

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

BULLETIN 1445

April 27, 1962

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licensed premises, viz., in a room in the cellar or basement of the building containing your licensed premises which room was not a part of your licensed premises; in violation of R.S. 33:1-2.

- "4. On Wednesday, December 6, 1961, you through Joseph Cieslak, employed as a bartender on your licensed premises, failed to facilitate and hindered and delayed and caused the hindrance and delay of an investigation, inspection and examination at your licensed premises then and there being conducted by Investigators of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety of the State of New Jersey; in violation of R.S. 33:1-35.
- "5. On November 17, 18, 21, 22, 28, 29, December 1, 2 and 6, 1961, 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 persons employed on your licensed premises and other persons in your behalf to make offers to procure females for male patrons and customers for the purpose of illicit sexual relations and intercourse; allowed, permitted and suffered females and other persons employed on your licensed premises to make overtures and to solicit male customers and patrons to purchase numerous drinks of alcoholic beverages for consumption by them and others; allowed, permitted and suffered unescorted females frequenting your licensed premises to make overtures, to solicit and obtain, directly or indirectly, money and other things of value for themselves and others from male customers and patrons; allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to and consumption thereof by persons actually or apparently intoxicated; allowed, permitted and suffered a person actually or apparently intoxicated to work on the 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 reports of the ABC agents who investigated defendant's licensed business may be summarized as follows: On their first visit to the licensed premises they observed three females seated at the bar, two of whom were known as Helen and Jo-Jo who continuously used foul and filthy language when speaking to one another and to male patrons. At one point Helen engaged in a fist fight with an unidentified female who then left the premises. When Helen rejoined her companions, she denounced in unprintable language the female with whom she had the encounter. Neither Charles Fiola (hereafter Charlie), husband of the licensee and night manager of the tavern, nor Joseph Cieslak (hereafter Joe), the bartender, did anything to curb the scurrilous remarks of the aforesaid females.

On their second visit the agents engaged in conversation with Charlie and at about 1:00 a.m., when they informed him that they were going to "bounce around looking for something nice", he advised them to remain and that he would try to get them something. Thereafter, he and a female called Betty made several 'phone calls and he told the agents that he was trying to get a girl named Pat "who was a hot number". When the agents inquired about Jo-Jo

Betty sneered and said, "this one is better than her". Just before the 2:00 a.m. closing hour, the agents said they were going to another town where they could drink until 3:00 a.m. and, when Charlie asked if they wanted to continue drinking, they replied in the affirmative. Charlie then extinguished the lights and ordered Joe to "take a bottle of VO, Seagram's Seven, Sauterne, Scotch, some chasers and let's go". Joe complied and the agents followed him, Charlie, a female named Casey, Betty and a male patron to the unlicensed basement in which there were two tables and a number of chairs. The drinking continued until 6:00 a.m. when all returned to the barroom. About 6:40 a.m., Charlie and Casey engaged in a smutty argument during which he exposed his genitals to Casey's view. Thereafter he, Casey and Betty departed the premises in a cab.

On their third visit the agents were informed by Joe that Rusty, the porter, had "phoned a couple of broads" who would arrive momentarily. Later, Joe gave ten cents to a female named Kathy and told her to call the girls. Kathy complied and, as she emerged from the 'phone booth, she said, "Here they are now", referring to two females who entered the premises in an intoxicated condition. The new arrivals solicited drinks at the expense of male patrons during their stay and were served by Joe who advised the agents, "Don't waste your time with these pigs".

On their fourth visit Charlie informed the agents that Jo-Jo and her girl friend had just left; that she "moves for \$25 and I hold the money". He also told them that he had called Pat; that she was on her way over and that she "is no Marilyn Monroe but she goes". Betty and Charlie on this occasion ordered drinks which were served by Joe who, without invitation, took payment from the agents from money on the bar.

