been reached in a criminal charge then pending against the defendant. This request was denied by the Hearer and defendant's attorney took exception thereto. It has never been the practice of the Division to withhold the institution and completion of disciplinary proceedings until after criminal proceedings arising out of the same facts have been terminated. Cf. Re Rosenthal & M. W. Geller, Bulletin 843, Item 4. Under the circumstances, the ruling of the Hearer in denying said motion was proper.

Laura Grace --- testified that at 4:00 p.m. on July 24, 1955, when she was 15 years of age, she and Woodrow R. Hann visited defendant's licensed premises, at which time George Landzberger was tending bar; that Woodrow R. Hann ordered "two beers" but before serving them, the bartender asked him whether she (meaning Laura) was all right and when told she was, the bartender placed a glass of beer in front of her and one in front of her companion; that she consumed the beer; that each had another glass of beer before they left the premises; that no one inquired of her with reference to her age; that she signed a statement dated September 28, 1955, wherein she said that while in defendant's licensed premises, she "took a drink and the bartender took it from me"; that the statement was false and was signed by her because "I was scared then I might get in trouble. I didn't want to make any trouble."

Woodrow R. Hann testified that he and Laura visited defendant's licensed premises on the day in question and that George Landzberger was tending bar; that he ordered two beers, one of which was served to him and the other to Laura; that she consumed the drink of beer.

Both Laura and Woodrow R. Hann made statements, respectively, wherein each stated that Aaron Clark Hann was with them when they visited defendant's premises. However, Woodrow R. Hann made a supplemental statement in which he stated he wished to correct his former statement because his brother was not with Laura and him in defendant's establishment. Laura also testified that she was mistaken about Aaron Clark Hann being with them at the time and place in question. This fact was corroborated by Aaron Clark Hann when he was called in as a witness in the instant case.

An ABC agent testified that on August 3, 1955, Laura directed him and a fellow-agent to defendant's licensed premises and upon entering same pointed to George Landzberger, saying, "That's the man that served me the beer on July 24th, 1955"; that he then asked George Landzberger if Laura was in the premises on July 24, 1955 and he answered that she and "Woody" (Woodrow R. Hann) entered the premises about four or five p.m. and that each was served two glasses of beer; that George Landzberger admitted the service of beer to Laura in a written statement given by him to the agents. Said statement has been marked as an exhibit in evidence herein.

The testimony of George Landzberger discloses that he was tending bar on July 24, 1955 when Laura and the two Hann brothers came into the licensed premises; that he served a beer to each of the men but Laura stood near the window; that while he was serving other patrons, Laura came to the bar and took one of the glasses of beer that he had served to the men; that he tried to stop her from drinking the beer and at the same time said, "Woody, is she old enough to drink?"; that "Woody" said "Yes"; that on August 3, 1955 two ABC agents, Laura and her mother came into the premises and after the agents identified themselves, they requested him to sit down; that one of the agents "looked at the girl and said, 'That's the fellow' and she said, 'That's the one that served me'. That's the first knowledge I knew what had happened"; that one of the agents asked if he recognized the girl and in response thereto he said "That's the first time I seen her"; that the agents and Laura and her mother left but the agents returned some time thereafter and interrogated him, and after the agents completed the statement he was permitted to read it and that he then signed it. During cross-examination, George Landzberger testified that he

couldn't recall whether he told the agents he had not served Laura; and that he wasn't sure whether he told the agents Laura came into the premises with two men because he only remembered the one man being with her.

Charlotte E. Benward and Emma R. Williams testified on behalf of the defendant. The first witness said that she prepared the statement signed by Laura after the latter told her she did not have any alcoholic beverages to drink while in defendant's tavern. The other witness said that she was present on July 24, 1955 when George Landzberger took a glass of beer from the minor. Laura was called as a rebuttal witness and testified that Charlotte E. Benward wrote the statement and told her to sign it as it was the truth; that she was "scared" so she signed it.

The testimony of the witnesses produced by the Division and that of the witnesses called by the defendant is in sharp conflict. However, a careful examination thereof convinces me that the witnesses produced by the Division are telling the truth. I cannot overlook the fact that George Landzberger signed the statement, marked as an exhibit in this case, wherein he admitted that he made service of beer to Laura and Woodrow R. Hann on July 24, 1955. Further, he stated that only Woodrow R. Hann accompanied Laura at the time in question but thereafter attempted to make his testimony coincide with the statements originally given by Laura and Woodrow R. Hann that Aaron Clark Hann also was present on July 24th. The minor, when called as a witness, corrected the mistake, as did Woodrow R. Hann by a supplemental statement and in his testimony given at the hearing. Moreover, Aaron Clark Hann testified that he was not at defendant's tavern at any time on July 24, 1955. Under cross-examination, George Landzberger wavered and finally acknowledged that only "Woody" was with Laura at the time.

