

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

BULLETIN 1488

January 7, 1963

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

BULLETIN 1488

January 7, 1963

1. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITY (INDECENT ENTERTAINMENT) - HOSTESS ACTIVITY - LICENSE SUSPENDED FOR 75 DAYS.

In the matter of Disciplinary Proceedings against)

JOCKEY CLUB, INC.)
T/A JOCKEY CLUB)
5-7-7 $\frac{1}{2}$ -9 S. North Carolina Avenue)
Atlantic City, New Jersey)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-139, issued by the Board of Commissioners of the City of Atlantic City.)

-----)
Harry Castelbaum, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Licensee pleaded not guilty to the following charges:

1. During the early morning hours of Sunday, February 18, 1962, you allowed, permitted and suffered lewdness and immoral activity and foul, filthy and obscene conduct in and upon your licensed premises, viz., in that you allowed, permitted and suffered female persons to perform for the entertainment of your customers and patrons in a lewd, indecent and immoral manner and to engage in obscene, indecent, filthy, lewd, lascivious and disgusting acts while so performing; in violation of Rule 5 of State Regulation No. 20.
2. On the occasion aforesaid you allowed, permitted and suffered females employed on your licensed premises to accept food and beverages at the expense of or as a gift from customers and patrons; in violation of Rule 22 of State Regulation No. 20.

"To substantiate the charges the Division produced ABC agents S and G who participated in the investigation of the licensed business.

"The testimony elicited from Agent S on direct examination, and corroborated by that of Agent G, is substantially as follows: Both agents entered the licensed premises at 12:05 a.m. Sunday, February 18, 1962, and went directly to the barroom in which there were about eighty-five patrons. Forty to fifty of the males and four females were at the bar consuming drinks served by two bartenders, one of whom was Harold Abrams (manager of the establishment). The agents conversed with several patrons and learned that the group was in Atlantic City attending a national convention of school administrators. At about 12:30 a.m. the patrons lined up

and awaited admission to a spacious and well-appointed room from which others were emerging after viewing the first performance of a floor show. The agents joined the line and, when admitted, took seat at a right-center table approximately ten feet from a three-foot elevated semi-circular stage, around the edge of which was a three-foot high railing with supports, in the center and at the right rear of which were openings. A service bar in the show room was attended by bartender who filled orders for six waitresses, one of whom (called Eleanor) served those at the agents' table, and on the stage a five-piece orchestra played selections while awaiting the commencement of the second floor show. At 1:15 a.m. approximately three hundred persons were in attendance, 99% of whom were males. A male MC opened the show by telling a few jokes and then introduced in their turn six female performers, four of whom (known as Rosita, Janet, Bonnie and Fermina) engaged in dance routines. Each dancer appeared on the stage in a concealing outergarment and, after dancing about and posing for few minutes, she removed the outergarment and continued her routine garbed in a transparent net bra covering 'pasties' and transparent net pants covering a 'patch' in the pubic area. Rosita engaged in bumps and grinds in tempo with the music and beat of the drums; took eyeglasses from males standing at the railing and placed them inside her 'patch' before returning them; rotated her buttocks on the heads of five or six male patrons, rubbed her breasts in their faces, and allowed them to grab her around the waist and pull her toward them. Janet engaged in the same type of performance and later removed her bra and 'pasties.' Bonnie, who had bells hanging from her bra and pants, allowed the patrons to ring them, then straddled a chair and simulated sexual intercourse after which she manipulated a large plug so that it would wilt and stiffen when she caressed it. Finally she removed her bra, 'pasties' and pants but not the 'patch.' Fermina engaged in acts similar to those of the previous performers, took a banana from her hat and kissed and caressed it, removed her bra and 'pasties' and, when the patrons clamored for 'more, more; take it off, take it off', she removed the 'patch' and stood on the stage completely nude, holding the 'patch' above her head.

"Further testimony elicited from Agent S, and corroborated by that of Agent G, shows that, just before the second show commenced, they observed Rosita seated at a table drinking with an elderly man whom she kissed and who on two occasions placed money between her breasts. They further observed Janet mingling and drinking with several patrons.