On their fifth visit the agents encountered Charlie, who emerged from the 'phone booth in an intoxicated condition and greeted them with a vulgar salutation. At 10:45 p.m. one of the agents purchased some beer for off-premises consumption and departed with the merchandise. At 11:20 p.m. the agents re-entered the tavern, identified themselves and informed Joe of the violations. Joe's only remark was "I don't know anything", and went to the basement to get Charlie. When he returned he told the agents Charlie was too drunk to get up. The agents then asked for a copy of the license application and Joe failed to produce same saying, "I don't know anything". Joe was uncooperative throughout, but did say that he was on parole and would, after a trip to Newark, learn whether or not he could tend bar.

Defendant has no prior adjudicated record. It appears that pending the determination herein, the license was transferred, on January 24, 1962, to Helen Felenczak and John F. O'Shea, the latter having held the license for a period of seven years without incurring any penalties. In a letter submitted by Mr. O'Shea, he states that the licensed premises have been voluntarily closed since January 2, 1962.

Considering the facts and circumstances in this case, I shall suspend defendant's license for forty-five days on Charges 1, 2 and 4 (Re Pelzer, Bulletin 1377, Item 1), ten days on Charge 3 (Re Desimone, Bulletin 1184, Item 5), sixty days on Charge 5 (Re Cozy Circle, Inc., Bulletin 1413, Item 1), making a total suspension of one hundred fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of one hundred ten days.

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

ORDERED that Plenary Retail Consumption License C-76, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Dolores Fiola, and transferred to John F. O'Shea and Helen Felenczak, for premises 151 First Street, Hoboken, be and the same is hereby suspended for one hundred ten (110) days, commencing at 2:00 a.m., Wednesday, February 28, 1962, and terminating at 2:00 a.m., Monday, June 18, 1962.

Since it has been represented that the licensed premises have been voluntarily closed since January 2, 1962, the present holders of the license are hereby given leave to apply for a reduction of the suspension by the number of days the premises were voluntarily closed prior to the date of the suspension herein, provided the facts set forth in the application are substantiated by affidavit.

WILLIAM HOWE DAVIS  
DIRECTOR

2. APPELLATE DECISIONS - LUCIAN'S DEPOT BAR, INC. v. RED BANK.

Lucian's Depot Bar, Inc.,

Appellant,

v.

Mayor and Council of the Borough  
of Red Bank,

Respondent.

On Appeal

CONCLUSIONS  
AND  
ORDER

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Arnone and Zager, Esqs., by Abraham J. Zager, Esq., Attorneys  
for Appellant.

Reussille, Cornwell, Mausner & Carotenuto, Esqs., by Samuel  
Carotenuto, Esq., Attorneys for Respondent.

John A. Petillo, Esq., Attorney for the Objectors.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the action of the respondent Mayor and Council (hereinafter respondent) whereby at a meeting held on October 16, 1961, it denied an application for a place-to-place transfer of appellant's license from 107-109 Oakland Street to 115 Oakland Street, Borough of Red Bank. Councilman Falvo disqualified himself from participating in the discussions or voting on the question and Councilmen Burdge, Giersch, Oakley and Warren, respectively, voted to deny the transfer. At a meeting on November 6, 1961, Councilman Warren requested of the respondent that his negative vote be rescinded because subsequent to the meeting of October 16, 1961, he learned that a partner in the law firm with which he is associated had previously been consulted by George Taylor, president of appellant corporation, in connection with a matter of transfer. An amendment to the minutes of the meeting of October 16, 1961 on motion of Councilman Giersch, seconded by Councilman Falvo, was approved by a vote of five councilmen, Councilman Warren abstaining from voting on the motion.

"Appellant alleges in its petition of appeal that the action of the respondent was erroneous in that:

'Appellant, having lost its lease at the 107-109

Oakland Street, Red Bank, N.J. address, and having purchased the premises at 115 Oakland Street, Red Bank, N.J., was denied the right to transfer said license to the new address. There is no change of type or scope of operation contemplated, said premises at 115 Oakland Street, Red Bank, N.J. are more than 200 feet from the nearest church and the new address is not a different or new neighborhood. Appellant, during the time it has operated at the 107-109 Oakland Street, Red Bank, N.J. address, has had no disciplinary proceeding nor has there been reported to it any complaints by any individuals or by the police authorities of the Borough of Red Bank.'

