

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

BULLETIN 1351

SEPTEMBER 20, 1960

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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.

BULLETIN 1351

SEPTEMBER 20, 1960

1. NEW LEGISLATION - AMENDMENT OF REVISED STATUTE, 33:1-25 - REPEAL OF PROVISION PROHIBITING ISSUANCE OF LICENSE TO ANY PERSON TWICE CONVICTED CRIMINALLY OF VIOLATION OF THE ALCOHOLIC BEVERAGE LAW.

On August 23, 1960, the Governor signed into law Senate, No. 470 which thereupon became Chapter 117 of the Laws of 1960, effective immediately. Chapter 117, in amendment of Revised Statutes, 33:1-25, made but one change in that section -- repealed by deletion, as set forth below, the bracketed language heretofore contained in the first paragraph of Revised Statutes, 33:1-25:

"No retail license shall be issued to a natural person unless he is a citizen of the United States and a resident of the State of New Jersey at the time of submission of the application. No license of any class shall be issued to any individual who is an alien; to any person under the age of 21 years; to any person who has been convicted of a crime involving moral turpitude [or to any person who has been twice convicted in a court of criminal jurisdiction of violation of this chapter]. Cessation of United States citizenship or New Jersey residence shall be cause for the suspension or revocation of the license."

WILLIAM HOWE DAVIS
DIRECTOR

Dated: August 26, 1960

2. DISCIPLINARY PROCEEDINGS - PERMITTING BRAWLS AND DISTURBANCES - SALE TO MINORS - EMPLOYING UNQUALIFIED PERSON - PRIOR RECORD - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ANABEL B. EWTUSHEK t/a ANABEL'S TAVERN 100 Augusta Street South Amboy, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-26 (for the 1959-60 and 1960-61 licensing years), issued by the Mayor and Common Council of the City of South Amboy.)

----- Robert W. Wolfe, Esq., Attorney for Defendant-licensee Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendant pleaded non vult to the following charges:

- "1. During early morning hours of Saturday, May 21, 1960, you allowed, permitted and suffered foul, filthy and obscene language, brawls, acts of violence and disturbances in and upon your licensed premises; and allowed, permitted and suffered your licensed place of business to be conducted in such manner as to become a nuisance; in violation of Rule 5 of State Regulation No. 20.
"2. On Friday night, May 20 and early Saturday morning, May 21, 1960, 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., John ---, age 16 and Martines ---, age 18, 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.
"3. On May 21, 1960 and prior thereto, you employed and allowed, permitted and suffered the employment in and upon your licensed premises of a person under the age of twenty-one (21) years, viz., Edwin ---, age 17; contrary to and in violation of Rule 3 of State Regulation No. 13."

On Saturday, May 21, 1960, at about 1:05 a.m., two ABC agents arrived at defendant's licensed premises to investigate a complaint of sales to minors. The agents took positions at the bar which was being tended by two barmaids (Mae E. Giacomozzi, manager of the licensed premises, and Irene Kelleman). The premises were occupied

by about fifty patrons (male and female), fifteen to twenty of whom appeared to be minors between the ages of 17 and 18. The agents observed some of these minors holding glasses of beer and kept them under surveillance. In the interim the attention of the agents was attracted to a disturbance in the premises where a two-piece male orchestra was supplying dance music for the patrons. The agents observed some of the patrons seize the musicians' microphone and shout songs through it from the center of the barroom where other patrons were dancing.

During the next fifteen minutes the agents heard numerous patrons throughout the premises, without restraint, use foul, filthy and obscene language. A number of patrons were also observed pushing each other and arguing for control of the microphone. At about 1:20 a.m. one of the patrons in loud, vulgar language invited another to have a fight. A fight thereupon ensued and was followed by a general melee in which fists were flying, tables were turned over, bottles and glasses were falling to the floor and female patrons were screaming. At no time did either of the barmaids warn or admonish the patrons against the use of obscene language or attempt in any way to prevent the fight which occurred and the general disorder which followed, notwithstanding its inevitability. One of the agents summoned the police and, as he was leaving the telephone booth, observed one of the patrons with great force throw another to the floor and kick him.

