

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

BULLETIN 1220

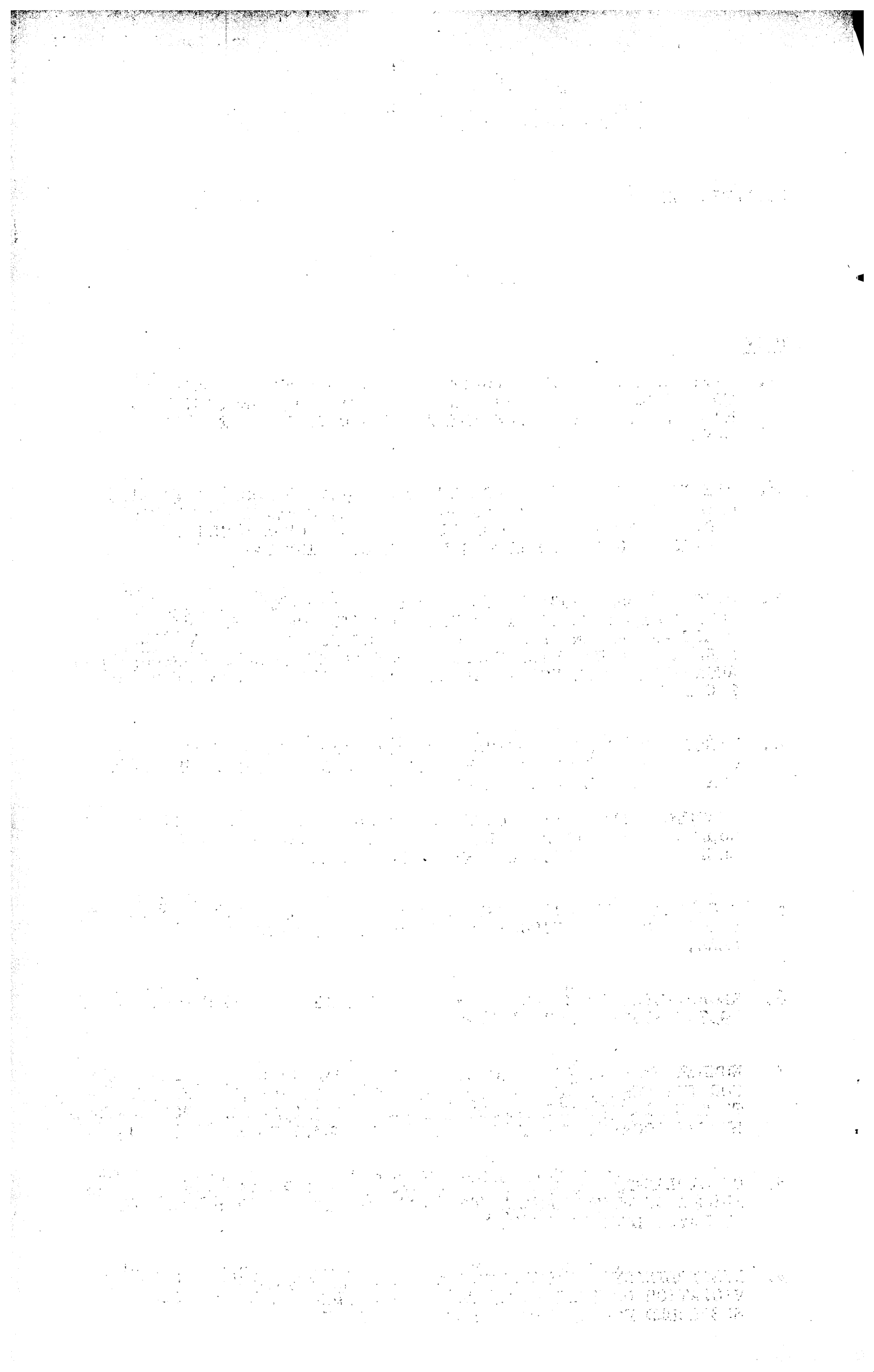
MAY 2, 1958.

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BULLETIN 1220

MAY 2, 1958.

1. STATE REGULATIONS - REGULATION NO. 34 - RULE 12 AMENDED TO REDUCE PERIOD WITHIN WHICH RETURNS FOR CREDIT MAY BE MADE BY RETAILERS FROM THIRTY (30) DAYS TO SEVEN (7) DAYS.

TO ALL MANUFACTURERS, WHOLESALERS AND RETAILERS:

A careful study of the practices of retailers and wholesalers with respect to the return for credit of alcoholic beverages (other than malt alcoholic beverages) has convinced me that the present thirty days within which such return may be made lends itself to abuses resulting in the circumvention of the credit regulation (State Regulation No. 39). To remedy this situation, I am amending Rule 12 of State Regulation No. 34, effective May 1, 1958, so as to reduce the period to seven (7) days and to prohibit the return by the retailer as well as the acceptance of the return by the manufacturer or wholesaler.

Any violation of the regulation will subject the licenses of the manufacturer or wholesaler and retailer to action by this Division.

Rule 12 of State Regulation No. 34 is hereby amended to read as follows:

"Rule 12. No retailer shall return any alcoholic beverages other than malt alcoholic beverages for credit and no manufacturer or wholesaler of alcoholic beverages other than malt alcoholic beverages shall accept from any retailer any return of alcoholic beverages for credit unless such alcoholic beverages were originally delivered to the retailer by the manufacturer or wholesaler not more than seven (7) days prior to such return, except pursuant to waiver of the provisions of this Rule granted by the Director upon petition setting forth good cause."

