

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

BULLETIN 1396

August 7, 1961

TABLE OF CONTENTS

ITEM

1. DISCIPLINARY PROCEEDINGS (Bayonne) - GAMBLING - PERMITTING PUNCH-BOARD ON PREMISES - LOTTERY - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
2. DISCIPLINARY PROCEEDINGS (Hackensack) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
3. DISCIPLINARY PROCEEDINGS (Bound Brook) - SALE TO INTOXICATED PERSON - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
4. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN PRIVATE DWELLING - ALCOHOLIC BEVERAGES, FIXTURES AND EQUIPMENT AND CASH RECEIPTS ORDERED FORFEITED.
5. DISCIPLINARY PROCEEDINGS (Cape May City) - SALE TO MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Trenton) - CHARGES ALLEGING THAT DEFENDANT PERMITTED GAMBLING AND SALE OF LOTTERY TICKETS DISMISSED FOR LACK OF PROOF.
7. DISQUALIFICATION REMOVAL PROCEEDINGS - FIVE YEARS GOOD CONDUCT NOT SHOWN - APPLICATION DENIED.
8. DISCIPLINARY PROCEEDINGS (Paterson) - GAMBLING (CARD GAMES) - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (Paterson) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Bayonne) - SALE TO FEMALES AT BAR IN VIOLATION OF LOCAL REGULATION - LICENSE SUSPENDED FOR 5 DAYS, LESS 2 FOR PLEA.
11. STATE LICENSES - NEW APPLICATION FILED.

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

BULLETIN 1396

August 7, 1961

1. DISCIPLINARY PROCEEDINGS - GAMBLING - PERMITTING PUNCHBOARD ON PREMISES - LOTTERY - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

CHARLES W. GAJEWSKI )  
t/a G & G TAVERN )  
250 Broadway )  
Bayonne, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-68, issued by the Board of Commissioners of the City of Bayonne. )

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Defendant-licensee, Pro se.

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

BY THE DIRECTOR:

The defendant pleaded guilty to the following charges:

- "1. On Friday night, April 14 and early Saturday morning, April 15, 1961, you allowed, permitted and suffered gambling, viz., the playing of a bowling game and a card game called 'pinochle', for stakes of money, in and upon your licensed premises; in violation of Rule 7 of State Regulation No. 20.
- "2. On Friday night, April 14 and early Saturday morning, April 15, 1961 and prior thereto, you allowed, permitted and suffered a device designed for the purpose of gambling, viz., a punchboard, and allowed, permitted and suffered gambling on such device, in and upon your licensed premises; in violation of Rule 7 of State Regulation No. 20.
- "3. On Friday night, April 14 and early Saturday morning, April 15, 1961 and prior thereto, you allowed, permitted and suffered a lottery, commonly known as a punchboard, to be conducted in and upon your licensed premises and tickets and participation rights in such a lottery to be sold and offered for sale, and possessed, had custody of and allowed, permitted and suffered such tickets and participation rights in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20."

On Friday night, April 14 and early Saturday morning, April 15, 1961, three ABC agents who were in the defendant's licensed premises, observed two patrons play a number of games on an electric bowling machine. At the end of each game the agents observed the loser thereof pay his opponent one dollar. The stakes later were increased to two and three dollars a game. At the conclusion of these games, one of the aforesaid patrons and Stella Gajewski (wife of the licensee) engaged in three games of cards with an agent and the other patron as their

opponents. At the end of each game, the losers thereof paid the winners four dollars.

The investigation further discloses that one of the agents had purchased three chances (at 10 cents per chance) for a box of candy on a punchboard, which was being circulated among the bar patrons by Mrs. Gajewski, while tending bar, and that the proceeds (\$36.40) of this raffle were later found in a box near the cash register.

At 12:50 a.m. the agents identified themselves to the licensee, Mrs. Gajewski and the two patrons. The licensee and Mrs. Gajewski verbally admitted aforesaid violations and stated that they did not know selling chances on the punchboard was a violation of the rules.

Defendant has no prior adjudicated record. I shall suspend defendant's license for twenty-five days, the minimum suspension in a gambling case when a licensee or his employee is involved. Cf. Re Kosakowski, Bulletin 1369, Item 7. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 3rd day of May 1961,

ORDERED that Plenary Retail Consumption License C-68, issued by the Board of Commissioners of the City of Bayonne to Charles W. Gajewski, t/a G & G Tavern, for premises 250 Broadway, Bayonne, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Tuesday, May 9, 1961, and terminating at 2 a.m. Monday, May 29, 1961.

