

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

BULLETIN 1403

August 28, 1961

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

BULLETIN 1403

August 28, 1961

1. APPELLATE DECISIONS - ESSEX COUNTY RETAIL LIQUOR STORES
ASSOCIATION v. BLOOMFIELD AND THE GREAT ATLANTIC & PACIFIC
TEA COMPANY, INC.

Essex County Retail Liquor Stores)
Association,)
)
Appellant,) ON APPEAL
)
v.)
)
Town Council of the Town of Bloomfield,) CONCLUSIONS
and The Great Atlantic & Pacific Tea) AND
Company, Inc.,) ORDER
)
Respondents.)
-----)

Brass and Brass, Esqs., by Leonard Brass, Esq., Attorneys for
Appellant.
Joseph D. Lintott, Esq., by Henry Sant' Ambrogio, Esq.,
Attorney for Respondent Council.
Stryker, Tams & Horner, Esqs., by William L. Dill, Jr., Esq.,
Attorneys for Respondent-licensee.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the action of respondent Town Council whereby, by a four to two vote of its members, it granted an application filed by respondent The Great Atlantic & Pacific Tea Company, Inc., for transfer of a limited plenary retail distribution license which it then held for premises 456 Broad Street to premises 1115 Broad Street, Bloomfield.

"Appellant alleges, in substance, that the action of respondent Town Council was erroneous because it abused its discretion by directly violating R.S. 33:1-76 (which prohibits sales of alcoholic beverages within 200 feet of a church) and violated laws of the state and rules and regulations promulgated by the Division of Alcoholic Beverage Control.

"There appears to be no disagreement by the parties hereto that when measured in a straight line across the parking area leased by respondent-licensee, the distance is approximately 142 feet between the rear door of the licensed premises and a rear door leading into a part of the church building. Furthermore, there is no dispute that the measurement from the front door of the respondent-licensee's premises along Broad Street to Watchung Avenue and then along Watchung Avenue to the nearest entrance to the church, the distance is well in excess of 200 feet.

"Appellant contends that since R.S. 33:1-76, when referring to method of measurement, provides that 'two hundred feet shall be measured in the normal way that a pedestrian would properly walk from the nearest entrance of said church or school to the nearest entrance of the premises sought to be licensed', the measurement should be in a straight line across the parking

area between the nearest rear entrances of the church and the licensed premises. The question involved here is whether a parking lot can be considered in the same category as a thoroughfare for distance measurements between a church and licensed premises.

"In Aldarelli v. Asbury Park, Bulletin 186, Item 12, Commissioner Burnett ruled 'that the measurement will be made in the direction indicated by the statute in straight lines along the side of walls and street lines nearest to church (or school) and tavern thus to get the shortest distance between them. The courses will commence and terminate at the nearest point on the nearest doors of the respective premises. That is the place where the pedestrian would leave or enter, taking the shortest course, if the door were open.' In said case, Commissioner Burnett also stated, 'In providing that the measurement be made in the normal way that a pedestrian would properly walk, the statute contemplates a reasonable, sensible solution. A pedestrian walking properly would not go cross-lots or through backyards or in an airline or trespass on private property. Nor would he be a jaywalker and cross streets on the diagonal. His walking would be confined to the public thoroughfare, and he would cross streets at the crosswalks. Cf. Bulletin 3, Item 8. Thus, if church and tavern premises were situated back to back, one on a residential street and the other on a business thoroughfare, although the rear of each are contiguous, the tavern would not fall within the prohibited distance unless that distance, measured along the public sidewalk, were less than two hundred feet. Actually, the distance from church to tavern in such a case, assuming each to be in the middle of its respective block, would be a full half-block around. Being on different streets and possibly in different types of neighborhoods, presumably they would not interfere.'

"It is to be noted from the language used by Commissioner Burnett in the Aldarelli case, supra, that the emphasis in computing measurement between church and licensed premises is along public thoroughfares and public streets, and not on private property which is constantly subject to change. Thus, it is apparent that the proper method of measurement in the instant case would not be across the parking lot but would be from the nearest entrance to the licensed premises on Broad Street to the nearest entrance of the church on Watchung Avenue, which distance is greatly in excess of 200 feet.

"Leonard Lentz, on behalf of Imperial Liquors, Inc., which holds a plenary retail distribution license for premises near the premises of respondent-licensee, was the only witness who testified at the appeal hearing in opposition to the transfer in question.

"I am satisfied that in all respects proper consideration was given by the members of respondent Town Council before action was taken on the application for transfer. Insofar as any other reasons in the petition of appeal are concerned, the record is barren of adequate proof to warrant serious consideration.

