

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

BULLETIN 1436

March 8, 1962

TABLE OF CONTENTSITEM

1. STATE REGULATIONS - STATE REGULATION NO. 7 - RULE 1 AMENDED. CLUBS - AMENDMENT OF STATE REGULATION TO REQUIRE MINIMUM MEMBERSHIP OF SIXTY FOR NEW CLUB LICENSE APPLICANTS.
2. STATE REGULATIONS - STATE REGULATION NO. 39 - NO 3-DAY GRACE PERIOD FOR PAYMENT BY RETAILERS TO WHOLESALERS.
3. DISCIPLINARY PROCEEDINGS (HOBOKEN) - NUISANCE (CONGREGATION OF APPARENT HOMOSEXUALS) - SALE TO MINOR - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 75 DAYS - NO REMISSION FOR PLEA TO CHARGE ENTERED AT HEARING ON OTHER CHARGES.
4. DISCIPLINARY PROCEEDINGS (PAHAQUARRY) - SALE TO MINORS - SALE TO INTOXICATED PERSONS - LICENSE SUSPENDED FOR 60 DAYS - NO REMISSION FOR PLEA ENTERED ON HEARING DATE - EFFECTIVE DATE OF SUSPENSION DEFERRED.
5. DISCIPLINARY PROCEEDINGS (PATERSON) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - FALSE ANSWER IN APPLICATION AS TO PRIOR RECORD - PRIOR RECORD OF PREDECESSOR IN INTEREST - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (LINDEN) - CHARGE ALLEGING SALE OF ALCOHOLIC BEVERAGES OTHER THAN ORDERED, DISMISSED.
7. AUTOMATIC SUSPENSION (HOPOTCONG) - LICENSE PREVIOUSLY SUSPENDED BY LOCAL ISSUING AUTHORITY - APPLICATION TO LIFT GRANTED.
8. DISQUALIFICATION REMOVAL PROCEEDINGS - FAILURE TO DISCLOSE CONVICTION IN PRIOR QUESTIONNAIRES - DISQUALIFICATION REMOVED.
9. DISCIPLINARY PROCEEDINGS (PENNSAUKEN TWP.) - SALE BELOW FILED PRICE - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (PASSAIC) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
11. STATE LICENSES - NEW APPLICATIONS FILED.

PROPERTY OF  
 RECEIVED

MAR 12 1962

Division of State Library  
 Archives and History  
 Trenton, N. J.

SR  
 NJ

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

BULLETIN 1436

March 8, 1962

STATE REGULATIONS - STATE REGULATION NO. 7 - RULE 1 AMENDED.  
CLUBS - AMENDMENT OF STATE REGULATION TO REQUIRE MINIMUM MEMBERSHIP OF SIXTY FOR NEW CLUB LICENSE APPLICANTS.

TO ALL MUNICIPAL CLERKS AND SECRETARIES OF ALCOHOLIC BEVERAGE CONTROL BOARDS:

CLUB LICENSES; MINIMUM MEMBERSHIP REQUIREMENT;  
RULE 1 OF STATE REGULATION NO. 7 AMENDED.

Under R. S. 33:1-12(5), the holder of a club license is entitled to sell alcoholic beverages only to bona fide club members and their guests and such licenses are issuable only to clubs which comply with all conditions which may be imposed by the Director by Rules and Regulations. I have determined that the minimum number of members required for the issuance of a club license should be increased from 25 to 60 and the Regulation is being amended accordingly.

However, in all fairness, the amendment shall not prevent the renewal of club licenses to clubs with fewer than 60 members or prevent the issuance of club licenses to those clubs with fewer than 60 members whose applications for such licenses are now pending.

Rule 1 of State Regulation No. 7 is hereby amended to read as follows:

"Rule 1. For the purpose of these Rules, the following words and terms shall be deemed to have the meaning herein given to them:

"'Club.' An organization, corporation or association consisting of sixty (60) or more persons operating solely for benevolent, charitable, fraternal, social, religious, recreational, athletic or similar purposes, and not for private gain.

"'Club Member.' Any person in good standing who has been admitted to membership in the manner regularly prescribed by the by-laws of a club, and who maintains his membership in a bona fide manner, and whose name and address are entered on the list of members."

WILLIAM HOWE DAVIS  
DIRECTOR

Promulgated February 1, 1962

Effective February 1, 1962

Filed with the Secretary of State (N. J.) February 1, 1962.

2. STATE REGULATIONS - STATE REGULATION NO. 39 - NO 3-DAY GRACE PERIOD FOR PAYMENT BY RETAILERS TO WHOLESALERS.

NOTICE TO ALL WHOLESALE AND RETAIL LICENSEES:

STATE REGULATION NO. 39 - MAXIMUM CREDIT PERIOD EXPLAINED.

It has come to my attention that some retail licensees are under the erroneous impression that the three (3) day period in which a wholesaler must report to me a retailer's default extends that retailer's credit period. This is not true.