WILLIAM HOWE DAVIS  
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

TIMOTHY LYNCH )  
t/a LYNCH'S TAVERN )  
118 First Street )  
Hackensack, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-44, issued by the City Council of the City of Hackensack. )

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Defendant-licensee, by Bartholomew Lynch, Attorney-in-fact.  
William F. Wood, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he possessed on his licensed premises alcoholic beverages in bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

On March 28, 1961 an ABC agent made a routine check of defendant's open stock of liquor and, after making preliminary tests, seized several bottles for further tests by the Division chemist. Subsequent analysis by the chemist disclosed that the contents of four of said bottles, when compared with the contents of genuine bottles of the same brand, varied substantially in solids, acids and color.

Defendant has no prior adjudicated record. I shall suspend defendant's license for twenty days, the minimum suspension in a "refill" case involving four bottles. Re Sloboda, Bulletin 1379, Item 5. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 3rd day of May, 1961,

ORDERED that Plenary Retail Consumption License C-44, issued by the City Council of the City of Hackensack to Timothy Lynch, t/a Lynch's Tavern, for premises 118 First Street, Hackensack, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m., Wednesday, May 10, 1961, and terminating at 2:00 a.m., Thursday, May 25, 1961.

WILLIAM HOWE DAVIS  
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - SALE TO INTOXICATED PERSON - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
  
ADAM ROMANO  
t/a CIRCLE BAR  
15 W. Main Street  
Bound Brook, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-5, issued by the Mayor and Council of the Borough of Bound Brook.

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

BY THE DIRECTOR:

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

On April 15, 1961, while two ABC agents were in defendant's premises, a male, who staggered and definitely appeared to be intoxicated, entered and took a seat at the bar. Louis Farano (the bartender) sold a glass of beer to the patron, who knocked the glass over as he reached for it. The bartender then served a second glass of beer to the patron, without charge. As the patron was consuming this drink, the agents identified themselves to the bartender and informed him of the violation.

Defendant has a prior record. Effective January 5, 1948, the then Commissioner suspended his license for twenty-five days for possessing alcoholic beverages not truly labeled. Bulletin 790, Item 4. However, since this dissimilar violation occurred more than five years ago, it will not be considered in fixing the penalty herein. Re Jay-Mar Tavern, Bulletin 1386, Item 11. I shall suspend defendant's license for fifteen days, the minimum suspension for selling alcoholic beverages to an intoxicated person. Re Siegel, Bulletin 1370, Item 5. Five days will be remitted for the plea herein, leaving a net suspension of ten days.

Accordingly, it is, on this 1st day of May 1961,

ORDERED that Plenary Retail Consumption License C-5, issued by the Mayor and Council of the Borough of Bound Brook to Adam Romano, t/a Circle Bar, for premises 15 W. Main Street, Bound Brook, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Monday, May 8, 1961, and terminating at 2 a.m. Thursday, May 18, 1961.

WILLIAM HOWE DAVIS  
DIRECTOR

4. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN PRIVATE DWELLING - ALCOHOLIC BEVERAGES, FIXTURES AND EQUIPMENT AND CASH RECEIPTS ORDERED FORFEITED.

In the Matter of the Seizure	)	Case No. 9826
on October 25, 1958 of a quantity	)	
of alcoholic beverages, fixtures,	)	ON HEARING
equipment, and \$27.55 in cash at	)	CONCLUSIONS
premises occupied by Charles McNeil,	)	AND ORDER
located at 153 Bright Street, Jersey	)	
City, County of Hudson and State	)	
of New Jersey.	)	

-----  
Raymond A. Brown, Esq., Attorney for Charles McNeil.  
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 a quantity of alcoholic beverages, \$27.55 in cash, fixtures and equipment described in an inventory hereinafter referred to, seized on October 25, 1958 at the premises occupied by Charles McNeil located at 153 Bright Street, Jersey City, constitute unlawful property and should be forfeited.

The seizure was made by ABC agents because of alleged unlawful sales of alcoholic beverages at the premises.