"About this time Bonnie and another performer named Kay introduced themselves to the agents and took seats at their table. Bonnie then called Eleanor (the waitress) and told her that they would have the usual. Eleanor went to the service bar and returned with a 4/5 quart bottle of sparkling burgundy and a 4/5 quart bottle of champagne, each in a carton containing ice. Kay filled two glasses and asked the agents to taste the wine, saying 'They are \$12 a bottle. You don't mind, do you?' Bonnie then ordered cheese and crackers and, when the waitress said, 'It can't go on the tab', Agent S gave her a dollar. Before leaving the table for her performance, Bonnie ordered another bottle of sparkling wine. After she and Kay had completed their performances, they returned to the agents' table and Kay asked, 'Will it be all right to order another bottle?' and inquired if Agent G had enough money. When Agent G said, 'Why don't you wait until the show is over', Kay suggested that he give her the \$12 as a tip instead of paying for another bottle of wine.

"When the last act had concluded, the agents identified themselves to Bonnie, Kay and Eleanor and proceeded with them to the main barroom where they identified themselves to Harold Abrams (the manager). Rosita and Fermina joined them and Agent S described in

detail the indecent actions of the entertainers. Rosita, Bonnie and Fermina admitted that they performed in the manner described by the agents. However, Fermina denied that she was completely nude at any time. Eleanor admitted serving the wine to Bonnie and Kay and, when the agents asked her for their tab, Abrams said, 'Let's say for the record I refused to present you with a bill.' Abrams also stated that he did not see the second show and continued, 'If we don't put a show like this on, we might as well close the doors. In the winter-time, when there is no conventions, there is no business. If we don't put this kind of a show on, we don't have any business.'

"Witnesses appearing on behalf of the licensee were Harold Abrams (manager of the Jockey Club, Inc.); Sergeant Louis Schwartz (of the Atlantic City Police Department); Joseph Stern (investigator with the Liquor License Bureau of Atlantic City); Peter Daly (retired captain of the Jersey City Police Department); William Dunbar (acting desk sergeant of the Atlantic City Police Department); Edward Rink (patrolman of the Atlantic City Police Department); Mario Floriani (Captain of the Atlantic City Police Department); Bonnie Bell, Kay Martin and Rosita Rodrigues (entertainers); ABC agents T, Su and J; Vito DiGiorgio (a baker) and Edward Woolbert (a physician).

"Harold Abrams testified in substance that he has had over fifteen years experience in managing night clubs and has been manager of the Jockey Club for one year; that the entertainers were hired through a recognized theatrical agency; that Rosita had been entertaining in the Jockey Club prior to his employment; that Janet had been employed for three or four months and Bonnie and Fermina for a couple of years on and off; that he did not see the second show on February 18, 1962, but had observed the girls perform on numerous occasions and never saw them act in the manner testified to by the agents; and that, when the agents identified themselves, Agent S told him that, other than the closing act, it was a fine show. Mr. Abrams denied that he told the agents, 'If we don't put a show like this on, we might as well close the doors' and he further denied that Agent S, after identifying himself, described any of the indecent acts to which he testified.

"Sergeant Schwartz testified in substance that his assignment is the investigation of criminal matters; that he viewed the first floor show on February 17, 1962, and left while the last act was in progress; that the female entertainers wore bras and pants throughout their performance; that their acts did not tend to arouse sexual passions and that the Jockey Club is known 'to have a very entertaining show.'

"Investigator Stern testified in substance that he viewed the first floor show on February 17, 1962; that he observed nothing indecent in the dance performances and that, although the Jockey Club license was suspended for ten days in 1960 for permitting homosexuals on the licensed premises, the Club is considered one of the finest in Atlantic City.

"Captain Daly testified in substance that he viewed the second floor show on February 18, 1962, and did not observe any indecent conduct on the part of the entertainers on that occasion or on any occasion when he visited the Jockey Club during the past twenty-five years.

"Sergeant Dunbar testified in substance that he, with his wife and daughter, frequently visited the Jockey Club during the past year but did not see Rosita or Bonnie perform, and that the establishment has a good reputation.

"Patrolman Rink testified in substance that he, his wife and

friends visited the Jockey Club on occasions; that he did not recall seeing Rosita, Janet, Bonnie or Fermina perform; that the Club has a good reputation and that the entertainment is very good.

"Captain Floriani testified in substance that he visited the Jockey Club about twice a year; that last summer he and his wife saw the floor show; that the entertainment was good but that he did not see Janet or Fermina and did not recall seeing Rosita.

