

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

BULLETIN 1446

May 2, 1962

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STATE OF NEW JERSEY  
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**May 2, 1962**

1. APPELLATE DECISIONS - MONMOUTH COUNTY RETAIL LIQUOR STORES  
ASSOCIATION v. EATONTOWN, ET AL.

MONMOUTH COUNTY RETAIL LIQUOR  
STORES ASSOCIATION,

**Appellant,**

**V.**

ON APPEAL  
CONCLUSIONS  
AND ORDER

BOROUGH COUNCIL OF THE BOROUGH  
OF EATONTOWN, AND R. H. MACY & CO.,  
INC., t/a BAMBERGER'S NEW JERSEY.

## Respondents.

Samuel Moskowitz, Esq., and Samuel J. Davidson, Esq., Attorneys  
for Appellant.

Roberts, Pillsbury & Carton, Esqs., by William Elwood Russell,  
Esq., Attorneys for Respondent Borough Council.

Lum, Biunno & Tompkins, Esqs., by William F. Tompkins, Esq.,  
Attorneys for Respondent R. H. Macy & Co., Inc.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the action of respondent Borough Council whereby it renewed (for the 1961-62 licensing year) a plenary retail consumption license held by respondent R. H. Macy & Co., Inc. (hereafter Macy) for premises located on the second floor of its store at Junction of New Jersey State Highway, Route 35 and Garden State Parkway Spur, Eatontown.

"Appellant alleges, in substance, that the license held by Macy for the 1960-61 licensing year was invalidly issued because other mercantile business is conducted upon the premises so licensed and, hence, that the license for the 1961-62 licensing year is not a renewal of said license, which is permitted under R.S. 33:1-12.16, but, in fact, a new license, the issuance of which is now prohibited by R.S. 33:1-12.14. In its answer respondent Borough Council alleges that the area licensed for the 1960-61 licensing year is set off and apart from other areas in which other mercantile business is conducted. In its answer respondent Macy alleges that the renewal of its license for the 1961-62 licensing year was properly granted and that the decision of the Superior Court, Appellate Division, in North Central Counties Retail Liquor Stores Association v. Township of Edison et al., 68 N.J. Super. 351, in no way alters the essential nature of the license renewal and, at most, merely conditions the continued retention of its license upon compliance with said decision.

"At the hearing held herein on December 5, 1961, it was stipulated that the licensed business is now being, and since March 1960 has been, conducted on a portion of the second floor of Macy's store which is delineated in red on Exhibit A-3 herein. The same exhibit and numerous photographs introduced by appellant

disclose that there are numerous merchandise departments on the same floor immediately contiguous to the licensed area and that members of the general public may pass freely from the unlicensed to the licensed areas. The situation appears to be very similar to the situation described in the decision of the Appellate Division above cited.

"It appears, however, from the testimony of Andrew G. Becker, Borough Clerk, that on October 22, 1961, while this appeal was pending and not heard, Macy filed with respondent Borough Council an application to transfer its renewed license from the second floor to other premises at the northerly corner of the mall level floor of its store and that, on November 15, 1961, the Borough Council granted said application subject to completion of the premises according to plans and specifications approved. In the application for transfer, the premises to be licensed are described as 'northerly corner of the mall level floor of the Bamberger store, which is outlined in red on the attached detailed diagram and blocked out in purple on the attached mall level diagram.' The detailed diagram discloses that there is to be an entrance vestibule on the north side of the building at the mall level; that a member of the general public may enter this vestibule from the mall, turn in one direction and enter through a double door to the sporting goods department, or turn in another direction and enter through another double door to the proposed licensed premises. It further appears that these proposed licensed premises are to be entirely enclosed by solid walls with the exception of said door between the vestibule and licensed premises and a window which opens upon the mall. From this evidence it sufficiently appears that there will be a physical separation of the respective different businesses licensed and unlicensed, so that a patron of one cannot pass directly into the other. In other words, the entrance vestibule will constitute a 'neutral area or space' which the court, in its decision cited above, deemed necessary to satisfy the pertinent requirements of R.S. 33:1-12(1).

"Aside from the physical arrangement of the licensed premises, no question has been raised as to the validity of the Macy licenses. Aside from said arrangement of the premises, it is clear that the licenses issued to Macy for the 1960-61 and 1961-62 licensing years were renewals of licenses previously held. R.S. 33:1-12.26 and R.S. 33:1-96.

"In my opinion, the decision of the court in North Central Counties Retail Liquor Stores Association v. Township of Edison et al., supra, did not invalidate the 1960-61 license. The decision did not cancel or revoke said license but provided as follows:

'The order of the Director is reversed, but without costs, and without prejudice to further proceedings before the Division or the Municipal Council which may eventuate in arrangements for the licensee to conduct its operations conformably with the views expressed herein.'

