

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

BULLETIN 1481

November 13, 1962

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1. DISCIPLINARY PROCEEDINGS - PERMITTING PROSTITUTES ON PREMISES -
NUISANCE (PROSTITUTION ON PREMISES) - PRIOR DISSIMILAR RECORD -
LICENSE SUSPENDED FOR 185 DAYS.

In the Matter of Disciplinary
Proceedings against

MC HALES CORNER (A CORPORATION)
t/a MOCAMBO CAFE
s/w Corner of Spruce and New
Jersey Avenues
North Wildwood
PO Wildwood, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-17, issued by the Mayor and
Common Council of the City of North
Wildwood.

Perskie and Perskie, Esqs., by Marvin D. Perskie, Esq.,
Attorneys for Licensee.

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

BY THE DIRECTOR:

Licensee pleads non vult to charges as follows:

- "1. On divers days between November 1, 1960 and February 28, 1962, you allowed, permitted and suffered prostitutes in and upon your licensed premises; in violation of Rule 4 of State Regulation No. 20.
- "2. On divers days between November 1, 1960 and February 28, 1962, you allowed, permitted and suffered lewdness and immoral activity and foul, filthy and obscene conduct in and upon your licensed premises and your licensed place of business to be conducted in such manner as to become a nuisance, viz., in that you, through agents, servants, employees, officers, directors and shareholders, procured and allowed, permitted and suffered the procuring of females for purpose of prostitution, acts of illicit sexual intercourse and acts of perverted sexual relations with customers and patrons of your licensed business and premises; engaged and participated in and allowed, permitted and suffered, in and upon your licensed premises, solicitation for prostitution, acts of illicit sexual intercourse and acts of perverted sexual relations; engaged and participated in and allowed, permitted and suffered, in and upon your licensed premises, the making of arrangements for acts of illicit sexual intercourse and acts of perverted sexual relations; maintained and allowed, permitted and suffered the maintenance of a place, in and upon your licensed premises, for the conduct of

acts of illicit sexual intercourse and acts of perverted sexual relations; engaged and participated in and allowed, permitted and suffered acts of illicit sexual intercourse and acts of perverted sexual relations 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 foregoing charges were preferred on the basis of subsequent investigation rather than original observation by ABC agents.

Reduced to their essentials, as might be supported by the available proofs had the matter gone to hearing, the charges indicate that on several occasions two admitted call girls rendered their services to some management personnel of the licensee corporation and some others in an apartment used as a place of assignation, physically separated from the building containing the barroom but technically part of the licensed premises. There is no substantial indication that any management personnel of the licensee actively procured any female for purposes of prostitution for any random customers or patrons of the licensed business.

Licensee has a previous record of suspension of license by the Director for ten days, effective March 23, 1959, for sale of alcoholic beverages to a minor. Re McHale's Corner (A Corp.), Bulletin 1274, Item 6.

All of the circumstances considered, including the prior record, the matters alleged in mitigation, and particularly the confessional plea entered, the license will be suspended for one hundred eighty-five days. Cf. Re Ben's Long Bar, Inc., Bulletin 1202, Item 2.

Accordingly, it is, on this 1st day of October, 1962,

ORDERED that Plenary Retail Consumption License C-17, issued by the Mayor and Common Council of the City of North Wildwood to McHales Corner (A Corporation), t/a MocamboCafe, for premises southwest corner of Spruce and New Jersey Avenues, North Wildwood, be and the same is hereby suspended for one hundred eighty-five (185) days, commencing at 2:00 a.m. Monday, October 8, 1962, and terminating at 2:00 a.m. Thursday, April 11, 1963.

WILLIAM HOWE DAVIS
DIRECTOR

CLAUDE SMITH, ERNEST JONES
and HARRY BRODY,

V.

Respondents.

Robert E. Cowen, Esq., Attorney for Appellants.
Vincent P. Torppey, Esq., by Paul E. Parker, Esq., Attorney for
Respondent Municipal Board.
Rudd and Ackerman, Esqs., by Monroe Ackerman, Esq., Attorneys
for Respondent Black.

