

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

BULLETIN 1614

May 20, 1965

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STATE OF NEW JERSEY
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BULLETIN 1614

May 20, 1965

1. COURT DECISIONS - HALA CORPORATION v. TSCHUPP, ACTING DIRECTOR -
DIRECTOR AFFIRMED.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
A-921-62

HALA CORPORATION, t/a MONTANARO'S

Appellant,

v.

EMERSON A. TSCHUPP, Acting Director
of the Division of Alcoholic
Beverage Control,

Respondent.

Argued February 1, 1965 - Decided April 12, 1965

Before Judges Gaulkin, Foley and Colleston

Mr. Frank M. Lario argued the cause for
appellant.

Mr. Avrom J. Gold, Deputy Attorney General,
argued the cause for respondent (Mr. Arthur
J. Sills, Attorney General, attorney).

PER CURIAM

(Appeal from Director's decision in Re Hala Corporation,
Bulletin 1525, Item 4; Bulletin 1566, Item 3. Director affirmed.
Opinion not approved for publication by the Court committee on
opinions. Notice of appeal to Supreme Court filed April 14, 1965.)

2. APPELLATE DECISIONS - GAY JAK CORP. v. NEWARK

Gay Jak Corp., t/a Dolly Bar,)
Appellant,)

v.)

On Appeal

Municipal Board of Alcoholic)
Beverage Control of the City)
of Newark,)

CONCLUSIONS and ORDER

Respondent.)

-----)
Maurer & Maurer, Esqs., by Myron P. Maurer, Esq., Attorneys
for Appellant.
Norman N. Schiff, Esq., by Paul E. Parker, Esq., Attorney
for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

This is an appeal from the action of respondent whereby it suspended appellant's license for twenty days, effective November 16, 1964, after finding it guilty in disciplinary proceedings of charges alleging that it allowed, permitted and suffered a brawl, act of violence and disturbance on its licensed premises and conducted its place of business as a nuisance, in violation of Rule 5 of State Regulation No. 20, and that it hindered and failed to facilitate an investigation of the said licensed premises, in violation of R.S. 33:1-35. Appellant's premises are located at 174 Avon Avenue, Newark.

Upon filing of the appeal, an order dated November 13, 1964 was entered by the Director staying the effect of respondent's order of suspension pending the determination of the said appeal. R.S. 33:1-31.

Appellant, in its petition of appeal, alleges that the action of respondent was "unreasonable, unwarranted, capricious, contrary to law, against the weight of the evidence and the penalty inflicted is unduly harsh and severe."

Respondent filed an answer admitting the jurisdictional facts and denying the substantive allegations of the petition. It further asserts that the decision was based upon the factual testimony from which it "in its sound discretion, concluded that the penalty imposed substantiated such action."

The hearing on appeal was based upon the transcript taken in proceedings before respondent, as authorized by Rule 8 of State Regulation No. 15. No additional testimony was presented at this plenary de novo hearing; counsel, however, requested and were permitted to present oral argument in summation in lieu of memoranda.

The transcript reflects the following: Miss Dolores Swann testified that in the evening of March 1, 1964, she was

approached by an acquaintance of hers by the name of "Eddie" (later identified as Eddie Bow Jones) who "asked me a question and then he said he was going to my house, and that if I didn't let him in that he would beat me up the next time he sees me." She went to the licensed premises and arrived there at about 9:00 p.m. As she entered the vestibule of the tavern and before she opened the door leading into the said premises, Eddie grabbed her head, choked her and banged her head against the wall in the said hallway or vestibule. The vestibule was unlighted and the door to the tavern was closed. Breaking away from him, she entered the tavern to make a telephone call. Eddie followed her, grabbed her and knocked her down near the juke box. She said to the bartender, "make him to let me alone, he is not my boy friend."

Eddie then pushed her backward toward the back door and closed the door. She again broke away from him, reentered the tavern, completed a telephone call and left. She identified the bartender as a person known to her as "Willie". She made no complaint at that time to the police but, on the following morning, filed a complaint of assault and battery. This charge was disposed of in the Municipal Court and her alleged assailant was found not guilty.