The investigation further disclosed that on the dates alleged herein John (age 16) and Martines (age 18), who were not required to make any written representation as to their ages, were served and consumed alcoholic beverages on the licensed premises. In sworn, written statements dated May 21, 1960, John stated he consumed one glass of beer, and Martines admitted he consumed a great number of glasses of beer.

The investigation also discloses that the musician identified in Charge 3 herein had no employment permit.

By way of mitigation the attorney for the defendant-licensee submitted a letter requesting leniency with the licensee for the reason that the licensee entrusted the operation of the licensed premises to an inexperienced barmaid and because she was not on the premises when the violations took place. The licensee, however, cannot escape the consequences of her agents' failure to act as hereinabove set forth (Rule 33 of State Regulation No. 20). A licensee, moreover, cannot exculpate herself because of her absence from the licensed premises when violations take place. Re Jackson, Bulletin 1314, Item 6.

I have read the file in the case, together with the reports of the agents, and find no extenuating circumstances that would impel me to impose a lesser penalty than that fixed in cases of this kind.

Defendant has a prior adjudicated record. Effective April 17, 1955, the local issuing authority suspended defendant's license for ten days for sale to minors. I shall suspend defendant's license for the minimum period of twenty-five days on Charge 1 (Re Jackson, supra); for twenty-five days, the minimum period, on Charge 2 (Re The Player's Club (A Corporation), Bulletin 1331, Item 4); for five days on Charge 3 (Re the New French Quarters, Inc., Bulletin 1281, Item 14), and for five days for the similar violation to Charge 2 which occurred more than five years but less than ten years ago (Re Iwanicki & Stamper, Bulletin 1331, Item 5), making a total suspension of sixty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifty-five days.

"The facts underlying the violation alleged in Charge 2 are sufficiently set forth therein and obviate the necessity of further elucidation.

"To substantiate Charge 1, the Division called as its witnesses the two ABC agents who participated in the investigation of defendants' licensed premises.

"It appears from the agents' testimony that at 11:50 a.m., Saturday, October 10, 1959, they visited defendants' tavern wherein they observed fourteen patrons being served by the bartenders Al Werdmann and Bill Moorehead. Among those present were an elderly man called Bob, Charles McManus, known as 'Chuck', and Terrence Smith, who, the bartenders said, was a porter in the establishment. Bob, who had been perusing the racing section of a newspaper, asked for and received from Al, the bartender, a pencil and a piece of paper upon which he made a notation and, placing some currency around it, he went to where 'Chuck' was seated and handed it to him. The agents further observed that 'Chuck' moved about the tavern continually, answering all of the telephone calls, and that he left at 12:15 a.m. It further appears that during 'Chuck's' absence the agents observed an unidentified man enter the premises and heard him ask Bill, the bartender, for 'Chuck's' telephone number and heard Bill say that he didn't have it, but that he thought that Bob had it. When Bob was unable to find the number, the man said, 'I have a horse race bet for the third race and I want to make sure I get it in in time'. Smith, who had at the request of one of the bartenders carried a case of beer to a car outside, offered to accommodate the man, saying, 'I'll take the bet and I'll see that he gets it'. The man handed Smith a piece of paper and some money and inquired of Bill, 'Will he get it to him', to which Bill replied, 'Yes, he will get it to "Chuck" in time'. It further appears that when 'Chuck' returned to the tavern at 1:15 p.m., Smith beckoned to him to come over to where he was seated. When 'Chuck' complied, Smith handed him the bet slip and the money he had received from the unidentified man. One of the agents then engaged Smith in conversation and handed him a prerecorded bet slip and money and Smith said, 'I'll see what I can do'. Later, Smith walked over to the agent who had placed the bet and put the bet slip and money on the bar in front of him saying, 'You better take care of this yourself'. At this point the agents identified themselves and, when the local police arrived in response to their telephone call, 'Chuck' was taken to police headquarters where he produced from his pocket a run down sheet and three bet slips, one of which he admitted he had accepted in defendants' tavern.

