

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

BULLETIN 1733

June 1, 1967

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

June 1, 1967

BULLETIN 1733

1. DISCIPLINARY PROCEEDINGS - SOLICITATION FOR PROSTITUTION -
HOSTESS ACTIVITY - PRIOR SIMILAR AND DISSIMILAR RECORD -
LICENSE REVOKED.

In the Matter of Disciplinary)
Proceedings against)

AUSTIN V. BAINES & REVERTA)

MARIE GRAY)

t/a Club Marie)

204 Market Street)

Paterson, N. J.)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption
License C-296, issued by the Board of)
Alcoholic Beverage Control for the
City of Paterson)

John J. Bergin, Esq., Attorney for Licensees.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensees plead not guilty to the following charges:

"1. On Saturday night, October 1, 1966, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., solicitation for prostitution and the making of overtures and arrangements for acts of illicit sexual intercourse; in violation of Rule 5 of State Regulation No. 20.

"2. On Saturday night, October 1, 1966, you allowed, permitted and suffered a female 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 Regulation No. 20."

The Division's case was presented through the testimony of ABC Agent C (corroborated, by stipulation of counsel, by that of Agent S) and Agent D, and reflects the following: Pursuant to a specific assignment to investigate alleged prostitution at the licensed premises, Agent C, accompanied by three other agents, made two visits to the said premises. With respect to the visit of October 1, 1966, the agents arrived shortly before 10 p.m.; Agent C, fortified with two marked ten-dollar bills and one marked five-dollar bill, entered the said premises and seated himself at the far end of the bar. Two bartenders were on duty--one known as Augie was later identified as Austin Baines (a co-licensee) and the other, known as Lou, was later identified as Philip Dubow.

Upon entering they observed two Go-Go girls, identified as Jacqueline Hardy and Sandra Wilson, performing for approxi-

mately eighteen males and three female patrons. During the course of the evening Sandra was observed accepting and consuming scotch whisky drinks purchased for her by four different male patrons, for which they paid 75¢ per drink. At about 10:30 p.m. that evening Sandra came over to the agent, introduced herself, asked whether he enjoyed her dance and solicited a drink from him. The agent ordered a drink from Baines, paid for the same, and the drink was served to Sandra. After consuming this drink Sandra gave another dance performance.

About a half-hour after this incident Sandra, in the company of another female, rejoined the agent, started a conversation as to her dance, and solicited another drink from him which he accordingly purchased and paid for. Sandra asked the agent at this time whether he was interested in getting "fixed up" but Agent D stated that he had an appointment and would have to leave.

At about 11:50 p.m. a young lady (later identified as Dolores) entered the premises and seated herself at the center of the bar. When Agent C saw her, he engaged Baines in conversation, during which Baines said "Do you want to meet her?" When Agent C expressed interest, Baines went over to her, spoke to her, and "she immediately got up, came over to where I was seated and sat herself down to my left side." She then engaged in conversation with him, during which she said "Who wants to get fixed up?" The agent replied that he was interested, to which she responded "I generally get \$35 but being that you are friends of Augie's (Baines), \$25 for you."

Thereupon Agent C bought drinks for himself, Agent D, Dolores and Baines, which were consumed by the co-licensee in the presence of the agent. Agent C then asked Baines whether he had any "rubbers" because he had made arrangements to have intercourse with Dolores at a price of \$25. Baines replied that he didn't have any, and commented "All I know is that she is good. Money I know nothing about."

At about 11:20 p.m. Dolores phoned for a cab and at 11:25 she and Agent C left the tavern. On their way out Dubow shouted in a "very loud voice", "Have a good time and don't fall in", to which the agent responded "I'll let you know how good she is, how good a lay she is. I'll see you later." The agent then proceeded with Dolores to a motel located in Paterson where, after registering, they entered one of the units. He gave her \$25 in marked bills, immediately upon which she completely disrobed. At this point there was a knock on the door, and three ABC agents, accompanied by a local police officer, entered the said room. At their request she emptied her purse and the marked bills were found therein. All persons returned to the licensed premises. Upon reentering the tavern Agent C observed Sandra consuming alcoholic beverages which were purchased for her by a male patron who was seated with her at a table. Confrontation was made with Baines who denied any knowledge of either incident. They then proceeded to police headquarters where further questioning ensued, after which time Dolores was charged with soliciting for prostitution in violation of R.S. 2A:170-5.

