

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

BULLETIN 1792

May 27, 1968

TABLE OF CONTENTSITEM

1. DISCIPLINARY PROCEEDINGS (Camden) - SOLICITATION FOR PROSTITUTION - FOUL LANGUAGE - LICENSE SUSPENDED FOR 100 DAYS.
2. ACTIVITY REPORT FOR MARCH 1968.
3. DISCIPLINARY PROCEEDINGS (Union) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
4. DISCIPLINARY PROCEEDINGS (Hoboken) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
5. STATUTORY AUTOMATIC SUSPENSION (Paterson) - ORDER LIFTING SUSPENSION.
6. DISCIPLINARY PROCEEDINGS (Ocean Twp.) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (Hoboken) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
8. DISCIPLINARY PROCEEDINGS (Newark) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
9. STATE LICENSES - NEW APPLICATION FILED.

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

BULLETIN 1792

May 27, 1968

1. DISCIPLINARY PROCEEDINGS - SOLICITATION FOR PROSTITUTION - FOUL LANGUAGE - LICENSE SUSPENDED FOR 100 DAYS.

In the Matter of Disciplinary Proceedings against

George Wilcox Kirby  
t/a Kirby's  
419 Federal Street  
Camden, N. J.

Holder of Plenary Retail Consumption License C-58, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.

-----)  
Joseph T. Sherman, Esq., Attorney for Licensee  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

CONCLUSIONS  
AND

ORDER

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charges:

- "1. On May 18 and 29, 1967, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., solicitation for prostitution and the making of overtures and arrangements for acts of illicit sexual intercourse; in violation of Rule 5 of State Regulation No. 20.
- "2. On May 19, 1967, you allowed, permitted and suffered foul, filthy and obscene language in and upon your licensed premises; in violation of Rule 5 of State Regulation No. 20."

The factual setting for the Division's case was developed through the testimony of three ABC agents following an investigation of the licensed premises pursuant to specific assignment.

On May 18, 1967, at approximately 10 p.m., ABC Agent D, accompanied by Agent G, entered the said premises. Agent C remained on the outside. Agent D seated himself at the bar and overheard a conversation between a male patron and a female (who was called Betsy) discussing the price that Betsy would charge to engage in sexual intercourse. She argued that her charge was \$20 plus \$5 for the room, and the male insisted upon paying only \$10. George Kirby (the licensee herein), who was on duty as a bartender, approached this couple on one occasion and assured the male that "She's a professional, you'll get your money's worth." Kirby also joined in the discussion again after returning from serving other patrons.

Shortly thereafter a male (later identified as Raymond Pitts) approached Agent D and asked him whether he wanted to "get

fixed up" and explained in gutter language that he meant having sexual intercourse. When the agent answered in the affirmative, Pitts motioned to Betsy and she seated herself beside the agent. She requested that he buy her a drink, and then said "we'll talk price." She and the agent argued about the price; she insisted upon \$20 and \$5 for the room explaining that she was willing to perform several perverted types of intercourse. She then, at one point, called Kirby over and said, "he's worried about getting rolled." Kirby replied, "You don't have to worry about her" and we talked price and the price was settled at \$20 for her and \$5 for the room." This conversation took place in the presence of and was participated in by the licensee. As they were about to leave the premises the agent heard another patron relate his sexual experiences with one of the other girls in the tavern who had apparently been recommended by the licensee. As they were walking toward the door, Kirby shouted to "be good and hurry back" to the amusement of the other patrons. Upon leaving the premises they entered the agent's car and, as he was about to pull away, Betsy became frightened because she thought she saw a police car, whereupon she left the car and returned to the tavern. The agent also re-entered and discussed this last incident with Kirby, telling him that Betsy had jumped out of his car because she saw a car that looked like a police car. Said Kirby, "When you're in that kind of business you got to be careful."

This agent, in the company of Agents B and C, returned to the premises on the following night (May 19, 1967) at about 10 p.m. He entered the premises and was followed shortly thereafter by Agent G, with Agent C again remaining on the outside of the premises. He seated himself at the bar and remained there for about two hours. During his stay he heard the general conversation which consisted of foul and obscene language. No useful purpose would be served in repeating the same in this report. There was one particular incident where a patron emerged from the men's room and complained in obscene language to Kirby that "something broke in there" and he was water-splattered. The agent called the matter of the constant foul language to Kirby's attention who commented "you'll get used to it when you hear it long enough."

