

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark 5, N. J.

BULLETIN 1132

SEPTEMBER 27, 1956.

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STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark 5, N. J.

BULLETIN 1132

September 27, 1956

STATE REGULATIONS NO. 30 - AMENDED - MINIMUM CONSUMER RESALE
PRICES OF ALCOHOLIC BEVERAGES.

1. TO ALL MANUFACTURERS AND WHOLESALERS PRIVILEGED TO SELL MALT
ALCOHOLIC BEVERAGES (B, BL, W, WL, SBD):

Attached hereto are revised State Regulations No. 30. Malt alcoholic beverages, formerly excluded from its provisions, are now included.

Section 5 of Chapter 110 of the Laws of 1956 requires that the Director promulgate such rules and regulations relative to the following subjects as will assist in properly supervising the alcoholic beverage industry, preventing discrimination in the alcoholic beverage industry and promoting temperance;

(a) Gifts of things of value in connection with or as an inducement to the purchase of malt alcoholic beverages,

(b) Combination sales of malt alcoholic beverages of different brands, of different manufacturers, of different names or trade names, or combination sales of any alcoholic beverages and any other merchandise,

(c) Publication and maintenance of prices at which malt alcoholic beverages may be sold within recognized trading areas or below which malt alcoholic beverages may not be sold within such areas.

A public hearing was held on August 22, 1956 at which all persons were afforded an opportunity to submit suggestions, supported by proof, if necessary, with respect to the scope and content of such rules and regulations. Further opportunity was afforded for submitting additional written data to the Director.

After carefully reviewing all of the evidence and other data submitted and considering the various arguments and contentions raised, I find that two recognized trading areas for the sale of malt alcoholic beverages exist in New Jersey and that such areas are divided by the southerly boundary line of Burlington County.

Accordingly, I have promulgated the attached revised State Regulations No. 30. Because of the pressure of time, the first filing period will be for the months of November and December only, and price for that period must be filed not later than September 20, 1956. Thereafter, the price filings will be on a quarter-annual basis and the filings will be due on the 20th days of February, May, August and November of each year.

In order to avoid possible confusion arising out of the two-price system, no licensee may, prior to April 1, 1957, advertise, directly or indirectly, in any periodical, publication, circular, handbill or direct mailing piece, the retail price of any malt alcoholic beverage whether or not listed in such Minimum Consumer Resale Price List.

All manufacturers and wholesalers and all licensees privileged to sell to consumers would do well forthwith to familiarize themselves thoroughly with the provisions of these revised regulations.

Dated: September 7, 1956

William Howe Davis
Director.

STATE REGULATIONS NO. 30

MINIMUM CONSUMER RESALE PRICES OF ALCOHOLIC BEVERAGES

Rule 1. No manufacturer or wholesaler of alcoholic beverages shall sell, offer for sale or deliver to any retailer, any alcoholic beverage the container of which bears the brand or the name of the owner or producer, unless a schedule of minimum consumer resale prices for each such brand of alcoholic beverages shall first have been filed with the Director of the Division of Alcoholic Beverage Control for each quarter-annual period designated in Rule 3 hereof, by (1) the manufacturer or wholesaler who owns such brand, or (2) a wholesaler selling such brand who is appointed as exclusive agent by the brand owner for the purpose of filing such schedule, or (3) any wholesaler with the approval of the Director in the event that the owner of such brand does not file or is unable to file a schedule or designate an agent for such purposes; provided, however, that nothing contained herein shall require any manufacturer or wholesaler to file a schedule of minimum consumer resale prices for any brand of alcoholic beverages offered for sale or sold by its manufacturer or wholesaler exclusively to one New Jersey retailer if (1) such brand and the name of the retailer are registered with the Director and (2) the brand has not been delivered by the manufacturer or any wholesaler during a period of at least one year previous to another New Jersey retailer.

A schedule of minimum consumer resale prices required to be filed for malt alcoholic beverages shall be filed separately for each recognized trading area established by Rule 8 hereof.

Rule 2. Schedules of minimum consumer resale prices required to be filed with the Director shall be filed, in form to be prescribed by the Director, not later than the 20th day of February, May, August and November of each year.

Rule 3. Minimum Consumer Resale Price Lists shall be published quarter-annually by the Director, to become successively effective on and after the first day of January, April, July and October of each year, and shall list by type and brand name the minimum consumer resale prices listed with the Director by manufacturers and wholesalers in accordance with Rule 1 hereof. Said Minimum Consumer Resale Price Lists shall be printed in pamphlet form and mailed to all New Jersey retailers not later than three business days before the effective date of such price lists. All manufacturers and wholesalers who have filed minimum consumer resale price listings shall be chargeable with a proportionate cost of the printing and mailing of the pamphlet so published and mailed.

