

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

Mr. Gossweiler

February 4, 1960

BULLETIN 1322

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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.

February 4, 1960

BULLETIN 1322

L. DISCIPLINARY PROCEEDINGS - CLUB LICENSE - GAMBLING - SALE TO NON-MEMBERS - PRIOR RECORD - LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Ukrainian American Citizens Club
 728 Roosevelt Avenue
 Carteret, N. J.,

CONCLUSIONS

and

Holder of Club License CB-5, issued by the Borough Council of the Borough of Carteret

ORDER

-----)
 Defendant-licensee, by Charles Matlaga, President
 Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On October 7, 1959, you allowed, permitted and suffered gambling, viz., the playing of a card game for stakes of money, in and upon your licensed premises; in violation of Rule 7 of State Regulation No. 20.
- "2. On October 7, 1959, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to persons not bona fide members of your club or bona fide guests of any such members; in violation of Rule 8 of State Regulation No. 7."

On October 7, 1959, two agents, separately, knocked on the locked entrance door of defendant's licensed premises and each was admitted without being asked whether he was a member of the club. Each agent went to the bar and purchased and was served with a glass of beer and a drink of whiskey by the bartender (later identified as Frank Reezk) who did not ask the agents (who were not members) if they were members or bona fide guests of members of said club.

While at the bar the bartender told the agents that there was a poker game in progress in the basement of the premises. The agents went to the basement and there observed Joseph Kashmer (the secretary of the club) and two other persons seated at a table playing poker using chips representing twenty-five and fifty cents, respectively. One of the agents joined the game with chips purchased by him. The agents then revealed their identity and seized the cards, chips and a cigar box in which the money used to purchase the chips had been deposited.

Defendant has a prior adjudicated record. Effective June 7, 1948, the local issuing authority suspended its license for ten days for an "hours" violation. Since this dissimilar violation occurred more than five years ago, it will not be considered in fixing the penalty herein. Effective April 15, 1957, its license was again suspended by the Director for a net period of five days for permitting gambling on a card game on its licensed premises. Ukrainian American Citizens

Club, Bulletin 1168, Item 7. Effective April 28, 1958, its license was suspended by the local issuing authority for fifteen days for sale of alcoholic beverages to non-members.

The licensee has submitted a letter setting forth alleged mitigating circumstances, the gist of which is that Joseph Kashmer has resigned as an officer of the club and that the bartender has been discharged; that the bartender had been repeatedly instructed not to sell to non-members and the members told not to play cards on the premises; that it is a social organization with worthy objectives, and measures will be adopted to prevent any such violations in the future. Even with these considerations, the least that can be said is that, with card game gambling at the premises within approximately two years and sales to non-members within about a year, it demonstrates a laxness in the conduct of its affairs. However, considering its worthy objectives (primarily of a charitable nature), I shall impose the minimum penalty for such violations. Since this is the second violation for permitting sales to non-members within the past five years, and the second violation for permitting gambling on a card game within the past five years, the minimum period of suspension of defendant's license for ten days on Charge 1 and fifteen days on Charge 2 (Re Lyons-Schepsco Post No. 1451, V.F.W., Bulletin 1230, Item 3) will be doubled, making a total suspension of fifty days. Cf. Re Morganville Independent Club, Bulletin 1199, Item 1. Five days will be remitted for the plea entered herein, leaving a net suspension of forty-five days.

Accordingly, it is, on this 29th day of December, 1959,

ORDERED that Club License CB-5 issued by the Borough Council of the Borough of Carteret to Ukrainian American Citizens Club, for premises 728 Roosevelt Avenue, Carteret, be and the same is hereby suspended for forty-five (45) days, commencing at 2 a.m. Monday, January 11, 1960, and terminating at 2 a.m. Thursday, February 25, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Riverview Tavern, Inc.)
t/a Norel's)
244 Bloomfield Avenue)
Denville, N. J.)

CONCLUSIONS

AND

ORDER

Holder of Plenary Retail Consumption License C-9 issued by the Township Committee of Denville Township)

James F. McGovern, Jr., Esq., Attorney for Defendant-licensee.
William E. Wood, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge that it possessed on its 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 July 13, 1959 an ABC agent tested defendant's open stock of assorted brands of liquor and seized seven bottles the contents of

which appeared to be off in color. Subsequent analysis by the Division's chemist disclosed that the contents of the seized bottles differed in solids, acids and color when compared with samples of the genuine product of the labeled brands.

