

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

Mrs. Dora P. Rothschild

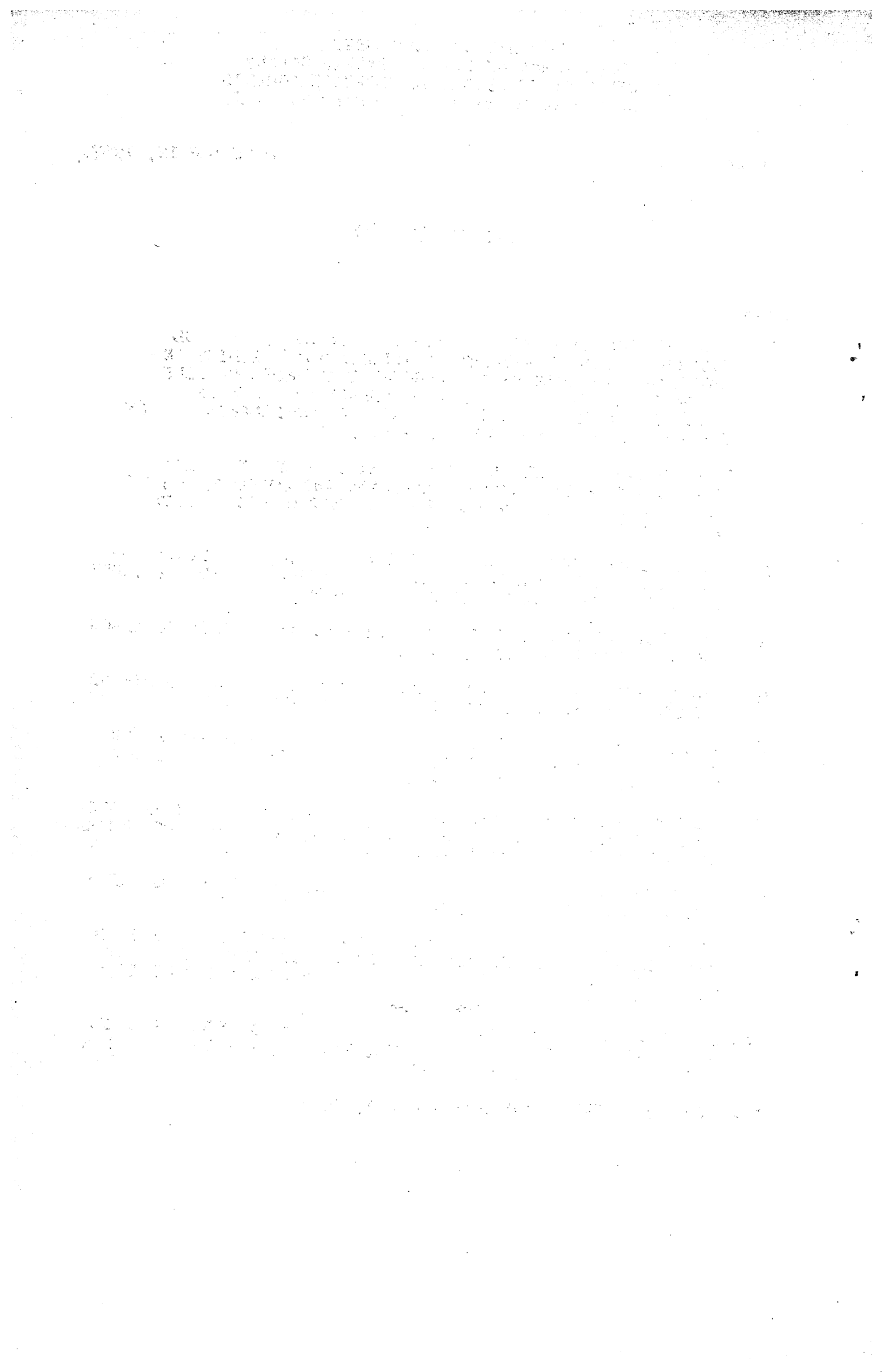
BULLETIN 1199

DECEMBER 12, 1957.

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

BULLETIN 1199

DECEMBER 12, 1957.

1. DISCIPLINARY PROCEEDINGS - CLUB LICENSE - FALSE STATEMENT  
IN APPLICATION - AIDING AND ABETTING NON-LICENSEE TO  
EXERCISE PRIVILEGES OF CLUB LICENSE - FAILURE TO NOTIFY OF  
CHANGE OF FACTS IN VIOLATION OF R. S. 33:1-34 - SALE TO  
NON-MEMBERS - PRIOR RECORD - LICENSE SUSPENDED FOR 40 DAYS.