Returning to the premises on May 29 at approximately 10 p.m., in the company of Agent G, he again noted that Kirby was on duty as a bartender and that one John Vain was also employed in that capacity. He was approached by Raymond Pitts who again offered to arrange for him to have sexual intercourse with one of the girls. When the agent expressed skepticism about his rooms, Vain (the bartender) entered the conversation, told him that he knew Pitts' place was clean and that he had known a number of his friends, together with himself, who have patronized Pitts' establishment so "you won't get rolled or anything like that." Vain told him that, while there were no women in the place at the moment, he expected them later in the evening.

The agent recounted his experience with Betsy on the prior occasion when she became upset at seeing what she thought was a police car, and Pitts said "she don't work for me any longer ... you come back later and I'll take care of you." The agent left the premises and returned shortly after 11 p.m. in the company of Agent G. At this time Kirby had just come on duty and he noted that Pitts was seated at the bar with a female. Summoning the agent to his seat he introduced him to a female identified as Gloria Gibson. They immediately discussed the matter of price for engaging in sexual intercourse. She informed him that her price was \$10 and \$5 for Pitts and the room. She didn't know whether she should leave, but

Pitts shouted "Go ahead, he's all right, go with him." After they left, Gloria shouted to Kirby that she "won't be long." Before leaving the premises Pitts wrote the directions to his place of operation on a sheet of paper, whereupon the agent and the girl proceeded to those premises. The agent gave Gloria \$10 in marked money and \$5 to an unidentified male at Pitts' place, and they then entered a room. Within a few minutes thereafter the agent told Gloria that he didn't like the room, and they left. When they reached the exterior of that house they were accosted by ABC agents J and G and Detective Sahlin of the Camden police. The detective placed Gloria under arrest and found the marked bills in her possession. The agents, together with Gloria, returned to the tavern and informed Kirby of the alleged violation. Kirby made no comment and remained silent.

On cross examination Agent D insisted that Kirby had joined in the conversation hereinabove recited and that the conversations were loud enough to be heard on the other side of the bar. On redirect examination the witness refreshed his recollection with respect to a specific conversation on the 18th where he had expressed to Kirby's apprehension about being "rolled" and Betsy assured him, in the presence of Kirby, that he had nothing to worry about. She said to Kirby, "Tell him he has nothing to worry about, he thinks after I screw him I'm going to roll him." Kirby replied, "If you want to get screwed and come back in one piece, she'll take care of you. I know a lot of my friends she has screwed and they all come back in one piece."

The testimony of Agent D was substantially corroborated by Agent G in all essential particulars. He added, however, that he himself was not solicited by any of the patrons during his visits to the premises.

Agent C also corroborated the testimony as it related to activities outside the premises. He recalled that on the visit of May 29, 1967, he returned to the licensed premises and informed Kirby of the fact that Agent D had been solicited for prostitution and that Gloria Gibson and Pitts had been arrested. He also informed him that Kirby and Vain were aware that these activities were conducted in the premises. Kirby made no comment except to answer questions with respect to the names and addresses of the bartenders.

George Kirby (the licensee herein), testifying in his own behalf, categorically denied that any solicitation for prostitution or the making of overtures and arrangements for illicit sexual intercourse occurred in his tavern on either of the dates charged herein, stating that he did not hear any of the conversations and "didn't know a thing about it until what I heard today." He explained that the juke box was playing constantly and loudly, and he was too busy to hear any of the conversation; that he would not have permitted such conversation to take place because he had an inter-com system which was wired to his living quarters and he wouldn't want his family to hear any of the alleged activity. He specifically denied having any conversation with Agent D and didn't know the name of Betsy before it was mentioned at this hearing. He had seen her once before in his premises and on this occasion saw her talk to Agent D, but he saw nothing unusual taking place. Further, he recalled that Betsy left the premises with Agent D and returned shortly thereafter, following which Agent D re-entered and engaged him in conversation.