Rule 1 of State Regulation No. 39 specifically limits the credit period from wholesaler to retailer by requiring that a retailer must make payment for a delivery of alcoholic beverages not later than the same date of the month following the date of delivery. The Rule further provides:

"When, in the month following the date of delivery, there is no equivalent date, payment shall be made not later than the last day of the month following the date of delivery."

The default occurs when payment is not made within that period. The credit period is not extended by reason of the three (3) day period allowed the wholesaler to file the notice of default.

Dated: January 30, 1962

WILLIAM HOWE DAVIS  
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - NUISANCE (CONGREGATION OF APPARENT HOMOSEXUALS) - SALE TO MINOR - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 75 DAYS - NO REMISSION FOR PLEA TO CHARGE ENTERED AT HEARING ON OTHER CHARGES.

In the Matter of Disciplinary Proceedings against  
Frances Lachnicht  
56-58 Second Street  
Hoboken, New Jersey  
Holder of Plenary Retail Consumption License C-116, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken.  
-----

CONCLUSIONS  
AND  
ORDER

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

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

ent  
obs  
of  
mal  
of  
spo  
ano  
efo  
fel  
  
ent  
plac  
as o  
the  
the  
  
of t  
chr  
time  
of s  
aga  
the  
inter  
joint  
roth

- "1. On October 28, November 4, 5, 18 and 19, 1961, you allowed, permitted and suffered your licensed place of business to be conducted in such manner as to become a nuisance in that you allowed, permitted and suffered persons who appeared to be homosexuals, e.g., females impersonating males and males impersonating females, in and upon your licensed premises; allowed, permitted and suffered such persons to frequent and congregate in and upon your licensed premises; and otherwise conducted your licensed place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulation No. 20."

Defendant pleaded guilty to the following charges:

- "2. On November 19, 1961, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., James ---, age 19, and allowed, permitted and suffered the consumption of alcoholic beverages by such person in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.
- "3. On November 19, 1961, you, through agents, servants, persons employed on your licensed premises and other persons in your behalf failed to facilitate and hindered and delayed and caused the hindrance and delay of an investigation, inspection and examination at your licensed premises then and there being conducted by Inspectors and Investigators of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety of the State of New Jersey; in violation of R.S. 33:1-35."

An ABC agent reported that on October 28, 1961, at 9:35 p.m., he entered defendant's licensed premises, and during the height of the activity observed about twelve men and twelve women patrons in the establishment. Three of the women were attired in male-type pants with fly fronts and rear pockets, male-type shirts, male-type oxford shoes, wore no jewelry with the exception of male-type watches and the said females had no makeup on their faces. They spoke in harsh tones and departed themselves in a rough manner. At 10:15 p.m., another agent entered the premises and reported that he saw the three females aforementioned and concurred in the description of them as given by his fellow agent.

On November 4, 1961, a different agent went into defendant's premises, entering at 10:30 p.m., and he reported that there were seven females in the place, two of whom were dressed in male-type clothes and displayed mannerisms as described by the agents who had made the previous visit. Furthermore, the agent reported that at one time, he observed five apparent lesbians in the premises. He left the said premises at 12:05 a.m. on November 5, 1961.

On November 18, 1961 at 10:40 p.m., the agent who had been on one of the prior visits again entered defendant's premises and was followed shortly thereafter by another agent. The agents reported that at the busiest time that evening, based on their actions, mannerisms and demeanor, five out of six female patrons were apparent lesbians. One of the apparent lesbians engaged in conversation with the agents and, when asked what her name was, she replied, "I'm George and Cecil is my sister", at which the bartender interjected, "Yeah, you're the brother and he is the sister". The agent, pointing at the two apparent lesbians, remarked, "You mean that they are brother, sister, brother?" and the bartender answered, "Yeah, that's right".

At 12:00 midnight the two agents left, contacted two other agents who had remained outside the premises, informed them of the activity and five minutes thereafter both returned to the premises. At 12:30 a.m. on November 19, 1961, the agents identified themselves to the bartender while two other agents who had come into the premises, identified themselves to a group of youths. Upon questioning the group, it was ascertained that one of them who was drinking beer was 19 years of age. The minor's unconsumed portion of his beer was seized by the agents. Thereafter, as the agents were attempting to question persons involved in the alleged violation, a man (subsequently identified as William Lachnicht, son of the defendant) stated that he was the manager of the tavern and, in a loud voice, shouted that the minor did not obtain any drinks in the premises and, although told to remain seated at the bar, kept making sarcastic and abusive remarks to the agents. The minor left the premises but, when apprehended, said that William Lachnicht had told him "to beat it". At 1:00 a.m. that morning, defendant arrived in the premises and, after arguing with her son, told him "to get out" and also asked everybody to leave.

