

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

October 25, 1962

BULLETIN 1480

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

October 25, 1962

BULLETIN 1480

1. APPELLATE DECISIONS - FRANKIE'S NOMAD CLUB, INC. v.
ATLANTIC CITY.

FRANKIE'S NOMAD CLUB INC.,)	
t/a ZODIAC ROOM,)	
)	
Appellant,)	
)	
v.)	ON APPEAL
)	ORDER
)	
BOARD OF COMMISSIONERS OF THE)	
CITY OF ATLANTIC CITY,)	
)	
Respondent.)	

Richman & Berry, Esqs., by Robert W. Page, Esq., Attorneys
for Appellant.

Murray Fredericks, Esq., by Chaim H. Sandler, Esq., Attorney
for Respondent.

BY THE DIRECTOR:

Appellant appeals from failure by respondent on June 28, 1962, to grant its application for renewal of plenary retail consumption license for premises 1211 Bacharach Boulevard, Atlantic City, for the licensing year 1962-63.

Prior to the hearing on appeal, by letter of September 11, 1962, appellant advised me that the appeal was withdrawn.

It appearing that public hearing on the application for license and objections thereto, previously scheduled for July 12, 1962 (prior to the filing of the appeal herein) will be conducted by respondent in regular course, and it further appearing that the licensee has been granted an ad interim special permit to authorize operation of the licensed business pending such hearing, and no reason appearing to the contrary,

It is, on this 12th day of September 1962,

ORDERED that the appeal herein be and the same is hereby dismissed, without prejudice, and the order entered herein extending the license pending determination of the appeal is hereby vacated.

WILLIAM HOWE DAVIS
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - INDECENT LANGUAGE -
HINDERING INVESTIGATION - PRIOR DISSIMILAR RECORD - LICENSE
SUSPENDED FOR 50 DAYS.

In the Matter of Disciplinary)
Proceedings against)

PETER RESTIVO)
t/a PETE'S TAVERN)
119 Brunswick Street)
Jersey City 2, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-372, issued by the Municipal)
Board of Alcoholic Beverage Control of)
the City of Jersey City.)

Licensee, Pro se.

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

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Licensee pleaded not guilty to the following charges:

- '1. On June 15, 1962, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years, viz., Frank ---, age 16 and Cosmo ---, age 17 and allowed, permitted and suffered the consumption of alcoholic beverages by such persons in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.
- '2. On June 15, 1962, you engaged in and allowed, permitted and suffered foul, filthy and obscene language in and upon your licensed premises; in violation of Rule 5 of State Regulation No. 20.
- '3. On June 15, 1962, while Investigators of the Division of Alcoholic Beverage Control of the Department of Law & Public Safety of the State of New Jersey were conducting an investigation, inspection and examination at your licensed premises, you failed to facilitate and hindered and delayed and caused the hindrance and delay of such investigation, inspection and examination; in violation of R.S. 33:1-35.'

"To substantiate the charges the Division called as its witnesses Frank ---, Cosmo --- and three ABC agents (hereafter referred to as Agent S, Agent C and Agent F).

"Frank testified that he was born on June 26, 1945, and hence was sixteen years of age at the time of the alleged violations. Cosmo testified that he was seventeen years of age (born October 27, 1944).

"Agent S testified that, pursuant to a specific complaint that the licensee was selling alcoholic beverages to minors, he and Agents C and F visited the licensed premises at about 9:30 p.m. on Friday, June 15, 1962; that they took seats at the bar

which was being tended by James Ferrara; that Peter Restivo (the licensee) was sitting at the far end of the bar and consuming a drink; that at about 9:50 p.m. he observed Frank and Cosmo enter the premises and take positions at the bar about ten feet from him and the other agents; that his attention was drawn to them because of their youthful appearances and that he observed each one order and consume a glass of beer served to them by the bartender.

"Agent S further testified that at about 10:07 p.m. he observed the bartender serve a second glass of beer to each of the minors; that, after he had observed them partially consume their second round of drinks, he and his companions identified themselves to Frank and Cosmo and seized the remaining portion of their drinks for evidential purposes; that Frank admitted that he was sixteen years of age; that Cosmo stated he was seventeen years old and that, upon questioning, the bartender stated that he had served the alcoholic beverages to Frank and Cosmo without making any inquiry of them of their ages.