I find the defendant guilty as charged.

Defendant has no prior adjudicated record. The minimum suspension of the license for a sale to a minor is ten days. In view of the fact that the minor herein to whom alcoholic beverages were served and who was permitted to consume same on the licensed premises was fifteen years of age, I shall suspend defendant's license for a period of twenty-five days. Re Wachter, Bulletin 973, Item 4.

Accordingly, it is, on this 18th day of January, 1956,

ORDERED that Plenary Retail Consumption License C-2, issued by the Township Committee of Independence Township to Sigmund Landzberger, t/a Al King's Bar & Grill, Independence Township, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 3:00 a.m. January 26, 1956, and terminating at 3:00 a.m. February 20, 1956.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - CHARGE ALLEGING SALE TO MINOR, DISMISSED.

In the Matter of Disciplinary Proceedings against

OGDEN W. SCHUREMAN
T/a CEDAR CASTLE
Route #24, Beatystown
Mansfield Township
PO R.D. Hackettstown, N. J.,

)
)
) CONCLUSIONS
) AND ORDER
)
)

Holder of Plenary Retail Consumption License C-5, issued by the Township Committee of the Township of Mansfield.

-----)
Archie Roth, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendant pleaded not guilty to a charge alleging that on Sunday, July 24, 1955, he sold, served and delivered alcoholic beverages to a minor and allowed, permitted and suffered the consumption thereof by said minor, in violation of Rule 1 of State Regulations No. 20.

This proceeding was instituted on the basis of a written statement obtained from the minor to the effect that, on the occasion in question, the minor was served a bottle of beer at the defendant's licensed premises. At the hearing herein the minor repudiated her statement, claiming that she never had visited defendant's tavern at any time whatsoever.

In view of the oral testimony, the prosecution was left with no alternative except to offer the written statement in evidence for the purpose of neutralizing the testimony of the witness. In this posture of the case, there is no proof to sustain the charge and, consequently, it must be dismissed.

Accordingly, it is, on this 18th day of January, 1956,

ORDERED that the charge preferred herein be and the same is hereby dismissed.

WILLIAM HOWE DAVIS
Director.

- 6. DISCIPLINARY PROCEEDINGS - ORDER TO SHOW CAUSE WHY PRIOR RECORD, ERRONEOUSLY OMITTED IN CONCLUSIONS, SHOULD NOT BE CONSIDERED AND THE ORDER AMENDED IN CONFORMITY THEREWITH, DISCHARGED.

In the Matter of Disciplinary Proceedings against)

ANGELA TABONE)
 T/a WEST SIDE INN)
 W/S Trenton Road)
 Pemberton Township)
 PO Browns Mills, N. J.,)

ON ORDER TO SHOW CAUSE CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-2, issued by the Township Committee of the Township of Pemberton.)

 Angela Tabone, Pro se.
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

By order dated November 22, 1955, I suspended defendant's license for five days, commencing at 2:00 a.m. December 5, 1955, and terminating at 2:00 a.m. December 10, 1955, after finding her guilty of a charge alleging sale of alcoholic beverages to a minor (Re Tabone, Bulletin 1091, Item 7).

After the entry of said order it was discovered that the conclusions therein erroneously recited that defendant had no prior adjudicated record. In fact, her license had been suspended by the local issuing authority for five days, effective July 17, 1950, for an "hours" violation, and by the Director for ten days, effective August 8, 1955, for sale of alcoholic beverages to a minor. Accordingly, on December 19, 1955, I entered an order herein requiring defendant to show cause on December 28, 1955, why the Conclusions and Order heretofore entered should not be amended and supplemented by new and further Conclusions and Order refixing the penalty in the light of defendant's previous record of violations.

On the return day of the order to show cause, defendant appeared personally. She did not dispute the allegation as to the prior suspensions of her license. In effect, she pleaded that no additional penalty should be imposed because "it doesn't seem very nice to a place" if "it's open and closed every other month". Considering the fact that defendant was in no way to blame for the error herein, and the further fact that a subsequent closing of her premises might lead the public to conclude that she had again committed a violation, I shall, in fairness to the licensee, discharge the order to show cause.

Accordingly, it is, on this 23rd day of January, 1956,

ORDERED that the order to show cause herein be and the same is hereby discharged.

WILLIAM HOWE DAVIS
 Director.