In mitigation of penalty, defendant made apologies for her son's attitude and stated that when she arrived at the premises, she did everything possible to cooperate with the agents. The attorney appearing for the Division agreed that this was true as the agents' reports cited no further hindering of their investigation after defendant arrived at the premises. Further, defendant contended that since receipt of the Division's warning letter dated October 3, 1960 concerning the frequenting of "lesbians" on her licensed premises, she tried, but unsuccessfully, to keep them out of the place. She also said she was of the opinion that she could not bar or refuse to serve a customer, but since speaking to the attorney appearing for the Division, she is now aware that she may refuse service to the type of persons as described in this matter. However, ignorance of the law or regulations does not afford any excuse. Licensees and their employees must know the rules and scrupulously obey them. Re Taliercio, Bulletin 1303, Item 6. See Re Kaczka & Trobiano, Bulletin 1063, Item 1.

Defendant has a prior adjudicated record. Effective September 21, 1959 defendant's license was suspended for forty-five days for sale of alcoholic beverages to minors. Bulletin 1303, Item 4.

Under the circumstances appearing in this case, and taking into consideration the prior record of defendant, I shall suspend defendant's license for seventy-five days. There will be no remission for pleas entered herein, because the plea of non vult to Charge 1 was entered at the date of the hearing scheduled in this case.

Accordingly, it is , on this 15th day of January, 1962,

ORDERED that Plenary Retail Consumption License C-116, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Frances Lachnicht, for premises 56-58 Second Street, Hoboken, be and the same is hereby suspended for seventy-five (75) days, commencing at 2:00 a.m., Wednesday, January 24, 1962, and terminating at 2:00 a.m., Monday, April 9, 1962.

WILLIAM HOWE DAVIS  
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - SALE TO INTOXICATED PERSONS - LICENSE SUSPENDED FOR 60 DAYS - NO REMISSION FOR PLEA ENTERED ON HEARING DATE - EFFECTIVE DATE OF SUSPENSION DEFERRED

In the Matter of Disciplinary Proceedings against )

A. Harry Freedman )  
t/a "Harry's Farm" )  
River Road )  
Pahaquarry Township )  
PO Columbia, New Jersey )

CONCLUSIONS

AND

ORDER

Holder of Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Pahaquarry. )

-----  
Spritzer & Spritzer, Esqs., by Morris Spritzer, Esq., and Adler & Adler, Esqs., by Edward I. Adler, Esq., Attorneys for Defendant-licensee.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded nolo contendere to charges that (1) he sold or allowed the sale of alcoholic beverages to three minors and permitted the consumption of alcoholic beverages by said minors in his licensed premises, and (2) he permitted the sale of alcoholic beverages to five persons who were actually or apparently intoxicated and permitted the consumption of such beverages by said persons in his licensed premises, both being violations of Rule 1 of State Regulation No. 20.

Acting upon information received from the New Jersey State Police, who had obtained signed, sworn statements from Martin --- (19 years of age), Edward Klitsch and Jose Rivera-Marin (the bartender employed by defendant), ABC agents were assigned to investigate the matter of sales of alcoholic beverages to minors and to persons who were actually or apparently intoxicated in defendant's licensed premises. The investigation disclosed that on September 3, 1961, the bartender aforementioned served several drinks of alcoholic beverages to Martin --- and to two other minors, one of whom was 18 and the other 19 years of age. In addition thereto, it was also ascertained that on September 3, 1961, sales and service of alcoholic beverages were made by defendant's bartender to five persons who, at the time, were actually or apparently intoxicated.

Defendant has a prior adjudicated record. Effective August 21, 1961, defendant's license was suspended for ten days for sales of alcoholic beverages to an 18-year-old minor. Bulletin 1412, Item 9. In the instant case, where three minors 18 years of age or over are involved, I shall suspend defendant's license for twenty days (Re Amadeo, Bulletin 1415, Item 2); for thirty days on Charge 2, and for an additional ten days for the prior similar violation which occurred within the past five years (Re The Aloha, Inc., Bulletin 1307, Item 2), making a total suspension of sixty days. No remission will be given in this matter because the defendant changed his plea to the respective charges from guilty to nolo contendere on the date of the hearing herein.

Investigation discloses that defendant's licensed business is closed. Thus, no effective dates of suspension can be imposed at the present time. The effective dates of the suspension will be fixed by further order which will be entered by me after the licensed premises shall have been reopened for business.

Accordingly, it is, on this 15th day of January 1962,

ORDERED that Plenary Retail Consumption License C-3, issued by the Township Committee of the Township of Pahaquarry to A. Harry Freedman, t/a "Harry's Farm", for premises on River Road, Pahaquarry Township, be and the same is hereby suspended for sixty (60) days, the time to be fixed by subsequent order as aforesaid.

