

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1000 Broad Street Newark 2, N. J.

BULLETIN 1090

DECEMBER 13, 1955.

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STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street Newark 2, N. J.

BULLETIN 1090

DECEMBER 13, 1955.

1. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITY
(INDECENT LANGUAGE) - HOSTESS - SALE TO INTOXICATED PERSON -
SALE TO MINORS - LICENSE SUSPENDED FOR 50 DAYS, LESS 5 FOR
PLEA.

In the Matter of Disciplinary)
Proceedings against)

BOYSEN'S SUNSET TAVERN, INC.)
Sunset Avenue)
Madison Township)
PO Old Bridge, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-2, issued by the)
Township Committee of Madison Township.)

Benjamin Kleinberg, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. On September 22 and 24, 1955, you allowed, per-
mitted and suffered lewdness and immoral activity and foul,
filthy and obscene language and conduct in and upon your
licensed premises; in violation of Rule 5 of State Regu-
lations No. 20.

"2. On September 22 and 24, 1955, you allowed, per-
mitted and suffered females employed on your licensed
premises to accept beverages at the expense of or as a
gift from customers and patrons; in violation of Rule 22
of State Regulations No. 20.

"3. On September 24, 1955, you sold, served and
delivered and allowed, permitted and suffered the sale,
service and delivery of alcoholic beverages, directly or
indirectly, to a person actually or apparently intoxicated
and allowed, permitted and suffered the consumption of
alcoholic beverages by such person in and upon your
licensed premises; in violation of Rule 1 of State Regu-
lations No. 20.

"4. On September 24, 1955, 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., Lois J. ---, age 18, and James ---, age 19,
and allowed, permitted and suffered the consumption of
alcoholic beverages by such persons upon your licensed
premises; in violation of Rule 1 of State Regulations
No. 20."

The file herein discloses that at about 9:00 p.m., on
September 22, 1955, two ABC agents entered defendant's licensed
premises and immediately took seats at the bar. A short time
after their arrival, a male patron called to a female named
Helen and asked whether she wished to hear a joke. Helen told
him to go ahead. The male patron related an anecdote depicting

an immoral act and the language used was filthy and obscene. At the completion of the story, Hank, the bartender, joined with the patrons in the laughter that followed. The female referred to as Helen relieved Hank as bartender and when she served drinks to the agents said, "Where the hell is my drink?" One of the agents purchased a shot of whiskey for her. During the course of the evening she accepted five shots of whiskey at the expense of the agents and also was seen by the agents accepting drinks at the expense of other male patrons. Helen and a male patron engaged in conversation with reference to a heavy shirt that she was wearing upon which was written across the back thereof the words "Sunset Tavern". As a result of the conversation, Helen permitted the male patron to fondle her breasts. The agents left the defendant's premises at about 11:00 p.m.

On September 24, 1955, at about 9:45 p.m., the same two agents visited defendant's licensed premises. Helen was tending bar and a female called Mary was serving food and drinks to various customers in booths. When Mary was not actually engaged in waiting on customers, she spent her time drinking at the expense of various male patrons. On one occasion when a male patron requested that Helen give Mary another drink, Mary said that she already had four drinks on the bar "but another one won't hurt". After Mary consumed part of the drink that had just been served to her, Helen disposed of the unconsumed portion thereof. One of the agents then purchased a drink for Mary and both agents purchased drinks for Helen. Helen, on one occasion, took three pairs of women's panties from a paper bag, waved them in front of several male patrons and made a vulgar remark as a reason for having to keep so many of these particular garments on hand. The agents observed a male patron with a flushed face and droopy eyes go to the men's room on two occasions. He staggered from side to side and at times would totter forward and then, after straightening himself, would reel backward. The man, although apparently intoxicated, was served alcoholic beverages by the barmaid from time to time. The agents observed the waitress serve a glass of beer to a girl and to a youth seated in a booth and upon questioning the couple, it was ascertained that both were minors, the girl being 18 years and the youth 19 years of age, respectively.

Defendant has no prior adjudicated record. Under the circumstances appearing in this case, I shall suspend defendant's license for a period of fifty days. Five days will be remitted for the plea entered herein, leaving a net suspension of forty-five days.

Accordingly, it is, on this 18th day of November, 1955,

ORDERED that Plenary Retail Consumption License C-2, issued by the Township Committee of Madison Township to Boysen's Sunset Tavern, Inc., Sunset Avenue, Madison Township, be and the same is hereby suspended for a period of forty-five (45) days, commencing at 2:00 a.m. November 28, 1955, and terminating at 2:00 a. m. January 12, 1956.