When the matter came on for hearing pursuant to R.S. 33:1-66 an appearance was entered by counsel for Charles McNeil who sought return of all the seized property.

Since the matter was heard, the Hearer retired from the Division before preparing a Hearer's Report. It was thereupon stipulated by the attorney for the claimant, upon condition that he be permitted to present oral argument, that he will consent on behalf of claimant to a decision by the Director, based upon the pleadings, transcript of testimony and exhibits previously presented, and will waive a Hearer's Report.

Subsequently counsel for the claimant appeared before me and presented his oral argument. In the course of the same, question arose as to whether the claimant would be permitted at this time to pay the Division the appraised value of the seized property (exclusive of alcoholic beverages and cash) as described in the inventory herein, and obtain possession of the same pending my decision.

The policy of the Division has been to accept such payments at the time of seizure or before the matter is heard. To accept payment at this time would be contrary to the Division's policy.

At the hearing held herein Agents W, M and P were called by the Division.

Agent W testified that on October 11, 1958 at about 1:15 a.m.

he entered the premises in question (occupied by Charles McNeil) which are located in the basement of a four-story brick building at 153 Bright Street, Jersey City; that he was admitted to the premises by Louis Brown; that the premises contained an L-shaped bar, a back bar with assorted brands of whiskey, several stools and a large mirror; that he observed people sitting at the bar consuming or being served alcoholic beverages by a bartender; that he was served two "shots" of Scotch whisky by the bartender at 70 cents per "shot".

Agent W further testified that on October 18, 1958 at about 1:30 a.m. he returned to the premises with Agent M; that he observed Charles McNeil serving a number of people seated at the bar with alcoholic beverages in payment of which McNeil accepted various sums of money and that he and Agent M ordered a round of whiskey for which they paid Charles McNeil at the rate of 70 cents per drink.

Agent W further testified that on October 25, 1958 at about 1:35 a.m. he and Agent M returned to the premises; that each had three "marked" one dollar bills in his possession; that they were admitted to the premises by Charles McNeil; that Louis Brown was tending bar; that each ordered a round of alcoholic beverages and paid for the same with their "marked" bills; that Brown placed this money in his pocket; that they observed Brown serving eight other people with alcoholic beverages; that at about 2:05 a.m. other ABC agents and local police officers entered the premises, identified themselves to Brown, found three of the "marked" bills in his possession and recovered the other three "marked" bills from a male who had received them as change from Brown. In addition, Agent W testified that the records of this Division do not show that a license authorizing the sale of alcoholic beverages had been issued to either Charles McNeil or Louis Brown or for the premises in question.

On cross-examination Agent W substantially reiterated his direct testimony.

Agent M was called by the Division and substantially corroborated the testimony of Agent W with respect to the events that occurred at the premises on October 18 and October 25 aforesaid.

Agent P testified that he was one of the raiding party that entered the premises on October 25 aforesaid; that he assisted in a search of the premises; that he assisted in the seizure of the articles in question; that he was present when a complete inventory (Exhibit S-1) of the seized property was prepared and that he had signed the same.

No witness testified on behalf of the claimant.

It is evident that the seized alcoholic beverages were intended for sale without a license, and hence are illicit R.S. 33:1-1(1). Such illicit alcoholic beverages, soda, cash, and all of the other personal property seized in the premises, constitute unlawful property and are subject to forfeiture. R.S. 33:1-1(y), R.S. 33:1-2, R.S. 33:1-66.

Accordingly, it is DETERMINED and ORDERED that the seized property, listed in Schedule "A" attached hereto, constitutes unlawful property, and the same be and hereby is forfeited in accordance with the provisions of R.S. 33:1-66, and shall be sold at public sale for the use of the state in accordance with State Regulation No. 29 or 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: April 21, 1961

SCHEDULE "A"

- 140 - cans of beer
- 29 bottles of other alcoholic beverages
- 28 - bottles of soda
- 1 - Coca Cola dispenser
- 3 - mirrors
- 1 - RCA record player
- 12 - bar stools
- 1 - table top
- 1 - bar
- 1 - cooler
- miscellaneous articles
- \$27.55 in cash

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

In the Matter of Disciplinary Proceedings against )

VANCE'S BAR, INC. )  
744 Lafayette Street )  
Cape May City, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-4, issued by the Board of Commissioners of the City of Cape May City. )

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Defendant-licensee, by Joseph S. Vance, President.  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On March 4, 1961 and on divers dates prior thereto, 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., David ---, age 19; in violation of Rule 1 of State Regulation No. 20."