On cross examination she admitted that the alleged assault took place in the hallway leading to the tavern and that the bartender did not witness the same because it happened in the hallway "between the doors". However, when she was allegedly assaulted the second time in the tavern, the bartender observed the incident but did nothing about it. When she reentered the tavern, Eddie knocked her down near the juke box, then pushed her down, she got up by herself and he dragged her out of the tavern. She vehemently denied that Eddie was her boy friend or that she had any close relationship with him.

Detective Joseph B. Passaic of the Newark Police Department testified that he interviewed Marvin Dinetz, the president of the corporate licensee, as well as a Mr. Williams, one of the bartenders employed on that evening. The officer stated that he received no cooperation and got no information from them in this investigation. Both Dinetz and Williams refused to give any statement regarding the altercation; nor did Williams appear at police headquarters, pursuant to the officer's request, for the purpose of giving further information regarding this matter.

Eddie Bow Jones, testifying on behalf of appellant, gave the following version: He had had a close relationship with this woman for several years and apparently was quite intimate with her. He frequently gave her money, but lately had been "slackening up". He also explained that lately she had been going with a fellow from New York. On the date herein, she came to him and asked him to give her \$5. He refused to do so and she pursued him to the outside of the licensed premises. When they reached the hallway, before entering the barroom, she grabbed him by the shoulder and he pushed her away. She then entered the barroom premises and made a telephone call. He denied that he assaulted her or touched her in any way during the time that she was in the barroom. At no time during his presence in the licensed premises did Miss Swann complain to the bartender about any alleged assault or altercation.

William Maddocks, testifying on behalf of respondent, stated that he was the only bartender on duty on the date and time in question and he is known as "Willie". He denied that there was

any altercation inside the licensed premises and gave the following account: Eddie had come through the second door of the hallway leading directly into the barroom and was followed closely by Miss Swann. "Eddie then went out the back door and Miss Swann went right behind him, after him." At no time was there any altercation inside the barroom and "If there was any brawl, I would have called the police." He stated that the police did not ask him any questions about the alleged assault, and that he did not know anything about the case.

On cross examination, he denied being requested either by the police officer or by Dinetz to go to police headquarters. He also denied that Williams was on duty on the night in question.

Marvin Dinetz, the president of the corporate licensee, testified that he is the manager of these premises and gave the following narrative: Both Monroe Williams and "Willie" were on duty as bartenders on the night on which the alleged incident occurred. He did not know anything about any altercation or incident until he was first questioned by Detective Passaic. He told the police officer that both bartenders were on duty and then instructed Williams to go to police headquarters. He never inquired, however, of Williams to find out whether he had complied with his request. He was sharply cross-examined by members of respondent Board with respect to the activities of that evening. He admitted that he never tried to find out who actually was tending bar at the time in question. He also stated that he sought to find out what had happened but that "Nobody told me anything", except that his bartender said that nothing had happened.

Dolores Swann, recalled by the chairman, stated that there were two bartenders on duty that night although "Willie" was the one who was actually behind the bar. Williams was in the back room at the time of the alleged incident.

I have set forth in detail the summary of the testimony adduced at the hearing before respondent in order to obtain a proper perspective of what occurred. I have carefully evaluated and considered all of the testimony in the light of common experience and the milieu in which these events transpired. As in all cases of this kind, which are civil in nature, these charges must be proved by a preponderance of the believable evidence. Butler Oak Tavern v. Div. of Alcoholic Beverage Control, 20 N.J. 373 (1956); Hornauer v. Div. of Alcoholic Beverage Control, 40 N.J. Super. 501 (1956); Atkinson v. Parsekian, 37 N.J. 143 (1962).