"If the illegal physical arrangement of the licensed premises is corrected by a transfer of the license to the proposed premises on the mall level of the building, no reason remains for reversal of the action of the Borough Council.

"In Reed v. Independence et al., Bulletin 57, Item 10, under facts similar to the facts herein Commissioner Burnett affirmed the issuance of the license on condition that the licensee permanently close the door between the licensed premises and the general store within twenty days. Under the circumstances of this case, it is recommended that an order be entered herein affirming the action of

respondent Borough Council upon condition that the new premises be completed to the satisfaction of the local issuing authority within six weeks from the date of said order, and that the transfer be endorsed upon the face of the license certificate as soon as the premises are so completed."

Pursuant to the provisions of Rule 14 of State Regulation No. 15, exceptions to the Hearer's Report and written argument there- to were filed with me by the attorneys for appellant and written answering argument was filed by the attorneys for respondent R.H. Macy & Co., Inc.

After carefully considering the evidence and exhibits, briefs, exceptions to Hearer's Report and all the arguments thereto, I concur in the findings and conclusions of the Hearer, and adopt them as my conclusions herein. I shall accept the recommendation of the Hearer as to the order to be entered except that the time for completion of the new premises will be fixed at eighty days instead of six weeks.

Accordingly, it is, on this 7th day of March 1962,

ORDERED that the action of respondent Borough Council be affirmed upon condition that the new premises be completed to the satisfaction of the local issuing authority within eighty (80) days from the date of the order herein, and that the transfer be endorsed upon the face of the license certificate as soon as the premises are so completed.

WILLIAM HOWE DAVIS  
DIRECTOR

2. APPELLATE DECISIONS - DELWOOD INN v. GLOUCESTER TOWNSHIP.

DELWOOD INN, CORP.,	)	
t/a DELWOOD INN,	)	
Appellant,	)	
v.	)	ON APPEAL
	)	ORDER OF
	)	REMAND
TOWNSHIP COMMITTEE OF THE	)	
TOWNSHIP OF GLOUCESTER	)	
(Camden County)	)	
Respondent.	)	

=====

Frank M. Lario, Esq., Attorney for Appellant.  
Vincent L. Gallaher, Esq., Attorney for Respondent.

BY THE DIRECTOR:

This appeal was filed as a result of the action of respondent Township Committee in suspending appellant's planary retail consumption license for fifteen days after finding it guilty of a charge of sale of alcoholic beverages to a minor.

Upon the filing of the within appeal I entered an order dated October 23, 1961, staying the effect of respondent's order of suspension until further order herein. R.S. 33:1-31.

The respondent's attorney made various applications for adjournments due to the inability of respondent to produce the minor in question. As a result thereof the date for hearing in this matter was adjourned from time to time over a period of several months.

On February 9, 1962, when the hearing in this case was called for trial, the attorney appearing for respondent informed the Hearer that he could not proceed with the instant case because the minor was not available and his testimony was indispensable in the matter. The attorney for appellant stated that some of the witnesses who were present to testify on behalf of appellant would be unable to appear at a future date and insisted that the matter be heard as scheduled. After lengthy discussion by the respective attorneys, and in view of the inability of respondent's attorney to give any definite assurance that the minor would be produced at a future date, together with the assertion of appellant's attorney that he was prepared to introduce additional evidence, the said attorneys agreed that the matter be remanded to the respondent for further consideration. Cf. Levine v. Newark, Bulletin 629, Item 11. No reason appearing why the case should not be remanded,

It is, on this 7th day of March 1962,

ORDERED that the above case be and the same is hereby remanded to respondent for further consideration, with the stipulation that I retain jurisdiction of said appeal until the respondent advises me as to the disposition of the case, when a further order will be entered herein.

WILLIAM HOWE DAVIS  
DIRECTOR

3. APPELLATE DECISIONS - 279 CLUB, INC. v. NEWARK.

279 CLUB, INC., A NEW JERSEY	)	
CORPORATION,	)	
	)	
Appellant,	)	ON APPEAL
	)	ORDER
v.	)	
	)	
MUNICIPAL BOARD OF ALCOHOLIC	)	
BEVERAGE CONTROL OF THE CITY OF	)	
NEWARK,	)	
	)	
Respondent.	)	

Waldor & Beckerman, Esqs., by Milton A. Waldor, Esq., Attorneys  
for Appellant.

Vincent P. Torppey, Esq., by James E. Abrams, Esq., Attorney  
for Respondent.