On cross examination Agent C stated that, on his prior visit on September 1, 1966, he observed four or five females enter the premises unaccompanied and leave with male patrons whom they picked up at the bar. On October 1 he recalled at least one incident of that nature. With respect to Sandra, he later learned that she was a professional entertainer who resided in New York and on this occasion gave at least three or four separate performances. He described her dancing costume

as a "two-piece Bikini type costume," and testified that she performed her specialty dance four or five times during the evening to the accompaniment of music from the juke box, dancing in a "Go-Go girl fashion" for the entertainment of the patronage.

Austin V. Baines (co-licensee and partner at these licensed premises), testifying in defense of the said charges, gave the following version: He had been associated with this enterprise for the past three years and was engaged in bartender duties on October 1, 1966. Sandra is a show girl who is a friend of co-licensee Reverta Marie Gray, and between her professional engagements she frequently spends weekends with Miss Gray. She is not an employee of the licensee and performed at these premises "as a favor for Miss Gray. Maybe she comes quite a bit and works an hour or something like that." On this occasion she was performing as a favor to Miss Gray without compensation. The agent engaged him in conversation about Dolores who, he said, "wants \$25." He replied, "I don't want to know nothing about prices or nothing like that because I just sell beer, wine, whiskey and soda." The agent asked him if he had any "rubbers" and he said that he "don't carry nothing like that. I don't have them." The witness explained that he is frequently asked to make arrangements with some of the patrons and he always insists that he "don't want nothing to do with it." He specifically denied hearing Dubow exclaim in a loud voice to anyone, "Have fun but don't fall in."

On cross examination he insisted that, while Sandra frequently visits the licensed premises, this was the first occasion on which she actually performed. He knew she was going to perform but she performed strictly as a favor to the licensees. He admitted that she engaged in a number of performances between 9:00 and 11:30 p.m. and also accepted drinks from her "boy friend" as well as from the agents. Baines also denied making any arrangements for Dolores with Agent C. Dolores was a regular patron at these premises, and on this occasion he saw Phil (Dubow, the other bartender) move her drink down to where Agent C was seated at the bar. He acknowledged that the agent asked "Have you got any rubbers? This girl wants \$25. So I just told him, I don't want to hear nothing like that." A few minutes after this conversation the agent left, but he doesn't recall whether Dolores left with him.

Philip Dubow, who was employed as a bartender by the licensees on October 1, 1966, testified that he served Agent C alcoholic beverages and accepted a drink for himself which was purchased by the agent. He also is familiar with Dolores, having seen her on prior occasions at these premises. At the request of the agent he brought a drink ordered for Miss Dolores next to the position occupied by the agent at the bar, and Dolores seated herself next to the agent. However, he denied making any remarks as they left the tavern.

Reverta Marie Gray (a co-licensee) testified as follows: Sandra is a long-time friend of hers and is professionally engaged as a "belly dancer and exotic dancer." On the date charged herein, Sandra performed her act during the evening as a favor to this witness and received no compensation therefor. It appears that Sandra called this witness on the night of September 30 and told her that she was going to visit these premises on October 1, and that "I'm going to do a couple of dances." Her separate performances took place over a period of an hour-and-a-half or two hours.

Dolores ---, called as a witness on behalf of the licensees, recalled that she met Agent C at the bar on the date charged herein and he purchased several drinks for her. During the course of the conversation he asked her what it would cost to take her out. She replied that she was waiting for her boy friend but apparently "it looks like I am getting stood up." They then arranged to call a cab and they left the premises together. She specified that her usual price was \$30 but that, since they were now friends, "you can make it \$25." She denied that Baines had participated in the conversation except that he had a drink with them.

On cross examination she admitted that she had frequented this tavern for more than a year; that she visited the premises at least twice a week; that she had been unemployed for at least one year except for work for two weeks in October. She also acknowledged receiving money from Agent C to engage in sexual relations.

It was stipulated that the testimony of Sandra, who was unavailable as a witness, would be to the effect that she was not a regularly paid employee of the licensees.

Before analyzing and evaluating the evidence adduced herein, it might be well to set forth the general legal principles which guide us in the determination of these matters. We are dealing with purely disciplinary measures which are civil in nature and not criminal. Kravis v. Hock, 137 N.J.L. 252 (Sup. Ct. 1948). Thus the Division need establish its case only by a fair preponderance of the credible evidence. Freud and Pittala v. Davis, 64 N.J. Super. 242; Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373. The accepted standard of persuasion relating to testimony governing the trier of the facts is that the determination must be grounded in truth. Riker v. John Hancock Mutual Life Ins. Co., 129 N.J.L. 508.