The general rule in these cases is that the finding must be based on competent legal evidence and must be grounded on a reasonable certainty arising from a fair consideration of the evidence. The testimony, to be believed, must not only proceed from the mouth of a credible witness but must be credible in itself, and must be such as common experience and observation of mankind can approve as probable in the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546; Gallo v. Gallo, 66 N.J. Super. 1. No testimony need be believed but rather, so much or so little may be believed as the trier finds reliable. 7 Wigmore Evidence, sec. 2100 (1940); Greenleaf Evidence, sec. 201 (16th Ed. 1899).

Using these principles as a guide and based upon ordinary experience, I find the version given by Miss Swann to be totally incredible and unbelievable. On the other hand, I am inclined to accept as more reasonable and credible the account narrated by Eddie Bow Jones.

I am persuaded from the testimony and the natural inferences flowing therefrom that Miss Swann and Jones had a close, intimate relationship for three or four years; that this relationship was accompanied by many gratuities given to Miss Swann by Jones over this period of time; that apparently Jones' ardor for Miss Swann had cooled and he was giving more attention to other females. I further find that, on the night in question, Miss Swann approached Jones and requested another money gift and, upon his refusal, she became infuriated. She followed him into the hallway of the licensed premises and provoked an altercation in the said hallway which resulted in her being pushed and, perhaps, even assaulted.

It is admitted by all parties that at this time the door leading directly into the barroom was closed so that the bartender did not see that altercation. I further find that Jones preceded her into the barroom and she then went to the telephone booth to make a call. I am not satisfied from the testimony that there was any actual altercation in the barroom itself although she may have complained to the bartender that she had been struck. This, of course, has been vigorously denied by the bartender and by Jones who insist that she was the aggressor at all times.

Miss Swann was less than frank in denying that Jones had been her boy friend for some time; I also find substantial contradictions in her testimony with respect to the alleged altercation. It is of interest to note that upon the trial of her complaint in the Newark Municipal Court against Jones, Jones was found not guilty and the charge was dismissed. Just as the magistrate found, I, too, conclude that the account given by this woman of an unprovoked assault in the hallway of these premises does not have the ring of truth and does violence to common experience. It must thus be disapproved as improbable in the circumstances.

There is a heavy responsibility imposed upon licensees to prevent disturbances or brawls from occurring on licensed premises and to take immediate action when they arise. Nevertheless, it would be manifestly unfair to hold a licensee liable where a disturbance occurs without warning or even without his knowledge. As the court stated in Conner v. Fogg, 75 N.J.L. 245, 247 (Sup. Ct. 1907):

"To permit is defined as meaning to authorize or to give leave (McHenry v. Winston, 49 S.W. Rep. 4), but the term 'permit' has been often used synonymously with 'suffer', so that it may be said that one who suffers the doing of a thing which he might have prevented permits it." (Emphasis ours)

There is absent any indication in so far as the testimony shows that the bartender on duty had any knowledge of the altercation until it was reported. There is nothing to indicate that the appellant or its agents had any warning of the incident or that it was anything other than a sudden flare-up occurring in the hallway of the premises. Cf. Woodland Rod and Gun Club v. Belleville, Bulletin 569, Item 3; Re Burd, Bulletin 412, Item 7. I am, therefore, further persuaded that appellant did not allow, permit or suffer a brawl or disturbance, as contemplated in the rules and regulations of this Division, to occur on its premises.

The evidence clearly indicates that respondent could not, upon the facts as reflected in the transcript, reasonably have made a finding of guilt by a preponderance of credible evidence; that, indeed, such finding was patently against the logic and effect of

the presented facts. Cf. Hudson-Bergen County Retail Liquor Stores Assn. v. Hoboken, 135 N.J.L. 502.

I therefore recommend that an order be entered reversing the action of respondent with respect to the first charge.