"Respondent's answer sets forth that 'sufficient reasons were given by the public attending the meeting and objecting to the transfer, which reasons were considered by the respondent in its decision to deny the application'. Also, that 'approximately 45' objectors appeared at the hearing before respondent, and petitions were presented to respondent containing numerous signatures disclosing that some of the persons resided in the neighborhood and others were parishioners of a church located one block south of the proposed location.

"The undisputed facts appearing in this matter are that appellant has operated the licensed premises at its present location (107-109 Oakland Street) for seven years; that on July 25, 1957, appellant purchased the proposed premises located on the corner of Bridge Avenue and Oakland Street and known as 115 Oakland Street; that according to a survey prepared by Frank E. Mitchell, P.E. and Surveyor (Exhibit A-2 in evidence), the distance between the two premises in question is about fifty feet and the distance from the corner entrance of the proposed premises and the nearest door to the corner on the present premises is 75 feet. The approximate distance between the corner entrance of the proposed premises and the entrance to the church on the corner of Bridge Avenue and Chestnut Street is approximately 365 feet; that appellant's record is free of any violations committed during the operation of the liquor business at its present location, and that the resolution of respondent contained no reasons for its action.

"The evidence shows that there are several other taverns in the immediate area of the present and the proposed premises of appellant.

"Two objectors produced at the instant hearing testified that in their opinions, the conditions in the neighborhood are not conducive to the best interests of the people residing therein. However, the major objections made by these witnesses appeared general in nature and did not specifically accuse the operators of the appellant's establishment of any wrongdoing. Only in one or two instances did these witnesses attempt to connect appellant's premises with the alleged unsatisfactory conditions about which they complained. These witnesses testified that intoxicated persons had been seen to come from appellant's premises. A local police officer, called as a witness by respondent, testified that one evening, while he was on a routine inspection of the premises, he heard a man (who appeared to him to have had enough to drink) order a drink, but that "the barmaid, Mrs. Markham, refused to serve him and told him he was in no condition to be drinking and to go back where he got his load on, because she was too busy, and not to bother her customers". This man, according to the evidence, was the person who Anna Henderson testified attempted to speak to her and who followed her and her daughter to their home, when she was compelled to telephone to the police concerning the matter.

"If conditions were as bad as respondent's witnesses claimed, it would seem apparent that closer supervision by the local police in this section of the city is warranted. However, in the absence of convincing evidence that appellant is responsible for or substantially contributed to the unsatisfactory conditions, it should not be penalized.

"Although it has been repeatedly indicated that, in all fairness, a local issuing authority should state the reasons for its decisions, such failure to do so is not fatal. Since this is a trial de novo, appellant has been accorded its full day in court. Haba Realty Corp. v. Long Branch, Bulletin 984, Item 1; Bertrip Liquors, Inc. v. Bloomfield, Bulletin 1334, Item 1.

"After carefully reviewing the evidence, it appears insufficient because of the alleged misconduct by parties patronizing appellant's premises to warrant denial of the transfer of its license. Cf. Conn v. Kearny, Bulletin 173, Item 1; Hobbs v. Lower Penns Neck, Bulletin 405, Item 4; Dashefsky v. Orange et al., Bulletin 407, Item 9.

"In view of the lack of substantial evidence that the appellant has contributed in any way to the alleged unsatisfactory conditions, it appears immaterial whether the licensed premises is located at 107-109 Oakland Street or 115 Oakland Street. Appellant herein seeks merely to transfer its license to other premises in the same neighborhood which are in close proximity to its present licensed premises. The situation in this respect is closely comparable to that in Conn v. Kearny, supra; Leonia Liquors Inc. v. Leonia, Bulletin 766, Item 1; Grower v. Hackensack, Bulletin 789, Item 1, and Costa v. Verona, Bulletin 501, Item 2. In the latter case the Commissioner said:

'Thus, were appellant located in a different section of the municipality and seeking to transfer into the vicinity in question, or if, being within the area (as is the case), he were seeking to transfer to a site that would aggravate to any appreciable degree the existing concentration of licenses in that area, respondent would be justified in denying the transfer and, on appeal, I would sustain such denial. Neither of such situations, however, is present in this case. On the contrary, the facts herein indicate that the applicable ruling is that where no attack is made on the personal fitness of the applicant or the suitability of the premises, a refusal to transfer, whether from person to person or from place to place, cannot, in the absence of good independent cause, be sustained.'