No testimony need be believed but, rather, the Hearer must always credit as much or as little as he finds reliable. 7 Wigmore Evidence, sec. 2100 (1940); Greenleaf Evidence, sec. 201 (16th Ed. 1899). Evidence, to be believed, must not only proceed from the mouths of credible witnesses 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.

Guided by these principles, I have carefully evaluated the testimony herein, and have had the opportunity to observe the demeanor of the witnesses as they testified at this hearing. I am persuaded that the version given by the agents is a forthright and credible one; that, on the other hand, the account offered by the licensees is incredible and unbelievable. I am particularly persuaded that Baines initiated the arrangements with Dolores and even participated in the furtherance thereof. The testimony is clear that he not only accepted drinks from the agent in the company of Dolores, but was part of the crucial conversation relating to the arrangements to engage in prostitution.

Baines must surely have known of the reputation of Dolores who had frequented these premises for more than a year, and his testimony makes it unmistakable that he was well aware of her activities on the date herein charged. He admits that he is frequently asked by patrons to make such arrangements (with prostitutes) although he cavalierly denies that he would lend himself to such activity. Dolores very frankly and forthrightly

described her part in these proceedings, and it is unarguable that she made arrangements with the agent, accepted money and proceeded with him to the motel for the consummation thereof. Thus the only question for resolution is whether the licensees allowed, permitted and suffered the solicitation for prostitution and the making of overtures and arrangements for acts of illicit sexual intercourse, as set forth in the first charge.

It is additionally significant that Baines further concedes that he was asked about "rubbers", and understood the sense and import of the conversation between the agent and Dolores with respect to the arrangements for sexual intercourse.

The testimony of the agents with respect to precise conversations and actions appears to be forthright, convincing, believable, and was unshaken under skillful cross examination by counsel for the licensees.

It has long been held that the solicitation for immoral purposes and the making of arrangements for sexual intercourse cannot and will not be tolerated on licensed premises. The public is entitled to protection from these sordid and dangerous evils. Re 17 Club, Inc., Bulletin 949, Item 2, aff'd In re 17 Club, Inc., 26 N.J. Super. 43, 52 (App. Div. 1953).

I conclude that the Division has established the truth of the first charge by a fair preponderance of the believable evidence, indeed by substantial evidence. I recommend a finding of guilty as to this charge.

With respect to the second charge, namely, that the licensees allowed, permitted and suffered a female employed on their licensed premises to accept beverages at the expense of or as a gift from customers and patrons, the testimony is abundantly clear that Sandra was seen accepting drinks from, and paid for by, four or five patrons in addition to the ABC agent. There is no denial that she did in fact accept drinks and consumed the same. However, counsel advocates, in defense of this charge, that Sandra was not in fact an employee of the licensees but, rather, that she performed as a Go-Go dancer on the date charged herein as a "favor" to her friend, the co-licensee Miss Gray. The testimony makes it crystal clear that her performance was not of a spontaneous nature but that she gave four or five separate performances during the evening. It is further unmistakable, and in fact admitted, that arrangements for this performance were made with Miss Gray on the night before the date charged, and the licensees knew that she was going to engage in entertainment for the delight of the patrons.

Counsel argues that she was not paid for her services and therefore could not be considered an employee. This contention is untenable and has been thoroughly demolished time and again in our adjudicated cases. The question of compensation is irrelevant to the determination as to whether or not she was a female "employed", as charged. Re Jacobs, Bulletin 935, Item 3; Re O.K. Corral, Inc., Bulletin 1718, Item 2; Freud and Pittala v. Davis, supra.

