

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

BULLETIN 1719

March 14, 1967

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

BULLETIN 1719

March 14, 1967

1. COURT DECISIONS - LOU'S LIQUORS v. PLAINFIELD AND DIVISION OF ALCOHOLIC BEVERAGE CONTROL - DIRECTOR AFFIRMED.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
A-1178-65

LOU'S LIQUORS, a corporation
t/a Lou's Liquors,

Appellant-Appellant,

v.

COMMON COUNCIL OF THE CITY OF
PLAINFIELD AND THE DIVISION OF
ALCOHOLIC BEVERAGE CONTROL OF THE
STATE OF NEW JERSEY,

Respondents-Respondents.

Argued January 16, 1967 - Decided February 1, 1967.

Before Judges Sullivan, Kolovsky and Carton.

On appeal from action of the Director of the Division of Alcoholic Beverage Control.

Mr. Morris Brown argued the cause for appellant (Messrs. Wilentz, Goldman & Spitzer, attorneys).

Mr. John R. Tozzi, assistant counsel, argued the cause for respondent, Common Council of the City of Plainfield (Mr. Edward Sachar, attorney).

Mr. Stephen Weiss, Deputy Attorney General argued the cause for respondent, Division of Alcoholic Beverage Control (Mr. Arthur J. Sills, Attorney General of New Jersey, attorney; Mr. Michael C. Rudolph, Deputy Attorney General, of Counsel and on the brief).

PER CURIAM

Appeal from the Director's decision in Lou's Liquors v. Plainfield, Bulletin 1692, Item 1. Director affirmed. Opinion not approved for publication by the Court committee on opinions.

2. APPELLATE DECISIONS - ORDER REIMPOSING SUSPENSION STAYED DURING PENDENCY OF APPEAL.

LOU'S LIQUORS (A Corporation))	
t/a Lou's Liquors,)	
)	ON APPEAL
Appellant,)	SUPPLEMENTAL
)	ORDER
v.)	
COMMON COUNCIL OF THE CITY OF)	
PLAINFIELD,)	
)	
Respondent.)	

 Wilentz, Goldman & Spitzer, Esqs., by Warren W. Wilentz, Esq.,
 Attorneys for Appellant
 Edward Sacher, Esq., by Wilfred P. Diana, Esq., Attorney for
 Respondent.

BY THE DIRECTOR:

On July 18, 1966, I entered Conclusions and Order herein affirming respondent's suspension of appellant's license for twenty-five days for sale during prohibited hours in violation of State Regulation No. 38. The penalty was reimposed to commence on July 25, 1966. Lou's Liquors v. Plainfield, Bulletin 1692, Item 1.

Prior to the effectuation of the order of suspension, on appeal filed, the Appellate Division of the Superior Court stayed the operation of the suspension until the outcome of the appeal.

The court affirmed my action on February 1, 1967. Lou's Liquors v. Plainfield and Division of Alcoholic Beverage Control, (App.Div. 1967), not officially reported, recorded in Bulletin 1719, Item 1.

Although mandate on affirmance has not yet been received, licensee has advised that no further appeal would be taken and has requested that the penalty be imposed as soon as possible. Hence, the suspension may now be reimposed.

Accordingly, it is, on this 2d day of February, 1967,

ORDERED that the twenty-five (25) day suspension heretofore imposed and stayed during the pendency of proceedings on appeal be reinstated against Plenary Retail Consumption License C-5, issued by the Common Council of the City of Plainfield to Lou's Liquors (a corporation), t/a Lou's Liquors, for premises 200-206 Muhlenberg Place, Plainfield, commencing * at 8:00 a.m. Monday, February 6, 1967, and terminating at 8:00 a.m. Friday, March 3, 1967.

JOSEPH P. LORDI
DIRECTOR

* By order dated February 3, 1967, the suspension was deferred to commence at 8:00 a.m. Monday, February 20, 1967 and to terminate at 8:00 a.m. Friday, March 17, 1967.

3. APPELLATE DECISIONS - SCHNEIDER AND PARKER v. CLIFTON.

DAVID SCHNEIDER AND IRVING PARKER)	
t/a RICHFIELD LIQUORS,)	
)	ON APPEAL
Appellants,)	CONCLUSIONS
)	AND ORDER
v.)	
)	
MUNICIPAL BOARD OF ALCOHOLIC)	
BEVERAGE CONTROL OF THE CITY)	
OF CLIFTON,)	
)	
Respondent.		