"Edward J. Kenney, one of the licensees, and his bartender, William Moorehead, testified in behalf of defendants. Kenney testified that he has held the license in partnership with his wife for a period of eight years; that Terrence Smith was not an employee on October 10, 1959, having been discharged about a year previous for selling alcoholic beverages during prohibited hours; that Smith 'is what you would call a derelict'; that about 2:15 p.m. on the date alleged he (Kenney) arrived at the tavern and inquired as to what was going on; that the agents told him, 'This does not involve you whatever; you just stand aside' and that on October 10, 1959 and prior thereto he did not permit or allow gambling on his premises. On cross-examination, he testified that on the date alleged he opened up at 7:00 a.m.; that Smith came in about 8:00 p.m.; that when Smith comes in he usually gives him a drink 'and he (Smith) usually takes the broom and sweeps the floor', but receives no pay for his services.

"William Moorehead testified that he has been an employee of Kenney's Tavern as a bartender for six years; that he was on duty on October 10, 1959; that he had been cautioned by Mr. Kenney not to permit gambling on the premises and that he did not permit such activity on the date alleged or at any other time. He denied

that he told the agents that Smith was employed by defendants and, when asked if he directed Smith to take a case of beer outside to a car he stated, 'I honestly cannot answer that question truthfully because I don't know. It is a normal procedure, whether it be Terrence (Smith) or any other customer, if there is an older man or woman around there they will take the case of beer out if we are busy'. He stated further that by 'they' he meant 'any of the fellows who come in the tavern. It is a family trade and everybody pretty nearly knows everybody else'.

"The word 'employee' as used in the Alcoholic Beverage Law and the Rules and Regulations of the Division, has been construed to include all persons whose services are utilized by the licensee or who are kept at work or entrusted with some duty on the licensed premises. Salary or compensation is not a requisite to employment. Re William Street Bar and Grill, Inc., Bulletin 466, Item 8; Kravis v. Hock, 137 N. J. L. 252; Re Egresi, Bulletin 1317, Item 3.

"Considering the testimony adduced herein, I find that commercialized gambling was allowed, permitted and suffered in and upon defendants' licensed premises; that Smith was an unsalaried employee of the licensees and that he participated in the illicit activity. I conclude, therefore, that the Division has established the guilt of defendants as to Charge 1 by the necessary preponderance of the believable evidence.

"Defendants have a prior adjudicated record. Effective January 6, 1958 their license was suspended for five days by the local issuing authority for an 'hours' violation. I recommend, therefore, that defendants' license be suspended for the minimum period of twenty-five days on Charge 1 (Re Egresi, supra), for ten days on Charge 2 (Re Mazza, Bulletin 1190, Item 6), and for an additional five days because of the prior dissimilar violation which occurred within a five-year period, making a total suspension of forty days."

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

Having carefully considered the entire record herein, including the transcript of the testimony, the Hearer's Report and the exceptions thereto, I concur in the findings and conclusions of the Hearer and adopt his recommendation.

Accordingly, it is, on this 11th day of July, 1960,

ORDERED that Plenary Retail Consumption License C-66, for the 1960-61 licensing year, issued by the Township Committee of Woodbridge Township to Edward J. Kenney and Lillian Kenney, t/a Kenney's Park Inn, for premises 1358 Oak Tree Road, Woodbridge Township, be and the same is hereby suspended for a period of forty (40) days, commencing at 2:00 a.m., Wednesday, July 20, 1960, and terminating at 2:00 a.m., Monday, August 29, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - SALE BY RETAILER FOR RESALE - AIDING AND ABETTING UNLAWFUL TRANSPORTATION - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Clifford Hildebrandt & Asger Ramsing t/a Acme Delicatessen 403 Myrtle Avenue Irvington 11, N. J.)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Distribution License D-22, for the 1959-60 and 1960-61 licensing years, issued by the Board of Commissioners of the Town of Irvington.)