BY THE DIRECTOR:

It appearing that notice of appeal from denial of appellant's application for renewal of its license for the 1961-62 licensing year had been filed; and

It further appearing that the petition of appeal in effect requested the Director to issue an order to show cause why the term of appellant's license should not be extended, together with ad interim relief extending the term of the license, in accordance with the provisions of R.S. 33:1-22; and

It further appearing that by order entered June 29, 1961, in a prior appeal between the same parties, the Director affirmed the action of respondent in refusing to renew appellant's license for the 1960-61 licensing year and that said order became effective at midnight June 30, 1961; and

It further appearing that by order herein dated June 29, 1961, the Director denied appellant's request for the issuance of an order to show cause and for ad interim relief extending the term of appellant's 1960-61 license; and

It further appearing that on July 5, 1961, there was served upon the Director a copy of an order signed by Honorable Mark A. Sullivan, Jr., Judge of the Superior Court, in an action pending in the Superior Court of New Jersey, Appellate Division, entitled "279 Club, Inc., a New Jersey corporation, Appellant, vs. Municipal Board of Alcoholic Beverage Control of the City of Newark, State of New Jersey and William Howe Davis, Director, Department of Law and Public Safety, Division of Alcoholic Beverage Control, State of New Jersey, Respondents", wherein the Director was ordered to enter an order extending appellant's 1960-61 license pending the hearing on appellant's application for a stay, and pending a hearing on appellant's application for leave to appeal pending outcome of the appeal; and

It further appearing that by order dated July 18, 1961, the Superior Court of New Jersey, Appellate Division, granted ad interim extension of appellant's license pending the determination of the aforesaid appeal then before it; and

It further appearing that the Superior Court of New Jersey, Appellate Division, on February 8, 1962, affirmed the action of the Municipal Board and the Director in denying said renewal of appellant's license for the 1960-61 licensing term, which is dispositive of the instant appeal,

It is, therefore, on this 9th day of March 1962,

ORDERED that the petition of appeal filed by appellant herein from the refusal of the Municipal Board of Alcoholic Beverage Control of the City of Newark to renew appellant's license for the 1961-62 term be and the same is hereby dismissed.

WILLIAM HOWE DAVIS  
DIRECTOR

4. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1961 TO MARCH 31, 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

CLASSIFICATION OF LICENSES

County	Plenary Retail Consumption		Plenary Retail Distribution		Club		Limited Retail Distribution		Seasonal Retail Consumption		Number Surren- dered 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	28	\$ 2,495.00					1	584	\$ 236,979.45
Bergen	813	313,114.59	301	89,233.12	130	12,070.45	52	\$ 2,451.50	5	\$ 1,398.75	5	1296	418,268.41
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			1	375.00	1	615	265,717.59
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	85	10,137.26	63	2,700.00				1957	821,327.26
Hunterdon	79	28,100.00	11	3,810.00	10	1,100.00						100	33,010.00
Mercer	421	261,657.28	51	22,510.00	57	8,400.00			1	114.21	1	529	292,681.49
Middlesex	630	311,526.24	85	26,940.47	108	9,360.00	4	200.00				827	348,026.71
Monmouth	555	292,674.18	124	43,931.66	52	5,882.06	10	435.00	24	11,594.45	25	740	354,517.35
Morris	354	137,415.00	103	36,916.17	60	5,637.50	15	750.00	5	1,350.06	5	532	182,068.73
Ocean	194	103,566.29	49	21,180.00	32	3,651.25						275	128,397.54
Passaic	856	350,637.46	170	52,324.11	41	5,115.00	7	350.00				1074	408,426.57
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	1	225.00	1	199	51,840.00
Union	548	310,888.19	144	69,388.00	80	8,857.40	29	1,425.00				801	390,558.59
Warren	149	44,730.00	21	5,270.00	27	2,950.00			2	375.00	3	196	53,325.00
Total	9304	\$4,421,324.30	2014	\$810,742.50	1078	\$119,316.69	210	\$9,811.50	41	\$16,932.47	44	12603	\$5,378,127.46

William Howe Davis  
Director

April 13, 1962

5. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1961 THROUGH MARCH 31, 1962