"After the respondent had made its decision to deny the application for the place-to-place transfer, the attorney representing appellant requested that the respondent reconsider the main objection which apparently was that persons would have to pass the corner whereon the proposed premises is located when going to or coming from a church located a block away. The attorney alleged that the corporate appellant would be agreeable to move the entrance around the corner to the south side of Oakland Street and have no entrance on the corner. Mayor Gray then stated, 'This is something you should explore'. Councilman Giersch expressed an opinion to the effect that since the matter had already been decided and a resolution denying the transfer had been passed, the case appeared to be disposed of insofar as the respondent was concerned. Mayor Gray then stated that since the respondent had full discussion and

deliberation in the matter, 'it has been denied'. However, directing his remarks to the appellant's attorney, the Mayor added, 'You should explore other alternatives, this would be your decision'.

"The fact that appellant proposed to transfer its licensed premises from one place to another on the same side of Oakland Street, and does not increase the number of outlets for the sale of liquor to the general public in that area, a denial thereof appears unreasonable. It is my recommendation that the corner entrance to the licensed premises be closed; that an entrance be provided on Oakland Street at a point as far from the corner of the building as permissible and that the doorway presently on Bridge Street be not used at any time by patrons of the establishment. I therefore recommend that the action of the respondent be reversed and a condition be inserted in the license in order to meet the requirements aforementioned."

Pursuant to the provisions of Rule 14 of State Regulation No. 15, exceptions to the Hearer's Report and written argument thereto were filed with me by the attorney representing the objectors in this matter. Written answering argument was filed with me by the appellant's attorney.

Having carefully considered the entire record, including the evidence, exhibits, memoranda, written exceptions to the Hearer's Report and written argument thereto, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein.

Accordingly, it is on this 5th day of March, 1962,

ORDERED that the action of respondent in denying appellant's application for place-to-place transfer of the license from 107-109 Oakland Street to 115 Oakland Street be and the same is hereby reversed and respondent is hereby ordered and directed to grant said transfer subject to special conditions as hereinabove indicated.

WILLIAM HOWE DAVIS  
DIRECTOR

- 3. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR RECORD (FIFTH OFFENSE) -LICENSE SUSPENDED FOR 90 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Salvatore Starvaggi )  
 t/a Sal's Tavern )  
 200 Monticello Avenue )  
 Jersey City 4, New Jersey )

CONCLUSIONS

AND

Holder of Plenary Retail Consumption License C-383, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City. )

ORDER

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Salvatore Starvaggi, Licensee, Pro se.  
 Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that at 3:10 p.m. on Sunday, January 28, 1962, he sold a pint bottle of whiskey for off-premises consumption in violation of Rule 1 of State Regulation No. 38.

This is the licensee's fifth similar offense, his license having been suspended by the municipal issuing authority for (1) ten days effective July 21, 1947; and by the Director of the Division for (2) fifteen days effective February 3, 1954 (Bulletin 1002, Item 4), (3) thirty days effective June 1, 1957 (Bulletin 1174, Item 2) and (4) fifty-five days effective January 27, 1959 (Bulletin 1263, Item 7).

The previous record considered, the license will be suspended for ninety days, less five for the plea entered, leaving a net suspension of eighty-five days.

The licensee will be well advised scrupulously to avoid any future similar violation which may well result in outright revocation of the license.

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

ORDERED that plenary retail consumption license C-383, issued by the municipal Board of Alcoholic Beverage Control of the City of Jersey City to Salvatore Starvaggi, t/a Sal's Tavern, for premises 200 Monticello Avenue, Jersey City, be and the same is hereby suspended for eighty-five (85) days, commencing at 2:00 a.m., Monday, March 5, 1962, and terminating at 2:00 a.m., Tuesday, May 29, 1962.