Edmond J. Dwyer, Esq., Attorney for Defendant-licensees
David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to charges alleging that (a) they sold alcoholic beverages not pursuant to the terms of their license, as defined by R.S. 33:1-12(3a) in that they sold alcoholic beverages to persons for purpose of resale and not for consumption by said persons, in violation of R.S. 33:1-2; (b) they knowingly aided and abetted said persons to sell and transport alcoholic beverages without requisite license or special permit, contrary to R.S. 33:1-2, in violation of R.S. 33:1-52, and (c) they sold alcoholic beverages at less than the price listed in the minimum consumer resale price list then in effect, in violation of Rule 5 of State Regulation No. 30.

An investigation by ABC agents disclosed that on January 27, 1960, and on divers dates prior thereto, defendants sold numerous bottles and cases of various kinds and brands of alcoholic beverages to various persons for the purpose of resale and not for consumption by said persons, and aided and abetted the purchasers in question to resell and transport the alcoholic beverages contrary to the Alcoholic Beverage Law. Furthermore, the alcoholic beverages were sold by the defendants to the purchasers at less than the respective prices thereof as listed in the Minimum Consumer Resale Price List then in effect.

Such practices as indulged in by the defendants strike at the very heart of enforcement and control in the liquor industry. While, in my opinion, in view of defendants' unblemished record, an outright revocation would be unnecessarily severe in this case, a substantial penalty is indicated.

Defendants' attorney in attempted mitigation of penalty contends that defendants have advised him that they were unaware that the alcoholic beverages in question were purchased for resale. A sworn statement to the contrary from the person who on most occasions had purchased liquor from defendants is in the possession of this Division.

Under the circumstances, I shall suspend defendants' license for a period of forty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of forty days.

Accordingly, it is, on this 7th day of July 1960,

ORDERED that Plenary Retail Distribution License D-22, for the 1960-61 licensing year, issued by the Board of Commissioners of the Town of Irvington to Clifford Hildebrandt & Asger Ramsing, t/a Acme Delicatessen, for premises 403 Myrtle Avenue, Irvington, be and the same is hereby suspended for forty (40) days, commencing at 9 a.m. Saturday, July 16, 1960, and terminating at 9 a.m. Thursday, August 25, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

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

In the Matter of Disciplinary Proceedings against

SPRING HILL COUNTRY CLUB, INC.
Route 73, Highway & Fellowship Road
Maple Shade, N. J.

CONCLUSIONS
AND ORDER

Holder of Club License CB-1, for the 1959-60 licensing year, issued by the Maple Shade Township Committee.

Raymond Kassekert, Esq., Attorney for Defendant-licensee
William F. Wood, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that it possessed on its licensed premises an alcoholic beverage in a bottle which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

On May 12, 1960, an ABC agent tested defendant's open bottles of alcoholic beverages and seized a 4/5 quart bottle labeled "Cutty Sark Blended Scots Whisky 86 Proof" for further tests by the Division chemist. Subsequent analysis by the chemist disclosed that the contents of the seized bottle were low in solids and darker in color when compared with an analysis of the genuine product.

Defendant has a prior adjudicated record. The local issuing authority suspended its license on three occasions -- effective February 8, 1939, for twenty days for possessing slot machines and employing an ineligible person; effective June 7, 1939, for fifteen days for possessing slot machines, and effective July 30, 1945, for thirty days for an "hours" violation, sale to non-members and fraud in its application. Effective November 6, 1950, its license was suspended for thirty days by this Division for allowing slot machines in an unlicensed portion of its building. Re Spring Hill Country Club, Bulletin 888, Item 10. These prior dissimilar violations which occurred more than five years ago will not be considered in fixing the penalty herein. Re The Glen Cocktail Bar A Corporation, Bulletin 1332, Item 5. I shall suspend defendant's license for the period of ten days. Re Picklo, Bulletin 1338, Item 12. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 1st day of July 1960,