"The transcript of testimony taken at the hearing before the Board was admitted in evidence herein. It appears from the transcript that at said hearing the attorney for respondent Philip Black stated that his client intended to exercise only the privilege of selling alcoholic beverages in original containers for off-premises consumption. According to the opinion of the Board as expressed by its chairman, it seems clear that the members of the Board relied upon said representation before approving the transfer of said license.

"Appellant Harry Brody (who was not recorded as an objector at the instant hearing) testified before the Board but, when informed by a member thereof that the respondent licensee stated that he intended to conduct the said establishment only for the sale of alcoholic beverages in original containers for off-premises consumption, Mr. Brody indicated that he would have no objection to said type of business. The remaining two appellants, namely, Claude Smith and Ernest Jones, did not testify before the Board. However, at the instant appeal hearing, Smith and Jones, by stipulation of the attorneys for the respective parties, objected to the transfer for the reasons expressed by witnesses who had testified. They also announced their residences to be on Leslie Street seventy-five and fifty feet, respectively, from the proposed premises.

"An examination of the various objections voiced herein by the ten witnesses who reside in the area of the proposed premises may be summarized as follows: (1) that there are many children in the neighborhood of the proposed premises; (2) that the said transfer will cause property to depreciate in value; (3) that people living in the immediate vicinity will be inconvenienced because they would not be able to park their cars on the streets near the site of the proposed premises; (4) that no need exists for the liquor outlet; and (5) that persons who formerly patronized respondent licensee's establishment on West Kinney Street may again become customers at the new location.

"The testimony appears undisputed that the proposed premises are located in an area zoned for business and that, during school sessions, a police officer is stationed at the corner of Leslie Street and Hawthorne Avenue in the morning, at noon and in the afternoon to guide or assist children crossing Hawthorne Avenue when going to and coming from Hawthorne Avenue School and Bragaw Avenue School. Respondent licensee's proposed premises are in excess of the prohibited distance from said schools, in compliance with R.S. 33:1-76.

"George Freund, a surveyor called by respondent licensee, testified that he measured the distance from the proposed premises to various other liquor establishments and that the nearest liquor outlet (a plenary retail consumption license) is located at the southwest corner of Nye Avenue and Wainwright Street, which is a distance of 610 feet. The nearest plenary retail distribution license is located at 783 Clinton Avenue, a distance of 1,530 feet from the premises to which the transfer of the license in question is sought.

"The apprehension expressed by various witnesses that the proposed licensed premises will create a moral hazard for young folks is readily understandable. However, if the premises are conducted in a law-abiding manner (and it must be assumed that such will be the case), the appellants or other objectors have nothing to fear. If, perchance, the licensed premises are permitted to be operated in violation of the Alcoholic Beverage Law or municipal ordinances pertaining thereto, the respondent licensee will subject his license to suspension or revocation.

"In so far as the depreciation in value of neighboring property is concerned, it is doubtful whether such contention might be considered a valid reason for denial of the transfer of a liquor license. The question of future depreciation of property values is usually speculative, resting frequently on the exaggerated fears of neighboring property owners on the one hand and on the unsupported depreciation of those fears by the

applicant for a license on the other hand. Any determination is more a pure conjecture than a finding of fact. Two real estate brokers, called to testify on behalf of the appellants, were of the opinion that property values in the neighborhood would depreciate if a liquor outlet were permitted at the site in question. However, there was general agreement between the same realtors and expressed by them that a liquor store, in contrast to a tavern, would not tend to cause real property depreciation to as great an extent.

"I fail to see much merit in the contention of the persons residing in the immediate area that they would be precluded from parking their cars on Hawthorne Avenue or the side streets if respondent licensee conducts a business at the proposed premises. This objection appears to be merely speculative. There appears to be no violation of N.J.S.A. Title 39 (Motor Vehicle and Traffic Regulation) or codes of the City of Newark, as alleged in the petition of appeal.

