

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

October 30, 1968

BULLETIN 1824

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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

October 30, 1968

BULLETIN 1824

1. NEW LEGISLATION - ADULT IDENTIFICATION CARDS - SUPPLEMENT
TO THE ALCOHOLIC BEVERAGE LAW (R.S. 33:1-81.2-9).

On September 26, 1968, the Governor signed into law Assembly No. 499, which thereupon became Chapter 313 of the Laws of 1968, effective immediately. The new law provides:

1. The county clerk in any county shall issue, upon application of any resident of that county who shall have attained the age of 21 years, and who shall have supplied the clerk with the necessary information required by rules and regulations made by the Director of Alcoholic Beverage Control, an identification card bearing the applicant's date of birth, physical description, photograph, signature, and such other information, as said regulation may require, attesting to the age of the applicant. The identification card shall be signed by the applicant in the clerk's presence. Such cards shall be numbered and a permanent record thereof maintained by the clerk.

2. The Director of Alcoholic Beverage Control shall have the power to make such rules and regulations as he shall, from time to time, deem proper regarding the size, style and additional content of the identification card, the form and content of any application therefor, applicant's photograph, the type, style and quantity of proof required to verify the applicant's age, the procedure for receiving and processing such application, the distribution of said card, the charge to be imposed for any card more than one that he shall issue to the same applicant, and all other matters the director shall deem necessary or advisable for the purpose of carrying into effect the provisions of this act.

3. Each county clerk shall cause a sufficient number of identification cards to be printed as may be necessary to accomplish the purposes of this act.

4. A fee of \$2.00 shall be paid to each county clerk for the issuance of an identification card hereunder.

5. Such identification card shall be presented by the holder thereof upon request of any holder of a license to sell alcoholic beverages, or the servant, agent or employee thereof, for the purpose of aiding such licensee, his servant, agent or employee to determine whether or not such person is 21 years of age and upwards when such person desires to purchase alcoholic beverages.

6. It shall be unlawful for the owner of an identification card, as defined by this act, to transfer said card to any other person for the purpose of aiding such person to secure alcoholic beverages. Any person who shall transfer such identification card for the purpose of aiding such transferee to obtain alcoholic beverages shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$300.00, or undergo imprisonment for not more than 60 days. Any person not entitled thereto who shall have unlawfully procured or have issued or transferred to him, as aforesaid,

identification card or any person who shall make any false statement on any card required by subsection (c) hereof to be signed by him shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than \$300.00, or undergo imprisonment for not more than 60 days.

7. The fact of the possession or presentation of the identification card prescribed by this act by any person in connection with the purchase or attempted purchase, of any alcoholic beverage from any alcoholic beverage licensee shall not be deemed to relieve such licensee of the obligations, responsibilities, or liabilities imposed by law upon such licensee.

8. The identification card prescribed by this act shall not be deemed to constitute a "writing" within the meaning of the laws of 1939, chapter 228, sections 1 (a) or 1 (c) (R.S. 33:1-77 (a) or (c)).

JOSEPH M. KEEGAN
DIRECTOR

Dated: October 4, 1968

2. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 80 DAYS.

In the Matter of Disciplinary Proceedings against

LENA LA FREDA & DORIS OLIVE
t/a Elbo Club
300 North Railroad Avenue
Hammonton, N. J.

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-17, issued by the Town Council of the Town of Hammonton.

Edwin H. Helfant, Esq., and Howard Kupperman, Esq., of Counsel, Attorneys for Licensees
Walter H. Cleaver, Esq., and Louis F. Treole, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensees plead not guilty to the following charges:

1. "On May 4, 1968, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., Richard A. ---, age 17; in violation of Rule 1 of State Regulation No. 20.
2. "On Monday, May 6, 1968, you sold, served and delivered and allowed, permitted and suffered the

sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., Carl ---, age 18; in violation of Rule 1 of State Regulation No. 20.

3. "On Monday, May 6, 1968, at about 11:15 p.m., you sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages, viz., eighteen (18) 12-ounce bottles of Schlitz beer, at retail, in their original containers for consumption off your licensed premises, and allowed, permitted and suffered the removal of said alcoholic beverages in their original containers from your licensed premises; in violation of Rule 1 of State Regulation No. 38."