"Agent S further testified that, while questioning the minors and the bartender, they were joined by the licensee; that he and the other two agents identified themselves to him and informed him of the alleged violation, following which the licensee attempted to 'grab' Agent C's badge and engaged in foul and filthy language for a period of twenty minutes; that, while attempting to further question the minors and take written statements from them, the licensee in foul language directed the minors not to make any statements and that, in compliance therewith, the minors refused to give any written statements.

"Agents C and F were called to testify and it was stipulated by the Division's attorney and the licensee that, if examined, their testimony on direct examination would corroborate the testimony of Agent S.

"On cross examination Agents S and C reaffirmed their direct testimony that the licensee engaged in foul and filthy language and that they had identified themselves as aforesaid to the licensee.

"Frank, on behalf of the licensee, testified that he did not display any ID card to the agents when questioned by them.

"Cosmo, on behalf of the licensee, testified that, prior to June 15 aforesaid, he had not been in the licensed premises; that on the night in question he possessed a classification card indicating that the person named thereon was over twenty-one years of age and that the bartender, without requiring him or Frank to make a written representation of their ages, served each two glasses of beer.

"The licensee, testifying on his own behalf, denied that he used the particular foul and filthy language attributed to him by the agents; denied that he had instructed the minors not to answer the questions of the agents; denied that the agents had identified themselves to him while questioning the bartender and minors at the bar, and further testified that the bartender had informed him that he (the bartender) did not question Frank or Cosmo about their ages on the night in question because they had displayed identification cards to him (the bartender) on a previous visit to the licensed premises; that on or about June 1, 1962, he had been warned by the local police authorities about serving minors; that he had taken steps to discourage their

patronage; that Frank and Cosmo entered the premises while he was watching television; that he was unaware of the identities of the agents prior to the time that he had observed them seated at a table with the minors, and that he was not familiar with the statutory requirements under R.S. 33:1-77 and delineated on page 77 in the Rules and Regulations of the Division under a 'Special Note.'

"On cross examination the licensee testified that for the past fourteen years he has held a liquor license in Jersey City and that neither he nor his bartender had obtained any written representation from Frank and Cosmo that they were of legal age.

"The only defense provided by the Alcoholic Beverage Law in the case of sale or service of an alcoholic beverage to a minor or consumption of an alcoholic beverage by a minor on licensed premises is that wherein all the following facts affirmatively appear: (a) that the minor falsely represented himself in writing to be of age, (b) that the minor's appearance was such that an ordinary prudent person would believe him to be of age, and (c) that the sale was made in reliance upon such written representation and appearance and in the reasonable belief that the minor was of age. See R.S. 33:1-77.

"The licensee does not deny the factual allegation of the first charge herein but seeks to be absolved of guilt on ground that he was not familiar with aforesaid statutory requirements. However, ignorance of the law or the regulation does not afford an excuse to the licensee. Moreover, licensees and their employees must know the rules and scrupulously adhere to them. Re Earrol Plaza Corporation, Bulletin 1434, Item 2. Even if, as alleged, Frank or Cosmo had previously shown the bartender a card indicating the holder thereof was twenty-one years old, this cannot be accepted as a mitigating circumstance in view of the ages of the minors. Cf. Re Shinkunas, Bulletin 1253, Item 2; Re Lark's Liquor Store Inc., Bulletin 1467, Item 5.

"With respect to Charges 2 and 3 herein, I find as a fact from the testimony of the agents that on June 15, 1962, the licensee engaged in foul and filthy language in the licensed premises and hindered the investigation of the agents.

"After reviewing the evidence and exhibits, I conclude that the Division has established the truth of the three charges by a fair preponderance of the believable evidence, and I recommend that the licensee be found guilty as charged.

"The licensee has a prior adjudicated record. Effective June 22, 1952, his license was suspended by the local issuing authority for five days for an 'hours' violation and, effective June 2, 1958, his license was suspended by the Director for thirty days for an 'hours' violation and for employing a bartender contrary to a local ordinance (no identification card). Re Restivo, Bulletin 1230, Item 4.