WILLIAM HOWE DAVIS  
 DIRECTOR

4. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES TO MINORS  
- LICENSE SUSPENDED FOR 40 DAYS.

In the Matter of Disciplinary Proceedings against )

Paula's Lounge (Corporation) )  
345 Passaic Street )  
Passaic, N. J. )

CONCLUSIONS

AND

Holder of Plenary Retail Consumption License C-41, issued by the Board of Commissioners of the City of Passaic. )

ORDER

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Robert M. Kronman, Esq., Attorney for Defendant-licensee  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant pleaded not guilty to the following charge:

'On September 13, 1961, 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., Eugene ---, age 17, Lucinda ---, age 18, Lorraine ---, age 19, Janice ---, age 19, and Joseph ---, age 20, 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 Regulation No. 20.'

"The evidence given at the hearing held herein on December 11, 1961, establishes that Eugene --- and Joseph --- had visited defendant's premises on dates prior to the date mentioned in the above charge; that on September 4, 1961, Eugene --- had signed in the licensed premises a written representation of age and that on August 20, 1961, Joseph --- had signed in the licensed premises a similar paper. The evidence establishes that drinks of alcoholic beverages were served to each of these minors on the evening of September 13, 1961, but I am satisfied from the evidence and from the appearance of each of these minors that such drinks were served to them in reliance upon their written representations and in the reasonable belief that each was of full age.

"At the hearing Lucinda --- testified that she is 18 years of age; Lorraine --- testified that she is 19 years of age, and Janice --- testified that she is 19 years of age. An ABC agent testified that he and two other agents entered defendant's premises on the evening of September 13, 1961, and that Paulette Abbate (Principal stockholder of defendant corporation) and Jack DiPiazza were tending bar. This agent testified that, at about 10:20 p.m., Lucinda ---, Lorraine --- and Janice --- entered and took seats at the bar; that Jack DiPiazza sold a bottle of beer to Lucinda ---, a glass of gin and a chaser to Lorraine, and a glass of vodka and a soda to Janice ---; that, after these minors had partially consumed their drinks, the agents identified themselves to the bartenders and seized the minors' drinks. When a second ABC agent was called to testify, the attorney for defendant stated that he was not questioning the fact of service to the minors. Thus, the only question in the case, so far as the sales to these three

minors are concerned, is whether defendant has established a defense under the provisions of R.S. 33:1-77.

"On behalf of defendant, Jack DiPiazza testified that Lucinda --- had visited the premises prior to September 13; that, when she visited the premises on August 16, 1961, he questioned her as to her age, and that she then displayed a birth certificate indicating that she was 21 years of age and signed a written representation that she was 21 years of age. He testified that Lorraine --- had visited the premises prior to September 13; that, when she visited the premises on August 16, 1961, he questioned her and that she then displayed a birth certificate indicating that she was 21 years of age and signed a written representation that she was 21 years of age. Paulette Abbate testified that Janice --- had visited the premises during the summer months of 1961; that, when she visited the premises on June 8, 1961, Janice displayed a driver's license indicating that she was over 21 years of age.

"The Division called Lucinda ---, Lorraine --- and Janice --- as rebuttal witnesses.

"Lucinda --- then testified that she had been going to the licensed premises for a period of about two months prior to September 13, 1961; that sometime in August 1961 someone in the licensed premises asked her if she was 21 and that she then had a birth certificate which indicated she was born on February 24, 1940. She testified, however, that she did not sign a written representation as to her age on or prior to September 13. When shown the written representation dated August 16, 1961 (Exhibit D-7), she testified that it was in her handwriting but that she did not fill it out or sign it until some date in October 1961 when she visited the premises after Paulette Abbate had telephoned to her home and requested her to call and sign the paper.

"Lorraine --- then testified that she visited the licensed premises prior to September 13, 1961, but was not questioned as to her age and that she did not sign a written representation as to her age on or prior to September 13. When shown the written representation dated August 16, 1961 (Exhibit D-6), she testified that it was in her handwriting but that she did not fill it out or sign it until some date in October 1961 when she accompanied Lucinda --- to the premises.

