

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

BULLETIN 1880

October 23, 1969

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1. NEW LEGISLATION - AMENDMENT TO STATE NUMERICAL LIMITATION  
LAW WITH RESPECT TO NUMBER OF PLENARY AND SEASONAL RETAIL  
CONSUMPTION LICENSES.

On September 19, 1969, The Governor approved Senate No. 550 which thereupon became Chapter 170 of the Laws of 1969, effective immediately, but not operative until promulgation of the 1970 decennial Federal census. The Act amends R.S. 33:1-12.14 to read as follows (deleted matter bracketed, new matter underlined).

R.S. 33:1-12.14. Except as otherwise provided in this act, no new plenary retail consumption or seasonal retail consumption license shall be issued in a municipality unless and until the combined total number of such licenses existing in the municipality is fewer than one for each ~~[2,000]~~ 3,000 of its population as shown by the last then preceding Federal census; and no new plenary retail distribution license shall be issued in a municipality unless and until the number of such licenses existing in the municipality is fewer than one for each 5,000 of its population as shown by the last then preceding Federal census.

JOSEPH M. KEEGAN  
DIRECTOR

DATED: October 3, 1969

2. CLUB LICENSES - NOTICE TO CLUB LICENSEES RE SALE OF PACKAGE GOODS FOR OFF-PREMISES CONSUMPTION.

TO ALL CLUB LICENSEES:

The Division has in recent years received an increasing number of complaints that club licensees have been selling package goods for off-premises consumption, particularly during the holiday seasons. It is alleged that some of these sales are deliberate infractions, while others are made out of lack of knowledge of the applicable law. Under the circumstances, I have decided to inform each and every club licensee in the State of a club licensee's responsibilities with respect to such sales.

The State Alcoholic Beverage Law (R.S. 33:1-12(5)) provides that the holder of a club license "shall be entitled, subject to rules and regulations, to sell any alcoholic beverages but only for immediate consumption on the licensed premises and only to bona fide club members and their guests" (emphasis added). Additionally, Rule 9 of State Regulation No. 7 provides:

"No club licensee shall sell, serve or deliver, or allow, permit or suffer the sale, service or delivery of any alcoholic beverage except for consumption on the licensed premises."

You will note that the above cited statute and quoted Rule prohibit any club licensee from selling or delivering any alcoholic beverage to be taken or consumed off the club licensed premises. A club license, issued to non-profit organizations only and at a lower fee and for a more limited purpose than other retail licenses, does not entitle the holder thereof to compete with other retail licensees who are permitted to sell package goods to the public for off-premises consumption.

Violation of any section of the Alcoholic Beverage Law or any State Rule or Regulation by any licensee is cause for suspension or revocation of its license. Accordingly, all club licensees should make certain that each and every member and every person tending bar or otherwise employed on its club licensed premises is informed of the prohibition against package goods sales for off-premises consumption being made under the terms of its license.

Your cooperation is enlisted in ensuring that the privileges of your club licenses are not abused through the unlawful sale of package goods for off-premises consumption.

JOSEPH M. KEEGAN  
DIRECTOR

Dated: September 12, 1969

3. DISCIPLINARY PROCEEDINGS - ORDER REIMPOSING SUSPENSION STAYED DURING APPEAL.

In the Matter of Disciplinary Proceedings against )

VERONA INN, INC. )  
141 Bloomfield Avenue )  
Verona, New Jersey )

SUPPLEMENTAL ORDER

Holder of Plenary Retail Consumption License C-1 issued by the Borough Council of the Borough of Verona )

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George T. Rawding, Esq., Attorney for Licensee  
Edward F. Ambrose, Esq., Appearing for the Division

BY THE DIRECTOR:

On August 12, 1969, I entered Conclusions and Order herein suspending the license for ninety days for permitting indecent conduct and language on the licensed premises and permitting a bartender to work while intoxicated. Re Verona Inn, Inc., Bulletin 1875, Item 5.