Acting upon information transmitted to the Division by the Cape May City Police Department and the United States Coast Guard Base in Cape May City, ABC agents, on March 30, 1961, obtained a signed, sworn statement from David --- (age 19) in which he stated that on Saturday, March 4, 1961, a minor companion named Ed --- drove him, at his request, to the above named licensed premises for the purpose of purchasing alcoholic beverages; that, while his friend waited outside, he entered the said premises and purchased two pints of Imperial whiskey from Joseph Vance (president of the corporate licensee) who did not make inquiry regarding David's age or require any identification. The whiskey was placed in a paper bag and David then left the premises and, with the other minor, thereafter consumed the alcoholic beverages on a

side street near the premises. David further states that he had visited these premises on several prior occasions and purchased whiskey without being required to identify himself or show any proof of his age. On March 30, 1961, the two minors directed the agents to the defendant's licensed premises and pointed it out as the place where the whiskey was obtained.

By way of mitigation the corporate licensee, through its president, submitted a letter wherein the officers of the corporation state that they always require identification when they entertain the least doubt of a person's age. Their explanation of this particular violation is that David was probably carrying an "ID" card which did not belong to him. I have carefully considered the contents of this letter and am not satisfied that, under the facts and circumstances in this case, there is any reason to consider the penalty herein in any other but the usual manner.

Defendant has no prior record. I shall suspend defendant's license for fifteen days (the minimum penalty for sale to a 19-year-old minor). Re Renda, Bulletin 1350, Item 4. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 4th day of May 1961,

ORDERED that Plenary Retail Consumption License C-4, issued by the Board of Commissioners of the City of Cape May City to Vance's Bar, Inc., for premises 744 Lafayette Street, Cape May City, be and the same is hereby suspended for ten (10) days, commencing at 1 a.m. Monday, May 15, 1961, and terminating at 1 a.m. Thursday, May 25, 1961.

WILLIAM HOWE DAVIS  
DIRECTOR

DISCIPLINARY PROCEEDINGS - CHARGES ALLEGING THAT DEFENDANT PERMITTED GAMBLING AND SALE OF LOTTERY TICKETS DISMISSED FOR LACK OF PROOF.

In the Matter of Disciplinary Proceedings against  
BENJAMIN RIDOLFI  
t/a HUB BAR  
886 & 884 South Broad Street  
Trenton 10, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-18, issued by the Board of Commissioners of the City of Trenton.

Sido L. Ridolfi, Esq., Appearing for Defendant-licensee.  
Edward F. Ambrose, 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 charges:

- 1. On October 11, 13 and 14, 1960, you allowed, permitted and suffered gambling, viz., the making and accepting of bets in a lottery commonly known as the "numbers game", in and upon your licensed premises; in violation of Rule 7 of State Regulation No. 20.

2. On October 11, 13 and 14, 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.'

"At the hearing held herein, the Division called as its witnesses two ABC agents, hereinafter referred to as Agent H and Agent S.

"Agent H testified that he and Agent S were assigned to investigate a complaint that gambling was taking place at defendant's licensed premises; that on October 11, 1960, at about 11:45 a.m., he and Agent S arrived in the vicinity of defendant's licensed premises which he alone entered while his companion waited on the outside; that he took a seat at the left end of the bar (fifty feet long) two stools from Pasquale Gervasoni, one of seven patrons in the premises; that he observed a male patron hand Gervasoni a slip of paper and some change; that about twenty minutes later he observed a female patron (Catherine Schultz) enter the barroom, give Gervasoni slips of paper (resembling number bets) and money and engage him in conversation, none of which he overheard; that this transaction took place while Angelo Franzini, the bartender, was standing behind the bar in front of Gervasoni and Mrs. Schultz and that the bartender did not participate in the conversation. Agent H continued to testify that after the female patron had departed and while the bartender remained standing in front of Gervasoni, he verbally placed a 'numbers' bet with Gervasoni, following which he left the premises.