H. Ronald Levine, Esq., Attorney for Appellants.
Arthur J. Sullivan, Jr., Esq., by Victor Shorr, Esq., Attorney
for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Appellants challenge by this appeal the action of respondent whereby it found appellants guilty of sale of alcoholic beverages to an 18-year-old minor on May 6, 1966 at their licensed premises at 1362 Clifton Avenue, Clifton, and suspended appellants' license for fifteen days effective July 5, 1966.

Upon the filing of the appeal, an order was entered by the Director on June 30, 1966, staying respondent's order of suspension until further order herein.

The matter was presented on this appeal upon a stipulated set of facts as follows: The minor entered the licensed premises and was sold a quart bottle of beer by David Schneider (co-licensee). Questioned about his age, the minor produced a draft card which contained a signature and reflected the fact that the true owner of the said card was over 21 years of age. Upon request the minor signed a blank sheet of paper, which said paper was not retained by the licensees or produced at this hearing. Schneider testified that the signature on the blank sheet of paper appeared to be the same as that on the draft card, whereupon he made the sale as aforementioned.

It was further stipulated that the sole issue in this case is whether the sale to the minor under the above circumstances constituted a defense under R.S. 33:1-77 and Rule 1 of State Regulation No. 20.

R.S. 33:1-77 provides as follows:

"Anyone who sells any alcoholic beverage to a minor shall be guilty of a misdemeanor; provided, however, that the establishment of all of the following facts by a person making any such sale shall constitute a defense to any prosecution therefor: (a) that the minor falsely represented in writing that he or she was twenty-one (21) years of age or over, and (b) that the appearance of the minor was such that an ordinary prudent person would believe him or her to be twenty-one (21) years of

age or over, and (c) that the sale was made in good faith relying upon such written representation and appearance and in the reasonable belief that the minor was actually twenty-one (21) years of age or over." (emphasis added)

Rule 1 of State Regulation No. 20 states in pertinent part:

"No licensee shall sell, serve or deliver ... any alcoholic beverage, directly or indirectly, to any person under the age of twenty-one (21) years"

In a Special Note to the Rule, following Appendix 5 of the State Regulations (Disciplinary Proceedings), the Director defines the defense provided by R.S. 33:1-77 available to licensees as follows:

"... it must affirmatively appear (a) that the minor falsely represented himself in writing to be of age; and (b) that the minor's appearance was such that an ordinary prudent person would believe him to be of age; and (c) that the sale was made in reliance upon such written representation and appearance and in the reasonable belief that the minor was of age. Hence it is not a defense that mere verbal inquiry may have been made as to the age of the minor or that the minor had verbally misrepresented his age or that the minor had displayed some document (such as a driver's license, birth certificate, military identification card, selective service registration certificate, or any other similar document) which represented his age as over 21. The representation in writing required by the Alcoholic Beverage Law is a writing made by the minor at or prior to the time of sale or service. Such a writing must be signed by the minor in the presence of the licensee or his employee and one in which the minor gives his name, address, age, date of birth and, by signing the writing, makes a statement that he is making the representation as to his age to induce the licensee to make the sale....The signed representation should then be retained by the licensee...."

It is clear from the Special Note that appellants failed to obtain the writing required by R.S. 33:1-77. All that they obtained was the autograph of the minor. While an autograph may be useful for some purposes, it obviously does not constitute a written representation by the minor which may be construed as an inducement to make the said sale. Thus this essential element of a complete statutory defense was lacking and the regulatory requirements were not fulfilled.

The prevention of sales of intoxicating liquor to minors not only justifies but necessitates the most rigid control. Hudson Bergen County Retail Liquor Stores Assn. v. Hoboken, 135 N.J.L. 502 (E. & A. 1947); In re Schneider, 12 N.J. Super. 449 (App.Div. 1951); Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373 (1956).

Counsel for appellants argued that the facts in this case are controlled by Laurino v. Division of Alcoholic Beverage Control, 81 N.J. Super. 220. This contention must be rejected. In Laurino, two female minors obtained police identification cards

based on their false representations that they were 21 and 22 years of age by presenting to the police officers written local ABC forms such as that promulgated by this Division and to be executed by a customer at the time of and as an inducement for the sale of liquor to him. The licensee relied upon these cards in making the sale. The court reasoned in that case that, since the girls were able to deceive experienced police officials by presenting false representations as to their ages on approved local ABC forms and thereby were able to receive identification cards showing they were 21 and 22 years of age, the licensee was justified by that and by their appearance of being over 21 and therefore, was found not guilty of the charge. Laurino is predicated upon the particular facts therein and is clearly distinguishable from the matter sub judice.

