

Director Davis  
Sent to Regular Mailing List  
STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1060 Broad Street Newark 2, N. J.

BULLETIN 1047

JANUARY 25, 1955.

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New Jersey State Library

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

BULLETIN 1047

JANUARY 25, 1955.

1. APPELLATE DECISIONS - BOYD CASINO, INC. v. NEWARK.

BOYD CASINO, INC., )  
Appellant, )  
-vs- ) ON APPEAL  
MUNICIPAL BOARD OF ALCOHOLIC ) CONCLUSIONS AND ORDER  
BEVERAGE CONTROL OF THE CITY )  
OF NEWARK, )  
Respondent. )

-----)  
Boyd Casino, Inc., by Francis Overy, President.  
Vincent P. Torppey, Esq., by Nicholas Albano, Esq., Attorney  
for Respondent.

BY THE DIRECTOR:

This is an appeal from the action of respondent whereby it suspended appellant's plenary retail consumption license for a period of fifteen days, effective November 8, 1954, upon finding appellant guilty of violating Rule 5 of State Regulations No. 20, in that, during the months of June, July and August 1954, appellant allowed, permitted and suffered in and upon the licensed premises, brawls, unnecessary noises, acts of violence and disturbances and allowed, permitted and suffered the licensed place of business to be conducted in such a manner as to become a nuisance.

Upon the filing of this appeal I entered an Order, dated November 5, 1954, staying the suspension pending the outcome of this appeal and until further Order.

At the hearing below appellant was represented by counsel, and upon a plea of not guilty respondent proceeded to hear evidence, separately, with respect to the allegation concerning unnecessary noises during the months of June, July and August 1954 and with respect to a brawl or act of violence on June 27, 1954, after which it found appellant guilty on "both charges" and imposed the suspension as hereinabove stated.

At the hearing on this appeal appellant was not represented by counsel, but its president agreed to submit the matter on the stenographic record of the proceedings before respondent.

The following facts are undisputed. The licensed premises are located on the ground floor of a brick building which contains, in addition to the bar, a rear room (referred to as a "dance hall") approximately 50 feet square where a 4-piece orchestra provides music on Friday, Saturday and Sunday nights. There is also a juke box which is played at other times. The windows of the rear room are kept closed and there is one exhaust fan directly over the bandstand. Another fan has been "blocked off." Legal hours of sale on Friday and Saturday nights extend to 3:00 a.m. the following morning. Otherwise the closing hour is 2:00 a.m. The neighborhood contains another tavern and some multiple family dwellings.

As to noise, the complaining witnesses reside in the immediate vicinity of appellant's licensed premises. One lives next door and another two doors away. Both testified that the noise

from the orchestra and juke box and from the patrons entering and leaving defendant's licensed premises keeps them awake; that it persists the year 'round but was worse in the summer months referred to in the charge; and that, despite numerous complaints (including two hearings before respondent), appellant apparently made no attempt to reduce the noise.

Appellant's president and his mother, who are the principal stockholders of appellant-corporation, admitted that they employ an orchestra and have a juke box, as above indicated, but testified that, pursuant to local regulation, the orchestra stops at 2:00 a.m. except on Sunday when it stops at 1:00 a.m. They denied that there was excessive noise and denied that there had been any complaints, but the president admitted three appearances before respondent since July 1952.

A special policeman employed by appellant testified that there was nothing unusual in the conduct of appellant's licensed premises.

The Police Captain in charge of the local precinct testified that there had been some complaints; that, despite investigations, the complaints persisted but denied that he had received any such complaints during June, July or August 1954.

As to the brawl, a woman testified that, on June 27, 1954, she was seized by another woman in the ladies' room of appellant's licensed premises, but that she "got loose" and appellant's special policeman put the other woman out the front door onto the sidewalk, after which she was again attacked and cut by the other woman who had a knife. Other witnesses testified to the same effect. From the testimony of all the witnesses it seems clear that the knife wounds were inflicted outside the licensed premises. These witnesses also testified that the shirt of the special policeman also had been cut. The officer denied this, claiming merely that a button on his shirt had been broken. He further testified that as soon as he heard the commotion, he ejected the offender. Appellant's president testified that he did not come from behind the bar because the special policeman had attended to the matter and there was nothing further for him to do. Both he and the officer denied that they had seen any weapon before the incident or that they had seen anyone cut.

Two police officers who had investigated the incident testified with respect to statements taken shortly thereafter and stated that they were under the impression that the special officer's shirt had been cut.

The burden of establishing that respondent's action was erroneous and should be reversed rests with appellant. Rule 6 of State Regulations No. 15. After considering all of the evidence in this case I find that appellant has failed to sustain this burden.