Rule 4. The Director may, upon adequate cause appearing therefor, suspend or defer the foregoing provisions as to the time of filing minimum consumer resale price listings, time of publication of Minimum Consumer Resale Price Lists, and time of mailing to retailers, to permit changes in minimum consumer resale prices to take effect upon such shorter or longer notice as he may prescribe. Any Minimum Consumer Resale Price List then currently effective may be continued in effect after the scheduled publication date of the next succeeding Minimum Consumer Resale Price List by announcement of the Director upon his finding that an emergency exists.

Rule 5. No licensee shall sell or advertise for sale at retail, directly or indirectly, any alcoholic beverage listed in the then currently effective Minimum Consumer Resale Price List published by the Director of the Division of Alcoholic Beverage Control at less than its listed price; provided, however, that a special permit so to do may be granted by the Director for special cause shown pursuant to Rule 7 hereof. In the case of malt alcoholic beverages, the prohibitions of this Rule shall apply to each of the trading areas established by Rule 8 hereof and the sale shall be deemed to have been made at the place of delivery.

Rule 6. No licensee shall advertise, directly or indirectly, in any periodical, publication, circular, handbill or direct mailing piece, the retail price of any alcoholic beverage not listed in the then currently effective Minimum Consumer Resale Price List published by the Director of the Division of Alcoholic Beverage Control; provided, however, that nothing herein contained shall prohibit such price advertising of a private or exclusive brand confined to, or owned, controlled or distributed by a single retailer, and stated to be such in the advertisement; provided, further, that no licensee shall, prior to April 1, 1957, advertise, directly or indirectly, in any periodical, publication, circular, handbill or direct mailing piece, the retail price of any malt alcoholic beverage whether or not listed in such Minimum Consumer Resale Price List.

Rule 7. Application by a licensee privileged to sell alcoholic beverages at retail for a special permit authorizing the sale of any particular item affected by the price listed in the Minimum Consumer Resale Price List at less than the price stipulated therein will be entertained by the Director in the following situations: (a) where the item was actually possessed by the licensee prior to the initial listing of the item in the Minimum Consumer Resale Price List; (b) where the licensee is actually and permanently closing out his stock for the purpose of completely discontinuing sale of such item; (c) where the item is damaged or deteriorated in quality and notice is given to the public thereof; and (d) where sale of the item is by an officer acting under order of any court.

Rule 8. The recognized trading areas for malt alcoholic beverages shall be known as Area A and Area B, respectively, and shall be as follows:

Area A consists of the counties of Bergen, Burlington, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union and Warren.

Area B consists of the counties of Atlantic, Camden, Cape May, Cumberland, Gloucester and Salem.

Rule 9. With respect to malt alcoholic beverages:

(a) The prohibition contained in Rule 1 hereof shall become effective November 1, 1956;

(b) The first schedule of minimum consumer resale prices required by Rule 2 hereof shall be filed not later than the 20th day of September 1956;

(c) The first Minimum Consumer Resale Price List shall be effective November 1, 1956 and shall be mailed to all New Jersey retailers not later than Monday, October 29, 1956. All manufacturers and wholesalers who have filed minimum consumer resale price listings shall be chargeable with a proportionate cost of the printing and mailing of the pamphlet so published and mailed;

(d) The prohibition contained in Rule 5 hereof shall become effective November 1, 1956;

(e) The provisions of Rule 7 hereof shall become effective November 1, 1956;

(f) Price listings filed with the Director on or before the 20th day of September 1956 shall be available for inspection during regular business hours at the offices of the Division of Alcoholic Beverage Control by manufacturers and wholesalers who have filed price listings until 4:00 p.m. on September 24, 1956. A manufacturer or wholesaler may amend his price listing already filed for the months of November and December 1956; provided, however, that any such amended price listing must be filed before 4:00 p.m. on September 25, 1956.

Promulgated Friday, September 7, 1956.

Effective Friday, September 7, 1956.

Filed with the Secretary of State (N. J.) Friday, September 7, 1956.

2. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS AND FAILURE TO HAVE PREMISES CLOSED DURING PROHIBITED HOURS IN VIOLATION OF A LOCAL ORDINANCE - LEWDNESS AND IMMORAL ACTIVITIES (INDECENT LANGUAGE) - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 35 DAYS.

In the Matter of Disciplinary Proceedings against
FRANK SQUILLANTE &
LAWRENCE M. SMITH
492 Joline Avenue
Long Branch, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-49, issued by the Board of Commissioners of the City of Long Branch.