"In an appeal to the Director, the burden of proof to establish that the action of respondent issuing authority was erroneous rests with appellant. Rule 6 of State Regulation No. 15. Considering all the circumstances herein, it sufficiently appears that appellant has failed to sustain the burden of proof necessary to establish that the action of the Town

Council was arbitrary or constituted an abuse of its discretionary power.

"After careful examination of the evidence adduced herein and giving due consideration to the arguments made by the attorneys on behalf of the respective parties, it is recommended that the action of the respondent Town Council in approving the place-to-place transfer should be affirmed and that the appeal filed herein be dismissed."

No exceptions to the Hearer's Report were filed with me within the time limited by Rule 14 of State Regulation No. 15.

The evidence presented does not indicate any improper motivation on the part of the members of the respondent Town Council and their grant of the transfer appears to be a reasonable exercise of their discretion. Renwick's v. Princeton, et al., Bulletin 1383, Item 3; Tozzi's Tavern, Inc. v. Plainfield, et al., Bulletin 1349, Item 1 (affirmed on appeal 65 N.J. Super 286); Miles, et als. v. Paterson, et al., Bulletin 1306, Item 2; Essex County Retail Liquor Stores Association, et al. v. Newark, et al., Bulletin 1302, Item 2.

I have carefully examined the entire record, including the exhibits and argument of the attorneys in behalf of the respective parties hereto, and I concur in the conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 21st day of June, 1961,

ORDERED that the action of respondent Town Council be and the same is hereby affirmed, and the appeal herein be and the same is hereby dismissed.

WILLIAM HOWE DAVIS
Director

2. APPELLATE DECISIONS - MILLER v. PASSAIC AND TEMEL AND WELLING.

Mike Miller,)
)
 Appellant,)
)
 v.)
)
 Board of Commissioners of the)
 City of Passaic, and Bernard)
 Temel and Louise Welling,)
)
 Respondents.)

O R D E R

Edward Rubinstein, Esq., Attorney for Appellant.
 Martin Klughaupt, Esq., Attorney for Respondent Board of
 Commissioners.
 Herbert S. Alterman, Esq., Attorney for Respondent
 Bernard Temel.
 Sidney H. Reiss, Esq., Attorney for Respondent Louise
 Welling.

BY THE DIRECTOR:

This is an appeal from the action of respondent Board of Commissioners whereby on May 23, 1961, it granted an application to transfer a plenary retail consumption license from Bernard Temel to Louise Welling and from premises at 663 Main Avenue to premises at 16 Broadway, Passaic.

Prior to the hearing scheduled to be held herein, the attorney for appellant advised me in writing that his client has decided to withdraw his appeal. No reason appearing to the contrary,

It is, on this 23rd day of June 1961,

ORDERED that the above appeal be and the same is hereby dismissed.

WILLIAM HOWE DAVIS
 Director

3. DISCIPLINARY PROCEEDINGS - NUISANCE (HOMOSEXUALS) - LICENSE SUSPENDED FOR 90 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
)
 Freddie's Blue Room, Inc.)
 t/a Blue Room)
 12-14 North Spring Street)
 Elizabeth, New Jersey)
 Holder of Plenary Retail Consumption License C-99, issued by the City Council of the City of Elizabeth.)
 -----)

CONCLUSIONS AND ORDER

Jerome L. Kessler, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"1. On March 4 and 12, 1961, and prior thereto, you allowed, permitted and suffered your licensed place of business to be conducted in such manner as to become a nuisance, viz., in that you allowed, permitted and suffered persons who appeared to be homosexuals, e.g., females impersonating males, in and upon your licensed premises; allowed, permitted and suffered such persons to frequent and congregate in and upon your licensed premises; allowed, permitted and suffered lewdness, immoral activity and foul, filthy and obscene conduct by such persons and by others in and upon your licensed premises; and otherwise conducted your licensed place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulation No. 20."

Defendant also pleaded non vult to the following supplemental charge:

"2. On April 21, 26, 28, 29, May 5, 6 and 13, 1961, you allowed, permitted and suffered your licensed place of business to be conducted in such manner as to become a nuisance, viz., in that you allowed, permitted and suffered persons who appeared to be homosexuals, e.g., females impersonating males and males impersonating females in and upon your licensed premises; allowed, permitted and suffered such persons to frequent and congregate in and upon your licensed premises; and otherwise conducted your licensed place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulation No. 20."

The file herein discloses that at 11:05 p.m. on the evening of March 4, 1961, ABC agents entered defendant's premises. They observed a large number of patrons of whom 35 of the 43 female patrons appeared to be lesbians. This was delineated by their attire, speech, actions and general demeanor. They wore short-cropped hair, no make-up or lipstick, tight-fitting chino pants, men's shirts and vests and low-cut shoes. Nine female

couples danced a highly suggestive gyrative and obscene dance known as "The Fish".