The action of respondent will be affirmed, the appeal will be dismissed, and the fifteen-day suspension originally imposed will be reimposed.

Accordingly, it is, on this 3rd day of January, 1955,

ORDERED that the fifteen-day suspension by respondent of License C-531, issued to appellant, Boyd Casino, Inc., for premises 30 and rear of 28 - 17th Avenue, Newark, be and the same is hereby restored and reimposed for the same premises to commence at 2:00 a.m. January 10, 1955, and terminate at 2:00 a.m. January 25, 1955.

WILLIAM HOWE DAVIS  
Director.

2. APPELLATE DECISIONS - MELLAS AND WEST ORANGE COMMUNITY LEAGUE v. WEST ORANGE AND GAVENAS AND YOGIS.

SPIROS MELLAS, individually, and )  
trading as LLEWELLYN HOTEL, and )  
WEST ORANGE COMMUNITY LEAGUE, )

Appellants, )

-vs-

ON APPEAL  
CONCLUSIONS AND ORDER

MUNICIPAL BOARD OF ALCOHOLIC )  
BEVERAGE CONTROL OF THE TOWN OF )  
WEST ORANGE, and ALFRED GAVENAS and )  
WILLIAM YOGIS, trading as CLUB )  
LLEWELLYN, )

Respondents. )

-----)  
Van Riper & Belmont, Esqs., by Stephen N. Maskaleris, Esq.;  
Attorneys for Appellant Spiros Mellas.  
Irwin J. Brainen, Esq., Attorney for Appellant West Orange  
Community League.  
William E. Kennedy, Esq., Attorney for Respondent Municipal Board of  
Alcoholic Beverage Control.  
Joseph W. Jantausch, Esq., Attorney for Respondents Alfred Gavenas  
and William Yogis.

BY THE DIRECTOR:

This is an appeal from the action of the respondent Board in approving an application for a place-to-place transfer of the plenary retail consumption license of respondents Gavenas and Yogis, for the 1954-55 licensing period, from premises 259 Main Street to premises 250 Main Street, West Orange.

The appellants herein, in their petition of appeal, contend, among other things, that (a) a private school for retarded children is presently conducted in the West Orange Community House (hereinafter referred to as the Community House), and that the entrance thereto is located within 200 feet of the entrance to the proposed licensed premises; (b) when respondents Gavenas and Yogis made application for the place-to-place transfer of their license they failed to comply with the publication requirements contained in State Regulations No. 6 pertaining to transfers of liquor licenses; (c) the members of the respondent Board failed to inspect the licensed premises for which the transfer was sought; (d) because of the untimely receipt of notice of the hearing in the matter, appellants were not afforded a fair opportunity to present objections in full to the transfer of the license at the meeting held on August 30, 1954 by the respondent Board.

The building wherein the proposed license is sought to be transferred is located on the corner of Main Street and Erwin Place. The said building is diagonally across the street from the hotel owned and operated by appellant Mellas in which hotel building the respondent licensees conducted their liquor establishment prior to and at the time they made application for the transfer in question. On Main Street, immediately adjacent to said proposed premises, there is a theatre building and next to said theatre building is a Community House. The building referred to as the Community House consists of ten rooms and also a gymnasium. In the basement of the building there is a kitchen, a pantry, and also a meeting room large enough to accommodate about thirty persons. On the first floor there are two meeting rooms, one of which can accommodate thirty and the other about seventy-five persons. On the second floor there is a

library and two club rooms, the larger of which is used as a private school for retarded children. There are living quarters on the third floor for the use of the Director of the Community House.

R. S. 33:1-76 provides that:

"Anything to the contrary hereinbefore notwithstanding, and for the benefit not of property but of persons attendant therein, no license shall be issued for the sale of alcoholic beverages within two hundred feet of any church or public schoolhouse or private schoolhouse not conducted for pecuniary profit \* \* \*."

In Manning v. Trenton, Bulletin 247, Item 1, the late Commissioner Burnett said:

"While I am committed to the view that the liquor law is to be liberally construed in favor of churches and schools \*\*\* nevertheless these provisions should receive a reasonable interpretation and not be construed beyond their fair meaning to cases which the law did not contemplate.