7. DISCIPLINARY PROCEEDINGS - SLOT MACHINES - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

BENEVOLENT & PROTECTIVE ORDER OF ELKS #1422 12 North 6th Street Vineland, N. J.,)

CONCLUSIONS AND ORDER

Holder of Club License CB-1, issued by the Board of Commissioners of the City of Vineland.)

Joseph Tusso, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charge:

"On December 18, 1954, you allowed, permitted and suffered your licensed premises to be used in furtherance and aid of and in connection with an illegal activity or enterprise resulting in a conviction in a criminal prosecution in that four slot machines were maintained on an unlicensed portion of your licensed building accessible from the licensed portion, with respect to which machines Seymour Hyman, chairman of your house committee, was convicted on or about May 27, 1955 in the Cumberland County Court (Law Division) (Criminal) of the crime of possessing the aforementioned slot machines according to the provisions of the statute in such case made and provided (N. J. S. 2A:112-2); in violation of Rule 4 of State Regulations No. 20."

The file herein discloses that on December 18, 1954, an ABC agent in the course of a routine inspection found four workable slot machines in an unlicensed room of the building in which defendant's licensed premises are located. The said room was readily accessible from the licensed premises.

On April 15, 1955, the chairman of defendant's house committee at the time of the violation, entered a plea of guilty to an accusation in a County Court charging him with possessing slot machines and, on May 27, 1955, was fined \$25.00.

Defendant has no prior adjudicated record. I shall suspend its license for the minimum period of ten days. Re Copper Hill Golf Club, Bulletin 1078, Item 9, and remit five days for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 26th day of January, 1956,

ORDERED that Club License CB-1, issued by the Board of Commissioners of the City of Vineland to the Benevolent and Protective Order of Elks #1422, 12 North 6th Street, Vineland, be and the same is hereby suspended for a period of five (5) days, commencing at 2:00 a.m. February 6, 1956, and terminating at 2:00 a.m. February 11, 1956.

WILLIAM HOWE DAVIS
Director.

8. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ROMEO & JULIET, A CORPORATION
T/a ROMEO & JULIET
197-199 West Ingham Avenue
Trenton, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-56, issued by the Board of Commissioners of the City of Trenton.

-----)
Felcone & Felcone, Esqs., by Joseph J. Felcone, Esq., Attorneys for Defendant-licensee.

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

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging the sale of a quart bottle of Schenley Reserve Blended Whiskey at a price below the established minimum therefor, in violation of Rule 5 of State Regulations No. 30.

On December 17, 1955, the defendant's bartender sold the bottle in question to an agent of this Division for \$5.00. The then currently effective price was \$5.55.

In the absence, as here, of any previous record, the usual 10-day suspension will be imposed, with remission of 5 days for the plea, leaving a net penalty of 5 days. Re Weintrob, Bulletin 1070, Item 7.

Accordingly, it is, on this 30th day of January, 1956,

ORDERED that Plenary Retail Consumption License C-56, issued by the Board of Commissioners of the City of Trenton to Romeo & Juliet, A Corporation, t/a Romeo & Juliet, 197-199 West Ingham Avenue, Trenton, be and the same is hereby suspended for a period of five (5) days, commencing at 2:00 a.m. February 6, 1956, and terminating at 2:00 a.m. February 11, 1956.

WILLIAM HOWE DAVIS
Director.

9. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - PRIOR RECORD OF PREDECESSOR IN INTEREST NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

GEORGE & MARY DZAMA and MARY GEIGER 304 Ferry Street Newark 5, N. J.,)

CONCLUSIONS AND ORDER

-----) Holders of Plenary Retail Consumption License C-253, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

George & Mary Dzama and Mary Geiger, Defendant-licensees, by George Dzama. William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge alleging that they possessed on their licensed premises an alcoholic beverage in a bottle bearing a label which did not truly describe the contents thereof, in violation of Rule 27 of State Regulations No. 20.

The file herein discloses that on January 9, 1956, an ABC agent, while testing the licensees' open stock of alcoholic beverages, seized for analysis by the Division's chemist a bottle of "Hiram Walker Ten High Straight Bourbon Whiskey 86 Proof 4 Years Old" which from his test did not appear to be genuine as labeled. The chemist's report shows the seized liquor to be a blended instead of a straight natural-colored whiskey as labeled, and one proof higher when compared with a sample of the genuine product of the labeled brand.