At the time of the agent's visit, Elmer Scatchard, president of the corporate-licensee, stated that he had filled some of the bottles with another brand of the same type of whiskey and that he refilled one bottle several times with the same brand of liquor because his automatic dispenser better fitted that bottle.

Defendant has no prior adjudicated record. When Elmer Scatchard, principal stockholder of defendant corporation, held a license for premises 668 Speedwell Avenue, Morris Plains, his license was suspended by the Director for five days, effective June 2, 1952, for sale of alcoholic beverages to a minor. Re Scatchard, Bulletin 937, Item 7. However, the prior dissimilar record of Elmer Scatchard will not be considered in fixing the penalty herein since it occurred more than five years ago. I shall suspend defendant's license for thirty days, the minimum penalty imposed in "refill" cases where seven bottles are involved. Re Benevolent and Protective Order of Elks, West Deptford Lodge 1967, Bulletin 1244, Item 6. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 30th day of December 1959,

ORDERED that Plenary Retail Consumption License C-9, issued by the Township Committee of Denville Township to Riverview Tavern, Inc., t/a Norel's, for premises 244 Bloomfield Avenue, Denville, be and the same is hereby suspended for twenty-five (25) days, commencing at 3:00 a.m., Monday, January 11, 1960 and terminating at 3:00 a.m., Friday, February 5, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

3. STATE BEVERAGE DISTRIBUTOR'S LICENSE - TRANSFER OF - TIME WITHIN WHICH TO DISCONTINUE OTHER RETAIL BUSINESS EXTENDED.

In the Matter of Objections to the)
Transfer of State Beverage Distribu-)
tor's License SBD-152 from)

Beer Depot, Inc.)
93 East 21st Street)
Bayonne, N. J.)

On Petition

O R D E R

to)

M. Sinisi & Sons, Inc.)
251 Montgomery Street)
Bloomfield, N. J.)

Joseph A. D'Alessio, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

On October 22, 1959, I entered conclusions herein which provided that if the applicant advised me, prior to January 1, 1960, that it had discontinued all retail business except the sale of non-alcoholic beverages at its proposed licensed premises, I would grant the pending application for transfer subject to a stated condition and provided the application was in proper form.

The petition filed herein requests that the time within which the applicant may so advise me be extended from January 1, 1960, to January 18, 1960. I have considered the facts set forth in the petition and I conclude that the request is reasonable and should be granted. Hence the conclusions heretofore entered are amended by striking out "January 1, 1960" and inserting "January 18, 1960" in place thereof, in the final paragraph of said conclusions.

Dated: December 31, 1959

WILLIAM HOWE DAVIS
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - LOTTERY - AGGRAVATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 120 DAYS.

In the Matter of Disciplinary Proceedings against

Paul Rubbinaccio, Sr.
338 Bloomfield Street
Hoboken, New Jersey

)
)
) CONCLUSIONS

) AND

) ORDER

Holder of Plenary Retail Consumption License C-165, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken.

Albert J. Shea, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant pleaded not guilty to the following charge:

'On August 18, 1959, you possessed, had custody of and allowed, permitted and suffered tickets and participation rights in a lottery, commonly known as the "numbers game" in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20.'

"At the hearing held herein, the attorney for defendant-licensee stated that, because indictments were pending against his client, he did not intend to cross-examine witnesses produced by the Division and did not intend to put in any defense in these proceedings. He further stated that he had no objection to the Director basing his decision herein on the reports he has in the file. Accordingly, no evidence was taken at said hearing and the case will be decided on the facts which appear in said reports.

