

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

Mr. Gossweiler

June 13, 1960.

BULLETIN 1340

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tavern with the containers of beer, and put them in the front of the car and that he and his companions drove to Montclair where they were apprehended by the police who confiscated the beer. He testified further that upon entering the tavern he saw four or five people there; that he had never been in the tavern before and that since that time, he was in it once when he went there with two detectives. When Joseph --- was asked on direct examination if he remembered who had served him the beer, he replied, 'I'm pretty sure, yes' and continued 'I can't be positively certain but I think it is the man over there', pointing out Leonard Ripa who was seated at counsel table. On cross-examination, Joseph --- testified that he was driving the car and didn't know what road or highway he traveled in going from Montclair to Orange; that he parked his car next door to the tavern which has a brick front and a sign on the door reading 'Ripa's'; that there were colored men in the tavern when he entered and that he paid \$1.65 for the cartons of beer and a bag of peanuts.

"Frank --- and Richard --- testified that they and Joseph --- drove from Montclair to Orange and stopped next to Ripa's Tavern; that they saw Joseph --- enter the tavern and emerge therefrom about five minutes later carrying a brown bag in which were three cartons of beer which Joseph --- put on the floor in the front of the car and that they drove to Montclair where the police apprehended them and confiscated the beer. On cross-examination, both testified that they did not know the roads they traveled when going from Montclair to Orange and that they had not consumed any of the beer.

"Lieutenant Hull testified that he investigated the complaint against Ripa's Tavern; that he, Detective Renna and Joseph --- went to the tavern at about 8:00 p.m., November 17, 1959, at which time Joseph --- stated that the man then tending bar was not the person who served him; that they returned to the tavern later at which time Leonard Ripa was tending bar; that Joseph --- was asked if Ripa was the man who served him and he said, 'Yes, this is the man who served me'. On cross-examination, Lieutenant Hull testified that Joseph --- seemed to be positive about his identification of Leonard Ripa; that Ripa could have said, 'I never saw him (Joseph) before in my life'; and that when Joseph --- couldn't direct us to Ripa's Tavern 'we took him up Henry Street and as we passed the tavern he pointed it out'.

"Detective Renna's testimony corroborated that of Lieutenant Hull with respect to the identification of Leonard Ripa by Joseph ---.

"Officer Corcoran testified that at about 11:30 p.m., November 4, 1959, he and Officer Pier stopped and searched the car in which Joseph ---, Frank --- and Richard --- were riding and confiscated three quart containers of beer which he turned over to the Desk Lieutenant at Montclair Police Headquarters.

"Leonard Ripa testified in substance that he is co-owner of Ripa's Tavern which has been in operation at the same location for 27 years; that at about 8:45 p.m., November 4, 1959, he was tending bar; that there were about five patrons in the establishment; that he did not see Joseph --- in the tavern; that he sells beer in containers; that on November 17, 1959 Lieutenant Hull, Detective Renna and Joseph --- came into the tavern and Lieutenant Hull asked him, 'You know this fellow?' referring to Joseph ---; that he said, 'No, I never seen him'; that Lieutenant Hull said, 'He (Joseph) claims he got three containers of beer'; that he replied, 'Well he never got it off me, he never got it here'; that Lieutenant Hull turned to the boy and said, 'Is this the fellow?' and the boy didn't answer, 'He must have shook his head' and Detective Renna turned to Hull and said, 'What are you going to do about it?' (The officers on direct examination denied that the last statement was ever made.) Ripa testified further that the front of the tavern is constructed of

glass blocks with columns between the blocks; and that he wouldn't serve Joseph --- because, 'He's young, we don't serve minors in there'. On cross-examination, he testified that there is brick construction underneath the glass blocks; that the only sign in the building is on the awning 'just says Ripa's'; that in the tavern on the night in question 'there were two men shooting a bowling game and there was two or three sitting at the bar'. Ripa also testified that he has a prior adjudicated record.

"Edward Oswald testified that he is a retired patrolman and has been a patron of appellants' tavern for about seven years; that on the night of November 4, 1959, he arrived at the tavern between 8:30 and 9:00 p.m. and remained therein until 11:45 p.m.; that Leonard Ripa was tending bar and that there were four patrons in the tavern when he entered; that he didn't see Joseph --- on the night in question and didn't see Ripa sell any cartons of beer; that the columns in front of the building are of brick construction and the only sign in front of the building is painted on the awning in letters 8" high by 1½" in width.