In the Matter of Disciplinary )  
Proceedings against )

MORGANVILLE INDEPENDENT CLUB )  
Northerly side Texas Rd., East )  
of Intersection with Road to )  
Morganville )  
Marlboro Township )  
PO R.D. 1, Matawan, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Club License CB-1, issued )  
by the Township Committee of Marlboro )  
Township. )

----- )  
Stout and O'Hagan, Esqs., by Sidney Hertz, Esq., Attorneys )  
for Defendant-licensee. )

William F. Wood, Esq., appearing for Division of Alcoholic )  
Beverage Control. )

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"The following charges were preferred against the  
defendant herein:

'1. In your application dated June 6, 1956, filed  
with the Marlboro Township Committee, upon which you  
obtained your current club license, you falsely stated  
"No" in answer to Question 29, which asks: "Has any  
individual, ... other than the applicant, any interest,  
directly or indirectly, in the license applied for or in  
the business to be conducted under said license?", whereas  
in truth and fact Henry Laing had such interest in that  
he was the real and beneficial owner of the licensed busi-  
ness; said false statement being in violation of R. S.  
33:1-25.

'2. From about July 1, 1952 until the present time,  
you knowingly aided and abetted Henry Laing to exercise,  
contrary to R. S. 33:1-26, the rights and privileges of  
your successive club licenses; thereby yourself violating  
R. S. 33:1-52.

'3. In your aforesaid application, you falsely stated  
"No" in answer to Question 30, which asks: "Have you agreed  
to pay (by way of rent, salary or otherwise) to any  
employee, or other person, any portion or percentage of  
the gross or net profits or income derived from the busi-  
ness to be conducted under the license applied for?",  
whereas in truth and fact you had agreed to pay Henry  
Laing all of the income from the business; said false  
statement being in violation of R. S. 33:1-25.

'4. In your aforesaid application, you falsely stated "No." in answer to Question 36, which asks: "Did the club ever hold an alcoholic beverage license which was surrendered, suspended, revoked or cancelled?", whereas in truth and fact your 1955-56 license for the above premises was suspended by the Marlboro Township Committee for ten days, effective July 18, 1955, for sale of alcoholic beverages to persons who were not bona fide members or bona fide guests of any member of your club; said false statement being in violation of R. S. 33:1-25.

'5. You failed to file with the Marlboro Township Committee, within ten days after the occurrence thereof, written notice of changes in facts set forth in answer to Questions 14 and 15 of your aforesaid application, such changes being that on or about December 8, 1956 William Collins (who was listed in answer to Question 14 as your president) died and on or about January 12, 1957 Charles Thornton was elected your new president and on or about February 2, 1957 several other persons not previously listed in answer to Question 14 as officers or in answer to Question 15 as members of your governing body were elected to such positions; your failure to file such notice being in violation of R. S. 33:1-34.

'6. On Friday, December 28, 1956, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to persons not bona fide members of your club or bona fide guests of such member; in violation of Rule 8 of State Regulation No. 7.'

"Defendant pleaded not guilty to Charges 1, 2, 3 and 6 and pleaded non vult to Charges 4 and 5. Charge 6 alleging sale to non-members and to persons not bona fide guests of members of defendant club will receive first consideration.

"An ABC agent testified that he and another agent entered defendant's licensed premises on the evening of December 28, 1956 and that Henry Laing (hereinafter referred to as Laing) was on duty at the time; that he (the agent) ordered two bottles of beer from Laing but before the beer was served to him, Laing inquired whether he was a member of the club; that when he told him that he was not a member, Laing turned to a man to the left of the agent and said: 'Can he have a drink on your card?', and when the man agreed, two bottles of beer were served to the agent; that he carried the bottles of beer to the shuffle alley where his fellow agent was standing and handed a bottle of beer to him; that thereafter his fellow agent purchased 'two shots' of whiskey from Laing; that a short time later two other agents who had remained outside came into the premises and one of them inquired from Laing whether the agents who had purchased the alcoholic beverages were members of the defendant club; that Laing asserted that they were; that he and his fellow agent who was served in defendant's premises then made known their identities.

"The agent who had entered defendant's premises with his fellow agent on December 28, 1956, corroborated in substance the testimony of the agent aforementioned. He testified that when he purchased the shots of whiskey from Laing, the latter did not inquire as to his membership in the defendant club.

"Defendant produced several witnesses who testified that they were in the premises on the night in question. One of the witnesses, Wesley Cope, testified that he heard the agent ask to be served by Laing and when the agent told Laing that he was not a member of the club, Laing called him (Cope) over and asked whether or not he could get served on his card, and thereafter drinks were served to the agent. Several other witnesses including Laing corroborated, in substance, the testimony of Cope. 'Bona fide guests' have been defined in Bulletin 213, Item 4 (The Perth Amboy Calabrese Social Club) as 'persons expressly invited to the club by a member and who, on arrival at the club, are not only sponsored but personally attended by their respective hosts.' See Bulletin 1034, Item 10.