Frank L. Squillante & Lawrence M. Smith, Defendant-licensees,
by Frank L. Squillante.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendants pleaded not guilty to charges alleging that, on February 4, 1956, they (1) sold alcoholic beverages during prohibited hours, in violation of local regulation; (3) permitted foul, filthy and obscene language in and upon their licensed premises, in violation of Rule 5 of State Regulations No. 20; and (4) hindered and delayed an investigation by ABC agents of their licensed premises, in violation of R.S. 33:1-35. To charge 2, alleging that, on said date, they failed to have their entire licensed premises closed, in violation of the local regulation, they pleaded guilty.

Since the normal penalty for violating either or both of the curfew provisions relating to sale and closing is 15

days, it would appear unnecessary, in view of the defendants' admission that they remained open after 2:00 a.m. on the date in question, to determine whether they also made sales of alcoholic beverages after that hour. Cf. Re American Legion, Bayonne Post #19, Bulletin 1007, Item 8; Re Maloney and Menotti, Bulletin 1059, Item 3. However, I find from the record that the defendants' bartender sold a bottle of beer to each of two ABC agents at 2:05 a.m., and a glass of beer to another patron at 2:08 a.m. I further find that, at 2:15 a.m., one of the defendants, Frank Squillante, personally served a highball to each of two other patrons.

Shortly after 2:20 a.m., Mr. Squillante announced that all patrons would have to leave because "we have been breaking the law for fifteen minutes." When all of the patrons had departed, both ABC agents identified themselves to Mr. Squillante. It is unnecessary to specify in detail what followed since Mr. Squillante admits that he "did blow [his] top," that he "was crazy," that he "was loud and boisterous" and that he did use "filthy and obscene language." It further appears that he refused to give his name or that of the bartender to the agents, would not produce the copy of the license application and, indeed, refused to cooperate in any manner whatsoever in the investigation then being made by the ABC agents.

I find the defendants guilty as charged.

Since charges 3 and 4 relate to the same incident, and as none of the objectionable language was used in the presence of any patrons, I shall treat them together for the purpose of fixing the penalty therefor. While the reprehensible character of the conduct embodied in these charges merits a most drastic penalty, I am satisfied that the outburst of anger displayed by Mr. Squillante is not normally in character and that, for some unaccountable reason, he lost control of his faculties on this occasion. I am fortified in this conclusion by the testimony of a local detective who was called to the scene by the agents. In answer to a question put to him by Mr. Squillante on cross-examination, he stated: "* * * in all my experience with you, Frank Squillante, I never saw you in this condition. You were always a gentleman, and you amazed me. I don't know what came over you."

A consideration of all the attendant circumstances, including the absence of any prior adjudicated record, leads to the imposition of a 20-day penalty on charges 3 and 4. As aforesaid, 15 days will be added for charges 1 and 2, making a total suspension of 35 days.

Accordingly, it is, on this 22nd day of August, 1956,

ORDERED that Plenary Retail Consumption License C-49, issued by the Board of Commissioners of the City of Long Branch to Frank L. Squillante & Lawrence M. Smith, t/a Suburban Inn (as issued for the current licensing year), for premises 492 Joline Avenue, Long Branch, be and the same is hereby suspended for a period of thirty-five (35) days, commencing at 3:00 a.m. September 4, 1956, and terminating at 3:00 a.m. October 9, 1956.

WILLIAM HOWE DAVIS
Director.

3. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - FALSE ANSWER IN APPLICATION FOR LICENSE AS TO CRIMINAL RECORD OF OFFICER AND DIRECTOR - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 279-10 Inc.
 t/a Midtown Tavern
 279 Market St. & 10 Park Ave.
 Paterson 4, N. J.,
 Holder of Plenary Retail Consumption License C-17, issued by the Board of Alcoholic Beverage Control for the City of Paterson.

CONCLUSIONS AND ORDER

 George S. Grabow, Esq., Attorney for Defendant-Licensee.
 Dora P. Rothschild, Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On the night of May 30th and early morning of May 31, 1956 and on divers days prior thereto, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years, viz., Edward ---, age 18, and John ---, age 19, and allowed, permitted and suffered the consumption of alcoholic beverages by such persons in and upon your licensed premises; in violation of Rule 1 of State Regulations No. 20.
- "2. In your application dated May 16, 1956, filed with the Board of Alcoholic Beverage Control for the City of Paterson, upon which you obtained your current plenary retail consumption license, you in answer to Question 33, which asks: 'Have you or has any person mentioned in this application, ever been convicted of any crime?___If so, state details as to each conviction, giving the name of the person convicted, date thereof, nature of the crime, court in which the conviction was entered and sentence imposed', revealed only that Joseph Fiorito (your president, director and 20% stockholder) and Joseph Copenese (your secretary, director and 20% stockholder) had each been convicted in Passaic and Morris Counties at the age of 17 of the crime of larceny and you specifically stated that neither had been involved in any criminal proceedings since that time, thereby evading and suppressing the material fact that Joseph Fiorito had subsequently, on June 8, 1953, been convicted in the Paterson Municipal Court of the crime of receiving stolen goods in violation of N. J. S. 2A:139-1; such evasion and suppression being in violation of R. S. 33:1-25."

