

Ambrose

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark, N.J. 07102

BULLETIN 1661

March 2, 1966

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STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1100 Raymond Blvd. Newark, N. J. 07102

BULLETIN 1661

March 2, 1966

1. PETITION PROCEEDINGS - DISCRIMINATION AGAINST WHOLESALER -
ORDER DISMISSING PETITION.

BOLLER BEVERAGES, INC.,)

Petitioner,)

v.)

SOUTHERN COMFORT CORPORATION,)

Respondent.)

ON PETITION
ORDER

Lamb, Blake, Hutchinson & Dunne, Esqs., by Raymond J. Lamb, Esq.,
Attorneys for Petitioner.

Southern Comfort Corporation, by John W. Vincent, Vice President,
Pro se.

BY THE DIRECTOR:

Petitioner seeks relief under R.S. 33:1-93.1 et seq.
from respondent's alleged discriminatory refusal to sell to
petitioner a quantity of respondent's liqueurs.

Prior to hearing, by letter dated January 13, 1966,
the attorneys for the petitioner advised me that the petition
was withdrawn.

No reason appearing to the contrary,

It is, on this 14th day of January 1966,

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

JOSEPH P. LORDI
DIRECTOR

- 2. DISCIPLINARY PROCEEDINGS - SALE TO INTOXICATED PERSONS - FOUL LANGUAGE - SALE IN VIOLATION OF STATE REGULATION NO. 38 - FALSE STATEMENT IN LICENSE APPLICATION - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 70 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
)
 SAM DI FRANK and MARY DI FRANK)
 t/a GARTON HOTEL)
 East side of Garton Road, south) CONCLUSIONS
 of Landis Avenue) AND ORDER
 Deerfield Township)
 PO RD 7, Bridgeton, N. J.)
)
 Holders of Plenary Retail Consumption License C-10, issued by the Township Committee of the Township of Deerfield.)

 Joshua V. Davidow, Esq., Attorney for Licensees.
 Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to charges alleging that on November 6, 1965, they (1) sold drinks of alcoholic beverages to intoxicated persons, in violation of Rule 1 of State Regulation No. 20, (2) permitted foul, filthy and obscene language by patrons on the licensed premises, in violation of Rule 5 of State Regulation No. 20, and (3) sold six bottles of beer for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38, and (4) in their current application for license failed to disclose their record of license suspension in 1962, in violation of R.S. 33:1-25.

Licensees have a previous record of suspension of license (1) then held individually by Sam DiFrank by the Director for ten days effective April 23, 1945, for mislabeling a beer tap and possession of an alcoholic beverage not truly labeled (Re DiFrank Bulletin 664, Item 6), and when held by the partnership, by the municipal issuing authority (2) for thirty days effective October 22, 1945, for sale to minors and sale to intoxicated persons, (3) for ten days effective August 24, 1953, for hostess activity, and (4) for five days effective August 13, 1962, for sale during prohibited hours, in violation of local regulation, non-disclosure of which being the subject of the fourth charge.

The prior record of suspension of license for similar violation occurring in 1945 more than ten years ago and the record of suspensions for dissimilar violations occurring in 1945 and 1953 more than five years ago disregarded, the license will be suspended on the first charge for twenty days (Re Valenti, Bulletin 1652, Item 8), on the second charge for ten days (Re Hauge, Bulletin 1629, Item 3), on the third charge (the prior record of similar violation in 1962 within the past five years considered) for thirty days (Re DeVries, Bulletin 1555, Item 9) and on the fourth charge for ten days (Re John Johnson Lodge #587, Bulletin 1652, Item 5), or a total of seventy days, with remission of five days for the plea entered, leaving a net suspension of sixty-five days.