"Bonnie testified in substance that she is married and has been a professional dancer for eleven years, having performed in the United States and Europe; that she does the same routine dance at all times; that she appears wearing a gown which she removes, and is attired in a bra with bells and pants with bells in the front and fringe in the rear; that she sits on a chair attached to which is a large red feather; that, after posing, she waves the feather around for decoration and color 'mostly comedy', then dances around to make the bells ring; that she does not wear a 'patch' under her pants; that she does not consider her dance to be bumps and grinds; that during her performance on February 18, 1962, the patrons did not ring the bells although they tried to, and that no one touched her; that, because of the large gathering and the applause she received, and because she had been drinking, she departed from her routine and removed her bra underneath which were 'pasties' which she covered with a transparent shawl; and that she was not completely exposed. She further testified that during the second show she and Kay sat with the agents except when doing their acts; that a few men stood up at the railing blocking her view and the view of the agents who remained seated; that, when the show was over, the agents identified themselves and she and Kay accompanied them to Mr. Abrams; that, when the other performers arrived, the agents questioned all of them as to their age, marital status, length of employment, and how they got their jobs; that the only act the agents objected to was Fermina's, stating that she was completely nude; that Fermina became indignant and said she had on a 'patch' of black feathers which she brought from the dressing-room for the agents' inspection. Bonnie then described the acts of the other girls and denied that the dancers performed in the manner testified to by the agents.

"Kay Martini (a singer) testified in substance that, because of the large crowd, the entertainers were a little more 'effervescent'; that she was seated with the agents and did not see all of the show because men were standing at the railing; that, after the agents identified themselves, they asked each performer her age, her marital status, the length of her employment, and how she got the job; that they found no fault with the acts of any of the entertainers except Fermina's performance, and they said they thoroughly enjoyed the show.

"The ABC agents (T, Su and J, subpoenaed by the licensee) testified that on March 19, 1962, they saw Bonnie's performance at another licensed premises in Atlantic City, viz., Jeannie's Enterprises, Inc., trading as LeBistro, at which time she did not use a chair in her act. They further testified that there was nothing indecent about her performance on that occasion.

"Rosita testified that she is married and lives with her husband and six-year-old daughter; that she worked for the Jockey Club for three years; that the agents never criticized her performances and the only fault they found was with Fermina's act. She denied everything to which the agents testified.

"Vito DiGiorgio testified that he conducts a bakery business close to the Jockey Club; that he viewed the second floor show on February 18, 1962, and did not see anything objectionable.

"Dr. Woolbert testified that he visited the Jockey Club several times each month; that he viewed the second show on February 18, 1962, and that he did not see the dancers engage in any indecent or lewd acts.

"Having carefully considered the evidence adduced herein and having had the opportunity to judge the credibility of the witnesses, I find as a fact that the various entertainers engaged in the physical acts as testified by the agents and that such acts were obscene, indecent, filthy, lewd, lascivious and disgusting as charged.

"I further find as a fact that females employed by the licensee were served food and alcoholic beverages at the expense of male patrons, notwithstanding that, when the agents identified themselves, the licensee's manager refused to present the bill for the drinks served.

"I further find that the testimony of those witnesses who were not present during the performance in question is of little, if any, materiality, as is the conclusion of those attending the performance who, by their lights, found the performance unobjectionable.

"I conclude, therefore, that the Division has established the truth of both charges by a preponderance of the believable evidence, and I recommend that the licensee be adjudged guilty as charged.

"The licensee has a prior adjudicated record. Effective January 5, 1959, its license was suspended by the Director for the balance of its term for permitting homosexuals and immoral activity on the licensed premises (Re Jockey Club, Inc., Bulletin 1259, Item 5), and effective June 24, 1960, its license was suspended by the local issuing authority for ten days on a homosexual charge.

"The minimum penalty for indecent entertainment on licensed premises involving a strip-tease routine is thirty days (Re Paddock International, Bulletin 1429, Item 2). However, in view of the audience participation in the obscenities, it is my considered opinion that the instant case involves an aggravated violation. I, therefore, further recommend that an order be entered suspending the license for forty-five days on the first charge and for twenty days on the second charge (Re Paddock International, supra), to which should be added ten days for the two prior dissimilar violations which occurred within a five-year period (Re Mandel, Bulletin 1472, Item 2), making a total suspension of seventy-five days."