With respect to the incident, he specifically denied over-hearing any conversation with reference to Gloria and the agent making arrangements for sexual intercourse. He did hear the agent

say to Gloria, "Let's go to a party." He then asked Gloria "Do you know this gentleman" and Gloria and Pitts replied, "He's a friend of ours." I said, "Well, if he's a friend of yours, it's all right with me." He further testified that, when the agents returned with Gloria and the police officer, they informed him that they were going to charge him with prostitution. He replied, "If you're going to turn us in, tell the truth." He was then asked about the foul and obscene language which was testified to as having taken place in these premises on May 19. He replied that, whenever anyone does use foul language, he has to put them out and he does not recall whether he "flagged" anyone that night; "I flagged so many people I wouldn't know."

On cross examination he was asked the following about the May 18 incident:

- "Q Did you also say to a man, who was at the bar at the time Betsy was there, 'You'll be tired but you'll come back in one piece?'
- A Not in regards to this woman.
- Q What were you talking about?
- A I was talking about fishing or something.
- Q What did she say?
- A He was telling me he was going some place, but it had no bearing on that woman.
- Q But in any event you said that to someone?
- A Not to her.
- Q You admit that you said it to someone?
- A I didn't regard any woman.
- Q In regard to a man going fishing?
- A Yeah, some sport or something."

The witness admitted that he knew Pitts for the past fifteen years and that he frequently patronized his tavern. He was then asked:

- Q When Betsy came back inside after leaving with the agent, what did she say to you?
- A She said, 'That man must be a policeman, because when we pulled away another car started to follow us.'
- Q At that point did you ask her why she was frightened or why she went out of the tavern with the man?
- A I think that answered it.
- Q What did it answer?
- A When she said that the man was a policeman.

\* \* \* \* \*

- Q At this point did you say to her, what did you go out with him for, did you make arrangements for sexual intercourse?
- A I didn't say a word. It's none of my business."

Four character witnesses testified on behalf of the licensee that in their opinion the licensee has a good reputation as a decent, law-abiding citizen. However, all of them admitted that they were not in the premises on any of the dates charged herein.

With respect to one of the witnesses (John Gahagen), he added that he never heard any indecent or foul language in the tavern. However, upon cross examination he admitted that he did hear patrons using obscene language but that, when Kirby heard this language, "he would flag them quick."

Agent D, testifying in rebuttal, denied hearing Gloria say at any time, "let's go to a party." He recalled also that, at the time of confrontation on May 29, Kirby made the comment, after being informed of the charges that would be preferred against him, "Just tell the truth, that's all", and made no further comment.

I have set forth in considerable detail the testimony adduced on behalf of the Division and the licensee in order to obtain a proper perspective of the actions which transpired on the dates in question. In a memorandum submitted in summation, the attorney for the licensee argues that (1) the charges must be established by the same proof as is necessary "to find him guilty of the criminal offense", (2) as to the first charge, solicitation for prostitution on licensed premises is not a part of Rule 5 of State Regulation No. 20 and, therefore, the licensee is not guilty of violation of the said rule, and (3) it is essential that the act of prostitution should occur on the licensee's premises. These contentions are palpably frivolous and must be rejected.

We are dealing with purely disciplinary measures which are civil in nature and not criminal. Kravis v. Hock, 137 N.J.L. 252 (Sup. Ct. 1948); The Panda v. Driscoll, 135 N.J.L. 164, 165 (E. & A. 1947). Thus the Division need establish its case only by a fair preponderance of the credible evidence, and not by proof beyond a reasonable doubt. Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373; Freud and Pittala v. Davis, 64 N.J. Super. 242. Whether the activity constitutes an indictable common law or statutory crime is not the test. Cf. State v. Baldino, 11 N.J. Super. 158 (App. Div. 1951); 279 Club v. Newark, 73 N.J. 15, 20 (1962).

In the language of In re Larsen, 17 N.J. Super. 564, at p. 572:

"We must be aware that we are not here concerned with a conviction of crime but rather with a purely disciplinary proceeding relating to the exercise by the licensee of a highly restricted and conditional temporary privilege to the treatment of which the ordinary analogies of the law are not always made applicable."

