

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1060 Broad Street Newark 2, N. J.

BULLETIN 964

APRIL 13, 1953.

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New Jersey State Library

STATE OF NEW YORK
IN SENATE
January 12, 1910.

REPORT OF THE
COMMISSIONERS OF THE LAND OFFICE

FOR THE YEAR 1909.

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STATE OF NEW YORK
COMMISSIONERS OF THE LAND OFFICE

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STATE OF NEW JERSEY
 Department of Law and Public Safety
 DIVISION OF ALCOHOLIC BEVERAGE CONTROL
 1060 Broad Street Newark 2, N. J.

BULLETIN 964

APRIL 13, 1953.

ACTIVITY REPORT FOR MARCH 1953

1. ARRESTS:			
Total number of persons arrested	-----	21	
Licensees and employees	----- 13		
Bootleggers	----- 8		
SEIZURES:			
Motor vehicles - cars	-----	1	
- trucks	-----	1	
Stillis - 50 gallons or under	-----	2	
Mash - gallons	-----	400.00	
Distilled alcoholic beverages - gallons	-----	7.27	
Brewed malt alcoholic beverages - gallons	-----	9.85	
RETAIL LICENSEES:			
Premises inspected	-----	882	
Premises where alcoholic beverages were gauged	-----	982	
Bottles gauged	-----	17,393	
Premises where violations were found	-----	105	
Violations found	-----	119	
Type of violations found:			
Unqualified employees	----- 30	Gambling devices	----- 2
Disposal permit necessary	----- 8	Improper beer taps	----- 2
Reg. #38 sign not posted	----- 7	Prohibited signs	----- 1
Other mercantile business	----- 3	Probable fronts	----- 1
		Other violations	----- 65
STATE LICENSEES:			
Premises inspected	-----	17	
License applications investigated	-----	15	
COMPLAINTS:			
Complaints assigned for investigation	-----	497	
Investigations completed	-----	442	
Investigations pending	-----	146	
LABORATORY:			
Analyses made	-----	118	
Bottles from unlicensed premises	-----	19	
IDENTIFICATION BUREAU:			
Criminal fingerprint identifications made	-----	25	
Persons fingerprinted for non-criminal purposes	-----	215	
Identification contacts made with other enforcement agencies	-----	216	
Motor vehicle identifications via N. J. State Police teletype	-----	9	
DISCIPLINARY PROCEEDINGS:			
Cases transmitted to municipalities	-----	19	
Violations involved:			
Sale during prohibited hours	----- 10	Permitting slot machines on premises	----- 1
Sale to minors	----- 4	Permitting brawl on premises	----- 1
Permitting females at the bar (local reg.)	----- 2	Sale to intoxicated person	----- 1
Possessing contraceptives on premises	----- 1	Failure to afford view into premises during prohibited hours	----- 1
Cases instituted at Division	-----		16
Violations involved:			
Sale during prohibited hours	----- 6	Permitting immoral activity on premises	----- 2
Sale to minors	----- 3	Permitting foul language on premises	----- 2
Hindering investigation	----- 3	Mislabeling beer taps	----- 2
Fraud and front	----- 3*	Sale to intoxicated persons	----- 1
Sale below minimum resale price	----- 2		
Cases brought by municipalities on own initiative and reported to Division	-----		12
Violations involved:			
Sale to minors	----- 9		
Permitting brawl on premises	----- 2		
Sale during prohibited hours	----- 1		
Conducting business as a nuisance	----- 1		
*Includes one cancellation proceeding - license improvidently issued to club not bona fide.			
HEARINGS HELD AT DIVISION:			
Total number of hearings held	-----	35	
Appeals	----- 5	Seizures	----- 2
Disciplinary proceedings	----- 18	Tax revocation	----- 1
Eligibility	----- 8	Applications for license	----- 1
PERMITS ISSUED:			
Total number of permits issued	-----	760	
Employment	----- 136	Social affairs	----- 248
Solicitors	----- 74	Special wine	----- 1
Disposal of alcoholic beverages	----- 86	Miscellaneous	----- 215

DOMINIC A. CAVICCHIA
 Director.

Dated: April 1, 1953.

2. DISCIPLINARY PROCEEDINGS - PERMITTING CONSUMPTION OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS IN VIOLATION OF LOCAL REGULATION - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 25 DAYS.

In the Matter of Disciplinary Proceedings against EDITH F. MONTAGUE T/a BRANCH LODGE South side of Route #29 Branchburg Township F.O. Box 146, Somerville, N.J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-8, issued by the Township Committee of the Township of Branchburg.)