Written exceptions to the Hearer's Report and written argument in substantiation of the exceptions were filed with me by the attorneys for the licensee and the Division within the time limited by Rule 6 of State Regulation No. 16, and thereafter oral argument was heard before me.

Having carefully considered the record herein, including the transcript of the testimony, the exhibits, the memorandum filed with the Hearer by the licensee's attorney, the Hearer's Report, the exceptions and argument with respect thereto and the oral argument before me, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 19th day of November 1962,

ORDERED that plenary retail consumption license C-139, issued by the Board of Commissioners of the City of Atlantic City to Jockey

Club, Inc., t/a Jockey Club, for premises 5-7-7 $\frac{1}{2}$ -9 S. North Carolina Avenue, Atlantic City, be and the same is hereby suspended for a period of seventy-five (75) days, commencing at 7 a.m. Wednesday, November 28, 1962, and terminating at 7 a.m. Monday, February 11, 1963.

WILLIAM HOWE DAVIS
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - PERMITTING CONSUMPTION BY MINORS - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 30 DAYS - NO REMISSION FOR PLEA ENTERED AT HEARING.

In the Matter of Disciplinary Proceedings against

TOM AND JERRY'S INC.
T/A TOM & JERRY'S
236 Monticello Avenue
Jersey City, New Jersey

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-81, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

William A. Massa, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

At the hearing herein, licensee pleaded non vult to a charge alleging that on September 29, 1962, it permitted consumption of alcoholic beverages by four minors, two age 17, one 18 and one 20, in violation of Rule 1 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for ten days, effective March 5, 1962, for sale in violation of State Regulation No. 38. Re Tom and Jerry's, Inc., Bulletin 1445, Item 7.

The minimum suspension of license for sale to two minors age 17, in cases unaggravated by record of prior suspension, is twenty days. Re Liebert, Bulletin 1453, Item 3. However, where, as here, two additional minors are involved and the licensee has a record of previous dissimilar offense within the past five years, the penalty is increased by ten days (cf. Re Harbor Inn, Inc., Bulletin 1428, Item 3), making a total suspension of thirty days without remission for the plea when, as here, it is entered at the hearing. Re Roosevelt Hotel, Inc., Bulletin 1470, Item 1.

Accordingly, it is, on this 20th day of November, 1962,

ORDERED that Plenary Retail Consumption License C-81, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Tom and Jerry's Inc., t/a Tom & Jerry's, for premises 236 Monticello Avenue, Jersey City, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 A.M. Tuesday, November 27, 1962, and terminating at 2:00 A.M. Thursday, December 27, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

3. DISQUALIFICATION REMOVAL PROCEEDINGS - CONSPIRACY TO COMMIT LARCENY (DEFRAUDING INSURANCE COMPANY) - ORDER REMOVING DISQUALIFICATION.

In the Matter of an Application)
to Remove Disqualification be-)
cause of a Conviction, Pursuant)
to R.S. 33:1-31.2)

CONCLUSIONS
AND ORDER

Case No. 1722)
-----)
Elvin R. Giordano, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

Petitioner's criminal record discloses that on March 24, 1936, he pleaded guilty in another State to the crime of conspiracy to commit larceny (defrauding an insurance company) as a result of which he was given a suspended sentence and placed on probation for three years, and that on June 28, 1945, he was convicted under the Disorderly Persons Act (possession of lottery slips) and was fined \$175.

Since the crime of larceny involves the element of moral turpitude (Re Case No. 1659, Bulletin 1436, Item 8), the crime of conspiracy to commit larceny, in my opinion, likewise involves the element of moral turpitude. Cf. Re Case No. 1682, Bulletin 1451, Item 6. The petitioner was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this State. R.S. 33:1-25, 26.

Petitioner's conviction under the Disorderly Persons Act is not a conviction of crime. Re Case No. 633, Bulletin 945, Item 13.

At the hearing held herein petitioner (62 years old) testified that for the past eighteen years he has resided at his present address; that he is married and living with his wife; that he is presently unemployed; that between May 1, 1962, and October 2, 1962, he was employed as a bartender on licensed premises; that prior thereto he worked as a clerk in a meat market for ten years and that, until recently notified by an agent of this Division, he had no knowledge of his ineligibility.