Prior to the effectuation of the order of suspension, on appeal filed, the Appellate Division of the Superior Court stayed the operation of the suspension until the outcome of the appeal.

On August 22, 1969, the appeal was withdrawn and dismissed by agreement, pursuant to R.R. 1:8-6, and immediate imposition of the penalty was requested. The suspension may now be reimposed.

Accordingly, it is, on this 25th day of August, 1969,

ORDERED that Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of Verona to Verona Inn, Inc. for premises 141 Bloomfield Avenue, Verona, be and the same is hereby suspended for ninety (90) days, commencing at 2:00 a.m. Wednesday, August 27, 1969, and terminating at 2:00 a.m. Tuesday, November 25, 1969.

JOSEPH M. KEEGAN  
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - TRANSPORTATION WITHOUT INVOICE -  
TRANSPORTATION WITHOUT TRANSIT INSIGNIA - POSSESSION OF  
PROPHYLACTICS - LICENSE SUSPENDED FOR 55 DAYS.

In the Matter of Disciplinary )  
Proceedings against )

SABBIA LIQUOR CORP., INC. )  
1175 Elizabeth Avenue )  
Elizabeth, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Distribution )  
License D-21, issued by the City )  
Council of the City of Elizabeth )

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Louis R. Cerefice, Esq., Attorney for Licensee; Charles M. Schimenti,  
Esq., of Counsel  
Edward F. Ambrose, Esq., Appearing for the Division

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charges:

"1. On November 22, 1968, you transported on a public highway in the City of Elizabeth, New Jersey, alcoholic beverages, viz., ten (10) cases of various kinds, brands and size of containers of whiskey, gin, vodka, vermouth, brandies, cordials and liqueurs, one case (gallon jugs) of wine, one case (one-half gallon jugs) of wine, three (3) cases (24-12 oz. cans to each case) of beer and eleven (11) bottles of various, kinds, brands and sizes of containers of other liquors, in a vehicle without the driver thereof having in his possession bona fide, authentic and accurate delivery slips, invoices, manifests, waybills or similar documents stating the bona fide names and addresses of the purchasers or consignees of the said alcoholic beverages being so transported; in violation of Rule 3 of State Regulation No. 17.

"2. On November 22, 1968, you transported alcoholic beverages, viz., the aforementioned alcoholic beverages on a public highway in the City of Elizabeth, New Jersey, in a vehicle having no transit insignia affixed thereto or inscription painted thereon; as provided by Rule 12 of State Regulation No. 17; in violation of Rule 2 of State Regulation No. 17.

"3. On October 31, 1968, you possessed prophylactics against venereal disease and contraceptive and contraceptive devices, in and upon your licensed premises; in violation of Rule 9 of State Regulation No. 20."

The Division bottomed its case primarily on the testimony of two ABC agents. Agent H (an investigator with considerable experience in these matters) testified with respect to the third charge as follows: On October 31, accompanied by Agent W, he entered the licensed premises at about 10 a.m. and made a routine inspection of the invoices and delivery tickets. In the course of this inspection he opened several drawers behind the counter

and in one of the drawers near the cash register found several packages of prophylactics (contraceptives), which were admitted into evidence. When he questioned John Fangio (the store manager), Fangio denied any knowledge of the prophylactics. At that time one Michael Marino was engaged in moving cases, stocking cases and doing other chores around the premises. He admitted that the prophylactics belonged to him, "that he had put them there and had forgotten about them and didn't take them out, forgot to take them out." The packages of prophylactics were opened in my presence and it was established that they were indeed contraceptives, supportive of the labels on the packages.

With respect to the first two charges, the agent, in his direct testimony, related his activities on November 22 (the date charged herein). However, since counsel on cross examination examined this witness with respect to all his prior visits to these premises in order to affect his "credibility" and to determine the alleged employment of Marino, it would be well to set forth narratively the visits made to these premises by Agent H pursuant to assignment on October 31, November 7, 8, 13, 14, 15, 18 and 22 of 1968.