"Since the first dissimilar violation occurred more than five years ago, it will not be considered in fixing the penalty herein. Cf. Re Nehoc Tavern, Inc., Bulletin 1461, Item 6. It is further recommended that an order be entered suspending the license on Charge 1 herein for a period of twenty-five days, the minimum suspension for the sale of alcoholic beverages to a sixteen-year-old minor (Re Begley and Buckley, Bulletin 1411, Item 2); for ten days on Charge 2 (Re Marlborough Hotel Corporation, Bulletin 1391, Item 1); for ten days on Charge 3

(cf. Re Schmoldt, Bulletin 1294, Item 6), and for an additional five days for the dissimilar violation which occurred within the past five years (Re Nehoc Tavern, Inc., supra), making a total suspension of fifty days."

No exceptions the the Hearer's Report were filed with me within the time limited by Rule 6 of State Regulation No. 16.

Having carefully considered the transcript of the testimony, the exhibits and the Hearer's Report, I concur in the findings and conclusions of the Hearer and adopt his recommendation:

Accordingly, it is, on this 17th day of September 1962,

ORDERED that Plenary Retail Consumption License C-372, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Peter Restivo, t/a Pete's Tavern, for premises 119 Brunswick Street, Jersey City, be and the same is hereby suspended for fifty (50) days, commencing at 2 a.m. Monday, September 24, 1962, and terminating at 2 a.m. Tuesday, November 13, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR SIMILAR AND DISSIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ALBION, INC.
t/a RAINBOW ROOM
105-107 Second Avenue
Asbury Park, N. J.

)
)
) CONCLUSIONS AND ORDER
)

Holder of Plenary Retail Consumption License C-33, issued by the City Council of the City of Asbury Park)
)

Samuel Voltaggio, Esq., Attorney for licensee.
David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on June 30, 1962, it possessed alcoholic beverages in two bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensee had a previous record of suspension of license by the Director for fifteen days effective February 13, 1962, for a similar offense (Re Albion, Inc., Bulletin 1439, Item 7), and by the municipal issuing authority for fifteen days, effective April 16, 1962, for sale to minors.

The minimum penalty imposed in cases involving two bottles, where there is no previous record of suspension, is suspension of license for fifteen days. Re Baldyga, Bulletin 1469, Item 10. However, in view of the record of two suspensions

for prior similar and dissimilar violations within the past five years, the license will be suspended for thirty days (cf. Re Hittner & Hodes, Bulletin 1420, Item 6, and Re Kicey, Bulletin 1461, Item 3), with remission of five days for the plea entered, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 17th day of September 1962,

ORDERED that Plenary Retail Consumption License C-33, issued by the City Council of the City of Asbury Park to Albion, Inc., t/a Rainbow Room, for premises 105-107 Second Avenue, Asbury Park, be and the same is hereby suspended for twenty-five (25) days commencing at 3 a.m. Monday, September 24, 1962, and terminating at 3 a.m. Friday, October 19, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - ORDER LIFTING SUSPENSION FOR ONE DAY.

In the Matter of Disciplinary Proceedings against

ALBION, INC.
t/a Rainbow Room
105-107 Second Avenue
Asbury Park, N. J.

AMENDED
ORDER

Holder of Plenary Retail Consumption License C-33, issued by the City Council of the City of Asbury Park.

Joseph F. Mattice, Esq., Attorney for Licensee.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

On September 17, 1962, I entered an order suspending the license herein for a period of twenty-five days commencing on September 24, 1962, and terminating on October 19, 1962. The licensee has now filed a petition requesting that the effect of the suspension be lifted for one day, viz., October 13, 1962, to permit the conduct of a previously arranged social affair sponsored by Chapter No. 37, Disabled American Veterans of Asbury Park, for which affair nine hundred tickets have already been sold. For good cause appearing, I shall grant the petition.