"Morris Turner testified in substance that he is a mail carrier and has patronized appellants' tavern for about seven years; that on the night in question he visited the tavern at about 8:00 p.m. or a little after and left 'when it was going on twelve'; that during his stay Joseph --- did not come into the tavern; that Ripa did not serve any containers of beer and that the only sign in front of the building is on the awning.

"Having carefully considered the evidence herein, I find that, notwithstanding the exhaustive cross-examination of respondent's witnesses, their testimony remained unshaken. Although it appears that the minor, Joseph ---, was at first reluctant to identify the person who made the sale, the testimony of the police officers is that he positively identified Leonard Ripa as that person. Even if any doubt may exist as to the identification by the minor of the one making the sale, the Division has consistently held that failure to identify the person is not vital to establish guilt in disciplinary proceedings. Re LaCorte, Bulletin 469, Item 1; Re Dante, Bulletin 771, Item 9; Re Zebrowski, Bulletin 1308, Item 9. In the instant case; Joseph's companions observed him go into appellants' tavern emptyhanded and saw him emerge therefrom carrying a package containing what they and the Montclair police officer found to be cartons of beer.

" In view of the aforesaid, I conclude that respondent has established the guilt of appellants by the necessary preponderance of the evidence and I recommend that an order be entered affirming respondent's action, vacating the order entered on January 15, 1960, and fixing the effective dates for the fifteen-day suspension heretofore imposed by respondent."

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

Having carefully considered the evidence, I concur in the findings and conclusions of the Hearer and shall adopt his recommendation.

Accordingly, it is, on this 26th day of April 1960,

ORDERED that the action of respondent be and the same is hereby affirmed; and it is further

ORDERED that the fifteen-day suspension heretofore imposed by respondent be and the same is hereby restored and reinstated against

the license held by appellants for premises at 350 Henry Street, Orange, to commence at 2:00 a.m., Tuesday, May 3, 1960, and to terminate at 2:00 a.m., Wednesday, May 18, 1960, and that the order staying said suspension be vacated when said suspension becomes effective at 2:00 a.m., Tuesday, May 3, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

2. APPELLATE DECISIONS - HOME OF THE ALLIANCE, INC. v. JEFFERSON - ORDER FIXING DATES FOR 15-DAY SUSPENSION PREVIOUSLY IMPOSED.

HOME OF THE ALLIANCE, INC.,)
t/a HOME OF THE ALLIANCE, INC.,)

Appellant,)

ON APPEAL
ORDER

v.)

TOWNSHIP COMMITTEE OF THE)
TOWNSHIP OF JEFFERSON,)

Respondent.)

Emanuel C. Schablik, Esq., Attorney for Appellant
Schenck, Smith & King, Esqs., by Alten W. Read, Esq., Attorneys
for Respondent

BY THE DIRECTOR:

It appearing that by order dated January 18, 1960, the action of respondent whereby it suspended appellant's license for fifteen days for selling alcoholic beverages to a minor on August 9, 1959, was affirmed; and

It further appearing that the effective dates for said suspension were to be fixed by subsequent order because appellant's premises were then being operated on a limited basis (Bulletin 1326, Item 3); and

It appearing to my satisfaction that the premises have re-opened for the 1960 season,

It is, on this 25th day of April 1960,

ORDERED that the fifteen-day-suspension imposed by respondent shall commence at 7 a.m. Monday, May 2, 1960, and terminate at 7 a.m. Tuesday, May 17, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

3. APPELLATE DECISIONS - TONY MART, INC. v. SOMERS POINT - ORDER FIXING DATES FOR 5-DAY SUSPENSION PREVIOUSLY IMPOSED.

TONY MART, INC.,)
t/a "TONY MART",)
Appellant,) ON APPEAL
v.) ORDER
COMMON COUNCIL OF THE CITY)
OF SOMERS POINT,)
Respondent.)