In Sportsman 300 v. Bd. of Com'rs of Nutley, 42 N.J. Super. 488, the court quoted from Re Wedemeyer, Bulletin 1050, Item 8, as follows (p. 492):

"Experience in cases similar to this indicates that for some reason licensees or their agents are reluctant to 'embarrass' a minor by requiring him to reduce to writing his name, age and address. If licensees are willing to use their own methods of determining the age of a minor, rather than follow the statute, they do so at their peril and must accept the consequences of their own neglect."

I find that the autograph of this minor on a blank sheet of paper, even when coupled with production of a false draft card, did not constitute a defense under the applicable statute and rule.

It is recommended, therefore, that an order be entered affirming respondent's action, dismissing the appeal, and fixing the effective dates for the suspension imposed by respondent and stayed pending the entry of an order herein.

Conclusions and Order

Pursuant to Rule 14 of State Regulation No. 15, exceptions to the Hearer's report with supportive argument were filed by the attorney for appellants, and answer to the said exceptions with supportive argument was thereupon filed by the attorney for respondent.

In the said exceptions, appellants' attorney argues that the Hearer erred in refusing to admit into evidence a transcript of the criminal matter involving the said licensees in the Passaic County Court arising out of the said transaction. I am satisfied that such offer was properly rejected for the reason that the outcome of criminal proceedings is immaterial and irrelevant to disciplinary proceedings. Criminal proceedings involve an action against a person, whereas in these proceedings the action is against the license. Eana, Inc. v. Pleasantville, Bulletin 1005, Item 3; Re Messina & Ruisi, Bulletin 392, Item 12.

The proceedings herein are civil in nature and not criminal. Kravis v. Hock, 137 N.J.L. 252; Re Costanzo, Bulletin 1599, Item 3. Thus, whereas, in a criminal case, guilt must be established beyond a reasonable doubt, the establishment of guilt in disciplinary proceedings requires proof by a preponderance of the believable evidence only. Butler Oak Tavern v. Division of

Alcoholic Beverage Control, 20 N.J. 373; Freud and Pittala v. Davis, 64 N.J. Super. 242; In re Schneider, 12 N.J. Super. 449. Therefore, the outcome of the criminal proceedings bears no relationship and is of no evidentiary concern in the consideration of disciplinary proceedings. Re Shapiro, Bulletin 864, Item 3; The Panda v. Driscoll, 135 N.J.L. 164.

I find the other matters raised in the exceptions to be without merit.

Having carefully considered the entire record herein, including the transcript of the testimony, the Hearer's report, the exceptions and the answer filed thereto, I concur in the findings and recommendations of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 5th day of January, 1967,

ORDERED that the appeal herein be and the same is hereby dismissed; and it is further

ORDERED that Plenary Retail Distribution License D-40, issued by the Municipal Board of Alcoholic Beverage Control of the City of Clifton to David Schneider and Irving Parker, t/a Richfield Liquors, for premises 1362 Clifton Avenue, Clifton, be and the same is hereby suspended for fifteen (15) days, commencing at 9:00 a.m. Thursday, January 12, 1967, and terminating at 9:00 a.m. Friday, January 27, 1967.

JOSEPH P. LORDI
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 65 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

CONRAD'S WINE & LIQUORS, INC.)
t/a Conrad's)
7 State Street)
Hackensack, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-47 issued by the City Council of the City of Hackensack)

George S. Grabow, 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) and (2) on November 3, 5 and 10, 1966, it permitted acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for ten days effective September 29, 1964, for permitting patrons to play pool games for money stakes. Re Conrad's Wine & Liquors, Inc., Bulletin 1587, Item 4.

The prior record of suspension of license for dissimilar violation (cf. Re Federici's Hideaway, Inc., Bulletin 1602, Item 3) within the past five years considered, the license will be suspended for sixty-five days, with remission of five days for the plea entered, leaving a net suspension of sixty days. Re Beckert, Bulletin 1697, Item 3.