In Kravis v. Hock, supra (137 N.J.L., at p. 255), the court considered this very issue. In that case it was alleged that certain females employed on licensed premises were engaged as independent contractors. In considering the matter of employment, the court stated:

"...Webster defines the word 'employ:' 'To use; to have in service; to cause to be engaged in doing something; to make use of as an instrument, a means, a material, etc., for a specific purpose.' The Commissioner, since the adoption of this regulation in November, 1940, has consistently construed the word 'employed' as used in said regulation to embrace 'all persons whose services are utilized in furtherance of the licensed business notwithstanding the absence of a technical employer-employee relationship.' Such a construction seems to be a logical one. Our courts have held that administrative interpretations of long standing given a statute by the official charged with its enforcement will not be lightly disturbed by the courts. Mr. Justice Perskie has emphasized this judicial determination in Cinó v. Driscoll (Supreme Court, 1943), 130 N.J.L. 535, 540, where he said:

'Moreover, the legislature charged with the knowledge of the construction placed upon the Alcoholic Beverage Law, as evidenced by these rules, has done nothing to indicate its disapproval thereof. Cf. Young v. Civil Service Commissioner, 127 N.J.L. 329; 22 Atl. Rep. (2d) 523...'"

I therefore find that Sandra Wilson was a female employed and, under the circumstances, the licensees were fully responsible for her activities during her said employment on the licensed premises. Re Soto Pruna, Bulletin 1713, Item 1; In re Olympic, Inc., 49 N.J. Super. 299; In re Schneider, 12 N.J. Super. 449.

After reviewing the entire record, I conclude that the second charge has been established by a fair preponderance of the credible evidence, and I recommend that the licensees be also adjudged guilty thereof.

The licensees have a prior adjudicated record. Effective October 4, 1965 their license was suspended by the Director for sixty days for sale during prohibited hours. Re Baines & Gray, Bulletin 1644, Item 2. In addition, the 74 Hamilton Avenue Corporation, t/a Joy House, for premises 74 Hamilton Avenue, Paterson, in which Baines was an officer and 50% stockholder, had its license suspended as follows: by the Director (a) for ten days effective November 20, 1961 and (b) for twenty-five days effective May 14, 1962, both for hours violations (Re 74 Hamilton Avenue Corp., Bulletin 1428, Item 9; Bulletin 1455, Item 4); (c) by the municipal issuing authority for fifteen days effective June 8, 1962, for permitting a brawl on the licensed premises, and (d) by the Director for one hundred twenty days effective July 30, 1962, for conducting the licensed business as a nuisance, viz., permitting apparent homosexuals, lewdness and immoral activity, and foul language on the licensed premises, sale to intoxicated persons, employment of intoxicated bartender, and sale during hours prohibited by State Regulation No. 38 (Re 74 Hamilton Avenue Corp., Bulletin 1473, Item 1). In addition, the license of Tuck Inn, a Corp., t/a Tuck Inn, for premises 314 River Street, Paterson (in which Baines was president and 95% stockholder), was revoked by the Director effective June 9, 1959, for permitting solicitation for prostitution, foul language, undisclosed interest in the license, failure to notify of change of facts in application for license and failure to have copy of license application on licensed premises. Re Tuck Inn, Bulletin 1286, Item 2.

"1. From March 15, 1965 to date, you employed and had connected with you in a business capacity Woodrow Scott, a person who had been convicted on June 26, 1953 in the Mercer County Court of a crime involving moral turpitude, viz., maintaining a gambling resort; in violation of Rule 1 of State Regulation No. 13.

"2. In your application dated May 26, 1966, filed with the Trenton City Council, upon which you obtained your current plenary retail consumption license, in answer to Question No. 22 you falsely listed Christine Brown, Richard Scott and Willie Scott as the holders of all of your issued and outstanding shares of stock and, in answer to Question No. 23, you falsely stated that no one other than said stockholders had any beneficial interest, directly or indirectly, in said stock, whereas in truth and fact Woodrow Scott was the true and beneficial owner of all of your said stock; in violation of R.S. 33:1-25.

"3. In your aforesaid license application, you falsely stated 'No' in answer to Question No. 31, which asks: 'Have you agreed to pay (by way of rent, salary or otherwise) to any employee or other person, any portion or percentage of the gross or net profits or income derived from the business to be conducted under the license applied for?', whereas in truth and fact you had agreed to permit Woodrow Scott to retain all of the profits and income derived from your licensed business; in violation of R.S. 33:1-25.

"4. From July 19, 1962 to date, you aided and abetted Woodrow Scott to exercise, contrary to R.S. 33:1-26, the rights and privileges of your successive plenary retail consumption licenses; in violation of R.S. 33:1-52."

The facts are sufficiently set forth in the quoted charges. To date it does not appear that any correction of the unlawful situation has been accomplished.

Licensee has a previous record of suspension of license by the municipal issuing authority for three days effective April 25, 1966, for permitting loitering of minors on the licensed premises, in violation of local ordinance.