"Neither of the agents was a member of the defendant club nor a bona fide guest of a member. Therefore, the facts not being in dispute that the service of alcoholic beverages was made to the agents under the circumstances indicated above, the defendant is guilty of Charge 6 preferred herein.

"The evidence adduced herein pursuant to an investigation made by an agent of this Division, discloses that the defendant obtained a club license effective July 1, 1952 and after the first month's operation which resulted in a financial loss, the officers of the defendant club elected Laing as business manager thereof. Laing was permitted to retain all the receipts from the sale of alcoholic beverages which were to be used in payment for said beverages and for other necessary and incidental expenses incurred in the operation of the club. Laing personally paid for the renewal of the license each year and also paid for all social permits issued by this Division. Although there was a bank account in the name of defendant club, it appears to have been used solely for the deposit of money collected from members as dues. Laing had a bank account in his individual name from which he drew checks for the payment of the alcoholic beverages and other miscellaneous expenses.

"Laing's testimony regarding the operation of the defendant club since the acquisition of the club liquor license confirmed that of the agent who had been assigned to investigate in the matter. Laing further testified that at a meeting of the club held since the charges herein were preferred a committee of five members was appointed to supervise the business pertaining to the purchase and sale of alcoholic beverages; that all monies received therefrom were to be deposited in and all checks for the payment of liquor purchased and incidental expenses relative to the operation of the licensed business, were to be drawn on the club bank account. Assurance has been given that in the future, proper books and records will be kept and the operation of the club will be under proper supervision.

"I have considered the testimony of two members of the municipal governing body who are also members of the issuing authority herein and of the Township Clerk that the club and its members have a good reputation in the community. Furthermore, I have considered the testimony of a clergyman who administers to the spiritual needs of the people residing in the municipality that the club has always been properly operated and that it serves a useful purpose in the area.

"There is no dispute that the club actually 'farmed out' its liquor franchise. Were it not for the fact that the

club is a bona fide organization and that there appeared to be no deliberative intent to circumvent the Alcoholic Beverage Law, a revocation might well be warranted.

"I am satisfied from the evidence presented herein that the defendant is guilty of Charges 1, 2 and 3. The guilt of defendant on Charge 6 has already been determined. Defendant has pleaded non vult to Charges 4 and 5.

"Defendant has a prior adjudicated record. Effective July 18, 1955 its license was suspended for ten days by the local issuing authority for sale to non-members of the club.

"It appearing from the testimony that the illegal situation has been corrected, it is recommended that defendant's license be suspended for a period of twenty days on Charges 1, 2, 3, 4 and 5. (Re Societa Tripoli Italiana, Bulletin 886, Item 6.) The minimum suspension for sale by a club to non-members or those who are not bona fide guests thereof as set forth in Charge 6, is fifteen days (Re Orange Lodge No. 135, B.P.O. Elks, Bulletin 1127, Item 5.) However, because the defendant was guilty within the past five years of a similar violation as that contained in Charge 6, the fifteen-day suspension ordinarily imposed will be doubled (Re 11th Ward Democratic Association, Bulletin 813, Item 9.) Therefore, under the circumstances herein, I recommend that defendant's license be suspended for a period of fifty days."

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

I have carefully examined the transcript of the testimony herein and although the suspension recommended by the Hearer in this matter appears to be justified by the precedents, there are mitigating circumstances that should be taken into consideration. The defendant cooperated to the fullest extent with the ABC agent during the course of the "front" investigation. Under the circumstances, I shall adopt the Hearer's Report in so far as the finding of guilt of the defendant is concerned, but shall impose a suspension of forty days in lieu of the fifty days recommended in the Hearer's Report.

Accordingly, it is, on this 7th day of November, 1957,

ORDERED that Club License CB-1, issued by the Township Committee of Marlboro Township to Morganville Independent Club, for premises northerly side Texas Rd., East of Intersection with Road to Morganville, Marlboro Township, be and the same is hereby suspended for forty (40) days, commencing at 2:00 a.m. November 13, 1957 and terminating at 2:00 a.m. December 23, 1957.

WILLIAM HOWE DAVIS  
Director.

2. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITY (INDECENT LANGUAGE AND CONDUCT) - SALE TO INTOXICATED PERSON - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

ANNA MADEIRA )  
T/a BUBBLE'S BAR )  
238 MacArthur Avenue )  
Sayreville, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-46, issued by the Borough Council of the Borough of Sayreville. )

-----  
Robert W. Wolfe, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. On Friday, September 13, 1957, you allowed, permitted and suffered lewdness, immoral activity and foul, filthy and obscene language and conduct in and upon your licensed premises; in violation of Rule 5 of State Regulation No. 20.

"2. On Friday, September 13, 1957, 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 Regulation No. 20."

The file herein discloses that, when two ABC agents entered defendant's licensed premises on September 13, 1957, at 8:15 p.m., there were nine male patrons and one female patron (hereinafter identified as Rose) in the barroom. The agents report that Rose appeared to be intoxicated; that her hair was "messed up" and that she spoke in a loud, incoherent manner. When the agents entered, Cora Wilczewski was tending bar but later, the licensee went behind the bar and remained there during the remainder of the investigation. The agents observed the licensee serving a "Seagram's Seven and soda" to Rose and heard Rose and some of the male patrons frequently using foul, filthy and obscene language. The agents identified themselves to the licensee about 9:15 p.m.

Defendant has no prior record. I shall suspend defendant's license for ten days on Charge 1 (Re Folger, Bulletin 1145, Item 10) and for fifteen days on Charge 2 (Re Minchin, Bulletin 1165, Item 1), making a total suspension of twenty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 28th day of October, 1957,

ORDERED that Plenary Retail Consumption License C-46, issued by the Borough Council of the Borough of Sayreville to

Anna Madeira, t/a Bubble's Bar, for premises 238 MacArthur Avenue, Sayreville, be and the same is hereby suspended for twenty (20) days, commencing at 3:00 a.m. November 6, 1957 and terminating at 3:00 a.m. November 26, 1957.

WILLIAM HOWE DAVIS  
Director.

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

In the Matter of Disciplinary )  
Proceedings against )

HARBOR INN, INC. )  
T/a HARBOR INN )  
720 Ashley Avenue )  
Brielle, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump- )  
tion License C-4, issued by the )  
Mayor and Council of the Borough )  
of Brielle. )  
----- )

Ralph E. Giordano, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to charges alleging that it sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of six cans of Ballantine beer for off-premises consumption during hours prohibited by the local ordinance and Rule 1 of State Regulation No. 38.

The file herein discloses that two ABC agents were at defendant's licensed premises on Sunday, August 18, 1957, at about 2:45 a.m. At about 3:00 a.m. they overheard a patron say to Seymour Lawrence Caine (president of the corporate licensee) "Hey, Larry, how's chances of getting ...." Although unable to hear the balance of the sentence, they heard Mr. Caine reply "O.K., Ray, in a few minutes, as soon as I get these people out of here."

The agents left the premises but kept such premises under observation. At about 3:27 a.m. they observed Ray, carrying a paper bag and accompanied by another man, emerge from the side door. The agents observed that cans of beer were in the bag, whereupon they identified themselves and took possession of the beer.

The agents, local police officers and Ray and his companion then went into defendant's licensed premises and the agents identified themselves to Mr. Caine. He first stated that he sold the beer to Ray at 9:00 p.m. the previous evening. When the agents called to his attention that even removal of alcoholic beverages from licensed premises on Sundays or after 10:00 p.m. on weekdays is a violation, he acknowledged that he knew such to be the fact and then changed his story and said that he did not sell the beer, maybe his cook sold it. The agents interviewed the cook, who told them that he did not sell or give any beer to Ray. The cook repeated this statement

in front of Caine who thereupon commented that Ray could have stolen the beer. When this statement was brought to Ray's attention by the agents, he then verbally told them, in the presence of two police officers, that Caine sold the beer to him at about 3:20 a.m.

These details are presented because counsel for the licensee, in his letter urging alleged mitigating circumstances, has evidently been misinformed in that the facts he sets forth are contrary to what actually occurred.

The defendant has a previous adjudicated record. Effective December 1, 1952, its license was suspended by the Director of this Division for fifteen days for sale to minors (Re Harbor Inn, Inc., Bulletin 949, Item 9). The minimum penalty for the violations herein is twenty days (Re Gallo & MacRae, Bulletin 1156, Item 8). Because of the prior dissimilar violation within the past five years, I shall suspend defendant's license for twenty-five days (Re Richman, Bulletin 1186, Item 10). Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 31st day of October, 1957,

ORDERED that Plenary Retail Consumption License C-4, issued by the Mayor and Council of the Borough of Brielle to Harbor Inn, Inc., t/a Harbor Inn, for premises 720 Ashley Avenue, Brielle, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. November 11, 1957, and terminating at 2:00 a.m. December 1, 1957.