WILLIAM HOWE DAVIS
Director.

2. DISCIPLINARY PROCEEDINGS - AGGRAVATED SALES TO MINORS - LICENSE
SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

BLUE MOON INN, INC.)
T/a BLUE MOON INN)
N/S Adelpia-Farmingdale Road)
Howell Township)
PO RD #2, Farmingdale, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-12, issued by the)
Township Committee of Howell)
Township.)
-----)

Stanley Blasi, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to two charges alleging that on October 1, 1955 and on October 2, 1955, it sold, served and delivered alcoholic beverages to four and two minors, respectively, and permitted the consumption of alcoholic beverages by said minors in and upon its licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that ABC agents, acting upon information transmitted to this Division by the Wall Township Police Department, obtained signed sworn statements from John J. --- (age 16), Kenneth --- (age 16), Thomas --- (age 17), and John C. --- (age 19), stating that on Saturday night, October 1, 1955, they entered defendant's licensed premises wherein each was served with and consumed a glass of beer; that the service was made by a bartender from whom they later purchased a case (24 cans) of beer which they carried with them from the premises. Thomas --- and John C. --- further stated that on Sunday night, October 2, 1955, they were each served and consumed two glasses of beer in the same tavern and that they purchased eight cartons of beer to take out. The minors stated that they were never questioned as to their ages and later directed the agents to the licensed premises which they pointed out as the place wherein alcoholic beverages had been sold and served to them and identified therein Patsy Meo (vice-president of defendant corporate-licensee) as the bartender who had made the sale and service on Saturday, October 1, 1955. Thomas --- and John C. --- did not identify the person who served them on Sunday night, October 2, 1955.

Defendant has no prior adjudicated record. The minimum penalty for sale of alcoholic beverages to a minor as young as 16 years is a 20-day suspension of the license. However, because of the number of minors involved and the fact that sale was made to two of the minors on two occasions, I shall suspend defendant's license for a period of thirty-five days. Cf. Re Poirier, Bulletin 970, Item 4. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty days.

Accordingly, it is, on this 15th day of November, 1955,

ORDERED that Plenary Retail Consumption License C-12, issued by the Township Committee of Howell Township to Blue Moon Inn, Inc., t/a Blue Moon Inn, N/S Adelpia-Farmingdale

Road, Howell Township, be and the same is hereby suspended for a period of thirty (30) days, commencing at 2:00 a.m. November 22, 1955, and terminating at 2:00 a.m. December 22, 1955.

WILLIAM HOWE DAVIS
Director.

3. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS, IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - POSSESSING CONTRACEPTIVE DEVICES ON LICENSED PREMISES - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

JOHN STEFURA
133 Morris Street
Jersey City, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-
tion License C-416, issued by the
Municipal Board of Alcoholic
Beverage Control of the City of
Jersey City.

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

BY THE DIRECTOR:

Defendant has pleaded non vult to charges alleging that (1) he sold an alcoholic beverage in its original container for consumption off his licensed premises, in violation of Rule 1 of State Regulations No. 38; and (2) he possessed, allowed, permitted and suffered contraceptive devices in and upon his licensed premises, in violation of Rule 9 of State Regulations No. 20.

The file herein discloses that on Sunday afternoon, October 23, 1955, an ABC agent purchased from the bartender in defendant's licensed premises a pint bottle of "Calvert Whiskey" which he took with him from the tavern. Returning shortly thereafter with a fellow-agent, both identified themselves to the bartender who, in the presence of the licensee, admitted the sale. The agents then seized two contraceptive devices which they found in a back bar drawer.

Defendant has a prior adjudicated record. Effective January 13, 1936 and March 21, 1938, his license was suspended by the issuing authority for two and three days, respectively, for violations of a local resolution and the same authority suspended his license for thirty days, effective May 11, 1942, for an "hours" violation. Since the aforesaid violations occurred more than ten years ago, they will not be considered in fixing the penalty herein. Re Wally's, Inc., Bulletin 931, Item 9. I shall suspend defendant's license for a period of fifteen days on Charge 1 (Re Imbornone, Bulletin 1080, Item 3) and for an additional period of ten days on Charge 2 (Re Fort Lee Tavern, Inc., Bulletin 913, Item 9). Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 9th day of November, 1955,

ORDERED that Plenary Retail Consumption License C-416, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to John Stefura, 133 Morris Street, Jersey

City, be and the same is hereby suspended for a period of twenty (20) days, commencing at 2:00 a.m. November 16, 1955, and terminating at 2:00 a.m. December 6, 1955.