The file in the instant case discloses that at 12:20 a.m. on Thursday, May 31, 1956, two ABC agents entered defendant's licensed premises and took seats at the bar. Among the patrons present were two youths who were served and who consumed alcoholic beverages. After the bartender, Joseph Copenese, who is also secretary of defendant corporate-licensee, had served a glass of beer to each of the two youths aforementioned on three different

occasions, the agents identified themselves to the young men. As a result of their questioning the youths, it was ascertained that they were 18 and 19 years of age, respectively, and that they had been served beer in defendant's licensed premises on prior occasions. The agents then identified themselves to Cropenese who admitted to the agents that he had served the drinks in question.

The investigation made with reference to Charge 2 discloses that Joseph Florito, president of defendant-corporation, pleaded non vult to the crime of receiving stolen goods, as a result of which he was fined \$50 on June 8, 1953 by a municipal magistrate. It appears from the record of conviction in the municipal court that Fiorito "did unlawfully receive one electric buffing machine valued at \$36.00 well knowing same had been stolen * * *." Fiorito contends that he loaned \$10 to a person, who in turn left the machine with him as security for the payment of the loan. In view of the fact that Fiorito pleaded non vult to the charge in the criminal proceedings of receiving stolen goods with knowledge that it had been stolen, which is tantamount to a plea of guilty (Re Mylor, Bulletin 652, Item 2), the matter of his guilt or innocence may not be redetermined herein. Receiving stolen goods may or may not involve the element of moral turpitude, depending on the facts in each case. In this case Fiorito alleges that he cooperated with the police, returned to them the stolen property valued at only \$36 and pleaded non vult on advice of counsel. Under all the circumstances, it is my opinion that the crime of which Fiorito was convicted does not involve the element of moral turpitude.

While it appears that Fiorito is not disqualified by statute from holding or having an interest in a liquor license, the failure to disclose the conviction is a serious violation because the suppression of said fact deprives the local issuing authority of information pertinent to its investigation as to whether or not Fiorito is a fit person to be associated with the alcoholic beverage industry.

Defendant has no prior adjudicated record. The minimum suspension on Charge 1 for an unaggravated sale of alcoholic beverages after January 16, 1956 to two minors, 18 and 19 years of age, respectively, is fifteen days. (Re W. E. Beverage Corp., Bulletin 1122, Item 9.) As to Charge 2, there will be an additional fifteen days' suspension (Re Freddie's Tavern, Inc., Bulletin 917, Item 5), making a total of thirty days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 14th day of August 1956,

ORDERED that Plenary Retail Consumption License C-17, issued by the Board of Alcoholic Beverage Control for the City of Paterson to 279-10 Inc., t/a Midtown Tavern, 279 Market St. & 10 Park Ave., Paterson, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 3 a.m., August 20, 1956, and terminating at 3 a.m., September 14, 1956.

William Howe Davis
Director.

4. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS AND FAILURE TO HAVE LICENSED PREMISES CLOSED DURING PROHIBITED HOURS, IN VIOLATION OF A LOCAL ORDINANCE - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

PETER LORENZO)
T/a THE TOWER)
State Highway #23)
Franklin, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-5, issued by the Mayor and Council of the Borough of Franklin.)

Carmen M. Belli, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to charges alleging that (1) on Sunday, March 25, 1956, between the hours of 3:00 a.m. and 3:50 a.m., he sold, served and delivered alcoholic beverages and allowed, permitted and suffered the consumption of such alcoholic beverages on his licensed premises, in violation of Section 6 of an Ordinance adopted by the Mayor and Common Council of the Borough of Franklin, Sussex County, on February 21, 1940, as amended January 28, 1942; (2) he failed to have his entire premises closed during said hours, in violation of Section 8 of the above mentioned Ordinance; and (3) he failed to facilitate and hindered and delayed an investigation by investigators of the Division of Alcoholic Beverage Control, in violation of R. S. 33:1-35.