Accordingly, it is, on this 26th day of September, 1962,

ORDERED that the previous order of suspension herein be and the same is hereby amended in accordance herewith; and it is further

ORDERED that Plenary Retail Consumption License C-33, issued by the City Council of the City of Asbury Park to Albion, Inc., t/a Rainbow Room, for premises 105-107 Second Avenue, Asbury Park, be and the same is hereby suspended for twenty-five (25) days, commencing at 3:00 a.m. Monday, September 24, 1962, and terminating at 3:00 a.m. Saturday, October 13, 1962, and again commencing at 3:00 a.m. Sunday, October 14, 1962, and terminating at 3:00 a.m. Saturday, October 20, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

5. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1961 TO JUNE 30, 1962 AS REPORTED TO THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19

PAGE 7.

CLASSIFICATION OF LICENSES

County	Plenary Retail Consumption		Plenary Retail Distribution		Club		Limited Retail Distribution		Seasonal Retail Consumption		Number Surrendered Revoked Expired	Number Licenses in Effect	Total Fees Paid
	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid			
Atlantic	485	\$ 207,259.45	72	\$ 27,225.00	29	\$ 2,503.34					1	585	\$ 236,987.79
Bergen	813	313,114.59	301	89,233.12	131	12,086.08	52	\$ 2,451.50	10	\$ 2,797.50	5	1302	419,682.79
Burlington	191	85,870.00	41	13,450.00	48	6,812.50	1	50.00				281	106,182.50
Camden	453	222,285.62	83	35,343.97	79	7,713.00			2	825.00	1	617	266,167.59
Cape May	137	77,800.00	12	4,500.00	18	2,150.00						167	84,450.00
Cumberland	79	40,250.00	15	4,200.00	30	4,060.00						124	48,510.00
Essex	1336	756,460.00	350	210,220.00	108	14,855.27	28	1,400.00	2	1,500.00	2	1822	984,435.27
Gloucester	108	38,610.00	15	3,820.00	23	2,050.00						146	44,480.00
Hudson	1511	686,090.00	298	122,400.00	86	10,237.26	63	2,700.00			2	1956	821,427.26
Hunterdon	79	28,100.00	12	3,941.51	10	1,100.00						101	33,141.51
Mercer	421	261,657.28	51	22,510.00	57	8,400.00			1	114.21	1	529	292,681.49
Middlesex	632	312,426.24	85	26,940.47	108	9,360.00	4	200.00				829	348,926.71
Monmouth	556	292,724.87	125	44,381.66	55	6,052.06	10	435.00	47	22,802.36	25	768	366,395.95
Morris	355	137,715.00	103	36,916.17	60	5,637.50	15	750.00	9	2,550.06	5	537	183,568.73
Ocean	194	103,566.29	50	21,545.00	32	3,651.25						276	128,762.54
Passaic	856	350,259.85	170	52,324.11	41	5,115.00	7	350.00			2	1072	408,048.96
Salem	50	19,560.00	8	1,640.00	19	1,600.00						77	22,800.00
Somerset	189	86,125.00	40	12,225.00	32	3,775.00						261	102,125.00
Sussex	166	46,705.00	21	4,215.00	11	645.00	1	50.00	2	450.00	1	200	52,065.00
Union	548	310,888.19	144	69,388.00	81	8,907.40	29	1,425.00				802	390,608.59
Warren	149	44,730.00	21	5,270.00	27	2,950.00			4	750.00	3	198	53,700.00
Total	9308	\$4,422,197.38	2017	\$ 811,689.01	1085	\$ 119,660.66	210	\$ 9,811.50	77	\$31,789.13	48	12650	\$5,395,147.68

BULLETIN 1480

William Howe Davis
Director

October 2, 1962

6.