On three of these dates (November 7, November 13 and November 14) he saw Marino loading cartons of what appeared to be alcoholic beverages into a white Chevrolet vehicle and driving away. On November 8 the same vehicle was observed parked at the curb in front of the premises; the witness saw Marino load the said vehicle with alcoholic beverages and drive away. On November 13 he specifically noted Marino walk out of the premises with a hand-cart and load the trunk of the said vehicle with a box of J & B scotch and two cases of cans of beer. On November 14 Marino was observed in and about the premises and the same vehicle was parked at the curb. He remained near the premises until about 7 p.m.

On November 22 (the date charged herein) the agent, accompanied by Agent W parked his car in the vicinity of the premises and observed the same vehicle double-parked in front of the said premises. Marino left the car and went into the liquor store. Shortly thereafter he emerged with a hand-truck and several cases which appeared to contain alcoholic beverages. The markings common to these boxes contained a large red "7" on a box which the agent recognized as a Seagram 7 Crown whiskey container. After making about five loading trips, Marino went back to the store, came out and drove toward the intersection of Broad Street and Elizabeth Avenue. The agents followed him and, when the vehicle pulled up to a stop sign, they intercepted him, identified themselves and questioned him about the liquor. They examined the vehicle and found no transit insignia of any kind affixed to this motor vehicle; no inscription was painted on the exterior of the body. An examination of the records of this Division disclosed no transit insignia issued for that vehicle.

The agents learned that the vehicle is registered in the name of Vincent Sabbia who lives at 590 Ocean Avenue, West End, Long Branch. It was also later ascertained that the president of the corporate licensee, Mary Sabbia, is Vincent Sabbia's mother.

Marino admitted to the agents that he did not have any invoice or waybill required to accompany that liquor delivery as provided by Rule 3 of State Regulation No. 17. While Agent H remained with the vehicle, Agent W returned to the licensed

premises with Marino and they, in company of Fangio, then returned to the vehicle. Fangio admitted that he had no invoices or waybills for the said delivery and stated that this vehicle was being driven to his home in Jersey City. The plan was to have another employee pick up the car in Jersey City and drive it to Long Branch because the liquor was to be delivered to a party in Long Branch that night. Vincent Sabbia had ordered the liquor and Fangio had no invoice or any writing on which the amount of liquor to be delivered was set forth. He added that he "trusted his own memory and that he didn't need any such paper, that there was no such paper."

At the agents' request, the trunk of the vehicle was opened and the agents found ten full cases of alcoholic beverages in the trunk of the car. They returned to the licensed premises and made an inspection thereof but were unable to find any bill or paper that reflected an order matching the quantity and specific items found in the said vehicle, nor was such invoice produced. Marino denied having driven the Chevrolet vehicle to the premises, and insisted that either Vincent Sabbia or someone at his direction had left the car in front of the premises on the night of November 21, 1968.

The agents further questioned Marino with respect to his employment and he admitted being an employee of the licensee.

The testimony of Agent H was, by stipulation, corroborated by Agent W.

John Fangio testified on behalf of the licensee that he is the store manager and secretary-treasurer of the corporate licensee; Mary Sabbia is the president and owns ninety-eight shares of stock; he owns one share and Jim Petagno owns the remaining share. He denied having any knowledge of the prophylactics on the premises and learned on October 31, 1968 that they belonged to Marino. He insisted that he never sold prophylactics (contraceptives) at these premises at any time.

Fangio further stated that Marino is employed at these premises between the hours of 2 and 8 p.m. and was not employed by the licensee on the morning when the seizure of the alcoholic beverages took place. On November 22 he requested Marino "to show up early and to do Vincent Sabbia a favor of taking an order that he told me to place for him down to my house to be, his car to be driven down to my house and later an employee of Vincent Sabbia, Sal Mariabito, who lives in Jersey City, was to take it down to Long Branch, his home." He asserted that Marino was not actually employed at that time and came to the premises merely to do Sabbia a favor. He also insisted that the motor vehicle in question had been left in a parking lot in the evening of November 21 and that it remained there over night.