With reference to charge (1), Richard --- testified that on May 4, 1968, when 17 years of age, he entered the licensees' establishment and purchased six 6-packs of Schmidt's beer from Doris Olive (one of the licensees herein); that he carried the beer to the car in which he had been driven by David ---, and that there were three other occupants in the car; that they then proceeded to an isolated spot in the woods where the beer was consumed; that he went back to the licensees' place of business and made another purchase of four 6-packs of the same brand of beer and, after putting the beer in the car, proceeded to the same place where they had previously been and there consumed the beer; that Doris waited on him also on this occasion; that thereafter he and two companions returned to the licensed premises and he entered the establishment and again purchased four 6-packs of Schmidt's beer from Doris and proceeded to the same place where he had formerly been on the two previous occasions; that at no time was he questioned concerning his age.

David --- testified that he was the driver of the car which Richard and three other persons occupied, and on the three occasions in question proceeded to the licensees' premises where each time Richard entered the establishment and returned with 6-packs of beer.

It was stipulated that the other occupants of the car on the night in question, if called upon, would testify substantially in corroboration of the testimony of both Richard and David as to their driving to the licensees' place of business.

Both Richard and David were cross-examined at length but they adhered to the testimony as to what had occurred on May 4, 1968, in so far as going to the licensees' tavern.

ABC Agent L testified that he was assigned to investigate the matter and on May 17, 1968, he drove to the licensees' establishment and spoke to Doris Olive concerning the alleged purchase of the beer and, although she was identified by Richard as the person who sold the beer to him, she denied that she had done so.

Doris Olive testified that, although she had seen Richard in the licensed premises on several occasions, she refused to sell alcoholic beverages to him each time he asked for same. She further testified that, on the last occasion when he visited the licensed premises, she had ordered him out because of a "pass that he made at me, and then the way he talked to me. I

told him to get out." She further denied that she had space in the cooler to keep fourteen 6-packs of beer, the amount alleged to have been purchased on the three occasions by Richard.

The matter in question resolves itself to a question of fact. Richard testified that on three occasions he purchased beer at the licensed premises and David, who drove the car, substantiated the fact that he had driven to the licensees' place of business. Moreover, the other youths in the car corroborated the testimony of both Richard and David that they had gone to the licensees' premises in a car driven by David.

Doris Olive testified that, although she had seen Richard in the premises on several occasions, she had not sold or served alcoholic beverages to him.

I was not very much impressed with the testimony of Doris Olive and am of the opinion that Richard and the other witnesses have substantially described the incidents which occurred on the day in question.

The testimony of ABC Agent L (that he was directed by Richard to the licensed premises which he identified as the place where he had obtained the beer on May 4) was that Doris Olive was identified by Richard as the person who made the sale.

Although Richard was subjected to energetic cross examination, he remained unshaken as to what had happened on the three occasions when he visited the licensees' premises.

I am satisfied that there has been presented sufficient proof to establish by a fair preponderance of the evidence that the purchases were made by the minor on the date alleged from one of the licensees herein. It is recommended that the licensees be found guilty of the first charge.

With respect to charges (2) and (3) concerning the alleged sale of beer on May 6, 1968, Carl ---, age 18, testified that on May 6, 1968, at about 11:10 p.m., he entered the licensees' premises and purchased three 6-packs of Schlitz beer; that he was served with the beer by a person whom he knew as "Doris" and whom he identified at the hearing herein to be Doris Olive; that he left the premises by the front door and was walking toward his car when he observed Officer Perrone "coming down Railway Avenue;" that he then walked quickly and, as he got to the car, he noticed the officer turning the corner; that he had the beer in his hand and did not know what to do with it so he threw it under the front of his car and then lifted the hood; that the officer stopped his vehicle and flashed a light on the beer and then requested Carl to put the beer in the police car and follow him to police headquarters.