-----) Sidney Simandl, Esq., Attorney for Defendant-licensee. Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded not guilty to the following charges:

- "1. On Saturday, November 22, 1952 and on Sunday, November 23, 1952, between 2:00 A.M. and 2:30 A.M., you permitted the consumption of alcoholic beverages on your licensed premises; in violation of Section 1 of an Ordinance adopted by the Township Committee of the Township of Branchburg on April 4, 1950 which prohibits any such activity between 2:00 A.M. and 7:00 A.M. on weekdays and between 2:00 A.M. and noon on Sundays.
"2. On Sunday, November 23, 1952, between 2:25 A.M. and 5:00 A.M., while an inspector and an investigator of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety were conducting an investigation at your licensed premises, you hindered and failed to facilitate such investigation; in violation of R. S. 33:1-35."

At the hearing held herein, an ABC agent testified that, on Friday night, November 21, 1952, he and another agent arrived in the vicinity of defendant's licensed premises to investigate a complaint that defendant was violating the local "hours" regulation. Leaving his companion outside, the first agent entered defendant's barroom at approximately 11:15 p.m. where he remained until 2:20 a.m. Saturday, November 22, 1952. At 2:00 a.m., the bartender dimmed the lights but the six patrons who were in the barroom continued to consume until 2:20 a.m. the drinks which had been served to them before 2:00 A.M.

The local "hours" ordinance then in effect provided as follows:

"No licensee shall sell, serve, deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage or permit the consumption of any alcoholic beverage on the licensed premises on New Year's Day when it is a weekday, between the hours of 4:00 a.m. and 7:00 a.m.; on New Year's Day, when it is a Sunday, between the hours of 4:00 a.m. and noon; on other weekdays, between the hours of 2:00 a.m. and 7:00 a.m.; on other Sundays, between the hours of 2:00 a.m. and noon."

The same agent further testified that he and his fellow agent returned to defendant's licensed premises at 1:00 a.m. Sunday, November 23, 1952; that he entered defendant's barroom at that time while his companion remained outside; that he had checked his watch with the radio time signal; that the same bartender was tending bar; that, shortly before 2:00 a.m., said bartender served the "last round" of alcoholic beverages to the ten patrons then in the barroom, including a glass of beer to the agent; that, at 2:00 a.m., the bartender dimmed the lights and extinguished the outside lights and that, while no drinks were served after 2:00 a.m., the agent and the other patrons continued to consume their drinks until 2:25 a.m., at which time the agent who had remained outside knocked on the door. The first agent also testified that the bartender went to the door and asked who was there; that a voice answered "This is the ABC. Open up"; that a patron told the bartender not to open the door but that, after some hesitation, the bartender opened the door and the other agent entered, identified himself to the bartender and ordered the bartender to tell the six other patrons remaining in the barroom to leave.

The testimony of both agents as to the events which followed may be summarized as follows: After the second agent had identified himself to the bartender the first agent did likewise. They then reminded the bartender of the time. He looked at the barroom clock which read 2:33 and looked at his watch which showed the time to be 2:30 (the same time as shown by the first agent's watch). After reluctantly clearing the barroom of patrons as directed by the agents, the bartender assumed a defiant attitude. When asked for his name he answered "I will tell you nothing"; and when requested to produce a copy of the license application he said that he did not know where it was. The first agent then sought to go behind the bar to look for it but the bartender blocked his way saying "Nobody goes back of the bar; if they do, over my dead body first." The agent again exhibited his credentials and explained that, as an agent, he had a right to be there but the bartender said, "I don't give a damn who the hell you are. You aren't coming back of this bar" and remained adamant in his refusal to permit the agent to search behind the bar despite the fact that the agent explained the statutory provisions concerning the hindering of an investigation. The agent then telephoned for the State Police and two State Troopers arrived shortly before 3:00 A.M., almost simultaneously with the licensee who had been visiting another tavern nearby and who entered the barroom from her living quarters. At the licensee's request the agents exhibited their credentials to her and informed her of the nature of their investigation. She procured a copy of the license application for them and started to give a written statement but, from time to time, interrupted herself and became nasty and shouted and swore at the agents. The questioning was also interrupted by the licensee's husband, who appeared to be intoxicated. He became boisterous, cursed the agents and loudly admonished his wife not to answer the agents' questions. The bartender also interfered with the questioning and demanded to know why the licensee "was being bothered." He also stated that he knew the Director and would see him the next morning and "take care of things personally". Another man who had entered the barroom with the licensee and her husband also became noisy and abusive but he was finally quieted by the State Troopers. The licensee did nothing to prevent any of these people from interfering with the taking of the statement, which was not concluded until 5:00 a.m.

The State Troopers testified that, when they arrived at defendant's licensed premises, there was a great deal of "noise and confusion, shouting and hollering". They corroborated the testimony of the agents with respect to the interference by the licensee's husband, the bartender and the other man and also testified that the licensee cursed the agents and vilified them. They further testified

that the licensee did nothing to quiet her husband, the bartender or the other man; that they had great difficulty quieting them and that they (the State Troopers) remained upon the premises until the investigation was completed to keep order.