"The proposed premises are at least 610 feet from the nearest liquor outlet. Thus, the transfer sought of the license in question does not to any appreciable degree aggravate the number of licenses in the area to sustain appellant's contention that the Board's action should be reversed on the ground that no public need exists for the license at the premises to which transfer was approved. See Costa v. Verona, Bulletin 501, Item 2; Metropolitan Liquor Corporation v. Jersey City, Bulletin 645, Item 1; Leonia Liquors, Inc. v. Leonia, Bulletin 766, Item 1; Union County Retail Liquor Stores Association v. Elizabeth, et als, Bulletin 886, Item 2.

"It is a matter of conjecture whether former customers of respondent licensee, who patronized his establishment located in another section of the city, would travel so great a distance for the purpose of purchasing alcoholic beverages for off-premises consumption at licensee's premises. There has been some indication by one of the witnesses that he had seen improper conduct by patrons in front of the premises of respondent licensee at the old location. However, there is nothing substantial in the testimony which shows that respondent licensee was responsible for the alleged improper conduct.

"No testimony on behalf of the appellants has been offered that the transfer of the license (which has been classified as a hardship case) has violated any provision of the ordinance applicable to such cases.

"The number of licensed premises to be permitted in any particular area has been held to be a matter confided to the sound discretion of the local issuing authority. DeGloacchino v. Atlantic City, Bulletin 1030, Item 3. In cases of the kind now under consideration, the Director's function is to determine whether reasonable cause exists for the issuing authority's opinion and, if so, to affirm its action. Curry v. Margate City, Bulletin 460, Item 9; Mulcahy, et al v. Maplewood, et al, Bulletin 658, Item 4; Krogh's Restaurant, Inc., et als v. Sparta et al, Bulletin 1258, Item 1; Jacobs v. Newark, et al, Bulletin 1398, Item 4.

"I am satisfied, after carefully examining the transcripts of testimony both before the local Board and at the instant hearing, that in all respects proper consideration was given by the Board before action was taken on the application for transfer. Furthermore, there has been no evidence whatsoever presented to

indicate that the members of the Board, when approving the place-to-place transfer, were improperly motivated or that there was an abuse of discretion on their part. I conclude that appellants have failed to sustain the burden of proof in showing that the action of the Board was erroneous. Rule 6 of State Regulation No. 15. Shiloh Baptist Church v. Atlantic City, et al, Bulletin 1387, Item 2, and cases cited therein.

"For the reasons aforesaid, it is recommended that an order be entered affirming the action of the Board herein and dismissing the appeal."

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

I have carefully examined the entire record in this matter with special emphasis on the recommendation made by the Hearer bases on the facts presented herein. As late as January 26, 1960, the court has forcefully spoken with respect to the type of case now under consideration when Judge Gaulkin, speaking for the Superior Court of New Jersey (Appellate Division) in Borough of Fanwood, a Municipal Corporation, v. Antonio Rocco and Division of Alcoholic Beverage Control, 59 N.J. Super, 306, at 321, stated:

"The Legislature has entrusted to the municipal issuing authority the right and charged it with the duty to issue licenses (R.S. 33:1-24) and place-to-place transfers thereof '[O]n application made therefor setting forth the same matters and things with reference to the premises to which a transfer of license is sought as are required to be set forth in connection with an original application for license, as to said premises.' N.J.S.A. 33:1-26. As we have seen, and as respondent admits, the action of the local board may not be reversed by the Director unless he finds 'the act of the board was clearly against the logic and effect of the presented facts.' Hudson Bergen County Retail Liquor Stores Ass'n, Inc. v. Board of Com'rs. of City of Hoboken, supra, 135 N.J.L. at page 511. In Ward v. Scott, 16 N.J. 16 (1954) the Supreme Court dealt with an appeal from a zoning variance which had been granted by a municipality. Therefore, what the court said in that case is doubly weighty here, for here the more serious matter of liquor is involved, and here the municipality did not grant, but denied, the application. The Court said in Ward (16 N.J., at page 23):