WILLIAM HOWE DAVIS
Director.

4. DISCIPLINARY PROCEEDINGS - GAMBLING - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

THOMAS C. DAVIES
T/a TOMMY'S BAR & GRILL
700 North Fourth Street
East Newark
PO Harrison, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-
tion License C-1, issued by the
Borough Council of the Borough of
East Newark.

Thomas C. Davies, Defendant-licensee, Pro se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charge:

"On September 10, 15, 17, 19 and 20, 1955, and on
divers other days, you engaged in and allowed, permitted
and suffered gambling, viz., the making and accepting of
horse race bets in and upon your licensed premises; in
violation of Rule 7 of State Regulations No. 20."

The file herein discloses that on the various dates set
forth in the aforementioned charge, an ABC agent placed bets on
horse races with defendant while he was in defendant's licensed
premises. On September 20, 1955, prior to ABC agents and local
police officers making known their identity to the defendant,
the latter had accepted from one of the agents and other persons
several bets on horses which were scheduled to run that day. A
search of the premises resulted in the seizure of a number of
slips with bets on horses indicated thereon and also other
racing paraphernalia.

Defendant has no prior adjudicated record. I shall sus-
pend defendant's license for a period of twenty days (Re Parente,
Bulletin 1085, Item 7). Five days will be remitted for the plea
entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 10th day of November, 1955,

ORDERED that Plenary Retail Consumption License C-1,
issued by the Borough Council of the Borough of East Newark to
Thomas C. Davies, t/a Tommy's Bar & Grill, 700 North Fourth
Street, East Newark, be and the same is hereby suspended for a
period of fifteen (15) days, commencing at 2:00 a.m. November 14,
1955, and terminating at 2:00 a.m. November 29, 1955.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - PRIOR RECORD -
 LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
 Proceedings against)

HOME LIQUOR STORE, INC.)
 131 South Main Street)
 Pleasantville, N. J.,)

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Distri-)
 bution License D-2, issued by the)
 Common Council of the City of)
 Pleasantville.)
 -----)

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

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that on October 3, 1955, it sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a minor, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that ABC agents obtained signed sworn statements from Robert --- (age 18) and Jackie --- (age 19) to the following effect:

On Monday, October 3, 1955, the two minors went to Pleasantville at about 7:30 p.m. and decided to purchase some whiskey. They agreed that Robert alone was to enter the liquor store located on Main Street and purchase the whiskey. Robert entered the store (identified as that of the defendant licensee) and purchased a fifth of Calvert Whiskey and a pint of Hunter's Whiskey for which he paid \$7.25. Robert rejoined Jackie, who had remained in the vicinity of the store, and both drank the whiskey. Robert became intoxicated and was taken into custody by the local police. Robert stated that the clerk in the store did not ask his age nor ask him to sign any representation as to his age.

On October 4th, the two minors accompanied two ABC agents and the captain of the local police to defendant's licensed premises, which they identified as the place where Robert purchased the whiskey. Robert entered the premises with the officers and at first identified Lester Higbee, Secretary of defendant corporation, as the person who sold him the whiskey but then said that he was not too certain because the person who sold him the whiskey wore glasses while Higbee did not then wear any glasses.

Defendant licensee has submitted a letter wherein it urges in mitigation that Lester Higbee was on duty on the evening in question and claims that he did not make any sale of alcoholic beverages to Robert. Higbee and Robert may be confused as to each other's identity but there is no confusion as to the licensed premises where Robert purchased the whiskey. Both minors have positively and definitely identified defendant's licensed establishment as the place where Robert purchased the whiskey on the date in question. Hence, Robert's doubt as to the identification of Higbee is not fatal in disciplinary proceedings. Re Bird, Bulletin 1001, Item 4.

Defendant has a prior adjudicated record. Effective June 9, 1952, its license was suspended for five days by the local

issuing authority for sale to minors. Since this is a second similar violation within a five-year period, the minimum penalty of ten days imposed in a case involving the sale of alcoholic beverages to an 18-year-old minor will be doubled, resulting in a suspension of defendant's license for a period of twenty days. Re Compton, Bulletin 1071, Item 3. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 17th day of November, 1955,

ORDERED that Plenary Retail Distribution License D-2, issued by the Common Council of the City of Pleasantville to Home Liquor Store, Inc., 131 South Main Street, Pleasantville, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 9:00 a.m. November 28, 1955, and terminating at 9:00 a.m. December 13, 1955.

WILLIAM HOWE DAVIS
Director.