The prior record of suspension of license for dissimilar violation within the past five years considered, the license will be suspended for ninety-five days, with remission of five days for the plea entered, leaving a net suspension of ninety days. Re Fountainebleau, Bulletin 1572, Item 6. However, in view of the fact that the unlawful situation appears to persist, the license will be suspended for the balance of its term, with leave to the licensee or any bona fide transferee to file verified petition for lifting of the suspension after the license has been under suspension for at least ninety days.

Accordingly, it is, on this 13th day of April, 1967,

ORDERED that Plenary Retail Consumption License C-260, issued by the City Council of the City of Trenton to Scott's Tavern, Inc., t/a Scott's Tavern, for premises 137-139 South Stockton Street, Trenton, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1967, commencing at 2 a. m. Thursday, April 20, 1967; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1968, 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 on or after 2 a. m. Wednesday, July 19, 1967.

JOSEPH P. LORDI
DIRECTOR

- 3. DISCIPLINARY PROCEEDINGS - NUISANCE (INDECENT ENTERTAINMENT, SOLICITATION OF PURCHASE OF DRINKS, SALE TO INTOXICATED PERSON) - FALSE STATEMENT IN APPLICATION FOR LICENSE - LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

BABE'S BAR, INC.)
401 North Avenue)
Dunellen, New Jersey)

Holder of Plenary Retail Consumption License C-6, issued by the Borough Council of the Borough of Dunellen)

CONCLUSIONS
AND ORDER

Joseph C. Doren, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges as follows:

"1. On February 26 and March 2, 1967, you allowed, permitted and suffered your licensed place of business to be conducted in such manner as to become a nuisance, viz., in that on the former occasion you allowed, permitted and suffered a male to perform for the entertainment of your customers and patrons with songs, stories, words and phrases having lewd, lascivious, indecent, filthy, disgusting and suggestive import and meaning; and on the latter occasion by allowing, permitting and suffering persons employed on your licensed premises as bartenders and in other capacities to make overtures to and solicitation of a male customer or patron to purchase numerous drinks of alcoholic beverages for consumption by them and others, to overcharge for drinks served, to charge for drinks not served and to resell drinks of alcoholic beverages to customers and patrons already paid for by another patron or customer, allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to and the consumption thereof by a person actually or apparently intoxicated; and otherwise conducted your licensed place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulation No. 20.

"2. In your application filed with the Borough Council of the Borough of Dunellen and upon which you obtained your current plenary retail consumption license, you falsely stated 'No' in answer to Question

No. 41 which asks: 'Have you or has any person mentioned in this application ever had any interest, directly or indirectly, in any alcoholic beverage license or permit in New Jersey or any other state which was surrendered, suspended, revoked or cancelled? ---- If so, state details with respect to each surrender, suspension, revocation or cancellation ----'; whereas in truth and fact plenary retail consumption license held by you for these same premises had been suspended by the Director of the Division of Alcoholic Beverage Control for twenty-five (25) days effective August 28, 1961 for sale of alcoholic beverages to minors; such false answer, statement, evasion and suppression being in violation of R.S. 33:1-25."

Licensee has a previous record of suspension of license by the Director for twenty-five days effective August 28, 1961, for sale to minors (Re Babe's Bar Incorporated), Bulletin 1412, Item 8, nondisclosure of which being the subject of the second charge.

The prior record of suspension of license for dissimilar violation occurring more than five years ago disregarded for penalty purposes, the license will be suspended on the first charge for forty days (cf. Re Kinahan, Bulletin 1462, Item 2; Re Hudimac, Inc., Bulletin 1716, Item 6), and on the second charge for ten days (Re Lou-Mac, Inc., Bulletin 1719, Item 5), or a total of fifty days, with remission of five days for the plea entered, leaving a net suspension of forty-five days.

Accordingly, it is, on this 11th day of April, 1967,

ORDERED that Plenary Retail Consumption License C-6, issued by the Borough Council of the Borough of Dunellen to Babe's Bar, Inc., for premises 401 North Avenue, Dunellen, be and the same is hereby suspended for forty-five (45) days,* commencing at 1 a. m. Tuesday, April 18, 1967, and terminating at 1 a.m. Friday, June 2, 1967.

JOSEPH P. LORDI
DIRECTOR

*By order dated April 14, 1967, the suspension was deferred to commence at 1 a.m. Tuesday, June 20, 1967 and to terminate at 1 a.m. Friday, August 4, 1967.