"Janice --- then testified that she had visited the premises prior to September 13, 1961, and had displayed a driver's license falsely indicating that she was born in March 1940. She testified that she did not sign a written representation as to her age on or prior to September 13. When shown the written representation dated June 8, 1961 (Exhibit D-2), she testified that it was in her handwriting but that she did not fill it out or sign it until some time in October 1961 when she visited the premises alone after Paulette Abbate had telephoned to her and asked her to call and sign the paper.

"After considering the evidence and exhibits herein, and observing the witnesses, I conclude that the three female minors told the truth when they testified that the written representations presented in evidence were not filled in and signed until some time in October 1961. I do not believe the evidence of Paulette Abbate and Jack DiPiazza that these slips were executed on or prior to the date of the violation. Hence, aside from the youthful appearance of these minors, I conclude that defendant has not shown compliance with R.S. 33:1-77(a) and, hence, has not established a defense under said Section. Sportsmens 300 v. Board of Commissioners of Nutley, 42 N. J. Super. 488 (App. Div. 1956). It is recommended, therefore, that defendant be found guilty as to so much of the charge herein as refers to Lucinda ---, Lorraine --- and Janice ---.

"Defendant has no prior record. The minimum penalty for sale of alcoholic beverages to three minors, all of whom are 18 years of age or over, is twenty days. Re Chatterbox, Inc., Bulletin 1431, Item 4. However, considering the evidence indicating that defendant's agents attempted to perpetrate a fraud in establishing a defense herein, it is further recommended that an order be entered in this case suspending defendant's license for forty days."

Written exceptions to the Hearer's Report and written argument in substantiation thereof, were filed with me by defendant's attorney within the time limited by Rule 6 of State Regulation No. 16.

After carefully considering the entire record herein, including the transcript of the testimony, the Hearer's Report, the exceptions and written argument filed with reference thereto, I concur in the findings and conclusions of the Hearer and adopt his recommendations. Hence I shall find defendant guilty as charged.

Accordingly, it is on this 5th day of March, 1962,

ORDERED that Plenary Retail Consumption License C-41, issued by the Board of Commissioners of the City of Passaic to Paula's Lounge (Corporation) for premises 345 Passaic Street, Passaic, be and the same is hereby suspended for forty (40) days, commencing at 3:00 a.m. Monday, March 12, 1962, and terminating at 3:00 a.m. Saturday, April 21, 1962.

WILLIAM HOWE DAVIS  
DIRECTOR

- 5. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - FOUL AND ABUSIVE LANGUAGE - FAILURE TO DISCLOSE PRIOR SUSPENSION IN LICENSE APPLICATION - PRIOR RECORD - LICENSE SUSPENDED FOR 45 DAYS LESS, 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Andrew Mazzacco )  
t/a Andy's Bar )  
23-25 Norwood Avenue )  
Long Branch, New Jersey )

CONCLUSIONS

AND

ORDER

Holder of Plenary Retail Consumption License C-35, issued by the Board of Commissioners of the City of Long Branch. )

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Andrew Mazzacco, Licensee, Pro se.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads guilty to charges alleging that on Sunday, January 28, 1962, (1) at 5:40 and 5:45 p.m. he made two sales, one of six cans of beer and one of a pint of whiskey, both for off-premises consumption, in violation of Rule 1 of State Regulation No. 38; (2) used and permitted the use of foul and abusive language to the agents conducting the investigation, in violation of Rule 5 of State Regulation No. 20; and (3) in his current application for license failed to disclose a prior suspension of the license, in violation of R.S. 33:1-25.