Petitioner further testified that he is asking for the removal of his disqualification to be free to engage in the alcoholic beverage industry in this State and that, ever since his conviction on March 24, 1936, he has not been convicted of any crime.

The petitioner produced three character witnesses (a retired blacksmith, a retired printer and a printer) who testified they have known petitioner for more than five years last past and that, in their opinion, he is now an honest, law-abiding person with a good reputation.

The Police Department of the municipality wherein the petitioner resides reports there are no complaints or investigations presently pending against the petitioner.

The only hesitation I have to grant the relief sought herein is based on the fact that the petitioner, although disqualified, worked on a licensed premises in this State. I am, however, favorably influenced by two factors -- (a) that petitioner has not been convicted of crime since March 24, 1936, and (b) his sworn testimony.

that he was unaware of his ineligibility to be employed by a licensee. Knowledge of the law, moreover, is not an essential prerequisite to removal of disqualification in these proceedings. Re Case No. 1279, Bulletin 1124, Item 8.

Considering all of the aforesaid facts and circumstances, I am satisfied that the petitioner has conducted himself in a law-abiding manner for five years last past, and that his association with the alcoholic beverage industry in this State will not be contrary to the public interest.

Accordingly, it is, on this 9th day of November 1962.

ORDERED that petitioner's statutory disqualification because of the convictions described herein be and the same is hereby removed, in accordance with the provisions of R.S. 33:1-31.2.

WILLIAM HOWE DAVIS
DIRECTOR

4. MORAL TURPITUDE - CONVICTION FOR ATTEMPTED ATROCIOUS ASSAULT AND BATTERY HELD TO INVOLVE MORAL TURPITUDE UNDER FACTS OF CASE.

RE: Eligibility No. 702

Applicant seeks a determination as to whether or not, in the opinion of the Director, he is eligible to be engaged in the alcoholic beverage industry in this State in view of his conviction of a crime.

The records received by this Division disclose that on July 27, 1959, applicant was fined \$50 on a conviction under the Disorderly Persons Act (assault and battery, based on a complaint made by Mr. and Mrs. X) and that on April 1, 1960, following a plea of non vult in a county court to an accusation of attempted atrocious assault and battery (based on a complaint made by Mrs. X), he was sentenced to serve from two to three years in New Jersey State Prison, sentence was suspended and he was placed on probation for three years and ordered to make restitution.

At the hearing held herein, applicant (52 years old) testified that for the past six years he was self-employed as a contractor; that prior thereto he had driven a delivery truck for one company for twenty-eight years; that on June 18, 1959, he drove his car to the home of his sister (neighbors of Mr. and Mrs. X); that, while attempting to park, he struck the bumper of Mr. X's car parked at the curb; that he and Mr. X had some words, following which they exchanged "a couple of punches;" that Mrs. X heard the commotion from her apartment; that she came running towards him and Mr. X, in the course of which she tripped, fell on her arm and was injured; that by way of restitution he paid Mrs. X \$468.50 to cover her medical and hospital bills, and that on September 11, 1961, his probationary period was terminated.

Mrs. X, appearing as a witness for applicant, testified that in an attempt to separate the combatants she came between them; that applicant struck her over her left eye with his fist and she fell to the ground; that, as a result of the blow, she had sustained a cut over her eye which required two or three sutures, her left wrist was broken and placed in a cast for six weeks, and she was hospitalized

for five days. Mrs. X further testified that applicant paid her \$468.50 for her hospital and medical bills, and that she "guesses" that the assault upon her was intended for her husband.

Despite his claim of innocence, applicant may not now in this collateral proceeding attack or contradict his own confessional plea of guilt pursuant to which he was convicted. Re Case No. 639, Bulletin 951, Item 7.

Since the crime of atrocious assault and battery involves the element of moral turpitude (Re Case No. 679, Bulletin 1246, Item 8), the crime of attempted atrocious assault and battery, in my opinion, likewise involves this element.

In view thereof, it is recommended that applicant be advised that, in the opinion of the Director, he is not eligible to be associated with the alcoholic beverage industry in this State by reason of his conviction of the aforementioned crime and that any licensee who employs him or permits him to be connected in any business capacity with his licensed business would subject his license to suspension or revocation. R.S. 33:1-25, 26.