Accordingly, it is, on this 13th day of January, 1966,

ORDERED that Plenary Retail Consumption License C-10, issued by the Township Committee of the Township of Deerfield to Sam DiFrank and Mary DiFrank, t/a Garton Hotel, for premises east side of Garton Road South of Landis Avenue, Deerfield Township, be and the same is hereby suspended for sixty-five (65) days, commencing at 2:00 a.m. Monday, January 17, 1966, and terminating at 2:00 a.m. Wednesday, March 23, 1966.

JOSEPH P. LORDI
DIRECTOR

- 3. DISCIPLINARY PROCEEDINGS - SALE TO NON-MEMBERS - FALSE STATEMENT IN LICENSE APPLICATION - FAILURE TO KEEP BOOKS OF ACCOUNT - CRIMINALLY DISQUALIFIED EMPLOYEE - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 70 DAYS, LESS 5 FOR PLEA

In the Matter of Disciplinary Proceedings against)
)
 AMERICAN LEGION POST #380)
 37 1/2 Hamilton Street)
 Somerville, N. J.)
)
 Holder of Club License CB-3, issued by the Borough Council of the Borough of Somerville)

CONCLUSIONS
AND ORDER

Licensee, by David Stukes, First Vice-Commander, Pro se.
Morton B. Zemel, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on September 1, 1965, it sold a drink of beer to a non-member, in violation of Rule 8 of State Regulation No. 7, (2) in its current application for license failed to disclose its prior record of suspension of license, in violation of R.S. 33:1-25, and since August 3, 1965, it (3) failed to keep books of account, in violation of Rule 12 of State Regulation No. 7, and (4) employed as bar overseer a person convicted of crime involving moral turpitude, in violation of Rule 1 of State Regulation No. 13.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days effective August 24, 1964, for sale to a non-member, non-disclosure of which being the subject of the second charge.

The prior record of similar violation within the past five years considered, the license will be suspended on the first charge for thirty days (Re Pride of Camden Lodge #83, Bulletin 1626, Item 8), on the second charge for ten days (Re Turner, Condon and Brophy, Bulletin 1650, Item 3), on the third charge for ten days (cf. Re Whippoorwill Social Club, Bulletin 1376, Item 7) and on the fourth charge for twenty days (Re Fantaco, Inc., Bulletin 1637, Item 2), or a total of seventy days, with remission of five days for the plea entered, leaving a net suspension of sixty-five days.

Accordingly, it is, on this 11th day of January 1966,

5. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1965 THROUGH DECEMBER 31, 1965