	1st Quarter July, Aug., Sept.			2nd Quarter Oct., Nov., Dec.			3rd Quarter Jan., Feb., Mar.			Total
ARRESTS:										
Total number of persons arrested	67			66			74			207
Licenses and employees	28			37			44			109
Bootleggers	58			29			30			97
ABC Agent impersonator	1			--			--			1
SEIZURES:										
Motor vehicles - cars	2			6			4			12
- trucks	--			1			--			1
Stillis - over 50 gallons	2			--			1			3
- 50 gallons or under	2			3			1			6
Mash - gallons	2,595.00			1,630.00			3,700.00			7,925.00
Distilled alcoholic beverages - gallons	98.41			298.41			59.811			456.631
Wine - gallons	40.04			18.08			23.645			81.765
Brewed malt alcoholic beverages - gallons	219.52			46.30			35.276			301.096
RETAIL LICENSEES:										
Premises inspected	1,442			1,665			2,101			5,208
Premises where alcoholic beverages were gauged	1,561			1,869			1,745			5,175
Bottles gauged	26,283			30,254			28,283			84,820
Premises where violations were found	155			229			335			719
Violations found	199			254			389			842
Unqualified employees	68			58			102			228
Reg. #38 sign not posted	51			88			138			277
Application copy not available	31			53			73			157
Other mercantile business	11			8			6			25
Prohibited signs	9			12			10			30
Disposal permit necessary	7			4			10			21
Improper beer taps	2			4			2			8
Other violations	21			27			48			56
STATE LICENSEES:										
Premises inspected	107			76			92			275
License applications investigated	25			20			28			73
COMPLAINTS:										
Complaints assigned for investigation	1,158			1,193			1,337			3,688
Investigations completed	1,167			1,181			1,328			3,696
Investigations pending	(147)			(155)			194			194
LABORATORY:										
Analyzes made	760			590			637			1,987
Refills from licensed premises - bottles	130			115			77			322
Bottles from unlicensed premises	160			77			90			327
IDENTIFICATION:										
Criminal fingerprint identifications made	25			32			18			75
Persons fingerprinted for non-criminal purposes	1,027			710			743			2,480
Identification contacts with other enforcement agencies	715			568			594			1,977
Motor vehicle identifications via N.J. State Police teletype	--			13			11			24
DISCIPLINARY PROCEEDINGS:										
Cases transmitted to municipalities	42			30			49			121
Violations involved	46			33			53			132
Sale during prohibited hours	25			20			28			73
Sale to minors	13			8			18			39
Failure to close premises during prohibited hours	3			--			4			7
Possessing chilled beer (DL licensee)	2			2			--			4
Permitting hostesses on premises	1			1			2			4
Service to women at the bar (local reg.)	1			1			--			2
Employment of female bartender (local reg.)	1			1			--			2
Sale of alcoholic beverages on credit (local reg.)	--			--			1			1
Cases instituted at Division	100*			78**			70			248
Violations involved	130			101			113			344
Possessing liquor not truly labeled	15			30			7			52
Sale to minors	21			8			20			49
Sale during prohibited hours	16			11			21			48
Beverage Tax Law non-compliance	17			3			5			25
Permitting lottery activity on premises	9			8			6			23
Permitting immoral activity on premises	6			2			9			17
Conducting business as a nuisance	4			2			6			12
Sale below filed price	3			3			3			11
Hindering investigation	3			3			5			11
Fraud and front	3			5			2			10
Permitting bookmaking on premises	3			4			3			10
Permitting hostesses on premises	3			--			3			9
Permitting foul language on premises	1			3			3			7
Possessing contraceptives on premises	3			1			2			6
Failure to close premises during prohibited hours	1			1			--			5
Permitting gambling on premises	1			2			2			5
Application copy not on premises	1			2			1			4
Unqualified employees	2			1			--			3
Unauthorized transportation	2			1			--			3
Sale to intoxicated persons	1			1			1			3

Includes one cancellation proceeding - license improvidently issued in violation of State Limitation Law

\*Includes two cancellation proceedings - licenses improvidently issued (1) in violation of State Limitation Law, (2) to club not bona fide.