6. DISCIPLINARY PROCEEDINGS - SLOT MACHINES - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

POINT PLEASANT LODGE #1698,)
B.P.O. Elks)
820 Arnold Avenue)
Point Pleasant Beach, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Club License CB-166,)
issued by the Director of the)
Division of Alcoholic Beverage)
Control.)

Rogers, Sim & Sinn, Esqs., Attorneys for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On August 27, 1955, you possessed, allowed, permitted and suffered in and upon your licensed premises six (6) slot machines or devices in the nature of slot machines which might be used for the purpose of playing for money or other valuable thing; in violation of Rule 8 of State Regulations No. 20."

The file herein discloses that on August 27, 1955, ABC agents found six slot machines in a basement room which was part of defendant's licensed premises. The machines were found to be in working order.

Defendant has no prior adjudicated record. I shall suspend defendant's license for the minimum period of ten days (Re Loyal Order of Moose, Passaic Lodge No. 542, Bulletin 1053, Item 7). Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 9th day of November, 1955,

ORDERED that Club License CB-166, issued by the Director of the Division of Alcoholic Beverage Control to Point Pleasant Lodge #1698, B.P.O. Elks, for premises 820 Arnold Avenue, Point Pleasant Beach, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. November 14, 1955, and terminating at 2:00 a.m. November 19, 1955.

WILLIAM HOWE DAVIS
Director.

7. DISCIPLINARY PROCEEDINGS - CHARGE ALLEGING SALE OF ALCOHOLIC BEVERAGES TO MINOR, DISMISSED.

In the Matter of Disciplinary
Proceedings against

AGNES J. SIMKINS & JOSEPH A. SIMKINS
Mays Landing Road at Patcong Creek
Egg Harbor Township
PO Route 1, Mays Landing, N. J.,

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption
License C-3, issued by the Township
Committee of the Township of Egg Harbor.

Donald Palese, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendants pleaded not guilty to a charge alleging that they sold, served and delivered alcoholic beverages to a minor, and permitted the consumption of such beverages by said minor, in and upon their licensed premises, in violation of Rule 1 of State Regulations No. 20.

At the hearing held herein State Trooper Demetry testified that at about 5:00 a.m. Sunday, September 4, 1955, in response to a radio message, he went to Longport Boulevard where a collision had occurred between a car driven by Maurice --- (19 years of age) and a Somers Point police car; that, during the course of his investigation, he asked Maurice --- if he had had anything to drink and that, when Maurice told him that he had had a drink at "the Grove", he took the minor to defendants' premises. The State Trooper further testified that the minor identified defendants' premises as the place in which he had been served; that the minor "seemed a little doubtful" when asked to identify the bartender who had served the drink, but that eventually the minor identified John J. McGuigan as the person who had served him.

The sole evidence as to the sale and consumption of alcoholic beverages was given by Maurice. At the hearing held herein he testified that he and James --- (who was also apparently a minor) entered defendants' premises at about 4:00 a.m. on the morning in question; that the place "was pretty well crowded" with patrons "close to two deep" around the bar; that he and his companion went to the bar where he ordered from the bartender, McGuigan, a whiskey-sour which was placed in front of him; that he walked around the premises consuming his drink; that his companion had nothing to drink, and that they left the premises after being there for a period of approximately fifteen or twenty minutes.

Although efforts were made to obtain the testimony of James, these efforts were unsuccessful because he resides in Pennsylvania and is now attending college in Virginia.

In behalf of defendants, John J. McGuigan testified that he is a school teacher; that he has been occasionally employed by defendants during the past four summers, and that he and Joseph A. Simkins (one of the licensees) and another bartender were tending bar on the morning in question. He denies that he served any drinks to Maurice, and states that he never saw the minor prior to the time he entered with the State Trooper. He further testified that he did not make any whiskey-sours on the morning in question, and that it is a standing rule of the establishment that no mixed drinks are to be served on July 4th or the Labor Day week-end. Thomas G. Faulkner, also a school teacher, testified that on the morning in question he was employed by defendants, and that he was stationed at the front door of the premises to keep out minors and any undesirable patrons. Although Maurice testified that he and his companion had entered through the front door of the premises, Thomas Faulkner testified that he did not see them enter and that he never saw Maurice prior to the time he entered the premises with the State Trooper. A musician who had ceased playing on the licensed premises at 3:00 a.m. testified that he remained on the premises until shortly before 5:00 a.m., and that he did not see Maurice on the licensed premises during that period of time. Joseph A. Simkins testified that on the morning in question he tended bar between 2:30 a.m. and 4:15 a.m. and that, when he ceased working behind the bar, McGuigan and another bartender remained on duty. Joseph A. Simkins testified that no whiskey-sours were served at this bar to anyone that evening and that, during the last three summers, it has been the practice to serve mixed drinks on the 4th of July and Labor Day week-end only from a little bar in the rear room of the premises.