"In the instant case, no one would recognize this ordinary dwelling house as being a church. The most anyone could say is that it is used to some extent like a church. It is not used exclusively for the worship of God. It was not built with that in mind. The second floor of this dwelling house is nothing but a flat to be rented out to tenants. The Church Trustee (who testified on behalf of all the Trustees) himself talks of the 'church downstairs'. A house divided against itself into a place of worship and an ordinary flat is not, within the contemplation of the statute, a church edifice. See George v. Board of Excise, 73 N.J.L. 366 (Sup. Ct. 1906), aff'd. 74 N.J.L. 816 (E. & A. 1907); Re Rupp, 55 Misc. 314, 106 N.Y.S. 483; Re Finley, 58 Misc. 639, 110 N.Y.S. 71; State v. Midgett, 85 N.C. 538, Starks v. Presque Isle Circuit Court, 173 Mich. 474, 139 N.W. 29, 43 L.R.A. (N.S.) 1142. Cf. Beverley v. Newark, Bulletin 188, Item 6, where I held that the fact that a vocational school occupied the third floor did not make a building a public schoolhouse within the meaning of the Control Act when it appeared that the first floor was occupied by a finance company, a motor vehicle agency and an undertaker and the second floor was rented out to an advertising agency and a dentist."

There appears to be no dispute by anyone in this proceeding that a room on the second floor of the Community House is used during certain hours each weekday as a classroom for retarded children. However, all the other rooms in the building are used for other purposes. Among the various functions held at said premises, according to the testimony of the Director of the Community House, are social events, political meetings, civic association meetings, card parties, and athletic events. The fact that the owner of the building, described as the Community House, has at a comparatively late date appropriated a room in the building, of the type in question, for the use of a private school or as a place to give instructions does not in itself convert the building into a schoolhouse within the meaning of the Alcoholic Beverage Law. Although the nearest entrance to the proposed licensed premises appears to be within 200 feet of the nearest entrance to the Community House, the provisions of R. S. 33:1-76 do not apply in this case.

Edward W. Roos, Commissioner of Public Safety of the City of West Orange and also Chairman of Respondent Board testified in response to a question as to whether or not the proposed premises

premises were suitable for a licensed premises, "Well, we were at the location, the location will lend itself to most any type of business, inclusive of course, would be a tavern or type of business such as this, yes."

The application for the transfer in question was filed with the Municipal Clerk on August 11, 1954 and the Notice of Intention to request the transfer of the license to the proposed premises was published in a newspaper on August 12 and 19, 1954, respectively. Inasmuch as the application for the transfer in question was filed with the Municipal Clerk prior to the publication of the Notice of Intention the requirements of State Regulations No. 6, concerning publication, appeared to be complied with.

It appears from the record that the attorneys for appellant Mellas were notified by letter from the Municipal Clerk that there was to be a hearing in the matter of the transfer in question at 7:30 p m. on August 30, 1954. The aforesaid letter, according to the testimony of Charles E. Villanueva, Esq., who is associated with the attorneys for appellant Mellas, was received on the day scheduled for the hearing. The attorneys for appellant Mellas contend that due to the inadequate notice of the hearing, they were precluded from fully presenting objections to the transfer. Although there appears to be justification for complaint on the part of the attorneys for appellant Mellas (who was the sole objector before respondent Board) I am satisfied that the situation has been remedied. The instant appeal constitutes a hearing de novo and all objectors were given a full opportunity to be heard. Marsteller v. Somers Point and Hagenbucher, Bulletin 244, Item 7; Ashton v. Hopewell et al., Bulletin 782, Item 11.

After considering all of the evidence presented in the instant case there is no indication that the action of the respondent Board was improper, arbitrary or so unreasonable as to amount to an abuse of discretion warranting a reversal of its action.

The burden of establishing that the action of respondent Board was erroneous and should be reversed rests with appellants. Rule 6 of State Regulations No. 15.

Appellants have failed to sustain this burden. The action of the respondent Board in approving the place-to-place transfer of the license in question is hereby affirmed.

Accordingly, it is, on this 12th day of January, 1955,

ORDERED that the appeal herein be and the same is hereby dismissed.

WILLIAM HOWE DAVIS  
Director.

3. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES  
(PERMITTING MAKING ARRANGEMENTS ON LICENSED PREMISES FOR ILLICIT  
SEXUAL INTERCOURSE) - LICENSE SUSPENDED FOR BALANCE OF TERM.

In the Matter of Disciplinary )  
Proceedings against )

BAR 31, INC. )  
T/a 31 BAR )  
31 Hensler Street )  
Newark 5, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump- )  
tion License C-124, issued by the )  
Municipal Board of Alcoholic )  
Beverage Control of the City of )  
Newark. )

----- )  
Saul C. Schutzman, 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 July 20 and 22, 1954, you allowed, permitted and suf-  
fered lewdness and immoral activity in and upon your licensed  
premises, viz., the making of arrangements for illicit sexual  
intercourse; in violation of Rule 5 of State Regulations No.  
20."