	1st Quarter			2nd Quarter			3rd Quarter			Total
	July,	Aug.,	Sept.	Oct.,	Nov.,	Dec.	Jan.,	Feb.,	Mar.	
DISCIPLINARY PROCEEDINGS (Continued)										
Cases instituted at Division (Continued)										
Possessing indecent matter	-	-	-	-	-	-	3	-	-	3
Substituting drink other than ordered	2	-	-	-	-	-	-	-	-	2
Service to women at the bar (local reg.)	1	-	-	-	-	-	1	-	-	2
Sale outside scope of license	1	-	-	-	-	-	1	-	-	2
Delivery without bona fide invoice	2	-	-	-	-	-	-	-	-	2
Solicitor-permittee engaging in conduct proh. to employer	-	-	-	2	-	-	-	-	-	2
Peddling from vehicle	1	-	-	-	-	-	-	-	-	1
Employing police officer on premises	1	-	-	-	-	-	-	-	-	1
Act of violence on premises	1	-	-	-	-	-	-	-	-	1
Failure to keep true books of account	-	-	-	1	-	-	-	-	-	1
Permitting female impersonators on premises	-	-	-	1	-	-	-	-	-	1
Sale on credit to retailer in default	-	-	-	1	-	-	-	-	-	1
Accepting unlawful inducement from wholesaler	-	-	-	1	-	-	-	-	-	1
Sale on Election Day	-	-	-	1	-	-	-	-	-	1
Storage off licensed premises	-	-	-	1	-	-	-	-	-	1
Fraud in application	-	-	-	-	-	-	1	-	-	1
Failure to afford view during prohibited hours	-	-	-	-	-	-	1	-	-	1
Combination sale	-	-	-	-	-	-	1	-	-	1
Sale at discount	-	-	-	-	-	-	1	-	-	1
Possessing slot machines on premises	-	-	-	-	-	-	1	-	-	1
Permitting brawls on premises	-	-	-	-	-	-	1	-	-	1
Sale to non-members by club	-	-	-	-	-	-	1	-	-	1
Failure to file notice of change in application	-	-	-	-	-	-	1	-	-	1
Cases brought by municipalities on own initiative and reported to Division	37	-	-	55	-	-	61	-	-	153
Violations involved	42	-	-	65	-	-	75	-	-	182
Sale to minors	20	-	-	40	-	-	32	-	-	92
Permitting brawl on premises	5	-	-	4	-	-	9	-	-	18
Sale during prohibited hours	2	-	-	5	-	-	10	-	-	17
Conducting business as a nuisance	3	-	-	6	-	-	5	-	-	14
Failure to close premises during prohibited hours	4	-	-	1	-	-	3	-	-	8
Hindering investigation	2	-	-	-	-	-	6	-	-	8
Failure to afford view into premises during proh. hrs.	3	-	-	-	-	-	3	-	-	6
Permitting lottery activity on premises	2	-	-	1	-	-	-	-	-	3
Permitting gambling on premises	-	-	-	2	-	-	1	-	-	3
Bar tender without identification card (local reg.)	-	-	-	1	-	-	2	-	-	3
Permitting immoral activity on premises	-	-	-	1	-	-	2	-	-	3
Permitting foul language on premises	-	-	-	-	-	-	1	-	-	2
Unqualified employees	1	-	-	-	-	-	-	-	-	1
Possessing chilled beer (DL licensees)	-	-	-	1	-	-	-	-	-	1
Illegal activity connected with licensed premises	-	-	-	1	-	-	-	-	-	1
Service to women at the bar (local reg.)	-	-	-	1	-	-	-	-	-	1
Sale below filed price	-	-	-	-	-	-	1	-	-	1
Unauthorized transportation	-	-	-	-	-	-	1	-	-	1
Fraud in application	-	-	-	-	-	-	1	-	-	1
HEARINGS HELD AT DIVISION:										
Total number of hearings held	131	-	-	137	-	-	124	-	-	392
Appeals	20	-	-	18	-	-	21	-	-	59
Disciplinary proceedings	77	-	-	79	-	-	69	-	-	225
Eligibility	14	-	-	23	-	-	23	-	-	60
Seizures	7	-	-	12	-	-	4	-	-	23
Tax revocations	13	-	-	5	-	-	5	-	-	23
Applications for license	--	-	-	-	-	-	2	-	-	2
STATE LICENSES AND PERMITS ISSUED:										
Total number issued	4,525	-	-	4,615	-	-	2,926	-	-	12,066
Licenses	597	-	-	8	-	-	7	-	-	612
Solicitors' permits	143	-	-	152	-	-	168	-	-	463
Employment permits	980	-	-	719	-	-	472	-	-	2,171
Disposal permits	267	-	-	217	-	-	199	-	-	683
Social affair permits	1,329	-	-	1,166	-	-	934	-	-	3,429
Wine permits	2	-	-	902	-	-	3	-	-	907
Miscellaneous permits	512	-	-	568	-	-	407	-	-	1,487
Transit insignia	650	-	-	842	-	-	664	-	-	2,156
Transit certificates	45	-	-	41	-	-	69	-	-	155
OFFICE OF AMUSEMENT GAMES CONTROL:										
Licenses issued	10	-	-	90	-	-	248	-	-	348
Premises inspected	1,291	-	-	1	-	-	--	-	-	1,292
Premises where violations were found	19	-	-	-	-	-	--	-	-	19
Number of violations found	21	-	-	-	-	-	--	-	-	21
Enforcement files established	143	-	-	111	-	-	42	-	-	296
Disciplinary proceedings instituted at Division	6	-	-	--	-	-	--	-	-	6
Violations involved	9	-	-	--	-	-	--	-	-	9
Redemption for prize money	4	-	-	--	-	-	--	-	-	4
Hindering investigation	2	-	-	--	-	-	--	-	-	2
Operating controlled game	1	-	-	--	-	-	--	-	-	1
Operating game not within certification	1	-	-	--	-	-	--	-	-	1
Charge in excess of 25¢ per entry	1	-	-	--	-	-	--	-	-	1
Cases brought by municipalities on own initiative and reported to Division	-	-	-	1	-	-	-	-	-	1
Violation involved: operating unlicensed game	-	-	-	1	-	-	-	-	-	1
Hearings held at Division	3	-	-	3	-	-	-	-	-	6

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

Dated: April 16, 1962

6. DISCIPLINARY PROCEEDINGS - SOLICITATION FOR PROSTITUTION -  
FILTHY AND OBSCENE LANGUAGE - LICENSE SUSPENDED FOR 70 DAYS,  
LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

HARRY KARELITZ & HENRY FISHBONE  
t/a HARRY & JIM'S  
1164 East Grand Street  
Elizabeth, N. J.