WILLIAM HOWE DAVIS
Director.

Promulgated April 21, 1958.
Effective May 1, 1958.

Filed with the Secretary of State (N. J.) April 21, 1958.

2. ELECTION DAYS - ANNOUNCEMENT OF POLICY AGAINST GRANTING OF SPECIAL PERMITS TO AUTHORIZE SALE, SERVICE, DELIVERY AND CONSUMPTION OF ALCOHOLIC BEVERAGES UPON LICENSED PREMISES DURING POLLING HOURS ON ELECTION DAYS.

TO ALL RETAIL LICENSEES:

Rule 2 of State Regulation No. 20 provides:

"No licensee shall sell or offer for sale at retail or deliver to any consumer any alcoholic beverage, or allow, permit or suffer the consumption of any alcoholic beverage in or upon the licensed premises while the polls are open for voting in any municipality in which any of the following elections is being held: (1) general election, (2) primary election, (3) any special election pursuant to the Election Law (Title 19 of the Revised Statutes), (4) any election for municipal officials, (5) any election for adoption of or change in the form of municipal government, (6) any other election during which sales of alcoholic beverages are prohibited by ordinance in the particular municipality."

I have been in receipt of requests from time to time to make exceptions to the foregoing regulation, particularly in so far as Primary Election Day is concerned. Although the requests generally were disapproved in most instances, special permits were granted reluctantly in isolated cases to permit the consumption of alcoholic beverages during certain limited hours on Primary Election Day. Particular exception was made in those cases where affairs had been scheduled far in advance, expenses incurred and commitments made by organizations and groups which had innocently failed (and had not been advised by the licensee whose premises had been engaged for the affair) that their scheduled date fell on a Primary Election Day. Under no circumstances were such permits issued for a General Election Day.

In part, the granting of permission in certain few instances to licensees to allow the consumption of alcoholic beverages upon their premises at theretofore scheduled gatherings of groups on Primary Election Day was influenced by precedents established and followed by my predecessors in office, who were faced with the fact that the date of primary elections often varied from year to year, with the consequent result that exact primary election dates could not have been reasonably foreseen by licensees or groups arranging for affairs upon licensed premises.

However, more than ten years have elapsed since the last amendment to the Election Law establishing a definite date for the holding of primary elections. Such amendment (Revised Statutes 19:23-40, effective February 18, 1948) reads in pertinent part:

"The primary election for the general election shall be held for all political parties upon the third Tuesday in April in each year, between the hours of seven ante meridian and eight post meridian, eastern standard time."

It is axiomatic that desirable rules of conduct properly established by state-wide regulation must be uniformly applied

and enforced and should not be relaxed. Where the best interests of the general public are served, such interests must prevail even though in isolated instances there may be inconveniences or hardships imposed upon small segments of the public or groups of private individuals.

Accordingly, I am placing the Division firmly on record against the granting of any special permits in the future, whether for Primary or any other Election Day, which have the effect of permitting the sale or the delivery of alcoholic beverages by retail licensees or permitting the consumption of alcoholic beverages upon licensed premises on any election day specified in the cited Rule.

Licensees engaged in the operation of establishments catering to organizations and groups must be guided accordingly and should familiarize themselves with the respective election dates well in advance, to the end that groups or organizations seeking the use of their premises on those dates should be specifically apprised that there may be no sale or service or consumption of alcoholic beverages upon the licensed premises at any time while the polls are open for voting in any of the elections, including the primary election, as referred to in Rule 2 of State Regulation No. 20.

WILLIAM HOWE DAVIS
Director.

Dated: April 21, 1958.

- 3. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES (SOLICITATION FOR PROSTITUTION) - NUISANCE - FALSE ANSWER IN APPLICATION - FRONT FOR DISQUALIFIED PERSON - UNQUALIFIED EMPLOYEE - FAILURE TO NOTIFY ISSUING AUTHORITY OF CHANGE IN APPLICATION - LICENSE SUSPENDED FOR 270 DAYS.

In the Matter of Disciplinary Proceedings against
 339 PLANE STREET, INC.
 339 Plane Street
 Newark 2, N. J.,
 Holder of Plenary Retail Consumption License C-534, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark, and thereafter extended to Theodore Sager Meth, Receiver in Bankruptcy for 339 Plane Street, Inc.

CONCLUSIONS AND ORDER

Saul C. Schutzman, Esq., Attorney for Defendant-licensee.
William F. Wood, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. On October 2, 3, 4 and 10, 1957, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., solicitation for prostitution and the making of arrangements for illicit sexual intercourse; in violation of Rule 5 of State Regulation No. 20.

"2. On September 27 and October 2, 3, 4 and 10, 1957, you allowed, permitted and suffered your licensed place of business to be conducted in such manner as to become a nuisance in that you allowed, permitted and suffered unescorted females frequenting your licensed premises to make overtures to male patrons for illicit sexual intercourse and to solicit male patrons to purchase numerous drinks of alcoholic beverages for consumption by them and others; allowed, permitted and suffered lewdness and immoral activity and foul, filthy and obscene language and conduct 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.