WILLIAM HOWE DAVIS  
DIRECTOR

- 5. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - FALSE ANSWER IN APPLICATION AS TO PRIOR RECORD - PRIOR RECORD OF PREDECESSOR IN INTEREST - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Doc's Spa, Inc. )  
91 East Main Street )  
Paterson, N. J., )

CONCLUSIONS

AND

Holder of Plenary Retail Consumption License C-43, issued by the Board of Alcoholic Beverage Control for the City of Paterson. )

ORDER

-----  
Defendant-licensee, by Bernard Doornbos, President  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to the following charges:

- "1. On Friday, December 8, 1961, at about 10:50 P.M., you sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages, viz., six 12-ounce cans of Ballantine beer, at retail, in their original containers for consumption off your licensed premises and allowed, permitted and suffered the removal of said alcoholic beverages in their original containers from your licensed premises; in violation of Rule 1 of State Regulation No. 38.
- "2. In your application filed with Municipal Board of Alcoholic Beverage Control for the City of Paterson, dated June 6, 1961, and upon which you obtained your current plenary retail consumption license you falsely stated 'No' in answer to Question No. 41, which asks: 'Have you or has any person mentioned in this application ever had any interest, directly or indirectly, in any alcoholic beverage license or permit in New Jersey or any other state which was surrendered, suspended, revoked or cancelled?', whereas in truth and fact plenary retail consumption license held by Bernard Doornbos, named in your application as President & Treasurer, Director and holder of 98% of the corporate stock was the holder, in his individual name, of a plenary retail consumption license for premises 219 Water Street, Paterson, New Jersey, which had been suspended in three occasions, twice by the Director of the Division of Alcoholic Beverage Control, viz., for 10 days effective May 15, 1956 and for 65 days effective April 16, 1957 and once by the Municipal Board of Alcoholic Beverage

Control for the City of Paterson, for 30 days effective October 1, 1957; said false answers, statements and evasions and suppressions being in violation of R.S. 33: 1-25."

On December 8, 1961, at about 10:50 p.m., Louis Pellegrini (who is secretary of defendant corporation and who was then tending bar) sold six cans of beer for off-premises consumption to an ABC agent. The agent left with the beer, contacted another ABC agent who was outside, and both agents then returned to the premises and identified themselves to the bartender.

The facts as to Charge 2 are set forth in said charge. (See also Bulletin 1168, Item 3.)

Defendant has no prior record, but the record of its president and majority stockholder must be considered in fixing the penalty herein. I have examined the letter received from Bernard Doornbos in alleged mitigation as to Charge 2 but find nothing therein which would warrant a suspension on said charge for less than the usual period. I shall suspend defendant's license for fifteen days on Charge 1 (Re Harris, Bulletin 1418, Item 5) and for ten days on Charge 2 (Re Costanzo, Bulletin 1393, Item 1), to which fifteen days will be added because of the similar violation committed by its predecessor- in-interest more than five but less than ten years ago and his two dissimilar violations within the past five years (cf. Re Black, Bulletin 1293, Item 5). Five days will be remitted for the plea, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 11th day of January 1962,

ORDERED that plenary retail consumption license C-43, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Doc's Spa, Inc., for premises 91 East Main Street, Paterson, be and the same is hereby suspended for thirty-five (35) days, commencing at 3 a.m. Monday, January 22, 1962, and terminating at 3 a.m. Monday, February 26, 1962.

WILLIAM HOWE DAVIS  
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - CHARGE ALLEGING SALE OF ALCOHOLIC BEVERAGES OTHER THAN ORDERED, DISMISSED.

In the Matter of Disciplinary )  
Proceedings against )

Varsity Bowling Centre, Inc. )  
t/a Varsity Bowling Centre, Inc. )  
1218 W. Edgar Rd. )  
Linden, New Jersey )

CONCLUSIONS

AND

Holder of Plenary Retail Consumption )  
License C-65, issued by the Municipal )  
Board of Alcoholic Beverage Control of )  
the City of Linden. )

ORDER

-----)  
Harry Castelbaum, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant pleaded not guilty to the following charge:

'On June 2, 1961, you served and allowed, permitted and suffered the service of alcoholic beverages other than ordered; in violation of Rule 23 of State Regulation No. 20.'

"At the hearing held herein, the Division called as its witnesses three ABC agents hereinafter referred to as Agents G, C and S.

"Agent G testified that pursuant to an assignment to investigate further a suspicion that the licensee was substituting a so-called 'slow-mover' whiskey for certain more popular brands of whiskey, he and Agents C and S visited the licensed premises on the evening of June 2, 1961; that in the front part of the licensed premises there is a barroom and a dining room which are separated from each other by a partition five feet height.

"Agent G further testified that he and Agent S took seats at a table in the dining room; that at about 10:10 p.m., he ordered a drink of Calvert and soda and a drink of Seagram's and soda from Elizabeth Suytak, a waitress; that the waitress went to the barroom and returned to their table with two shot glasses of whiskey and two glasses of ice and soda on a tray; that the waitress said to him 'Calvert and club?' and poured one 'shot' into his glass when answered in the affirmative; that the waitress then said to Agent S 'Seagram's and soda?' and poured the other 'shot' into the glass placed in front of Agent S.

"Agent G further testified that at about 10:20 p.m., the same waitress approached the table; that he pointed to the drinks and said to her, 'We will have another Calvert and soda and Seagram's 7 and soda'; that the waitress left; returned with drinks, as above described, on her tray and mixed and served these drinks without saying anything; that Agent C then came to the table, identified himself and had a short conversation with the waitress.