CONCLUSIONS  
AND ORDER

Holders of Plenary Retail Consumption  
License C-144, issued by the City  
Council of the City of Elizabeth.

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Harry and George G. Cohn, Esqs., by Harry Cohn, Esq., Attorneys  
for Licensees.

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

BY THE DIRECTOR:

Licensees plead non vult to charges alleging that (1) on  
December 29, 1961 and January 13, 1962, they permitted solicitation  
for prostitution and (2) on December 29, 1961, permitted filthy and  
obscene language and conduct on the licensed premises in connection  
with such solicitation, both in violation of Rule 5 of State  
Regulation No. 20.

Although licensees have a previous record of suspension of  
license by the municipal issuing authority for ten days effective  
May 23, 1948 for sale in violation of State Regulation No. 38,  
since such dissimilar violation occurred more than five years  
prior to the instant violation, it will be disregarded in fixing  
the penalty herein, viz., suspension of license for sixty days on  
the first charge and ten days on the second charge, or a total of  
seventy days, with remission of five days for the plea entered,  
leaving a net suspension of sixty-five days. Re Cozy Circle, Inc.,  
Bulletin 1413, Item 1.

Accordingly, it is, on this 7th day of March, 1962,

ORDERED that Plenary Retail Consumption License C-144,  
issued by the City Council of the City of Elizabeth to Harry  
Karelitz and Henry Fishbone, t/a Harry & Jim's, for premises 1164  
East Grand Street, Elizabeth, be and the same is hereby suspended  
for sixty-five (65) days, commencing at 2:00 a.m., Monday, March  
12, 1962, and terminating at 2:00 a.m., Wednesday, May 16, 1962.

WILLIAM HOWE DAVIS  
DIRECTOR

7. ELIGIBILITY - BOOKMAKING ON FEDERAL RESERVATION - CRIME FOUND NOT TO INVOLVE MORAL TURPITUDE UNDER CIRCUMSTANCES OF CASE.

Re: Eligibility No. 697

Applicant seeks a determination as to whether or not, in the opinion of the Director, he is eligible to be employed by a liquor licensee in this State in view of his conviction of a crime.

The records received by this Division disclose that the applicant was convicted in Federal District Court on July 5, 1961, of bookmaking and aiding and abetting bookmaking on a government reservation under Title 18, U.S.C., Sec. 13, adopting N.J.S.A. 2A:112-3 and 2A:85-14. As a result of the conviction he was given a suspended sentence of one year and one day, fined \$1,000 and placed on one year probation. Applicant testified that he pleaded not guilty to the charge of bookmaking and guilty to the charge of aiding and abetting.

The crime of commercialized gambling, which includes the specific crime of bookmaking, may or may not involve the element of moral turpitude, depending on the circumstances of the case. Re Case No. 1018, Bulletin 956, Item 7. Where a subject engaged in bookmaking as a principal or "lieutenant", such crime is deemed to involve the element of moral turpitude. Re Case No. 635, Bulletin 946, Item 10.

At the hearing herein applicant testified that he, in behalf of himself and three others, had been placing bets over a phone on the government reservation where he was a civilian employee. He further testified that he actually placed the bets for the group and settled the accounts for all at the end of each week as previously arranged. Applicant alleges that he neither knew the identity of the person with whom he dealt on the phone nor with whom he settled at the end of each week. From these facts it appears that the applicant was not a principal or "lieutenant" in a commercialized gambling operation. Hence the crime of which he was convicted on July 5, 1961, does not, in my opinion, involve the element of moral turpitude.

It is recommended that applicant be advised that, in the opinion of the Director, he is not ineligible to be associated with the alcoholic beverage industry in this State by reason of his conviction of the aforementioned crime.

Emerson A. Tschupp  
Deputy Director

Approved:

William Howe Davis  
Director

Dated: March 7, 1962

## 8. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #207	)	
In the Matter of Petition to Lift	)	
the Automatic Suspension of Plenary	)	
Retail Consumption License C-3,	)	ON PETITION
issued by the Township Committee	)	ORDER
of the Township of Bordentown to	)	
PAUL'S BAR & GRILL, INC.	)	
t/a PAUL'S BAR & GRILL	)	
Route #130 & Ward Ave.	)	
Bordentown Township, N. J.	)	

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Parker, McCay and Criscuolo, Esqs., by Robert W. Criscuolo, Esq.,  
Attorneys for Petitioner.

## BY THE DIRECTOR:

It appears from the petition filed herein that on March 8, 1962, Stephen A. Mamolou (secretary and stockholder of Paul's Bar & Grill, Inc) was fined \$500 in the Superior Court, Burlington County, after he pleaded guilty to an indictment alleging that he sold alcoholic beverages to a minor, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of the license held by the corporation 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 from the petition and the records of this Division that the local issuing authority suspended the license of said corporation for fifteen days after it pleaded non vult to a charge in disciplinary proceedings alleging sale to the same minor. The suspension was effective from September 11, 1961, to September 26, 1961. It appearing that the suspension was adequate and that the suspension has been served, I shall lift the automatic suspension.