Rule 5 of State Regulation No. 20 provides as follows:

"No licensee shall engage in or allow, permit or suffer in or upon the licensed premises any lewdness, immoral activity, or foul, filthy, indecent or obscene language or conduct, or any brawl, act of violence, disturbance or unnecessary noise; nor shall any licensee allow, permit or suffer the licensed place of business to be conducted in such manner as to become a nuisance."

The specific charge herein alleges that the licensee had violated this rule by allowing, permitting and suffering the solicitation for prostitution and the making of overtures and arrangements for acts of illicit sexual intercourse. Our courts have clearly established that "the commission of an overt act on the licensed premises in furtherance or promotion or encouragement of an illicit purpose is in itself an immoral activity comprehended by the scope of the regulatory rule." In re Schneider, 12 N.J. Super. 449 (App. Div. 1951). It is not essential in establishing the guilt of the licensee that the prostitution must have been committed on

the licensed premises. In re Olympic, 49 N.J. Super. 299, 308, cert. den. 27 N.J. 279 (1958). As the court stated in Schneider, at p. 458:

"The object manifestly inherent in the rule with which we are here concerned is primarily to discourage and prevent not only lewdness, fornication, prostitution, but all forms of licentious practices and immoral indecency on the licensed premises. The primary intent of the regulation is to suppress the inception of any immoral activity ...."

This Division and our courts have within the past few years had occasion to construe and apply Rule 5 of State Regulation No. 20. See Paddock Bar, Inc. v. Division of Alcoholic Beverage Control, 46 N.J. Super. 405 (App. Div. 1957); Benedetti v. Bd. of Com'rs of Trenton, 35 N.J. Super. 30, 34 (App. Div. 1955); McFadden's Lounge v. Division of Alcoholic Beverage Control, 33 N.J. Super. 61 (App. Div. 1954); In re Larsen, supra.

Furthermore, the contention that this rule is inapplicable in the absence of immoral or improper activity physically conducted upon the licensed premises was specifically rejected in Schneider where the court stated:

"\*\*\*A purpose is that which one sets before oneself as an object to be attained; the end or aim to be kept in view in any plan, measure, exertion or operation; design; intention. Webster's New International Dict. (2d ed.) vide, Sawter v. Schoenthal, 83 N.J.L. 499, 500 (E. & A. 1912). It would seem that the commission of an overt act on the licensed premises in furtherance or promotion or encouragement of an illicit purpose is in itself an immoral activity comprehended by the scope of the regulatory rule."

See In re Olympic, Inc., supra.

In evaluating the testimony of the witnesses herein I have had an opportunity to observe the demeanor of the witnesses as they testified at this hearing. I am guided by the basic legal principle that no testimony need be believed but, rather, the hearer must always credit as much or as little as he finds reliable. 7 Wigmore Evidence, sec. 2100 (1940); Greenleaf Evidence, sec. 201 (16th Ed. 1899). Evidence, to be believed, must not only proceed from the mouths of credible witnesses but must be credible in itself and must be such as common experience and observation of mankind can approve as probable in the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546.

I am persuaded that the truth lies in the version given by the Division agents, which I find to be credible and factual. On the contrary, I am singularly unimpressed with the credibility of the licensee and find that he has played "fast and loose" with the truth.

For example, according to the testimony in this case, when Betsy returned to the tavern on May 18 she explained to the licensee that she left the agent's car and returned to the tavern because she saw a car that looked like a police car. Yet the licensee seriously contends that he knew nothing about Betsy's activities on the licensed premises. This is countered by the

testimony of the agent who, when questioning Kirby about this incident, elicited from him the comment, "when you're in that kind of business you got to be careful." Furthermore, Kirby was questioned about an alleged conversation with respect to Betsy wherein he is alleged to have stated to a patron who inquired about going out with Betsy, "You'll be tired but you'll come back in one piece." Kirby sought to explain this away by saying that he thought the patron was talking about "fishing or something." This seems to me to be a "fishy" explanation of the conversation because it is utterly without context of any conversation relating to fishing or any other sport. One would have to be naive, indeed, to believe, from their conversation and the logical inferences flowing therefrom, that the licensee and his employee were unaware that solicitation for prostitution was being carried on.