As to the second charge, my examination and evaluation of the testimony suggests that this is quite another matter as it relates to the action, conduct and behavior of appellant, its agents and employees. I am persuaded that Dinetz, the president of the corporate licensee, and the bartenders did not cooperate with the authorities in such manner as to facilitate the investigation of this case. The wording of the statute is precise and definitive. R.S. 33:1-25 provides, among other things, that licensees, their agents and employees shall facilitate investigations, "as far as may be in their power so to do" and "shall not in any way hinder or delay or cause the hindrance or delay of same in any manner whatsoever." (Emphasis supplied) Cf. Vogellus v. Div. of Alcoholic Beverage Control, not officially reported, reprinted in Bulletin 1537, Item 1.

Dinetz admitted that he is the manager of these premises. Yet he denied that Maddocks was employed on the night in question. Maddocks, however, respondent's own witness, refuted this testimony and admitted that he was the bartender on duty at these premises at the time alleged herein. Maddocks also denied that he was ever requested by Dinetz to make any statement to the police officers or to appear at police headquarters for interrogation. It is significant that neither Dinetz nor the bartender offered, but, indeed, refused to make any statements to the police regarding the activities on the night in question.

Dinetz seemed to take the attitude that he knew nothing and that nothing was reported to him and, therefore, he owed no obligation to obtain any further information nor for his bartenders' cooperation with the police authorities.

I am convinced that Dinetz tried to conceal Maddocks' employment on the licensed premises on that evening. There is absent in his testimony the suggestion that he requested Maddocks to give any information to the police authorities. It was his clear duty to have these employees cooperate in disclosing all of the facts. His failure so to do, as reflected by his unconvincing and contradictory testimony, is persuasive that he did not facilitate, so far as was within his power, the investigation into all of the facts involved herein.

The short of it is that Detective Passaic was required to make many visits to the premises and encountered a wall of silence and non-cooperation. Law enforcement agents are not required to subject themselves to hostile uncommunicative agents or employees of licensees. A license is a privilege granted to the few and denied to the many. Those who receive that privilege are required to live up not only to the letter but to the spirit of the law.

The truth of the second charge was established by a fair preponderance of the believable evidence. I therefore recommend that an order be entered affirming the action of respondent on this charge.

In view of the recommendation of reversal on the first charge herein, it is further recommended that an order be entered reducing the penalty heretofore imposed by respondent from twenty days to ten days. Cf. Re Burke's Tavern, Inc., Bulletin 1539, Item 3.

Conclusions and Order

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

Having carefully considered the entire records herein, including the transcript of the proceedings before the respondent Municipal Board of Alcoholic Beverage Control of the City of Newark, the exhibits and the transcript of the proceedings on appeal, including oral argument in summation by the attorneys for the parties herein, and the Hearer's Report, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 16th day of March 1965,

ORDERED that the action of the respondent Municipal Board of Alcoholic Beverage Control of the City of Newark with respect to the first charge be and the same is hereby reversed; that the action of the respondent with respect to the second charge be and the same is hereby affirmed; that the suspension of twenty days heretofore imposed by respondent be and the same is hereby modified and reduced to ten days; and it is

FURTHER ORDERED that Plenary Retail Consumption License C-301, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Gay Jak Corp., t/a Dolly Bar, for premises 174 Avon Avenue, Newark, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Tuesday, March 23, 1965, and terminating at 2 a.m. Friday, April 2, 1965.

JOSEPH P. LORDI
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - PERMITTING FEMALE IMPERSONATOR ON LICENSED PREMISES - UNQUALIFIED EMPLOYEES - FALSE STATEMENT IN LICENSE APPLICATION - ALLEGED MITIGATING CIRCUMSTANCE - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 80 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Talk of the Town, Inc.
Tuckahoe Road
Franklin Township
PO Franklinville, N. J.

Holder of Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of Franklin, County of Gloucester

George A. Streit, Esq., Attorney for Licensee.

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

CONCLUSIONS AND ORDER

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on January 30, 1965, it (1) permitted a female impersonator on the licensed premises, in violation of Rule 4 of State Regulation No. 20, and (2) employed non-residents without requisite employ-permit, in violation of Rule 4 of State Regulation No. 13, and (3) in its current application for license, concealed a previous record of suspension of Rose Pippo, an officer, director and 98.5% stockholder of the licensee corporation, in violation of R.S. 33:1-25.