	1st Quarter		2nd Quarter		Total
	July, Aug.,	Sept.	Oct., Nov.,	Dec.	
ARRESTS:					
Total number of persons arrested	51		56		107
Licensees and employees	32		32		64
Bootleggers	19		24		43
SEIZURES:					
Motor vehicles - cars	1		1		2
- trucks	2		-		2
Stills - over 50 gallons	1		-		1
- 50 gallons or under	1		2		3
Alcohol - gallons	22		13.28		35.28
Mash - gallons	125		195		320
Distilled alcoholic beverages - gallons	15.67		11.75		27.42
Wine - gallons	67.43		40.80		108.23
Brewed malt alcoholic beverages - gallons	119.07		81.93		201
RETAIL LICENSEES:					
Premises inspected	1,931		1,895		3,826
Premises where alcoholic beverages were gauged	1,579		1,549		3,128
Bottles gauged	25,412		24,456		49,868
Premises where violations were found	211		160		371
Violations found	317		262		579
Unqualified employees	158		144		302
Application copy not available	37		38		75
Reg. #38 sign not posted	23		11		34
Other mercantile business	16		14		30
Disposal permit necessary	19		3		22
Prohibited signs	4		2		6
Improper beer taps	2		-		2
Other violations	58		50		108
STATE LICENSEES:					
Premises inspected	81		67		148
License applications investigated	28		15		43
COMPLAINTS:					
Complaints assigned for investigation	1,146		1,161		2,307
Investigations completed	1,092		1,008		2,100
Investigations pending	(204)		750		750
LABORATORY:					
Analyses made	346		287		633
Refills from licensed premises - bottles	118		85		203
Bottles from unlicensed premises	51		23		74
IDENTIFICATION:					
Criminal fingerprint identifications made	20		16		36
Persons fingerprinted for non-criminal purposes	1,281		995		2,276
Ident. contacts made w/other enforcement agencies	825		612		1,437
MV identifications via N.J. State Police teletype	1		-		1
DISCIPLINARY PROCEEDINGS:					
Cases transmitted to municipalities	28		25		53
Violations involved	32		29		61
Sale during prohibited hours	19		21		40
Sale to minors	8		7		15
Failure to close prem. during prohibited hours	4		1		5
Single instance of other violations	1		-		1
Cases instituted at Division	56*		82*		138*
Violations involved	73		110		183
Sale during prohibited hours	20		14		34
Sale to minors	15		11		26
Possessing liquor not truly labeled	10		10		20
Fraud in application	5		11		16
Beverage Tax Law non-compliance	2		11		13
Sale to intoxicated persons	3		6		9
Permitting immoral activity on premises	-		8		8
Failure to close prem. during prohibited hours	3		4		7
Sale below filed price	2		4		6
Permitting foul language on premises	2		3		5
Conducting business as a nuisance	1		4		5
Permitting hostess activity on premises	1		3		4
Permitting gambling on premises	2		2		4
Sale outside scope of license	-		4		4
Sale to non-members by club	1		2		3
Permitting lottery activity on premises	1		2		3
Hindering investigation	2		1		3
Unqualified employees	-		3		3
Failure to file notice of change in application	2		-		2
Single instance of other violations	1		7		8

*Includes three cancellation proceedings - license improvidently issued to licensee convicted of crime involving moral turpitude and to licensees not U. S. citizen and non-resident.

	1st Quarter July, Aug., Sept.	2nd Quarter Oct., Nov., Dec.	Total
DISCIPLINARY PROCEEDINGS (Continued)			
Cases brought by municipalities on own initiative and reported to Division	54	62	116
Violations involved	70	75	145
Sale to minors	35	41	76
Sale during prohibited hours	8	13	21
Permitting brawl, etc. on premises	7	4	11
Failure to close prem. during prohibited hours	4	2	6
Hindering investigation	4	2	6
Conducting business as a nuisance	-	5	5
Permitting lottery activity on premises	1	2	3
Failure to afford view into prem. during proh. hours	2	-	2
Employing persons w/o ident. cards (local reg.)	1	1	2
Permitting gambling on premises	2	-	2
Unqualified employees	2	-	2
Permitting bookmaking on premises	-	2	2
Employee working while intoxicated	-	2	2
Single instance of other violations	4	1	5
HEARINGS HELD AT DIVISION:			
Total number of hearings held	122	113	235
Appeals	13	13	26
Disciplinary proceedings	73	61	134
Eligibility	22	18	40
Seizures	10	7	17
Tax revocations	2	9	11
Applications for license	-	5	5
On petition	2	-	2
STATE LICENSES AND PERMITS ISSUED:			
Total number issued	5,531	4,864	10,395
Licenses	692	3	695
Solicitors' permits	148	92	240
Employment permits	1,320	864	2,184
Disposal permits	310	200	510
Social affair permits	1,377	1,123	2,500
Wine permits	--	910	910
Miscellaneous permits	644	682	1,326
Transit insignia	757	771	1,528
Transit certificates	83	119	202
OFFICE OF AMUSEMENT GAMES CONTROL:			
Licenses issued	20	106	126
State Fair licenses	329	-	329
Premises inspected	1,196	-	1,196
Premises where violations were found	221	-	221
Number of violations found	222	-	222
Enforcement files established	228	65	293
Disciplinary proceedings instituted at Division	16	-	16
Violations involved	23	-	23
Redemption of prize for money	1	-	1
Operating controlled game	14	-	14
Non-registered employees	3	-	3
Deceptive practices	3	-	3
Fraud and front	1	-	1
Redemption for prize other than merchandise	1	-	1