Ernest M. Curtis, Esq., Attorney for Appellant
Elias G. Naame, Esq., Attorney for Respondent

BY THE DIRECTOR:

It appearing that by order dated December 10, 1959, the action of respondent whereby it suspended appellant's license for five days for selling alcoholic beverages to a minor on May 9, 1959, was affirmed; and

It further appearing that the effective dates for said suspension were to be fixed by subsequent order because appellant's premises were then closed (Bulletin 1320, Item 2); and

It appearing to my satisfaction that the premises have re-opened for the 1960 season,

It is, on this 25th day of April 1960,

ORDERED that the five-day suspension imposed by respondent shall commence at 3 a.m. Monday, May 2, 1960, and terminate at 3 a.m. Saturday, May 7, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

4. APPELLATE DECISIONS - MC CLAIN AND MC CANN v. SOMERS POINT - ORDER FIXING DATES FOR 5-DAY SUSPENSION PREVIOUSLY IMPOSED.

RICHARD K. MC CLAIN AND RUTH M.)
MC CANN, t/a BAY SHORE CAFE,)
Appellants,) ON APPEAL
v.) ORDER
COMMON COUNCIL OF THE CITY OF)
SOMERS POINT,)
Respondent.)

Thomas W. Rauffenbart, Esq., Attorney for Appellants
Elias G. Naame, Esq., Attorney for Respondent.

BY THE DIRECTOR:

It appearing that by order dated December 10, 1959, the action of respondent whereby it suspended appellants' license for five days for selling alcoholic beverages to minors on May 10, 1959, was affirmed; and

on a man called Dominick who kept pushing her toward an elderly male who, he told her, in gutter language, was better equipped physically to accommodate her. His remark provoked laughter and Dominick, catching the eye of Agent G, nodded to a girl called Peggy. Peggy joined Agent G and asked him to buy her a drink. The agent complied and thereafter asked her if she would go out with him for illicit sexual purposes. Peggy replied, "I'll have to clear through Dominick." She then spoke to Dominick who had gone behind the bar to help the bartenders, Joe and Chris, after which she informed Agent G that she would have sexual relations with him for the price of \$15. When the agent told her that he had only \$9 with him, she remarked that he could get the other girls there for \$9, but that her price was \$15, and that if he wanted to get her when he came back to "just ask Dominick for Peggy". The agent agreed and departed. During the agents' visit they observed Joe, one of the bartenders, serve three glasses of whiskey to an intoxicated female.

At 12:01 a.m., May 2, 1959, Agents J and G visited defendants' tavern wherein Joe and Chris were tending bar and a man named Manzo walked about, apparently in charge of the premises. Peggy was seated at the bar and Agent G asked Joe if he would inform her that he wanted to buy her a drink. Joe did so and Peggy seated herself between Agents G and J and inquired of Agent G, "Are you ready tonight?" When the agent told her "not to rush it", Peggy had a whiskey and soda and played the juke box at the agent's expense. While Peggy was playing the juke box, Agent G remarked to Joe, "She's a hot number" and Joe walked away saying, "I don't know nothing." Joe then talked to Chris and Dominick who looked Agent G over carefully and when Peggy joined the agent, Joe told her that she had another selection on the juke box. Peggy joined a man at the juke box and shortly thereafter left with him. Agents G and J departed the premises and Agent M, who had been in the tavern all the while, heard Dominick tell a customer that the town was hot and that two federal men had been in the tavern that night.

At 10:30 p.m., May 8, 1959, Agent M visited defendants' licensed premises wherein he heard a female called Gerry engage in vile and obscene language and he saw Dominick seated at the bar between two females with whom he later left the premises.

At 11:15 p.m., May 15, 1959, Agents G and M returned to defendants' premises. Gerry was there and asked Agent M and another male to buy her drinks. Two females, one called Fanny, were seen drinking at the expense of a male who later followed them when they left the tavern. At 1:30 a.m., May 16, 1959, Fanny and the other female returned and solicited Agent G for drinks. When the agent told her that he was broke, they joined another male and drank at his expense.

At 1:25 a.m., May 30, 1959, Agents G and M entered defendants' tavern and sat next to each other at the bar. Lillian M. Hunt, co-owner of the licensed premises, was in charge and Albert Manzo (husband of Marion Manzo, the other co-owner) and Joe Milazzo were tending bar. Dominick was also present and there were 20 males and 10 females drinking at the bar. The agents, noting their dress and mannerisms, concluded that most of the women were lesbians and a female called Evelyn was seen to solicit drinks from a male. At this point the agents identified themselves and informed Mrs. Hunt of the violations. When Dominick, who identified himself as Dominick Delia, was questioned he told the agents that he was not employed on defendants' premises but helped out sometimes without pay.