"Agent H further testified that on October 13, 1960, at about 11:45 a.m., he and Agent S, followed shortly by Gervasoni, entered the licensed premises; that Gervasoni took a seat at the bar (opposite the beer taps) about three or four stools to their left; that he observed a patron named Doner leave the bar, walk to the far end of the premises (near the entrance), accept a slip of paper and money from an elderly man, return to Gervasoni and hand him the slip and money; that he then approached Gervasoni and engaged him in a five minute conversation about 'numbers' bets; that during their conversation Mr. Franzini was occupied behind the bar in front of the beer taps; that he returned to his stool, asked Franzini for a pencil with which he and Agent S prepared some 'numbers' bets on the bar in front of Franzini; that he and Agent S each folded their pieces of paper with a dollar bill and delivered the same to Gervasoni; that Agent S, prior to leaving his seat and in Franzini's presence, remarked that he was going to place his bet with Gervasoni; that Franzini made no comment and that shortly thereafter he and Agent S left the premises.

"Agent H further testified that on October 14, 1960, at about 12:00 noon, he and Agent S returned to the licensed premises; that each had a 'marked' one-dollar bill in his possession; that they took seats at the bar to the left of the beer taps; that Gervasoni was sitting at the bar to the right of the beer taps (about eight feet from the agents); that Franzini was busy drawing beer from a tap; that in this posture he spoke to Gervasoni and told him how close he came to winning his 'numbers' bet made on October 13 aforesaid; that Franzini joined the conversation by stating that he had had a similar experience with a number he had placed on the same day and that shortly thereafter, he observed an elderly man hand Gervasoni a slip of paper and some money which Gervasoni placed in his pocket.

"Agent H continued to testify that he asked Franzini for a pencil; that he remarked to Franzini that he was going to play the same number which he had played with Gervasoni on the previous day; that he started to take a slip of paper from his pocket on which he intended to write his bet; that Gervasoni stopped him, handed him a

match cover and stated, 'Here, write them on here and no one will see what you are doing'; that he wrote a series of 'numbers' bets on the cover; that Franzini stood there and watched him; that Agent S used the same match cover to write his bets; that as he and Agent S started to walk towards Gervasoni, Agent S, in possession of the match cover, stated to Franzini that he had the bets that they were going to place with Gervasoni; that Agent S gave Gervasoni his 'marked' bill and the match cover and that he handed Gervasoni his 'marked' bill following which Agent S signaled the prearranged raiding party of other agents and local police to enter the premises.

"The police found the two 'marked' bills and match cover in Gervasoni's possession and placed him under arrest. ABC agents made a thorough search of the entire licensed premises and found no evidence of gambling or any other material upon which a violation could be based.

"Agent H further testified that shortly after arriving at the police station he questioned Gervasoni and Franzini; that Gervasoni admitted accepting the aforementioned 'numbers' bets from him and Agent S and that Franzini denied any knowledge thereof.

"On cross-examination Agent H testified that Gervasoni was 68 years old, had a physical disability, used a cane and appeared to have been a laborer most of his life; that on his visits to the licensed premises Franzini was the only employee in attendance in the barroom; that at times he had conversations with Gervasoni not in the presence of Franzini and at times he also spoke with Gervasoni while Franzini was serving other patrons; that upon arrival at the police station (a few doors from the licensed premises) he had questioned Gervasoni and Franzini separately and not in the presence of each other and in like manner had taken written statements from them; that the written statements were taken in the presence of two other ABC agents and two local police officers; that Gervasoni was cooperative; that Gervasoni, in his written statement, stated that he had never discussed his gambling activities with either the licensee or Franzini, and that neither the licensee nor the bartender knew he was accepting bets in the licensed premises, and that he had observed nothing in Gervasoni's actions or statements (when questioned by him) which indicated to him that Gervasoni's written statement was untrue.

"Agent H further testified that the licensee did not witness any of the aforementioned gambling activities; that there was a television in the licensed premises and that he does not recall if the television was in operation.

"Agent S was called to testify and it was stipulated by counsel that if examined, his testimony on direct and cross-examination would substantially corroborate the testimony of Agent H. It was also agreed the defendant's attorney would be permitted to engage in additional cross-examination of Agent S.

"Agent S testified that the licensee fully cooperated with the agents and that the licensee had no knowledge that Gervasoni was accepting 'numbers' bets on the licensed premises.