JOSEPH P. LORDI
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

Dated: January 20, 1966

6. SEIZURE - FORFEITURE PROCEEDINGS - UNLICENSED SALE OF ALCOHOLIC BEVERAGES - CLAIM OF INNOCENT LIENOR OF MOTOR VEHICLE RECOGNIZED - ALCOHOLIC BEVERAGES AND CASH ORDERED FORFEITED.

In the Matter of the Seizure)	Case No. 11,519
of a quantity of alcoholic)	
beverages, miscellaneous personal)	ON HEARING
property, \$19.91 in cash and a)	CONCLUSIONS
Chevrolet pickup truck on June 13,)	AND ORDER
1965 in an open area at Fenwick Station)	
Road, in Pilesgrove Township, County)	
of Salem and State of New Jersey.)	

 Chivian & Chivian, Esqs., by Louis Chivian, Esq., appearing for
 General Motors Acceptance Corporation.

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 and State Regulation No. 28 to determine whether a quantity of alcoholic beverages, \$19.91 in cash, two water coolers, 50 paper cups and a Chevrolet pickup truck, more particularly described in a schedule annexed hereto, seized on June 13, 1965 in an open area at Fenwick Station Road, in Pilesgrove Township, New Jersey constitute unlawful property and should be forfeited.

When the matter came on for hearing pursuant to R.S. 33:1-66 General Motors Acceptance Corporation, a lienor of the said motor vehicle, represented by counsel, entered an appearance and sought recognition of its lien claim. Forfeiture of the alcoholic beverages and the other personal property was unopposed.

Charles Mears, the registered owner of the said motor vehicle and the other personal property, appeared at the hearing pursuant to a notice served upon him, but stated that he did not desire to make a claim for the return of any of the property seized.

Reports of ABC agents and other documents, presented in evidence with consent of counsel for the claimant, disclosed the following facts: On Sunday, June 13, 1965, agents of this Division were assigned to investigate alleged illegal sales of alcoholic beverages on that day in an open area at Fenwick Station Road, in Pilesgrove Township, Salem County, New Jersey where a revival meeting was taking place. There were approximately 3,000 persons in attendance at the said picnic area.

Upon arrival at the said area, one of the agents observed Charles Mears selling beer from the back of a green Chevrolet truck bearing New Jersey license plates XH3403, registered in the name of Charles Mears of Camden. Mears made sales to various persons and handed the proceeds of the sales to James H. Sowell.

An agent purchased four cans of beer from Mears, using three "marked" one-dollar bills to make the last three purchases. Mears charged 35¢ for a can of beer and gave the agent change for each dollar bill handed to him. Shortly after his last purchase, this agent was joined by other agents and a New Jersey State trooper, who identified themselves, seized the alcoholic beverages, the pickup truck, the other personal property and \$19.91 in cash, including \$1.00 "marked" dollar bill found in Sowell's possession.

A sample of the contents of one of the cans of beer was analyzed by the Division chemist on June 25, 1965, and his report establishes that it is an alcoholic beverage fit for beverage purposes, with an alcoholic content by volume of 6.4%.

The records of this Division disclose that no license or permit was issued to Mears or Sowell or to the premises in question, authorizing the transportation or sale of alcoholic beverages and no transportation insignia had been issued for the motor vehicle in which the alcoholic beverages were transported, and from which they were taken and sold.

Mears and Sowell were thereupon arrested; Mears was charged with sale and possession of alcoholic beverages with intent to sell without a license, contrary to R.S. 33:1-2; in violation of R.S. 33:1-50; Sowell was charged with aiding and abetting in the unlawful sale and possession of alcoholic beverages in violation of R.S. 33:1-52. Both individuals were arraigned on the said charges in the Pilesgrove Township Municipal Court.