Finally, on May 29, at the time of confrontation with the Division agents, when he was informed of the nature of the charges, he remained silent, adding the sole comment, "If you're going to turn us in, tell the truth." While it is true that he had no duty to vigorously and categorically deny any wrongdoing, it would seem that an innocent person would have unhesitatingly denied the accusations at that time. It is, of course, equally clear that these sordid activities were apparently carried on at these premises over a long period of time with the knowledge of the licensee or his employees. This may well be inferred from the testimony of the agents who, when they entered the premises on May 19, they overheard a conversation between a patron and one of the girls arguing about price for engaging in prostitution. Also, the licensee's bartender was overheard to assure one of the patrons about the safety of the establishment at which these acts of prostitution were to be committed. He stated that he knew Pitts' establishment was clean and that he had known a number of his friends, together with himself, who had patronized Pitts' establishment, so "you won't get rolled or anything like that."

There is no evidence either to suggest that the agents had any improper motive in making an investigation of these premises or that they had any personal malice against the licensee. They visited these premises pursuant to a specific assignment.

Of course, the licensee is not only inculpated by the profligacy of his own misconduct, but he is equally responsible for the misconduct of his employees and is fully responsible for their activities during their employment on licensed premises. In re Schneider, supra; Kravis v. Hock, supra; Benedetti v. Trenton, supra. From the evidence presented, it becomes manifest that the licensee permitted and suffered the solicitation for prostitution to take place on the licensed premises.

As the Supreme Court said in Essex Holding Corp. v. Hock, 136 N.J.L. 28, at p. 31:

"Although the word 'suffer' may require a different interpretation in the case of a trespasser, it imposes responsibility on a licensee, regardless of knowledge, where there is a failure to prevent the prohibited conduct by those occupying the premises with his authority. Guastamachio v. Brennan, 128 Conn. 356; 23 Atl. Rep. (2d) 140."

Indeed, in the matter sub judice, the substantial evidence supports the charge that solicitation for prostitution and the making

of overtures and arrangements for acts of illicit sexual intercourse occurred in the licensed premises on the dates charged and that the licensee allowed, permitted and suffered these acts to take place therein. Cf. Re Ritchie's, Inc., Bulletin 1426, Item 1; Re B & N Tavern, Inc., Bulletin 1688, Item 1; Re Baines & Gray, Bulletin 1733, Item 1; Benedetti v. Trenton, supra.

It has long been held that the solicitation for immoral purposes and the making of arrangements for sexual intercourse cannot and will not be tolerated on licensed premises. The public is entitled to protection from these sordid and dangerous evils. Re 17 Club, Inc., Bulletin 949, Item 2, aff'd In re 17 Club, Inc., 26 N.J. Super 43, 52 (App. Div. 1953). In fact, where it has been established that the licensee or his employees actually procured a female or made offers to male patrons to procure a female to engage in acts of illicit sexual intercourse with them and made arrangements therefor, this Division has unhesitatingly revoked the license. Re Tiny's Bar and Grill, Inc., Bulletin 1718, Item 1; Re Baines & Gray, supra; Re Soto Pruna, Bulletin 1713, Item 1. This dimension is not embodied in the charge against this licensee.

I conclude that the Division has established the truth of the first charge by a fair preponderance of the credible evidence - - indeed, by substantial evidence - - and recommend a finding of guilt as to this charge.

With respect to the second charge, namely, that the licensee allowed, permitted and suffered foul, filthy and obscene language in and upon his licensed premises, the evidence is equally substantial that such language did occur throughout the entire stay of the agents on May 19. The crude language as testified by the agents need not be recited herein; it is quite obvious that this was tolerated and accepted as part of the normal operation by the licensee. Licensee's attorney seeks to excuse such language by arguing that the location of the tavern and the nature of its patronage require that the language be considered as part of its normal operation and that such language used "is a common parlance there and so no harm is done to any patron and no patron is offended by the use of such language."