"3. In your application dated July 19, 1957 as amended on or about August 28, 1957, filed with the Municipal Board of Alcoholic Beverage Control of the City of Newark, upon which you obtained your current plenary retail consumption license and wherein you listed your stockholders as Fred Palm (98 shares or 98%), Anna M. Moura (1 share or 1%) and William Gelfond (1 share or 1%), you falsely stated 'No' in answer to Question 23, which asks: 'Has any...individual other than the stockholders hereinbefore set forth any beneficial interest, directly or indirectly, in the stock held by said stockholders?', whereas in truth and fact a person or persons not mentioned in the application as stockholders or as beneficially interested in any of your stock had such an interest in that they were the real and beneficial owners of all of the stock held by Fred Palm; said false statement being in violation of R. S. 33:1-25.

"4. From about August 28, 1957 until the present time, you knowingly aided and abetted another or others to exercise, contrary to R. S. 33:1-26, the rights and privileges of your plenary retail consumption license; thereby yourself violating R. S. 33:1-52.

"5. You failed to file with the Municipal Board of Alcoholic Beverage Control of the City of Newark, within five days after the occurrence thereof, written notice of change in fact set forth in answer to Question 32 of your aforesaid license application, such change being that on or about September 10, 1957 a chattel mortgage on the furniture, fixtures, goods and equipment used in connection with the conduct of the alcoholic beverage business operated under your license was given to John J. Shattls; your failure to file such notice being in violation of R. S. 33:1-34.

"6. On September 27 and October 10, 1957 and on divers other dates, you employed and had connected with you in a business capacity Abraham Sabin (also known as Marco, Alexander or Albert Sabin or as 'Murphy'), a person who had been convicted on or about December 9, 1954 in the Federal Court in New York City of crimes involving moral turpitude, viz., the crimes of conspiracy and forgery; in violation of Rule 1 of State Regulation No. 13."

The file herein discloses that at 9:00 p.m. on September 27, 1957, two ABC agents visited defendant's licensed premises; that a bartender called "Melvin" became involved in a verbal argument with a male customer and both of the participants directed vulgar and indecent remarks toward each other; that at 10:00 p.m. a man called "Murph" went behind the bar and shortly thereafter requested the bartender and the other person to "cut it out"; that during a conversation between "Murph" and a patron, the agents learned that "Murph" (subsequently identified as Abraham Sabin) was formerly interested in another licensed premises.

The file herein further discloses that an agent entered defendant's licensed premises at 11:30 p.m., followed by another agent at 11:33 p.m., on Wednesday, October 2nd and both agents remained in the premises until 12:45 a.m. the following morning; that "Melvin" was tending bar; that shortly after the second agent entered the premises and took a seat at the bar next to his fellow-agent, a girl called Elsie attempted to attract his attention; that the agent asked the bartender on two occasions if he knew where he might engage in illicit sexual relations but the bartender on both occasions said nothing to the agents but walked away; that the agent then spoke to Elsie and arrangements were made to meet her at 4:00 p.m. on the following Friday for the purpose of engaging in sexual intercourse; that the agent was requested to bring two friends with him and that she would provide girls for them.

The two agents entered defendant's licensed premises at 4:00 p.m. on Friday, October 4, 1957 and immediately were greeted by Elsie; that a man called "George" was tending bar; that Elsie introduced the agents to a female called "Lizzie"; that the bartender asked the agents what they wished to drink and they ordered a beer apiece; that "Lizzie" ordered mixed whiskey drinks for herself and Elsie which were served to the females and the payment therefor was taken from the agents' money on the bar; that the agents and the girls discussed engaging in sexual intercourse and one of the agents suggested that some time later in the week they could consummate the illicit relations; that one of the agents and Elsie played pool and the other agent and Lizzie remained at the bar; that the agent who had engaged in a game of pool came over to the bar and ordered drinks from George and the agent told him that he and his fellow-agent planned to engage in illicit intercourse with Elsie and Lizzie, respectively; that George told the agent that the girls would engage in sexual intercourse with them and proposed to talk to the girls with that end in view; that the agent, however, told George that they had already made an appointment with the girls for such purpose. A short time thereafter the agents left the premises after making arrangements to return at a later date.

At about 3:00 p.m. on October 10, 1957, the two agents who had visited the defendant's licensed premises on October 4th, again entered the said premises accompanied by another agent; that about 3:20 p.m. Elsie came into the premises and immediately engaged in conversation with Lizzie who was in the premises when the agents entered; that the two females came over to the agents and requested that they buy them drinks; that Elsie then inquired if the agents were ready to leave the premises to engage in sexual intercourse with her and Lizzie and being told that they were, the four prepared to leave the premises; that Elsie asked the bartender for a pint of whiskey for off-premises consumption and the bartender, being unable to

find a pint of the brand of whiskey ordered, called to Sabin who began "to examine the stock of liquor" to obtain the item ordered; that one of the agents asked the bartender if the females were "O.K." as he and his partner were going out with the girls to engage in sexual intercourse; that the bartender assured them that the girls were reliable but added that if the agents had any fear of "getting rolled" they could leave their money with him and after the agents had finished their illicit intercourse with the females, the agents could come back to the tavern and obtain their money; the agents stated that they did not have much money with them and thanked the bartender for his offer; that Sabin approached Elsie and said, "Listen, Elsie, I can give you a fifth of V.O., but I ain't got no pints or if you want, I got some clean pint bottles in the back and I can fill one of them up for you with some V.O. out of this quart bottle that we are using for the bar"; that one of the agents said, "That will be fine, we'll take it now"; but Elsie insisted on obtaining a sealed pint of the whiskey. One of the agents gave Elsie a ten dollar bill and two one dollar bills (the serial numbers of which had been previously recorded) and the other agent handed Lizzie a ten dollar bill (the serial number of which had been previously recorded) and told her he would give her two dollars more when they got to the room. The females suggested that the agents leave first and that they should meet at the corner of Plane and Market Streets at which time a cab could be hired to take the four to the place where the illicit relationship was to be carried out. Thereafter the agents and the females were stopped by municipal detectives and other agents and the "marked" money was produced by the two females from their respective persons and the females were taken to police headquarters by a detective and an agent.