The seized cans of beer are illicit because they were intended for unlawful sale. R.S. 33:1-1(i). Such illicit alcoholic beverages, the commingled cash, the other personal property and the motor vehicle in which such alcoholic beverages were found constitute unlawful property and should be forfeited. R.S. 33:1-1(y); R.S. 33:1-2; R.S. 33:1-66; Seizure Case No. 11,520, Bulletin 1639, Item 4; Seizure Case No. 11,164, Bulletin 1565, Item 5; Seizure Case No. 10,759, Bulletin 1469, Item 5.

Robert J. Mullins, testifying on behalf of General Motors Acceptance Corporation, stated that he is the collection manager in the Camden Branch of this lienor, is in charge of the purchase of accounts and customers' statements for this corporation, and is particularly familiar with the account of Charles Mears relating to the purchasing and financing of the said motor vehicle.

The claimant is the holder of a conditional sales contract dated May 12, 1965 on the said motor vehicle which was purchased by Charles Mears from the Rohrer Chevrolet Company, Camden, New Jersey.

Complete investigation was made of Mears which disclosed that he is married, has two dependents, is a resident of Camden and has been employed by the Hod Carriers Local 172 for 14 years. The report further disclosed that he had an income of \$132.00 per week. His wife was also employed at a salary of \$40.00 per week. This vehicle was given in exchange for a motor vehicle previously purchased by Mears from Lubek Oldsmobile. His credit and other personal references were checked and found to be satisfactory.

At the time of the seizure the gross outstanding balance was \$2,192.32. Subsequent to the seizure four installment payments were made on account thereof by Mears so that the present balance, allowing for a reserve rebate in the sum of \$237.33 amounts to \$1,711.31. The witness further testified that the current market value of this vehicle based on the National Automobile Code would be approximately \$1,050.00, assuming that it was in satisfactory condition.

He explained that the reason for the present low market value is that this vehicle is a truck used for a special purpose and, thus, has a lower market value than that of an ordinary

motor vehicle. He further testified that the lienor would be willing to accept recognition of its lien in the sum of \$1,711.31 in full satisfaction of its claim.

I am satisfied, on the basis of the evidence presented, that this claimant appears to have made a reasonable investigation; that it did not know or have any reason to believe that Mears was engaged in illicit liquor activity or that the said motor vehicle would be used in connection therewith. R.S. 33:1-66(f).

Accordingly, this lien claim will be recognized in the sum of \$1,711.31. It appears likely that the amount realized at public sale will not exceed the total amount of the lien claim together with the costs of seizure and storage. Therefore, the said Chevrolet truck will be returned to General Motors Acceptance Corporation upon payment of the costs of its seizure and storage. Seizure Case No. 11,164, supra; Seizure Case No. 10,391, Bulletin 1373, Item 4.

Accordingly, it is DETERMINED and ORDERED that if, on or before the 24th day of January, 1966, General Motors Acceptance Corporation pays the costs of the seizure and storage of the Chevrolet pickup truck, described in a schedule attached hereto, the said motor vehicle will be returned to it; and it is further

DETERMINED and ORDERED that the alcoholic beverages, the personal property, and the cash be and the same are hereby forfeited, and the said alcoholic beverages shall be retained for the use of hospitals and State, county and municipal institutions or destroyed, in whole, or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

JOSEPH P. LORDI
DIRECTOR

Dated: January 12, 1966

SCHEDULE "A"

- 1 bottle of whiskey
- 240 - cans of beer
- 2 - water coolers
- 50 - paper cups
- \$19.91 in cash
- 1 - Chevrolet Pickup Truck (1965), Serial No. 27242, N.J. Registration XH3403.

7. DISCIPLINARY PROCEEDINGS - FRONT - FALSE STATEMENTS IN LICENSE APPLICATION - NO PENALTY IMPOSED IN VIEW OF CANCELLATION OF LICENSE.