The file herein discloses that on Sunday morning, March 25, 1956 at about 2:40 a.m., two ABC agents entered defendant's licensed premises and seated themselves at the bar. There were about sixteen other persons at the bar and about twenty-five persons seated at tables. At 3:00 a.m., Peter Lorenzo, the licensee, remarked, "That's it", extinguished the window lights and closed the venetian blinds in the front windows but left the front door unlocked. Nevertheless, about twelve patrons at the bar and several seated at tables made no attempt to leave the premises but continued to consume their drinks, and the bartender continued to serve these patrons and the wife of the licensee continued to serve patrons seated at tables. Between 3:00 a.m. and 3:47 a.m., the following incidents occurred: The agents purchased and drank four bottles of beer; a patron entered through the open front door and was served a bottle of beer at the bar by the bartender; the bartender seated himself in front of the bar and drank a bottle of beer; one Russell Kearny was served a drink of whiskey although without charge; and two other patrons were consuming alcoholic beverages as late as 3:47 a.m. At about 3:50 a.m., the agents identified themselves to the licensee and his bartender.

The bartender refused to give the agents any details concerning himself except to say that his name was "Tom". The licensee who was present did not instruct his bartender to give the agent this information. Russell Kearny injected himself in the discussion and became loud and abusive. The agents asked

the licensee to keep Kearny quiet and get him off the premises. The licensee asked Kearny to keep quiet but the latter continued to be abusive, threatened the agents, questioned their honesty and integrity and followed the agents to the kitchen. Thereafter one of the agents examined the license application and handed it to the licensee. Kearny seized the document and tore it to shreds. The licensee protested this action by Kearny and again asked him to leave. Instead of complying, Kearny exclaimed, "There's only two of them and three of us; let's rough them up a little". The licensee intervened and when the other two men made no effort to join Kearny, the latter finally heeded the licensee's demands and left the premises at 4:20 a.m. It appears that Kearny was sometimes employed as a part-time bartender at the premises.

The local Ordinance prohibits the sale, service and consumption of alcoholic beverages on licensed premises between 3:00 a.m. and noon on Sundays and further provides that the entire licensed premises shall be closed during the hours the sale of alcoholic beverages is prohibited.

Counsel for the licensee, when entering the above mentioned plea, urged in mitigation matters concerning the activities at the premises after 3:00 a.m. which do not accord with the above facts as reported by the ABC agents. Counsel further urges that the licensee should not be held accountable for Kearny's misconduct.

The above recited conduct of the licensee and other persons present after the agents disclosed their identity, if not to be deemed as actually hindering the agents in their investigation, certainly demonstrates failure to facilitate their investigation in that the licensee suffered a condition of disorder to exist which hampered the agents in their activities and exposed them to possible harm while performing such duties. While the licensee's efforts to induce Kearny to be quiet and leave the premises are mitigating circumstances, they cannot completely excuse him from his duty to maintain complete control of his licensed premises during lawful business hours, or thereafter when agents are engaged in the process of supplementing their evidence of an alleged violation by questioning the licensee and his employees, and examination of appropriate documents pertaining to such investigation. ABC agents are not to be harassed or impeded in the discharge of their duties while on licensed premises.

Defendant has no prior adjudicated record. I shall suspend defendant's license for fifteen days because of the violations set forth in Charges (1) and (2). Re Maloney and Menotti, Bulletin 1059, Item 3. Taking into consideration the mitigating circumstances in this case, I shall suspend defendant's license for ten days on Charge (3) (Re Charnick and Krumholz, Bulletin 1094, Item 2), making a total suspension of twenty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 9th day of August, 1956,

ORDERED that Plenary Retail Consumption License C-5, issued by the Mayor and Council of the Borough of Franklin to Peter Lorenzo, t/a The Tower, State Highway #23, Franklin, be and the same is hereby suspended for a period of twenty (20) days, commencing at 3:00 a.m. August 13, 1956, and terminating at 12:00 o'clock noon, September 2, 1956.

WILLIAM HOWE DAVIS
Director.

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

In the Matter of Disciplinary Proceedings against)

BALONEY JOHN'S, INC.)
T/a HOTEL DUCHESS)
W/S Fort Dix Road)
Wrightstown, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-3 (for the 1955-56 and 1956-57 licensing years), issued)
by the Borough Council of the)
Borough of Wrightstown.)

Baloney John's, Inc., Defendant-licensee, by Esther Cohen,
President.

Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The defendant has pleaded non vult to a charge alleging that on June 5, 1956, it sold, served and delivered, and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a minor, and allowed, permitted and suffered the consumption of such alcoholic beverages by such minor in and upon its licensed premises, in violation of Rule 1 of State Regulations No. 20.