ACTIVITY REPORT FOR SEPTEMBER 1962

ARRESTS:			
Total number of persons arrested	-----	27	
Licensees and employees	13		
Bootleggers	13		
Impersonating ABC Agent	1		
SEIZURES:			
Motor vehicles - cars	-----	2	
Stills - over 50 gallons	-----	1	
- 50 gallons or under	-----	1	
Mash - gallons	-----	1,550	
Distilled alcoholic beverages - gallons	-----	225.504	
Wine - gallons	-----	10.945	
Brewed malt alcoholic beverages - gallons	-----	32.625	
RETAIL LICENSEES:			
Premises inspected	-----	594	
Premises where alcoholic beverages were gauged	-----	677	
Bottles gauged	-----	10,324	
Premises where violations were found	-----	56	
Violations found	-----	67	
Unqualified employees	15	Prohibited signs	3
Application copy not available	15	Disposal permit necessary	2
Reg. #38 sign not posted	13	Other violations	12
Questionable liquor	7		
STATE LICENSEES:			
Premises inspected	-----	10	
License applications investigated	-----	9	
COMPLAINTS:			
Complaints assigned for investigation	-----	364	
Investigations completed	-----	356	
Investigations pending	-----	169	
LABORATORY:			
Analyses made	-----	250	
Refills from licensed premises - bottles	-----	30	
Bottles from unlicensed premises	-----	40	
IDENTIFICATION:			
Criminal fingerprint identifications made	-----	11	
Persons fingerprinted for non-criminal purposes	-----	269	
Identification contacts made with other enforcement agencies	-----	179	
Motor vehicle identifications via N.J. State Police teletype	-----	4	
DISCIPLINARY PROCEEDINGS:			
Cases transmitted to municipalities	-----	9	
Violations involved	-----	10	
Sale to minors	7	Sale during prohibited hours	1
Possessing chilled beer (DL licensees)	1	Failure to close prem. during pro. hrs.	1
Cases instituted at Division	-----	24	
Violations involved	-----	31	
Possessing liquor not truly labeled	6	Sale to non-members by club	2
Sale to minors	5	Sale below filed price	2
Sale during prohibited hours	5	Failure to have copy of lic. appl.	
Permitting lottery activity (numbers)	3	on premises	1
Hindering investigation	3	Conducting business as a nuisance	1
Permitting bookmaking on premises	2	Permitting hostesses on premises	1
Cases brought by municipalities on own initiative and reported to Division	-----	20	
Violations involved	-----	22	
Sale to minors	14	Permitting bookmaking on premises	1
Permitting brews on premises	3	Sale during prohibited hours	1
Failure to close prem. during pro. hrs.	2	Hindering investigation	1
HEARINGS HELD AT DIVISION:			
Total number of hearings held	-----	31	
Appeals	6	Hearing on petition	1
Disciplinary proceedings	19	Applications for license	1
Eligibility	4		
STATE LICENSES AND PERMITS ISSUED:			
Total number issued	-----	1,156	
Licensees	6	Social affair permits	450
Solicitors' permits	50	Miscellaneous permits	160
Employment permits	249	Transit insignia	130
Disposal permits	89	Transit certificates	22
OFFICE OF AMUSEMENT GAMES CONTROL:			
Licensees issued	80	Disciplinary proceedings instituted	1
Premises inspected	83	Violations involved	2
Enforcement files established	26	Hindering investigation	1
		Awarding free games	1