On behalf of the licensee it was admitted that drinks of alcoholic beverages served before 2:00 a.m. were consumed in the barroom after 2:00 a.m. The licensee testified that, when she obtained the license by transfer in June 1952, she asked the three members of the local issuing authority how long patrons could remain on the licensed premises to finish drinks served before 2:00 a.m., and that they were unable to find the ordinance but verbally told her that patrons had a "reasonable" time to finish such drinks and that one member said that a half hour was reasonable for that purpose. She further testified that she did not seek a legal opinion from the municipal attorney or anyone else but that, in reliance on what she had been told by the Township Committeemen and the fact that, typed on the license certificate was the legend "Sales prohibited after 2:00 A.M.," she had instructed her bartenders not to sell or serve drinks after 2:00 a.m. and to wash the glass as soon as a patron finished his drink. The bartender corroborated this, and one member of the Township Committee (who has since left office) confirmed the fact of the conversation with respect to "hours" but did not remember that any specific time limit was mentioned. Another member of the Township Committee, who was ill at the time of the hearing and could not attend, wrote a letter in which he confirmed the fact of the conversation and stated that the licensee was advised that patrons could consume their drinks up to 2:30 a.m.

The licensee admitted that her husband and her bartender were noisy and interfered with the taking of the statement but claimed that she had told them to be quiet. She denied cursing at the agents or using foul language.

The bartender's testimony with respect to the time at which various events transpired was most confusing but at one point he claimed that, at 2:01 a.m. the first agent identified himself as an ABC agent but that his companion did not enter until after 2:10 a.m. (2:20 a.m. according to the barroom clock which he claimed was fast). He testified that the second agent entered as a female patron departed, and said patron corroborated that testimony. He admitted refusing to permit the agent to go behind the bar and attempted to justify such refusal by saying that, in the licensee's absence, he was responsible for the licensed premises. He also admitted arguing with one of the agents while the latter was questioning the licensee and sought to explain that he thought that she should not be bothered. He further admitted that he had said that he knew the Director and would see him in the morning and "take care of things personally." He tried to excuse his conduct toward the agents on the ground that he was "excited" because he thought that he was at fault.

The language of the local "hours" ordinance in effect on the occasions mentioned in the charges is crystal clear. It prohibits not only sale and delivery of alcoholic beverages after 2:00 a.m., but also prohibits permitting consumption after 2:00 a.m., and no amount of construction or forbearance by the members of the Township Committee could alter its provisions. (Cf. Vassos and Murphy v. Springfield, Bulletin 793, Item 6.) The only effective method of changing its provisions is the enactment of another ordinance (which was done after the charges in the instant case were preferred). Under the facts in this case I have no other course than to find defendant guilty as to charge 1.

After carefully considering all of the evidence I find defendant guilty on charge 2 and I further find that the licensee personally castigated and vilified the agents. This sort of thing strikes at the

very heart of control (Re Menzel, Bulletin 948, Item 2) and will not be tolerated.

Defendant has no prior adjudicated record. Under all of the circumstances I shall suspend defendant's license for twenty-five days.

Accordingly, it is, on this 23rd day of March, 1953,

ORDERED that Plenary Retail Consumption License C-8, issued by the Township Committee of the Township of Branchburg to Edith F. Montague, t/a Branch Lodge, South side of Route #29, Branchburg Township, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 2:00 a.m. March 30, 1953, and terminating at 2:00 a.m. April 24, 1953.

DOMINIC A. CAVICCHIA
Director.

3. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ANTHONY ROMANO
T/a ROMANO'S TAVERN
195 Mallory Avenue
Jersey City 4, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-536, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

Anthony Romano, Defendant-licensee, Pro Se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. On Sunday, February 22, 1953, at about 9:25 P.M., you sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages at retail in their original containers for consumption off the licensed premises, viz., four quart bottles of Rheingold beer; in violation of Rule 1 of State Regulations No. 38 which prohibits any such sale or delivery at any time on Sunday.

"2. On Sunday, February 22, 1953, while investigators of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety were conducting an investigation at your licensed premises, you, by your agent and employee, Anthony Vuola, failed to facilitate and hindered and delayed and caused the hindrance and delay of such investigation; in violation of R. S. 33:1-35."

The file herein discloses that on Sunday, February 22, 1953, at about 9:25 p.m., ABC agents observed a patron leaving defendant's premises and carrying a paper bag. The agents identified themselves to the patron and found that the paper bag contained four unopened quart bottles of beer. Subsequently, in a statement given to the agents, the patron stated that he had purchased the beer from Anthony Vuola, a bartender employed by defendant.

When the agents entered defendant's licensed premises and identified themselves to Anthony Vuola, he denied the sale, grabbed the bag from one of the agents and broke each of the four bottles of beer. He stated that "nobody is going to frame me."