'Local officials who are thoroughly familiar with their community's characteristics and interests and are the proper representatives of its people, are undoubtedly the best equipped to pass initially on such applications***. And their determinations should not be approached with a general feeling of suspicion, for as Justice Holmes has properly admonished: "Universal distrust creates universal incompetence." Graham v. United States, 231 U.S. 474, 480, 34 S.Ct. 148, 151, 58 L. Ed. 319, 324 (1913). Where, as here, the application *** has been given careful and conscientious consideration by the zoning board and the town council and has been acted upon by both of them in strict conformity with the procedural and substantive terms of the statute, the ultimate interests

of effective zoning will be advanced by permitting the action of the municipal officials to stand, in the absence of an affirmative showing that it was manifestly in abuse of their discretionary authority."

In the case sub judice based on the facts and the law, nothing has been presented by the appellants which would in anywise indicate that the respondent Board had erred in approving the place-to-place transfer in question. Under the circumstances, I have no alternative but to affirm respondent Board's action. Therefore, I concur in the Hearer's findings and conclusions and adopt his recommendation.

Accordingly, it is, on this 27th day of September 1962,

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

WILLIAM HOWE DAVIS
DIRECTOR

3. APPELLATE DECISIONS - SHAPIRO v. LAWRENCE, ET AL.

MORRIS SHAPIRO and SARAH SHAPIRO,
t/a BRUNSWICK LIQUOR STORE,

Appellants,

v.

TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF LAWRENCE, and
LAWRENCE LIQUORS, INC., t/a
LAWRENCE LIQUORS,

Respondents.

ON APPEAL
ORDER

Richman & Berry, Esqs., by Edwin T. Ferren, III, Esq., Attorneys
for Appellants.

Harry Heher, Jr., Esq., Attorney for Respondent Township
Committee.

Harold D. Coleman, Esq., Attorney for Respondent Lawrence
Liquors, Inc.

BY THE DIRECTOR:

Appellants appeal from granting by respondent Township Committee on or about August 22, 1962, of application of respondent Lawrence Liquors, Inc., t/a Lawrence Liquors, for person-to-person and place-to-place transfer of plenary retail consumption license C-15 from Henry J. Mylowe and Edna M. Mylowe, t/a Chubby's Lawrence Bar located at 1912 Brunswick Avenue, Lawrence Township, to respondent Lawrence Liquors, Inc., t/a Lawrence Liquors, for premises Storeroom #14, Lawrence Shopping Center, Brunswick Pike and Texas Avenue, Lawrence Township.

Prior to the hearing on appeal, by letter of September 24, 1962, appellants advised me that the appeal was withdrawn. No reason appearing to the contrary,

It is, on this 26th day of September 1962,

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

WILLIAM HOWE DAVIS
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - NUISANCE (HOSTESS ACTIVITY) -
BOTTLING FOR SALE - HINDERING INVESTIGATION - LICENSE
SUSPENDED FOR 50 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

FRANKIE'S NOMAD CLUB INC.)
t/a ZODIAC ROOM)
1211 Bacharach Boulevard)
Atlantic City, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-215 for the 1961-62 licensing year, issued by the Board of Commissioners of the City of Atlantic City, and Special Permit SM-1245 for the 1962-63 licensing year, issued by the Director of the Division of Alcoholic Beverage Control.)

Richman and Berry, Esqs., by Robert W. Page, Esq., Attorneys for Licensee.

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

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on May 25-26, 1962, it (1) conducted its business as a nuisance by permitting unescorted females to solicit male patrons to purchase drinks for them, in violation of Rule 5 of State Regulation No. 20, (2) bottled alcoholic beverages for sale, in violation of R.S. 33:1-78, and (3) hindered an investigation, viz., the refusal by the manager to permit any employees to identify themselves, in violation of R.S. 33:1-35.