On cross examination Fangio maintained that, whenever Marino would appear at the premises during the mornings, he came only to do him a favor, and was not actually employed during those mornings. However, he did not have any record to support his contention that Marino worked only between the hours of 2 and 8 p.m., but he "never disclosed" to the agents that Marino was not in fact employed during the morning hours. He could not explain why the alcoholic beverages were to be delivered to Jersey City when they were destined for Long Branch. Questioned as to how he received the order for these alcoholic beverages, he explained that he had received this order about three or four weeks ahead of time, made no record of the alleged order, and "I figured that I would use

my own judgment on what he would need for a party." When this witness' attention was called to the prior occasion when this vehicle was being loaded with boxes containing alleged alcoholic beverages, he did not think there was merchandise in those boxes and stated that on at least one occasion empty boxes were being loaded because Sabbia was "moving some stuff from his house" and needed empty boxes "for moving purposes."

Vincent Sabbia (Fangio's brother-in-law) testified that he loaned the aforementioned motor vehicle to Marino on a number of prior occasions and did not require him to return it at any specific time. On November 22 he asked Marino, as a personal favor, to deliver liquor to his home in Long Branch.

Mike Marino was not subpoenaed; counsel represented that he was engaged in election day duties and was unable to appear at this hearing. However, it was stipulated that, if he had appeared, he would have testified that his working hours were from 2 to 8 p.m.; that he borrowed the motor vehicle from Vincent Sabbia on occasion; that on the date charged he was doing Vincent Sabbia a favor; that the car was loaded with liquor and he was going to deliver it to Jersey City "so that Sal Mariabito could pick up the car the following night or morning and drive it down to Long Branch because he was going there to work and he could make delivery to Mr. Sabbia of the merchandise." It was further understood by counsel that this testimony would be considered in connection with all the other testimony and within the context of the total record.

In the consideration and evaluation of this matter certain long-established principles are the guideposts. Disciplinary proceedings against liquor licensees are civil in nature and require proof by a preponderance of the credible evidence only. Butler Oak Tavern v. Div. of Alcoholic Beverage Control, 20 N.J. 373 (1956); Freud v. Davis, 64 N.J. Super. 242 (App.Div. 1960); Howard Tavern, Inc. v. Div. of Alcoholic Beverage Control (App. Div. 1962), not officially reported, recorded in Bulletin 1491, Item 1.

In assessing the testimony given here I have had an opportunity to observe the demeanor of the witnesses as they testified. Testimony, to be believed, must not only proceed from the mouths of credible witnesses but must be credible in itself, and must be such as common experience and observation of mankind can approve as probable in the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546 (1954). The general rule in these cases is that the finding must be based on competent legal evidence and must be grounded on the reasonable certainty as to the probabilities arising from a fair consideration of the evidence. 32A C.J.S. Evidence, sec. 1042.

I am persuaded that the testimony of the Division witnesses was forthright, credible, convincing, and gave an accurate recital of the facts in support of these charges. These agents pursued the investigation upon a specific assignment and over a considerable period of time. It is clear that they acted circumspectly and properly and there is no suggestion in the record that they had a preconceived prejudice against the licensee. Before the final confrontation which resulted in the first two charges, they observed the activities of the licensee as they related to the unauthorized vehicle in the transportation of alcoholic beverages from the licensed premises over a considerable

period of time. Thus, on the date charged herein they had a lawful right, upon stopping the vehicle several blocks from the licensed premises, to search it and seize the property therein without a search warrant because it was apparent to them that the vehicle was engaged in the unlawful act of transportation without proper transit insignia and upon the further disclosure that the driver possessed no delivery slip or similar document.