The license was previously suspended by the municipal issuing authority for ten days, effective February 19, 1961, for sale of package goods for off-premises consumption, in violation of Rule 1 of State Regulation No. 38. Consequently, licensee's instant similar violation (Charge 1) is his second within five years. That fact

considered and the additional violations (Charges 2 and 3) also considered, the license will be suspended for a period 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 February, 1962,

ORDERED that Plenary Retail Consumption License C-35, issued by the Board of Commissioners of the City of Long Branch to Andrew Mazzaçco, t/a Andy's Bar, for premises 23-25 Norwood Avenue, Long Branch, be and the same is hereby suspended for forty (40) days, commencing at 2:00 a.m., Wednesday, March 7, 1962, and terminating at 2:00 a.m., Monday, April 16, 1962.

WILLIAM HOWE DAVIS  
DIRECTOR

6. STATUTORY AUTOMATIC SUSPENSION - ORDER TEMPORARILY STAYING SUSPENSION PENDING CONDUCT OF DISCIPLINARY PROCEEDINGS.

Auto. Susp. #204	)	
In the Matter of a Petition to	)	
Lift the Automatic Suspension	)	
of Plenary Retail Consumption	)	
License C-41, issued by the	)	
Township Committee of the Town-	)	
ship of Union, Union County, to	)	On Petition
	)	
Albert Chaika	)	O R D E R
t/a Al's Tavern	)	
2081 Springfield Ave.	)	
Union, N. J.	)	

-----  
A. Donald McKenzie, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

Petition herein discloses that on January 31, 1962, Albert Chaika, the petitioner herein, was fined \$250 in the Union Municipal Court after he had pleaded guilty to a charge alleging that he sold alcoholic beverages to a minor on January 28, 1962, in violation of R.S. 33:1-77. Said conviction resulted in the automatic suspension of his license for the balance of its term. R.S. 33:1-31.1. Because of the pendency of this proceeding, the statutory automatic suspension has not been effectuated.

Disciplinary proceedings have not yet been instituted against the licensee because of said sale of alcoholic beverages to the minor. A supplemental petition to lift the automatic suspension may be filed with me by petitioner after the disciplinary proceedings have been decided. In fairness to petitioner, I conclude that at this time the effect of the automatic suspension should be temporarily stayed. Re Faessler, Bulletin 920, Item 15.

Accordingly, it is, on this 2d day of March, 1962,

ORDERED that the aforesaid automatic suspension be stayed pending the entry of a further order herein.

WILLIAM HOWE DAVIS  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against

Tom and Jerry's, Inc.  
t/a Tom & Jerry's  
236 Monticello Avenue  
Jersey City, New Jersey

Holder of Plenary Retail Consumption License C-81, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

CONCLUSIONS

AND

ORDER

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Tom and Jerry's, Inc., Licensee, by Carmino T. Santomauro,  
Secretary-Treasurer, Pro se.  
Edward F. Ambrose, Esq., Appearing for the Division of  
Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on Saturday, February 3, 1962, between 11:05 and 11:30 p.m., it made three sales, each of six cans of beer, for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Absent previous record, the license will be suspended for the minimum period of fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Zaleski, Bulletin 1434, Item 7.

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

ORDERED that Plenary Retail Consumption License C-81, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Tom and Jerry's, Inc., t/a Tom & Jerry's, for premises 236 Monticello Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m., Monday, March 5, 1962, and terminating at 2:00 a.m., Thursday, March 15, 1962.

WILLIAM HOWE DAVIS  
DIRECTOR

8. STATUTORY AUTOMATIC SUSPENSION - ORDER TEMPORARILY STAYING SUSPENSION PENDING TERMINATION OF DISCIPLINARY PROCEEDINGS.

Auto. Susp. #205 )  
 In the Matter of a Petition to Lift )  
 the Automatic Suspension of Plenary )  
 Retail Consumption License C-103, )  
 issued by the Municipal Board of )  
 Alcoholic Beverage Control of the )  
 City of Clifton to ) On Petition  
  
 Kenneth Sisco ) O R D E R  
 t/a Shadow Club )  
 55 Durant Avenue )  
 Clifton, N. J. )

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John E. Hughes, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

Petition herein discloses that on February 27, 1962, the licensee was fined \$50 and costs in the Clifton Municipal Court after he was found guilty of sale of alcoholic beverages to a minor, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of his license for the balance of its term. R.S. 33:1-31.1. Because of the pendency of this proceeding, the statutory automatic suspension has not been effectuated.