CANCELLATION PROCEEDINGS - CLUB NOT BONA FIDE - LICENSE CANCELLED.

In the Matter of Disciplinary Proceedings against)

SOUTH TRENTON SOCIAL AND POLITICAL CLUB)
428-428-1/2 Bridge St.)
Trenton, N. J.)

CONCLUSIONS AND ORDER

Holder of Club License CB-3, issued by the City Council of the City of Trenton.)

Licensee, by Dominick Venose, Secretary-Treasurer, Pro se. David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges as follows:

"1. In your application dated May 24, 1965, filed by you with the City Council of the City of Trenton, upon which you obtained your current club license, you falsely stated 'No' in answer to Question No. 29, which asks: 'Has any individual, partnership, corporation or association, 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 Dominick Venose had such an interest in that he was the real and beneficial owner of your licensed business and received all the proceeds therefrom; in violation of R.S. 33:1-25.

"2. From 1958 to the present time, you knowingly aided and abetted Dominick Venose to exercise, contrary to R.S. 33:1-26, the rights and privileges of your successive club licenses; in violation of R.S. 33:1-52.

"3. In your aforesaid application, you falsely stated 'No' in answer to Question No. 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 business to be conducted under the license applied for?', whereas in truth and fact you had agreed to permit Dominick Venose to retain all the gross and net profits and income derived from your licensed business; in violation of R.S. 33:1-25.

"4. In your aforesaid application, you falsely answered 'No' to Question No. 31, which asks: 'Does any individual, partnership, corporation or association hold any chattel mortgage or conditional bill of sale on any furniture, fixtures, goods or equipment used or to be used in connection with the conduct of the alcoholic beverage business to be operated under the

license herein applied for?', whereas in truth and fact the Trenton Trust Company and the South River Trust Company held security liens on fixtures at your licensed premises; in violation of R.S. 33:1-25.

"5. In your aforesaid application, you failed to answer Question No. 5(b) and thereby suppressed the material fact that you lease your licensed premises from Dominick Venose; in violation of R.S. 33:1-25."

In addition, licensee does not contest an order to show cause why its license should not be cancelled because improvidently issued in violation of R.S. 33:1-12(5) and Rule 2 of State Regulation No. 7, in that the club was not bona fide within the requirement of the law and the regulation.

Reports of investigation disclose that for at least the past seven years, the club has been merely a front for Dominick Venose, who has conducted the licensed business in all respects as his own private and personal business.

Under the circumstances and in view of the non vult plea to the charges and the lack of contest of the order to show cause, the license will be cancelled. In view of such disposition, it is not deemed necessary to impose any penalty of suspension or revocation of the license on the basis of the charges. Cf. Re Spartan Athletic Club, Bulletin 1542, Item 2.

Accordingly, it is, on this 20th day of January, 1966,

ORDERED that Club License CB-3, issued by the City Council of the City of Trenton to South Trenton Social and Political Club for premises 428-428 1/2 Bridge Street, Trenton, be and the same is hereby cancelled and declared null and void, effective immediately.

JOSEPH P. LORDI
DIRECTOR

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

In the Matter of Disciplinary Proceedings against

ROMANO'S-NETCONG, INC.
t/a NETCONG SHOP RITE
Lackawanna Plaza, Route #46
Netcong, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distribution License D-2, issued by the Mayor and Borough Council of the Borough of Netcong.

Farley, DeFilippo & Rush, Esqs., by Thomas R. Farley, Esq.,
Attorneys for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

Licensee pleaded not guilty to the following charge:

"On July 30, 1965, 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., Janice ---, age 18; in violation of Rule 1 of State Regulation No. 20."