I. EDWARD AMADA,
ATTORNEY

Dated: November 15, 1962

Approved:

William Howe Davis,
Director.

5. STATUTORY AUTOMATIC SUSPENSION - ORDER TEMPORARILY STAYING SUSPENSION.

Auto. Susp. #220)
In the Matter of a Petition to Lift)
the Automatic Suspension of Plenary)
Retail Distribution License D-3,)
issued by the Borough Council of the)
Borough of Madison to)
SAMUEL FRIEDMAN and LOUIS FRIEDMAN)
62 Main Street)
Madison, N. J.)

ON PETITION
O R D E R

-----)
Frank J. Valgenti, Jr., Esq., Attorney for Petitioners.

BY THE DIRECTOR:

It appears from the petition filed herein and the records of this Division that on November 15, 1962, Samuel Friedman, one of the licensees-petitioners, was fined \$100 in the Madison Municipal Court after being found guilty of a charge of sale of alcoholic beverages to a minor on October 17, 1962, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of the license for the balance of its term. R.S. 33:1-31.1.

The suspension was effectuated by municipal police officers at 9:00 P.M. November 15, 1962; immediately following the conviction.

It further appears that disciplinary proceedings against the petitioners are in course of institution by the municipal issuing authority, with hearing therein scheduled for November 26, 1962.

In fairness to the petitioners, I conclude that at this time the effect of the automatic suspension should be temporarily stayed pending the outcome of the contemplated disciplinary proceedings. A supplemental petition to lift the automatic suspension may be filed with me by petitioners after the disciplinary proceedings have been concluded.

Accordingly, it is, on this 16th day of November, 1962,

ORDERED that the aforesaid automatic suspension be stayed pending the entry of a further order herein.

WILLIAM HOWE DAVIS
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SUSPENSION FOR BALANCE OF TERM LIFTED UPON PROOF OF CORRECTION OF UNLAWFUL SITUATION.

In the Matter of Disciplinary Proceedings against

ISABEL CAPPOLLA
122 Adams Street
Hoboken, New Jersey

Holder of Plenary Retail Consumption License C-29, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken, transferred during the pendency of this proceeding to

CATALINO ROLON AND ADDA ROLON

ORDER

Florio, Dunn, Marciano & Lypinski, Esqs., by Joseph C. Dunn, Esq.,
Attorneys for Licensees.
David S. Piltzer, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

On September 18, 1962, I entered an order suspending the license herein for the balance of its term, commencing September 25, 1962, with leave to the licensee or any bona fide transferee of the license to file verified petition establishing correction of the then unlawful situation (licensee a non-resident of New Jersey) for lifting of the suspension on or after 2:00 A.M. Friday, October 5, 1962. Re Cappolla, Bulletin 1480, Item 8.

It now appearing from verified petition submitted by Catalino Rolon and Adda Rolon that the license has been transferred to them, effective November 14, 1962, and that they are the sole parties in interest in the license and the licensed business, I shall grant their petition requesting termination of the suspension.

Accordingly, it is, on this 20th day of November, 1962,

ORDERED that the suspension heretofore imposed herein be and the same is hereby terminated, effective immediately.

WILLIAM HOWE DAVIS
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - PROCUREMENT FOR PROSTITUTION -
PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR BALANCE OF TERM.

In the Matter of Disciplinary)
Proceedings against)

FRANK FOTI)
T/A MARKET TAVERN)
862 Elizabeth Avenue)
Elizabeth, N.J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-43, issued by the City)
Council of the City of Elizabeth)

Weiner, Weiner & Glennon, Esqs., by John T. Glennon, Esq.,
Attorneys for Licensee.

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

BY THE DIRECTOR:

Licensee pleads non vult to the following charge:

"On June 16 and 20, 1962, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., in that you, through a person employed as a bartender on your licensed premises, made offers to male patrons and customers on your licensed premises to procure and did procure a female to engage in acts of illicit sexual intercourse with said male patrons and customers and participated in and allowed, permitted and suffered the making of overtures and arrangements, in and upon your licensed premises, by said female with male patrons and customers for acts of illicit sexual intercourse, as aforesaid; in violation of Rule 5 of State Regulation No. 20."

Reduced to its essentials, as might be supported by the available proofs had the matter gone to hearing, the charge indicates that on the occasions in question, the barmaid at the licensed premises undertook to procure for purposes of prostitution an admitted prostitute for Division agents who were conducting assigned investigation at the licensed premises and, in fact, did so procure such prostitute.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days, effective February 24, 1959, for sale to minors.