In contrast to the Division's presentation, the testimony of the licensee's witnesses stands in a far less impressive light and, indeed, persuades me that they played "fast and loose" with the truth. Particularly incredible was the testimony of Fangio who makes the preposterous assertion that, although Marino was regularly employed at the licensed premises, he was not an employee during the morning hours on the date charged because he was performing services as a favor for an officer of the corporate licensee. It is undenied that Marino was then engaged in loading the vehicle with alcoholic beverages taken from the licensed premises. Thus it is clear that he was engaged in the performance of duties for the benefit of the licensee. Whether he was paid for those duties is entirely immaterial. Salary or compensation is not a requisite to employment. 279 Club, Inc. v. Newark, Bulletin 1405, Item 2. As the Commissioner stated in Re Vlaminck, Bulletin 147, Item 4:

"... The operative words of the Statute are: 'shall be knowingly employed by or connected in any business capacity whatsoever with the licensee'. To employ means to make use of the services of another; to have or keep at work; to entrust with some duty. The Statute does not say 'hire'. 'Employ' emphasizes the idea of services to be rendered, whereas 'hire' places the accent on wages to be paid. The Statute clinches the case by the alternative 'or connected in any business capacity whatsoever with the licensee.'"

I find as a fact that Marino was actually employed by the licensee on the date charged herein and that his action in transporting alcoholic beverages without the requisite invoice or waybill in a vehicle containing no transit insignia authorizing the same constitutes violation of his employment by the licensee. Rule 33 of State Regulation No. 20; Kravis v. Hock, 137 N.J.L. 252 (Sup.Ct. 1948); In re Schneider, 12 N.J. Super. 449 (App.Div. 1951).

The credibility of Fangio's testimony is further unalterably diminished by his insouciant explanation of the activities prior to November 22 as related by the Division witnesses with respect to the loading and transportation of alcoholic beverages in the aforementioned motor vehicle. He simply denies that such activities took place except to admit that on one occasion empty boxes were loaded into this Chevrolet sedan. Such testimony, of course, strains credulity and is contrary to common experience in these circumstances.

I further disbelieve the version given by Fangio and Sabbia in purported explanation of the use of this motor vehicle on the date charged by Marino. The story is absurd, fatuous, and simply makes no sense. Even if the reason advanced were a believable one or true, it would nevertheless not exculpate the licensee from the violations set forth in the first and second charges. It is therefore recommended that the licensee be found guilty on these two charges.

With respect to the third charge, Fangio, the store manager and secretary-treasurer of the corporate licensee, does not deny that the prophylactics, the possession of which is the subject of this charge, were found on the licensed premises. Marino, who is an admitted regular employee of the licensee, admits that the said prophylactics belong to him and have been on the premises for some time. Several boxes of prophylactics were opened at the hearing and were empirically shown to be in fact prophylactics.

Licensee's attorney cited Rule 9 of State Regulation No. 20 in advocating that the possession of prophylactics "must be for the purpose of sale or distribution, and there was no testimony to that effect, your Honor, and I think that that part of the charge should be dismissed as of now." However, precedential interpretation and application of this rule by this Division and by the courts does not require proof of possession for the purpose of sale or distribution; it states definitely, without qualification, that no licensee shall sell, distribute or possess any prophylactic on his licensed premises, and that he shall not allow anyone else so to do. See Re Wally's Tavern, Inc., Bulletin 1568, Item 2; aff'd Wally's Tavern, Inc. v. Div. of Alcoholic Beverage Control (App.Div. 1965), not officially reported, recorded in Bulletin 1611, Item 1.

In Mazza v. Cavicchia (App.Div. 1953), 28 N.J. Super. 280, reversed on other grounds, 15 N.J. 498 (1954), the licensee denied any knowledge that his employees "allowed, permitted and suffered lewdness and immoral activity on his premises" in violation of Rule 5 of State Regulation No. 20, and also that he "possessed, allowed, permitted and suffered the sale and distribution of prophylactics against venereal disease, and contraceptives and contraceptive devices" thereon in violation of Rule 9 of State Regulation No. 20. The Appellate Division held that a licensee's personal knowledge of these violations was not necessary (at p. 284):

"... The responsibility of the licensee is not dependent upon the doctrine of respondere superior, nor upon his personal knowledge or intent or participation. Indeed, he is not relieved even if the violations were contrary to his express instructions...."