"The file herein discloses that, pursuant to a search warrant, members of the New Jersey State Police conducted a raid on defendant's premises on August 18, 1959. From the reports of various members of the State Police (copies of which are in the file), it appears that they entered the premises on the day in question at about 2:15 p.m. and announced the raid; that slips containing number bets, slips containing horse race bets, slips containing baseball bets and \$217.55 cash were found in the licensee's possession; that slips containing horse race bets, baseball bets and \$330 cash were found in the possession of Jack Sullivan, a bartender; that slips containing number bets and \$177.29 cash were found in possession of John Heulbig, a patron, and that papers pertaining to a lottery and \$538.30 cash were found in possession of Thomas Smith, a patron. Subsequent search of

the licensed premises disclosed two ledger sheets pertaining to the operation of a lottery under one stool, a small memo book containing number bets under another stool and two envelopes containing a quantity of number bets in the oven of a stove located in the kitchen. The evidence is clearly sufficient to establish defendant's guilt and it is recommended, therefore, that defendant be found guilty as charged.

"Defendant has no prior adjudicated record. However, the above facts indicate that this was a large-scale operation, involving the licensee, the bartender and two patrons. The facts warrant a substantial penalty and it is recommended that an order be entered suspending defendant's license for a period of one hundred and twenty (120) days."

No exceptions to the Hearer's Report were taken within the time limited by Rule 6 of State Regulation No. 16.

Having carefully considered the record herein, I concur in the conclusions and recommendation of the Hearer. I find defendant guilty as charged.

Accordingly, it is, on this 31st day of December 1959,

ORDERED that plenary retail consumption license C-165, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Paul Rubbinaccio, Sr., for premises 338 Bloomfield Street, Hoboken, be and the same is hereby suspended for one hundred twenty (120) days, commencing at 2 a.m. Monday, January 11, 1960 and terminating at 2 a.m. Tuesday, May 10, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

- 5. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - PRIOR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Joseph F. Bazilus
145 Sterling Avenue
Jersey City 5, N. J.

CONCLUSIONS

AND

Holder of Plenary Retail Consumption License C-295, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

ORDER

William J. Murray, Esq., Attorney for Defendant-licensee.
Dora P. Rothschild, Esq., Appearing for the Division of Alcoholic Beverage Control

BY THE DIRECTOR:

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

On Thursday, October 1, 1959 at 12:14 a.m., an ABC agent who was in defendant's premises purchased from Anthony Telesia, a bartender, twelve 12-oz. cans of beer for off-premises consumption. This agent

and another ABC agent who accompanied him let the premises with the beer, but returned immediately and identified themselves to the bartender, who verbally admitted the violation.

Defendant has a prior record. Effective July 16, 1956 his license was suspended by the local issuing authority for fifteen days for sales to minors. I shall suspend defendant's license for fifteen days, the minimum suspension for selling during prohibited hours (Re Bartoszak, Bulletin 1307, Item 7), to which will be added five days for the dissimilar violation which occurred during the past five years (Re Fanok, Bulletin 1307, Item 11). Five days will be remitted for the plea, leaving a net suspension of fifteen days.

Accordingly, it is, on this 4th day of January 1960,

ORDERED that Plenary Retail Consumption License C-295, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Joseph F. Bazilus, for premises 145 Sterling Avenue, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m., Monday, January 11, 1960 and terminating at 2:00 a.m., Tuesday, January 26, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

- 6. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - PRIOR RECORD OF PREDECESSOR IN INTEREST - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Brick's Bar, Inc.
205-207 Water Street
Paterson, New Jersey

CONCLUSIONS
AND

Holder of Plenary Retail Consumption License C-93, issued by the Board of Alcoholic Beverage Control for the City of Paterson.

ORDER

Sidney B. Rosenthal, 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 during prohibited hours an alcoholic beverage in its original container for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

On Sunday, October 18, 1959 at about 2:50 p.m., an ABC agent while in defendant's licensed premises observed the bartender (Morris Brick, president and a principal stockholder of the defendant corporate-licensee) make three sales of alcoholic beverages for off-premises consumption. At about 2:58 p.m. the agent purchased from Mr. Brick a pint bottle of gin, which he took with him from the premises. The agent joined a fellow agent who remained outside and both agents entered the premises, identified themselves to Mr. Brick who verbally admitted making the unlawful sale to the agent.