The agents returned to defendant's premises at about 12:15 a.m. on March 12th and noted that of 38 female patrons then present, 32 were apparent lesbians with the same characteristics as hereinabove described and dancing in the same obscene manner. The dancing on this occasion was particularly obscene and disgusting. The agents discussed the behavior of these couples with one of the three bartenders then in attendance (later identified as Joseph Jakubowski), and asked him, "Are they all lesbians over there?", to which he replied, "I guess so, it's disgusting, isn't it." A further conversation was had with another bartender (later identified as Harry Wiener), and one Danny Stiles, who identified himself as the president of the corporate-licensee. He was asked how long these lesbians have been coming here and he replied, "I don't know. I hear a place in Newark was closed down and they started to come down here. You call them lesbians, to me they are sick or perverted."

A notice of hearing on the above violation was sent to the licensee on March 20, 1961. On April 21, 1961 at about 9:15 p.m., ABC agents entered the licensed premises and observed 26 male and female patrons seated at the bar. Shortly thereafter, two females entered the premises dressed in masculine attire and possessing the same characteristics in speech, actions and general demeanor as those hereinbefore described and it was quite apparent that they were lesbians. They joined two unescorted females in conversation and shortly thereafter they were joined by two more apparent lesbians. One of these females had tattoos just above the right and left wrists. One of the agents got into a conversation with the bartender regarding these apparent lesbians and made the observation that it is difficult to get a girlfriend away from a lesbian, to which the bartender replied, "It sure is." He pointed to the females in question and said, "They'll fight worse than a man, some give you a lot of trouble but these are all right."

On April 26, 1961 between 9:50 p.m. and 11:35 p.m., the same ABC agents re-entered the licensed premises and engaged in a conversation with the bartender, Harry Wiener. They inquired about the lesbians and he stated, "The lezzies won't be in until the weekend", and added, "That's one down at the end of the bar." They noticed other lesbians present at that time in the premises. On April 28th, ABC agents entered the premises at about 11:00 p.m. and remained until 12:35 a.m. They observed sixteen apparent lesbians on the premises.

On the evening of May 5th from 10:30 p.m. until 12:40 a.m. on May 6th, ABC agents revisited the licensed premises. They observed about twelve females who, by their attire, speech, actions and general demeanor, definitively fitted the description of lesbians. At the height of the activity there were approximately sixteen females present who would aptly be described as lesbians and four males who, by their attire, speech, manner and general demeanor, appeared to be homosexuals.

At 12:01 a.m. on Saturday, May 13, 1961, ABC agents returned to the said licensed premises and observed about 35 females who fitted the description of lesbians as defined

hereinabove. Several of these apparent lesbians were observed being kissed on the lips by a particular lesbian when they entered the tavern. On this visit, an ABC agent asked the bartender, Harry Wiener, why Danton Stiles, an officer of the corporate-licensee, was interfering with the dancing by the lesbians and he stated, "It's against the ABC laws; we have a charge against us now and have to plead to it next week, for lesbians."

Counsel for the licensee, in his letter, urges in mitigation that licensee was of the opinion, having been so advised by counsel, that the presence of "impersonators" (sic) on the premises was permissible so long as they conducted themselves properly. However, he adds that since the supplemental disciplinary proceedings were undertaken, the licensee has been advised otherwise and these people have been kept off the premises. Proper liquor control dictates that licensed premises are not to become a haven for lesbians or homosexuals. Where they congregate they constitute a threat to the safety and morals of the public. Paddock Bar, Inc. v. Alcoholic Beverage Control Division, 40 N.J. Super. 405 at p. 408; Re Thorn, Bulletin 1242, Item 3.

Defendant has no prior adjudicated record. I shall suspend defendant's license for a period of ninety days on Charges 1 and 2. Re Thorn, supra. Five days will be remitted for the plea entered herein, leaving a net suspension of eighty-five days.

Accordingly, it is, on this 22nd day of June 1961,

ORDERED that any renewal for the 1961-62 licensing year or transfer of Plenary Retail Consumption License C-99, issued by the City Council of the City of Elizabeth to Freddie's Blue Room, Inc., t/a Blue Room, for premises 12-14 North Spring Street, Elizabeth, be and the same is hereby suspended for eighty-five (85) days, effective at 2:00 a.m., Monday, July 10, 1961 and terminating at 2:00 a.m., Tuesday, October 3, 1961.

WILLIAM HOWE DAVIS
Director

NOTE: At request of defendant, the above suspension was advanced to commence July 3, 1961 and to terminate September 26, 1961, by order dated June 28, 1961.