WILLIAM HOWE DAVIS  
Director.

4. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE  
SUSPENDED FOR 15 DAYS.

In the Matter of Disciplinary Proceedings against	)	
EGG HARBOR CITY LOG CABIN, INC.	)	
59 Cincinnati Ave. & 618 White Horse Pike	)	CONCLUSIONS AND ORDER
Egg Harbor City, N. J.,	)	
Holder of Plenary Retail Consumption License C-19, issued by the Common Council of the City of Egg Harbor City.	)	
-----	)	
McAllister & Hunter, Esqs., by Robert N. McAllister, 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 not guilty to the following charge:

'On Thursday night, June 6, 1957, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21)

years, viz., Robert A. ---, age 18, 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 Regulation No. 20.'

"Robert --- testified that he was born on January 17, 1939; that on Thursday evening, June 6, 1957 at the invitation of Milton Potter, a liquor licensee, they left Potter's licensed premises and proceeded to defendant's licensed premises; that after entering, they went to the bar where each had a mixed drink containing whiskey; that Potter recognized a person seated at another section of the bar and both he and Potter proceeded there; that Potter introduced him to Sam Fiattarole and after he (Robert) shook hands with Fiattarole, Potter ordered drinks for Fiattarole, for two of his friends and also handed him (Robert) a glass of whiskey and seltzer; that after drinking he and Potter left defendant's premises, went to another licensed premises and then returned to Potter's establishment.

"Milton Potter testified that he and Robert visited defendant's licensed premises, but denied that Robert had anything to drink while there.

"Sam Fiattarole testified that he remembers Potter treating him and his friends to a drink and also remembers Robert being there, but denies that Robert had anything to drink on that occasion.

"Vito Iavicoli, an officer and shareholder in defendant corporation, testified that he was present on the evening in question but was busy in the kitchen and although he observed Potter and Robert enter, did not know what either drank.

"Victor Mueller, a bartender employed by defendant, testified that on June 6, 1957 he saw Robert and Potter enter the premises and proceed to the end of the bar where Potter ordered four drinks (three shots of whiskey and one glass of beer); that he (Mueller) set them 'in front of the three men, and Mr. Potter was standing immediately behind Sam' and that 'he (Robert) was sort of, I guess, to the side and back of Mr. Potter, like near his shoulder, standing so like here by the door, where the door is, and he was standing close to Potter'; and that he (Mueller) did not serve Robert. When Mueller was asked who drank the drinks he replied, 'Well, I guess Mr. Potter and the gentlemen did. I served the drinks. I was busy. I went down the other end and got busy, and I don't know maybe fifteen or twenty minutes elapsed -- maybe a little longer, I'm not sure -- and I looked up and Mr. Potter was gone, he had left the place.'

"Thomas P. Dolan was called as a witness by the Division for the purpose of rehabilitating or bolstering the testimony of Robert with reference to what Robert told him when he returned to Potter's establishment. Although there appears to be some authority for the acceptance of this testimony, I have not considered same in arriving at a recommendation in this matter. I am satisfied that Robert related an

accurate and truthful account of what transpired in the defendant's premises on the evening in question and conclude that he was served and permitted to consume alcoholic beverages on two occasions during the time spent in defendant's establishment. I am not naive enough to believe the testimony of Potter that he treated others (some of whom were strangers to him) to drinks but did not include Robert, his guest, who accompanied him to the premises at his (Potter's) invitation. I am not impressed at all with the testimony of the bartender and Fiattarole that Robert had nothing to drink on June 6, 1957.

"Under the circumstances and after careful consideration of all the testimony adduced in the instant case, I recommend that defendant be adjudged guilty of the charge preferred herein. In view of the fact that defendant has no prior adjudicated record, I recommend that its license be suspended for a minimum of fifteen days. Re Show Boat, Inc., Bulletin 1176, Item 6."

Written exceptions to the Hearer's Report pursuant to Rule 6 of State Regulation No. 16, together with written argument in substantiation thereof, were filed with me by the attorneys for the defendant. I have carefully examined the entire record herein, and am satisfied that the Hearer's recommendation in this matter should not be disturbed. I might point out that the transcript of the proceedings discloses that charges were preferred against the liquor license held by Milton Potter and Bella Potter alleging, among other things, sale, service and delivery of alcoholic beverages to Robert on the date in question; that a plea of non vult (equivalent to the effect of a plea of guilty, 17 Club, Inc., 26 N. J. Super. 43) was entered thereto (Milton Potter entering the plea as a partner); that Robert testified he was served and drank beer in Potter's establishment prior to going with Milton Potter to the defendant's licensed premises. Under the circumstances, I am not at all impressed with Potter's testimony. The testimony of defendant's other witnesses is too indefinite to carry any weight. I find the defendant guilty of the charge preferred in this case and shall suspend its license for fifteen days.