Reports of investigation disclose that on the dates indicated, there were present in the barroom four unescorted females who promptly "moved in" on male patrons and, with the cooperation of the management, promoted the purchase for themselves of champagne cocktails at \$2.00 each, splits (6.4 ounces) of champagne at \$6.00 each, and bottles (4/5 pint or 12.8 ounces) at \$18.00 each at such a pace that within three hours the check for a party of four totaled \$145.00.

To add insult to injury, the splits were refills from larger bottles of unknown brand, and then were only partially filled.

Absent prior record, the penalty on the first charge is suspension for thirty days, to which will be added a suspension of ten days on the second charge (cf. Re Pisano, Bulletin 913, Item 8) and ten days on the third charge (Re Elliott, Bulletin 1478, Item 2) or a total of fifty days, with remission of five days for the plea entered, leaving a net suspension of forty-five days.

Licensee's application for renewal of license for 1962-63 has not yet been acted upon by the Board of Commissioners and licensee is presently operating the licensed business under ad interim special permit pending such action.

Accordingly, it is, on this 25th day of September, 1962,

ORDERED that Special Permit SM-1245, issued by the Director of the Division of Alcoholic Beverage Control to Frankie's Nomad Club, Inc., t/a Zodiac Room, for premises 1211 Bacharach Boulevard, Atlantic City, and/or any renewal license that may be granted for the year 1962-63, be and the same is hereby suspended for forty-five (45) days, commencing at 7:00 a.m. Tuesday, October 2, 1962, and terminating at 7:00 a.m. Friday, November 16, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - SALE TO INTOXICATED PERSON - SERVICE TO WOMEN AT BAR - FOUL LANGUAGE - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

SUBAR, INC.
t/a PINK'S BAR
818 Broadway
Camden 3, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-183, issued by the Municipal
Board of Alcoholic Beverage Control of
the City of Camden.

Jack I. Doppelt, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on June 11, 1962, it (1) sold drinks of alcoholic beverages to a minor, age 20, in violation of Rule 1 of State Regulation No. 20, (2) sold alcoholic beverages to an intoxicated person, in violation of Rule 1 of State Regulation No. 20, (3) served beverages to women at the bar, in violation of local ordinance, and (4) permitted foul, filthy and obscene language by patrons on the licensed premises, in violation of Rule 5 of State Regulation No. 20.

Absent prior record, the license will be suspended on the first charge for ten days (Re Britton, Bulletin 1451, Item 11), on the second charge for twenty days (Re Hub Bar, Bulletin 1423, Item 5), on the third charge for five days (Re Bergen Smith Recreation, Inc., Bulletin 1471, Item 3) and on the fourth charge for ten days (Re Friedman, Bulletin 1448, Item 1), or a total of forty-five days, with remission of five days for the plea entered, leaving a net suspension of forty days.

Accordingly, it is, on this 27th day of September, 1962,

ORDERED that Plenary Retail Consumption License C-183, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Subar, Inc., t/a Pink's Bar, for premises 818 Broadway, Camden, be and the same is hereby suspended for forty (40) days, commencing at 2:00 a.m. Thursday, October 4, 1962, and terminating at 2:00 a.m. Tuesday, November 13, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SALE TO NON-MEMBERS - HINDERING INVESTIGATION - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

NOBILE SOCIAL CLUB, INC.
162 Fourteenth Avenue
Newark 3, N. J.)

CONCLUSIONS
AND ORDER

Holder of Club License CB-32,
issued by the Municipal Board
of Alcoholic Beverage Control
of the City of Newark.)

Tobias L. Cerrato, Esq., Attorney for licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on September 7, 1962, it (1) sold alcoholic beverages to non-members, in violation of Rule 8 of State Regulation No. 7, and (2) hindered an investigation, viz., the refusal by the president to identify the employees involved, in violation of R.S. 33:1-35.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days, effective November 10, 1958, for sale to non-members.