On cross examination Carl was questioned concerning the relationship of an uncle of his who was a friend of Doris Olive for the purpose of attempting to show motivation by Carl with reference to the incident of the purchase of beer at the time in question. He was also questioned as to why he had gone there that evening and, in answer thereto, he stated there was a rumor that "you could get served in there if you were under age." He also admitted that he had been at the licensees' establishment on other occasions but that he never drank alcoholic beverages at those times and, when pressed by the attorney for the licensees concerning why he drank on the night in question, he stated that he just tried to find out if he could obtain service of beer.

Officer Austin S. Perrone, a member of the Hammonton Police Department, testified that he was on duty at about 11:15 p.m. on May 6, 1968, in the vicinity of licensees' premises when he "observed a person walking away from the building with three six-packs of beer in his arm;" that the parking lot is lighted with a neon sign on top of the building and also there is a street light in the area; that he did not actually see the person come out of the licensed premises but could see "the white outline of the beer in his hand;" that he approached a vehicle and observed three boys in the car and the person whom he had previously seen walk to the front of the car, put the beer under the front part of the car and raise the hood; that he questioned this person and, upon examination of his driver's license, observed that he was born in November 1949; that he then asked the person to place the beer in the patrol car and accompany him to headquarters. Officer Perrone stated that, when first questioned, Carl stated someone had purchased the beer for him, but then stated that he had purchased the beer at the licensees' place of business. Officer Perrone further testified that the nearest licensed premises is "approximately two and a half to three blocks south" from licensees' premises.

ABC Agent L testified that on May 17, 1968 he brought Carl to the licensed premises but, when Carl identified Doris Olive as the person who had sold the beer to him on May 6, she denied doing so.

Doris Olive testified that she was on duty on May 6, 1968; that Carl had been in her premises before that date and asked her to serve him alcoholic beverages but that she had refused him. She further testified that hard feeling exists between her and Carl's family because she and Carl's uncle are friends as a result of which some trouble had arisen. On cross examination she testified that she could not give information as to the approximate number of times that Carl had been in the licensed premises previous to the night in question as she does not keep "a log book;" that she does not know whether or not Carl was in the licensed establishment on May 6.

Joan Boyer testified that she had seen Carl on a couple of occasions in the licensed premises and she remembered that he came in about six and one-half weeks ago and requested service but that Doris had refused him. Mrs. Boyer further testified that she was in the establishment on May 6, 1968, arriving there about "ten-thirty, a quarter to eleven;" that she remained there until closing time at 2 a.m.; that she saw Carl in the premises that evening and that he was dressed "like the goofy things the kids wear, sweat shirt and trousers." On cross examination Mrs. Boyer was asked whether on May 6 Carl was wearing pants or shorts, and she stated that she could not exactly remember.

Carl testified in rebuttal and, when asked what he had worn on May 6, he stated that he did not go to work that day but, in order to prevent his mother from being aware of same, he had put on his "Whitehall uniform, gray." When questioned concerning the way he wore his hair, he stated that he had been discharged from the Navy on March 27 and that he had a crew-type haircut. Moreover, Carl testified that he did not see any women in the barroom at the time in question. On cross examination Carl stated that at first he told Officer Perrone that another person had obtained the beer for him, but later admitted that he had made the purchases.

Officer Perrone, called in rebuttal, testified that on May 6, 1968, after he got out of the car and spoke to Carl, he noticed that he "had on a light gray Whitehall uniform, a rental uniform" and that he had a crew cut, that is, his hair was very short.

We are dealing here with a purely disciplinary measure and its alleged infraction. Such action is civil in nature and not criminal. In re Schneider, 12 N.J. Super. 449 (App.Div. 1951). Thus the proof must be supported by a fair preponderance of the credible evidence. Benedetti v. Trenton, 35 N.J. Super. 30 (App.Div. 1955); Kravis v. Hock, 135 N.J.L. 259 (Sup.Ct. 1947).

After careful examination of the testimony of the witnesses, I am satisfied that Carl's testimony appears to be truthful with reference to the purchase of beer in the licensees' premises. I am not condoning the fact that Carl may have attempted to deceive his mother by putting on his business uniform and also attempted to protect the licensees by telling Officer Perrone that another person had purchased the beer for him. However, at the instant hearing he testified that he purchased the beer in the licensed premises and that Doris Olive had made the sale to him. I accept his testimony.