Accordingly, it is, on this 28th day of October, 1957,

ORDERED that Plenary Retail Consumption License C-19, issued by the Common Council of the City of Egg Harbor City to Egg Harbor City Log Cabin, Inc., for premises 59 Cincinnati Ave. & 618 White Horse Pike, Egg Harbor City, be and the same is hereby suspended for fifteen (15) days, commencing at 3:00 a.m. November 4, 1957 and terminating at 3:00 a.m. November 19, 1957.

WILLIAM HOWE DAVIS  
Director.

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

In the Matter of Disciplinary )  
 Proceedings against )  
 )  
 NELSON & ETHEL STOUSLAND )  
 T/a THE ANCHOR )  
 Route 46, Mountain View )  
 Wayne Township )  
 PO RD 1, Little Falls, N. J., )  
 )  
 Holders of Plenary Retail Consump- )  
 tion License C-17, issued by the )  
 Township Committee of Wayne Township. )

CONCLUSIONS  
AND ORDER

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Nelson & Ethel Stousland, Defendant-licensees, Pro se.  
Edward F. Ambrose, Esq., appearing for the Division of  
Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge alleging that on September 17, 1957, and on divers days prior thereto they sold alcoholic beverages to three minors and permitted said minors to consume alcoholic beverages on their licensed premises.

Acting upon information obtained from the Wayne Township Police Department, ABC agents obtained signed, sworn statements from Robert --- (18 years of age), Harry --- (18 years of age) and John --- (19 years of age). In their statements the three minors say that they visited defendant's premises on September 17, 1957, and that, during the forty-five-minute period they remained there, Robert and John were each served one glass of wine, one glass of beer, one glass of gin, one glass of vodka and one glass of rum by Nelson Stousland, and Harry was served several glasses of beer by the same licensee. The three minors allege that no one in the premises questioned them as to their respective ages. They further allege that they had previously been served alcoholic beverages on unspecified dates in defendants' premises. Nelson Stousland later admitted to ABC agents that he had served alcoholic beverages on September 17, 1957, to Robert and John and to another youth who accompanied them.

Defendants have no prior record. The minimum penalty for sale to an eighteen-year-old minor is fifteen days. Because of the number of minors in this case, I shall suspend defendants' license for twenty days (Re Jim's Restaurant, Inc., Bulletin 1164, Item 12). Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 29th day of October, 1957,

ORDERED that Plenary Retail Consumption License C-17, issued by the Township Committee of Wayne Township to Nelson & Ethel Stousland, t/a The Anchor, for premises on Route 46, Mountain View, Wayne Township, be and the same is hereby suspended for fifteen (15) days, commencing at 3:00 a.m. November 4, 1957, and terminating at 3:00 a.m. November 19, 1957.

WILLIAM HOWE DAVIS  
Director.

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

In the Matter of Disciplinary Proceedings against )

JOSEPH DePAOLA )  
T/a D & D TAVERN )  
635 Main Street )  
Paterson 3, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-179, issued by the Board of Alcoholic Beverage Control for the City of Paterson. )

-----)  
Joseph DePaola, 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 that on Sunday, September 8, 1957 at about 1:40 p.m. and 1:45 p.m., he sold alcoholic beverages in original containers for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

The file herein discloses that on Sunday, September 8, 1957 at about 1:05 p.m., an ABC agent entered defendant's licensed premises followed by another agent ten minutes later. At about 1:40 p.m., the first agent purchased six 12-oz. cans of Schaefer beer from the bartender for off-premises consumption. At about 1:45 p.m., the bartender sold the second agent two quart bottles of Rheingold beer for home consumption. Both agents left the premises with their purchases, returned to the same within a few minutes and identified themselves to Robert Jenkins, the bartender, who admitted the aforesaid violations.

Defendant has no prior adjudicated record. I shall suspend the defendant's license for a period of fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days. Re Ocean Avenue Tavern, Inc., Bulletin 1187, Item 6.

Accordingly, it is, on this 21st day of October, 1957,

ORDERED that Plenary Retail Consumption License C-179, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Joseph DePaola, t/a D & D Tavern, for premises 635 Main Street, Paterson, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. October 28, 1957 and terminating at 3:00 a.m. November 7, 1957.

WILLIAM HOWE DAVIS  
Director.

7. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - PRIOR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

DOUBLE DEE WINES & LIQUORS, INC. )  
t/a DAVE & MANEY'S PARADISE )  
120-122 Parrow Street )  
Orange, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-27, issued by the Municipal Board of Alcoholic Beverage Control of the City of Orange. )

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Defendant-licensee, by David Davis, President.  
David S. Piltzer, 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 retail at less than the price listed in the Minimum Consumer Resale Price List then in effect, in violation of Rule 5 of State Regulation No. 30.

The file herein discloses that an ABC agent entered defendant's premises on the evening of June 26, 1957 and asked David Davis (president of the corporation) for a case of Schenley Reserve Blended Whiskey in half-gallon sizes for a party. Mr. Davis checked the price list and quoted the proper price of \$11.75 for each half-gallon, with permissible discount of 5% for a case-lot purchase, making a total of \$66.97 for the case. However, he told the agent that he would give him the case for \$65.00 and requested him not to tell anyone. After Mr. Davis had sold the case to the agent for \$65.00, this agent left the premises but returned shortly thereafter with other ABC agents and all agents identified themselves to Mr. Davis.

Defendant has a prior adjudicated record. Effective June 6, 1955, the local issuing authority suspended its license for ten days for selling alcoholic beverages during prohibited hours, in violation of Rule 1 of State Regulation No. 38. The minimum penalty for the violation herein is ten days. Re Pellegrino, Bulletin 1167, Item 3. Considering the prior dissimilar violation within the past five years, I shall suspend defendant's license for fifteen days. Five days will be remitted for the plea herein, leaving a net suspension of ten days. Cf. Re Gorcica, Bulletin 1189, Item 9.

Accordingly, it is, on this 24th day of October, 1957,

ORDERED that Plenary Retail Consumption License C-27, issued by the Municipal Board of Alcoholic Beverage Control of the City of Orange to Double Dee Wines & Liquors, Inc., t/a Dave & Maney's Paradise, for premises 120-122 Parrow Street, Orange, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. November 4, 1957, and terminating at 2:00 a.m. November 14, 1957.

WILLIAM HOWE DAVIS  
Director.

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

In the Matter of Disciplinary )  
Proceedings against )

KATHRYN MARGARET LONGO )  
T/a LONGO'S MYRTLE INN )  
5 Broadway & Mayslanding Rd. )  
Somers Point, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump- )  
tion License C-3, issued by the )  
Common Council of the City of )  
Somers Point. )

-----)  
Kathryn Margaret Longo, Defendant-licensee, Pro se.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that she sold, served and delivered alcoholic beverages to two minors and permitted said minors to consume said beverages in and upon her licensed premises, in violation of Rule 1 of State Regulation No. 20.

The file herein discloses that ABC agents, acting on information received from the Ocean City Police Department, obtained sworn, written statements dated September 10, 1957, from David --- (age 18) and Girard --- (age 19) wherein they state that they visited defendant's licensed premises on Saturday night August 31, 1957, and early Sunday morning September 1, 1957; that they consumed a number of glasses of beer served to them by a bartender, and by the licensee acting as barmaid, and that no one on the premises inquired of them about their ages. Before executing their statements the minors directed the agents to the defendant's licensed premises and pointed it out as the place where they were served and consumed the aforesaid drinks.

Defendant has no prior adjudicated record. I shall suspend defendant's license for fifteen days (Re Hedge, Bulletin 1176, Item 3). Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 28th day of October, 1957,

ORDERED that Plenary Retail Consumption License C-3, issued by the Common Council of the City of Somers Point to Kathryn Margaret Longo, t/a Longo's Myrtle Inn, for premises at 5 Broadway & Mayslanding Rd., Somers Point, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. November 4, 1957, and terminating at 3:00 a. m. November 14, 1957.

WILLIAM HOWE DAVIS  
Director.

9. DISCIPLINARY PROCEEDINGS - FAILURE TO HAVE IN POSSESSION INVOICE OR MANIFEST IN VIOLATION OF RULE 3 OF STATE REGULATION NO. 17 - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

ABRAHAM JANOWITZ )  
T/a NORTH END LIQUORS )  
200 Livingston Street )  
Northvale, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Northvale. )  
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Abraham Janowitz, Defendant-licensee, Pro se.  
William F. Wood, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to the following charge:

"On August 7, 1957, you delivered and transported alcoholic beverages in a vehicle without the driver having in his possession requisite bona fide, authentic and accurate delivery slip, invoice, manifest, waybill or similar document therefor; in violation of Rule 3 of State Regulation No. 17."

The file herein discloses that on August 7, 1957, two ABC agents who were in the vicinity of defendant's licensed premises observed the licensee and another man loading what appeared to be cases of beer in a station wagon. The agents followed the station wagon after defendant started to drive it away from the licensed premises and, after it stopped at a construction project, the agents approached and identified themselves. In the rear of the station the agents found three full cases (24 12-oz. cans to the case) of Rheingold beer and two six-pack (6 12-oz. cans to the pack) cartons of Rheingold beer. The licensee admitted to the agents that he had no invoice or manifest covering the alcoholic beverages, and stated that he had forgotten to make one out.