The charge herein is serious and the evidence in support thereof must be clear and convincing. In this case the minor's testimony is uncorroborated and, in some respects, is vague and uncertain. In addition to his hesitancy in identifying the person who had allegedly served him, the minor was unable to recall the price of the drink or the manner in which he had paid for the drink. On the other hand, one of the licensees and a bartender testified that no whiskey-sours were served at the main bar over the Labor Day holiday, and they and two other witnesses testified that they did not see the minor in defendants' licensed premises on the morning in question until he entered with the State Trooper. It further appears that at least five other licensed premises "around there" were open at the time the violation is alleged to have occurred.

After carefully considering the testimony herein, I conclude that defendants' guilt has not been established by the necessary preponderance of the evidence. I, therefore, find defendants not guilty as charged. Cf. Hill v. Pennsauken, Bulletin 223, Item 4; Re Freddie's Tavern, Inc., Bulletin 1033, Item 8.

Accordingly, it is, on this 18th day of November, 1955,

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

WILLIAM HOWE DAVIS
Director.

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

In the Matter of Disciplinary
Proceedings against

NATHAN EPSTEIN
T/a ONYX CLUB
534 Madison Avenue
Paterson 4, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-
tion License C-130, issued by the
Board of Alcoholic Beverage Control
for the City of Paterson.

William K. Azar, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that on October 8, 1955, he sold, served and delivered alcoholic beverages to three minors and permitted the consumption of such beverages by said minors in and upon his licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that on Saturday evening, October 8, 1955, an ABC agent entered defendant's licensed premises wherein he observed an adult male purchase from the bartender therein three bottles of beer, carry them to a table and place one bottle in front of each of three apparently minor females who proceeded to consume the beverage. The agent at this point contacted a fellow agent stationed outside the premises and both identified themselves to the females who, in the presence of the licensee, gave signed sworn statements stating that they were Ruby Mae --- (age 17), Dorothea --- (age 18) and Plumie ---- (age 18) and that they had consumed some of the beer purchased by the adult male. The agents seized the remainder of the beer for evidential purposes and obtained other signed statements from the purchaser and the bartender admitting their participation in the violation.

Defendant has no prior adjudicated record. Since three minors -- one of whom was seventeen years of age -- were involved in this case, I shall suspend defendant's license for fifteen days. Re La Bella, Bulletin 1076, Item 8. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 10th day of November, 1955,

ORDERED that Plenary Retail Consumption License C-130, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Nathan Epstein, t/a Onyx Club, 534 Madison Avenue, Paterson, be and the same is hereby suspended for a period of ten (10) days, commencing at 3:00 a.m. November 21, 1955, and terminating at 3:00 a.m. December 1, 1955.

WILLIAM HOWE DAVIS
Director.

9. DISCIPLINARY PROCEEDINGS - GAMBLING - LOTTERY - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

MICHAEL J. DONNELLY and
MANUEL MARTINEZ
972 Broadway
Bayonne, N. J.,

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consump-
tion License C-50, issued by the
Board of Commissioners of the City
of Bayonne.

Cornelius E. Gallagher, Esq., Attorney for Defendant-licensees.
William F. Wood, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to the following charges:

"1. On or about August 23, 1955 and prior thereto, you allowed, permitted and suffered gambling, viz., the making and accepting of horse race bets, in and upon your licensed premises; in violation of Rule 7 of State Regulations No. 20.

"2. On the aforesaid occasions, you allowed, permitted and suffered tickets and participation rights in a lottery, commonly known as the 'numbers game', to be sold and offered for sale in and upon your licensed premises; in violation of Rule 6 of State Regulations No. 20."

The file herein discloses that on August 23, 1955, ABC agents and Detectives of the New Jersey State Police entered defendants' licensed premises and identified themselves to William Donnelly (the bartender).

The premises were searched by the officers who discovered in a drawer in the back bar six alleged lottery slips bearing names and numbers; eighteen "Outing and Games" books and money which totaled forty-seven dollars. "Scratch sheets" were found behind the telephone booth. During a period of about one hour one of the officers answered the telephone and received five calls from persons who asked for "Doc" and who wanted to place bets on numbers or horse races. Francis J. Dougherty, who was then a patron in the premises, was arrested and admitted that he had been accepting bets over said telephone, although he denied that the licensees knew of his activities on the licensed premises.