The testimony of Janice --- discloses that she is eighteen years of age, being born on June 5, 1947. At about 9:30 p.m. Friday, July 30, 1965, when accompanied by Mary --- and Patrick ---, she parked the car which she was driving at the side of the licensee's premises and entered the store alone. Janice then went "to the liquor department", obtained two six-packs of Piel's beer from the refrigerator and placed the items on a counter where Pat (Pasquale Romano) was on duty. Romano (hereinafter Pasquale) "put the beer in a bag and rang it up on the cash register and stapled the price on it and gave it to me." Janice further testified that she gave him \$2 and received from him two cents in change. She stated that she was not asked by Pasquale as to her age. Janice then left the establishment, proceeded to the car in which she placed the bag containing the beer. She further testified that, while she was in the liquor department, she observed three women, two of whom had checks being cashed by Pasquale. She identified Pasquale at the hearing herein as the person who had served her the two six-packs of beer in question. She testified that, after leaving the licensee's premises, she drove around with her two companions aforesaid and later picked up Robert ---, and that she subsequently consumed part of the beer but they were apprehended by police while Robert was driving the automobile.

Mary --- testified that on the night in question she was with Janice and, after the car had been parked alongside the licensee's place of business, Janice left the car empty-handed and returned carrying a bag which she placed in the back of the automobile. Later she observed that the bag contained Piel's beer

and that there were two cartons each containing six bottles.

Patrick --- also testified that he was one of the persons seated in the car when Janice entered the licensee's place of business and returned with a bag which she placed in the back seat of the automobile. Subsequently he stated that he ascertained that the bag contained two six-packs of beer, some of which he later consumed.

Agent F testified that on August 19, 1965, he and Agent R followed a car driven by Janice's mother, the other passengers being Janice, Mary and Mary's mother, to the licensee's premises. Agent F testified that, upon arriving at the premises, he, Agent R and Janice entered and went to the liquor department. After the agents made their identification to Vincent Romano, Agent F asked if "Pat" was around. Pasquale was then summoned to the premises and apprized of the agents' mission. Pasquale admitted that he was employed on the premises on the evening in question and that it was a very busy night and, after looking at Janice, asked "Did I sell you the beer?" Janice then answered that he did, but Pasquale said he could not recall it.

Pasquale testified that he was in the store on July 30, 1965 but, as he stated to Agent F, he did not remember selling beer to Janice. He also testified that at about 9:30 p.m. on a Friday night employees of a pocketbook factory, after work come into his establishment for the purpose of cashing checks. Moreover, he stated that they have an open refrigerator which contains Piel's beer.

Despite the fact that during cross examination Janice stated, when asked, that no other persons had been in the automobile which she was driving earlier in the evening, as did her two companions, I am satisfied and find as a fact that she did actually purchase the two six-packs of Piel's beer in the licensee's place of business. Although the two other persons who were with her at the time did not actually witness the sale, their testimony was that they observed her enter the licensee's establishment and return to the car carrying a bag which subsequently was learned to contain two six-packs of Piel's beer. Pasquale had no recollection that he sold beer to Janice and thus did not affirm or deny that such sale was made at the time in question.

I conclude, therefore, that the Division has sustained the burden imposed upon it of establishing the truth of the charge by the necessary preponderance of the believable evidence.

It is therefore recommended that the licensee be found guilty of sale of alcoholic beverages to an eighteen-year-old minor and that, in the absence of a prior record, an order be entered suspending its license for a period of fifteen days. Re McCormick, Bulletin 1640, Item 3.

Conclusions and Order

No exceptions to the Hearer's report were filed pursuant to Rule 6 of State Regulation No. 16.

Having carefully considered the entire record herein, including the transcript of the testimony and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 18th day of January, 1966,

ORDERED that Plenary Retail Distribution License D-2, issued by the Mayor and Borough Council of the Borough of Netcong to Romano's Netcong, Inc., t/a Netcong Shop-Rite, for premises 125 Main Street, Netcong, be and the same is hereby suspended for fifteen (15) days, commencing at 9:00 a.m. Tuesday, January 25, 1966, and terminating at 9:00 a.m. Wednesday, February 9, 1966.