4.

ACTIVITY REPORT FOR APRIL 1967

ARRESTS:

Total number of persons arrested - - - - -		19
Licenses and employees - - - - -	9	
Bootleggers - - - - -	10	

SEIZURES:

Distilled alcoholic beverages - gallons - - - - -		3.57
Wine - gallons - - - - -		5.12
Brewed malt alcoholic beverages - gallons - - - - -		35.66

RETAIL LICENSEES:

Premises inspected - - - - -		859
Premises where alcoholic beverages were gauged - - - - -		727
Bottles gauged - - - - -		12,233
Premises where violations were found - - - - -		103
Violations found - - - - -		151
Unqualified employees - - - - -	58	Prohibited signs - - - - - 6
Application copy not available - - - - -	29	Disposal permit necessary - - - - - 3
Reg. #38 sign not posted - - - - -	16	Improper beer taps - - - - - 1
Other mercantile business - - - - -	9	Other violations - - - - - 29

STATE LICENSEES:

Premises inspected - - - - -		35
License applications investigated - - - - -		13

COMPLAINTS:

Complaints assigned for investigation - - - - -		392
Investigations completed - - - - -		358
Investigations pending - - - - -		291

LABORATORY:

Analyses made - - - - -		218
Refills from licensed premises - bottles - - - - -		180
Bottles from unlicensed premises - - - - -		10

IDENTIFICATION:

Criminal fingerprint identifications made - - - - -		9
Persons fingerprinted for non-criminal purposes - - - - -		393
Identification contacts made with other enforcement agencies - - - - -		255

DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities - - - - -		14
Violations involved - - - - -		15
Sale during prohibited hours - - - - -	12	
Sale to minors - - - - -	3	
Cases instituted at Division - - - - -		24
Violations involved - - - - -		29
Possessing liquor not truly labeled - - - - -	12	Sale to intoxicated persons - - - - - 1
Sale to minors - - - - -	4	Delivery w/o bona fide invoice - - - - - 1
Permitting lottery on premises - - - - -	3	Permitting bookmaking on premises - - - - - 1
Sale beyond scope of license - - - - -	1	Hindering investigation - - - - - 1
Unqualified employee - - - - -	1	Possessing pinball mach. on prem. - - - - - 1
Permitting gambling on premises - - - - -	2	Sale during prohibited hours - - - - - 1
Cases brought by municipalities on own initiative and reported to Division - - - - -		18
Violations involved - - - - -		22
Sale to minors - - - - -	9	Permitting foul lang. on premises - - - - - 1
Permitting brawl on premises - - - - -	2	Conducting business as a nuisance - - - - - 1
Failure to close prem. dur. proh. hrs. - - - - -	2	Permitting loitering by minors
Sale during prohibited hours - - - - -	3	unaccomp. by adults (local reg.) - - - - - 1
Permitting minor unaccomp. by parent on premises (local reg.) - - - - -	2	Permitting minors to congregate on premises (local reg.) - - - - - 1

HEARINGS HELD AT DIVISION:

Total number of hearings held - - - - -		47
Appeals - - - - -	7	Eligibility - - - - - 14
Disciplinary proceedings - - - - -	23	Seizures - - - - - 3

STATE LICENSES AND PERMITS ISSUED:

Total number issued - - - - -		3,542
Licenses - - - - -	4	Social affair permits - - - - - 399
Solicitors' permits - - - - -	47	Miscellaneous permits - - - - - 214
Employment permits - - - - -	2,814	Transit insignia - - - - - 40
Disposal permits - - - - -	21	Transit certificates - - - - - 2
Wine permits - - - - -	1	

OFFICE OF AMUSEMENT GAMES CONTROL:

Licenses issued - - - - -	77
Enforcement files established - - - - -	2

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

Dated: May 9, 1967

- 5. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - PERMITTING MINOR TO SELL ALCOHOLIC BEVERAGES - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

DISCIPLINARY PROCEEDINGS - MINOR PERMITTEE SELLING ALCOHOLIC BEVERAGES - PERMIT SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ARTHUR FOX)
 t/a Fox Foodtown)
 1148 Ocean Avenue)
 Sea Bright, New Jersey)

Holder of Plenary Retail Distribution License D-3, issued by the Borough Council of the Borough of Sea Bright)

and)

PAULINE CATHY WELCH)
 26 Surf Street)
 Sea Bright, New Jersey)

Holder of Limited Employment Permit No. 375, issued by the Director of the Division of Alcoholic Beverage Control)

CONCLUSIONS AND ORDER

 Howard Isherwood, Esq., Attorney for Licensee.
 Richard D. Porter, Esq., Attorney for Permittee.
 Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on March 18, 1967, he (1) sold a six-pack of beer to a minor, age 18, in violation of Rule 1 of State Regulation No. 20, and (2) permitted Pauline Cathy Welch, a minor employee, to make the sale, in violation of Rule 2 of State Regulation No. 13.