The reasons offered do not justify or excuse the kind of filthy and obscene language, abundantly delineated and set forth in the record. A licensee is the master of the house and he has the statutory duty and obligation to see to it that the public is not subjected to such constant exposure. Although the licensee admitted that he frequently "flagged" such offenders, his failure to take any such action on the date alleged, and his rationalization for such behavior to the agents seem to contradict his professed prior actions. The licensee is the master of his tavern, and he must decide what conduct and behavior he will permit. If he fails or refuses to act, he does so at his peril. Re Rollka, Bulletin 142, Item 4. The liquor business must be carefully supervised and tightly restrained in the public interest, in accordance with the manifest design of the Alcoholic Beverage Law. In re Olympic, supra.

I conclude that the second charge has been established by a fair preponderance of the believable evidence, and I recommend a finding of guilty to this charge.

The licensee has a prior adjudicated record. Effective April 5, 1943 his license was suspended by the Director of this Division for five days for a refill violation. Re Kirby, Bulletin 560, Item 5. Since this suspension for dissimilar violation occurred more than five years ago, it will not be considered in the recommended penalty.

Considering all the facts and circumstances in this case, it is further recommended that the license be suspended for ninety days on the first charge (Re Fantaco, Inc., Bulletin 1766, Item 2) and ten days on the second charge (Re Jule's Bar, Inc., Bulletin 1752, Item 5), or a total of one hundred days.

Conclusions and Order

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

Having carefully considered the entire record herein, including the transcript of the testimony, the written memorandum of counsel for the licensee submitted in summation, and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 26th day of March, 1968,

ORDERED that Plenary Retail Consumption License C-58, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to George Wilcox Kirby, t/a Kirby's, for premises 419 Federal Street, Camden, be and the same is hereby suspended for the balance of its term, viz., until midnight, June 30, 1968, commencing at 2:00 a.m. Tuesday, April 2, 1968; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2:00 a.m. Thursday, July 11, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

ACTIVITY REPORT FOR MARCH 1968

2.