ORDERED that any renewal for the 1960-61 licensing year or transfer of Club License CB-1, issued by the Maple Shade Township Committee to Spring Hill Country Club, Inc., for premises on Route 73, Highway & Fellowship Road, Maple Shade, be and the same is hereby suspended for five (5) days, commencing at 2 a.m. Monday, July 11, 1960, and terminating at 2 a.m. Saturday, July 16, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

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

In the Matter of Disciplinary Proceedings against

WILLIAM MAZUR AND SOPHIE H. STRAT t/a MAZUR'S TAVERN 557 Grove Street Irvington 11, N. J.

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-47, for the 1959-60 and 1960-61 licensing years, issued by the Board of Commissioners of the Town of Irvington.

Defendant-licensees, Pro se.
William F. Wood, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they possessed on their licensed premises 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.

On April 25, 1960 an ABC agent tested defendants' open stock of assorted brands of liquor and seized a quart bottle of whiskey labeled "Calvert Reserve American Blended Whiskey 86 Proof" for further tests by the Division's chemist. Subsequent analysis by the chemist disclosed that the contents of the seized bottle, while fit for beverage purposes, were too high in solids when compared with samples of the genuine product.

Defendants have had an unblemished record for the past twenty-seven years. Under the circumstances, I shall suspend their license for the minimum period of ten days and remit five days for the confessional plea entered herein, leaving a net suspension of five days. Re Picklo, Bulletin 1338, Item 12.

Accordingly, it is, on this 1st day of July 1960,

ORDERED that Plenary Retail Consumption License C-47, for the 1960-61 licensing year, issued by the Board of Commissioners of the Town of Irvington to William Mazur and Sophie H. Strat, t/a Mazur's Tavern, for premises 557 Grove Street, Irvington, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m., Monday, July 11, 1960, and terminating at 2:00 a.m., Saturday, July 16, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - GAMBLING - LOTTERY - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JOHN MAURIELLO)
t/a JOHNNIE WALKER'S TAVERN)
396-396½ Orange Street)
Newark 7, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-759 (for the 1959-60 and 1960-61 licensing years), issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

Anthony A. Calandra, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On February 3, 16, 18 and 25, 1960, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of bets in a lottery, commonly known as the 'numbers' game on all of the aforesaid dates and the making and accepting of horse race bets on the last three of said dates; in violation of Rule 7 of State Regulation No. 20.
- "2. On February 3, 16, 18 and 25, 1960, you allowed, permitted and suffered tickets and participation rights in a lottery, commonly known as the 'numbers' game to be sold and offered for sale in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20."

On February 3, 1960, three ABC agents visited defendant's licensed premises and, while there, observed a patron place two "numbers" bets with a man in the premises and later watched defendant, who was tending bar, accept money from a patron for a "numbers" bet, which money he immediately turned over to the man aforementioned.

Two of the aforesaid agents again visited defendant's premises on the afternoon of February 16, 1960 and on this occasion observed two men accepting money from patrons for "numbers" bets and one of the men accepting a bet on a horse race.

On February 18, 1960, after observing a man accepting horse race bets from patrons, two agents placed bets on horses with a man called "George" and one of the agents who had placed a bet on the "daily double" spoke to the defendant about holding the money for him in case he won and the defendant told him not to worry about it. This agent then told the defendant that he had also placed a "numbers" bet with George and the defendant remarked that he shouldn't spend the money before he got it.