In alleged mitigation defendant says that he was not at the licensed premises when the violations occurred; that he does not make a practice of selling packaged goods on Sunday, and that his bartender has "high blood pressure and is inclined to flare up under circumstances." Nevertheless, a licensee is under a duty to exercise close supervision over the licensed premises, and violations occurring there cannot be excused merely because the licensee has no personal knowledge of them. Re Jablonski, Bulletin 921, Item 3.

State Regulations No. 38 prohibit the sale of alcoholic beverages in original containers for off-premises consumption at any time on Sunday. R. S. 33:1-35 provides that a licensee shall not in any way hinder or delay or cause the hindering or delay of an investigation in any manner whatsoever.

Defendant has no prior record. I shall suspend defendant's license for fifteen days because of the violation set forth in Charge 1. Re Chipko, Bulletin 957, Item 5. Under the circumstances of this case I shall suspend defendant's license for an additional period of ten days because of the violation set forth in Charge 2. Re Sadofski, Bulletin 909, Item 4. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 26th day of March, 1953,

ORDERED that Plenary Retail Consumption License C-536, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Anthony Romano, t/a Romano's Tavern, for premises 195 Mallory Avenue, Jersey City, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. April 2, 1953, and terminating at 2:00 a.m. April 22, 1953.

DOMINIC A. CAVICCHIA
Director.

4. DISCIPLINARY PROCEEDINGS - UNLABELLED BEER TAP - FALSE ANSWER IN APPLICATION RE CONVICTION OF ONE PARTNER OF CRIME NOT INVOLVING MORAL TURPITUDE - PRIOR RECORD - LICENSE SUSPENDED FOR 23 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

GEORGE CSINTALA & ROSE CSINTALA)
T/a ROSE AND GEORGE'S BAR)
1849 South Clinton Avenue)
Trenton 10, N. J.,)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-41, issued by the Board of Commissioners of the City of Trenton.)

-----)
George Csintala and Rose Csintala, Defendant-licensees, Pro Se.
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The charges preferred against defendants are as follows:

- "1. On December 20, 1952, you allowed, permitted and suffered a tap on your licensed premises to be connected with a barrel of malt alcoholic beverage which tap did not bear a marker which truly indicated the name or brand of the manufacturer of such malt alcoholic beverage, in that a tap bearing no marker was connected to a barrel of Piel's beer; in violation of Rule 26 of State Regulations No. 20.
- "2. In your application dated June 2, 1952, filed with the Board of Commissioners of the City of Trenton, upon which you obtained your current plenary retail consumption license, you falsely stated 'No' in answer to Question 33, which asks: 'Have you or has any person mentioned in this application, ever been convicted of any crime?', whereas in truth and fact you, George Csintala had been convicted on or about September 30, 1949 in the Mercer County Court of the crime of conducting a lottery; said false statement being in violation of R. S. 33:1-25."

Defendants have pleaded guilty to charge (1) and non vult to charge (2).

The file herein discloses that on December 30, 1952, during the course of a retail inspection of defendants' licensed premises, an ABC agent found a barrel of beer marked "Piel's" connected to a tap which bore no name of the brand of beer to be dispensed therefrom.

An examination of the file herein also discloses that on March 28, 1949, the licensed premises operated by the defendants was raided by the municipal law-enforcement authorities. As a result of the raid, defendant George Csintala was apprehended and charged with bookmaking and conducting a lottery. He was fined \$75.00 in the municipal court on a charge of possession of number slips and also fined \$75.00 for permitting gambling on licensed premises. Both complaints were brought under a local ordinance. As a result of the aforementioned raid, George Csintala was held in bail for the action of the grand jury. On April 11, 1949 he was indicted by the grand jury of conducting a lottery and also of bookmaking. On September 30, 1949 he was fined \$150.00 for conducting a lottery. On January 19, 1950 the indictment of bookmaking was nolle prossed.

The application for defendants' current liquor license failed to disclose that George Csintala had a criminal record.

It appears from the records received at this Division that, when apprehended, George Csintala had lottery slips in his possession. George Csintala admitted to the police officers who participated in the raid of defendants' licensed premises that he was engaged in accepting the lottery slips for one Thomas F. Keegan for a period of two months prior to his arrest. Thomas F. Keegan acknowledged this to be true; indeed, the comparatively mild sentence imposed tends further to substantiate this fact. There being no evidence to the contrary, I am constrained to conclude that George Csintala was neither a "principal" nor a "lieutenant" in the conduct and operation of the unlawful enterprise, and, therefore, that the crime of which he was convicted in 1949 did not involve moral turpitude. Re Case No. 526, Bulletin 604, Item 8; Case No. 633, Bulletin 945, Item 13.

Although George Csintala is not ineligible to hold a license, a suspension must be imposed because of the false statement made in defendants' application for the current licensing period. Re Elia, Bulletin 780, Item 6.