<b>ARRESTS:</b>		
Total number of persons arrested - - - - -		14
Licensees and employees - - - - -	10	
Bootleggers - - - - -	4	
<b>SEIZURES:</b>		
Motor vehicles - trucks - - - - -		1
Distilled alcoholic beverages - gallons - - - - -		55.38
Wine - gallons - - - - -		404.20
Brewed malt alcoholic beverages - gallons - - - - -		2.06
<b>RETAIL LICENSEES:</b>		
Premises inspected - - - - -		775
Premises where alcoholic beverages were gauged - - - - -		638
Bottles gauged - - - - -		9,965
Premises where violations were found - - - - -		152
Violations found - - - - -		204
No Form E-141-A on premises - - - - -	88	Disposal permit necessary - - - - - 4
Unqualified employees - - - - -	44	Other violations - - - - - 38
Application copy not available - - - - -	30	
<b>STATE LICENSEES:</b>		
Premises inspected - - - - -		18
License applications investigated - - - - -		9
<b>COMPLAINTS:</b>		
Complaints assigned for investigation - - - - -		444
Investigations completed - - - - -		441
Investigations pending - - - - -		269
<b>LABORATORY:</b>		
Analyses made - - - - -		117
Refills from licensed premises - bottles - - - - -		87
Bottles from unlicensed premises - - - - -		12
<b>IDENTIFICATION:</b>		
Criminal fingerprint identifications made - - - - -		5
Persons fingerprinted for non-criminal purposes - - - - -		332
Identification contacts made with other enforcement agencies - - - - -		200
Motor vehicle identifications via N.J. State Police teletype - - - - -		1
<b>DISCIPLINARY PROCEEDINGS:</b>		
Cases transmitted to municipalities - - - - -		7
Violations involved - - - - -		7
Sale during prohibited hours - - - - -	3	Sale to non-members by club - - - - - 1
Sale to minors - - - - -	2	Possessing chilled beer (DL License) - - - - - 1
Cases instituted at Division - - - - -		51
Violations involved - - - - -		57
Possessing liquor not truly labeled - - - - -	14	Permitting numbers & horses on prem. - - - - - 1
Beverage Tax Law non-compliance - - - - -	11	Permitting misc. gambling on prem. - - - - - 1
Permitting lottery (numbers) on prem. - - - - -	8	Unqualified employees - - - - - 1
Permitting immoral activity on prem. - - - - -	3	Purchase from improper source - - - - - 1
Sale to minors - - - - -	5	Possessing pinball mach. on prem. - - - - - 1
Sale during prohibited hours - - - - -	3	Sale below filed price - - - - - 1
Permitting hostesses on premises - - - - -	2	Fraud in application - - - - - 1
Retailer-to-retailer sales - - - - -	2	Permitting foul language on prem. - - - - - 1
Permitting bookmaking (horses) - - - - -	1	
Cases brought by municipalities on own initiative and reported to Division - - - - -		26
Violations involved - - - - -		38
Sale to minors - - - - -	11	Permitting brawl on premises - - - - - 1
Failure to close prem. during prohibited hours - - - - -	7	Unqualified employees - - - - - 1
Conducting business as a nuisance - - - - -	5	Permitting minors to congregate on premises (local reg.) - - - - - 1
Sale during prohibited hours - - - - -	3	Permitting lottery acty. on premises - - - - - 1
Hindering investigation - - - - -	2	Permitting gambling on premises - - - - - 1
Permitting unlawful acty. on prem. - - - - -	2	Permitting bookmaking on premises - - - - - 1
Sale to intoxicated person - - - - -	1	Failure to afford view into premises during prof. hours - - - - - 1
<b>HEARINGS HELD AT DIVISION:</b>		
Total number of hearings held - - - - -		39
Appeals - - - - -	5	Tax revocations - - - - - 12
Disciplinary proceedings - - - - -	20	Applications for license - - - - - 1
Seizures - - - - -	1	
<b>STATE LICENSES AND PERMITS:</b>		
Total number issued - - - - -		936
Licenses issued - - - - -	3	Social affair permits - - - - - 325
Solicitors' permits - - - - -	85	Miscellaneous permits - - - - - 142
Employment permits - - - - -	134	Transit insignia - - - - - 131
Disposal permits - - - - -	59	Transit certificates - - - - - 7
<b>OFFICE OF AMUSEMENT GAMES CONTROL:</b>		
Licenses issued - - - - -	170	Disciplinary proceedings instituted - - - - - 1
Enforcement files established - - - - -	4	Violations involved - - - - - 1
		Redemption of prize for money - - - - - 1

3. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Converst Cuttino )  
t/a Springwood Bar & Grill )  
26 Valley Street )  
Union, PO Vaux Hall, N. J., )

CONCLUSIONS  
and

Holder of Plenary Retail Consumption License C-43, issued by the Township Committee of the Township of Union. )

ORDER

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Albert J. Biederman, Esq., Attorney for Licensee.  
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on November 13, 1967 he possessed alcoholic beverages in two bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for twenty days effective October 25, 1960, for similar violation. Re Cuttino, Bulletin 1364, Item 9.

The license will be suspended for fifteen days, to which will be added five days by reason of the record of suspension of license for similar violation occurring more than five but less than ten years ago (Re Novak, Bulletin 1610, Item 8), or a total of twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days.

Accordingly, it is, on this 28th day of March 1968,

ORDERED that Plenary Retail Consumption License C-43, issued by the Township Committee of the Township of Union to Converst Cuttino, t/a Springwood Bar & Grill, for premises 26 Valley Street, Union, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Thursday, April 4, 1968, and terminating at 2 a.m. Friday, April 19, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Peter Van Bokkem )  
316 River Street )  
Hoboken, N.J. )

CONCLUSIONS and

Holder of Plenary Retail Consumption License C-160, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken. )  
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ORDER

Licensee, Pro se  
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 24, 1967 he possessed alcoholic beverages in three bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Boysen's Sunset Tavern, Inc., Bulletin 1766, Item 3.