"On cross-examination, Agent G admitted there was considerable noise in the premises and that he had no personal knowledge as to what particular brand of whiskey was in the shot glasses brought to the table by the waitress. He further admitted that he was not certain as to what, if any, reply was made by the waitress when Agent C asked her if she didn't get 'Burke & Barry' whiskey at the bar, instead of the brands ordered by the agent.

"Agent C testified that when he entered the premises on June 2nd he went to the barroom and stood at the bar in the area of its service section; that John Hahn, one of five bartenders on duty, was tending bar in the area; that he observed 12 'shot' glasses lined up on the inside lip of the bar at its service section; that on two or three occasions he had observed Hahn fill orders he received from Elizabeth Suytak and another waitress with the contents of the 'shot' glasses; that he did not hear the waitresses place their orders for those drinks and that he observed the bartender refill two or three of the shot glasses from a bottle labeled Burke & Barry taken from the back bar.

"Agent C further testified that about 10:10 p.m., he looked over the partition and observed Mrs. Suytak standing at the table occupied by Agents G and S; that he next observed the waitress standing alongside him at the service bar; that he heard Mrs. Suytak ask Hahn for Calvert's and soda and Seagram's and soda; that he observed Hahn give her two of the aforesaid 'shot' glasses and two drinking glasses with ice; following

which he observed Mrs. Suytak returning to the table; that later in the evening he again observed Mrs. Suytak walk from the table to the service bar and heard her order 'two ryes and soda' from Hahn; that he observed Hahn take two of the 'shot' glasses from the lip of the bar, place them on her tray along with two drinking glasses and ice; that Mrs. Suytak, followed by him, returned to Agents G and S and placed the two 'shot' glasses on their table; that he identified himself to Mrs. Suytak; that in response to his inquiries, Mrs. Suytak stated that the agents had ordered and were served Calvert and soda and Seagram's and soda; that he then informed her that her two patrons were ABC agents; that upon further questioning, Mrs. Suytak stated that she had obtained the two 'shot' glasses from the 12 at the bar and that she knew they contained Burke & Barry whiskey; that, thereafter, Mrs. Suytak left the table and returned with Joseph Centolanzo (vice-president of the corporate-licensee), both of whom accompanied him and Agent S to the office of the licensee where they were joined by Hahn.

"Agent C further testified that Hahn denied substituting Burke & Barry for other brands of whiskey; that Mr. Centolanzo denied any knowledge of 'switching' drinks at the licensed premises; that Mrs. Suytak stated that she thought what she last served was Burke & Barry whiskey and that a search of the premises disclosed that, exclusive of its open stock of liquor, the licensed premises contained 25 quart bottles of Burke & Barry, 32 quart bottles of Seagram's and 7 quart bottles of Calvert.

"On cross-examination, Agent C testified that on Friday, May 26th aforesaid, while on the licensed premises, he had observed Hahn in the process of 'lining up "shot" glasses'; that on May 26th and the date in question, he observed Hahn filling a couple of the glasses with Burke & Barry; that on neither of aforesaid dates did he observe or pay attention to what other brands of whiskey Hahn poured into the remaining 'shot' glasses; that he made no inquiry with respect thereto; that on June 2nd aforesaid, he did not observe the bartender 'switching' any drinks; that he had not observed the bartender fill any of the 'shot' glasses served to Agents G and S and that he did not know whether Mrs. Suytak served Burke & Barry to the agents.

"On further cross-examination, Agent C testified that the 12 'shot' glasses were on a tray at the lip of the bar; that with respect to the orders in question, he heard Mrs. Suytak ask the bartender for Seagram's and soda and Calvert and soda on the first occasion, and rye and soda on the second one; that he observed the bartender fill the first order with two 'shot' glasses taken from the middle of the tray; that he did not observe from which part of the tray the bartender obtained the second two glasses, and that in questioning Mrs. Suytak at the table, he referred to Burke & Barry because he had assumed all 12 'shot' glasses were filled with this particular brand of whiskey.

"Agent S testified that on June 2nd he and Agent G entered the licensed premises and took seats at a table in the dining room; that at 10:10 and again at 10:20 p.m., he heard Agent G order Calvert and Seagram's from Mrs. Suytak; that he does not believe that Mrs. Suytak made any comment when she took the second order; that when serving the first order of drinks, she inquired and was told to serve the Seagram's to him and the Calvert to Agent G; that immediately after serving the second order, Agent C came to the table; that Agent C asked Mrs. Suytak 'what drinks she had placed on our table'; that Mrs. Suytak replied, 'Seagram's and soda and Calvert and soda'; that Agent C then asked her if it were not Burke & Barry that she had served and that Mrs. Suytak admitted this to be the fact.

"Agent S further testified that he was present in the licensee's office when Agent C questioned Mrs. Suytak, Mr. Hahn and Mr. Centolanzo; that Mr. Hahn denied serving drinks other than ordered and that Mr. Centolanzo stated that his patrons are always served what they order.