Defendants have a prior adjudicated record. Effective August 20, 1947, defendants' license for premises operated by them in Ewing Township was suspended for seven days by the local issuing authority for sale to minors. Effective June 12, 1949, defendants' present license was suspended for five days by the local issuing authority for allowing gambling (bookmaking and numbers writing) on their licensed premises.

In the absence of a prior record a suspension of license for a total of thirteen days would be in order -- three days on charge 1 (Re Conte, Bulletin 952, Item 8) and ten days on charge 2 (Re Ostrowski, Bulletin 726, Item 5). However, I shall suspend the license for a period of twenty-three days, in view of the aforesaid prior record involving two dissimilar violations (cf. Re Santoro and Policastro, Bulletin 957, Item 9). Five days will be remitted for the plea entered herein, leaving a net suspension of eighteen days.

Accordingly, it is, on this 23rd day of March, 1953,

ORDERED that Plenary Retail Consumption License C-41, issued by the Board of Commissioners of the City of Trenton to George Csintala & Rose Csintala, t/a Rose and George's Bar, 1849 South Clinton Avenue, Trenton, be and the same is hereby suspended for a period of eighteen (18) days, commencing at 2:00 a.m. March 30, 1953, and terminating at 2:00 a.m. April 17, 1953.

DOMINIC A. CAVICCHIA
Director.

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

In the Matter of Disciplinary Proceedings against

HARLEM CLUB, CORPORATION
T/a HARLEM CLUB
302 Brunswick Avenue
Trenton 8, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-53, issued by the Board of Commissioners of the City of Trenton.

Frank H. Wimberley, Esq. and Robert Queen, Esq., Attorneys for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded not guilty to the following charge:

"On September 1, 1952, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, at your licensed premises to Christine --- and Jean ---, persons under the age of twenty-one (21) years, and allowed, permitted and suffered the consumption of alcoholic beverages by such persons upon your licensed premises; in violation of Rule 1 of State Regulations No. 20."

On the day upon which the hearing was scheduled neither of the minors appeared although each had been served with a subpoena ad testificandum. However, their adult male companion (a soldier) appeared and testified, as did an ABC agent. The attorney appearing for the Division requested a continuance for the purpose of making further efforts to obtain the appearance of the two above named minors. This request was granted over objection by defendant's attorney. After one further continuance, which was also granted over objection by defendant's attorney, Jean --- appeared and testified. The other minor, Christine ---, who resides in another state, although originally agreeing to testify, ultimately refused to appear and the hearing was concluded without her testimony. Since the requests for the continuances were designed to obtain the appearance of eye witnesses who had personal knowledge of the facts they were properly granted.

Both the soldier and Jean testified that, on Labor Day, September 1, 1952, they traveled from Fort Dix to Trenton by taxi, accompanied by Christine; that, upon their arrival in Trenton, the soldier directed the driver to defendant's licensed premises where they arrived at approximately 9:30 p.m.; that the three of them alighted on the sidewalk at the side of defendant's building where they saw a sign reading "Harlem Club"; that they entered one of defendant's two bars (hereinafter referred to as the "front" bar) through a door at ground level; that they proceeded to a place near the front door of the "front" bar where they sat on stools and consumed drinks ordered by the soldier. They further testified that, subsequently, the three of them left the "front" bar by way of the same door through which they had entered; that they walked a short distance along the sidewalk to another door which was above street level; that they walked up a few steps and entered defendant's other barroom (hereinafter referred to as the "back" bar) where they remained until approximately 11:00 p.m., at which time they all left together.

The soldier and Jean also described the exterior of the building and the interiors of the two bars, including the decorations. These descriptions were corroborated by the testimony of other witnesses and were not contradicted. The soldier and Jean denied that either of the girls was questioned as to her age. Both identified Charles Harper, in the courtroom, as the bartender who served them in the "front" bar and the soldier identified Terry James as the bartender who served them in the "back" bar. Jean testified that she thought Terry James was the bartender who served them at the "back" bar but admitted that she had failed to identify him when taken to the licensed premises for that purpose and further admitted that, as to him, she was not "positive."

The soldier testified that he had been at defendant's licensed premises several times before and once after September 1, 1952; that when he and the two girls entered the "front" bar on that night, he ordered a round of drinks consisting of two bottles of beer and a "shot" of Calvert whiskey; that, pursuant thereto, Harper placed before him two uncapped bottles of beer, two glasses and a "shot" of whiskey, for which he paid; that he consumed the contents of one of the bottles of beer, while Jean consumed the other and that Christine consumed the whiskey. He further testified that he ordered a second round of drinks from the same bartender, consisting of two "shots" of whiskey and three bottles of beer; that the said bartender served the drinks; that he, the soldier, paid for them and that he consumed the contents of one of the bottles of beer while Jean and Christine each consumed a "shot" of whiskey and the contents of a bottle of beer.