Defendant has no prior adjudicated record. However, it appears that aforesaid Morris Brick, while in partnership with Esther Brick, held a license for the within described premises, which license

was twice suspended by this Division for "hours" violations, the first time effective August 29, 1949 for fifteen days (Re Brick, Bulletin 852, Item 6), and the second time, effective January 17, 1951 for thirty days (Re Brick, Bulletin 895, Item 3). In addition, when George Shaw, treasurer and a principal stockholder of the corporate-licensee herein, held a license for premises 415 Washington Street, Newark, it was revoked by the Director of this Division, effective August 9, 1954, for immoral activity. Re Shaw, Bulletin 1028, Item 1. The similar violation (August 29, 1949) which occurred more than ten years ago and the dissimilar violation (August 9, 1954) which occurred more than five years ago will not be considered in fixing the penalty herein. I shall suspend defendant's license for the minimum period of fifteen days (Re Bartoszak, Bulletin 1307, Item 7) to which will be added five days for the similar violation (January 17, 1951) which occurred more than five years ago but within a ten-year period (Re Dell'Orto, Bulletin 1285, Item 5), making a total suspension of twenty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 4th day of January, 1960,

ORDERED that Plenary Retail Consumption License C-93, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Brick's Bar, Inc., for premises 205-207 Water Street, Paterson, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 3:00 a.m., Monday, January 11, 1960 and terminating at 3:00 a.m., Tuesday, January 26, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 15 DAYS.

In the Matter of Disciplinary Proceedings against

Jack Kennedy's, Inc.
t/a Jack Kennedy's
700 Emory Street
Asbury Park, N. J.

CONCLUSIONS

AND

ORDER

Holder of Plenary Retail Consumption License C-45, issued by the City Council of the City of Asbury Park.

Defendant-licensee, by John P. Kennedy, President.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant pleaded not guilty to the following charge:

'On July 4 and 5, 1959 and prior thereto 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., James ---, age 18 and Gary ---, age 19 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.'

"Gary ---, 19 years of age, testified that he is serving in the U. S. Navy; that at 'around 6:30, a quarter to 7 in the evening' on July 4, 1959 he visited defendant's licensed premises and observed John Kennedy tending bar; that he was asked by Kennedy for his I. D. card and although the card showed him to be under 21 years, Kennedy said he would give him a 'break' and thereafter sold and served beer and whiskey to him; that he did not remember the number of drinks served him; that he met James --- whom he observed drinking beer during the evening; that he (Gary) had been in the premises 'two or three times' before.

"James ---, age 18, who is also serving in the U. S. Navy, corroborated Gary's testimony that they were in defendant's licensed premises on the night in question. He also testified that during the evening he had 'four or five' beers which were served to him by Kennedy; that he entered the premises at 5:30 or 6:00 p. m. on July 4 and left the establishment '2:30, 3 o'clock' the following morning.

"An ABC agent testified that on July 25, 1959 he, in the company of another agent and the two minors, went to defendant's premises; that the two minors identified Kennedy as the person who had served them the alcoholic beverages on July 4 and 5, 1959; that Kennedy admitted he had worked from 6:00 p.m. on July 4th until closing time the following morning, but stated that he had never seen either of the minors at any time prior to July 25th.

"John Kennedy testified that he had no recollection of ever seeing or serving the minors. The attorney appearing for the Division asked Mr. Kennedy whether he had told a sailor that he would give him a break and then served beer to him, after the sailor produced an I.D. card indicating that he was 19 years of age and Mr. Kennedy replied that it could have happened, but he did not remember saying anything like that.

"I am satisfied after examination of all the evidence herein, that the minors were in defendant's licensed premises at the time in question as they testified and that they were sold and served alcoholic beverages by Kennedy who tended bar at the time.

"Defendant has no prior adjudicated record. I recommend that defendant's license be suspended for fifteen days, the minimum penalty for sale and service of alcoholic beverages to an 18-year-old minor. Re Swick, Bulletin 1291, Item 11."

No exceptions were taken to the Hearer's Report within the time limited by Rule 6 of State Regulation No. 16.

Having carefully considered the facts and circumstances herein, I concur in the findings and conclusions of the Hearer and adopt his recommendation.