An investigation relative to the ownership of the stock in defendant-corporation disclosed that 98 shares (98%) of the capital stock, although in the name of one Fred Palm, who was also named as president, were actually owned by Abraham Sabin. It appears that Sabin was convicted on December 9, 1954 of the crimes of conspiracy and forgery which crimes, in the opinion of the Director, involve the element of moral turpitude. Thus, Sabin is ineligible to be associated in any capacity with the alcoholic beverage industry in this State. It further appears from the investigation made of the defendant's premises that Sabin participates actively in the operation of the liquor business. Furthermore, the defendant placed a chattel mortgage on its furniture, fixtures, goods and equipment used in connection with the conduct of the alcoholic beverage business operated under its license, but failed to notify the local issuing authority of this fact, in violation of R. S. 33:1-34.

In the first instance the license was obtained by practicing a fraud upon the local issuing authority by its failure to disclose that Abraham Sabin, who had a criminal record, was the owner of 98 shares (98%) of its stock. The answer setting forth the name of the person in the application as the major stockholder and president was false.

Defendant's attorney contends that the females in question were not procured for immoral purposes by the bartenders employed by the defendant-licensee, but involved a "pick-up" situation and that therefore, such fact should be taken into consideration when imposing the penalty herein.

The purpose of Rule 5 of State Regulation No. 20 is to prevent licensed premises from becoming a source of crime

and immorality. Hence, a licensee may not allow, permit or suffer lewdness or immoral activities upon its premises. Nor may it allow, permit or suffer the licensed premises to be conducted in such a manner as to constitute a nuisance. No distinction should be drawn between a licensee who violates the law and one who negligently refuses to take affirmative action to prevent the violation of the law. Williams v. Newark, Bulletin 571, Item 5.

It has come to my attention that on December 17, 1957 the capital stock was purchased by new stockholders and new directors and officers have been elected by the defendant corporate-licensee. Furthermore, that on February 11, 1958, the license in question was extended by the local issuing authority (R. S. 33:1-26) in the name of Theodore Sager Meth, Receiver in Federal Bankruptcy, who is now operating the business.

Such extension to the receiver did not abate these proceedings in any respect. Rule 1 of State Regulation No. 16.

The fact that the capital stock of defendant was purchased by other persons and that new directors and officers have been elected cannot be considered in mitigation of penalty for the serious violations committed by the defendant-corporation. The purchaser of the stock assumed the risk of the final determination to be made in the matter.

There is no dispute that the defendant-corporation acted as a "front" for Abraham Sabin (the holder of practically all of its stock), who was disqualified because of his criminal record from being associated in any capacity with the alcoholic beverage industry.

If it were established that the defendant had actually procured the females to engage in sexual intercourse with the agents, outright revocation of the license might well be warranted. Re Merjack Corporation, Bulletin 998, Item 1, and cases cited therein. In the absence herein of such positive proof, I shall suspend defendant's license, on Charges 1 and 2, for one hundred eighty days (Re 204 Mulberry Street Corp., Bulletin 1095, Item 3) and on Charges 3, 4, 5 and 6, for an additional ninety days (Re The Brass Rail Tavern, Inc., Bulletin 1072, Item 3), making a total suspension of two hundred seventy days.

Accordingly, it is, on this 17th day of March, 1958,

ORDERED that Plenary Retail Consumption License C-534, heretofore issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to 339 Plane Street, Inc., for premises 339 Plane Street, Newark, and thereafter extended by said Board to Theodore Sager Meth, Receiver in Bankruptcy for 339 Plane Street, Inc., for the same premises, be and the same is hereby suspended for the balance of its term, effective at 2:00 a.m. March 24, 1958; and it is further

ORDERED that any renewal for the 1958-59 licensing year or transfer of said license shall be and remain under suspension until 2:00 a.m. December 19, 1958.

WILLIAM HOWE DAVIS
Director.

4. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - PRIOR RECORD - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

STATUTORY AUTOMATIC SUSPENSION - PETITION TO LIFT GRANTED AT EXPIRATION OF SUSPENSION IN DISCIPLINARY PROCEEDINGS.

In the Matter of Disciplinary Proceedings against

LEO J. RAYWOOD t/a RAYWOOD'S TAVERN Penn.-Washington Cr. Road Hopewell Township (Mercer Co.) PO Titusville, R.D., N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-10, issued by the Township Committee of Hopewell Township.

Auto. Susp. #148 In the Matter of a Petition by

LEO J. RAYWOOD t/a RAYWOOD'S TAVERN Penn.-Washington Cr. Road Hopewell Township (Mercer Co.) PO Titusville, R.D., N. J.,

ON PETITION ORDER

To Lift the Automatic Suspension of aforesaid license.

John Palaschak, Jr., Esq., Attorney for Defendant-licensee-Petitioner.

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

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he sold and permitted the sale of alcoholic beverages to a minor and permitted the consumption of such beverages by said minor on his licensed premises, in violation of Rule 1 of State Regulation No. 20.