At the hearing herein, an agent of this Division, hereinafter  
referred to as Investigator "R", appeared and testified with respect  
to his visits to defendant's licensed premises on July 16, 20 and  
22, 1954. It was stipulated that the testimony of two other agents,  
hereinafter referred to as Investigator "C" and Investigator "K",  
would be substantially the same as that of Investigator "R" as to  
July 20 and July 22, respectively.

This testimony may be summarized as follows: After a pre-  
liminary visit to defendant's licensed premises on July 16, 1954,  
at which time he was alone, Investigator "R" returned on the after-  
noon of July 20, accompanied by Investigator "C". A man known as  
"Bart" was tending bar and there were three male patrons at the bar.  
Shortly thereafter a young woman, later identified as "Marge",  
entered and stated that her purse had been stolen. After she left,  
and before she returned a few minutes later, Investigator "R" asked  
Bart, the bartender, what was the "score" with Marge. Bart told  
him that she "lays" and, when questioned concerning her price, said  
"For me, nothing, for you \$5.00". When Marge returned to the bar-  
room she sat near Investigator "R" who informed her that Bart had  
told him that she would engage in sexual intercourse and asked her  
price. She replied "a fin" (\$5.00) and, in response to his question  
as to where they would go, she told him not to worry. Bart was  
standing behind the bar near them and, when the agent later asked  
if Marge was "clean", he answered "Yes". Marge, who had gone over  
to talk to another man, rejoined Investigator "R" and they contin-  
ued their conversation. She told him that she visits defendant's  
licensed premises almost every day and agreed to meet the agents  
at said premises on the morning of July 22 and take them out for  
sexual intercourse for \$5.00 each. Investigator "R" repeated to  
Bart their arrangements for the 22nd and he replied, "That's good.  
She's a good lay". Marge repeated the arrangements to Investigator  
"R" and asked for and received pencil and paper from Bart who said,  
"You can get anything you want in this place", meanwhile winking at  
the agent. As the investigators were leaving the premises, Inves-  
tigator "R" told Bart that they would see him on Thursday (July 22).

Investigator "R" returned to defendant's licensed premises on  
the morning of July 22, as agreed. He was accompanied by Investi-  
gator "K". The former had a five-dollar bill and the latter had

five one-dollar bills, the serial numbers of which had previously been noted for purposes of identification. Bart was again tending bar and Marge was seated at the bar with another female. No one else was present at that time. Marge and Bart were discussing her apparent "hang-over" and his "wild time" with a couple of girls the previous night. Investigator "R" called Marge to him and asked her whether the other girl was for his companion, Investigator "K". She answered "No" and said that she would "lay" both of them for a "five" apiece. During the discussion which followed, various places were suggested as the scene of the contemplated illicit conduct, including the back room of the licensed premises which Marge inspected and found suitable for the purpose if the participants assumed a vertical position. When Bart was informed by Investigator "K" of the intended use of the rear room he remonstrated with Marge saying, "If the boss or the cops come in here I will get fired". After further conversation, participated in by Bart, concerning a suitable place, a hotel was chosen and the agents each paid Marge five dollars, using the marked money, aforementioned. This money was paid to her over the bar in the presence of the bartender. After Marge placed the money in her purse and went to the ladies' room, Investigator "K" asked Bart whether he knew the hotel, whether it was safe, whether he had any "rubbers" and whether Marge was "clean". Bart replied that he knew the hotel; that it was safe; that he had no "rubbers" but that there was no need to worry because Marge was "clean". Marge emerged from the ladies' room, told three male patrons who had entered the barroom that she would be "right back" and rejoined the agents, saying, "Let's go". After again being reassured by Bart that Marge was "clean" and that no "rubbers" were necessary, the agents told him that they would see him later and left with Marge. They were stopped outside the licensed premises by other agents and local police officers. The marked money and some "rubbers" were found in Marge's purse.

Both Marge and Bart gave signed, sworn statements, which were admitted in evidence without objection. Marge admitted making the arrangements with the agents and accepting the money and further admitted that she had taken other men out of defendant's licensed premises for sexual intercourse but stated that she had never discussed the matter with Bart and did not know whether he was aware of her said activities. Bart admitted that there had been a discussion concerning the proposed use of the back room for immoral purposes but stated that he had forbidden its use for that purpose because he did not want to get in trouble. He further admitted that he had been told of the arrangements on July 22nd; that he had been questioned with respect to "rubbers" and Marge's cleanliness and that he had also been asked where they could go to consummate the arrangements but stated that he had told the agents that he did not know whether Marge was "clean" or where they could go and denied that he knew of her activities.