As to the first charge, reports of investigation disclose that an entertainer, subsequently ascertained to be a male but wearing female attire and make-up, performed by singing and dancing.

Although the licensee corporation has no previous record of suspension of its license, the license then held by Rose Pippo, its president-treasurer and principal stockholder, for the same premises, was suspended by the municipal issuing authority for five days effective February 10, 1964, for sale to minors, concealment of this suspension being the subject of the third charge.

In alleged mitigation with respect to the concealment of the record of suspension, it is claimed that the application for license was prepared by the licensee's attorney and the omission of the requisite information in answer to the applicable question in the license application was "through oversight". However, as was pointed out in a somewhat similar case in Re Club Rio, Bulletin 1594, Item 3:

"Responsibility for truthful statements must remain upon the licensee or, as in this case, the officers of the corporate licensee, and they cannot escape responsibility therefor. However the misstatement occurred, in fact it was a misstatement, proscribed by the alcoholic beverage law. In any event, the public impact of the violation is the same, regardless of how it occurred."

The license will be suspended on the first charge for sixty days (Re Uncle Miltys, Inc., Bulletin 1501, Item 5), on the second charge for five days (Re Ferraro, Bulletin 1142, Item 3) and on the third charge for ten days (Re Kickey's, Inc., Bulletin 1541, Item 9), to which will be added five days by reason of the record of suspension of license of Rose Pippo (Re C.A.R. Corporation, Bulletin 1574, Item 8) for dissimilar violation occurring within the past five years (Re Lafayette Bar, Inc., Bulletin 1603, Item 7), or a total of eighty days, with remission of five days for the plea entered, leaving a net suspension of seventy-five days.

Accordingly, it is, on this 18th day of March, 1965,

ORDERED that Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of Franklin, County of Gloucester, to Talk of the Town, Inc. for premises on Tuckahoe Road, Franklin Township, be and the same is hereby suspended for seventy-five (75) days, commencing at 4:00 a.m. Thursday, March 25, 1965, and terminating at 4:00 a.m. Tuesday, June 8, 1965.

JOSEPH P. LORDI
DIRECTOR

4. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #259)
In the Matter of the Automatic)
Suspension of Plenary Retail)
Consumption License C-282, issued)
by the Board of Alcoholic Beverage)
Control for the City of Paterson)
to)

Roger Royce)
t/a Royce's Tavern)
331 E. Railway Avenue)
Paterson, N. J.)
-----)

O R D E R

BY THE DIRECTOR:

On March 3, 1965, the licensee was fined \$50 and \$5 costs in the Paterson Municipal Court after plea of guilty to a charge alleging that he had sold alcoholic beverages to minors on November 18, 1964, in violation of R.S. 33:1-77. Said conviction resulted in the automatic suspension of his license for the balance of its term. R.S. 33:1-31.1.

By order dated January 4, 1965, I suspended the license for forty-five days effective January 11, 1965, in disciplinary proceedings involving charges alleging that he sold alcoholic beverages to the same minors and, in addition, sold alcoholic beverages in violation of State Regulation No. 38 and permitted wagering on the licensed premises. Re Royce, Bulletin 1601, Item 4. Under the circumstances, I shall, on my own motion, enter an order lifting the statutory automatic suspension, effective immediately. Re Neuls, Bulletin 1540, Item 10.

Accordingly, it is, on this 16th day of March, 1965,

ORDERED that the statutory automatic suspension of said license C-282 be and the same is hereby lifted and said license is restored to full force and operation, effective immediately.