With respect to their activities in the "back" bar the soldier testified that, at approximately 10:00 p.m., he and the two girls took seats at the long bar where he ordered from James a round of drinks consisting of three "shots" of Calvert whiskey and three bottles of beer and that each of them consumed a "shot" of whiskey and the contents of a bottle of beer and that, after remaining in the "back" bar for approximately an hour, they left.

Jean testified that she is sixteen years of age, having been born March 31, 1936; that she had not visited defendant's licensed premises, or any other tavern, before September 1, 1952; that the three of them stayed at the "front" bar for twenty minutes during which time she and Christine each consumed the contents of a bottle of beer and the soldier consumed a "shot" of Calvert whiskey, all of which had been served by Harper in response to an order by the soldier. As to the "back" bar Jean testified that it is known as the "Melody Room"; that the soldier ordered a round of drinks consisting of three "shots" of Calvert whiskey and three "coke" chasers; that they were served by a bartender who was called "Terry" and that she consumed a "shot" of whiskey and a "coke" chaser, separately, and that, although the others consumed their drinks, she does not know whether they drank them separately or not. She further testified that she consumed two additional drinks of whiskey with a "coke" chaser and that two more such drinks were ordered for her and served by the bartender but that she knocked them over, spilling their contents, because she "didn't want" them. She also testified that, thereafter, they danced for a while, as did a few other couples, and that, when they left at approximately 11:00 p.m., she was feeling "happy."

An ABC agent testified that he took the soldier and the two girls to defendant's licensed premises on September 5, 1952; that he saw a sign on the exterior of the building bearing the name "Harlem Club"; that, in the presence of Mr. Hubbard (apparently the principal stockholder of defendant corporation) and Mr. Wheeler, defendant's manager, he asked the soldier and the two girls, separately, if they could identify the bartenders who served them in each of the bars on the night of September 1, 1952; that all three identified Harper as

the bartender who served them at the "front" bar and the soldier and Christine identified James as the bartender who served them at the "back" bar while Jean could not identify anyone else. He also testified that all three pointed out the places where they claim they sat at each of the bars on that night and that the manager admitted that Harper had worked at the "front" bar and James at the "back" bar on that night. He described the exterior of the building and the interiors of the two bars, including the decorations, in much the same manner as the soldier and Jean.

On behalf of defendant, the manager, Chester Wheeler, and the two bartenders, Charles Harper and Terry James, testified. There is no conflict between their testimony and that of the soldier and Jean with respect to the physical characteristics of defendant's licensed premises; and it was admitted that, between 9:00 p.m. and 11:00 p.m. on September 1, 1952, Harper tended bar at the "front" bar and that James tended bar at the "back" bar (which is known as the "Melody Room") from the time it opened (between 9:30 p.m. and 10:00 p.m.) until closing. All of them denied seeing Jean or Christine upon the licensed premises on that night and Harper denied seeing the soldier at the "front" bar that night but the manager testified that he had seen the soldier alone in the "front" bar at 8:00 p.m. that evening and James testified that he had seen the soldier alone in the "back" bar right after it opened (between 9:30 p.m. and 10:00 p.m.). All three admitted having seen him in the licensed premises on other occasions.

While there is some discrepancy between the testimony of Jean and her adult male companion with respect to the quantity of the alcoholic beverages served to and consumed by them at defendant's licensed premises on the night in question, and with respect to the "chasers" served to and consumed by them in the "back" bar that night, I conclude, from all of the evidence, that they were in both bars at defendant's licensed premises on that night and that, defendant, through its employees, served alcoholic beverages to the minor, Jean, and that she consumed said alcoholic beverages upon defendant's licensed premises that night. Considering their identification of the licensed premises and the bartenders and the accuracy of their descriptions of the premises I cannot believe that the testimony of Jean and the soldier was fabricated especially since no reason appears why they should have given false testimony. More particularly, the minor, Jean, at sixteen, was experiencing her first visit to a tavern and her testimony, that after consuming several drinks, including beer and whiskey, she did not want any more and consequently knocked over the drinks served to her thereafter, is entirely probable. I believe her testimony.

I find defendant guilty as to so much of the charge as alleges that it served and delivered alcoholic beverages to Jean and allowed, permitted and suffered her to consume such alcoholic beverages upon its licensed premises on September 1, 1952. I find defendant not guilty as to the remainder of the charge.

Defendant has no prior adjudicated record. The minimum suspension for an offense of this kind involving a sixteen-year-old minor is twenty days. Re Gordon, Bulletin 906, Item 8; Re Sim, Bulletin 947, Item 12.