Accordingly, it is, on this 4th day of January 1960,

ORDERED that Plenary Retail Consumption License C-45, issued by the City Council of the City of Asbury Park to Jack Kennedy's, Inc., t/a Jack Kennedy's, for premises 700 Emory Street, Asbury Park, be and the same is hereby suspended for fifteen (15) days, commencing at 3:00 a.m., Monday, January 11, 1960, and terminating at 3:00 a.m., Tuesday, January 26, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - CLUB LICENSE - SALES TO NON-MEMBERS - SALE FOR OFF-PREMISES CONSUMPTION - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
)
 Branch 100 of Russian Consolidated Mutual Aid Society & Hamilton Park Club, Inc.) CONCLUSIONS
 Lewis Street) AND
 Franklin Township (Somerset County))
 PO Box 135, New Brunswick, New Jersey) ORDER

Holder of Club License CB- 1, issued by the Township Committee of Franklin Township (Somerset County).)

 Defendant-licensee, by Fred Aleksanis, President.
 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 September 9 and 15, 1959, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to persons not bona fide members of your club or bona fide guests of any such member; in violation of Rule 8 of State Regulation No. 7.
- "2. On September 9 and 15, 1959, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages except for consumption on your licensed premises; in violation of Rule 9 of State Regulation No. 7."

On the dates alleged in the charges, two ABC agents visited defendant's club wherein they consumed several bottles of beer served to them by a bartender who made no inquiry as to their membership and from whom they purchased several more bottles of beer for off-premises consumption. The agents were not members of the club or bona fide guests of a member.

Defendant has no prior adjudicated record. However, when the license was held in the name of Russian Consolidated Mutual Aid Society Branch 100, it was suspended by the Division for thirty-five days effective April 26, 1948 for sale to non-members and to an intoxicated person. See Bulletin 801, Item 4. Since the prior violations occurred more than ten years ago, they will not be considered in fixing the penalty herein. I shall suspend defendant's license for thirty days for the violations set forth in Charges 1 and 2. Re 4th Ward Italian Republican Club, Bulletin 630, Item 5. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 4th day of January, 1960,

ORDERED that Club License CB-1, issued by the Township Committee of Franklin Township (Somerset County) to Branch 100 of Russian

Consolidated Mutual Aid Society & Hamilton Park Club, Inc., for premises on Lewis Street, Franklin Township (Somerset County), be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m., Monday, January 11, 1960, and terminating at 2:00 a.m. Friday, February 5, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

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

In the Matter of Disciplinary Proceedings against

Stanley Levandoski
364 Broad Street
Bloomfield, N. J.

CONCLUSIONS

AND

Holder of Plenary Retail Consumption License C-5 issued by the Town Council of the Town of Bloomfield

ORDER

Rospond & Rospond, Esqs., by Felix Rospond, Esq., Attorneys for Defendant-licensee.
William F. Wood, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

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

On October 2, 1959, an ABC agent tested defendant's open stock of assorted brands of liquor and seized several bottles for further tests by the Division's chemist. Subsequent analysis by the chemist disclosed that the contents of five bottles were high in solids and that the contents of three of the five were low in acids when compared with samples of the genuine product of the labeled brand. The licensee acknowledged that he refilled the five bottles with a different brand of whiskey.

Defendant has no prior adjudicated record. I shall suspend his license for twenty-five days, the minimum penalty imposed in "re-fill" cases involving five bottles. Re Dolan, Bulletin 1267, Item 10. 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 January, 1960,

ORDERED that Plenary Retail Consumption License C-5, issued by the Town Council of the Town of Bloomfield to Stanley Levandoski, for premises 364 Broad Street, Bloomfield, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m., Tuesday, January 12, 1960 and terminating at 2:00 a.m., Monday, February 1, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

10. 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)

Matus Lerner)
156-158 Wainwright Street)
Newark 8, New Jersey)

CONCLUSIONS

AND

Holder of Plenary Retail Consumption)
License C-385, issued by the Municipal)
Board of Alcoholic Beverage Control of)
the City of Newark.)

ORDER

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

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he possessed on his 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 October 7, 1959, an ABC agent tested the defendant's stock of open bottles of alcoholic beverages and seized three bottles for further tests by the Division chemist. Subsequent analysis by the chemist disclosed that the contents of the three bottles, as listed in the charge, when compared with the samples of the genuine product of the labeled brands, varied substantially in solids, and to a lesser degree in acids.