PLEA.
IN
PLEA.

4. DISCIPLINARY PROCEEDINGS - GAMBLING - LOTTERY - VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - SALE AND FAILURE TO CLOSE PREMISES DURING PROHIBITED HOURS IN VIOLATION OF LOCAL REGULATION - LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
John & Edith Mattern
105-107 - 49th Street
Union City, New Jersey
Holders of Plenary Retail Consumption License C-205, issued by the Board of Commissioners of the City of Union City.

CONCLUSIONS AND ORDER

Lawrence Wolfberg, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to the following charges:

- "1. On April 20, May 9, 16 and 17, 1961, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of horse race bets on all of said dates and in a lottery, commonly known as the 'numbers game', on the said dates of May 9 and 17, 1961; in violation of Rule 7 of State Regulation No. 20.
- "2. On May 9 and 17, 1961, 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.
- "3. On May 17, 1961, you possessed, had custody of and allowed, permitted and suffered in and upon your licensed premises tickets and participation rights in lotteries, viz., in a 'numbers game' and in a 'drawing' in connection and association with the playing of a shuffle-bowling machine game on your licensed premises; in violation of Rule 6 of State Regulation No. 20.
- "4. On Tuesday, May 16, 1961 at about 6:30 A.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 7 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.
- "5. On Tuesday, May 16, 1961, at about 6:30 A.M., you sold and served alcoholic beverages at your licensed premises; in violation of Section 11 of an

Ordinance adopted by the Board of Commissioners of the City of Union City on February 6, 1936, as amended January 19, 1939.

"6. On Tuesday, May 16, 1961, at about 6:30 A.M., you had your licensed premises open; in violation of Section 11 of an Ordinance adopted by the Board of Commissioners of the City of Union City on February 6, 1936, as amended January 19, 1939."

On April 20 and May 16, 1961, Edith Mattern, one of the licensees, while in defendants' licensed premises, accepted horse race bets from ABC agents to be given to her husband, John Mattern, the other licensee.

On May 9 and May 17, 1961 visits, the agents placed horse race bets and number bets with defendant John Mattern. After identifying themselves on May 17th, the agents found in defendants' licensed premises sixteen green slips with names of persons written on them. Defendant John Mattern explained that a prize was given every two weeks to a patron whose name was drawn from the container.

On May 16th, at about 6:30 a.m., an ABC agent and defendant John Mattern entered the defendants' licensed premises, at which time the agent purchased a pint bottle of whiskey from the aforementioned licensee. The local "hours" ordinance provides that there shall be no sale of alcoholic beverages on weekdays before 7:00 a.m. Thus, the sale of the bottle of whiskey before 7:00 o'clock was in violation of the said section of the aforesaid ordinance, as well as the part thereof which provides that on week days the licensed premises were to remain closed prior to 7:00 a.m. Moreover, the sale of the bottle of whiskey in an original container for off-premises consumption violated Rule 1 of State Regulation No. 38.

Defendants have no prior adjudicated record. I shall suspend their license for the minimum period of thirty days on Charges 1, 2 and 3 (Re 32 Club, Inc., Bulletin 1237, Item 4) and for an additional twenty days on Charges 4, 5 and 6 (Re Scangarello, Bulletin 1255, Item 3), making a total suspension of fifty days. Five days will be remitted for the plea entered herein, leaving a net suspension of defendants' license for a period of forty-five days.

Accordingly, it is, on this 22nd day of June 1961,

ORDERED that any renewal for the 1961-62 licensing year or transfer of Plenary Retail Consumption License C-205, issued by the Board of Commissioners of the City of Union City to John & Edith Mattern, for premises 105-107 - 49th Street, Union City, be and the same is hereby suspended for forty-five (45) days, commencing at 3:00 a.m., Monday, July 3, 1961, and terminating at 3:00 a.m., Thursday, August 17, 1961.

WILLIAM HOWE DAVIS
Director

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

In the Matter of Disciplinary Proceedings against)

William Kelty)
t/a Bergen Grill)
857 Bergen Avenue)
Jersey City 6, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-400, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)
-----)

Defendant-licensee, Pro se.
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 May 29 and 31, 1961, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of horse race bets and the making and accepting of bets in a lottery, commonly known as the 'numbers game'; in violation of Rule 7 of State Regulation No. 20.
- "2. On May 29 and 31, 1961, 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 and possessed, had custody of and allowed, permitted and suffered such tickets and participation rights in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20."