"Ralph L. Morrison, on behalf of the defendant, testified that he is employed as a security officer by the United States Steel Corporation; that for the past ten to twelve years he has made daily visits to the licensed premises at various times of the day and evening; that for the past three or four years he has known Gervasoni as a patron of the licensed premises; that he has never observed Gervasoni's conduct to be of a suspicious nature; that Gervasoni has never spoken with him about 'numbers' bets; that the licensee and Franzini bear excellent reputations and that he has never seen Franzini accept any gambling bets or heard him speak of any.

"On cross-examination, Morrison testified that his visits to the licensed premises usually lasted for about an hour to an hour and a half; that he does not fraternize with Gervasoni; that he has a nodding acquaintance with him; that he was not in the licensed premises during the agents' visits to the same and that he believes Gervasoni lives on a pension.

"John H. McQuade, testifying for the defendant, stated that he is 66 years of age; that he is a retired railroad employee; that he had been employed by the Pennsylvania Railroad as a yard master for 47 years; that he has known the licensee for 25 years; that for the past one to two years he has made daily visits to the licensed premises; that he has a nodding acquaintance with Gervasoni; that he has never observed Franzini do anything improper; that he has never observed Gervasoni or anyone else accept bets on the licensed premises.

"On cross-examination, McQuade testified that on Thursday, October 13, 1960, between 11:45 a.m. and 12:20 p.m., he observed Agents H and S in the licensed premises; that he does not know whether Gervasoni was there at the time; that he did not notice the agents speaking with the bartender; that he did not see the bartender give the agents a pencil; that he did not see the agents do any writing and that he paid no attention to what the agents were doing.

"Angelo Franzini testified that for the past 18 years he has been employed as a bartender in the licensed premises; that his duties consist of serving beverages and sandwiches at the bar (fifty feet long), serving sandwiches in three booths and on occasions relieve in the package store (part of the licensed premises adjoining the barroom). Franzini further testified that on Friday, October 14th aforesaid, prior to and at the time of the raid, he was walking from one end of the bar to the other serving about fifteen patrons; that he was watching a ball game in progress on the television; that on one occasion he went into the liquor store; that he served three beers to the agents; that he observed the agents speaking with Gervasoni; that he did not hear their conversation; that he did not see the agents give any bets to Gervasoni; that upon request of one of the agents he gave him a pencil; that he did not see the agents writing any 'numbers' bets; that he had no knowledge of Gervasoni's gambling activities and that for the past two years he knew Gervasoni only as a patron.

"Franzini further testified that following the raid he was questioned at the police station by ABC agents; that he denied he was aware of any number playing in the licensed premises, denied that he knew that Gervasoni was a 'numbers' writer and that his statement to the agents does not differ from his testimony herein.

"On cross-examination, Franzini testified he is 64 years old; that his hearing and sight are good; that he never heard that Gervasoni wrote 'numbers'; that he knows Mrs. Schultz as a patron; that Doner is an infrequent visitor to the licensed premises; that he was too busy to observe what the agent did with the pencil; that he never played a number; that he does remember telling the agents he had played a losing 'numbers' bet.

"Benjamin Ridolfi, on his own behalf, testified that ever since 1940 he has been the owner of the licensed premises; that for the past 18 years he has employed Franzini as a bartender in the licensed premises; that he knows Gervasoni for fifteen years; that Gervasoni has been a patron of the licensed premises for the past two or three years; that he never observed any suspicious conduct on the part of Gervasoni; that he never observed Gervasoni play or 'book' 'numbers'; that prior to the raid he never knew Gervasoni was a 'numbers' writer; that to his knowledge Franzini did not play the 'numbers'; that following the raid he entered

the barroom from the liquor store and that, in addition to the raiding party, the bartender and Gervasoni, he observed about ten or eleven patrons in the barroom.

"On cross-examination, Ridolfi testified that between 11:00 a.m. and 1:00 or 2:00 p.m. on October 11, October 13 and October 14, 1960 he was in and about the licensed premises; that between 12:00 and 1:00 p.m. he relieved his son in the package store; that he observed the agents in the licensed premises on their visits to the same and that he did not know they were ABC agents.