On February 25, 1960, the two agents who had been in defendant's premises on the previous occasions again visited defendant's establishment and there observed George (George Stefanelli) and Vincent Radice, with whom bets had been placed on the prior visit on horse races and

"numbers", respectively. One of the agents spoke to defendant and gave him two one-dollar bills (the serial numbers of which were previously recorded) for a "numbers" bet and, at the suggestion of the defendant, changed it to two "numbers" bets at one dollar each. The defendant then gave the two dollars to Salvatore Colacovo, who was seated at the bar. Subsequent thereto, the other agent placed a horse race bet of \$4 with George Stefanelli and, in payment therefor, gave Stefanelli four one-dollar bills (the serial numbers of which had been previously recorded). A few minutes after the horse race bet was made, two police detectives and three agents entered the defendant's premises and, after making known their identities, Colacovo, Stefanelli and Radice were requested to empty their pockets. Colacovo took his hand out of the right coat pocket and dropped a slip of white paper on the floor and, when the paper was examined, it was found to have written thereon eleven "numbers" bets with a total play of \$3. His pockets contained a racing sheet and a total sum of \$72.03, among which was a "marked" dollar bill given to him by the defendant, who had accepted a "numbers" bet from one of the agents. Stefanelli produced from his person \$387.93 and a racing form dated February 25, 1960. In Radice's hat was found two slips containing numbers in an "Italian Lottery". On the floor in back of the bar, the agents found a ten-dollar bill and six one-dollar bills, four of the one-dollar bills containing the serial numbers of the money given by one of the agents to Stefanelli in payment of a bet on a horse entered in a race that day.

Defendant has a prior adjudicated record. Effective March 13, 1950 his license was suspended by the local issuing authority for three days for employing a female bartender. Inasmuch as said violation is dissimilar to those now under consideration and happened more than five years ago, it will not be considered in fixing the penalty herein. I shall suspend defendant's license for twenty-five days, the minimum suspension in a case of this kind when a licensee or employee is involved. Re Tomczyk & Stolarz, Bulletin 1327, Item 7. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 5th day of July 1960,

ORDERED that Plenary Retail Consumption License C-759, for the 1960-61 licensing year, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to John Mauriello, t/a Johnnie Walker's Tavern, for premises 396-396½ Orange Street, Newark, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m., Tuesday, July 12, 1960, and terminating at 2:00 a.m., Monday, August 1, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

LEONA CORPORATION)
t/a LEN GLAZER'S BAR & RESTAURANT)
444 Broadway)
Paterson 4, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-44 (for the 1959-60 and 1960-61 licensing years), issued by the Board of Alcoholic Beverage Control for the City of Paterson.)

Joseph G. Sproviere, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that it sold alcoholic beverages during prohibited hours in their original containers for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

On Sunday, April 24, 1960, at about 3:40 p.m., ABC agents observed Gerald Marrone, the bartender, after a whispered conversation with a male patron, remove six twelve-ounce cans of beer from a large beer cooler, place them in a brown paper bag and walk to a doorway leading to an alleyway. After the bartender returned, the male patron handed him some money and the bartender rang up \$1.10 on the cash register. Shortly thereafter, one of the agents asked the bartender for six cans of beer but the bartender told him that, "No package goods goes out on Sunday". As the patron in question left the premises, followed by the agents, he walked into an alley and, shortly thereafter, emerged therefrom carrying the paper bag containing the six cans of beer. The agents and the man returned to defendant's premises where the bartender admitted the violation.

Defendant has no prior adjudicated record. I shall suspend defendant's license for the minimum period of fifteen days (Re City Gardens, Inc., Bulletin 1337, Item 10). Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 11th day of July, 1960,

ORDERED that Plenary Retail Consumption License C-44 (for the 1960-61 licensing year), issued by the Board of Alcoholic Beverage Control for the City of Paterson to Leona Corporation, t/a Len Glazer's Bar & Restaurant, for premises 444 Broadway, Paterson, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m., Monday, July 18, 1960, and terminating at 3:00 a.m., Thursday, July 28, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

• DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED -
 PRIOR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
 Proceedings against)

ERWIN RINALDI & ESTHER BUCCIGROSSI)
 t/a POST BAR)
 154 Fort Dix Street)
 Wrightstown, N. J.)

CONCLUSIONS
 AND ORDER

 Holders of Plenary Retail Consumption)
 License C-9 (for the 1959-60 and 1960-61)
 licensing years), issued by the Borough)
 Council of the Borough of Wrightstown.)