The file herein discloses that on February 5, 1958, Donald --- (16 years of age) gave to ABC agents a signed, sworn statement wherein he said that he visited defendant's licensed premises with several adults on the afternoon of February 2, 1958, and that while in said premises he was served and consumed four glasses of beer. He further said that defendant served some of the drinks to him without inquiring as to his age, and that the other drinks were served by Andrew Snyder (a bartender) after he (the minor) verbally told the bartender that he was of full age. The information set forth in the minor's statement was substantially corroborated orally by two of his companions.

On February 27, 1958, defendant was fined \$100.00 in the Municipal Court of Hopewell Township after he had been found guilty on a charge of selling alcoholic beverages to the same minor, in violation of R. S. 33:1-77. Said conviction automatically suspends defendant's license for the balance of its term. R. S. 33:1-31.1. Because of the pendency of these proceedings, the license has not yet been picked up by ABC agents.

Defendant has a prior record. Effective January 6, 1947, his license was suspended for fifteen days for sales to minors and employing a minor without a permit. See Bulletin 742, Item 5. Effective April 30, 1956, his license was suspended by the local issuing authority for twenty days for sales to minors. Effective May 6, 1957, his license was suspended by the Director for fifteen days for sales to minors. See Bulletin 1177, Item 4. The minimum penalty for an unaggravated sale to a sixteen-year-old minor is twenty-five days (Re Scangarello, Bulletin 1188, Item 6). Taking into consideration defendant's prior record which discloses two similar violations within the past ten years, I shall suspend his license in this case for a period of forty days. Five days will be remitted for the plea, leaving a net suspension of thirty-five days.

Defendant has filed with me a petition to lift the statutory automatic suspension of his license upon the expiration of the suspension imposed in the disciplinary proceedings. I shall grant the requested relief.

Accordingly, it is, on this 11th day of March, 1958,

ORDERED that Plenary Retail Consumption License C-10, issued by the Township Committee of Hopewell Township to Leo J. Raywood, t/a Raywood's Tavern, for premises on Penn.-Washington Cr. Road, Hopewell Township (Mercer County), be and the same is hereby suspended for thirty-five (35) days, commencing at 2:30 a.m. March 19, 1958, and terminating at 2:30 a.m. April 23, 1958; and it is further

ORDERED that the statutory automatic suspension will be lifted effective at 2:30 a.m. April 23, 1958, at which time the license will be restored to full force and operation.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - PRIOR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

MEURY'S BARN, INC.)
t/a EWING GARDENS)
Parkside Avenue)
Ewing Township)
PO R.D. 1, Trenton, N.J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-25, issued by the Township Committee of Ewing Township.)

Edward A. Costigan, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for 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 a minor and permitted the consumption of such beverages by said minor upon its licensed premises, in violation of Rule 1 of State Regulation No. 20.

The file herein discloses that on February 3, 1958 ABC agents obtained a signed, sworn statement from Donald --- (age 16) wherein it appears that he and two adult companions entered defendant's premises on Sunday, February 2, 1958 at about 2:45 p.m. A bartender served each of them with three glasses of beer. This bartender then left the bar and Roy, described as defendant's manager, served them with beer, again to a total of three glasses of beer each. The minor and his companions then went to another bar located on the upper floor of the licensed premises and there the first mentioned bartender served the minor with three small bottles (nips) of beer. Neither this bartender nor Roy asked the minor for proof of his age or asked him to sign any written representation thereof.

William Roy Cowan gave the ABC agents a signed, sworn statement wherein he states that he was one of the bartenders on duty February 2, 1958 and that he served four glasses of beer to the minor in defendant's licensed premises on that day without asking the minor for identification or proof of age; however, that about eight or nine weeks previous thereto, he asked Donald his age and Donald displayed some sort of identification. (Donald in his statement denied that such is a fact.)

William Ellis Fullerton, the other bartender who served the minor on February 2, 1958, gave the ABC agents a signed, sworn statement wherein he acknowledges that he served the minor on that date with several bottles (nips) of beer at the upstairs bar of defendant's licensed premises without questioning the minor as to his age, but that some two weeks previous thereto, when the minor was in the premises, he asked the minor his age and was about to examine a card presented by the minor when Roy told him that the minor was "all right", was 21, but not to serve him because he had misconducted himself in the place; that on February 2, 1958 Roy told him to serve the minor because he and his companions had promised to conduct themselves properly.

In the absence of a written representation signed by the minor concerning his age, the defense to a sale of alcoholic beverages to a minor provided for by R.S. 33:1-77 has not been properly established as an element in the case. I have carefully examined the allegations on that score and other aspects urged in mitigation of the violation by defendant's counsel, together with the file in the case and reports of the agents, and do not find any reason to impel me to impose less than the established penalty in a case of this nature.

Defendant has a prior adjudicated record. Effective June 3, 1957 the local issuing authority suspended its license for fifteen days for sales to minors. The minimum penalty for the sale of alcoholic beverages to a sixteen-year-old minor is twenty-five days. Re Hurley-Patterson, Inc., Bulletin 1203, Item 2. Since this is a second similar violation within five years, I shall suspend defendant's license for thirty-five days. Five days will be remitted for the entry of a plea herein, leaving a net suspension of thirty days. Re Kicey, Bulletin 1112, Item 3.

Accordingly, it is, on this 17th day of March, 1958,

ORDERED that Plenary Retail Consumption License C-25, issued by the Township Committee of Ewing Township to Meury's Barn, Inc., t/a Ewing Gardens, for premises located on Parkside Avenue, Ewing Township, be and the same is hereby suspended for thirty (30) days, commencing at 2:30 a.m. March 24, 1958, and terminating at 2:30 a.m. April 23, 1958.