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

Dated: October 3, 1962

7. RECAPITULATION OF ACTIVITY FOR QUARTERLY PERIOD FROM JULY 1, 1962 THROUGH SEPTEMBER 30, 1962

	<u>JULY</u>	<u>AUG.</u>	<u>SEPT.</u>	<u>TOTAL</u>
ARRESTS:				
Total number of persons arrested	22	23	27	72
Licenses and employees	11	8	13	32
Bootleggers	10	15	13	38
ABC Agent impersonator	1	-	1	2
SEIZURES:				
Motor vehicles - cars	2	-	2	4
Stills - over 50 gallons	-	1	1	2
- 50 gallons or under	2	1	1	4
Mash - gallons	525	450	1,550	2,525
Distilled alcoholic beverages - gallons	64.968	49.040	225.504	339.512
Wine - gallons	7.625	.375	10.945	18.945
Brewed malt alcoholic beverages - gallons	.657	22.596	32.625	55.878
RETAIL LICENSEES:				
Premises inspected	791	734	594	2,119
Premises where alcoholic beverages were gauged	591	642	677	1,910
Bottles gauged	9,756	9,759	10,324	29,839
Premises where violations were found	114	74	56	244
Violations found	211	116	67	394
Unqualified employees	150	65	15	210
Reg. #38 sign not posted	25	24	13	62
Application copy not available	25	7	15	47
Prohibited signs	4	1	3	8
Disposal permit necessary	3	3	2	8
Questionable liquor	-	-	7	7
Other mercantile business	4	2	-	6
Improper beer taps	2	-	-	2
Other violations	18	14	12	44
STATE LICENSEES:				
Premises inspected	5	7	10	32
License applications investigated	7	11	9	27
COMPLAINTS:				
Complaints assigned for investigation	440	372	364	1,176
Investigations completed	428	464	356	1,248
Investigations pending	(180)	(172)	169	169
LABORATORY:				
Analyses made	206	243	250	699
Refills from licensed premises - bottles	22	50	30	102
Bottles from unlicensed premises	70	33	40	143
IDENTIFICATION:				
Criminal fingerprint identifications made	12	7	11	30
Persons fingerprinted for non-criminal purposes	448	302	269	1,019
Motor vehicle identifications via N.J. State Police teletype	8	2	4	14
Identification contacts made with other enforcement agencies	313	197	179	689
DISCIPLINARY PROCEEDINGS:				
Cases transmitted to municipalities	17	23	9	49
Violations involved	18	24	10	52
Sale to minors	8	6	7	21
Sale during prohibited hours	8	17	1	26
Failure to close premises during prohibited hours	-	1	1	2
Possessing chilled beer (DL licensee)	1	-	1	2
Sale outside scope of license	1	-	-	1
Cases instituted at Division	22	19	24	65
Violations involved	29	32	31	92
Possessing liquor not truly labeled	8	3	6	17
Sale during prohibited hours	3	5	5	13
Sale to minors	3	4	5	12
Sale below filed price	3	2	2	7
Hindering investigation	1	3	3	7
Permitting lottery activity (numbers) on premises	-	2	3	5
Permitting bookmaking on premises	-	2	2	4
Sale outside scope of license	1	2	-	3
Fraud in application	1	2	-	3
Sale to non-members by club	1	-	2	3
Retailer-to-retailer sales	2	-	-	2
Permitting immoral activity on premises	2	-	-	2
Permitting hostesses on premises	-	1	1	2
Failure to close premises during prohibited hours	1	1	-	2
Unauthorized transportation	2	-	-	2
Conducting business as a nuisance	-	-	1	1
Application copy not on premises	-	-	1	1
Service to women at the bar (local reg.)	-	1	-	1
Permitting foul language on premises	-	1	-	1
Act of violence on premises	-	1	-	1
Sale to intoxicated persons	-	1	-	1
Failure to afford view into premises during prohibited hours	-	1	-	1
Solicitor-permittee engaging in conduct proh. to employer	1	-	-	1

	<u>JULY</u>	<u>AUG.</u>	<u>SEPT.</u>	<u>TOTAL</u>
DISCIPLINARY PROCEEDINGS (Continued)				
Cases brought by municipalities on own initiative and reported to Division	19	15	20	54
Violations involved	21	16	22	59
Sale to minors	14	8	14	46
Sale during prohibited hours	4	2	1	7
Permitting brawl on premises	-	2	3	5
Failure to close premises during prohibited hours	1	1	2	4
Conducting business as a nuisance	1	1	-	2
Permitting bookmaking on premises	-	1	1	2
Hindering investigation	-	-	1	1
Permitting lottery activity	-	1	-	1
Permitting gambling on premises	1	-	-	1
HEARINGS HELD AT DIVISION:				
Total number of hearings held	40	46	31	117
Appeals	7	9	6	22
Disciplinary proceedings	27	28	19	74
Eligibility	6	6	4	16
Seizures	-	3	-	3
Hearing on petition	-	-	1	1
Application for license	-	-	1	1
STATE LICENSES AND PERMITS ISSUED:				
Total number issued	2,078	1,486	1,156	4,720
Licenses	603	6	6	615
Solicitors' permits	70	42	50	162
Employment permits	462	296	249	1,007
Disposal permits	69	75	89	233
Social affair permits	397	494	450	1,341
Wine permits	-	2	-	2
Miscellaneous permits	238	137	160	535
Transit insignia	228	423	130	781
Transit certificates	11	11	22	44
OFFICE OF AMUSEMENT GAMES CONTROL:				
Licenses issued	8	89	80	177
Premises inspected	95	843	83	1,021
Premises where violations were found	3	20	-	23
Violations found	3	22	26	51
Enforcement files established	26	20	26	72
Disciplinary proceedings instituted at Division	-	2	1	3
Violations involved	-	3	2	5
Redemption of prize for money	-	1	-	1
Hindering investigation	-	-	1	1
Operating controlled game	-	1	-	1
Operating unlicensed game	-	1	-	1
Awarding free games	-	-	1	1