The prior similar violation within five years considered, the license will be suspended on the first charge for thirty days (Re Eighth Ward Progressive Republican Club, Bulletin 1210, Item 3) and on the second charge for ten days (Re Elliott, Bulletin 1478, Item 2), or a total of forty days, with remission of five days for the plea entered, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 27th day of September, 1962,

ORDERED that Club License CB-32, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Nobile Social Club, Inc. for premises 162 Fourteenth Avenue, Newark, be and the same is hereby suspended for thirty-five (35) days, commencing at 2:00 a.m. Thursday, October 4, 1962, and terminating at 2:00 a.m. Thursday, November 8, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

8. DISQUALIFICATION REMOVAL PROCEEDINGS - THEFT FROM INTERSTATE SHIPMENT - ORDER REMOVING DISQUALIFICATION.

In the Matter of, an Application to)
Remove Disqualification because of) CONCLUSIONS
a Conviction, pursuant to R. S. 33:) AND ORDER
1-31.2.)

Case No. 1717

BY THE DIRECTOR:

Petitioner's criminal record discloses that on March 16, 1953 following a plea of guilty to charge of theft from interstate shipment, he was given a two year suspended sentence and placed on probation for two years. Since the crime of theft from interstate shipment involves the element of moral turpitude (Re Case No. 1678, Bulletin 1449, Item 6; cf. Weinstein v. Division of Alcoholic Beverage Control, 70 N.J. Super. 164 (App. Div. 1961) reprinted in Bulletin 1424, Item 2), the petitioner was ineligible to be engaged in the alcoholic beverage industry in this state. R.S. 33:1-25,26.

At the hearing held herein, petitioner (54 years old) testified that for the past twenty years he has resided at his present address; that he is married and living with his wife; and that he has operated a milk route for twenty-eight years.

Petitioner further testified that he has an opportunity to purchase an interest in a tavern; that he is asking for the removal of his disqualification to be free to engage in the alcoholic beverage industry in this state; and that ever since March 16, 1953, he has not been convicted of any crime or arrested.

The police department of the municipality wherein the petitioner resides reports that there are no complaints or investigations presently pending against the petitioner.

The petitioner produced three character witnesses (two county employees and a teacher) who testified that they have known petitioner for more than five years last past and that, in their opinion, he is now an honest, law-abiding person with a good reputation.

Considering all of the aforesaid facts and circumstances, I am satisfied that the petitioner has conducted himself in a law-abiding manner for five years last past and that his association with the alcoholic beverage industry in this state will not be contrary to the public interest.

Accordingly, it is, on this 20th day of September, 1962,

ORDERED that petitioner's statutory disqualification because of the conviction described herein be and the same is hereby removed in accordance with the provisions of R.S. 33:1-31.2.

WILLIAM HOWE DAVIS
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE TO NON-MEMBERS - FAILURE TO POSSESS COPY OF LICENSE APPLICATION - PRIOR SIMILAR VIOLATION - PRIOR WARNINGS - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

TWELVE ACES SOCIAL CLUB (A Corp.)
289 Oak Street
Passaic, N. J.

CONCLUSIONS
AND ORDER

Holder of Club License CB-14, issued
by the Board of Commissioners of the
City of Passaic.

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

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on August 25, 1962, it (1) sold a drink of an alcoholic beverage to a non-member, in violation of Rule 8 of State Regulation No. 7, and (2) failed to have available for inspection on the licensed premises a copy of its application for license, in violation of Rule 16(b) of State Regulation No. 20.

Licensee has a previous record of (1) cancellation of license by the Director, effective October 6, 1947, for unlawful issuance, in which proceeding it pleaded guilty to a charge of sale to non-members (Re Twelve Aces Social Club, Bulletin 780, Item 1), (2) suspension of license by the municipal issuing authority for three days, effective June 13, 1953, for sale to non-members, and (3) by the Director for thirty days, effective March 5, 1956, for permitting lottery activity (numbers) on the licensed premises and mislabeling a beer tap (Re Twelve Aces Social Club, Inc., Bulletin 1104, Item 1). In addition, with respect to the required availability of the license application for inspection, the licensee was warned concerning its non-compliance on four occasions, viz., in 1952, 1957, 1958 and 1960.