The licensed partnership herein has no prior adjudicated record. However, when Marion Manzo held the license, I suspended it for 240 days effective June 24, 1957 for conducting her premises as a nuisance. Re Marion Manzo, Bulletin 1177, Item 8, and effective February 20, 1958 her license was suspended for 30 days by the local issuing authority for sale of alcoholic beverages to minors. In addition, Albert Manzo, husband of one of the partners herein, has a prior adjudicated record of violations, some similar to those charged herein, see Re Albert Manzo, Bulletin 1050, Item 1, and since he continues as an employee of the licensed partnership, as was the case in Re Marion Manzo, supra., his record, as well as that of Marion Manzo, will be considered in fixing the penalty herein. I shall, therefore, suspend defendants' license for a period of one hundred fifty days. Defendants' attorney advises me that the licensee herein will make immediate and sincere efforts to sell the premises at or before the expiration of any penalty that may be imposed. I strongly recommend such action, as another conviction may well result in revocation of the license.

Accordingly, it is, on this 20th day of April 1960,

ORDERED that Plenary Retail Consumption License C-124, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Lillian M. Hunt & Marion Manzo, t/a The Casino, for premises 6 Bank Street, Paterson, be and the same is hereby suspended for the balance of its term, effective at 3:00 a.m., Monday, May 2, 1960; and it is further

ORDERED that any renewal for the 1960-61 licensing year or transfer of said license shall be and remain under suspension until 3:00 a.m., Thursday, September 29, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

- 6. DISCIPLINARY PROCEEDINGS - UNLAWFUL TRANSPORTATION - DELIVERY WITHOUT INVOICE OR MANIFEST - PERMITTING USE OF PREMISES IN AID OF ILLEGAL ACTIVITY - PRIOR RECORD - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

CENTRAL LIQUOR CO., INC.)
t/a CENTRAL LIQUOR CO., INC.)
601 Market Street)
Camden 2, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distribution License D-21, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.)

Green and Yanoff, Esqs., by H. Kermit Green, Esq., Attorneys for Defendant-licensee.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant pleaded non vult to Charges 1 and 3 and not guilty to Charge 2, such charges reading as follows:

- '1. On December 12, 1958, you transported alcoholic beverages in a vehicle not having a transit

insignia affixed thereto; in violation of Rule 2 of State Regulation No. 17.

- '2. On December 12, 1958, you delivered and transported alcoholic beverages in a vehicle without the driver thereof having in his possession a bona fide, authentic and accurate delivery slip, invoice, manifest, waybill or similar document stating the bona fide name and address of the purchaser or consignee and the brand, size of container and quantity of each item of the alcoholic beverages being delivered and transported; in violation of Rule 3 of State Regulation No. 17.
- '3. On December 12, 1958, you allowed, permitted and suffered your licensed business to be used in furtherance and aid of an illegal activity and enterprise, viz., unlawfully possessing and transporting alcoholic beverages in Philadelphia, Pennsylvania, which illegal activity and enterprise resulted in a conviction on May 20, 1959 in a criminal prosecution in the Commonwealth of Pennsylvania of your secretary, treasurer and stockholder, Edward A. Wolcuff; in violation of Rule 4 of State Regulation No. 20.'

"The misconduct charged comprises the transportation of alcoholic beverages from New Jersey into Pennsylvania as a result of which the law and regulations of New Jersey governing the transportation of, and the laws of Pennsylvania governing the importation of, alcoholic beverages were violated. One of the elements of such violations was the alleged failure to possess documents evidencing the source and destination of such alcoholic beverages as required by Rule 3 of State Regulation No. 17. The purpose of this particular requirement is to furnish visible evidence upon inspection of the destination of the alcoholic beverages. The unexplained absence of such documents may justify an inference that it was part of a deliberate attempt to make a surreptitious or unlawful delivery.

"This matter came to the attention of this Division by reason of the seizure of the alcoholic beverages and the motor vehicle and the arrest of Edward A. Wolcuff, an officer of the corporate-licensee, by agents of the Pennsylvania Liquor Control Board while Wolcuff was transporting such alcoholic beverages in Philadelphia.

"The Pennsylvania agents testified that they did not specifically seek to ascertain by search of the motor vehicle or of Wolcuff's person, whether he had in his possession invoices or bills for such alcoholic beverages and that they did not ask him a direct question whether he had such documents. They state that it is their general practice in such a case to make a thorough search of the transporter; that their best recollection is that such measures were taken in the instant case and that no such document or documents were found.