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

Dated: October 9, 1962

and evading the material fact that you then maintained a home elsewhere than in New Jersey; whereas in truth and fact at the time of your filing said application you resided in and maintained a home at 3918 - 54th Street, Woodside, Long Island, New York; such false statements, evasion and suppression of material facts being in violation of R.S. 33:1-25."

The facts are sufficiently set forth in the quoted charges.

To date no correction of the unlawful situation has been accomplished.

Absent prior record, the license will be suspended for the balance of its term, with leave granted to the licensee or any bona fide transferee of the license to apply for the lifting of the suspension whenever the unlawful situation has been corrected, but in no event sooner than ten days from the date of commencement of the suspension herein. Cf. Re Radawiec, Bulletin 1311, Item 6.

Accordingly, it is, on this 18th day of September 1962,

ORDERED that Plenary Retail Consumption License C-31, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Isabel Cappolla, for premises 122 Adams Street, Hoboken, be and the same is hereby suspended for the balance of its term, effective 2 a.m. Tuesday, September 25, 1962, with leave to the licensee or any bona fide transferee of the license to file verified petition establishing correction of the unlawful situation for lifting of the suspension of the license on or after 2 a.m. Friday, October 5, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

9. DISQUALIFICATION REMOVAL PROCEEDINGS - FALSIFICATION OF APPLICATION FOR SOLICITOR'S PERMIT - EFFECTIVE DATE OF ORDER OF REMOVAL DEFERRED.

In the Matter of an Application to)
Remove Disqualification because of) CONCLUSIONS
a Conviction, Pursuant to R.S.) AND ORDER
33:1-31.2.)

Case No. 1713

Paul Van Embden, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

Petitioner's criminal record discloses that on January 23, 1941, he pleaded guilty in the Atlantic County Court to a charge of breaking and entering, received a suspended sentence and was placed on probation for one year. Since the crime of breaking and entering involves the element of moral turpitude (Re Case No. 665, Bulletin 1069, Item 9), the petitioner was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this state. R.S. 33:1-25, 26.

At the hearing held herein, petitioner (42 years old) testified that he has resided at his present address all his life; that for the past eight years he has been regularly employed as a

bus driver and a route salesman for a cleaning company; and that shortly after his aforesaid conviction, he enlisted in the United States Army from which he was honorably discharged in November 1945.

Petitioner further testified that he recently obtained employment as a liquor salesman; that he had obtained a solicitor's permit (now cancelled) based on an application in which he denied that he was ever convicted of any crime; that this denial was not made with any intention to conceal his criminal record; that he had heard from various sources that his conviction had been voided by reason of his military service and that he had honestly believed the same to be a fact.

Petitioner further testified that he is asking for the removal of his disqualification to be free to engage in the alcoholic beverage industry in this state and that ever since his conviction (January 23, 1941) he has not been convicted of any crime or arrested.

The police department of the municipality wherein the petitioner resides reports there are no complaints or investigations presently pending against the petitioner.

Petitioner produced three character witnesses (a barber, a maintenance operator and a bus operator) who testified they have known the petitioner for over twenty-five years and, in their opinion, he is now an honest, law-abiding citizen with a good reputation.

I hesitate to grant the relief sought because of petitioner's false statement in his application for employment by a licensee. I am, however, favorably influenced by the fact that his criminal record shows only one conviction, his steady employment for the past eight years and the testimony of his character witnesses. I, nevertheless, cannot ignore petitioner's denial, under oath, that he had not been convicted of any crime in his application for employment with a licensee.

Considering all the aforesaid facts and circumstances, I shall grant his application but shall withhold relief until forty-five days after August 10, 1962, the date upon which he filed his application herein.