Accordingly, it is, on this 9th day of January, 1967,

ORDERED that Plenary Retail Consumption License C-47, issued by the City Council of the City of Hackensack to Conrad's Wine & Liquors, Inc., t/a Conrad's, for premises 7 State Street, Hackensack, be and the same is hereby suspended for sixty (60) days, commencing at 2:00 a.m. Monday, January 16, 1967, and terminating at 2:00 a.m. Friday, March 17, 1967.

JOSEPH P. LORDI
DIRECTOR

- 5. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - FALSE STATEMENT IN LICENSE APPLICATION - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 55 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

LOU-MAC, INC.)
128 West Market Street)
Newark, New Jersey)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-513, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

Jack I. Doppelt, Esq., Attorney for Licensee.
David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on Sunday, October 30, 1966 it sold a pint bottle of gin for off-premises consumption, in violation of Rule 1 of State Regulation No. 38, and (2) in its current application for license, it failed to disclose its prior record of license suspension, in violation of R.S. 33:1-25.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days effective November 18, 1963, and for twenty-five days effective March 29, 1965, both for sale in violation of State Regulation No. 38, non-disclosure of which being the subject of the second charge.

The prior record of two suspensions of license for similar violation within the past five years considered, the license will be suspended on the first charge for forty-five days (Re Russo, Bulletin 1697, Item 4) and on the second charge for ten days (Re The New 72 Club, Inc., Bulletin 1705, Item 4) or a total of fifty-five days, with remission of five days for the plea entered, leaving a net suspension of fifty days.

Accordingly, it is, on this 10th day of January 1967,

ORDERED that Plenary Retail Consumption License C-513, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Lou-Mac, Inc., for premises 128 West Market Street, Newark, be and the same is hereby suspended for fifty (50) days, commencing at 2 a.m. Tuesday, January 17, 1967, and terminating at 2 a.m. Wednesday, March 8, 1967.

JOSEPH P. LORDI
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ALFRED & DOROTHY KURLAND
t/a Al's Liquor Store
31-35 South Main Street
Phillipsburg, New Jersey

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-1018 issued by the Director of the Division of Alcoholic Beverage Control.

Licensees, By Alfred Kurland, Pro se.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on December 3, 1966, they sold a 4/5 quart of Scotch whisky and two 4/5 quarts of vodka to two minors, both age 19, in violation of Rule 1 of State Regulation No. 20.

Licensees have a previous record of suspension of license by the Director for ten days effective July 23, 1956, for sale below minimum price. Re Kurland, Bulletin 1127, Item 6.

The prior record of suspension of license for dissimilar violation occurring more than five years ago disregarded, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Clutter, Bulletin 1697, Item 9.

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

ORDERED that Plenary Retail Distribution License D-1018, issued by the Director of the Division of Alcoholic Beverage Control to Alfred and Dorothy Kurland, t/a Al's Liquor Store, for premises 31-35 South Main Street, Phillipsburg, be and the same is hereby suspended for ten (10) days, commencing at 9:00 a.m. Monday, January 16, 1967, and terminating at 9:00 a.m. Thursday, January 26, 1967.

JOSEPH P. LORDI
DIRECTOR

7.