The defendant has submitted a letter setting forth alleged mitigating circumstances which do not disclose any reason sufficient to impel me to impose less than the minimum penalty in this case. Defendant has a prior adjudicated record. Effective March 19, 1956 his license was suspended by the local issuing authority for ten days for permitting a brawl. I shall suspend defendant's license for twenty days, the minimum period where three bottles are involved (Re Messina, Bulletin 1277, Item 7), to which will be added five days because of the dissimilar violation which occurred within the past five years (Re Fanok, Bulletin 1307, Item 11), 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 5th day of January, 1960,

ORDERED that Plenary Retail Consumption License C-385, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Matus Lerner, for premises 156-158 Wainwright Street, Newark, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m., Tuesday, January 12, 1960, and terminating at 2:00 a.m., Monday, February 1, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - OBSCENE MATTER ON PREMISES - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

John A. Muller
421 Newark Street, running thru to
354 Observer Highway
Hoboken, N. J.,

Holder of Plenary Retail Consumption License C-134, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken.

DeFazio, Davidson & DeFazio, Esqs., by Charles DeFazio, Jr., Esq.,
Attorneys for Defendant-licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

CONCLUSIONS
AND
ORDER

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On Friday, October 23, 1959, 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., Henry ---, age 17 and Mary ---, age 20, and allowed, permitted and suffered the consumption of alcoholic beverages by such persons in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.
- "2. On Friday, October 23, 1959, at about 10:50 P.M., you sold and delivered and allowed, permitted and suffered the sale and delivery of an alcoholic beverage, viz., a pint bottle of Seagram's Seven Crown Blended Whiskey, at retail, in its original container for consumption off your licensed premises and allowed, permitted and suffered the removal of said alcoholic beverage in its original container from your licensed premises; in violation of Rule 1 of State Regulation No. 38.
- "3. On Friday, October 23, 1959, you allowed, permitted and suffered in and upon your licensed premises and had in your possession matter containing obscene, indecent, filthy, lewd, lascivious and disgusting printing, writings, pictures and representations; in violation of Rule 17 of State Regulation No. 20."

At about 10 p.m. on Friday, October 23, 1959, two ABC agents entered defendant's licensed premises. When they entered they observed that Henry --- (a 17-year-old minor) was consuming beer from a glass, and later they observed beer served to him by John Murphy (a bartender). At about 10:30 p.m. the agents witnessed a sale by the licensee of a pint bottle of whiskey to a male patron who left the premises with the whiskey. At about 10:50 p.m. one of the agents ordered from the licensee a glass of beer and a pint of whiskey. The licensee served the beer and told the agent that, when he finished his drink, he would hand the pint bottle of whiskey to the agent at the front of the premises. The agent followed this instruction and ob-

tained the pint of whiskey from the licensee in the place designated, and left the premises. The other agent remained therein. At about 10:55 p.m. the agent observed Mary --- (age 20) enter the premises, proceed to the bar and order a glass of beer which was served to her by the licensee. The agent thereupon revealed his identity and, at this time, his fellow agent and another agent who had remained outside entered the premises and likewise revealed their identity.

The agents obtained admissions from Henry and Mary that they were minors, and Henry told them that he had been served with and consumed three glasses of beer at the premises on the evening in question without being asked his age.

During a subsequent inspection of the premises by the agents, they found in a drawer behind the bar a cigar box which contained cartoons and printed matter of an obscene and indecent nature. The licensee, when confronted with these articles, claimed that he had no knowledge of their presence in the drawer.

Defendant has no prior adjudicated record. Alleged mitigating circumstances urged are that there were many patrons present at the time in question and the licensee and his bartender did not observe any minors; that the licensee was so busy that he lost track of the time; that the licensee did not know the indecent matter was in the drawer, and that he is of excellent character and background. None of these considerations warrants the imposition of less than the minimum penalty for the violations.

The minimum penalty for sale to two minors, one of whom is only 17 years of age, is twenty days (Re Doornbos, Bulletin 1286, Item 6); the minimum penalty for the violation set forth in Charge 2 is fifteen days (Re Bartoszak, Bulletin 1307, Item 7), and the minimum penalty for the violation set forth in Charge 3 is ten days (Re Walter's Inn, Bulletin 1304, Item 4). I shall suspend defendant's 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 5th day of January 1960,

ORDERED that plenary retail consumption license C-134, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to John A. Muller, for premises 421 Newark Street, running thru to 354 Observer Highway, Hoboken, be and the same is hereby suspended for forty (40) days, commencing at 2 a.m. Thursday, January 14, 1960, and terminating at 2 a.m. Tuesday, February 23, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

12. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

R & J Cottage Inn, Inc.
Rte. #46 Block 122A
Lodi, New Jersey

CONCLUSIONS

AND

Holder of Plenary Retail Consumption License C-23, issued by the Mayor and Council of the Borough of Lodi.