Accordingly, it is, on this 11th day of September, 1962,

ORDERED that petitioner's statutory disqualification because of the conviction described herein be and the same is hereby removed in accordance with the provisions of R.S. 33:1-31.2, effective September 24, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

10. STATUTORY AUTOMATIC SUSPENSION - LICENSE SUSPENDED BY LOCAL ISSUING AUTHORITY - APPLICATION TO LIFT GRANTED.

Auto. Susp. #216)
 In the Matter of a Petition to Lift)
 the Automatic Suspension of Plenary)
 Retail Consumption License C-34,)
 issued by the Borough Council of the) ON PETITION
 Borough of South River to) ORDER
)
 JOHN LYONS, INC.)
 t/a JOHNNY LYONS')
 15 Jackson Street)
 South River, N. J.)

 Walter W. Schack, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on August 21, 1962, Anna Lyons, president-treasurer of the petitioner-licensee corporation, was fined \$100 and \$10 costs in the South River Magistrate's Court after being found guilty of a charge of sale of alcoholic beverages to a minor on July 27, 1962, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of the license for the balance of its term. R.S. 33:1-31.1. The suspension has not been effectuated because of the pendency of this proceeding.

It further appears that the municipal issuing authority has suspended the license for thirty days commencing September 17, 1962, after confessional plea to a charge in disciplinary proceedings alleging the same sale to the minor. It appearing that the suspension is adequate, I shall lift the automatic suspension in anticipation of the service of the municipal suspension. Re DeSantis, Bulletin 1469, Item 7.

Accordingly, it is, on this 13th day of September, 1962,

ORDERED that the statutory automatic suspension of said license C-34 be and the same is hereby lifted, effective immediately.

WILLIAM HOWE DAVIS
 DIRECTOR

11. STATUTORY AUTOMATIC SUSPENSION - DISCIPLINARY PROCEEDINGS
PENDING BEFORE LOCAL ISSUING AUTHORITY - AUTOMATIC SUSPENSION
TEMPORARILY STAYED.

Auto. Susp. #217)	
In the Matter of a Petition to Lift)	
the Automatic Suspension of Plenary)	
Retail Consumption License C-50,)	ON PETITION
issued by the Board of Commissioners)	ORDER
of the City of Passaic to)	
)	
PETER MAKSYMETZ)	
t/a PALACE BAR)	
177 Third Street)	
Passaic, N. J.)	

Feder & Rinzler, Esqs., by Joseph A. Feder, Esq., Attorneys for
Petitioner.

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on August 13, 1962, petitioner herein was fined \$150 plus \$5 costs on each of two complaints in the Passaic Municipal Court after being found guilty of charges of sale of alcoholic beverages on August 8, 1962 to two minors, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of his license for the balance of its term. R.S. 33:1-31.1. The suspension has not been effectuated because of the pendency of this proceeding.

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 minors. 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 Carroll, Bulletin 1447, Item 4.

Accordingly, it is, on this 18th day of September, 1962,

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

WILLIAM HOWE DAVIS
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)	
)	
NEW WORLD BAR, INC.)	
t/a NEW WORLD CAFE)	
133 N. Tennessee Avenue)	CONCLUSIONS
Atlantic City, N. J.)	AND ORDER
Holder of Plenary Retail Consumption License C-143, issued by the Board of Commissioners of the City of Atlantic City.)	

Licensee, by Anne N. Slotoroff, President, Pro se.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:


Licensee pleads non vult to a charge alleging that on August 23, 1962, it possessed an alcoholic beverage in one bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for five days, effective May 3, 1954, for sale in violation of State Regulation No. 38.

The prior dissimilar record disregarded because occurring more than five years ago, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Prince Bar & Grill, Inc., Bulletin 1468, Item 12.

Accordingly, it is, on this 17th day of September, 1962,

ORDERED that Plenary Retail Consumption License C-143, issued by the Board of Commissioners of the City of Atlantic City to New World Bar, Inc., t/a New World Cafe, for premises 133 N. Tennessee Avenue, Atlantic City, be and the same is hereby suspended for five (5) days, commencing at 7:00 a.m. Monday, September 24, 1962, and terminating at 7:00 a.m. Saturday, September 29, 1962.


William Howe Davis
Director

New Jersey State Library