ACTIVITY REPORT FOR JANUARY 1967

ARRESTS:			
Total number of persons arrested	- - - - -		14
Licensees and employees	- - - - - 8		
Bootleggers	- - - - - 6		
SEIZURES:			
Stillis - 50 gallons or under	- - - - -		1
Alcohol - gallons	- - - - -		2.82
Mash - gallons	- - - - -		12
Distilled alcoholic beverages - gallons	- - - - -		17.34
Wine - gallons	- - - - -		5.40
Brewed malt alcoholic beverages - gallons	- - - - -		22.41
RETAIL LICENSEES:			
Premises inspected	- - - - -		780
Premises where alcoholic beverages were gauged	- - - - -		627
Bottles gauged	- - - - -		10,091
Premises where violations were found	- - - - -		60
Violations found	- - - - -		116
Unqualified employees	- - - - - 58	Regulation #38 sign not posted	- - - - - 4
Application copy not available	- - - - - 16	Prohibited sign and practice	- - - - - 1
Other mercantile business	- - - - - 14	Other violations	- - - - - 23
STATE LICENSEES:			
Premises inspected	- - - - -		27
License applications investigated	- - - - -		12
COMPLAINTS:			
Complaints assigned for investigation	- - - - -		333
Investigations completed	- - - - -		376
Investigations pending	- - - - -		213
LABORATORY:			
Analyses made	- - - - -		128
Refills from licensed premises - bottles	- - - - -		104
Bottles from unlicensed premises	- - - - -		8
IDENTIFICATION:			
Criminal fingerprint identifications made	- - - - -		6
Persons fingerprinted for non-criminal purposes	- - - - -		347
Identification contacts made with other enforcement agencies	- - - - -		217
DISCIPLINARY PROCEEDINGS:			
Cases transmitted to municipalities	- - - - -		7
Violations involved	- - - - -		9
Sale during prohibited hours	- - - - - 5	Failure to close premises during	- - - - -
Sale to minors	- - - - - 2	prohibited hours	- - - - - 2
Cases instituted at Division	- - - - -		39*
Violations involved	- - - - -		51
Possessing liquor not truly labeled	- - - - - 10	Permitting hostesses on premises	- - - - - 2
Permitting lottery activity on prem.	- - - - - 6	Sale below filed price	- - - - - 2
Sale to minors	- - - - - 5	Permitting immoral acty. on prem.	- - - - - 2
Failure to close prem. during proh.	- - - - -	Employee working while intoxicated	- - - - - 2
hours	- - - - - 4	Sale to intoxicated person	- - - - - 2
Beverage Tax Law non-compliance	- - - - - 3	Permitting foul lang. on premises	- - - - - 2
Permitting bookmaking on premises	- - - - - 3	Storage on unlicensed premises	- - - - - 1
Hindering investigation	- - - - - 3	Unqualified employee	- - - - - 1
Fraud in application	- - - - - 2	Purchase from improper source	- - - - - 1
Cases brought by municipalities on own initiative and reported to Division	- - - - -		24
Violations involved	- - - - -		28
Sale to minors	- - - - - 16	Sale during prohibited hours	- - - - - 2
Hindering investigation	- - - - - 3	Failure to close prem. during proh. hrs.	- - - - - 1
Permitting lottery acty. on prem.	- - - - - 2	Permitting brawl on premises	- - - - - 1
Conducting business as a nuisance	- - - - - 2	Permitting illegal acty. on prem.	- - - - - 1
HEARINGS HELD AT DIVISION:			
Total number of hearings held	- - - - -		33
Appeals	- - - - - 1	Seizures	- - - - - 2
Disciplinary proceedings	- - - - - 23	Tax revocations	- - - - - 1
Eligibility	- - - - - 6		
STATE LICENSES AND PERMITS ISSUED:			
Total number issued	- - - - -		1,294
Licenses	- - - - - 4	Social affair permits	- - - - - 352
Solicitors' permits	- - - - - 60	Miscellaneous permits	- - - - - 210
Employment permits	- - - - - 309	Transit insignia	- - - - - 192
Disposal permits	- - - - - 74	Transit certificates	- - - - - 90
Wine permits	- - - - - 3		
OFFICE OF AMUSEMENT GAMES CONTROL:			
Licenses issued	- - - - - 84		
Enforcement files established	- - - - - 2		

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

Dated: February 6, 1967

*Includes one cancellation proceeding - license improvidently issued in that licensee-corporation disqualified because of officer's conviction of crime involving moral turpitude.

8. DISCIPLINARY PROCEEDINGS - SALE BY RETAILER FOR RESALE - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

DISCIPLINARY PROCEEDINGS - SOLICITOR AIDING AND ABETTING RETAILER'S SALE FOR RESALE - POSSESSION OF ILLICIT ALCOHOLIC BEVERAGES - PERMIT SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

S-7352; X-40,102D)
In the Matter of Disciplinary)
Proceedings against)
Victor Ludwinski and Daniel)
McGowan, Jr.)
t/a Sparkie V)
194 Monticello Avenue)
Jersey City, N. J.,)

Holders of Plenary Retail Consumption)
License C-285, issued by the Municipal)
Board of Alcoholic Beverage Control of)
the City of Jersey City,)

CONCLUSIONS
AND ORDER

-and-

S-7353; X-43,106-A)
In the Matter of Disciplinary)
Proceedings against)
Sebastian F. Barresi)
77 West 43rd Street)
Bayonne, N. J.)

Holder of Unlimited Solicitor's permit)
No. 3158, issued by the Director of the)
Division of Alcoholic Beverage Control.)