Accordingly, it is, on this 24th day of March, 1953,

ORDERED that Plenary Retail Consumption License C-53, issued by the Board of Commissioners of the City of Trenton to Harlem Club, Corporation, t/a Harlem Club, 302 Brunswick Avenue, Trenton, be and the same is hereby suspended for a period of twenty (20) days, commencing at 2:00 a.m. April 1, 1953, and terminating at 2:00 a.m. April 21, 1953.

DOMINIC A. CAVICCHIA
Director.

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

In the Matter of Disciplinary Proceedings against)

BUDDY & STEVE'S TAVERN, INC.)
T/a BUDDY & STEVE'S)
120 Clendenny Avenue)
Jersey City 4, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-289, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Jersey City.)
-----)

Max Schomer, Esq., Attorney for Defendant-licensee.
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to minors, and allowed, permitted and suffered the consumption of alcoholic beverages by said minors on its licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that ABC agents entered defendant's premises shortly before 11:00 p.m. on the evening of Saturday, February 7, 1953, and observed a young man drinking beer. Shortly thereafter three other young men entered the premises and each purchased and consumed a glass of beer served by the bartender, John Joseph Sheridan. At about 11:00 p.m. the bartender sold and served a glass of beer to each of the four minors. The agents seized the four glasses of beer and identified themselves to the bartender and to Stephen P. Aversa, apparently a stockholder of defendant corporation. Subsequent investigation disclosed that two of the young men were 17 years of age and two of the young men were 18 years of age.

In alleged mitigation Stephen P. Aversa has stated that "I was unaware of the conditions that existed that night." Nevertheless, a licensee is responsible for the violation committed by his employee, even though without his knowledge or contrary to his instructions. Re Mayers, Bulletin 731, Item 9; Rule 31 of State Regulations No. 20.

Defendant has no prior record. In view of the fact that two of the minors involved were only 17 years of age and considering the number of minors involved, I shall suspend defendant's license for twenty days. Re Camarota, Bulletin 950, Item 2. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 27th day of March, 1953,

ORDERED that Plenary Retail Consumption License C-289, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Buddy & Steve's Tavern, Inc., t/a Buddy & Steve's, for premises 120 Clendenny Avenue, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. April 6, 1953, and terminating at 2:00 a.m. April 21, 1953.

DOMINIC A. CAVICCHIA
Director.

7. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

VINCENZO DiSALVO
T/a CENTRAL TAVERN
230 Brunswick Street
Jersey City 2, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-381, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

Vincenzo DiSalvo, Defendant-licensee, Pro Se.
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he sold and delivered an alcoholic beverage at retail in its original container for off-premises consumption on Sunday, in violation of Rule 1 of State Regulations No. 38.

The file discloses that two ABC agents arrived in the vicinity of defendant's licensed premises at 7:45 p.m. on Sunday, February 22, 1953, to investigate a specific complaint that defendant was selling alcoholic beverages in original containers for off-premises consumption on Sunday in violation of State Regulations No. 38. One of the agents entered defendant's barroom while the other agent remained outside. After consuming two glasses of beer at the bar, the agent who had entered the premises asked the bartender (son of the licensee) for six cans of beer "to take home." In response to that order the bartender took six cans of Trommer's beer from a refrigerator under the bar and placed them in a paper bag on the counter in front of the agent who, in turn, paid the bartender \$1.05 which the latter placed in the cash register. This sale took place at approximately 8:00 p.m. The agent left the licensed premises with the six cans of beer and was joined by his companion. Both agents immediately returned to the licensed premises where they identified themselves to the bartender, who readily admitted the sale but refused to give a written statement.

State Regulations No. 38 prohibits sale of alcoholic beverages in original containers for off-premises consumption at any time on Sunday.

In alleged mitigation, defendant asserts that the violation took place in his absence and that it would not have occurred had he been present. Such circumstances do not constitute a defense. The licensee is responsible at all times for the proper conduct of his licensed premises. Cf. Essex Holding Corp. v. Hock, 136 N.J.L. 28. A licensee may not hide behind his employees and it is immaterial that an offense may have been committed in his absence or contrary to his instructions. Re Paton, Bulletin 898, Item 3, and authorities there cited. See also Rule 31 of State Regulations No. 20.

Defendant has no prior adjudicated record. I shall impose the minimum penalty for violations of this type -- fifteen days. Re Kaiser, Bulletin 954, Item 7. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 23rd day of March, 1953,

ORDERED that Plenary Retail Consumption License C-381, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Vincenzo DiSalvo, t/a Central Tavern, 230 Brunswick Street, Jersey City, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. March 30, 1953, and terminating at 2:00 a.m. April 9, 1953.

DOMINIC A. CAVICCHIA
Director.

8. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JEDNOSC T. KOSCHIUSZKO ASSOCIATION)
405-429 - 16th Avenue)
Irvington 11, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-40, issued by the Board of Commissioners of the Town of Irvington.)