"As additional support for the licensee's contention that (1) he did not know that Gervasoni was a 'numbers' writer and (2) that he had no reason to suspect that Gervasoni was a 'numbers' writer, the licensee was prepared to offer eight members of the Trenton Police Department as witnesses. It was agreed by the attorneys for the litigants that these witnesses (none of whom was in the licensed premises when the agent visited the same) if examined, would testify (1) as to the good character of the licensee and the fine reputation of the licensed premises and (2) that the defendant would be permitted to place in evidence statements by these witnesses in lieu of such testimony. Pursuant to the stipulation the defendant presented eight sworn, written statements by eight local police officers. In effect, these statements set forth that the officers were assigned to the precinct covering the licensed premises; that they made almost daily official and unofficial visits to the licensed premises; that they never observed any illegal activity in the licensed premises; that they never observed any activity that led them to suspect that illegal activity was taking place in the premises; that they had never received any complaints against the licensed premises and that the licensee and the licensed premises bore excellent reputations.

"After examining all the evidence, exhibits and the memorandum submitted by defendant's attorney, I find as a fact that gambling on a small scale took place in the licensed premises in a few isolated cases on the dates set forth in the first charge herein. I find as a fact from the testimony of the agents that lottery tickets ('numbers') were sold in the licensed premises as alleged in the second charge. I find as a fact that the licensee had no knowledge of these gambling activities. With respect to the statement attributed to Gervasoni by the agents, that Franzini had placed a 'numbers' bet on October 13th aforesaid, it is not clear that Franzini made his bet in the licensed premises or that he had placed it with Gervasoni. I doubt that Gervasoni's illegal activities were sufficiently open and notorious to have alerted the bartender to the same and, in fairness, recommend that these doubts be resolved in the defendant's favor. Cf. Re Keansburg Steamboat Company, Bulletin 1287, Item 2. Hence, I am unable to find with a sufficient degree of certainty that the licensee or his bartender had permitted and suffered aforesaid gambling activities in the licensed premises. I therefore recommend that the charges herein be dismissed. See Re Alps, Inc., Bulletin 578, Item 1. Cf. Polish-American Citizens Club, Inc., Bulletin 472, Item 9, and Re Langford, Bulletin 569, Item 2."

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

Having carefully considered the record herein, including the transcript of the proceedings, the exhibits, the memorandum filed with the Hearer by defendant's attorney and the Hearer's Report, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 4th day of May 1961,

ORDERED that the charges herein be and the same are hereby dismissed.

WILLIAM HOWE DAVIS  
DIRECTOR

7. DISQUALIFICATION REMOVAL PROCEEDINGS - FIVE YEARS GOOD CONDUCT NOT SHOWN - APPLICATION DENIED.

In the Matter of an Application )  
to Remove Disqualification )  
because of a Conviction, )  
Pursuant to R.S. 33:1-31.2 )  
Case No. 1606 )  
-----)

CONCLUSIONS  
AND ORDER

BY THE DIRECTOR:

Applicant's fingerprint record discloses that on December 7, 1933, he was sentenced in another State to serve two years in a penitentiary on a charge of grand larceny; that on December 16, 1940, he was sentenced to serve ten days on a charge of assault and battery; that on February 21, 1950, he paid a fine of \$50 on a charge of assault and battery; that on April 5, 1954, after pleading non vult to carrying concealed weapons and unlawful use of a weapon, he was sentenced in a county court to serve one to two years in New Jersey State Prison, from which institution he was paroled on January 30, 1955, and that on May 26, 1957, he was fined \$200 and costs of \$5 in a local magistrate's court for violating a city ordinance (selling alcoholic beverages without a license) and also sentenced to serve two months in the Camden County Jail for maintaining a disorderly house. On June 27, 1957, the local magistrate suspended the balance of the jail sentence and suspended the fine and costs of court. The crimes for which applicant was convicted in 1933 and 1954 involve the element of moral turpitude (Re Case No. 202, Bulletin 504, Item 1, and Re Case No. 348, Bulletin 431, Item 4), and preclude applicant from engaging in the alcoholic beverage industry in this State until his disqualification is removed.

To afford petitioner the relief requested, it is necessary that I find that he has been conducting himself in a law-abiding manner for five years last past and that his association with the alcoholic beverage industry will not be contrary to the public interest. See R.S. 33:1-31.2.

In view of his convictions on May 26, 1957, I conclude that the applicant has not so conducted himself and, therefore, will deny his application.

Applicant, however, may reapply to the Director to remove his disqualification on or after June 27, 1962 (five years from June 27, 1957, the date of his release from the Camden County Jail).