On behalf of defendant, Marge, Bart and defendant's two principal stockholders testified. Marge denied discussing arrangements for sexual intercourse with Investigator "R" on July 20th, claiming that they merely made a "date" to meet at defendant's licensed premises on the 22nd. She admitted that she had taken men out of defendant's licensed premises for sexual intercourse during the preceding month or two but testified that Bart had no knowledge thereof. She admitted substantially all of the conversations and activities which Investigator "R" testified had occurred on July 22nd, including the colloquy concerning the proposed use of the rear room. She further testified that twenty minutes elapsed between Bart's refusal to permit the use of the rear room and their departure from the premises.

Bart testified that he is 62 years of age and has tended bar for thirty-five years; that he is regularly employed by defendant as its bartender; that he is relieved at night but otherwise works alone and that his instructions were to conduct a "respectable" establishment. He admitted seeing the agents on the dates in question but denied any conversation with them on July 20 dealing with sexual intercourse, claiming that Investigator "R" had merely told him that he had made a "date" with Marge and that he first learned of it on the 22nd. He testified substantially to the same effect as his sworn statement, denying knowledge of Marge's previous activities, and denying participation in the conversations except with respect to the proposed use of the rear room and the fact that he was questioned concerning "rubbers" and where Marge and the agents could go to have intercourse. He admitted that the barroom is very small; that Investigator "K" told him that they were going to a hotel with Marge and that they remained in the barroom for fifteen minutes after that conversation.

The two stockholders of defendant corporation testified that they are engaged in other businesses; that, more recently, they have not spent much time at the licensed premises; that they had instructed their employees to obey the law and regulations; that Bart had been investigated by them before he was employed and found to be trustworthy; and that they had no reason to suspect Marge of improper conduct or any knowledge thereof.

At his request, counsel for defendant appeared before the Director in oral argument, contending that the bartender had not procured any female for the agents, had not introduced Marge to them, did not make the arrangements for immoral purposes and that said bartender was elderly and not too well educated.

After carefully considering all of the evidence in this case I am convinced that the conversations and activities related by the agents in fact occurred upon defendant's licensed premises and that the bartender had full knowledge thereof. Defendant is responsible for his conduct. Rule 31 of State Regulations No. 20; Re Paton, Bulletin 898, Item 3, and cases there cited.

Defendant has no prior adjudicated record. I have given careful consideration to the penalty to be imposed in this case. Clearly, the facts and circumstances which impelled me to find guilt require a severe penalty. However, under all of the circumstances, including the fact that none of defendant's officers, stockholders or employees actually procured any female for the agents, or introduced them, or promoted or actually participated in the arrangements, revocation of the license would be unnecessarily severe. Re Sussman & Sussman, Bulletin 1041, Item 2. Nevertheless, as was pointed out in that case "the unholy union of vice and liquor on licensed premises cannot, and will not, be tolerated", citing Re Oranges and Hinkes, Bulletin 1039, Item 5.

Following the decision in Re Sussman & Sussman, supra, I announced that, because of my concern over the frequency of violations of the type involved in this case, penalties to be imposed in future cases of this kind "will be greater (irrespective of the plea entered) than the penalty which would have been imposed heretofore in comparable situations". Re Heavier Penalties, Bulletin 1041, Item 9. However, in all fairness to this defendant, I am taking into account the fact that the instant case was pending when that policy was announced. Under all of the circumstances, I shall suspend defendant's license for 180 days. Re Sussman & Sussman, supra. However, I reiterate and reaffirm my intention to impose heavier penalties for future violations of this kind, as enunciated in Re Heavier Penalties, supra.

Accordingly, it is, on this 12th day of January, 1955,

ORDERED that Plenary Retail Consumption License C-124, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Bar 31, Inc., t/a 31 Bar, 31 Hensler Street, Newark, be and the same is hereby suspended for the balance of its term, effective at 2:00 a.m. January 19, 1955; and it is further

ORDERED that if any license be granted to this licensee or to any other person for the premises in question for the 1955-56 licensing year, such license shall be under suspension until 2:00 a.m. July 18, 1955.

WILLIAM HOWE DAVIS  
Director.

4. DISCIPLINARY PROCEEDINGS - TRANSPORTATION OF ALCOHOLIC BEVERAGES WITHOUT BONA FIDE INVOICES OR MANIFESTS - TRANSPORTATION IN VEHICLE NOT BEARING TRANSPORTATION INSIGNIA - RETAIL PRICE ADVERTISING OF MALT ALCOHOLIC BEVERAGES - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )  
 )  
LOUIS CYKTOR, JR. )  
T/a CYKTOR'S LIQUOR STORE )  
603 Amboy Avenue )  
Edison Township (formerly )  
Raritan Twp.) )  
P. O. Fords, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Distribution License D-4, issued by the Board of Commissioners of Raritan Township (now Edison Township), Middlesex County. )  
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Samuel Moskowitz, 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 October 23, 1954, you transported alcoholic beverages in a vehicle without the driver thereof having in his possession a bona fide, authentic and accurate delivery slip, invoice, manifest, waybill or similar document stating the bona fide name and address of the purchaser or consignee and the brand name or size of the container and quantity of each item of alcoholic beverages being transported; in violation of Rule 3 of State Regulations No. 17.