Michael J. Kosloski, Esq., Attorney for Defendant-licensee.
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that it sold, served and delivered, and allowed, permitted and suffered the service and delivery of alcoholic beverages to minors, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that on Saturday night, January 24, 1953, while three ABC agents were in defendant's licensed premises, they observed two youths at the bar. One youth was being served a glass of beer and the other was being served a whiskey highball. At this time the ABC agents made known their identity and upon inquiry ascertained that both youths were eighteen years of age. The youths stated that before service, no one questioned them as to their age.

Defendant has no prior adjudicated record. I shall therefore suspend its license for ten days. Five days will be remitted for the plea entered herein, leaving a net suspension of five days. Re Bernie's Bar, Inc., Bulletin 922, Item 11.

Accordingly, it is, on this 20th day of March, 1953,

ORDERED that Plenary Retail Consumption License C-40, issued by the Board of Commissioners of the Town of Irvington to Jednosc T. Koschiuszko Association, 405-429 - 16th Avenue, Irvington, be and the same is hereby suspended for a period of five (5) days, commencing at 2:00 a.m. March 30, 1953, and terminating at 2:00 a.m. April 4, 1953.

DOMINIC A. CAVICCHIA
Director.

9. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES
(INDECENT DANCE) - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

PHILAL CORPORATION)
515-517 Paterson Plank Road)
Union City, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-168, issued by the)
Board of Commissioners of the City)
of Union City.)

Saul C. Schutzman, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On Sunday, March 1, 1953, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises in that a female entertainer performed in a lewd, indecent and immoral manner; in violation of Rule 5 of State Regulations No. 20."

The file herein discloses that, at approximately 12:30 a.m., Sunday, March 1, 1953, as two ABC agents entered defendant's licensed premises, the first act of the floor show was being announced. After several entertainers had performed in an unobjectionable manner the mistress of ceremonies introduced a female entertainer who wore a black evening gown and long mesh gloves and carried a parasol. After parading around the floor for a short time she discarded her parasol and removed the evening gown and gloves, revealing a sheer black negligee. She then moved around the floor, caressing her breasts and doing mild "bumps and grinds", after which she removed the negligee leaving her attired in a small net "bra" (which revealed all but a small part of her breasts), flesh colored net "G string" panties partly covered by a scanty black fringe, black stockings and slippers. Thus attired she performed a series of violent "bumps and grinds" and other movements suggestive of sexual intercourse and ended by seizing the waistband of the panties and fringe in a manner which suggested that she intended to completely remove them.

The entertainer, in a signed, sworn statement, admitted that, during her act, she removed some of her garments and did "bumps and grinds" as hereinabove described. She stated that her act had been booked through an agent who had told her that she was permitted to perform it at defendant's licensed premises.

Defendant's principal stockholders, who are also officers of the corporation, declined to give statements.

It has consistently been held that such a performance, consisting as it does of a "strip tease" accompanied by "bumps and grinds", has no place on licensed premises. Re Neu, Bulletin 957, Item 3; Re The MLC Corporation, Bulletin 934, Item 7; Re Eagle Bar & Grill, Inc., Bulletin 935, Item 2; Re DiAngelo, Bulletin 753, Item 4.

"Entertainment, if presented upon licensed premises, must be of such character as not to be inimical to the public welfare and morals or to the best interests of the industry". Re DiAngelo, supra. "Nor can the licensee be relieved of his responsibility and liability merely because the act was booked through an agency. He must see to it that such entertainment as is permitted upon the licensed premises is fit for licensed premises (Re Hyett, Bulletin 947, Item 2) ...". Re Neu, supra.

The licensee has no prior adjudicated record. Under the circumstances, I shall suspend defendant's license for thirty days, the minimum penalty for offenses of this kind. Re Neu, supra; Re The MLC Corporation, supra; Re Corma, Bulletin 913, Item 4; Re DiAngelo, supra. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 30th day of March, 1953,

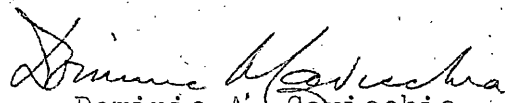
ORDERED that Plenary Retail Consumption License C-168, issued by the Board of Commissioners of the City of Union City to Philal Corporation, 515-517 Paterson Plank Road, Union City, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 3:00 a.m. April 6, 1953, and terminating at 3:00 a.m. May 1, 1953.

DOMINIC A. CAVICCHIA
Director.

10. STATE LICENSES - NEW APPLICATIONS FILED.

United Parcel Service of Pennsylvania, Inc.
124 West Merion St., Pleasantville, N. J.
Additional warehouse at 525 Elmer St., Vineland, N. J.
Application filed April 7, 1953 for Transportation License and additional warehouse.

Camden County Beverage Company
Fillmore and Bulson Streets
Camden, N. J.
Application filed April 9, 1953 for Limited Brewery License.


Dominic A. Cavicchia
Director.