WILLIAM HOWE DAVIS
Director.

6. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1957 THROUGH MARCH 31, 1958

	1st Quarter			2d Quarter			3d Quarter			Total
	July,	Aug.,	Sept.	Oct.,	Nov.,	Dec.	Jan.,	Feb.,	Mar.	
ARRESTS:										
Total number of persons arrested		79			62			56		197
Licensees and employees		28			21			23		72
Bootleggers		51			41			30		122
ABC agent impersonator		-			-			3		3
SEIZURES:										
Motor vehicles - cars		8			6			5		19
- trucks		-			-			1		1
Stills - over 50 gallons		4			2			3		9
- 50 gallons or under		3			2			3		8
Mash - gallons		1,627.50			445.00			167.59		2,240.09
Distilled alcoholic beverages - gallons		241.02			259.26			123.55		623.83
Wine - gallons		6.62			5.90			158.30		170.82
Brewed malt alcoholic beverages - gallons		50.87			35.89			9.00		95.76
RETAIL LICENSEES:										
Premises inspected		1,506			1,856			2,223		5,585
Premises where alcoholic beverages were gauged		1,412			1,747			1,604		4,763
Bottles gauged		22,900			26,779			26,589		76,268
Premises where violations were found		171			219			249		739
Violations found		237			322			324		883
Type of violations found:										
Unqualified employees		102			116			69		287
Application copy not available		38			57			69		164
Reg. #38 sign not posted		30			53			55		138
Prohibited signs		17			34			34		85
Improper beer taps		4			10			33		47
Disposal permit necessary		3			10			15		28
Other mercantile business		3			9			8		20
Gambling devices		1			-			-		1
Probable fronts		-			1			-		1
Other violations		39			32			41		112
STATE LICENSEES:										
Premises inspected		110			70			97		277
License applications investigated		33			26			12		71
COMPLAINTS:										
Complaints assigned for investigation		1,304			1,140			1,214		3,658
Investigations completed		1,245			1,033			1,098		3,376
Investigations pending		(149)			(146)			148		148
LABORATORY:										
Analyses made		519			526			435		1,480
Refills from licensed premises - bottles		2			8			14		24
Bottles from unlicensed premises		105			119			105		329
IDENTIFICATION BUREAU:										
Criminal fingerprint identifications made		121			36			37		194
Persons fingerprinted for non-criminal purposes		819			442			560		1,821
Identification contacts w/other enforcement agencies		661			350			454		1,465
Motor vehicle ident. via N.J.State Police teletype		15			23			11		49
DISCIPLINARY PROCEEDINGS:										
Cases transmitted to municipalities		38			43			47		128
Violations involved		45			53			59		157
Sale during prohibited hours		25			25			34		84
Sale to minors		12			11			9		32
Failure to close premises during prohibited hours		3			4			8		15
Sale to intoxicated persons		1			3			1		5
Sale to non-members by club		-			3			2		5
Failure to afford view into premises during prohibited hours		1			1			3		4
Service to women at a bar (local reg.)		1			1			-		2
Permitting brawl on premises		1			-			1		2
Permitting hostesses on premises		1			-			-		1
Permitting foul language on premises		1			-			-		1
Sale outside scope of license		-			1			-		1
Possessing chilled beer (DL licensee)		-			1			-		1
Employing female bartender (local reg.)		-			1			-		1
Conducting business as a nuisance		-			1			-		1
Permitting lottery activity on premises		-			1			-		1
Permitting music during prohibited hours (local reg.)		-			-			1		1
Cases instituted at Division		90			73			87		250
Violations involved		117			111			120		348
Sale to minors		36			17			28		81
Sale during prohibited hours		33			17			25		75
Sale below minimum resale price		10			10			10		30
Permitting immoral activity on premises		7			7			3		17
Fraud and front		1			6			4		11
Permitting lottery activity on premises		1			5			3		9
Sale to intoxicated persons		1			2			8		11
Hindering investigation		2			3			3		8
Conducting business as a nuisance		1			4			3		8

	1st Quarter July, Aug., Sept.	2d Quarter Oct., Nov., Dec.	3d Quarter Jan., Feb., Mar.	Total
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DISCIPLINARY PROCEEDINGS (Continued)

Cases Instituted at Division (Continued)