All of the circumstances considered, including the prior record, the matters alleged in mitigation and particularly the confessional plea entered, the license will be suspended for the balance of its term. Cf. Re McHales Corner, Bulletin 1481, Item 1.

Accordingly, it is, on this 21st day of November, 1962,

ORDERED that Plenary Retail Consumption License C-43, issued

by the City Council of the City of Elizabeth to Frank Foti, t/a Market Tavern, for premises 862 Elizabeth Avenue, Elizabeth, be and the same is hereby suspended for the balance of its term, viz., until midnight, June 30, 1963, commencing at 2:00 A.M. Wednesday, November 28, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - PRIOR RECORD OF SUSPENSION FOR DISSIMILAR VIOLATION DISREGARDED BECAUSE SUSPENSION SUBJECT TO PENDING APPEAL - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against ANTHONY ALABURDA T/A ANTHONY'S 2-4 Pleasant Avenue Clifton, New Jersey

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-19, issued by the Municipal Board of Alcoholic Beverage Control of the City of Clifton

Joseph M. Keegan, Esq., Attorney for Licensee. Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 24, 1962, he sold drinks of alcoholic beverages to two minors, one age 18 and one 20, in violation of Rule 1 of State Regulation No. 20.

Licensee has a record of suspension of license by the municipal issuing authority for twenty-five days, effective November 15, 1962, for permitting horse race bets and numbers activity on August 9, 1962. However, that suspension is the subject of an appeal to the Director with hearing thereon presently scheduled for December 19, 1962.

The record of suspension disregarded because of the pendency of the appeal, the license will be suspended herein for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Aunt Kate's, Inc., Bulletin 1464, Item 5.

Accordingly, it is, on this 20th day of November, 1962,

ORDERED that Plenary Retail Consumption License C-19, issued by the Municipal Board of Alcoholic Beverage Control of the City of Clifton to Anthony Alaburda, t/a Anthony's, for premises 2-4 Pleasant

Avenue, Clifton, be and the same is hereby suspended for ten (10) days, commencing at 3:00 A.M. Tuesday, November 27, 1962, and terminating at 3:00 A.M. Friday, December 7, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - GAMBLING (HORSE RACE BETS) - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
SEVEN SEAS CAFE, INC.
T/A SEVEN SEAS CAFE
170 New Brunswick Avenue
Perth Amboy, New Jersey

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-93, issued by the Board of Commissioners of the City of Perth Amboy

Warren W. Wilentz, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 21, 22, 23, 27 and 29, 1962, it permitted gambling, viz., the making and accepting of horse race bets on the licensed premises, in violation of Rule 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re Carino & Danduono, Bulletin 1428, Item 5.

Accordingly, it is, on this 20th day of November, 1962,

ORDERED that Plenary Retail Consumption License C-93, issued by the Board of Commissioners of the City of Perth Amboy to Seven Seas Cafe, Inc., t/a Seven Seas Cafe, for premises 170 New Brunswick Avenue, Perth Amboy, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 A.M. Tuesday, November 27, 1962, and terminating at 2:00 A.M. Monday, December 17, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

10. DISQUALIFICATION REMOVAL PROCEEDINGS - DENIAL OF CRIMINAL RECORD DURING INVESTIGATION - DISQUALIFICATION REMOVAL DEFERRED FOR 3 MONTHS.

In the Matter of an Application)
to Remove Disqualification because)
of a Conviction, Pursuant to)
R.S. 33:1-31.2)

CONCLUSIONS
AND ORDER

Case No. 1721)
-----)

BY THE DIRECTOR:

Petitioner's criminal record discloses that on May 9, 1947, and on November 21, 1947, he was convicted in a county court on a charge of breaking and entering with intent to rob, and was sentenced to serve eighteen months on each charge in the county penitentiary; sentences to run concurrently, and that on October 31, 1949, he was fined \$15 in a local magistrate's court on a charge of being drunk and disorderly.

Since the crimes of which petitioner was convicted involve the element of moral turpitude (Re Case No. 1365, Bulletin 1186, Item 11), he was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this state until his disqualification was removed. R.S. 33:1-25, 26.