I believe the testimony of Officer Perrone that he saw Carl come from the licensed premises and that, when he approached him, Carl had attempted to hide the beer by placing it under the front of the car.

I am not impressed with the testimony of either Doris Olive or Joan Boyer. Under the circumstances I find as a fact that Carl purchased the three 6-packs of beer at the licensees' premises at the time alleged, and that the sale thereof was made to him by one of the licensees (Doris Olive).

It is recommended, therefore, that the licensees be found guilty of the second and third charges.

Although the licensee-partnership has no record of suspension of license, the license then held by Lena La Freda, one of the partners, for premises Egg Harbor Road, Winslow Township, was suspended by the municipal issuing authority for five days effective March 15, 1954, and again for five days effective September 29, 1958, both for sale to minors, and for five days effective May 4, 1964 for sale in violation of State Regulation No. 38.

It is further recommended that the license be suspended on the first charge for twenty days (Re Great Eastern Liquor Corp., Bulletin 1803, Item 2) and on the second charge (considered as a second similar violation within the past five years (cf. Re Malakauskas, Bulletin 1749, Item 3)) for twenty-five days (Re D'Angelo, Bulletin 1804, Item 3), to which should be added five days by reason of the record of suspension for similar violation in 1958, more than five but less than ten years ago (Re Ganser's Tavern, Inc., Bulletin 1784, Item 4), and, considering the record of suspension for similar violation in 1964 within the past five years, on the third charge for thirty days (Re Rosenbauer, Bulletin 1782, Item 5), or a total of eighty days.

Conclusions and Order

No exceptions to the Hearer's report were filed pursuant to Rule 6 of State Regulation No. 16.

4. RECAPITULATION OF ACTIVITY FOR QUARTERLY PERIOD FROM JULY 1, 1968 THROUGH SEPTEMBER 30, 1968

	<u>JULY</u>	<u>AUGUST</u>	<u>SEPTEMBER</u>	<u>TOTAL</u>
ARRESTS:				
Total number of persons arrested	15	19	9	43
Licensees and employees	10	10	5	25
Bootleggers	5	9	4	18
SEIZURES:				
Motor vehicles - cars	1	3	-	4
Still - 50 gallons or under	1	1	-	2
Alcohol - gallons	-	7.62	-	7.62
Mash - gallons	.125	100	6	106.125
Distilled alcoholic beverages - gallons	34.27	4.24	-	38.51
Wine - gallons	12.02	22.86	-	34.88
Brewed malt alcoholic beverages - gallons	55.41	31.69	9	96.10
RETAIL LICENSEES:				
Premises inspected	702	724	757	2,183
Premises where alcoholic beverages were gauged	606	579	607	1,792
Bottles gauged	9,552	8,979	9,669	28,200
Premises where violations were found	159	139	173	471
Violations found	204	187	225	616
No Form E-141-A on premises	88	77	110	275
Unqualified employees	65	64	84	213
Application copy not available	24	15	28	67
Disposal permit necessary	3	3	7	13
Prohibited sign and practice	3	3	-	6
Other mercantile business	1	3	-	4
Other violations	20	22	26	68
STATE LICENSEES:				
Premises inspected	22	21	39	82
License applications investigated	9	9	7	25
COMPLAINTS:				
Complaints assigned for investigation	453	369	365	1,187
Investigations completed	405	393	407	1,205
Investigations pending	264	269	227	760
LABORATORY:				
Analyses made	109	35	67	211
Refills from licensed premises - bottles	66	19	27	112
Bottles from unlicensed premises	8	8	13	29
IDENTIFICATION:				
Criminal fingerprint identifications made	3	9	12	24
Persons fingerprinted for non-criminal purposes	594	432	391	1,417
Ident. contacts made with other enforcement agencies	344	263	277	884
Motor vehicle identifications via NJ State Police teletype	-	-	2	2
DISCIPLINARY PROCEEDINGS:				
Cases transmitted to municipalities	4	7	11	22
Violations involved	4	7	13	24
Sale during prohibited hours	2	4	6	12
Sale to minors	2	2	4	8
Failure to close prem. during prohibited hours	-	-	2	2
Sale to non-members	-	1	-	1
Failure to afford view into prem. during proh. hours	-	-	1	1
Cases instituted at Division	24	37	34*	95*
Violations involved	28	43	36	107
Sale to minors	7	10	-	17
Sale during prohibited hours	2	8	4	14
Possessing liquor not truly labeled	4	6	3	13
Permitting lottery activity on premises	8	1	4	13
Beverage Tax Law non-compliance	-	1	9	9
Fraud in application	1	1	3	5
Permitting misc. gambling on premises	-	3	1	4
Retailer-to-retailer sales	-	4	-	4
Permitting lottery & bookmaking on premises	1	-	3	4
Failure to close premises during proh. hours	1	-	2	3
Permitting immoral activity on premises	-	2	1	3
Hindering investigation	1	1	1	3
Unqualified employees	1	1	1	3
Fraud and front	-	1	1	2
Permitting bookmaking on premises	-	1	1	2
Sale to intoxicated persons	-	1	-	1
Purchase from improper source	-	1	-	1
Permitting foul language on premises	1	-	-	1
Sale and possession of narcotics	1	-	-	1
Act of violence	-	1	-	1
Violation of special condition	-	1	-	1
Permitting pinball machines on premises	-	-	1	1
Sale below filed price	-	-	1	1