"On cross-examination, Agent S testified that Mrs. Suytak, when

questioned as aforesaid in the office of the licensee, stated she had served Burke & Barry to him and Agent G; that Agent G specially ordered 'Seagram's and Calvert' for the second round of drinks; that Mrs. Suytak might have said, 'rye and soda'; that 'it was noisy. I don't know whether she said that or not' and that he had assumed that Mrs. Suytak was referring to both of aforesaid orders when she had informed Agent C in the dining room that she had served 'Seagram's 7 and soda and Calvert's and soda'.

"Joseph Hahn, on behalf of the defendant, testified that for the past ten years he has been a bartender; that on June 2, 1961 and for two months prior thereto, he had been employed in such capacity by the licensee that on the night in question he and four other bartenders were on duty; that it was a busy night; that he was assigned to tend a section of the bar which included the service area; that on the night in question he followed the established practice of the licensee by filling 12 'shot' glasses to 'speed up service'; that the premises are usually busy on Friday nights; that he personally filled four of the glasses with Seagram's 7, four with Calvert and four with Burke & Barry; that the 12 glasses were placed in aforesaid sequence on the lip of the bar along which there are red, white and blue thumb tacks demarcating each of aforesaid brands of whiskey; that the thumb tacks were affixed to the bar prior to his employment by the licensee; that he had selected Burke & Barry whiskey as one of the aforesaid three brands because it is a 'a bar rag' and that he serves the same when no particular brand of rye is requested.

"Elizabeth Suytak, on behalf of the defendant, testified that she has been a waitress for six years; that she has been employed in such capacity by the licensee for 3½ years; that on the night in question she was serving patrons in the dining room which contained tables and booths; that there was music and dancing in the dining room; that the premises were noisy and crowded; 'it was very busy, we had all the tables filled'; that the practice of filling the 'shot' glasses in advance of sale was put into effect by a former bartender for the purpose of expediting service to her and another waitress.

"Mrs. Suytak further testified that she took Agent G's first order for Seagram's 7 and Calvert without repeating the same to him; that she placed the order with Hahn as given to her by Agent G; that Hahn gave her two 'shot' glasses; that she served the same to the agents; that, as usual, she asked the agents if they wanted their drinks mixed; that with respect to the second order, she recalls Agent G asking for 'two ryes'; that she asked him, 'Did you say two ryes?'; that Agent G replied by nodding his head; that she repeated the order to Hahn; that she carried the two drinks to the table and that before she was able to serve the same Agent C came to the table.

"Mrs. Suytak further testified that Agent C asked her, 'What are these fellows drinking?'; that she replied, 'The first round they were drinking Seagram's and Calvert', following which the agents displayed their badges and Agent C asked her if she wanted to get the licensee; that she had no opportunity nor did Agent C ask her to describe the contents of the second round of drinks; that thereafter she informed Agent C that the second service consisted of two rye drinks and that Agent C referred to same as Burke & Barry whiskey.

"On cross-examination, Mrs. Suytak denied that Agent G's second order of drinks was for Seagram's and Calvert; that she had served Burke & Barry on the second round; that she was aware of the fact that Agent G's first order was for Seagram's and Calvert; that she repeated 'two ryes' to him when taking the second order; that it was not unusual for patrons to change their drinks; that when serving the first order, she inquired of Agent G which of the drinks was for him; that there is no difference in the prices of aforesaid three drinks and that she always knew that the 12 'shot' glasses were filled as described by Mr. Hahn.

"This case presents a conflict between the witnesses produced by the Division and the witnesses called by the defendant. The question to be resolved is whether Agent G's second order was for Seagram's 7 and Calvert or for 'two rye' whiskey drinks. Agent G testified that he ordered Seagram's 7 and Calvert on both occasions. This is corroborated by Agent S. The waitress denies the second order was for Seagram's 7 and Calvert and states affirmatively that Agent G asked for 'two ryes'; that she repeated the order to him and that he confirmed the same by nodding his head. I find as a fact that on the date in question Agent G ordered Seagram's 7 and Calvert from Mrs. Suytak for the second round of drinks. The agents' visit to the premises on the date in question was to confirm an earlier suspicion that the licensee was 'switching' drinks. Under the circumstances, I do not believe that Agent G would have ordered a drink without specifying the particular brand; to do otherwise would defeat the purpose of their visit. I also find as a fact that on the date in question, Mrs. Suytak served Burke & Barry (a rye) whiskey to Agents G and S for their second round of drinks. This is established by Hahn's testimony wherein he says that he serves Burke & Barry when no particular brand of rye is requested.

"After reviewing the evidence and exhibits, I conclude that the Division has established the truth of the charge by a fair preponderance of the believable evidence, and I recommend that defendant be found guilty as charged.

"Defendant has a prior record. Effective July 1, 1959, its license was suspended for ten days by the local issuing authority for sale of alcoholic beverages to minors. It is further recommended, therefore, that an order be entered suspending defendant's license for fifteen days, the minimum penalty imposed for the violation charged herein (Re Barrett, Bulletin 1311, Item 9), and for an additional five days for the prior dissimilar violation which occurred within the past five years, (Re Rubino and Rubino, Bulletin 1421, Item 5), making a total suspension of twenty days."