"Wolcuff testified that he was not searched and had three invoices for the alcoholic beverages in a pocket of his corduroy jacket; that he was not asked to produce such invoices and destroyed them after he was released by the Pennsylvania authorities. He did not state what specific data was on the invoices, merely claiming that they conformed to the requirements of the rule. This account, as well as his account of the business practices relating to the preparation and records of invoices in the conduct of the licensed business, and specially with relation to the three invoices in question, has many elements of doubtful credibility. Nevertheless, a finding of guilt on Charge 2 must be based on probative evidence. The

Pennsylvania agents were not at the time directly concerned with ascertaining whether Wolcuff had bills or invoices for the alcoholic beverages, hence, their evidence lacks the definitive quality necessary to sustain a finding of guilt. I, therefore, recommend that defendant-licensee be found not guilty of Charge 2.

"Defendant has a prior adjudicated record. Effective January 5, 1959 its license was suspended by the Director for five days for sale of alcoholic beverages below minimum consumer resale prices. Re Central Liquor Co., Inc., Bulletin 1261, Item 3. I recommend that defendant's license be suspended for forty days on Charges 1 and 3, (Re Trent Liquors, Inc., Bulletin 1314, Item 5), to which five days should be added by reason of the similar violation which occurred within the past five years, (Re Oliveri, Bulletin 1329, Item 4), making a total suspension of forty-five days, from which five days should be remitted for the plea entered as to Charges 1 and 3, leaving a net suspension of forty days."

No exceptions were taken to the Hearer's Report within the time limited by Rule 6 of State Regulation No. 16.

Having carefully considered the facts and circumstances herein, I concur in the findings and conclusions of the Hearer and adopt his recommendation.

Accordingly, it is, on this 21st day of April 1960,

ORDERED that Plenary Retail Distribution License D-21, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Central Liquor Co., Inc., t/a Central Liquor Co., Inc., for premises 601 Market St., Camden, be and the same is hereby suspended for forty (40) days, commencing at 9:00 a.m., Monday, May 2, 1960, and terminating at 9:00 a.m., Saturday, June 11, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

EDNA HAFNER
t/a EDNA'S RENDEZVOUS
45 West Broadway
Paterson 1, New Jersey

)
)
) CONCLUSIONS
) AND ORDER
)

Holder of Plenary Retail Consumption License C-250, issued by the Board of Alcoholic Beverage Control for the City of Paterson.

Defendant-licensee, Pro se
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Defendant pleaded guilty to a charge alleging that on or about March 7, 1960, she sold alcoholic beverages to two minors and permitted said minors to consume such beverages on her licensed premises, in violation of Rule 1 of State Regulation No. 20.

Acting upon information obtained from the Ridgewood Police Department, ABC agents on March 14, 1960, obtained signed, sworn statements from Carolyn --- (age 17) and James --- (age 19). In

her statement Carolyn says that at about 10 p.m. on an evening during the week-end of March 4, 1960, she and James entered defendant's premises where she purchased from and was served three glasses of beer by defendant who did not question her as to her age. In his statement James says that at the time mentioned in Carolyn's statement he entered defendant's premises with her; that he purchased from and was served four glasses of beer by defendant; that he had previously purchased beer in the same premises, and that defendant had never questioned him as to his age.

Defendant has a prior record. When defendant held a license in Ringwood Borough, her license was suspended by the Director for twenty-five days, effective October 15, 1956, after she was found guilty on a charge of selling alcoholic beverages to minors. Bulletin 1139, Item 10. Effective February 9, 1959, her license for the premises where she now conducts business was suspended by the Director for the balance of its term after she pleaded non vult to charges alleging that she permitted immoral activities, conducted her business as a nuisance and sold alcoholic beverages to a minor. Bulletin 1267, Item 3. The minimum suspension for sale to a 17-year-old minor is twenty days. Re Jackson, Bulletin 1109, Item 5. However, this is the third similar violation within the past five years. Considering her past record, which also included dissimilar violations, I shall suspend defendant's license for forty days. Cf. Re Spinning Wheel Inc., Bulletin 1327, Item 3. Five days will be remitted for the plea herein, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 21st day of April 1960,