On appeal the Supreme Court was of the same opinion, quoting with approval Essex Holding Corp. v. Hock, 136 N.J.L. 28 (1947), where the court held that knowledge was unnecessary and the mere fact of a violation of the rule there involved was sufficient. The Chief Justice held (15 N.J. 498, at p. 509):

"... it is difficult to see how the Division could properly maintain discipline in this field if in each case it had to show knowledge by the licensee of all the activities upon the premises. This would leave the door open to evasion of the Alcoholic Beverage Law and the many rules of the Director promulgated thereunder and would make the enforcement of the law an impossibility."

Mere possession of the prophylactics on the premises is sufficient to sustain this charge. It is therefore recommended that the licensee be found guilty of the third charge.

Licensee has no prior adjudicated record. It is further recommended that the license be suspended on the first and second charges for forty-five days (Re Caldwell's Liquor Stores,

Bulletin 1364, Item 6), and on the third charge for ten days (Re Wally's Tavern, Inc., Bulletin 1568, Item 2), or a total of fifty-five days.

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 transcript of testimony, the exhibits and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein.

Accordingly, it is, on this 2d day of September, 1969,

ORDERED that Plenary Retail Distribution License D-21, issued by the City Council of the City of Elizabeth to Sabbia Liquor Corp., Inc. for premises 1175 Elizabeth Avenue, Elizabeth, be and the same is hereby suspended for fifty-five (55) days, commencing at 9:00 a.m. Tuesday, September 9, 1969, and terminating at 9:00 a.m. Monday, November 3, 1969.

JOSEPH M. KEEGAN  
DIRECTOR

- 5. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - SALE BELOW FILED PRICE - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Fortuna Club, Inc.  
t/a Meadow Club  
579-581 Jackson Avenue  
Elizabeth, New Jersey

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-220 issued by the City Council of the City of Elizabeth

Licensee, by Philip Cotroneo, President, Pro se  
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on June 28, 1969, it (1) sold two separate orders each consisting of one pint bottle of whiskey for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38, and (2) as to the first order, sold the same below filed price, in violation of Rule 5 of State Regulation No. 30.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days effective November 4, 1968, for sale to a minor.

The prior record of suspension of license for dissimilar violation within the past five years considered, the license will be suspended on the first charge for twenty days (Re Molozzi, Bulletin 1721, Item 3) and on the second charge for ten days (Re Sallar, Inc., Bulletin 1844, Item 6), or a total of thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 1st day of August, 1969,

ORDERED that Plenary Retail Consumption License C-220, issued by the City Council of the City of Elizabeth to Fortuna Club, Inc., t/a Meadow Club, for premises 579-581 Jackson Avenue, Elizabeth, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m. Thursday, August 7, 1969, and terminating at 2:00 a.m. Monday, September 1, 1969.

JOSEPH M. KEEGAN  
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - GAMBLING (HORSE RACE AND NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Sam Auerbach and Max Meyer )  
t/a Parkview Cocktail Lounge )  
493 Bloomfield Avenue )  
Bloomfield, N. J. )

CONCLUSIONS  
AND ORDER

extended during the pendency of these proceedings to )

Sam Auerbach )

Holder of Plenary Retail Consumption License C-12 issued by the Town Council of the Town of Bloomfield )

Hymen B. Mintz, Esq., Attorney for Licensees  
Louis F. Treole, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensees plead non vult to charges (1) and (2) alleging that on June 9, 10, 11, 12 and 13, 1969, they permitted the acceptance of horse race and numbers bets on the licensed premises, in violation of Rule 6 and 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Joseph & Martha Fiasco, Sr., Inc., Bulletin 1863, Item 14.

Accordingly, it is, on this 12th day of August, 1969,

ORDERED that Plenary Retail Consumption License C-12, issued by the Town Council of the Town of Bloomfield to Sam Auerbach, t/a Parkview Cocktail Lounge, for premises 493 Bloomfield Avenue, Bloomfield, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. Tuesday, August 19, 1969, and terminating at 2:00 a.m. Monday, October 13, 1969.