On May 29, 1961, while in defendant's licensed premises, an ABC agent and a patron known as "Ernie" discussed horse racing and then each placed a horse race bet with a man called "Sy" who wrote the name of the horse chosen by each on separate sheets taken from a small white pad. After "Sy" left the premises, the agent and "Chick", the bartender, engaged in conversation, during which time the bartender said that he had warned Ernie that his loud talking concerning betting on horses would get him (Chick) in trouble.

On May 31, 1961, the same agent placed a "numbers" bet with Gregory Gerrard, who was tending bar at the time. Thereafter, by prearrangement, another agent and municipal detectives entered the premises where the "numbers" bets slip placed by the agent, as well as other bet slips, were found on the bartender, who was placed under arrest by the detectives. Further investigation disclosed that the bets obtained by the bartender were telephoned to the home of the defendant herein.

Defendant has no prior adjudicated record. I shall suspend defendant's license for twenty-five days, the minimum suspension imposed in commercialized gambling cases when a licensee or employee is involved. Re McDonnell, Bulletin 1310, Item 7. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 26th day of June 1961,

ORDERED that any renewal for the 1961-62 licensing year or transfer of Plenary Retail Consumption License C-400, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to William Kelty, t/a Bergen Grill, for premises 857 Bergen Avenue, Jersey City, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m., Wednesday, July 5, 1961 and terminating at 2:00 a.m., Tuesday, July 25, 1961.

WILLIAM HOWE DAVIS
Director

6. DISCIPLINARY PROCEEDINGS-- EFFECTIVE DATES FIXED FOR SUSPENSION PREVIOUSLY IMPOSED, AFTER TERMINATION OF PROCEEDINGS TO REVIEW.

In the Matter of Disciplinary Proceedings against)
Orient Delicatessen & Liquor Store, Inc.)
t/a Orient Delicatessen & Liquor Store)
663 Ocean Avenue)
Jersey City 4, New Jersey)
Holder of Plenary Retail Distribution License D-66 (for the 1960-61 and 1961-62 licensing years), issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

O R D E R

BY THE DIRECTOR:

On April 27, 1961, the defendant's license was suspended for thirty-five days. Pending defendant's appeal to the Superior Court, Appellate Division, the suspension was stayed by the Court. Defendant has now withdrawn said appeal and, therefore, the suspension may be reimposed.

Accordingly, it is, on this 17th day of July 1961,

ORDERED that the thirty-five-day suspension heretofore imposed against plenary retail distribution license D-66, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Orient Delicatessen & Liquor Store, Inc., t/a Orient Delicatessen & Liquor Store, for premises 663 Ocean Avenue, Jersey City, be and the same is hereby reimposed, commencing at 9 a.m., Wednesday, July 19, 1961, and terminating at 9 a.m., Wednesday, August 23, 1961.