Written exceptions to the Hearer's Report having been filed, I scheduled and heard oral argument pursuant to Rule 6 of State Regulation No. 16.

This case involves a very close question of fact which narrows down to "did the waitress (who it is admitted correctly filled the first order of the agents of Seagram's and soda - Calvert and water) substitute a less expensive brand, Burke & Barry, for their second order notwithstanding, as is contended by the Division, that they gave the same order as heretofore?" The testimony is in sharp conflict in this respect.

Agent C (sitting at the bar) testified that he heard the waitress give the first order of the agents to the bartender by name brands, which was filled accordingly. He also heard the same waitress give the second order of "two ryes" to the bartender and it is admitted that such an order would be and was filled by Burke & Barry whiskey. The waitress denies that Agent G and S ordered their second drinks by name but said "two ryes". The agents also are not certain that the waitress heard them order by name brand the second time and admit that she repeated the names of the brands after their first order. It is significant that all the orders by name brands given by the various waitresses to the bartenders while Agent C was sitting at the bar were filled from bottles on the back bar bearing such name brands.

There would seem to be no conceivable reason why in this one case a substitution of a cheaper brand would be made. In addition, the complaint against the licensee being investigated by the agents at the time had nothing to do with substitution of brands for those ordered. In passing, I would comment however, that the practice of filling up shot glasses on the bar with various brands is susceptible of substitution of brands by the bartender, however unwittingly, and should be discontinued unless each

brand is accurately identified. I, therefore, disapprove the Hearer's Report and find the defendant not guilty.

Accordingly, it is, on this 10th day of January 1962,

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

WILLIAM HOWE DAVIS  
DIRECTOR

7. AUTOMATIC SUSPENSION - LICENSE PREVIOUSLY SUSPENDED BY LOCAL ISSUING AUTHORITY - APPLICATION TO LIFT GRANTED.

Auto. Susp. #200-

In the Matter of Petition to )  
Lift the Automatic Suspension )  
of Plenary Retail Consumption )  
License C-18, issued by the )  
Mayor and Council of the Borough )  
of Hopatcong to )

On Petition

Adolph's tavern, Inc. )  
t/a Adolph's Tavern )  
Indian Trail )  
Hopatcong, N. J. )

O R D E R

-----  
Alan D. Rubenstein, Esq., Attorney for Petitioner

BY THE DIRECTOR:

It appears from the petition filed herein that on December 8, 1961, Louise Knehr (vice president of Adolph's Tavern, Inc.) was fined \$150 in the Sussex County Court after she pleaded guilty to an accusation that she sold alcoholic beverages to minors, in violation of R.S. 33:1-77. Said conviction resulted in the automatic suspension of the license held by said corporation for the balance of its term. R.S. 33:1-31.1. The license has not been picked up because of the pendency of this proceeding.

It further appears from the petition and the records of this Division that the local issuing authority suspended the license of said corporation for twenty days, less five for the plea, after it pleaded guilty in disciplinary proceedings alleging sales to the same minors. Said suspension was effective from 6 a.m. November 6, 1961, to 6 a.m. November 21, 1961. It appearing that the disciplinary proceedings were instituted by the local issuing authority upon its own initiative and that the suspension has been served, I shall lift the automatic suspension.

Accordingly, it is, on this 11th day of January 1962,

ORDERED that the statutory automatic suspension of said license C-18 be and the same is hereby lifted, effective immediately.

WILLIAM HOWE DAVIS  
DIRECTOR

8. DISQUALIFICATION REMOVAL PROCEEDINGS - FAILURE TO DISCLOSE CONVICTION IN PRIOR QUESTIONNAIRES - DISQUALIFICATION REMOVED.

In the Matter of an Application to Remove Disqualification because of a Conviction, Pursuant to R.S. 33:1-31.2  
Case No. 1659  
-----

CONCLUSIONS  
AND  
ORDER

BY THE DIRECTOR:

On February 20, 1946, petitioner received a six-month suspended sentence and three years' probation after pleading non vult to a charge of larceny.

Inasmuch as the crime of larceny involves the element of moral turpitude, (Re Case No. 682, Bulletin 824, 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.

At the hearing herein, petitioner, now 63 years of age, testified that he has been employed for the past seventeen years as a platform worker for a liquor licensee. He further testified that he is married and has three children and he seeks relief in this proceeding in order that he may continue his present employment.

Three witnesses ( a manager of a parking lot, a former union employee and an unemployed chemical worker) testified that they have known petitioner for over five years last past and he now bears a reputation for being a law-abiding citizen.

The police department of the municipality wherein petitioner resides has advised that no complaint or investigation is pending involving the petitioner.

It appears from the evidence herein that petitioner, although disqualified by statute, has been employed for many years in the alcoholic beverage industry in this State. It further appears that in the past, petitioner has failed to reveal his conviction in questionnaires executed by himself. At the hearing he stated that he had no knowledge, until just recently, that said conviction rendered him ineligible to be employed in the liquor industry.