At the hearing held herein, petitioner (43 years old) testified that for the past ten years he has lived in the same area where he presently resides; that he is married and living with his wife and four children; that for the past three years he has been employed as a bartender on licensed premises; that prior thereto he was employed as a warehouseman by one company for about five years, operated a service station for about two years, and held other various odd jobs; that he accepted aforesaid employment in licensed premises because he was unable to obtain other employment; and that he was aware of the fact that he was ineligible for such employment.

Petitioner further testified that on August 21, 1962, in the course of an investigation by an agent of this Division to determine whether petitioner's employer hired bartenders with criminal records, he executed an affidavit denying that he was ever convicted of crime or arrested; that such denial was made to avoid being embarrassed at the time; and that he did not thereafter attempt to correct his statement.

In addition, petitioner testified he is asking for the removal of his disqualification to continue his present employment, and that ever since his release from the penitentiary in 1948, he has not been convicted of any crime.

The Police Department of the municipality wherein the petitioner resides reports there are no complaints or investigations presently pending against the petitioner.

Petitioner produced three character witnesses (a welder, a retired steamfitter, and a shipping clerk) who testified that they have known the petitioner for more than five years last past and, in their opinion, he is now an honest, law-abiding person with a good reputation.

I hesitate to grant the relief sought herein because of petitioner's false statement in the aforementioned affidavit and, although disqualified, he worked on licensed premises in this state.

Petitioner's present predicament, however, could have been avoided if he had applied for removal of his disqualification ten years ago. From the facts herein, it appears that such application would have been granted. I, nevertheless, cannot ignore petitioner's denial, under oath, that he had ever been convicted of any crime and the fact that he had worked in licensed premises in this state with knowledge of his ineligibility to do so. I am, however, favorably influenced (1) by the fact that his criminal record shows only two convictions which took place about fifteen years ago, (2) by the testimony of his character witnesses, and (3) by his present attitude.

Considering all of the aforesaid facts and circumstances, I shall grant his application but shall withhold relief until three months after October 3, 1962 (the date upon which he filed the within application). Cf. Re Case No. 1701, Bulletin 1470, Item 7.

Accordingly, it is, on this 7th day of November, 1962,

ORDERED that petitioner's statutory disqualification because of the convictions described herein be and the same is hereby removed, in accordance with the provisions of R.S. 33:1-31.2, effective January 3, 1963; provided, however, that the petitioner shall not in the interim become associated with the alcoholic beverage industry in this state in any manner whatsoever.

WILLIAM HOWE DAVIS
DIRECTOR

11. STATUTORY AUTOMATIC SUSPENSION - SUPPLEMENTAL ORDER LIFTING SUSPENSION.

Auto. Susp. #220)

In the Matter of a Petition to)
Lift Automatic Suspension of)
Plenary Retail Distribution)
License D-3, issued by the)
Borough of Madison to)

ON PETITION

SUPPLEMENTAL
ORDER

SAMUEL FRIEDMAN and LOUIS FRIEDMAN)
62 Main Street)
Madison, N.J.)

Frank J. Valgenti, Jr., Esq., Attorney for Petitioners.

BY THE DIRECTOR:

On November 16, 1962, an order was entered temporarily staying statutory automatic suspension of license of petitioners pending institution and determination of disciplinary proceedings against the license.

It now appears from supplemental petition filed herein that in disciplinary proceedings conducted by the municipal issuing authority, the license was suspended for seven days after the licensees entered a confessional plea to a charge alleging sale of alcoholic beverages to the same minor, which sale was the subject of the previous criminal conviction. The suspension was effective from November 27 to December 3, inclusive. It appearing that the suspension has been served, I shall lift the automatic suspension. Re Sansone, Bulletin 1453, Item 7.

Accordingly, it is, on this 4th day of December, 1962,


ORDERED that the statutory automatic suspension of said license D-3 be and the same is hereby lifted, effective immediately.

WILLIAM HOWE DAVIS
DIRECTOR

12. STATE LICENSES - NEW APPLICATION FILED.

Dorchester, Inc.
60 Railroad Street
Hasbrouck Heights, N. J.

Application filed January 2, 1963 for Additional Salesroom License for premises 430 North Pennsylvania Avenue, Atlantic City, New Jersey, in connection with Plenary Wholesale License W-69.


William Howe Davis
Director