Defendants have no prior record. I shall suspend defendants' license for twenty days (Re Parente, Bulletin 1085, Item 7). Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 17th day of November, 1955,

ORDERED that Plenary Retail Consumption License C-50, issued by the Board of Commissioners of the City of Bayonne to Michael J. Donnelly and Manuel Martinez, for premises 972 Broadway, Bayonne, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. November 28, 1955, and terminating at 2:00 a.m. December 13, 1955.

WILLIAM HOWE DAVIS
Director.

UNCLASSIFIED - EXEMPT - SPILLING

10.

ACTIVITY REPORT FOR NOVEMBER 1955**ARRESTS:**

Total number of persons arrested	39
Licensees and employees	16
Bootleggers	22
ABC agent impersonator	1

SEIZURES:

Motor vehicles - cars	3
Still - over 50 gallons	1
Still - 50 gallons or under	1
Mash - gallons	150.00
Distilled alcoholic beverages - gallons	15.16
Brewed malt alcoholic beverages - gallons	27.47

RETAIL LICENSEES:

Premises inspected	755
Premises where alcoholic beverages were gauged	607
Bottles gauged	11,378
Premises where violations were found	62
Violations found	98
Type of violations found:	
Unqualified employees	42
Reg. #38 sign not posted	8
Disposal permit necessary	8
Other mercantile business	4
Gambling devices	2
Prohibited signs	1
Other violations	33

STATE LICENSEES:

Premises inspected	22
License applications investigated	15

COMPLAINTS:

Complaints assigned for investigation	379
Investigations completed	369
Investigations pending	138

LABORATORY:

Analyses made	139
Refills from licensed premises - bottles	2
Bottles from unlicensed premises	46

IDENTIFICATION BUREAU:

Criminal fingerprint identifications made	19
Persons fingerprinted for non-criminal purposes	143
Identification contacts made with other enforcement agencies	145
Motor vehicle identifications via N. J. State Police teletype	3

DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities	33
Violations involved:	
Sale during prohibited hours	21
Sale to minors	10
Failure to close premises during prohibited hours	3
Serving women at a bar (local reg.)	2
Possessing contraceptives on premises	1
Employing unqualified persons	1
Permitting hostesses on premises	1
Cases instituted at Division	23*
Violations involved:	
Sale during prohibited hours	8
Sale to minors	8
Hindering investigation	2
Failure to close premises during prohibited hours	2
Permitting bookmaking on premises	2
Permitting lottery activity (numbers)	1
Fraud and front	2
Permitting hostesses on premises	1
Conducting business as a nuisance	1
Sale outside scope of license	1
Permitting illegal activity in connection with licensed premises	1
Sale below minimum resale price	1

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

Cases brought by municipalities on own initiative and reported to Division	10
--	----

Violations involved:	
Sale to minors	4
Sale during prohibited hours	3
Permitting brawls on premises	2
Employing unqualified persons	1
Hindering investigation	1

HEARINGS HELD AT DIVISION:

Total number of hearings held	45
Appeals	8
Disciplinary proceedings	23
Eligibility	3
Seizures	10
Applications for license	1

STATE LICENSES AND PERMITS ISSUED:

Total number issued	1,807
Licenses	9
Employment permits	145
Solicitors	90
Disposal	102
Social affair	396
Wine permits	579
Miscellaneous permits	152
Transportation insignia	315
Transportation certificates	19

WILLIAM HOWE DAVIS

DIRECTOR

Dated: December 5, 1955

11. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED IN
MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 10
DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

HOLIDAY LIQUORS, INC.
2074 Morris Avenue
Union, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distri-
bution License D-1, issued by the
Township Committee of the Township
of Union.

Jack Pincus, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that
it sold alcoholic beverages at less than the price listed in the
Minimum Consumer Resale Price List then in effect, in violation
of Rule 5 of State Regulations No. 30.

The file herein discloses that on October 20, 1955, an
ABC agent entered defendant's licensed premises to investigate
a complaint that it was allegedly selling alcoholic beverages
below the Minimum Resale Price. Dorothy Antelmann, a clerk
employed by defendant, was on duty. The agent asked her the
price of a quart of Seagram 7 Crown Whiskey. She quoted the
price of \$5.55. Asked the price of three quarts of this whiskey,
she quoted \$16.65. The clerk then asked the agent where he was
employed. He told her that he worked for the Public Service.
She then stated that maybe she could give him a break as long as
he was not ABC. Asked what kind of a break, she replied that he
could have three quarts of Seagram 7 Crown Whiskey for \$15.50.