Richman & Berry, Esqs., by Grover C. Richman, Jr., Esq., Attorneys
 for Defendant-licensees.
 William F. Wood, Esq., Appearing for Division of Alcoholic Beverage
 Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they possessed on their licensed premises alcoholic beverages in bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

On April 7, 1960, an ABC agent tested defendants' open stock of liquor and seized a number of bottles for further tests by the Division chemist. Subsequent analysis by the chemist disclosed that the contents of three of said bottles varied substantially in solids and color from the contents of genuine bottles of the labeled brands.

Defendants have a prior adjudicated record. Effective April 15, 1957, when defendants held a license for premises on the South East Side of Pemberton Road, Springfield Township, such license was suspended by this Division for five days for sale to minors. Bulletin 1168, Item 8. I shall suspend defendants' license for twenty days, the minimum penalty imposed in "refill" cases involving three bottles (Re S & S Bar & Grill, Inc., Bulletin 1339, Item 8), to which will be added five days because of the dissimilar violation which occurred within the past five years (Re C. & D. Tavern (A Corp.), Bulletin 1339, Item 3), making a total suspension of twenty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 12th day of July 1960,

ORDERED that Plenary Retail Consumption License C-9, for the 1960-61 licensing year, issued by the Borough Council of the Borough of Wrightstown to Erwin Rinaldi & Esther Buccigrossi, t/a Post Bar, for premises 154 Fort Dix Street, Wrightstown, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Saturday, July 16, 1960, and terminating at 2 a.m. Friday, August 5, 1960.

WILLIAM HOWE DAVIS
 DIRECTOR

NOTE: By order dated July 13, 1960, the effective dates of the aforesaid suspension were changed to commence at 2 a.m. Tuesday, August 2, 1960 and to terminate at 2 a.m. Monday, August 22, 1960.

10. SEIZURE - FORFEITURE PROCEEDINGS - INTERSTATE TRANSPORTATION OF TAXPAID ALCOHOLIC BEVERAGES - MOTOR VEHICLE AND ALCOHOLIC BEVERAGES RETURNED TO UNWITTING VIOLATOR UPON APPLICATION IN ADVANCE OF STATUTORY HEARING AFTER OBTAINING REQUISITE PERMITS FROM STATE OF DESTINATION.

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|--|---|--|
| No. 10,332 |) | APPLICATION FOR RETURN |
| In the Matter of the Seizure on June 22, 1960 of a Chevrolet sedan and a quantity of taxpaid alcoholic beverages on the New Jersey Turnpike at the 25 Mile Post, in the Borough of Bellmawr, County of Camden and State of New Jersey. |) | OF SEIZED PROPERTY IN ADVANCE OF STATUTORY HEARING |
| |) | CONCLUSIONS AND ORDER |

 Leo J. Berg, Esq., Attorney for Diego Nicholas Geraci and John Albert Palermo.
 I. Edward Amada, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Application has been made pursuant to Rule 1 of State Regulation No. 28 for the return of property seized in the case in advance of statutory hearing.

It appears that on the above date and location a New Jersey State trooper halted the Chevrolet sedan during his routine patrol of traffic on the highway. The trooper ascertained that Diego Geraci was operating the motor vehicle and that John A. Palermo, its registered owner, was a passenger therein. When the trooper discovered that a large quantity of taxpaid alcoholic beverages of various brands were being transported in the car and that neither Geraci nor Palermo held a New Jersey license or permit to transport alcoholic beverages in this State, the trooper took possession of the alcoholic beverages and motor vehicle pending determination of the source and destination of such alcoholic beverages. Thereafter, such property was turned over to ABC agents.

The agents ascertained from Geraci and Palermo that both have been employed for three or four years by a furniture concern located in Mineola, Long Island; that on June 22, 1960 they drove to Washington, D.C., to purchase alcoholic beverages because they were aware that such beverages were lower in price there; that some fellow employees and several friends requested them to make similar purchases for them; that the alcoholic beverages transported in the Chevrolet had been so purchased and they produced invoices from the retail liquor dealer in Washington for such alcoholic beverages.