Acting upon information obtained from the Fort Dix Provost Marshal's office, an ABC agent obtained a sworn signed statement from Private Burke --- (age 19) wherein it appears that he and an adult fellow-serviceman visited defendant's licensed premises on the evening of the above date; that each was there served with a bottle of beer, and that Burke was not questioned as to his age or asked to sign any written representation thereof. Members of the Military Police entered and observed Burke --- and his companion at the bar, questioned Burke as to his age, and thus developed that he was nineteen years of age.

Thereafter Burke --- and the other soldier, accompanied by ABC agents, identified the defendant's licensed premises as the establishment where Burke had purchased the bottle of beer on the date in question. A bartender present when such identification was made told the agents that he was on duty on June 5 and did not see Burke that night, but remembered his companion being there and served such person with two bottles of beer.

Defendant has no prior adjudicated record. The minimum penalty for sale of alcoholic beverages to a nineteen-year-old minor subsequent to January 16, 1956 is fifteen days. I shall suspend defendant's license for fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days (Re Mercantini and Rossi, Bulletin 1124, Item 12).

Accordingly, it is, on this 27th day of August, 1956,

ORDERED that Plenary Retail Consumption License C-3, issued by the Borough Council of the Borough of Wrightstown to Baloney John's, Inc., t/a Hotel Duchess, for premises on W/S

Fort Dix Road, Wrightstown, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. September 4, 1956, and terminating at 2:00 a.m. September 14, 1956.

WILLIAM HOWE DAVIS
Director.

6. CANCELLATION PROCEEDINGS - ORDER TO SHOW CAUSE DISCHARGED.

In the Matter of Cancellation)
Proceedings against)
JOHN KOSIK and JOSEPH BIENKO)
T/a THE RENDEZVOUS)
1175 Magie Avenue)
Union Township)
PO Elizabeth, N. J.,)

Holders of Plenary Retail Consump-)
tion License C-45 for the 1955-56)
licensing period, issued by the)
Township Committee of the Township)
of Union (Union County); and trans-)
ferred during the pendency of these)
proceedings and renewed for the)
1956-57 licensing period to:)

JOHN KOSIK)
T/a THE RENDEZVOUS)
for the same premises.)

Anthony P. Bianco, Esq., Attorney for Defendant-licensees.
William F. Wood, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendants were served with an order to show cause why their plenary retail consumption license should not be suspended, revoked or cancelled and declared null and void for the following reason:

"Said license was improvidently issued in violation of R. S. 33:1-25 in that you, Joseph Bienko, were disqualified from obtaining such license by reason of the fact that you had been convicted of a crime involving moral turpitude, viz., the crime of abandoning a child in destitute circumstances, in the Court of General Sessions of the County and State of New York on or about June 7, 1937."

At the hearing herein Joseph Bienko admitted the conviction as charged and testified that in every application for a liquor license filed by him and his partner since 1946 in Newark, and later in Union Township (Union County), they disclosed said conviction. He testified further that he has relinquished all of his interest in the licensed premises to his former partner by bill of sale, which document was received in evidence. John Kosik, the other licensee named herein, corroborated Bienko's testimony and the Division's Prosecutor conceded that there was no concealment of Bienko's conviction in the applications filed in Union Township since 1951 and that the relinquishment by Bienko of his interest to Kosik is bona fide. He urged that the proceedings herein be dismissed.

CONCLUSIONS
AND
ORDER

The illegal situation having been corrected and it appearing that no fraud was practiced by either of the defendants herein, the order to show cause will be discharged.

Accordingly, it is, on this 8th day of August, 1956,

ORDERED that the order to show cause herein be and the same is hereby discharged.

WILLIAM HOWE DAVIS
Director.

7. CLUB LICENSE - OBJECTIONS TO ISSUANCE HELD NOT TO BE MERITORIOUS - STATUTORY THREE-YEAR PROVISION WAIVED UNDER CIRCUMSTANCES OF CASE - APPLICATION FOR ISSUANCE GRANTED.

In the Matter of Objections)
to the Issuance of a Club)
License to)

CONCLUSIONS
AND ORDER

BEACON HILL CLUB)
for premises located at 250)
Hobart Avenue, Summit, New)
Jersey.)

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O'Connor, Morss & Mancini, Esqs., by H. Russell Morss, Jr.,
Esq., Attorneys for the Applicant.
Ormond & Dippel, Esqs., by Archie H. Ormond, Esq., Attorneys
for the Objectors.