JOSEPH P. LORDI
DIRECTOR

5. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1964 THROUGH MARCH 31, 1965

	1st Quarter July, Aug., Sept.	2nd Quarter Oct., Nov., Dec.	3rd Quarter Jan., Feb., Mar.	Total
ARRESTS:				
Total number of persons arrested	51	53	78	182
Licensees and employees	25	32	40	97
Bootleggers	26	21	38	85
SEIZURES:				
Motor vehicles - cars	1	2	-	3
- trucks	-	-	1	1
Still - over 50 gallons	1	2	1	4
- 50 gallons or under	2	2	6	10
Alcohol - gallons	16.105	287.80	36.041	339.946
Mash - gallons	300	1,331	1,165	2,796
Distilled alcoholic beverages - gallons	364.990	62.40	121.051	548.441
Wine - gallons	44.281	240.7459	14.25	299.2769
Brewed malt alcoholic beverages - gallons	91.952	66.5352	27.85	186.3372
RETAIL LICENSEES:				
Premises inspected	1,575	1,917	2,057	5,549
Premises where alcoholic beverages were gauged	1,160	1,653	1,678	4,491
Bottles gauged	18,513	24,180	24,213	66,906
Premises where violations were found	172	168	181	521
Violations found	241	219	240	700
Unqualified employees	94	83	68	245
Reg. #38 sign not posted	51	32	22	105
Application copy not available	33	25	39	97
Other mercantile business	13	16	18	47
Disposal permit necessary	9	12	14	35
Prohibited signs	11	6	7	24
Improper beer taps	2	-	2	4
Other violations	28	45	70	143
STATE LICENSEES:				
Premises inspected	56	28	35	119
License applications investigated	38	27	18	83
COMPLAINTS:				
Complaints assigned for investigation	1,012	1,113	1,065	3,190
Investigations completed	983	1,067	1,047	3,097
Investigations pending	(163)	(233)	197	197
LABORATORY:				
Analyses made	460	298	295	1,053
Refills from licensed premises - bottles	142	136	119	397
Bottles from unlicensed premises	86	33	50	169
IDENTIFICATION:				
Criminal fingerprint identifications made	26	13	20	59
Persons fingerprinted for non-criminal purposes	1,119	759	760	2,638
Ident. contacts made w/other enforcement agencies	690	521	466	1,677
MV identifications via NJ State Police teletype	2	5	1	8
DISCIPLINARY PROCEEDINGS:				
Cases transmitted to municipalities	34	28	29	91
Violations involved	39	28	32	99
Sale during prohibited hours	26	16	15	57
Sale to minors	9	10	11	30
Failure to close prem. during prohibited hours	3	-	3	6
Single instance of other violations	1	2	3	6
Cases instituted at Division	74*	48	74	196*
Violations involved	87	78	96	261
Possessing liquor not truly labeled	14	8	15	37
Sale during prohibited hours	8	12	14	34
Sale to minors	8	14	12	34
Permitting lottery activity on premises	16	4	10	30
Sale below filed price	4	2	10	16
Permitting bookmaking on premises	9	2	4	15
Fraud in application	2	3	5	10
Failure to close prem. during prohibited hours	1	4	3	8
Hindering investigation	2	3	2	7
Unqualified employees	1	1	4	6
Beverage Tax Law non-compliance	1	3	2	6
Permitting gambling on premises	2	2	1	5
Conducting business as a nuisance	2	1	1	4
Permitting immoral activity on premises	2	-	2	4
Permitting hostess activity on premises	2	1	1	4
Permitting foul language on premises	1	2	1	4
Possessing pinball machine on premises	2	1	1	4
Substituting alc. bev. other than ordered	1	2	-	3
Fraud and front	1	1	-	2
Retailer-to-retailer sales	-	3	-	3
Unauthorized transportation	-	2	-	2
Single instance of other violations	8	7	7	22

*Includes two cancellation proceedings - licenses improvidently issued to licensees convicted of crimes involving moral turpitude.

1st Quarter 2nd Quarter 3rd Quarter Total
July, Aug., Sept. Oct., Nov., Dec. Jan., Feb., Mar.