Deliberate falsification under oath is inexcusable, but in view of the fact that the sentence imposed nearly sixteen years ago was immediately suspended, I shall give petitioner the benefit of the doubt and conclude that he did not deliberately conceal his conviction.. As to his employment while actually disqualified, it has been held that knowledge of the law is not essential in rehabilitation proceedings. Re Case No. 996, Bulletin 943, Item 8. Considering all the circumstances herein, I am satisfied that petitioner has conducted himself in a law-abiding manner for more than five years last past and conclude that his association with the alcoholic beverage industry will not be contrary to the public interest.

Accordingly, it is, on this 22nd day of January 1962,

ORDERED that petitioner's statutory disqualification because of the conviction 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

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

In the Matter of Disciplinary Proceedings against )  
 Canal Liquor Co., Inc. )  
 t/a Canal's Liquor Mart )  
 4514 and 4524 Kaighn Avenue )  
 Pennsauken Township )  
 PO Merchantville, New Jersey )  
 Holder of Plenary Retail Distribution License D-9, issued by the Township Committee of Pennsauken Township. )  
 ----- )

CONCLUSIONS

AND

ORDER

Defendant-licensee, by John Canal, President.  
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that it sold alcoholic beverages at less than the price listed in the Minimum Consumer Resale Price List then in effect, in violation of Rule 5 of State Regulation No. 30.

On December 22, 1961, an ABC agent purchased a case of 12 - 4/5 quart bottles of Seagram's Seven Crown Blended Whiskey for \$48.00 from John Canal, president of defendant corporate-licensee, at defendant's licensed premises. The minimum consumer resale price then in effect for the item in question, less permissible discount, was \$54.61. The agent carried the case of whiskey outside where he joined another agent and both agents then re-entered the premises and identified themselves to John Canal, who verbally admitted the violation.

Defendant has no prior adjudicated record. I shall suspend defendant's license for the minimum period of ten days (Re Holtzman, Bulletin 1390, Item 9). Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 15th day of January 1962,

ORDERED that Plenary Retail Distribution License D-9, issued by the Township Committee of Pennsauken Township to Canal Liquor Co., Inc., t/a Canal's Liquor Mart, for premises 4514 and 4524 Kaighn Avenue, Pennsauken Township, be and the same is hereby suspended for five (5) days, commencing at 9:00 a.m., Monday, January 22, 1962 and terminating at 9:00 a.m., Saturday, January 27, 1962.

WILLIAM HOWE DAVIS  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against )  
 Anthony Klamerus )  
 t/a White Eagle Grill )  
 165 Passaic Street )  
 Passaic, N. J. )  
 Holder of Plenary Retail Consumption License C-109, issued by the Board of Commissioners of the City of Passaic. )  
 ----- )

CONCLUSIONS  
AND  
ORDER

Defendant-licensee, Pro se.  
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he possessed on his licensed premises an alcoholic beverage in a bottle which bore a label that did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

On November 30, 1961, an ABC agent gauged and tested defendant's open stock of liquors and seized a bottle of "Seagram's 7 Crown American Blended Whiskey, 86 Proof" for further analysis by the Division chemist. The chemist's report discloses that the contents of the seized bottle were high in solids and low in acids when compared with samples of the genuine product of the named brand.

Defendant has a prior adjudicated record. When the license was held by Anthony and Walter Klamerus, it was suspended by this Division for twenty-five days, effective July 14, 1949, for permitting lewdness on the licensed premises. Bulletin 849, Item 2. Moreover, in 1954, defendant was warned by the local issuing authority after he was found guilty of an "hours" violation. Since the aforesaid prior infractions occurred more than five years ago and are dissimilar to the violation charged herein, they will not be considered in fixing the penalty. I shall suspend defendant's license for ten days, the minimum penalty imposed in "refill" cases involving one bottle. Re Padgett, Bulletin 1423, Item 9. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 15th day of January 1962,

ORDERED that Plenary Retail Consumption License C-109, issued by the Board of Commissioners of the City of Passaic to Anthony Klamerus, t/a White Eagle Grill, for premises 165 Passaic Street, Passaic, be and the same is hereby suspended for five (5) days, commencing at 3:00 a.m., Monday, January 22, 1962 and terminating at 3:00 a.m., Saturday, January 27, 1962.

WILLIAM HOWE DAVIS  
DIRECTOR

## 11. STATE LICENSES - NEW APPLICATIONS FILED.

St. Louis Terminal Field Warehouse Co.  
Route #34  
Wall Township, New Jersey  
Application filed March 5, 1962 for Public Warehouse License.

Ark Beverages, Inc.  
254 Railroad Avenue  
Hackensack, New Jersey  
Application filed March 6, 1962 for place-to-place  
transfer of State Beverage Distributor's License  
SBD-17 from 15-17 Hackensack Avenue, Ridgefield Park,  
New Jersey.

Rex Beer Distributors, Inc.  
591-593 Palisades Avenue  
Jersey City, New Jersey  
Application filed March 7, 1962 for place-to-place  
transfer of State Beverage Distributor's License SBD-27  
from 177-179 New York Avenue, Jersey City, New Jersey.



William Howe Davis  
Director

New Jersey State Library