Licensees, Pro se
Permittee, Pro se
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to a charge as follows:

"On October 6, 1966, you sold an order of alcoholic beverages not pursuant to and within the terms of your plenary retail consumption license, as defined by R.S. 33:1-12(1), in that you sold an order of alcoholic beverages to one Sebastian F. Barresi, not for consumption but for the purpose of resale by him; in violation of R.S. 33:1-2."

Permittee pleads non vult to charges as follows;

"1. On October 6, 1966, you knowingly aided and abetted Victor Ludwinski and Daniel McGowan, Jr., t/a Sparkie V, holders of a plenary retail consumption license for premises 194 Monticello Avenue, Jersey City, N.J., to sell an order of alcoholic beverages (twelve quart bottles of wine) not pursuant to and within the terms of their license as defined by R.S. 33:1-12(1), contrary to

R.S. 33:1-2, in that acting for and on behalf of Doyle's Tavern, Inc., holder of a plenary retail Consumption license for premises 60 Ocean Avenue, Jersey City, N.J., you solicited the purchase from and were sold an order of alcoholic beverages by said Victor Ludwinski and Daniel McGowan, Jr., t/a Sparkie V, not for consumption but for sale by you to said Doyle's Tavern, Inc. for resale under its license; said aiding and abetting by you being in violation of R.S. 33:1-52.

"2. On October 6, 1966, you possessed and had custody of illicit beverages, viz., the aforementioned order of alcoholic beverages bought by you with intent to sell the same, as aforesaid, contrary to R.S. 33:1-2; in violation of R.S. 33:1-50(e)."

Licensee Victor Ludwinski, then holder of a license for 228 Monticello Avenue, Jersey City, has a previous record of suspension of license by the Director for ten days effective October 21, 1963, for sale in violation of State Regulation No. 38. Re Ludwinski, Bulletin 1538, Item 12.

The license will be suspended for fifteen days (cf. Re Helmer Bros., Inc., Bulletin 1613, Item 4), to which will be added five days by reason of the record of suspension of license for dissimilar violation within the past five years (Re Lavin, Bulletin 1707, Item 2), or a total of twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days.

Absent prior record, the permit will be suspended for fifteen days, the same suspension as for the violation aided and abetted (cf. R.S. 33:1-52), with remission of five days for the plea entered, leaving a net suspension of ten days.

Accordingly, it is, on this 10th day of January 1967,

ORDERED that Plenary Retail Consumption License C-285, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Victor Ludwinski and Daniel McGowan, Jr., t/a Sparkie V, for premises 194 Monticello Avenue, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Tuesday, January 17, 1967, and terminating at 2 a.m. Wednesday, February 1, 1967; and it is further

ORDERED that Unlimited Solicitor's Permit No. 3158, issued by the Director of the Division of Alcoholic Beverage Control to Sebastian F. Barresi, 77 West 43rd Street, Bayonne, be and the same is hereby suspended for ten (10) days, commencing at 9 a.m. Tuesday, January 17, 1967, and terminating at 9 a.m. Friday, January 27, 1967.

JOSEPH P. LORDI
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS -
LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

WEGAN CORPORATION)
474 River Drive)
Garfield, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-58, issued by the Mayor)
and Council of the City of Garfield)

Licensee, by Philip Rigolosi, President, Pro se
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that
on November 5, 1966 it permitted consumption of alcoholic
beverages on its licensed premises after 3 a.m., in violation
of local regulation.

Absent prior record, the license will be suspended
for fifteen days, with remission of five days for the plea
entered, leaving a net suspension of ten days. Re Corinthian
Square Club, Bulletin 1681, Item 3.

Accordingly, it is, on this 10th day of January 1967,

ORDERED that Plenary Retail Consumption License C-58,
issued by the Mayor and Council of the City of Garfield to
Wegan Corporation, for premises 474 River Drive, Garfield, be
and the same is hereby suspended for ten (10) days, commencing
at 3 a.m. Tuesday, January 17, 1967 and terminating at 3 a.m.
Friday, January 27, 1967.

JOSEPH P. LORDI
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - POSSESSION OF GAMBLING APPARATUS IN NATURE OF SLOT MACHINES - POSSESSION OF LOTTERY TICKETS - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

POINT PLEASANT LODGE #1549
LOYAL ORDER OF MOOSE
706 River Avenue
Point Pleasant, N. J.