DISCIPLINARY PROCEEDINGS (Continued)

Cases brought by municipalities on own initiative and reported to Division

Violations involved	73	70	69	212
Sale to minors	98	94	79	271
Permitting brawl, etc. on premises	37	41	38	116
Sale during prohibited hours	17	8	10	35
Failure to close prem. during prohibited hours	13	4	6	23
Conducting business as a nuisance	10	4	7	21
Hindering investigation	5	3	4	12
Permitting lottery activity on premises	1	6	-	7
Permitting minors on premises unaccomp. by parents or guardians (local reg.)	1	4	1	6
Failure to afford view into prem. during proh. hours	3	2	-	5
Permitting bookmaking on premises	3	1	-	4
Permitting immoral activity on premises	-	-	4	4
Employing persons w/o ident. cards (local reg.)	1	3	-	4
Act of violence	-	2	1	3
Employing female bartender (local reg.)	1	1	-	2
Employee working while intoxicated	-	2	-	2
Permitting gambling on premises	2	-	2	2
Unqualified employees	-	-	2	2
Single instance of other violations	4	3	4	11

HEARINGS HELD AT DIVISION:

Total number of hearings held	109	106	125	340
Appeals	23	15	26	64
Disciplinary proceedings	61	58	74	193
Eligibility	21	26	16	63
Seizures	2	2	5	9
Tax revocations	1	3	2	6
Applications for license	-	2	2	4
Order to show cause	1	-	-	1

STATE LICENSES AND PERMITS ISSUED:

Total number issued	5,264	4,515	3,063	12,842
Licenses	756	7	9	772
Solicitors' permits	173	136	140	449
Employment permits	1,090	705	556	2,351
Disposal permits	270	170	208	648
Social affair permits	1,344	1,236	1,087	3,667
Wine permits	-	893	15	908
Miscellaneous permits	667	571	362	1,600
Transit insignia	867	741	554	2,162
Transit certificates	97	56	132	285

OFFICE OF AMUSEMENT GAMES CONTROL:

Licenses issued	233	99	272	604
Premises inspected	1,094	-	-	1,094
Premises where violations were found	20	-	-	20
Number of violations found	27	-	-	27
Enforcement files established	76	55	13	144
Disciplinary proceedings instituted	3	1	-	4
Violations involved	3	1	-	4
Redemption of prize for money	-	1	-	1
Charge in excess of 25¢	3	-	-	3

JOSEPH P. LORDI
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

Dated: April 20, 1965

6. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against Abbott & Anne Schwartz t/a Abby's Liquors 459 Route 17 Hasbrouck Heights, New Jersey)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-3, issued by the Mayor and Council of the Borough of Hasbrouck Heights

Julius A. Kepsel, Esq., Attorney for Licensees. Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on February 13, 1965, they sold two 6-packs of beer to a minor, age 18, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Charlie's Capri, Inc., Bulletin 1595, Item 5.

Accordingly, it is, on this 16th day of March, 1965,

ORDERED that Plenary Retail Distribution License D-3, issued by the Mayor and Council of the Borough of Hasbrouck Heights to Abbott and Anne Schwartz, t/a Abby's Liquors, for premises 459 Route 17, Hasbrouck Heights, be and the same is hereby suspended for ten (10) days, commencing at 9:00 a.m. Tuesday, March 23, 1965, and terminating at 9:00 a.m. Friday, April 2, 1965.

JOSEPH P. LORDI DIRECTOR

7. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #260)	
In the Matter of a Petition to Lift)	
the Automatic Suspension of Plenary)	On Petition
Retail Consumption License C-117,)	
issued by the Board of Commissioners)	O R D E R
of the City of Passaic to)	
)	
Stein's Cafe, Inc.)	
t/a Stein's Cafe)	
197 Monroe Street)	
Passaic, N. J.)	

Joseph M. Keegan, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on March 1, 1965, Saul Stein, president of the licensee-petitioner, was fined \$50 plus \$10 costs in the Passaic Municipal Court after pleading guilty to a charge of sale of alcoholic beverages to a minor on February 13, 1965, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of petitioner's license for the balance of its term. R.S. 33:1-31.1. Because of the pendency of this proceeding, the statutory automatic suspension has not been effectuated.