WILLIAM HOWE DAVIS
Director

7. ACTIVITY REPORT FOR JUNE 1961

ARRESTS:		
Total number of persons arrested	- - - - -	29
Licensees and employees	- - - - - 14	
Bootleggers	- - - - - 15	
SEIZURES:		
Motor vehicles - cars	- - - - -	2
Stills - over 50 gallons	- - - - -	1
Mash - gallons	- - - - -	415.00
Distilled alcoholic beverages - gallons	- - - - -	38.73
Wine - gallons	- - - - -	18.12
Brewed malt alcoholic beverages - gallons	- - - - -	10.40
RETAIL LICENSEES:		
Premises inspected	- - - - -	477
Premises where alcoholic beverages were gauged	- - - - -	624
Bottles gauged	- - - - - 10,	824
Premises where violations were found	- - - - -	49
Violations found	- - - - -	55
Unqualified employees	- - - - - 15	Prohibited signs - - - - - 3
Reg. #38 sign not posted	- - - - - 11	Disposal permit necessary - - - - - 3
Application copy not available	- - - - - 11	Improper beer taps - - - - - 1
Other mercantile business	- - - - - 4	Other violations - - - - - 7
STATE LICENSEES:		
Premises inspected	- - - - -	23
License applications investigated	- - - - -	27
COMPLAINTS:		
Complaints assigned for investigation	- - - - -	435
Investigations completed	- - - - -	416
Investigations pending	- - - - -	181
LABORATORY:		
Analyses made	- - - - -	211
Refills from licensed premises	- - - - -	40
Bottles from unlicensed premises	- - - - -	50
IDENTIFICATION:		
Criminal fingerprint identifications made	- - - - -	19
Persons fingerprinted for non-criminal purposes	- - - - -	447
Identification contacts made with other enforcement agencies	- - - - -	316
Motor vehicle identifications via N. J. State Police teletype	- - - - -	1
DISCIPLINARY PROCEEDINGS:		
Cases transmitted to municipalities	- - - - -	16
Violations involved	- - - - -	18
Sale during prohibited hours	- - - - - 8	
Sale to minors	- - - - - 7	Sale to non-members by club - - - - - 1
Failure to close premises during prohibited hours	- - - - -	2
Cases instituted at Division	- - - - -	23
Violations involved	- - - - -	34
Sale during prohibited hours	- - - - - 7	Sale to minors - - - - - 2
Permitting lottery activity (numbers, sweepstakes) on premises	- - - - - 4	Hindering investigation - - - - - 1
Permitting bookmaking on premises	- - - - - 4	Permitting immoral activity on prem. - 1
Possessing liquor not truly labeled	- - - - - 4	Sale to non-members by club - - - - - 1
Permitting hostesses on premises	- - - - - 3	Fraud in application - - - - - 1
Unqualified employees	- - - - - 2	Employing female bartender (local reg.) 1
Conducting business as a nuisance	- - - - - 2	Permittee engaging in conduct prohibited to employer - - - - - 1
Cases brought by municipalities on own initiative and reported to Division	- - - - -	25
Violations involved	- - - - -	28
Sale to minors	- - - - - 16	Permitting bookmaking on premises - - 1
Sale during prohibited hours	- - - - - 2	Permitting immoral activity on prem. - 1
Permitting brawl on premises	- - - - - 2	Failure to close premises during prohibited hours - - - - - 1
Conducting business as a nuisance	- - - - - 2	Sale to intoxicated persons - - - - - 1
Permitting lottery activity (numbers)	- - - - - 2	
HEARINGS HELD AT DIVISION:		
Total number of hearings held	- - - - -	48
Appeals	- - - - - 10	
Disciplinary proceedings	- - - - - 25	Seizures - - - - - 3
Eligibility	- - - - - 9	Tax revocations - - - - - 1
STATE LICENSES AND PERMITS ISSUED:		
Total number issued	- - - - -	4,387
Licenses	- - - - - 5	Social affair permits - - - - - 414
Solicitors' permits	- - - - - 2,716	Miscellaneous " - - - - - 110
Employment "	- - - - - 523	Transit insignia - - - - - 451
Disposal "	- - - - - 128	Transit certificates - - - - - 40
OFFICE OF AMUSEMENT GAMES CONTROL:		
Licenses issued	- - - - - 62	
Premises inspected	- - - - - 178	
Premises where violations were found	- - - - - 6	
Number of violations found	- - - - - 6	
Enforcement files established	- - - - - 41	

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

By: Edward J. Dorton, Deputy Director

Dated: July 6, 1961

8. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1960 THROUGH JUNE 30, 1961