ORDER

Carbonetti and DiMaria, Esqs., by Frank P. Carbonetti, Esq., Attorneys for Defendant-licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to a charge alleging that it sold, served and delivered alcoholic beverages to two minors and permitted the consumption of such beverages by said minors in and upon its licensed premises, in violation of Rule 1 of State Regulation No. 20.

On one occasion during the evening of October 23, 1959, ABC agents observed service of mixed drinks containing alcoholic beverages to Cecile --- (age 19) and Joyce --- (age 20) respectively. The agents identified themselves to the bartenders, Edward Viarella and Charles Vasile, who had made the service thereof, and it was ascertained that neither minor was questioned concerning her age prior to service of alcoholic beverages to her.

Defendant has no prior adjudicated record. I shall suspend defendant's license for fifteen days, the minimum penalty for an unaggravated sale of alcoholic beverages to a 19- and a 20-year-old minor. Re Harney, Bulletin 1285, Item 13. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 6th day of January, 1960,

ORDERED that Plenary Retail Consumption License C-23, issued by the Mayor and Council of the Borough of Lodi to R & J Cottage Inn, Inc., for premises Rte. #46 Block 122A, Lodi, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m., Monday, January 18, 1960, and terminating at 3:00 a.m., Thursday, January 28, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

13. DISCIPLINARY PROCEEDINGS - GAMBLING- LOTTERY - PRIOR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Bernard J. Leese)
t/a Ewing Tavern)
188 West Ingham Avenue)
Ewing Township)
PO Trenton, New Jersey)

CONCLUSIONS

AND

ORDER

Holder of Plenary Retail Consumption License C-8, issued by the Township Committee of Ewing Township.)

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Jamieson, Walsh and McCardell, Esqs., by Crawford Jamieson, Esq., Attorneys 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 September 25 and 28, 1959, and on divers dates prior thereto, 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 playing of a bowling machine game for stakes of money on September 25, 1959; in violation of Rule 7 of State Regulation No. 20.
- "2. On September 25 and 28, 1959, and on divers dates prior thereto, 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 September 25, 1959, an ABC agent visited defendant's licensed premises and, while there, played the bowling machine with a patron for money. Thereafter, he placed a "numbers" bet with a male named Patterson who had previously accepted a bet from him outside the premises. The agent also played the bowling machine with Patterson for money stakes. The bets were made in the presence of the bartender, who stated that he would hold the money if the agent won on the "numbers" and requested Patterson and the agent to keep quiet about the betting because there was a "cop" outside.

On September 28, 1959, the aforesaid agent returned to the licensed premises with a fellow agent and both placed "numbers" bets with Patterson, making payment with marked money. The bartender also placed bets with Patterson. One of the agents then left the premises and, as prearranged, re-entered with local police officers, identified themselves and found on Patterson the marked money and bet slips. In voluntary signed, sworn statements, Patterson and the bartender admitted their participation in the aforesaid gambling activities.

Defendant has a prior adjudicated record. Effective December 1, 1958, his license was suspended for five days by the local issuing authority for permitting a brawl upon his licensed premises. I shall suspend defendant's license for twenty-five days on the charges herein (Re Lotz, Bulletin 1299, Item 5), to which will be added five days for the prior dissimilar violation which occurred within a five-year period, making a total suspension of thirty days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 6th day of January, 1960,

ORDERED that Plenary Retail Consumption License C-8, issued by the Township Committee of Ewing Township to Bernard J. Leese, t/a Ewing Tavern, for premises 188 West Ingham Avenue, Ewing Township, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:30 a.m., Monday, January 18, 1960, and terminating at 2:30 a.m., Friday, February 12, 1960.



WILLIAM HOWE DAVIS
DIRECTOR