"2. On October 23, 1954, you transported alcoholic beverages in a vehicle having no transportation insignia affixed to it; in violation of Rule 2 of State Regulations No. 17.

"3. On divers days between October 18 and 26, 1954, you price-advertised malt alcoholic beverages at retail in circulars and handbills; in violation of a special ruling made on July 6, 1954 by the Director of the Division of Alcoholic Beverage Control."

The file herein discloses that on October 23, 1954, two ABC agents found a considerable quantity of beer in a truck owned by defendant and driven by his employee who did not have in his possession an invoice or invoices containing the information required by Rule 3 of State Regulations No. 17. Furthermore, the truck bore no transit insignia required by Rule 2 of State Regulations No. 17.

In addition, on October 26, 1954, another agent found copies of handbills advertising the retail prices of malt alcoholic beverages. Defendant admitted that he had distributed the handbills to customers, commencing October 18, 1954. This practice is specifically prohibited by special ruling made effective July 15, 1954 and published in Bulletin 1024, Item 8.

At his request, counsel for defendant appeared before the Director personally in oral argument. He contended that defendant had forgotten the aforementioned special ruling and had innocently distributed the circulars and handbills. However, this is not borne out by the facts disclosed by our investigation or defendant's own written statement from which it appears that such advertising material distributed by defendant did not bear his name or the address of his place of business but was attached to other such material advertising prices of nonalcoholic beverages which did bear his name and address. Defendant's failure to include his name and address on the first mentioned advertising appears to be a cleverly conceived scheme to circumvent the special ruling.

Defendant has no prior adjudicated record. However, on September 1, 1950 and again on December 6, 1951, warning letters were sent to him in connection with improper newspaper advertising. The usual penalty for the violations covered by Charges (1) and (2) is a suspension of the license for fifteen days. Re Liquor Fair, Inc., Bulletin 1013, Item 8. Charge (3) represents the first violation of the aforementioned special ruling to be prosecuted since said ruling was made. I shall suspend defendant's license for an additional period of ten days on Charge (3), making a total suspension of twenty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 3rd day of January, 1955,

ORDERED that Plenary Retail Distribution License D-4, issued by the Board of Commissioners of Raritan Township (now Edison Township), Middlesex County, to Louis Cyktor, Jr., t/a Cyktor's Liquor Store, 603 Amboy Avenue, Edison Township (formerly Raritan Township), be and the same is hereby suspended for a period of twenty (20) days, commencing at 9:00 a.m. January 11, 1955, and terminating at 9:00 a.m. January 31, 1955.

WILLIAM HOWE DAVIS  
Director.

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

In the Matter of Disciplinary Proceedings against  
 JENNIE WAGENTI & THEODORE PALERMO  
 T/a STUMBLE INN  
 169 Westminster Place  
 Lodi, N. J.,  
 Holders of Plenary Retail Consumption License C-7, issued by the Mayor and Council of the Borough of Lodi.  
 -----)

CONCLUSIONS AND ORDER.

Jennie Wagenti & Theodore Palermo, Defendant-licensees, Pro Se. Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they sold, served and delivered alcoholic beverages to minors and permitted them to consume such beverages upon their licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that information was obtained from the Clifton Police Department indicating that two youths, both 18 years of age, had bought and had consumed beer at defendants' licensed premises on the evening of December 5, 1954. Both minors identified defendants' premises and the waitress who served them several glasses of beer without inquiring as to their ages. The waitress admitted orally that she had been on duty on the evening in question but stated that she did not remember serving the minors.

Defendants have no prior adjudicated record. I shall suspend their license for ten days. Five days will be remitted for the plea entered herein, leaving a net suspension of five days. Re Koschiuszko Association, Bulletin 964, Item 8.

Accordingly, it is, on this 10th day of January, 1955,

ORDERED that Plenary Retail Consumption License C-7, issued by the Mayor and Council of the Borough of Lodi to Jennie Wagenti & Theodore Palermo, t/a Stumble Inn, 169 Westminster Place, Lodi, be and the same is hereby suspended for a period of five (5) days, commencing at 3:00 a.m. January 17, 1955, and terminating at 3:00 a.m. January 22, 1955.

WILLIAM HOWE DAVIS  
Director.

6. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES (INDECENT DANCE) - HOSTESSES - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

J. P. J. CORP.  
517 Paterson Plank Road  
Union City, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-168, issued by the Board of Commissioners of the City of Union City.