Accordingly, it is, on this 5th day of May 1961,

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

WILLIAM HOWE DAVIS  
DIRECTOR



9. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

MILDRED RAFFERTY & JOSEPH VARCARDIPANE t/a Mill's End 253 - 20th Avenue Paterson 3, N. J. )

CONCLUSIONS AND ORDER

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Holders of Plenary Retail Consumption License C-347, issued by the Board of Alcoholic Beverage Control for the City of Paterson. )

Defendant-licensees, Pro se.  
William F. Wood, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they possessed on their licensed premises alcoholic beverages in bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

On April 15, 1961, an ABC agent tested defendants' open bottles of alcoholic beverages and seized two quart-bottles of "Seagram's Seven Crown American Blended Whiskey, 86 Proof" for further tests by the Division's chemist. Subsequent analysis by the chemist disclosed that the contents of the seized bottles, when compared with the contents of genuine bottles of the same brand, varied substantially in solids, acids and color.

Defendants have no prior adjudicated record. I shall suspend their license for fifteen days, the minimum penalty imposed in "refill" cases involving two bottles. Re Jay Mar Tavern (A Corp.), Bulletin 1386, Item 11. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 24th day of May 1961,

ORDERED that Plenary Retail Consumption License C-347, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Mildred Rafferty & Joseph Varcardipane, t/a Mill's End, for premises 253 - 20th Avenue, Paterson, be and the same is hereby suspended for ten (10) days, commencing at 3 a.m. Monday, June 5, 1961, and terminating at 3 a.m. Thursday, June 15, 1961.

WILLIAM HOWE DAVIS  
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - SALE TO FEMALES AT BAR IN VIOLATION OF LOCAL REGULATION - LICENSE SUSPENDED FOR 5 DAYS, LESS 2 FOR PLEA.

In the Matter of Disciplinary Proceedings against

SIGMUD E. STACHELSKI  
t/a PORT TERMINAL TAVERN  
57 East 32d Street  
Bayonne, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-81, issued by the Board of Commissioners of the City of Bayonne.

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

BY THE DIRECTOR:

Defendant pleaded guilty to the following charge:

"On April 15, 21 and 28, 1961, you served alcoholic and/or other beverages to females except when seated at tables and permitted females to stand and/or sit at public bars in and upon your licensed premises; in violation of Section 14 of an Ordinance passed by the Board of Commissioners of the City of Bayonne on August 3, 1943."

The pertinent clause of Section 14 of the Ordinance provides as follows:

"No woman shall be served alcoholic beverages directly over any bar."

The file herein discloses that on April 15, April 21 and April 28, 1961, ABC agents visited defendant's licensed premises and observed females being served alcoholic beverages directly over the counter. On each occasion, females would approach the bar, would be served beverages over the bar and the bartender would accept payment from them. Then the females would return to a bar-type counter located on the left side of the barroom opposite the main bar where these drinks would be consumed.

The bartender refused to make a statement but the licensee, who was present, verbally admitted the violation and stated that he thought that as long as the females did not consume these beverages at the main bar, he did not violate the Ordinance.

Defendant has a prior adjudicated record. Effective May 19, 1953, his license was suspended for ten days by the local issuing authority for violation of Rule 1 of State Regulation No. 38. However, since this dissimilar violation occurred more than five years prior to the date hereof, it will not be considered in determining the penalty herein. I shall suspend defendant's license for five days. Two days will be remitted for the plea entered herein, leaving a net suspension of three days. Re S. & H. Liquor Corporation, Bulletin 1369, Item 8.

Accordingly, it is, on this 24th day of May 1961,

ORDERED that Plenary Retail Consumption License C-81, issued by the Board of Commissioners of the City of Bayonne to Sigmund E. Stachelski, t/a Port Terminal Tavern, for premises 57 East 32nd Street, Bayonne, be and the same is hereby suspended for three (3) days, commencing at 2:00 a.m., Monday, June 5, 1961 and terminating at 2:00 a.m., Thursday, June 8, 1961.

WILLIAM HOWE DAVIS  
DIRECTOR

11. STATE LICENSES - NEW APPLICATION FILED.

Phillips Distributing Company Inc.  
700 Somerset Street  
New Brunswick, New Jersey  
Application filed August 3, 1961 for  
State Beverage Distributor's License.



William Howe Davis  
Director