*Includes one cancellation proceeding - license improvidently issued by reason of conviction of officer for crime involving moral turpitude.

	<u>JULY</u>	<u>AUGUST</u>	<u>SEPTEMBER</u>	<u>TOTAL</u>
DISCIPLINARY PROCEEDINGS (CONTINUED):				
Cases brought by municipalities on own initiative and reported to Division	14	20	9	43
Violations involved	17	24	10	51
Sale to minors	11	11	5	27
Sale during prohibited hours	1	5	1	7
Conducting business as a nuisance	1	1	1	3
Failure to close prem. during prohibited hours	-	3	-	3
Permitting brawl on premises	1	1	-	2
Unqualified employees	-	1	-	1
Fraud and front	-	1	-	1
Violation of special condition	-	1	-	1
Permitting foul language on premises	1	-	-	1
Sale outside scope of license	1	-	-	1
Permitting bookmaking & lottery on premises	1	-	-	1
Failure to file notice of change in lic. application	-	-	1	1
Permitting prem. to be used in furtherance of illegal acty.	-	-	1	1
Furnishing entertainment w/o permit (local reg.)	-	-	1	1
HEARINGS HELD AT DIVISION:				
Total number of hearings held	52	42	54	148
Appeals	7	6	9	22
Disciplinary proceedings	39	28	33	100
Eligibility	3	8	6	17
Tax revocations	-	-	2	2
Seizures	2	-	2	4
Application for license	1	-	2	3
STATE LICENSES AND PERMITS ISSUED:				
Total number issued	2,451	1,523	1,352	5,326
Licenses	619	6	8	633
Solicitors' permits	44	55	31	130
Employment permits	634	449	365	1,448
Disposal permits	91	74	48	213
Social affair permits	336	439	468	1,243
Miscellaneous permits	365	192	238	795
Wine permits	12	10	26	48
Transit insignia	294	266	145	705
Transit certificates	56	32	23	111
OFFICE OF AMUSEMENT GAMES CONTROL:				
Licenses issued	12	2	-	14
State Fair licenses issued	16	93	67	176
Premises inspected	689	511	65	1,265
Premises where violations were found	46	15	11	72
Number of violations found	55	25	16	96
Enforcement files established	43	17	26	86
Disciplinary proceedings instituted	1	-	-	1
Violations involved	2	-	-	2
Operating controlled game	1	-	-	1
Deceptive practice	1	-	-	1

JOSEPH M. KEEGAN
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

Dated: October 14, 1968

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

In the Matter of Disciplinary Proceedings against)

LANSDOWNE CAFE, INC.)
t/a Lansdowne Cafe)
1447 Broadway)
Camden, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-173 issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden)

Anthony M. Lario, Esq., Attorney for Licensee
Louis F. Treole, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, August 18, 1968, it sold two pint bottles of wine and four cans of beer for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

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 Halljack, Inc., Bulletin 1813, Item 8.