)
)
) CONCLUSIONS
AND ORDER
)
)

Holder of Club License CB-1, issued by the Mayor and Council of the Borough of Point Pleasant.

Ralph A. Villani, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on June 19, 1964, it permitted gambling apparatus and possessed lottery tickets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

(It may be noted in passing that the institution of these proceedings by charges dated November 23, 1966 was delayed until receipt of evidence after disposition of collateral criminal proceedings in Ocean County.)

Reports of investigation disclose that the subject matter of the instant charges was possession in the barroom of the licensed premises of three "Lucky Horoscope" machines, apparently converted postage stamp machines, which, upon the insertion of a quarter, ejected a card bearing a number which, if corresponding to a number on a master card, permitted the player to win one, five or ten dollars. In effect, the machines may be considered as devices in the nature of slot machines, making an indirect pay-off.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Polish American Citizens' Club, Bulletin 1512, Item 11; cf. Re Court Lakewood #127 Foresters of America, Bulletin 1449, Item 4.

Accordingly, it is, on this 23rd day of January 1967,

ORDERED that Club License CB-1, issued by the Mayor and Council of the Borough of Point Pleasant to Point Pleasant Lodge #1549, Loyal Order of Moose, for premises 706 River Avenue, Point Pleasant, be and the same is hereby suspended for five (5) days, commencing at 2 a.m. Monday, January 30, 1967, and terminating at 2 a.m. Saturday, February 4, 1967.

JOSEPH P. LORDI
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

VIVIAN GRAZIOSI)
t/a Sonny's Tavern)
119 Brunswick Street)
Jersey City, New Jersey)

CONCLUSIONS AND ORDER

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

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

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on December 22, 1966, she sold drinks of beer to two minors, ages 19 and 20, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Rainbow Room, Inc., Bulletin 1678, Item 4.

Accordingly, it is, on this 24th day of January 1967,

ORDERED that Plenary Retail Consumption License C-372, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Vivian Graziosi, t/a Sonny's Tavern, for premises 119 Brunswick Street, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Tuesday, January 31, 1967, and terminating at 2 a.m. Friday, February 10, 1967.

JOSEPH P. LORDI
DIRECTOR

13. DISCIPLINARY PROCEEDINGS - SALE BELOW FILED PRICE - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

KRESS' TAVERN & LIQUOR STORE, INC.)
t/a Kress' Tavern & Liquor Store)
1 Berlin Road)
Cherry Hill, New Jersey)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-1, issued by the Township Council of the Township of Cherry Hill.)

Grover C. Richman, Jr., Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on December 23, 1966, it sold twelve 4/5 quart bottles of whisky below filed price, in violation of Rule 5 of State Regulation No. 30.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Cattani Wines & Liquors, Inc., Bulletin 1693, Item 10.

Accordingly, it is, on this 24th day of January, 1967,

ORDERED that Plenary Retail Consumption License C-1, issued by the Township Council of the Township of Cherry Hill to Kress' Tavern & Liquor Store, Inc., t/a Kress' Tavern & Liquor Store, for premises 1 Berlin Road, Cherry Hill, be and the same is hereby suspended for five (5) days, commencing at 3:00 a.m. Monday, January 30, 1967, and terminating at 3:00 a.m. Saturday, February 4, 1967.

JOSEPH P. LORDI
DIRECTOR

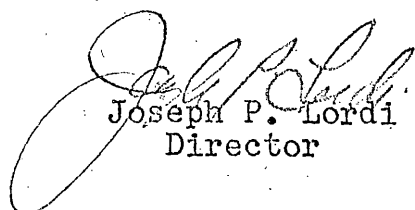
14. STATE LICENSES - NEW APPLICATIONS FILED.

John K. Dennis, Peter Huppert and Melvin Sulkin
t/a Dennis & Huppert Co.
1790 Broadway
New York, New York

Application filed March 3, 1967 for person-to-person transfer of Plenary Wholesale License W-75 from Dennis & Huppert Inc.

Canada Dry Corporation, t/a Somerset Importers, Ltd.
100 Park Avenue, New York, New York

Application filed March 9, 1967 for place-to-place transfer of Plenary Wholesale License W-32 to include a salesroom at Room 2010, 744 Broad Street, Newark, New Jersey


Joseph P. Lordi
Director