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Frank J. Guarini, 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 charges:

"1. On Friday night, October 22 and early Saturday morning, October 23, 1954, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, in that a female entertainer performed in a lewd, indecent and immoral manner; in violation of Rule 5 of State Regulations No. 20.

"2. On the occasion aforesaid, you allowed, permitted and suffered females employed on your licensed premises to accept beverages at the expense of or as a gift from customers and patrons; in violation of Rule 22 of State Regulations No. 20."

The file herein discloses that late Friday night, October 22, 1954, ABC agents then present in defendant's licensed premises observed a floor show which featured "Marlane" who, while wearing a bra, abbreviated tights and panels, engaged in what she later described as an "Egyptian-Tibitian and Indian" dance, which, in fact, was an exhibition of sensuous and suggestive movements commonly referred to as "bumps" and "grinds." During the dance she would run her hands over her breasts, down to her stomach and around her thighs. Such performances have no place on licensed premises. Re Mitchell, Bulletin 980, Item 3. On October 23, shortly after midnight, a female entertainer was introduced by the bartender to the agents who purchased several alcoholic drinks for her. After viewing the second performance, which was unobjectionable, the agents identified themselves to the President of defendant corporation who refused to give a signed statement.

Defendant has no prior adjudicated record. I shall suspend its license for thirty days on Charge (1), Re D'Augustine, Bulletin 985, Item 3. The evidence which forms the basis for Charge (2) indicates that the activity was isolated and I am satisfied that the entertainer was not engaged in the practice of "hustling" the male patrons. Under the circumstances, I shall suspend defendant's license for ten days on said charge, making a total suspension of forty days. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 28th day of December, 1954,

ORDERED that Plenary Retail Consumption License C-168, issued by the Board of Commissioners of the City of Union City to J. P. J. Corp., 517 Paterson Plank Road, Union City, be and the same is hereby suspended for a period of thirty-five (35) days, commencing at 3:00 a.m. January 3, 1955, and terminating at 3:00 a.m. February 7, 1955.

WILLIAM HOWE DAVIS  
Director

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

In the Matter of Disciplinary Proceedings against )

JOHN TETLA )  
T/a TERRY'S BAR & GRILL )  
68 Lanza Avenue )  
Garfield, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-19, issued by the Mayor and Council of the City of Garfield. )  
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John Tetla, Defendant-licensee, Pro Se.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he sold, served and delivered alcoholic beverages to minors and permitted them to consume such beverages upon his licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that information was obtained from the Clifton Police Department indicating that two youths, both 18 years of age, had bought and had consumed beer at defendant's licensed premises on the evening of December 5, 1954. Both minors identified defendant's premises and the bartender who served them several glasses of beer without inquiring as to their ages. The bartender admitted orally that he had been on duty on the evening in question but stated that he did not remember serving the minors.

Defendant has no prior adjudicated record. I shall suspend his license for ten days. Five days will be remitted for the plea entered herein, leaving a net suspension of five days. Re Koschiuszko Association, Bulletin 964, Item 8.

Accordingly, it is, on this 4th day of January, 1955,

ORDERED that Plenary Retail Consumption License C-19, issued by the Mayor and Council of the City of Garfield to John Tetla, t/a Terry's Bar & Grill, 68 Lanza Avenue, Garfield, be and the same is hereby suspended for a period of five (5) days, commencing at 6:00 a.m. January 10, 1955, and terminating at 6:00 a.m. January 15, 1955.

WILLIAM HOWE DAVIS  
Director.

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

In the Matter of Disciplinary Proceedings against SUSANNA MUZIANI, GATEN F. MUZIANI & JOSEPH J. SCROCCA T/a VICTORIA CAFE 4401-03 Park Boulevard Wildwood, N. J.,

CONCLUSIONS AND ORDER

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Holders of Plenary Retail Consumption License C-35, issued by the Board of Commissioners of the City of Wildwood.

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

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge alleging that they sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to minors, in and upon their licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that ABC agents obtained signed statements from Paul --- (age 19) and Daniel --- (age 20), members of the U. S. Armed Forces, relating that on November 23, 1954, they entered defendants' licensed premises and purchased a pint bottle of "Wilson" from a barmaid who made no inquiry as to their ages. In the presence of the agents the minors identified the premises and therein Susanna Muziani (one of the licensees) as the person who sold them the whiskey.