It further appears that disciplinary proceedings are presently pending before the municipal issuing authority against the licensee because of said sale of alcoholic beverages to the minor. A supplemental petition to lift the automatic suspension may be filed with me by petitioner after the disciplinary proceedings have been decided. In fairness to petitioner, I conclude that at this time the effect of the automatic suspension should be temporarily stayed. Re Rother, Bulletin 1577, Item 7.

Accordingly, it is, on this 17th day of March, 1965,

ORDERED that the aforesaid automatic suspension be stayed pending the entry of a further order herein.

JOSEPH P. LORDI
DIRECTOR

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

In the Matter of Disciplinary Proceedings against
 Chris Williams
 t/a Chris' Bar
 103 W. Bergen Place
 Red Bank, New Jersey
 Holder of Plenary Retail Consumption License C-7, issued by the Borough Council of the Borough of Red Bank

CONCLUSIONS AND

ORDER

 Wise, Wise, Wichman & Berich, Esqs., by Albert T. Berich, Esq.,
 Attorneys for Licensee.
 Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on February 26, 1965, he sold a pint bottle of gin for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Lounge 68, Bulletin 1602, Item 10.

Accordingly, it is, on this 16th day of March, 1965,

ORDERED that Plenary Retail Consumption License C-7, issued by the Borough Council of the Borough of Red Bank to Chris Williams, t/a Chris' Bar, for premises 103 W. Bergen Place, Red Bank, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Tuesday, March 23, 1965, and terminating at 2:00 a.m. Friday, April 2, 1965.

JOSEPH P. LORDI
DIRECTOR

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

In the Matter of Disciplinary Proceedings against

Ja-Da, Inc.
t/a Brick's Tavern
205-207 Water Street
Paterson, N. J.

CONCLUSIONS

and

Holder of Plenary Retail Consumption License C-93, issued by the Board of Alcoholic Beverage Control for the City of Paterson.

ORDER

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on March 10, 1965, it sold a pint bottle of wine for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Lounge 68, Bulletin 1602, Item 10.

Accordingly, it is, on this 29th day of March, 1965,

ORDERED that Plenary Retail Consumption License C-93, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Ja-Da, Inc., t/a Brick's Tavern, for premises 205-207 Water Street, Paterson, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Monday, April 5, 1965, and terminating at 3:00 a.m. Thursday, April 15, 1965.

JOSEPH P. LORDI
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
)
 Blue Diamond Corp.)
 t/a Blue Diamond)
 73 Academy Street)
 Newark, New Jersey)
 Holder of Plenary Retail Consumption License C-4, issued by the Municipal Board of Alcoholic Beverage Control)
 of the City of Newark.)

CONCLUSIONS
 AND
 ORDER

 Joseph A. D'Alessio, Esq., Attorney for Licensee.
 Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 19, 1965 it sold drinks of beer to three minors, ages 18, 19 and 19, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Jervic, Inc., Bulletin 1603, Item 5.

Accordingly, it is, on this 29th day of March 1965,

ORDERED that Plenary Retail Consumption License C-4, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Blue Diamond Corp., t/a Blue Diamond, for premises 73 Academy St., Newark, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Monday, April 5, 1965, and terminating at 2 a.m. Tuesday, April 20, 1965.

JOSEPH P. LORDI
 DIRECTOR

11. STATE LICENSES - NEW APPLICATIONS FILED.

Western Grape Products
 t/a International Wine Co.
 841 Clinton Avenue
 Kenilworth, New Jersey
 Application filed May 12, 1965
 for retail privilege under Plenary
 Winery License V-43.

Dodd Importers & Distributors,
 Inc.
 337 Fifth Avenue
 Newark, New Jersey
 Application filed May 18,
 1965 for place-to-place
 transfer of Wine Wholesale
 License WW-15 from 254A
 Park Ave., Newark, N. J.

Joseph P. Lordi
 Joseph P. Lordi
 Director