The agent gave Dorothy Antelmann an excuse for leaving
the premises and contacted a fellow-agent who had waited outside.
The first agent then re-entered the premises, told the clerk that
he would take the three quarts of Seagram and, accordingly, the
clerk placed such whiskey in a bag and accepted \$15.50 in pay-
ment. The agent then left the premises and immediately returned
with his fellow-agent and both agents identified themselves. At
about this time, Martin Berlin, president of the corporate-
licensee, came upon the scene, was advised of what had occurred
and together with the agents observed that the sale of \$15.50 was
listed on the cash register tape. The Minimum Resale Price on
October 20, 1955 for a quart of Seagram 7 Crown Whiskey was \$5.55
or \$16.65 for the three quarts.

The specific details as related by the agent have been
above set forth because it is obvious therefrom that there is no
substance to the alleged mitigating circumstances set forth in
its attorney's letter that its clerk was persuaded or induced to
make the sale in question.

Defendant has no prior adjudicated record. I shall sus-
pend defendant's license for the minimum period of ten days.
Re Weintrob, Bulletin 1070, Item 7. Five days will be remitted
for the plea entered herein, leaving a net suspension of five
days.

Accordingly, it is, on this 15th day of November, 1955,

ORDERED that Plenary Retail Distribution License D-1, issued by the Township Committee of the Township of Union to Holiday Liquors, Inc., 2074 Morris Avenue, Union, be and the same is hereby suspended for a period of five (5) days, commencing at 9:00 a.m. November 28, 1955, and terminating at 9:00 a.m. December 3, 1955.

WILLIAM HOWE DAVIS
Director.

12. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN RESTAURANT - STOCK OF ALCOHOLIC BEVERAGES AND FIXTURES, FURNITURE AND EQUIPMENT ORDERED FORFEITED - VARIOUS ITEMS RETURNED TO INNOCENT CLAIMANTS.

In the Matter of the Seizure on) Case No. 8998
September 22, 1955, of a quantity

of beer, furniture, fixtures, and)
equipment, and \$13.15 in cash, at)
Carol Bond's restaurant located at)
156 West Broadway, in the City of)
Salem, County of Salem and State of)
New Jersey.)
-----)

ON HEARING
CONCLUSIONS AND ORDER

Fones Perry, Pro se.

James M. McGinn, Pro se.

I. Edward Amada, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

This matter comes before me pursuant to the provisions of Title 33, Chapter 1, Revised Statutes of New Jersey, to determine whether 9 cans of beer, \$13.15 in cash, and various fixtures and furniture and equipment, described in a schedule attached hereto, seized on September 22, 1955 at Carol Bond's restaurant located at 156 West Broadway, Salem, New Jersey, constitute unlawful property and should be forfeited.

The seizure was made by ABC agents because of alleged sales of alcoholic beverages in the restaurant without a license.

When the matter came on for hearing pursuant to R. S. 33:1-66, an appearance was entered by Fones Perry, who sought return of a music box, shuffle alley machine and pinball machine, and an appearance was entered by James M. McGinn who sought return of a cigarette vending machine. No one opposed forfeiture of the balance of the property seized.

Reports of ABC agents and other documents in the file, admitted into evidence with the consent of the above named claimants, disclose that ABC agents purchased alcoholic beverages in the above restaurant on July 19th, and September 22, 1955; that Carol Bond did not hold any license authorizing her to sell alcoholic beverages and that the premises were not licensed for that purpose; and that on the last mentioned date ABC agents seized the cans of beer and other personal property which was in the restaurant.

The evidence presented supports the conclusion that the seized beer was intended for unlawful sale, and hence is illicit. R.S. 33:1-1(1). Such illicit beer and the personal property seized therewith in the restaurant constitutes unlawful property and is subject to forfeiture. R.S. 33:1-1(y), R.S. 33:1-2, R.S. 33:1-66.

Fones Perry testified that he placed a music machine, pinball machine, and shuffle alley in the restaurant on a profit-sharing basis at the request of Carol Bond; that the pinball machine was the first machine installed, after Perry inspected the restaurant, and found it to be the usual type of a small commercial restaurant; also that he personally serviced the machines every two weeks, and there were no alcoholic beverages visible on any occasion, and he did not observe any person there drinking or purchasing alcoholic beverages.