Accordingly, it is on this 12th day of March, 1962,

ORDERED that the statutory automatic suspension of said License C-3 be and the same is hereby lifted, effective immediately,

WILLIAM HOWE DAVIS  
DIRECTOR

## 9. SPECIAL PERMITS - NOT ISSUED TO AUTHORIZE WINE TASTINGS BY CONSUMERS.

March 7, 1962

Galsworthy, Inc.,  
Newark 12, New Jersey

This is with reference to your recent inquiry concerning the joint sponsorship by you and the California Wine Advisory Board of "wine tastings" for the promotion of California wines.

You state that representatives of the Wine Advisory Board attend meetings of service organizations, civic organizations, clubs, etc., and give an illustrated lecture on wines in general and California wines in particular and that it is customary at the close of these meetings to allow the guests to taste the different kinds of California wines.

It has been Division policy, since its inception, to prohibit wine tastings or the gratuitous service of alcoholic beverages to the general public by licensees. While special permits have been issued to wholesale licensees to authorize the serving of alcoholic beverages to retailers and their bona fide personnel incidental to merchandise displays, etc., on their licensed premises, these permits have never permitted the dispensing of alcoholic beverages to the consumer public.

WILLIAM HOWE DAVIS  
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - ORDER IMPOSING DEFERRED SUSPENSION.

In the Matter of Disciplinary  
Proceedings against

POINT INN, INC.  
t/a THE INN  
Shore Road and Egg Harbor Bay  
Upper Township  
PO Beesley's Point, N. J.

ORDER

Holder of Plenary Retail Consumption  
License C-7, issued by the Township  
Committee of Upper Township.

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Florence E. Josephson, Attorney for Defendant-licensee.  
David S. Piltzer, Esq., Appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

On February 21, 1962 I entered an order in the above matter deferring the license suspension of ten days because it appeared that the licensed business was conducted only on a limited basis.

I am satisfied that the licensed business is now fully operating and hence shall impose the suspension.

Accordingly, it is, on this 22d day of March, 1962,

ORDERED that Plenary Retail Consumption License C-7, issued by the Township Committee of Upper Township to Point Inn, Inc., t/a The Inn, for premises Shore Road and Egg Harbor Bay, Upper Township, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Monday, April 2, 1962, and terminating at 3:00 a.m. Thursday, April 12, 1962.

WILLIAM HOWE DAVIS  
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - FILTHY AND OBSCENE LANGUAGE - NUISANCE - PRIOR SIMILAR AND DISSIMILAR RECORD - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

CAPPY'S HIDEAWAY, INC.  
208 W. Main Street  
Bound Brook, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption  
License C-8, issued by the Borough  
Council of the Borough of Bound Brook

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Anthony Giuliano, Esq., Attorney for licensee.  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on December 31, 1961, it sold drinks of alcoholic beverages to two minors, one age 19 and one age 20, in violation of Rule 1 of State Regulation No. 20, and (2 and 3) on December 16, 17, 30 and 31, 1961, permitted filthy and obscene language and the conduct of the licensed place of business as a nuisance, in violation of Rule 5 of State Regulation No. 20.

Reports of investigation disclosed that the conduct which constituted the substance of charges 2 and 3 consisted principally in various conversations had by a bartender with the investigating agents in gutter language indicating the widespread availability of youthful female patrons for purposes of prostitution.

Licensee has a previous record of suspension of license for twenty-five days effective January 23, 1961, for sale to minors and sale during hours prohibited by municipal regulation. Re Cappy's Hideaway, Inc., Bulletin 1377, Item 9. The prior record and letter of alleged mitigating circumstances considered, the license will be suspended for twenty-five days on the first charge (Re Kellner, Bulletin 1422, Item 5; Re Freedman, Bulletin 1436, Item 4) and for an additional fifteen days on charges 2 and 3 (cf. Re DiNatale, Bulletin 1422, Item 8), making a total suspension of forty days, with remission of five days for the plea entered, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 23rd day of March 1962,

ORDERED that Plenary Retail Consumption License C-8, issued by the Borough Council of the Borough of Bound Brook to Cappy's Hideaway, Inc., for premises 208 W. Main Street, Bound Brook, be and the same is hereby suspended for thirty-five (35) days, commencing at 2 a.m. Monday, April 2, 1962, and terminating at 2 a.m. Monday, May 7, 1962.

WILLIAM HOWE DAVIS  
DIRECTOR

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

In the Matter of Disciplinary  
Proceedings against

THOMAS J. ROSE & MARGARET S. ROSE  
t/a T. & M. TAVERN  
1500 South Clinton Avenue  
Trenton, N. J.