	1st Quarter July, Aug., Sept.	2d Quarter Oct., Nov., Dec.	3d Quarter Jan., Feb., Mar.	Total
Violations involved:				
Permitting foul language on premises	1	4	1	6
Possessing illicit liquor	1	4	1	6
Delivery without bona fide invoice	2	3	1	6
Permitting bookmaking on premises	2	1	3	6
Mislabeling beer taps	2	-	4	6
Unauthorized transportation	1	4	-	5
Sale outside scope of license	3	1	1	5
Employee w/o requisite identification card	2	1	2	5
Employing unqualified persons	-	3	2	5
Possessing indecent matter	-	3	2	5
Permitting hostesses on premises	1	1	3	5
Failure to close premises during prohibited hours	-	2	2	4
Permitting gambling on premises	2	-	1	3
Failure to file notice of change in application	-	2	1	3
Sale to non-members by club	-	2	1	3
Solicitor employed by retailer	1	-	2	3
Permittee engaging in conduct prohibited to employer	1	-	2	3
Permitting brawl on premises	1	1	-	2
Retailer to retailer sales	-	2	-	2
Failure to have copy of license application on prem.	-	-	2	2
Employing female bartender (local reg.)	1	-	-	1
Failure to afford view into premises during proh.hrs.	1	-	-	1
Rebottling by retailer	1	2	2	5
Sol'r furnishing unlawful inducements to retailer	1	-	-	1
Sol'r violating terms of permit	1	-	-	1
Unlicensed sale by solicitor	-	1	-	1
Storage off licensed premises	-	1	-	1
Aiding and abetting unauthorized sale	-	1	1	2
Aiding and abetting unauthorized transportation	-	1	-	1
Service to women at a bar (local reg.)	-	1	-	1
Licensee convicted of crime involving moral turpitude after issuance of license	-	1	-	1
Possessing contraceptives on premises	-	-	1	1
Cases brought by municipalities on own initiative and reported to Division	36	43	45	124
Violations involved	44	55	49	148
Sale to minors	12	18	19	49
Sale during prohibited hours	7	11	5	23
Permitting brawl on premises	7	10	10	27
Permitting bookmaking on premises	3	3	4	10
Conducting business as a nuisance	5	1	-	6
Hindering investigation	2	2	-	4
Failure to afford view into premises during proh.hrs.	1	2	1	4
Permitting gambling on premises	1	1	1	3
Failure to close premises during prohibited hours	-	2	1	3
Sale to intoxicated persons	1	-	2	3
Permitting immoral activity on premises	-	-	2	2
Failure to provide constable to maintain law and order (local reg.)	-	-	2	2
Sale on Primary Election Day	1	-	-	1
Licensee working while intoxicated	1	-	-	1
Employee working while intoxicated	1	-	-	1
Permitting foul language on premises	1	-	-	1
Permitting female impersonators on premises	1	-	-	1
Employing unqualified persons	-	1	-	1
Employing police officer on premises	-	1	-	1
Sale to non-members by club	-	1	-	1
Permitting lottery activity on premises	-	1	-	1
Fraud in application	-	1	-	1
Permitting dancing during proh.hrs. (local reg.)	-	-	1	1
Permitting prostitute on premises	-	-	1	1
HEARINGS HELD AT DIVISION:				
Total number of hearings held	135	136	133	404
Appeals	23	18	11	52
Disciplinary proceedings	79	80	92	251
Eligibility	17	13	17	47
Seizures	9	13	5	27
Tax revocations	6	7	5	18
Hearing on petition	1	-	1	2
Applications for license	-	5	2	7
STATE LICENSES AND PERMITS ISSUED:				
Total number issued	5,199	4,021	2,863	12,083
Licenses	950	3	6	959
Employment permits	788	387	385	1,560
Solicitors'	183	106	206	495
Disposal "	254	222	220	696
Social affair "	1,391	1,048	941	3,380
Wine "	2	1,043	4	1,049
Miscellaneous "	647	482	320	1,449
Transit insignia	857	600	642	2,099
Transit certificates	127	130	139	396

WILLIAM HOWE DAVIS
DIRECTOR

Dated: April 15, 1958

7. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1957 TO MARCH 31, 1958 AS REPORTED TO THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19.

County	Plenary Retail Consumption		Plenary Retail Distribution		Club		Limited Retail Distribution		Seasonal Retail Consumption		Number Surrendered Revoked Expired	Number Licenses in Effect	TOTAL FEES PAID
	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid			
Atlantic	487	\$ 208,100.00	72	\$ 27,383.22	25	\$ 2,350.00						584	\$ 237,833.22
Bergen	811	307,231.28	300	87,327.00	107	10,066.53	53	\$ 2,496.25	4	\$ 1,083.96	4	1271	408,205.02
Burlington	184	78,291.37	41	12,045.12	43	6,033.36	1	50.00				269	96,419.85
Camden	453	221,538.51	82	33,525.00	74	7,214.04			1	375.00	1	609	262,652.55
Cape May	135	76,800.00	11	4,000.00	16	1,950.00						162	82,750.00
Cumberland	80	40,875.00	14	3,950.00	31	4,105.20						125	48,930.20
Essex	1352	758,646.99	335	209,150.00	99	13,516.64	29	1,450.00	2	1,500.00	1	1816	984,263.63
Gloucester	93	33,585.00	14	3,600.00	18	1,750.00						125	38,935.00
Hudson	1541	699,096.33	308	125,900.00	84	9,742.21	63	2,700.00			3	1993	837,438.54
Hunterdon	79	27,400.00	9	3,173.43	10	1,050.96						98	31,624.39
Mercer	425	261,800.00	51	21,400.00	54	7,700.00			1	162.50	1	530	291,062.50
Middlesex	628	307,605.00	75	24,349.39	94	8,430.00	4	200.00				801	340,584.39
Monmouth	548	286,820.48	122	42,357.21	43	4,631.78	10	435.00	26	11,699.58	27	722	345,944.05
Morris	356	131,624.18	100	33,765.00	53	4,783.25	19	950.00	5	1,312.50	8	525	172,434.93
Ocean	196	106,245.59	47	19,680.00	26	2,800.00					1	268	128,725.59
Passaic	872	357,858.01	167	51,400.00	41	4,904.32	9	425.00				1089	414,587.33
Salem	51	19,300.00	8	1,500.00	17	1,500.00						76	22,350.00
Somerset	187	84,364.38	41	12,595.00	26	2,949.45						254	99,908.83
Sussex	166	45,624.86	20	4,005.00	8	457.12	1	50.00	1	225.00	1	195	50,361.98
Union	549	300,300.00	144	67,800.00	74	8,532.33	29	1,425.00				796	378,057.33
Warren	148	46,330.00	19	4,860.00	27	3,046.71			2	323.85		196	54,560.56
Totals	9341	\$4,399,436.98	1980	\$793,815.37	970	\$107,513.90	218	\$10,181.25	42	\$16,682.39	47	12504	\$5,327,629.89

William Howe Davis
Director

April 14, 1958

8. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

MARY H. LYNCH)
t/a LYNCH'S CAFE)
938 North 3rd Street)
Camden, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-190, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.)