ORDERED that Plenary Retail Consumption License C-250, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Edna Hafner, t/a Edna's Rendezvous, for premises 45 West Broadway, Paterson, be and the same is hereby suspended for thirty-five (35) days, commencing at 3 a.m. Monday, May 2, 1960, and terminating at 3 a.m. Monday, June 6, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - GAMBLING - LOTTERY - FEMALE BARTENDER IN VIOLATION OF LOCAL REGULATION - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against STANLEY A. KURC t/a K & M TAVERN 16 Liberty Avenue Jersey City 6, N. J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-441, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

Defendant-licensee, Pro se Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On March 17, 23 and 24, 1960, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of horse race bets and the making and accepting of bets in a lottery, commonly known as the 'numbers' game; in violation of Rule 7 of State Regulation No. 20.
"2. On March 17, 23 and 24, 1960, 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 Regulation No. 20.
"3. On March 23, 1960, you employed a female as a bartender on your licensed premises; in violation of Section 5 of an Ordinance adopted by the Board of Commissioners of the City of Jersey City on June 20, 1950."

On the afternoon of March 17, 1960, an ABC agent entered the premises of defendant, who was tending bar. The agent placed with defendant's wife, who was then on the customers' side of the bar, a two-dollar bet on a horse running at Gulfstream.

On the afternoon of March 23, 1960, the same agent returned. During this visit he observed three patrons place small bets on numbers with the licensee while he was tending bar, and the agent placed with him a four-dollar bet on a horse running at Gulfstream. During this visit defendant's wife tended bar for a period of about one and one-half hours while defendant was out of the premises.

On the afternoon of March 24, 1960, the same agent and another ABC agent entered defendant's premises. The first agent gave defendant a five-dollar bill, four dollars of which represented bets on a horse and one dollar represented bets on certain numbers. By pre-arrangement, one of the agents left the premises and returned with another ABC agent and members of the Jersey City Police Department. The five-dollar bill and numerous bet slips were found in defendant's pocket. Defendant was arrested by the local police.

Defendant has no prior record. I shall suspend defendant's license on Charges 1 and 2 for twenty-five days, the minimum penalty where a licensee or his employee participates in the gambling (Re Holian, Bulletin 1298, Item 7), and on Charge 3 for five days (Re Narr, Bulletin 1002, Item 9), making a total suspension of thirty days. Five days will be remitted for the plea, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 21st day of April 1960,

ORDERED that Plenary Retail Consumption License C-441, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Stanley A. Kurc, t/a K & M Tavern, for premises 16 Liberty Avenue, Jersey City, be and the same is hereby suspended for twenty-five (25) days, commencing at 2 a.m. Monday, May 2, 1960, and terminating at 2 a.m. Friday, May 27, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

9. AUTOMATIC SUSPENSION - SUSPENSION LIFTED EFFECTIVE AT A FUTURE DATE.

Auto. Susp. #183)	
In the Matter of a Petition to)	
Lift the Automatic Suspension)	
of Plenary Retail Consumption)	ORDER
License C-40, issued by the)	
Board of Commissioners of the)	
City of Perth Amboy to)	
G. & Z. COMPANY, INC.)	
t/a G. & Z. BAR & LIQUOR STORE)	
254 Smith Street)	
Perth Amboy, N. J.)	

Seaman and Williams, Esqs., Attorneys for Petitioner

BY THE DIRECTOR:

On February 9, 1960, I entered an order temporarily staying the automatic suspension of petitioner's license until the entry of a further order herein. At that time no disciplinary proceedings had been instituted because of the sale of alcoholic beverages to minors. Bulletin 1330, Item 13.

The Board of Commissioners of the City of Perth Amboy has forwarded to me a copy of a resolution and order in disciplinary proceedings instituted against G. & Z. Company, Inc., from which it appears that the Board suspended its license for ten days, less five for the plea, after it pleaded non vult to a charge of permitting the sale of alcoholic beverages to, and consumption thereof by, three minors. The suspension will be effective from 2 a.m. Monday, April 25, 1960, to 2 a.m. Saturday, April 30, 1960. The suspension imposed was less than that usually imposed in cases involving three minors, but there were some mitigating circumstances in this case. Under all the circumstances, I shall enter an order lifting the automatic suspension at the termination of the suspension imposed in the disciplinary proceedings.