CONCLUSIONS  
AND ORDER

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Holders of Plenary Retail Consumption  
License C-86, issued by the Board of  
Commissioners of the City of Trenton.

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Edward A. Costigan, Esq., Attorney for licensees.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on  
February 17, 1962 they sold drinks of alcoholic beverages to three  
minors, two age 18 and one age 20, in violation of Rule 1 of  
State Regulation No. 20.

Absent prior record, the license will be suspended for  
twenty days (Re Chatterbox, Inc., Bulletin 1431, Item 4), less  
five days for the plea entered, leaving a net suspension of fifteen  
days.

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

ORDERED that Plenary Retail Consumption License C-86,  
issued by the Board of Commissioners of the City of Trenton to  
Thomas J. Rose and Margaret S. Rose, t/a T. & M. Tavern, for  
premises 1500 South Clinton Avenue, Trenton, be and the same is  
hereby suspended for fifteen (15) days, commencing at 2:00 a.m.  
Thursday, March 29, 1962, and terminating at 2:00 a.m. Friday,  
April 13, 1962.

WILLIAM HOWE DAVIS  
DIRECTOR

## 13. DISCIPLINARY PROCEEDINGS - ORDER POSTPONING EFFECTIVE DATES OF SUSPENSION.

In the Matter of Disciplinary Proceedings against )

THOMAS J. ROSE & MARGARET S. ROSE  
t/a T. & M. TAVERN  
1500 South Clinton Avenue  
Trenton, N. J. )

ORDER

Holders of Plenary Retail Consumption License C-86, issued by the Board of Commissioners of the City of Trenton. )

Edward A. Costigan, Esq., Attorney for licensees.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

On March 26, 1962, Conclusions and Order were entered herein suspending the license for fifteen days commencing at 2:00 a.m. Thursday, March 29, 1962, and terminating at 2:00 a.m. Friday, April 13, 1962.

It now appears that in disciplinary proceedings conducted by the municipal issuing authority on a charge other than the charge herein, by its resolution of March 22, 1962, it suspended the license for five days commencing at 2:00 a.m. March 26, 1962 and terminating at 2:00 a.m. March 31, 1962.

Since by order of the municipal issuing authority the license was under suspension when the suspension imposed herein was to take effect, the effective date of the suspension herein will be postponed to take effect at the end of the municipal suspension.

Accordingly, it is, on this 4th day of April, 1962,

ORDERED that Plenary Retail Consumption License C-86, issued by the Board of Commissioners of the City of Trenton to Thomas J. Rose and Margaret S. Rose, t/a T. & M. Tavern, for premises 1500 South Clinton Avenue, Trenton, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Saturday, March 31, 1962, and terminating at 2:00 a.m. Sunday, April 15, 1962.

WILLIAM HOWE DAVIS  
DIRECTOR



14. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - PRIOR RECORD -  
MITIGATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 20 DAYS, LESS  
5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

WILLIAM J. LaPERGOLA & KATHRYN M.  
LaPERGOLA  
t/a "HARRY'S INN"  
N. Logan Rd., Ocean Township  
PO 734 H'wy. 35, Asbury Park, N. J.

CONCLUSIONS  
AND ORDER

Holders of Plenary Retail Consumption  
License C-1, issued by the Township  
Committee of Ocean Township, Monmouth  
County.

D. Joseph DeVito, Esq., Attorney for licensees.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

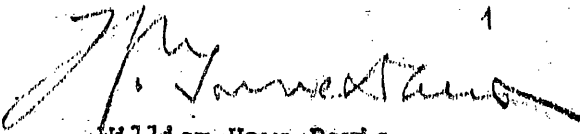
Licensees plead non vult to a charge alleging that on  
March 11, 1962 they sold drinks of alcoholic beverages to a minor,  
age 19, in violation of Rule 1 of State Regulation No. 20.

Reports of investigation disclose that the sales were  
made to the minor only after he had produced false identification  
to evidence his claimed age.

Licensees have a previous record of suspension by the  
municipal issuing authority for ten days effective November 7, 1960,  
for a similar violation. The prior record and the mitigating  
circumstances considered, the license will be suspended for twenty  
days, the minimum penalty for a second similar violation within  
five years (cf. Re LoPresti, Bulletin 1415, Item 8), with remission  
of five days for the plea entered, leaving a net suspension of  
fifteen days.

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

ORDERED that Plenary Retail Consumption License C-1,  
issued by the Township Committee of Ocean Township, Monmouth  
County, to William J. LaPergola and Kathryn M. LaPergola, t/a  
"Harry's Inn", for premises on N. Logan Road, Ocean Township, be  
and the same is hereby suspended for fifteen (15) days, commencing  
at 3:00 a.m. Monday, April 2, 1962, and terminating at 3:00 a.m.  
Tuesday, April 17, 1962.

  
William Howe Davis  
Director

New Jersey State Library