Disciplinary proceedings are presently pending against the licensee because of said sale of alcoholic beverages to the minor. A supplemental petition to lift the automatic suspension may be filed with me by petitioner after the disciplinary proceedings have been decided. In fairness to petitioner, I conclude that at this time the effect of the automatic suspension should be temporarily stayed. Re Faessler, Bulletin 920, Item 15.

Accordingly, it is, on this 7th day of March, 1962,

ORDERED that the aforesaid automatic suspension be stayed pending the entry of a further order herein.

WILLIAM HOWE DAVIS  
DIRECTOR

9. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #206 )  
 In the Matter of a Petition to )  
 Lift the Automatic Suspension )  
 of Plenary Retail Consumption )  
 License C-161, issued by the )  
 City Council of the City of )  
 Elizabeth to )

On Petition

O R D E R

Stephen Boyko and Mary )  
 Boyko Lenkevich )  
 t/a Steve & Mary's Tavern )  
 231 First Street )  
 Elizabeth, N. J. )

John T. Glennon, Esq., Attorney for Petitioners.

BY THE DIRECTOR:

Petition herein discloses that on January 11, 1962, Mary Boyko Lenkevich, one of the petitioners herein, was fined \$300 in the Union County Court after being found guilty of sale of alcoholic beverages to a minor on April 6, 1960, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of license for the balance of its term. R.S. 33:1-31.1. The statutory automatic suspension has not been effectuated because of the pendency of this proceeding.

It further appears from the petition and the records of this Division that the municipal issuing authority suspended petitioners' license for sixty days effective April 17, 1960, after finding them guilty in disciplinary proceedings alleging the same sale to the minor. The disciplinary proceedings were instituted by the municipal issuing authority on its own initiative and, the suspension imposed therein having been served, I shall grant the petition to lift the automatic suspension.

Accordingly, it is, on this 8th day of March, 1962,

ORDERED that the statutory automatic suspension of said license C-161 be and the same is hereby lifted, and said license is restored to full force and operation, effective immediately.

WILLIAM HOWE DAVIS  
 DIRECTOR

10. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS) - SALE TO MINOR - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Donato Tartaglia )  
359 First Street )  
Hoboken, New Jersey )

CONCLUSIONS

Holder of Plenary Retail Consumption License C-149, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken. )

AND

ORDER

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Florio, Dunn, Marciano & Lypinski, Esqs., Attorneys for Licensee.

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

BY THE DIRECTOR:

Licensee pleads non vult to charges (1 and 2) alleging that on February 8 and 10, 1962 and divers days prior thereto, he permitted the acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20, and (3) sold alcoholic beverages on February 3, 4, 7, 8, 9 and 10, 1962 to a 20-year-old minor, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for the minimum period of twenty-five days on charges 1 and 2 (Re Masters, Bulletin 1432, Item 8) and for an additional minimum period of ten days on the third charge (Re Danny's Hide-A-Way, Inc., Bulletin 1329, Item 6) 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 12th day of March, 1962,

ORDERED that Plenary Retail Consumption License C-149, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Donato Tartaglia, for premises 359 First Street, Hoboken, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 A.M. Monday, March 19, 1962 and terminating at 2:00 A.M. Wednesday, April 18, 1962.

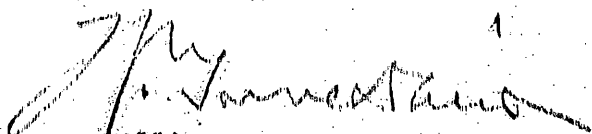
WILLIAM HOWE DAVIS  
DIRECTOR

11. STATE LICENSES - NEW APPLICATION FILED.

Hub City Distributors, Inc.  
649 Whitehead Road Extension  
and 666 Cherry Tree Lane  
Trenton, New Jersey

Application filed April 25, 1962 for place-to-place transfer of Limited Wholesale License WL-75 from 649 Whitehead Road Extension, Trenton, New Jersey

New Jersey State Library

  
William Howe Davis  
Director