Accordingly, it is, on this 24th day of September, 1968,

ORDERED that Plenary Retail Consumption License C-173, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Lansdowne Cafe, Inc., t/a Lansdowne Cafe, for premises 1447 Broadway, Camden, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Tuesday, October 1, 1968, and terminating at 2:00 a.m. Friday, October 11, 1968.

JOSEPH M. KEEGAN
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SALE BELOW FILED PRICE - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 Rose's Corner, Inc.
 t/a Rose's Corner Bar
 1449 S. Clinton Avenue
 Trenton, N. J.
 Holder of Plenary Retail Consumption License C-204 issued by the City Council of the City of Trenton

CONCLUSIONS AND ORDER

 Licensee, by Nicholas Barbuto, 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 September 2, 1968, it sold a case of twelve quart bottles of whiskey below filed price, in violation of Rule 5 of State Regulation No. 30.

Licensee has a previous record of suspension of license by the municipal issuing authority for five days effective February 5, 1968, for sale to a minor. In addition, the license then held by Rose N. Barbuto, president and principal stockholder of the licensee corporation, was suspended by the Director for five days effective October 14, 1957, for sale below minimum price. Re Barbuto, Bulletin 1196, Item 6.

The previous record of suspension of license for similar violation occurring more than ten years ago disregarded, but the record of suspension for dissimilar violation within the past five years considered, 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 Campana, Bulletin 1605, Item 9.

Accordingly, it is, on this 24th day of September 1968,

ORDERED that Plenary Retail Consumption License C-204, issued by the City Council of the City of Trenton to Rose's Corner, Inc., t/a Rose's Corner Bar, for premises 1449 S. Clinton Avenue, Trenton, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Tuesday, October 1, 1968, and terminating at 2:00 a.m. Friday, October 11, 1968.

JOSEPH M. KEEGAN
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - GAMBLING (WAGERING) - LICENSE
SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

PIMIENIA'S TAVERN, INC.)
401 - 59th Street)
West New York, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-5 issued by the Board of Commissioners of the Town of West New York)

Irving L. Hodes, Esq., Attorney for Licensee
Louis F. Treole, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on July 12, 1968, it permitted gambling, viz., wagering on a dice game utilizing a six number lay-down board, on the licensed premises, in violation of Rule 7 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 Homestead Inn, Inc., Bulletin 1699, Item 1.

Accordingly, it is, on this 24th day of September, 1968,

ORDERED that Plenary Retail Consumption License C-5, issued by the Board of Commissioners of the Town of West New York to Pimienta's Tavern, Inc. for premises 401 - 59th Street, West New York, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Tuesday, October 1, 1968, and terminating at 3:00 a.m. Friday, October 11, 1968.

JOSEPH M. KEEGAN
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

LUCILLE WARD BRITTON &)
 GEORGE WARD BRITTON)
 t/a Britton's)
 596 Joline Ave.)
 Long Branch, N. J.)

CONCLUSIONS AND ORDER

 Holders of Plenary Retail Distribution License D-3 issued by the City Council of the City of Long Branch)

Licensees, by George Ward Britton, Pro se
 Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on September 6, 1968, they sold four quart bottles of beer to a minor, age 19, in violation of Rule 1 of State Regulation No. 20.

Licensee Lucille W. Britton has a previous record of suspension of license then held for premises 229 Port-au-Peck Avenue, Long Branch, by the Director for five days effective April 23, 1962, for sale to a minor. Re Britton, Bulletin 1451, Item 10.

The prior record of suspension of license for similar violation more than five but less than ten years ago considered, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Foster's Tavern, Inc., Bulletin 1751, Item 7.

Accordingly, it is, on this 25th day of September, 1968,

ORDERED that Plenary Retail Distribution License D-3, issued by the City Council of the City of Long Branch to Lucille Ward Britton and George Ward Britton, t/a Britton's, for premises 596 Joline Avenue, Long Branch, be and the same is hereby suspended for fifteen (15) days, commencing at 9:00 a.m. Wednesday, October 2, 1968, and terminating at 9:00 a.m. Thursday, October 17, 1968.