JOSEPH M. KEEGAN  
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

CECE & RICHTER, INC. )  
1000 Jefferson St. )  
Hoboken, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-21 issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken )  
)

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Licensee, Pro se  
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on May 26, 1969, it possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

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 Tuschyn, Bulletin 1871, Item 8.

Accordingly, it is, on this 29th day of August, 1969,

ORDERED that Plenary Retail Consumption License C-21, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Cece & Richter, Inc. for premises 1000 Jefferson Street, Hoboken, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, September 8, 1969, and terminating at 2:00 a.m. Saturday, September 13, 1969.

JOSEPH M. KEEGAN  
DIRECTOR

8.

ACTIVITY REPORT FOR AUGUST 1969

<b>ARRESTS:</b>		
Total number of persons arrested - - - - -		21
Licensees and employees - - - - -	7	
Bootleggers - - - - -	14	
<b>SEIZURES:</b>		
Stills - 50 gallons or under - - - - -		1
Alcohol - gallons - - - - -		2.06
Mash - gallons - - - - -		50
Distilled alcoholic beverages - gallons - - - - -		2.76
Wine - gallons - - - - -		1.33
Brewed malt alcoholic beverages - gallons - - - - -		26.99
<b>RETAIL LICENSEES:</b>		
Premises inspected - - - - -		504
Premises where alcoholic beverages were gauged - - - - -		420
Bottles gauged - - - - -		6,826
Premises where violations were found - - - - -		156
Violations found - - - - -		238
No Form E-141-A on premises - - - - -	98	No disposal permit - - - - - 4
Unqualified employees - - - - -	65	Other mercantile business - - - - - 4
Form E-141-A incomplete - - - - -	20	Prohibited signs - - - - - 1
Application copy not available - - - - -	19	Other violations - - - - - 27
<b>STATE LICENSEES:</b>		
Premises inspected - - - - -		12
Licenses applications investigated - - - - -		11
<b>COMPLAINTS:</b>		
Complaints assigned for investigation - - - - -		358
Investigations completed - - - - -		423
Investigations pending - - - - -		259
<b>LABORATORY:</b>		
Analyses made - - - - -		87
Refills from licensed premises - bottles - - - - -		28
Bottles from unlicensed premises - - - - -		35
<b>IDENTIFICATION:</b>		
Criminal fingerprint identifications made - - - - -		13
Persons fingerprinted for non-criminal purposes - - - - -		430
Identification contacts made with other enforcement agencies - - - - -		288
<b>DISCIPLINARY PROCEEDINGS:</b>		
Cases transmitted to municipalities - - - - -		2
Violations involved - - - - -		3
Sale during prohibited hours - - - - -	2	
Failure to close prem. dur. proh. hrs. - - - - -	1	
Cases instituted at Division - - - - -		20
Violations involved - - - - -		26
Possessing liquor not truly labeled - - - - -	7	Sale below filed price - - - - - 1
Sale during prohibited hours - - - - -	4	Filing false tax reports - - - - - 1
Sale to minors - - - - -	3	Failure to keep true books of account - - - - - 1
Purchase from improper source - - - - -	3	Purchase from wholesaler while on Non-Delivery List - - - - - 1
Fraud in application - - - - -	2	Unauthorized transportation - - - - - 1
Permitting immoral acty. on premises - - - - -	1	
Hindering investigation - - - - -	1	
Cases brought by municipalities on own initiative and reported to Division - - - - -		10
Violations involved - - - - -		13
Permitting gambling on premises - - - - -	3	Employment w/o ID Card (local reg.) - - - - - 1
Sale during prohibited hours - - - - -	2	Permitting illegal acty. on premises - - - - - 1
Sale to minors - - - - -	2	Employing unlicensed bartender (local reg.) - - - - - 1
Conducting business as a nuisance - - - - -	2	Hindering investigation - - - - - 1
<b>HEARINGS HELD AT DIVISION:</b>		
Total number of hearings held - - - - -		33
Appeals - - - - -	4	Eligibility - - - - - 13
Disciplinary proceedings - - - - -	16	
<b>STATE LICENSES AND PERMITS:</b>		
Total number issued - - - - -		1,474
Licenses - - - - -	9	Wine permits - - - - - 22
Solicitors' permits - - - - -	38	Miscellaneous permits - - - - - 226
Employment permits - - - - -	415	Transit insignia - - - - - 205
Disposal permits - - - - -	63	Transit certificates - - - - - 44
Social affair permits - - - - -	452	
<b>OFFICE OF AMUSEMENT GAMES CONTROL:</b>		
Licenses issued - - - - -	1	Premises inspected - - - - - 487
State Fair Licenses issued - - - - -	77	Premises where violations were found - - - - - 28
Enforcement files established - - - - -	34	Number of violations found - - - - - 32