Cahill and Wilinski, Esqs., by William T. Cahill, Esq., Attorneys for Defendant-licensee.
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that on Saturday, November 2, 1957, at about 10:25 p.m., she sold six cans of Schmidt's Beer, in their original containers, for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

The file herein discloses that two ABC agents entered defendant's licensed premises at about 9:45 p.m. on the above date and seated themselves at the bar. Francis X. Lynch and Mary H. Lynch, the licensee, were tending bar. From about 10:05 p.m. until 10:20 p.m., the agents observed three sales of beer by Francis and one sale by Mary to various patrons, all for off-premises consumption. At about 10:25 p.m., one of the agents asked Francis for six cans of beer to take out. Francis obtained six cans of Schmidt's beer from the refrigerator and placed them, in a paper bag, on the bar in front of the agent. The agent paid Francis and left the premises with the beer. He returned immediately and, with the agent who had remained in the tavern, identified themselves to Francis and Mary Lynch, both of whom verbally admitted the sale of the beer as above described.

Defendant has no prior adjudicated record. I shall impose the minimum penalty of fifteen days for the violation. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days. Re Cali, Bulletin 1202, Item 9.

Accordingly, it is, on this 3rd day of March, 1958,

ORDERED that Plenary Retail Consumption License C-190, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Mary H. Lynch, t/a Lynch's Cafe, for premises 938 North 3rd Street, Camden, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. March 10, 1958, and terminating at 2:00 a.m. March 20, 1958.

WILLIAM HOWE DAVIS
Director.

9. DISCIPLINARY PROCEEDINGS - GAMBLING - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JULIA HANNA & EDWARD HANNA t/a J & W BAR AND GRILL 404 Washington Road Sayreville, N. J.,)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-53, issued by the Borough Council of the Borough of Sayreville.)

Garretson & Levine, Esqs., by Robert P. Levine, Esq., Attorneys for Defendant-licensees. Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to the following charges:

"1. On Friday, January 24, 1958, you allowed, permitted and suffered gambling, viz., the playing of card games for stakes of money, in and upon your licensed premises; in violation of Rule 7 of State Regulation No. 20.

"2. On Friday, January 24, 1958 at about 11:50 P.M., you sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages, viz., six 12-ounce cans of Schaefer Beer, at retail, in their original containers for consumption off your licensed premises and allowed, permitted and suffered the removal of such beverages in their original containers from your licensed premises at about 11:55 P.M. on said date; in violation of Rule 1 of State Regulation No. 38."

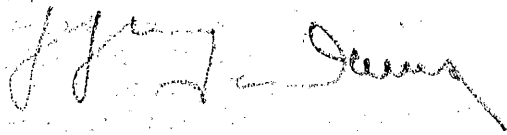
The file herein discloses that at approximately 11:20 p.m. on January 24, 1958, two ABC agents entered defendants' licensed premises and took seats at the bar. The bartender on duty at the time was subsequently identified as Edward Hanna (one of the licensees). The agents observed three male patrons at a table engaged in a card game called "six card rummy." The agents reported that at various times the bartender would serve drinks at the table and that from time to time as the game progressed the agents observed the players passing money to one another. One of the agents approached the table in question and was invited by several of the men to participate in the game. The agent accepted the invitation and played a game of rummy for money, after which it was decided to change the game to poker for 25¢ and 50¢ a card. While this agent was playing cards, a man, who at 11:50 p.m. had purchased six 12-ounce cans of beer, left the premises and the other agent followed him. The agent identified himself to the man and both entered the licensed premises through the rear living-quarters where Edward Hanna was summoned. He was confronted with the "hours" violation. Edward Hanna then went

into the tavern, tapped on the shoulder the agent who was playing cards and stated that the "ABC" were in the back and that he should get rid of the money. The agent then placed his badge and credentials on the card table and directed the players to remain at the table and not to touch the cards or the money. Edward Hanna, in compliance with the direction of the agent, called the Police Department and a short time thereafter two police officers arrived at the premises. The sum of \$63.00 was taken from the players.

Defendants have no prior adjudicated record. The minimum suspension for permitting card games for substantial sums of money is ten days (Re Caesar's Restaurant, Inc., Bulletin 1115, Item 8). The minimum suspension for sale of alcoholic beverages in original containers for off-premises consumption, in violation of Rule 1 of State Regulation No. 38, is fifteen days (Re Lou's Tavern, Inc., Bulletin 1209, Item 4). I shall suspend defendants' license for a period of twenty-five days, less five days' remission for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 12th day of March, 1958,

ORDERED that Plenary Retail Consumption License C-53, issued by the Borough Council of the Borough of Sayreville to Julia Hanna & Edward Hanna, t/a J & W Bar and Grill, for premises 404 Washington Road, Sayreville, be and the same is hereby suspended for twenty (20) days, commencing at 3:00 a.m. March 25, 1958, and terminating at 3:00 a.m. April 14, 1958.



William Howe Davis
Director.