	1st Quarter July-Aug.	2d Quarter Sept.-Oct.	3d Quarter Nov.-Dec.	4th Quarter Jan.-Mar.	Apr.-May	June	Total
ARRESTS:							
Total number of persons arrested	93	76	67	81			317
Licenses and employees	47	30	35	38			150
Bootleggers	46	46	32	43			167
SEIZURES:							
Motor vehicles - cars	11	8	2	5			26
- trucks	1	2	1	0			4
- trailers	1	-	-	-			1
Stills - over 50 gallons	1	2	2	1			6
- 50 gallons or under	3	1	3	1			8
Mash - gallons	6,275.00	4,775.00	2,550.00	1,150.00			14,750.00
Distilled alcoholic beverages - gallons	120.94	343.30	49.72	81.78			595.74
Wine - gallons	332.09	488.62	325.93	22.05			1,168.69
Brewed malt alcoholic beverages - gallons	213.81	65.96	13.86	28.71			322.34
RETAIL LICENSEES:							
Premises inspected	1,503	1,276	1,809	1,519			6,098
Premises where alcoholic beverages were gauged	1,392	1,793	1,751	1,903			6,839
Bottles gauged	23,681	29,348	28,120	32,211			113,360
Premises where violations were found	139	107	167	128			541
Violations found	189	134	277	155			755
Unqualified employees	89	40	118	45			292
Application copy not available	31	17	32	23			103
Reg. #38 sign not posted	23	13	28	39			103
Prohibited signs	7	28	40	15			90
Disposal permit necessary	8	6	5	4			23
Other mercantile business	3	3	11	12			29
Improper beer taps	2	1	1	2			6
Other violations	26	26	42	15			109
STATE LICENSEES:							
Premises inspected	62	61	119	92			334
License applications investigated	35	32	22	57			146
COMPLAINTS:							
Complaints assigned for investigation	1,285	960	986	1,227			4,458
Investigations completed	1,212	979	976	1,135			4,302
Investigations pending	(180)	(145)	(129)	181			181
LABORATORY:							
Analyses made	565	537	485	614			2,201
Refills from licensed premises- bottles	92	63	50	116			321
Bottles from unlicensed premises	161	111	87	104			463
IDENTIFICATION:							
Criminal fingerprint identifications made	45	33	52	44			174
Persons fingerprinted for non-criminal purposes	921	586	622	969			3,098
Ident. contacts made w/other enforcement agencies	666	415	490	711			2,282
MV identifications via N.J. State Police teletype	6	13	3	10			32
DISCIPLINARY PROCEEDINGS:							
Cases transmitted to municipalities	59	45	29	27			160
Violations involved	66	49	30	30			175
Sale during prohibited hours	35	29	24	14			102
Sale to minors	15	12	5	12			44
Failure to close prem. during prohibited hrs	5	4	1	3			13
Sale to non-members by club	6	-	-	1			7
Service to women at the bar (local reg.)	4	1	-	-			5
Possessing contraceptives on premises	1	-	-	-			1
Possessing chilled beer (DL licensee)	-	1	-	-			1
Employing female bartender (local reg.)	-	1	-	-			1
Permitting brawl, etc. on premises	-	1	-	-			1
Cases instituted at Division	65	51	57*	74			247
Violations involved	85	68	77	104			334
Sale during prohibited hours	20	12	9	12			53
Possessing liquor not truly labeled	10	12	14	16			52
Sale to minors	12	10	10	9			41
Permitting lottery activity on premises	5	5	1	9			20
Permitting immoral activity on premises	4	2	7	3			16
Permitting bookmaking on premises	1	4	3	7			15
Conducting business as a nuisance	4	4	3	3			14
Sale below filed price	3	2	6	2			13
Sale to intoxicated persons	5	2	2	1			10
Minding investigation	1	2	4	3			10
Failure to close prem. during prohibited hrs	3	2	1	2			8
Unqualified employees	-	1	2	5			8
Permitting hostess activity on premises	1	-	-	5			6
Purchase from improper source	3	-	-	2			5
Sale to non-members by club	1	-	-	4			5
Permitting gambling on premises	1	-	-	4			5
Fraud and front	-	-	2	2			4
Possessing contraceptives on premises	1	1	1	1			4
Service to women at the bar (local reg.)	1	1	-	1			3
Unauthorized transportation	-	1	1	1			3
Permitting foul language on premises	5	1	4	-			10

*Includes one cancellation proceeding--license improvidently issued to club not bona fide

	1st Quarter		2d Quarter		3d Quarter		4th Quarter		Total
	July	Aug. Sept.	Oct. Nov.	Dec.	Jan. Feb.	Mar.	Apr. May	June	
DISCIPLINARY PROCEEDINGS (Continued)									
Cases Instituted at Division (Continued)									
Sale outside scope of license	2	-	-	-	-	-	-	-	2
Aiding and abetting unauthorized sale	-	-	1	-	1	-	-	-	2
Unlicensed sale by solicitor	-	-	1	-	1	-	-	-	2
Employing female bartender (local reg.)	-	-	-	-	1	-	-	-	2
Permitting brawl, etc. on premises	-	-	-	-	1	-	-	1	2
Aiding and abetting unauthorized transportation	-	-	-	-	-	-	-	2	2
Delivery without bona fide invoice	-	-	-	-	-	-	-	2	2
Sale on primary election day	-	-	-	-	-	-	-	2	2
Retailer to retailer sales	-	-	-	-	-	-	-	2	2
Single instance of other violations	2	-	4	-	3	-	-	3	12
Cases brought by municipalities on own initiative and reported to Division									
Violations involved	57	-	51	-	61	-	-	66	215
Sale to minors	44	-	58	-	78	-	-	78	258
Permitting brawl, etc. on premises	21	-	34	-	32	-	-	38	125
Sale during prohibited hours	7	-	3	-	10	-	-	9	29
Failure to close prem. during prohibited hrs	3	-	6	-	10	-	-	9	28
Hindering investigation	3	-	1	-	6	-	-	4	14
Conducting business as a nuisance	1	-	2	-	6	-	-	3	12
Failure to afford view into premises during prohibited hours	1	-	-	-	4	-	-	3	8
Permitting bookmaking on premises	1	-	2	-	2	-	-	2	7
Permitting gambling on premises	1	-	3	-	1	-	-	1	6
Permitting lottery activity on premises	-	-	2	-	1	-	-	1	4
Permitting immoral activity on premises	-	-	-	-	-	-	-	2	4
Permitting persons of ill repute on premises	1	-	-	-	1	-	-	-	2
Sale to non-members by club	-	-	1	-	1	-	-	-	2
Unqualified employees	-	-	1	-	1	-	-	-	2
Sale to intoxicated persons	1	-	-	-	-	-	-	1	2
Single instance of other violations	4	-	1	-	3	-	-	2	10
HEARINGS HELD AT DIVISION:									
Total number of hearings held	118	-	123	-	104	-	-	137	482
Appeals	29	-	25	-	21	-	-	24	99
Disciplinary proceedings	49	-	68	-	54	-	-	67	238
Eligibility	19	-	11	-	18	-	-	21	69
Seizures	13	-	16	-	9	-	-	13	51
Tax revocations	7	-	3	-	1	-	-	11	22
Applications for license	1	-	-	-	1	-	-	1	3
STATE LICENSES AND PERMITS ISSUED:									
Total number issued	4,870	-	4,369	-	2,774	-	-	21,467	33,480
Licenses	673	-	11	-	12	-	-	13	709
Solicitors' permits	150	-	155	-	144	-	-	2,807	3,256
Employment "	996	-	556	-	549	-	-	2,811	4,912
Disposal "	226	-	214	-	177	-	-	269	886
Social affair "	1,354	-	1,330	-	951	-	-	1,380	5,015
Wine "	60	-	909	-	8	-	-	1	978
Miscellaneous "	614	-	509	-	434	-	-	663	2,220
Transit insignia	719	-	653	-	466	-	-	12,243	14,081
Transit certificates	78	-	32	-	33	-	-	1,280	1,423
OFFICE OF AMUSEMENT GAMES CONTROL:									
Licenses issued	24	-	67	-	291	-	-	278	660
Premises inspected	626	-	-	-	-	-	-	619	1,245
Premises where violations were found	20	-	-	-	-	-	-	37	57
Number of violations found	22	-	-	-	-	-	-	54	76
Enforcement files established	196	-	70	-	23	-	-	144	433
Disciplinary proceedings instituted	1	-	1	-	-	-	-	1	3
Violations involved	1	-	1	-	-	-	-	1	3
Fraud and front	1	-	1	-	-	-	-	-	-
Operating controlled game	-	-	-	-	-	-	-	1	-