BY THE DIRECTOR:

An application by the Beacon Hill Club for a club license for premises at 250 Hobart Avenue, Summit, has been filed with me rather than with the local issuing authority because three members thereof are also members of the club. R. S. 33:1-20. Annexed to the application for the license is a Resolution of the Common Council of the City of Summit which provides as follows:

"Whereas, the Beacon Hill Club has indicated it will apply to the Director of the Division of Alcoholic Beverage Control for a Club Liquor License for premises #250 Hobart Avenue in the City of Summit; and

Whereas, the license fee of \$150.00 has been received by the City of Summit for the license year ending June 30, 1957; and

Whereas, it is necessary prior to the filing of the application by the Beacon Hill Club with the Director of the Division of Alcoholic Beverage Control, the City of Summit certify it has no objections to the issuance of the license and is not aware of any provisions of the law or local ordinances which would prohibit the issuance of such license; and

Whereas, the local ordinances of the City of Summit allow for the issuance of such Club license; and

Whereas, the Common Council of the City of Summit has been notified that the Beacon Hill Club was incorporated on November 29, 1954 and thereby does not qualify under Regulation #7, of the Department of Alcoholic Beverage Control Rules and Regulations which states "No license shall be issued to any Club unless it has been in active operation in the State of New Jersey for at least three

years, continuously, immediately prior to the submission of said application', however, said provision may be waived by the Director.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SUMMIT:

That the Common Council has no objections to the issuance of a Club License in the City of Summit to the Beacon Hill Club, 250 Hobart Avenue, by the Director of the Division of Alcoholic Beverage Control subject to the following conditions:

1. The Club License conforms to the ordinances of the City of Summit.
2. The provision governing the 'three year active operation of the Beacon Hill Club prior to the submission of application' be waived by the Director."

It appears that the Club in question was incorporated on November 29, 1954 and its purposes as expressed in its Certificate of Incorporation is the "providing [of] entertainment, social and recreational facilities for its members, including the acquisition by lease, purchase, gift, devise or otherwise of any and all property real or personal necessary therefor".

It further appears that the land and buildings, part of which are to constitute the licensed premises, were acquired by the said Club on May 2, 1955.

In the original application filed herein, the applicant designated as the licensed premises all of the grounds owned by it and consisting of 9.84 acres excepting therefrom the following:

- "1. 2 story house designated as No. 200 Morris and Essex Turnpike which is a gatehouse located at the Easterly entrance to the premises, presently rented for single family use * * *.
- "2. Apartment occupied by caretaker on second floor of two story stone building * * * in the Northerly end of said building * * *. This apartment consists of 6 rooms; kitchen, bath, living room, 2 bedrooms and one small room.
- "3. Apartment occupied by club manager on third floor of main building * * * consisting of kitchen, 2 baths, living room, dining room and 3 bedrooms."

In a petition filed with me on August 1, 1956, the applicant desired to limit the licensed premises to the first and second floors of the main club house and a portion of the grounds which may be described as follows:

"All that portion of the property of the Beacon Hill Club, 250 Hobart Avenue, Summit, New Jersey, described as follows;

Commencing at a point * * * (where an imaginary line representing a prolongation of the Southerly edge of the South veranda of the 'Main Clubhouse' intersects the 'Driveway'), thence

(1) West generally along said East-West line 221.4 feet, more or less, to a stone wall contiguous and parallel to the Easterly boundary of the 'Tennis Court Area'; thence

(2) Along said stone wall North 93.0 feet, more or less, to a point where said stone wall makes a right angle turn to the West, contiguous and parallel to the Northerly boundary of said 'Tennis Court Area'; thence

(3) Along said stone wall West 105.0 feet, more or less; thence

(4) North 25.0 feet, more or less, to a stone wall running East and West, contiguous and parallel to the Southern boundary of the 'Swimming Pool Area'; thence

(5) East along said stone wall 96.0 feet, more or less, to a point where a wire fence, running generally North and South, abuts and joins said stone wall at an approximate right angle; thence

(6) Along said wire fence to the Easterly edge of a building (formerly a stable and presently intended to be used as a locker room and gymnasium), then along the easterly edge of said building to an adjoining stone wall, running generally North and South, then along said stone wall, North 144.0 feet, more or less, to a point where said stone wall abuts the 'Driveway'; thence

(7) Along the Southerly and Westerly edge of said 'Driveway' to the point and PLACE OF BEGINNING.

PROVIDED HOWEVER, there is expressly excepted from the licensed premises the entire third floor of the 'Main Clubhouse'."

Written objections to the issuance of the club license were filed by the association known as the S.A.L.C. (Summit Association for Liquor Control), and by an anonymous objector. At the hearing, James B. Hawley, vice-president of S.A.L.C., testified that said association is generally opposed to the issuance of any retail liquor license regardless of the character of the applicant. He presented a petition containing signatures of persons opposed to the issuance of the license which was marked as an exhibit in this matter. However, I might point out here that neither the person who carried the petition nor any of the signers thereof were present at the hearing and there was no evidence presented to indicate that the persons who signed said petition would, in any manner, be affected by the issuance of the club license.