In fixing the penalty herein, the 1947 similar offense will be disregarded because occurring more than ten years ago and the 1955 dissimilar offenses will be disregarded because occurring more than five years ago.

The minimum penalty imposed in first offense cases of this kind, unaggravated by previous record of suspension or warning, is suspension for fifteen days on the first charge (Re Court Lakewood #127, Foresters of America, Bulletin 1449, Item 4) and for ten days on the second charge (Re Friedman, Bulletin 1448, Item 1). However, in view of the record of prior suspension for similar violation more than five but less than ten years ago, the license will be suspended on the first charge for twenty days and, in view of the several prior warnings, for fifteen days on the second charge, or a total of thirty-five days, with remission of five days for the plea entered, leaving a net suspension of thirty days.

Accordingly, it is, on this 25th day of September 1962,

ORDERED that Club License CB-14, issued by the Board of Commissioners of the City of Passaic to Twelve Aces Social Club (a corp.) for premises 289 Oak Street, Passaic, be and the same is hereby suspended for thirty (30) days, commencing at 3:00 a.m. Tuesday, October 2, 1962, and terminating at 3:00 a.m. Thursday, November 1, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

STANLEY ZALESKI)

t/a LITTLE RITZ BAR AND LIQUOR STORE)

1122 Mt. Ephraim Avenue)
Camden 3, N. J.)

CONCLUSIONS
AND ORDER

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

Cahill, Wilinski, Uliase & Mohrfeld, Esqs., by Robert Wilinski, Esq., Attorneys for Licensee.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 7, 1962, he sold alcoholic beverages to two minors, viz., eight bottles of wine to a 16-year-old minor and twelve cans of beer to a 17-year-old minor, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Cf. Re Begley and Buckley, Bulletin 1411, Item 2.

Accordingly, it is, on this 26th day of September, 1962,

ORDERED THAT Plenary Retail Consumption License C-131, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Stanley Zaleski, t/a Little Ritz Bar and Liquor Store, for premises 1122 Mt. Ephraim Avenue, Camden, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. Tuesday, October 2, 1962, and terminating at 2:00 a.m. Monday, October 22, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

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

In the Matter of Disciplinary
Proceedings against

VICTOR SAKAL & CARLO RUSSO
t/a THE HO-HO-KUS PHARMACY
622-624 N. Maple Avenue
Hohokus, N. J.

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Distribution
License D-1, issued by the Borough
Council of the Borough of Hohokus.

Licensees, by Carlo Russo, Pro se.

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

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on
September 1, 1962, they sold a case of whiskey below filed
price, in violation of Rule 5 of State Regulation No. 30.

Licensees have a previous record of suspension of license
by the municipal issuing authority for five days, effective
August 2, 1948, for sale in violation of State Regulation No. 38.

The prior dissimilar record disregarded because occurring
more than five years ago, the license will be suspended for ten
days, with remission of five days for the plea entered, leaving
a net suspension of five days. Re Canal Liquor Co., Inc.,
Bulletin 1436, Item 9.

Accordingly, it is, on this 25th day of September 1962,

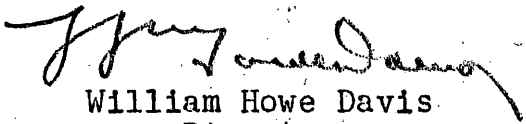
ORDERED that Plenary Retail Distribution License D-1,
issued by the Borough Council of the Borough of Hohokus to
Victor Sakal & Carlo Russo, t/a The Ho-Ho-Kus Pharmacy, for
premises 622-624 N. Maple Avenue, Hohokus, be and the same is
hereby suspended for five (5) days, commencing at 9:00 a.m.
Monday, October 1, 1962, and terminating at 9:00 a.m. Saturday,
October 6, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

12. STATE LICENSES - NEW APPLICATION FILED.

David C. Krumm
t/a Krumm's Winery
Rear 563 Central Avenue
Linwood, N. J.

Application filed October 25, 1962 for Limited
Winery License.


William Howe Davis
Director