Defendant has no prior record. I shall suspend his license for ten days (Re Bodnar, Bulletin 1032, Item 8). Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 30th day of October, 1957,

ORDERED that Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Northvale to Abraham Janowitz, t/a North End Liquors, for premises 200 Livingston Street, Northvale, be and the same is hereby suspended for five (5) days, commencing at 2:00 a. m. November 11, 1957 and terminating at 2:00 a.m. November 16, 1957.

WILLIAM HOWE DAVIS  
Director.

10. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LEWDNESS AND IMMORAL ACTIVITY (INDECENT STATUETTE) - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

RICHARD LUCIANO, JOHN J. LUCIANO & CAMILLO PELOSO )  
T/a LUCIANO'S )  
Route 46, lot 6, block 122 )  
Lodi, N. J., )

CONCLUSIONS AND ORDER

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Holders of Plenary Retail Consumption License C-28, issued by the Mayor and Council of the Borough of Lodi. )

Richard Luciano, John J. Luciano & Camillo Peloso, Defendant-licensees, by John J. Luciano, Partner.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to the following charges:

"1. On September 21, 1957, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., Raymond ---, age 20, 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 Regulation No. 20.

"2. On August 23, September 14 and 21, 1957, and on divers other days, you allowed, permitted and suffered in and upon your licensed premises and had in your possession matter containing an obscene, indecent, filthy, lewd, lascivious and disgusting representation, viz., a 'clown' doll, approximately 24" in height, so altered as to make it obscene, indecent, filthy, lewd, lascivious and disgusting; in violation of Rule 17 of State Regulation No. 20."

The file herein discloses that two ABC agents visited the defendants' licensed premises on August 23, September 14 and September 21, 1957. At about 10:00 p.m. on their first visit and about 12:30 a.m. on their second visit the agents observed Camillo Peloso (one of the licensees) display to patrons (male and female) seated at the bar the clown doll which is referred to in Charge 2. The agents left the premises on both occasions without identifying themselves. On September 21, 1957, at about 12:05 a.m., the agents made their third and final trip to the premises. At about 1:30 a.m. they observed Nellie Kopo, a waitress, serve a mixed drink of alcoholic beverages to Raymond --- (age 20). At about 2:00 a.m. Raymond, after consuming said drink, approached the bar where Peloso, acting as bartender, served him a similar drink and accepted seventy cents in payment thereof. Upon learning that Raymond was twenty years old, the agents identified themselves to Peloso, informed him of this fact and seized the clown doll from the back bar. Raymond and Nellie Kopo each gave a sworn, written statement dated September 21, 1957.

Raymond states that on September 21, 1957 he was on the licensed premises; that he consumed three drinks of alcoholic beverages (two served by Mrs. Nellie Kopo and one by Peloso) and that neither Mrs. Kopo nor Mr. Peloso questioned him about his age. Mrs. Kopo states she was employed as a waitress by the licensees; that on the night in question she served two drinks of alcoholic beverages to Raymond and made no inquiry of him about his age.

Defendants have no prior adjudicated record. I shall suspend their license for a period of ten days on Charge 1 (Re Country Manor, Inc., Bulletin 1191, Item 8) and for an additional ten days on Charge 2 (Re Rozzi & Carpentier, Bulletin 1153, Item 2), making a total suspension of twenty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 6th day of November, 1957,

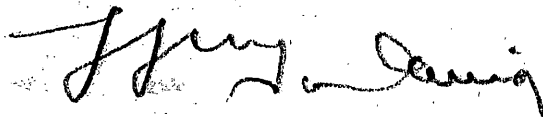
ORDERED that Plenary Retail Consumption License C-28, issued by the Mayor and Council of the Borough of Lodi to Richard Luciano, John J. Luciano & Camillo Peloso, t/a Luciano's, for premises on Route 46, lot 6, block 122, Lodi, be and the same is hereby suspended for fifteen (15) days, commencing at 3:00 a.m. November 12, 1957, and terminating at 3:00 a.m. November 27, 1957.

WILLIAM HOWE DAVIS  
Director.

11. STATE LICENSES - NEW APPLICATION FILED.

Murray M. Radler  
60 Park Place, Room 813  
Newark, N. J.

Application filed December 9, 1957 for place-to-place transfer of Plenary Wholesale License W-44 from 786 Broad Street, Room 710, Newark, N. J.



William Howe Davis  
Director.