Permittee, age 17, pleads non vult to a charge alleging that on March 18, 1967, she sold a six-pack of beer in contravention of the condition of her employment permit prohibiting her sale of alcoholic beverages, in violation of R.S. 33:1-26.

Absent prior record, the license will be suspended on the first charge for fifteen days (Re Mrozek, Bulletin 1723, Item 5) and on the second charge for ten days (Re Baldanza and Pino, Bulletin 1652, Item 10), or a total of twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days; and the permit will be suspended for thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days (Re Gere, Bulletin 1652, Item 10).

Accordingly, it is, on this 18th day of April, 1967,

ORDERED that Plenary Retail Distribution License D-3, issued by the Borough Council of the Borough of Sea Bright to Arthur Fox, t/a Fox Foodtown, for premises 1148 Ocean Avenue, Sea Bright, be and the same is hereby suspended for twenty (20) days, commencing at 9:00 a. m. Tuesday, April 25, 1967, and terminating at 9:00 a. m. Monday, May 15, 1967; and it is further

ORDERED that Limited Employment Permit No. 375, issued by the Director of the Division of Alcoholic Beverage Control to Pauline Cathy Welch, 26 Surf Street, Sea Bright, be and the same is hereby suspended for twenty-five (25) days, commencing at 9:00 a. m. Monday, April 24, 1967, and terminating at 9:00 a.m. Friday, May 19, 1967.

JOSEPH P. LORDI
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

SABE, INC.)
t/a Paul's Musical Tavern)
1817-1819 Broadway)
Camden, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-205, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden)

Piarulli and Vittori, Esqs., by Frank E. Vittori, Esq., Attorneys for Licensee.
Leon Chorkavy, Jr., Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 30, 1967, it possessed an alcoholic beverage in a 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 forty days effective November 3, 1965, for sale to minors, and by the Director for twenty-five days effective October 24, 1966, for sale to an intoxicated person. Re Sabe, Inc., Bulletin 1706, Item 2.

The prior record of two suspensions of license for dissimilar violation within the past five years considered, 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 Pregnor, Bulletin 1607, Item 9.

Accordingly, it is, on this 12th day of April, 1967,

ORDERED that Plenary Retail Consumption License C-205, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Sabe, Inc., t/a Paul's Musical Tavern, for premises 1817-1819 Broadway, Camden, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a. m. Wednesday, April 19, 1967, and terminating at 2 a. m. Thursday, May 4, 1967.

JOSEPH P. LORDI
DIRECTOR

7. STATUTORY AUTOMATIC SUSPENSION - ORDER STAYING SUSPENSION.

In the Matter of a Petition to Lift)
 the Automatic Suspension of Plenary)
 Retail Distribution License D-9,)
 Issued by the Municipal Board of)
 Alcoholic Beverage Control of the)
 City of Hoboken to)
) On Petition
 STANLEY DOPART)
 740 Washington Street) O R D E R
 Hoboken, N. J.)
 -----)

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on April 11, 1967, the licensee-petitioner was fined \$50 after pleading guilty to a charge of sale of alcoholic beverages to a minor on March 22, 1967, 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 in contemplation but have not yet been instituted by the municipal issuing authority against the licensee because of said sale of alcoholic beverages to the minor. In fairness to petitioner, I conclude that at this time the effect of the automatic suspension should be temporarily stayed. Re Molozzi, Bulletin 1707, Item 5.

Accordingly, it is, on this 18th day of April, 1967,

ORDERED that the aforesaid automatic suspension of license D-9 be stayed pending the entry of a further order herein.