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

Dated: July 19, 1961

9. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Alex L. Saldarini Post 453, Veterans of Foreign Wars of the United States 522 - 38th Street Union City, New Jersey)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-1041, issued by the Director of the Division of Alcoholic Beverage Control.)

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Lester Miller, 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, 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.

At about 10:30 p.m. on Sunday, May 7, 1961, ABC agents observed Joseph Spanek, the bartender, serve a glass of beer to a youth who consumed the beer and then left the barroom. At about 11:10 p.m. the same youth reappeared with a companion and Spanek served each a glass of beer. The agents then approached the minors in question and, after identifying themselves, ascertained the age of Thomas --- (who had purchased a glass of beer on two occasions) to be 16 years and of Louis --- to be 19 years old. The minors stated that they were not questioned regarding their ages by Spanek previous to service of the beer.

Defendant's attorney contends in attempted mitigation of penalty that defendant employs three special police officers and that one of them is stationed at the entrance to the barroom. However, due to a disturbance on the main floor of the building, the officer left the door unguarded in order to help the others quell the disturbance, at which time the minors entered the barroom and were served beer. This excuse for the violation cannot be accepted as it was the duty of the bartender before he served the beer to the minors to make proper observations and inquiry as to their respective ages.

Defendant has a prior adjudicated record. Effective July 6, 1959 its license was suspended for ten days for sale of alcoholic beverages to minors. Bulletin 1291, Item 6. The minimum suspension for selling alcoholic beverages to two minors, one of whom is only 16 years of age, is twenty-five days. Re Kubelczikas, Bulletin 1360, Item 10. In view of the similar violation occurring within the past five years, I shall add ten additional days, making a total suspension of thirty-five days. Re Meury's Barn, Inc., Bulletin 1220, Item 5. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty days.

Accordingly, it is, on this 26th day of June, 1961,

ORDERED that any renewal for the 1961-62 licensing year or transfer of Plenary Retail Consumption License C-1041 issued by the Director of the Division of Alcoholic Beverage Control to Alex L. Saldarini Post 453, Veterans of Foreign Wars of the United States, for premises 522 - 38th Street, Union City, be and the same is hereby suspended for thirty (30) days, commencing at 3:00 a.m., Monday, July 10, 1961, and terminating at 3:00 a.m., Wednesday, August 9, 1961.

WILLIAM HOWE DAVIS
Director

10. STATE LICENSE - NEW APPLICATION FILED.

Edward Gaglione
394-396 Harrison Avenue
Lodi, New Jersey.

Application filed August 24, 1961
for place-to-place transfer of
State Beverage Distributor's License
SBD-85 to include additional space.


William Howe Davis
Director