However, neither Geraci nor Palermo presented any permit or permits to import the alcoholic beverages into New York in accordance with the requirements of that State. Bulletin 1204, Item 8. Rule 2 of State Regulation No. 18 governing the transportation of alcoholic beverages through New Jersey for delivery to another state requires the transporter to establish that such alcoholic beverages may lawfully be delivered to their destination. Absent such proof, the transportation of such alcoholic beverages is unlawful and subjects the property to forfeiture and subjects the transporter to criminal prosecution.

There has now been presented five permits issued by the New York State Liquor Authority. Two of such permits have been issued to Diego Geraci, one permit to Nicholas Geraci and two permits to Dominick Stabile. These permits authorize the importation into that State of the seized taxpaid alcoholic beverages described by size of containers and as originating in Washington, D.C. There has also been presented

five receipts evidencing the payment of New York State tax on such alcoholic beverages issued by the Commodities Tax Bureau of New York State. Hence, the transportation and delivery of the alcoholic beverages in question is now in full compliance with the law of that State and that of New Jersey insofar as seizure proceedings are concerned. No opinion is expressed as to whether these permits obtained after the event affect the criminal proceedings, which are within the sole jurisdiction of the Prosecutor of the County of Camden.

Accordingly, it is DETERMINED and ORDERED that if on or before the 3rd day of August 1960, Diego Geraci, Nicholas Geraci, Dominick Stabile or John Albert Palermo, or either, pays the costs incurred in the seizure and storage of the Chevrolet sedan and alcoholic beverages as listed in the Schedule "A" attached, such alcoholic beverages will be returned to them and the Chevrolet sedan will be returned to John A. Palermo.

WILLIAM HOWE DAVIS
DIRECTOR

Dated: July 21, 1960

SCHEDULE "A"

- 155 - quart bottles of various brands of taxpaid alcoholic beverages.
- 150 - 4/5 quart bottles of various brands of taxpaid alcoholic beverages.
- 1 - Chevrolet sedan - Engine No. F58A143687, New York Registration RJ 3864.

1. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - PRIOR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

HORSE SHOE BAR, INC.)
328 Henderson Street)
Jersey City 2, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-474, (for the 1959-60 and 1960-61 licensing years), issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

Defendant-licensee, by Julius Schwartz, President Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

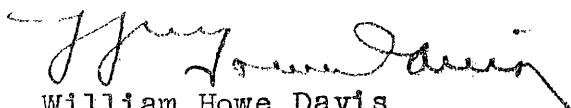
Defendant pleaded non vult to a charge alleging that it sold during prohibited hours an alcoholic beverage in its original container for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

At 11:41 p.m. Friday, June 17, 1960, an ABC agent purchased from a bartender in defendant's premises a pint bottle of whiskey for off-premises consumption. The agent left the premises with the bottle of whiskey and immediately re-entered the premises with another agent. The agents identified themselves to the bartender who had made the sale and he verbally admitted the violation.

Defendant has a prior adjudicated record. Effective January 10, 1956, defendant's license was suspended by this Division for twenty days for a similar "hours" violation and sale of alcoholic beverages below the minimum consumer resale price then in effect. Bulletin 1094, Item 10. The minimum penalty for an "hours" violation is fifteen days. Re Misiuk & Petkos, Bulletin 1323, Item 3. Since the similar violation was committed by defendant within five years of the one now under consideration, I shall suspend its license for thirty days. Re Cali, Bulletin 1336, Item 10. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 19th day of July 1960,

ORDERED that Plenary Retail Consumption License C-474, for the 1960-61 licensing year, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Horse Shoe Bar, Inc., for premises 328 Henderson Street, Jersey City, be and the same is hereby suspended for twenty-five (25) days, commencing at 2 a.m. Monday, August 1, 1960, and terminating at 2 a.m. Friday, August 26, 1960.


William Howe Davis
Director