It appears from the testimony of Dr. James H. Maroney, president of the applicant club, that the maximum membership thereof will be 300 families; that the bar is to be installed in a room in the basement of the main club house and when not in actual operation, the door leading into said barroom is to be locked; that parking space has already been provided for about 150 cars; that the main club house where various social functions are held is about 800 feet from the nearest property owner; and that the three owners of the respective properties adjacent to the club premises are members of the club.

H. Stanley Krusen, secretary and trustee of the club, testified that at the present time the organization has 234 members and is the only family club in the municipality.

Rule 5 of State Regulations No. 7 provides, among other things, that nothing in Rule 3 (no license shall be issued to any club unless it shall have been in active operation in the State of New Jersey for at least three (3) years continuously immediately prior to the submission of its application for a license) or Rule 4 (no license shall be issued to any club unless it shall have been in exclusive possession and use of a club house or club quarters for at least three (3) years continuously immediately prior to the submission of its application for a license) shall prevent the issuance of a club license to a bona fide club provided that special cause for such issuance is shown in writing to the Director and provided that the Director's written approval of such issuance is first obtained.

Although the notice of application filed by the applicant was duly advertised in the local paper published in the municipality wherein the club is situated, only one person testified at the hearing held in this matter against the issuance of the license.

The club in question is a social and recreational organization, nonpecuniary in nature, consisting of members who have a definite community interest. It is apparent that this was taken into consideration by the local issuing authority when, in its Resolution filed in this matter, it stated that it had no objections to the club obtaining a club liquor license. I find that on various occasions the three-year provisions in the Rules have been waived by former State Directors where the application for a liquor license involved country clubs or yacht clubs. The applicant has apparently complied with all the requirements and there is nothing herein to indicate that any State or municipal law has been violated. Therefore, under the circumstances appearing herein, I shall waive the three-year provisions aforementioned and issue the club license for the premises as limited in the amended application filed in this matter.

Accordingly, it is, on this 15th day of August, 1956,

ORDERED that the license applied for herein, be and the same is hereby granted.

WILLIAM HOWE DAVIS
Director.

8. DISCIPLINARY PROCEEDINGS - SALE OF BEVERAGES TO WOMEN AT BAR IN VIOLATION OF LOCAL ORDINANCE - LICENSE SUSPENDED FOR 5 DAYS, LESS 2 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
JOHN A. PENNINGTON &)
WILSIA J. PENNINGTON)
T/a PENNINGTON'S BAR & GRILL)
818 Broadway)
Camden, N. J.,)

CONCLUSIONS
AND ORDER

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Holders of Plenary Retail Consumption License C-131, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.)

Frank M. Lario, Esq., Attorney for Defendant-licensees.
Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to the following charge:

"On June 27, 1956, you served beverages to women directly over a bar on your licensed premises; in violation of Section 10 of an ordinance adopted by the Board of Commissioners of the City of Camden on December 27, 1934, as amended by ordinance adopted September 12, 1935."

The pertinent clause of Section 10 of the ordinance hereinabove referred to provides:

"No woman shall be served with beverages directly over any bar * * *."

The file discloses that on Wednesday evening, June 27, 1956, ABC agents visited defendants' licensed premises and observed a female being served alcoholic beverages directly over the bar where she remained seated while consuming said beverages.

The agents after making known their identities asked the bartender who served the beverages to the female seated at the bar to call the licensees. Wilsia J. Pennington, one of the licensees, came from the rear of the building and the agents directed her attention to the violation.

Defendants have no prior adjudicated record. I shall suspend their license for the minimum period of five days. Two days will be remitted for the plea entered herein, leaving a net suspension of three days. Cf. Re Steele Inn, Inc., Bulletin 1028, Item 4.

Accordingly, it is, on this 15th day of August, 1956,

ORDERED that Plenary Retail Consumption License C-131, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to John A. Pennington & Wilsia J. Pennington, t/a Pennington's Bar & Grill, 818 Broadway, Camden, be and the same is hereby suspended for a period of three (3) days, commencing at 2:00 a.m. August 22, 1956, and terminating at 2:00 a.m. August 25, 1956.

WILLIAM HOWE DAVIS
Director.

9. STATE LICENSES - NEW APPLICATION FILED.

Burlington Beverages, Inc.
306 W. State Highway #130 & Lincoln Ave.
Burlington, N.J.

Application filed September 24, 1956 for person-to-person, place-to-place transfer of State Beverage Distributor's License SBD-16 from Joseph J. Zimecki, t/a Di Carlo Beverages, Ellis Street & Rear 460 Washington Avenue, Burlington, N.J.


William Howe Davis
Director.