Defendants have no prior adjudicated record. I shall suspend their license for ten days. Re Cape May County Tuna Club, Bulletin 935, Item 4. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 27th day of December, 1954,

ORDERED that Plenary Retail Consumption License C-35, issued by the Board of Commissioners of the City of Wildwood to Susanna Muziani, Gaten F. Muziani & Joseph J. Scrocca, t/a Victoria Cafe, for premises 4401-03 Park Boulevard, Wildwood, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. January 3, 1955, and terminating at 2:00 a.m. January 8, 1955.

WILLIAM HOWE DAVIS  
Director.

9. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - SALE DURING PROHIBITED HOURS IN VIOLATION OF LOCAL ORDINANCE - SALE AT PREMISES OTHER THAN LICENSED PREMISES - CHARGE ALLEGING HINDERING INVESTIGATION DISMISSED - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
 VIC'S BAR & GRILL, INC.  
 89 Coles Street  
 Jersey City 2, N. J.,  
 Holder of Plenary Retail Consumption License C-110, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

CONCLUSIONS  
 AND ORDER

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 John B. Graf, 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 charges alleging that (1) it sold alcoholic beverages in original containers for off-premises consumption, in violation of Rule 1 of State Regulations No. 38; (2) it sold alcoholic beverages during prohibited hours, in violation of a local ordinance; (3) it sold alcoholic beverages at premises other than its licensed premises contrary to R. S. 33:1-26, in violation of R.S. 33:1-2; and (4) through its president, Victor Miletich, it attempted to hinder, delay and cause the hindrance and delay of the investigation by investigators of the Division of Alcoholic Beverage Control, in violation of R. S. 33:1-35.

The file in the instant case discloses that about 12:28 p.m., on Sunday, September 26, 1954, two ABC agents observed Victor Miletich, president of defendant corporate licensee, hand a package containing six quart bottles of cold beer to a man who stood outside the side door of the licensed premises. The agents apprehended the man and when the three returned to the building and confronted Victor Miletich with the violation, he admitted delivering the beer to the man in question.

The file herein further discloses that about 6:00 p.m. on Monday, September 27, 1954, the aforementioned Victor Miletich visited the home of an investigator employed by this Division. Said investigator had no connection whatsoever with the investigation which took place the previous day. Victor Miletich is alleged to have approached this investigator and to have made some threatening remarks with reference to the investigation aforementioned. Licensees are warned that such conduct, in addition to jeopardizing the privileges enjoyed under their license, may subject themselves to criminal prosecution. There is no evidence, however, in the file to indicate that on September 26, 1954, when the investigation was in progress, Victor Miletich, or any other person, interfered with or hindered said investigation in any manner whatsoever. In view of this, I shall permit the withdrawal of the plea entered herein as to Charge (4) and shall dismiss said charge.

Defendant has no prior adjudicated record. I shall suspend defendant's license for a period of thirty days because of the violations set forth in Charges (1), (2) and (3). Re Julewicz, Bulletin

1034, Item 8. Five days will be remitted because of the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 3rd day of January, 1955,

ORDERED that Plenary Retail Consumption License C-110, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Vic's Bar & Grill, Inc., 89 Coles Street, Jersey City, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 2:00 a.m. January 10, 1955, and terminating at 2:00 a.m. February 4, 1955.

WILLIAM HOWE DAVIS  
Director.

10. STATE LICENSES - NEW APPLICATIONS FILED.

Gerard Calabrese  
T/a Haledon Distributing Co.  
29 Mangold Street (Rear)  
Haledon, N. J.

Application filed January 11, 1955 for transfer of State Beverage Distributor's License from James Fiorina, t/a Haledon Distributing Co., 29 Mangold Street (Rear), Haledon, N.J.

Horlacher Brewing Company  
311 Gordon Street  
Allentown, Pa.

Application filed January 14, 1955 for Transportation License.

Thomas G. Griggs, Otis C. Brigman & Jerry C. Griggs  
T/a Griggs Trucking Co.  
2020 - 47th Street  
North Bergen, N. J.

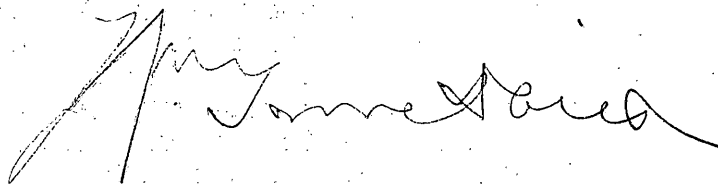
Application filed January 24, 1955 for Transportation License.

Alfred J. Farone, Inc.  
63 Putnam Street  
Saratoga Springs, N. Y.

Application filed January 24, 1955 for Transportation License.

United Parcel Service of Pennsylvania, Inc.  
124 West Merion Street  
Pleasantville, N. J.

Application filed January 24, 1955 for additional warehouse at 351 Newton Avenue, Camden, N. J.



William Howe Davis  
Director.