Accordingly, it is, on this 20th day of April 1960,

ORDERED that the statutory automatic suspension of License C-40, issued to G. & Z. Company, Inc., be lifted at 2 a.m. Saturday, April 30, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

10. AUTOMATIC SUSPENSION - EFFECT OF SUSPENSION STAYED PENDING ACTION OF LOCAL ISSUING AUTHORITY IN DISCIPLINARY PROCEEDINGS.

Auto. Susp. #185)
 In the Matter of a Petition to)
 Lift the Automatic Suspension)
 of License C-26 issued by the)
 Borough Council of the Borough)
 of South River to)
)
 BERT & ANNA KASCO)
 t/a BERT'S TAVERN)
 26 Reid Street)
 South River, N. J.)

ON PETITION
ORDER

Louis J. Milano, Esq., Attorney for Petitioners.

BY THE DIRECTOR:

The petition herein discloses that on April 14, 1960, Bert Kasco was fined the sum of \$100 after he pleaded non vult in the Municipal Court of the Borough of South River to a charge alleging that on April 9, 1960, he sold alcoholic beverages to a minor, in violation of R.S. 33:1-77. Said conviction resulted in the automatic suspension of the license held by Bert & Anna Kasco. R.S. 33:1-31.1. Because the Division was informed that the licensees intended to apply for a stay, the license has not been picked up.

Disciplinary proceedings have not yet been instituted against the licensees because of said sale to a minor. A supplemental petition to lift the automatic suspension may be filed with me by petitioners after disciplinary proceedings have been decided. In fairness to petitioners I conclude that at this time the effect of the automatic suspension should be temporarily stayed. Re Krygier, Bulletin 1321, Item 3.

Accordingly, it is, on this 25th day of April 1960,

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

WILLIAM HOWE DAVIS
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ANTOINETTE LUPACCHINO, EXECUTRIX OF THE ESTATE OF NICHOLAS LUPACCHINO t/a NICK'S TAVERN 2230 Arctic Avenue Atlantic City, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-124, issued by the Board of Commissioners of the City of Atlantic City.)

----- Defendant-licensee, Pro se. Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that she sold and delivered alcoholic beverages to a minor, in violation of Rule 1 of State Regulation No. 20.

Acting on information received from the Pleasantville Police Department, ABC agents obtained a sworn, written statement from William ---, age 19, wherein he states that on March 24, 1960, he and five minor companions drove to defendant's licensed premises which he and John entered; that without being questioned as to his age, he purchased from the bartender 18 quart bottles of beer for off-premises consumption; that he and John carried the two cartons containing the beer and placed them in the trunk of the car and drove to a wooded section in Absecon where the six youths consumed nearly all the beer; that thereafter while driving through Pleasantville the car in which the youths were riding was stopped by local police officers. John gave a signed, sworn statement corroborating the purchase of the beer at defendant's licensed premises and the other four youths who remained in the car also gave signed, sworn statements to the effect that William and John left the car and, shortly thereafter, returned with the beer in question.

Defendant has no prior adjudicated record. The minimum penalty for an unaggravated sale of alcoholic beverages to a nineteen year-old minor is fifteen days. Re Barth, Bulletin 1236, Item 9. However, considering the quantity of alcoholic beverages sold to the minor, I shall suspend defendant's license for twenty days. Re Burstein, Bulletin 1244, Item 12; Hickory House, Inc., Bulletin 1227, Item 6. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 26th day of April 1960,

ORDERED that Plenary Retail Consumption License C-124, issued by the Board of Commissioners of the City of Atlantic City to Antoinette Lupacchino, Executrix of the Estate of Nicholas Lupacchino, t/a Nick's Tavern, for premises 2230 Arctic Avenue, Atlantic City, be and the same is hereby suspended for fifteen (15) days, commencing at 7:00 a.m., Tuesday, May 3, 1960, and terminating at 7:00 a.m., Wednesday, May 18, 1960.

WILLIAM HOWE DAVIS DIRECTOR

12. STATE LICENSES - NEW APPLICATIONS FILED

John A. Worts
24-28 Spruce Street
Ridgefield Park, New Jersey

Application filed June 9, 1960 for person-to-person
place-to-place transfer of State Beverage Distributor's
license SBD-91 from Edward J. Pryor, t/a T. J.
Beverages, 433 Central Boulevard, Fort Lee, New Jersey,
for the 1960-61 licensing year.



William Howe Davis
Director