The present partnership, as such, has no prior adjudicated record. However, when such license was held individually by George Dzama, it was suspended for three days, effective August 17, 1937, by the local issuing authority for sales during prohibited hours. Since this dissimilar violation occurred more than ten years ago, it will not be considered in fixing penalty herein. Re Polster, Bulletin 1095, Item 6. I shall suspend the license of defendants for the minimum period of fifteen days and remit five days for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 6th day of February, 1956,

ORDERED that Plenary Retail Consumption License C-253, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to George & Mary Dzama and Mary Geiger, 304 Ferry Street, Newark, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. February 14, 1956, and terminating at 2:00 a.m. February 24, 1956.

WILLIAM HOWE DAVIS Director.

- 10. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - TRANSPORTATION OF ALCOHOLIC BEVERAGES WITHOUT BONA FIDE INVOICES OR MANIFESTS - SALE OF ALCOHOLIC BEVERAGES BY RETAILER TO ANOTHER RETAILER IN VIOLATION OF RULE 15 OF STATE REGULATIONS NO. 20 - PRIOR RECORD - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
 Proceedings against)

SOLOMON GINSBERG)
 T/a YOUNG'S LIQUOR STORE)
 2920 Hudson Boulevard)
 Jersey City, N. J.,)

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Distri-)
 bution License D-112, issued by the)
 Municipal Board of Alcoholic Beverage)
 Control of the City of Jersey City.)
 -----)

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

BY THE DIRECTOR:

Defendant has pleaded non vult to charges alleging that (1) he sold alcoholic beverages at less than the price listed in the Minimum Consumer Resale Price List then in effect, in violation of Rule 5 of State Regulations No. 30; (2) he transported and delivered alcoholic beverages in his licensed vehicle without the driver thereof having in his possession a bona fide invoice or manifest therefor, in violation of Rule 3 of State Regulations No. 17; and (3 and 4) he purchased or obtained alcoholic beverages from and sold alcoholic beverages to other retailers in violation of Rule 15 of State Regulations No. 20.

The file herein discloses that on December 22, 1955 the licensee sold to a patron a case of 12 - 4/5 quart bottles of Schenley Reserve Blended Whiskey and two - 4/5 quart bottles of whiskey of the same brand for \$45.00 and \$7.50, respectively, whereas the minimum resale price then in effect was \$51.19 for the case of whiskey and \$4.49 for each bottle.

The file further discloses that on December 23, 1955 the licensee transported in his licensed vehicle and delivered an order of alcoholic beverages to a customer, the delivery slip or waybill for which did not bear the full address of the purchaser or the brand names or sizes of the containers of each item being transported and delivered, as required by the above mentioned Rule; and lastly, during December 1955 and January 1956 the licensee followed the practice of purchasing from, selling to or exchanging with other retailers alcoholic beverages and engaged in such transactions on the specific dates of January 10, 13, 14, 17 and 18, 1956.

Defendant has a prior adjudicated record. Effective November 14, 1949 his license was suspended for five days by this Division for a similar sale below minimum resale price. Re Ginsberg, Bulletin 860, Item 5. I shall suspend defendant's license for 10 days on Charge 1 (Re Horse Shoe Bar, Inc., Bulletin 1094, Item 10); for 10 days on Charge 2 (Re Bodnar, Bulletin 1032, Item 8); for 15 days on Charges 3 and 4 (Re Kill, Bulletin 954, Item 6); and for five days additional for the prior similar violation more than five years ago, making a

total suspension of 40 days. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 30th day of January, 1956,

ORDERED that Plenary Retail Distribution License D-112, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Solomon Ginsberg, t/a Young's Liquor Store, 2920 Hudson Boulevard, Jersey City 2, New Jersey, be and the same is hereby suspended for a period of thirty-five (35) days, commencing at 9:00 a.m. February 6, 1956 and terminating at 9:00 a.m. March 12, 1956.

WILLIAM HOWE DAVIS
Director.

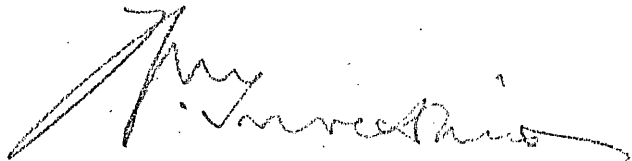
11. STATE LICENSES - NEW APPLICATIONS FILED.

Atlantic Freight Lines, Inc.
171 Blanchard Street
Newark, N. J.

Application filed February 16, 1955 for a Transportation License.

Ernest Tangeri, t/a Atlantic Bottling Works
436 rear 438-440 Grove Street
Perth Amboy, N. J.

Application filed February 23, 1956 for transfer of State Beverage Distributor's License SBD-179 from Julia Tengeri, t/a Atlantic Bottling Works, 436-438-440 Grove Street, Perth Amboy, N. J.



William Howe Davis
Director.