James M. McGinn testified that he placed a cigarette vending machine in the restaurant on a profit-sharing basis, upon being advised by Perry that he might be able to place a machine in Carol Bond's restaurant, whereupon he entered her restaurant, and obtained her consent to place the machine there; that he visited the premises once a week to service the machine, and did not observe any alcoholic beverage activities being carried on there.

The establishment had the outward attributes of a commercial restaurant. Carol Bond does not appear to have any previous criminal record for violating any liquor laws. I am therefore satisfied that Fones Perry and James M. McGinn both acted with reasonable prudence and did not know or have any reason to suspect that speakeasy activities were being carried on at the place where their machines were located. Accordingly, the machines will be returned to them upon payment by each of the respective costs of their seizure and storage. R.S. 33:1-66(y).

Accordingly, it is DETERMINED and ORDERED that if on or before the 28th day of November, 1955, Fones Perry pays the costs incurred in the seizure and storage of the music box, shuffle alley machine and pinball machine; and James M. McGinn pays the costs incurred in the seizure and storage of the cigarette vending machine, such machines, as listed and more fully described in Schedule "A" attached hereto, will be returned to them; and it is further

DETERMINED and ORDERED that the balance of the seized property listed in the aforesaid Schedule "A", constitutes unlawful property and the same be and hereby is forfeited in accordance with the provisions of R.S. 33:1-66, and that it be retained for the use of hospitals and state, county and municipal institutions, or destroyed in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

WILLIAM HOWE DAVIS
Director.

Dated: November 16, 1955.

SCHEDULE "A"

- | | |
|-----------------------|---|
| 9 - cans of beer | 1 - steam table |
| 216 - bottles of soda | 3 - booths |
| 2 - gas ranges | 2 - glass cases |
| 6 - chairs | 2 - electric fans |
| 6 - stools | 1 - cash register |
| 1 - table | 1 - radio |
| | 1 - television |
| | 1 - cigarette machine with currency therein |
| | 1 - Seven-Up Cooler |
| | 1 - shuffle alley with currency therein |
| | 1 - pinball machine with currency therein |
| | 1 - music machine with currency therein |
| | 1 - counter |
| | 1 - box of cigars and tobacco |
| | \$13.15 in cash |
| | Miscellaneous personal property |

13. RETAIL LICENSEES - LENDING MONEY TO PATRONS PROHIBITED AS PRACTICE UNDULY DESIGNED TO INCREASE CONSUMPTION OF ALCOHOLIC BEVERAGES.

December 1, 1955

Dear Sir:

It appears from our investigation report and your sworn statements that you were following a practice of making numerous loans of money, in amounts as high as a thousand dollars or more, at your licensed premises, usually to persons in military service. In cases where the loans amounted to \$50.00 or more you required the borrowers to sign notes; and sometimes you retained the notes yourself and sometimes you discounted them at your bank. Although you claimed that the loans were not made for monetary gain (by way of interest or otherwise), you admitted that the borrower must be "a patron and a friend".

I thoroughly disapprove the practice by liquor licensees of making loans to patrons of their licensed premises, since such loans inevitably tend unduly to increase the consumption of alcoholic beverages, sometimes by persons without funds to pay for their drinks and sometimes by those who feel impelled, in order to express their appreciation for the loans, to purchase alcoholic beverages from you.

Accordingly, I hereby specially rule, pursuant to authority vested in me by R. S. 33:1-39, that you forthwith discontinue the practice of making loans of any kind to patrons of your licensed premises. Violation of this ruling is cause for suspension or revocation of your license.

You must by return mail personally acknowledge receipt of this special ruling and give your pledge of strict future compliance therewith.

WILLIAM HOWE DAVIS
Director.

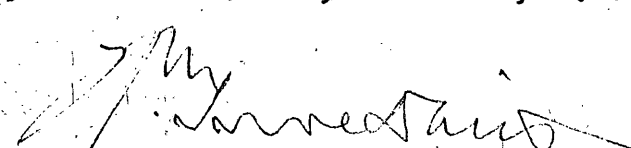
14. STATE LICENSES - NEW APPLICATION FILED.

Thomas F. Hehir
t/a Tom's Beverage Distributing Service
RD 3, Libertyville Road
Wantage Township, Sussex, N. J.

Application filed December 8, 1955 for State Beverage Distributor's License.

Joseph F. Paruta
t/a Paruta Wine Co.
51 Market Street
Paterson, N. J.

Application filed December 12, 1955 for transfer of Plenary Winery License V-20 from Dominick M. Paruta, t/a Paruta Wine Co., 51 Market Street, Paterson, N. J.


William Howe Davis
Director

New Jersey State Library