JOSEPH P. LORDI
DIRECTOR

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

In the Matter of Disciplinary)
 Proceedings against)
)
 JEWELL REALTY CORPORATION)
 t/a Doris & Ed's Picnic Beach)
 Ft. of Allen Street)
 Highlands, N. J.) CONCLUSIONS
) AND ORDER
 Holder of Plenary Retail Consumption)
 License C-16, issued by the Borough)
 Council of the Borough of Highlands)
 -----)

Licensee, by Edward J. Petrasek, President, Pro se.
Leon Chorkavy, Jr., Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on January 26, 1967, it possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in

violation of Rule 27 of State Regulation No. 20.

Absent prior record, 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 DeGiglio, Bulletin 1724, Item 9.

Accordingly, it is, on this 18th day of April, 1967,

ORDERED that Plenary Retail Consumption License C-16, issued by the Borough Council of the Borough of Highlands to Jewell Realty Corporation, t/a Doris & Ed's Picnic Beach, for premises Ft. of Allen Street, Highlands, be and the same is hereby suspended for five (5) days, commencing at 2 a. m. Monday, April 24, 1967, and terminating at 2 a. m. Saturday, April 29, 1967.

JOSEPH P. LORDI
DIRECTOR

9. DISQUALIFICATION REMOVAL PROCEEDINGS - CARNAL ABUSE - FORGERY AND UTTERING - POSSESSION OF STOLEN GOODS - PETITION DENIED FOR LACK OF LAW-ABIDING CONDUCT WITHIN PAST 5 YEARS.

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

CONCLUSIONS
AND ORDER

Case No. 2109)
-----)

BY THE DIRECTOR:

Petitioner's criminal record discloses that he was convicted in the Essex County Court on April 14, 1943, for carnal abuse and on June 12, 1950, for forgery and uttering; that on his first conviction he was sent to Annandale Reformatory (on May 10, 1943 re-sentenced to probation for three years) and on his last conviction he was sent to Bordentown Reformatory. Petitioner was paroled in 1952 and was returned to the reformatory in 1953 and discharged on February 18, 1955.

It further appears that petitioner was convicted in a local magistrate's court in 1953 for possession of stolen property, for unlawful use of heroin and for violation of a court order (six months concurrent, on each conviction, in the county penitentiary), in 1960 for contempt of court resulting from a traffic violation (fined \$20), in 1961 as a disorderly person for failing to notify change of address (thirty days suspended), in 1962 for assault and battery (sentence suspended), in 1963 failure to notify change of address and failure to have narcotic card in his possession (concurrent sentences of thirty days), in 1963 he was ordered in the Domestic Relations Court of Essex County to support his child (order vacated in 1966). It further appears that petitioner was convicted in another state in 1963 for malicious mischief (thirty days), on September 21, 1965 for possession of a hypodermic needle (ninety days) and on October 28, 1966 for disorderly conduct (\$5 or two days).

Since the crimes of carnal abuse, forgery and possession of stolen goods involve the element of moral turpitude (Re Case No. 2053, Bulletin 1701, Item 6; Re Case No. 1781, Bulletin 1540, Item 9; Re Elig. No. 739, Bulletin 1626, Item 7), he was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this State. R.S. 33:1-25, 26.

Petitioner's convictions in the magistrate's court exclusive of his conviction for possession of stolen property, are not convictions of crime.

To afford petitioner the relief requested, it is necessary that I find that he has been conducting himself in a law-abiding manner for five years last past and that his association with the alcoholic beverage industry will not be contrary to the public interest. See R.S. 33:1-31.2.

In view of his convictions and involvements with the law between 1963 and October 28, 1966, I conclude that the petitioner has not so conducted himself and, therefore, will deny his petition. Re Case No. 904, Bulletin 914, Item 13; Re Case No. 1606, Bulletin 1396, Item 7; Re Case No. 1974, Bulletin 1664, Item 5.

Petitioner, however, may reapply to remove his disqualification on or after October 28, 1971 (five years from October 28, 1966, the date of his last conviction), provided, however, that he has been law-abiding during said five years and has proven to be a fit person to become engaged in the alcoholic beverage industry in this State.

Accordingly, it is on this 12th day of May, 1967,

ORDERED that the petition herein be and the same is hereby denied.

JOSEPH P. LORDI
DIRECTOR

10. STATE LICENSES - NEW APPLICATION FILED.

Almaden Vineyards, Inc., a Delaware Corp.
39 Drumm Street
San Francisco, California

Application filed May 25, 1967 for wine wholesale license for the fiscal year commencing July 1, 1967.


Joseph P. Lordi
Director