JOSEPH P. LORDI
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

MILL'S TRIANGLE BAR & GRILL, INC.,
217-219 Passaic Street
Garfield, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-5, issued by the Mayor and Council of the City of Garfield.)

Licensee, by Michael Bucaro, President, Pro se.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 30, 1965, it sold a mixed drink of an alcoholic beverage to a minor, age 20, in violation of Rule 1 of State Regulation No. 20.

Although the licensee has no previous record of suspension of license, the license then held by Club Hi-De-Ho, Inc. for premises Baldwin Avenue and Route 46, Lodi, of which Michael Bucaro was a stockholder, was suspended by the Director for forty-five days effective April 26, 1954, for permitting indecent entertainment and hostess activity. Re Club Hi-De-Ho, Inc., Bulletin 1013, Item 2.

The prior record of suspension of license for dissimilar violation occurring more than five years ago disregarded, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Kit-Kat Club, Inc., Bulletin 1607, Item 10.

Accordingly, it is, on this 17th day of January 1966,

ORDERED that Plenary Retail Consumption License C-5, issued by the Mayor and Council of the City of Garfield to Mill's Triangle Bar & Grill, Inc., for premises 217-219 Passaic Street, Garfield, be and the same is hereby suspended for five (5) days, commencing at 3 a.m. Monday, January 24, 1966, and terminating at 3 a.m. Saturday, January 29, 1966.

JOSEPH P. LORDI
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - SALE BELOW FILED PRICE - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

NEENA BEVERAGES, INC.
82-84 Park Avenue
Rutherford, New Jersey

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distribution License D-3, issued by the Mayor and Borough Council of the Borough of Rutherford.

Licensee, by Louis Danziger, President, Pro se.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on December 30, 1965, it sold a case of 4/5 quart bottles of assorted brands of whiskey below filed price, in violation of Rule 5 of State Regulation No. 30.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re City Hall Wines & Liquors, Inc., Bulletin 1615, Item 7.

Accordingly, it is, on this 18th day of January, 1966,

ORDERED that Plenary Retail Distribution License D-3, issued by the Mayor and Borough Council of the Borough of Rutherford to Neena Beverages, Inc. for premises 82-84 Park Avenue, Rutherford, be and the same is hereby suspended for five (5) days, commencing at 9:00 a.m. Monday, January 24, 1966, and terminating at 9:00 a.m. Saturday, January 29, 1966.

JOSEPH P. LORDI
DIRECTOR

11. STATE LICENSES - NEW APPLICATIONS FILED.

Famous Brands, Inc.

320 - 13th Street

Carlstadt, New Jersey

Application filed February 21, 1966 for Wine Wholesale License.

Gateway Distributors, Inc.

t/a Emery Clinton

75 Bennett Street

Jersey City, New Jersey

Application filed February 28, 1966 for place-to-place transfer of Additional Warehouse License AW-58, issued pursuant to Plenary Wholesale License W-64, from 416-418 North North Carolina Avenue, Atlantic City, New Jersey, to 1130 Black Horse Pike, Egg Harbor Township, New Jersey.

Fedway Associates, Inc.

t/a Henderson-Stuart Company

315 Clendenny Avenue

Jersey City, New Jersey

Application filed February 28, 1966 for Additional Warehouse License, pursuant to Plenary Wholesale License W-29, for premises 1130 Black Horse Pike, Egg Harbor Township, New Jersey.

Federal Wine and Liquor Co., Inc.

1130 Black Horse Pike

Egg Harbor Township, New Jersey

Application filed February 28, 1966 for place-to-place transfer of Plenary Wholesale License W-8 from 416-418 North North Carolina Avenue, Atlantic City, New Jersey.



Joseph P. Lordi
Director