JOSEPH M. KEEGAN  
 Director of Alcoholic Beverage Control  
 Commissioner of Amusement Games Control

Dated: September 8, 1969



10. DISCIPLINARY PROCEEDINGS - PURCHASE FROM RETAILER - FALSE BEVERAGE TAX BUREAU REPORTS - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

CARL JOHNSON )  
73 South Street )  
Newark, N. J. )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-73, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark. )

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Licensee, Pro se  
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that (1) on divers days between January 13, 1969 and June 23, 1969 he purchased alcoholic beverages from other retailers, in violation of Rule 15 of State Regulation No. 20, and (2) for the months of January, February, March and April 1969 he filed false Beverage Tax Bureau reports, in violation of R.S. 54:45-1 and 54:47-3.

Absent prior record, the license will be suspended on the first charge for fifteen days (Re M.V. Patterson, Inc., Bulletin 1849, Item 5) and on the second charge for ten days (cf. Re Pedota, Bulletin 1294, Item 5), or a total of twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days.

Accordingly, it is, on this 4th day of September 1969,

ORDERED that Plenary Retail Consumption License C-73, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Carl Johnson, for premises 73 South Street, Newark, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Thursday, September 11, 1969, and terminating at 2 a.m. Wednesday, October 1, 1969.

JOSEPH M. KEEGAN  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against )  
 )  
 WITTY'S, INC. )  
 t/a Witty's Liquors )  
 296-296A-298 Smith St. & )  
 306-308 Prospect Street )  
 Perth Amboy, N. J. )  
 )  
 Holder of Plenary Retail Consumption License C-54, issued by the Board of Commissioners of the City of Perth Amboy )  
 )

CONCLUSIONS AND ORDER

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 Wilentz, Goldman & Spitzer, Esqs., by David T. Wilentz, Esq.,  
 Attorneys for Licensee  
 Walter H. Cleaver, Esq., Appearing for the Division

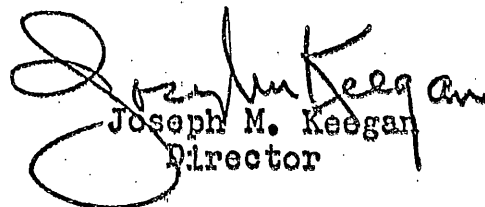
BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 17 and 18, 1969, it sold on each occasion twenty-four bottles of beer below filed price, in violation of Rule 5 of State Regulation No. 30.

Absent prior record and notwithstanding the fact that the case involves two separate sales (the purchase by ABC agents on the second occasion having been unnecessary to establish the violation which had occurred on the first occasion), 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 Barrett, Bulletin 1679, Item 6).

Accordingly, it is, on this 29th day of August 1969,

ORDERED that Plenary Retail Consumption License C-54, issued by the Board of Commissioners of the City of Perth Amboy to Witty's, Inc., t/a Witty's Liquors, for premises 296-296A-298 Smith Street and 306-308 Prospect Street, Perth Amboy, be and the same is hereby suspended for five (5) days, commencing at 2 a.m. Monday, September 8, 1969, and terminating at 2 a.m. Saturday, September 13, 1969.

  
 Joseph M. Keegan  
 Director