JOSEPH M. KEEGAN
 DIRECTOR

9. DISCIPLINARY PROCEEDINGS - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
 SOCIETA DI MUTUO SOCCORSO) CONCLUSIONS
 GUGLIELMO MARCONI, INC.) AND ORDER
 45-47 N.W. Cor. 3rd & Foundry Sts.)
 Florence, N. J.)
 Holder of Club License CB-7 issued by the)
 Township Committee of the Township of)
 Florence)

 Powell and Davis, Esqs., by John A. Sweeney, Esq., Attorneys
 for Licensee
 Louis F. Treole, Esq., Appearing for Division of Alcoholic
 Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, May 19, 1968, it hindered investigation by refusal to admit to the licensed premises ABC agents then conducting investigation of alleged sale during prohibited hours, in violation of Rule 35 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Commissioner for five days effective March 24, 1941, for sale to non-members and employing an unqualified person, and for fifteen days effective June 1, 1948 for sale during prohibited hours and false statement in the license application. Re Societa Di Mutuo Soccorso Guglielmo Marconi, Inc., Bulletin 451, Item 6; Bulletin 804, Item 6.

The prior record of suspensions 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. Cf. Re Turlinski, Bulletin 1622, Item 4; Re Perton, Inc., Bulletin 1812, Item 17.

Accordingly, it is, on this 30th day of September, 1968,

ORDERED that Club License CB-7, issued by the Township Committee of the Township of Florence to Societa Di Mutuo Soccorso Guglielmo Marconi, Inc. for premises 45-47 northwest corner 3rd and Foundry Streets, Florence, be and the same is hereby suspended for ten (10) days, commencing at 7:00 a.m. Monday, October 7, 1968, and terminating at 7:00 a.m. Thursday, October 17, 1968.

JOSEPH M. KEEGAN
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)	
W. K., INC.)	
t/a Chicken Coop)	CONCLUSIONS
West Side of Garton Road, north of Parvin's Mill Road)	AND ORDER
Deerfield Twp., N. J.)	
Holder of Plenary Retail Consumption License C-1, issued by the Township Committee of the Township of Deerfield.)	

 Samuel J. Serata, Esq., Attorney for Licensee
 Louis F. Treole, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on July 13, 1968 it sold two 6-packs of beer and a quart bottle of vodka for consumption off the licensed premises during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

Licensee has a previous record of suspension of license by the municipal issuing authority for five days effective June 8, 1964, for sale during hours prohibited by local ordinance.

The prior record of suspension of license for similar violation within the past five years considered, the license will be suspended for thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days.
Re Barone's Lounge, Inc., Bulletin 1670, Item 4.

Accordingly, it is, on this 9th day of October 1968,

ORDERED that Plenary Retail Consumption License C-1, issued by the Township Committee of the Township of Deerfield to W. K., Inc., t/a Chicken Coop, for premises West Side of Garton Road, north of Parvin's Mill Road, Deerfield Township, be and the same is hereby suspended for twenty-five (25) days, commencing at 2 a.m. Monday, October 14, 1968, and terminating at 2 a.m. Friday, November 8, 1968.

JOSEPH M. KEEGAN
 DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

TERESA VINCITORE)
t/a Fulton Liquor Store)
163-165 Jackson Avenue)
Jersey City, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-14, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

Licensee, Pro se
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

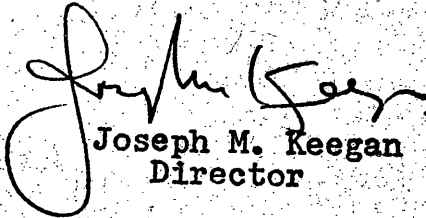
BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 24, 1968 she sold a pint bottle of gin and six 12-ounce and one quart bottles of beer to two minors, both age 19, 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 Lomor, Inc., Bulletin 1786, Item 8.

Accordingly, it is, on this 30th day of September 1968,

ORDERED that Plenary Retail Distribution License D-14, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Teresa Vincitore, t/a Fulton Liquor Store, for premises 163-165 Jackson Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 9 a.m. Monday, October 7, 1968 and terminating at 9 a.m. Thursday, October 17, 1968.


Joseph M. Keegan
Director