Accordingly, it is, on this 2nd day of April 1968,

ORDERED that Plenary Retail Consumption License C-160, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Peter Van Bokkem, for premises 316 River Street, Hoboken, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Tuesday, April 9, 1968, and terminating at 2 a.m. Wednesday, April 24, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

5. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #315 )  
 In the Matter of a Petition to Lift )  
 the Automatic Suspension of Plenary )  
 Retail Consumption License C-194 )  
 Issued by the Board of Alcoholic ) On Petition  
 Beverage Control for the City of )  
 Paterson to ) SUPPLEMENTAL ORDER

Lucky's, a corp. )  
 t/a Lucky's )  
 263 Main Street )  
 Paterson, N. J. )

-----)  
 Harry Zax, Esq., Attorney for Petitioner

BY THE DIRECTOR:

On March 20, 1968, an order was entered herein temporarily staying the statutory automatic suspension of license of the licensee-petitioner pending determination of disciplinary proceedings against it. Re Lucky's, Bulletin 1788, Item 13.

It now appears that in disciplinary proceedings conducted by the municipal issuing authority, the license was suspended for fifteen days effective 3:00 a.m. April 1, 1968, and terminating at 3:00 a.m. April 16, 1968, on a charge alleging sale of alcoholic beverages to the same minor which sale was the subject of the previous criminal conviction. Hence, I shall lift the automatic suspension in anticipation of the service of the municipal suspension. Re Robert Doran, Inc., Bulletin 1782, Item 8.

Accordingly, it is, on this 3d day of April, 1968,

ORDERED that the statutory automatic suspension of said license C-194 be and the same is hereby further stayed in the meantime and lifted effective 3:00 a.m. Tuesday, April 16, 1968.

JOSEPH M. KEEGAN  
 DIRECTOR

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

In the Matter of Disciplinary Proceedings against )

Suburban Sales Corp. )  
t/a The Admiral's Table )  
1500 Highway 35 )  
Ocean Township )  
PO Asbury Park, N.J. )

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption License C-10 issued by the Township Committee of the Township of Ocean, Monmouth County )

-----)  
Patterson, Cooper & Coleman, Esqs., by James M. Coleman, Jr., Esq.,  
Attorneys for Licensee  
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic  
Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 24, 1967, it possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re DeBalso, Bulletin 1782, Item 10.

Accordingly, it is, on this 1st day of April, 1968,

ORDERED that Plenary Retail Consumption License C-10, issued by the Township Committee of the Township of Ocean, Monmouth County, to Suburban Sales Corp., t/a The Admiral's Table, for premises 1500 Highway 35, Ocean Township, be and the same is hereby suspended for five (5) days, commencing at 3:00 a.m. Monday, April 8, 1968, and terminating at 3:00 a.m. Saturday, April 13, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against

Sadie Boasi, Executrix Estate of  
Louise Boasi, Deceased  
232 Willow Avenue  
Hoboken, N.J.,

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption  
License C-20, issued by the Municipal  
Board of Alcoholic Beverage Control  
of the City of Hoboken.

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Licensee, Pro se  
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on  
December 4, 1967, she possessed an alcoholic beverage in a  
bottle bearing a label which did not truly describe its contents,  
in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended  
for ten days, with remission of five days for the plea entered,  
leaving a net suspension of five days. Re Fried, Bulletin  
1782, Item 7.

Accordingly, it is, on this 1st day of April 1968,

ORDERED that Plenary Retail Consumption License C-20,  
issued by the Municipal Board of Alcoholic Beverage Control of  
the City of Hoboken to Sadie Boasi, Executrix Estate of Louise  
Boasi, Deceased, for premises 232 Willow Avenue, Hoboken, be  
and the same is hereby suspended for five (5) days, commencing  
at 2 a.m. Monday, April 8, 1968, and terminating at 2 a.m.  
Saturday, April 13, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against

James Knudson and Anna Knudson  
t/a Nest Inn  
84 Niagara Street  
Newark, N.J.

CONCLUSIONS  
and

Holder of Plenary Retail Consumption License C-560 issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

ORDER

Licensees, Pro se  
Walter H. Cleaver, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on December 22, 1967, they possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re DeBalso, Bulletin 1782, Item 10.

Accordingly, it is, on this 2d day of April, 1968,

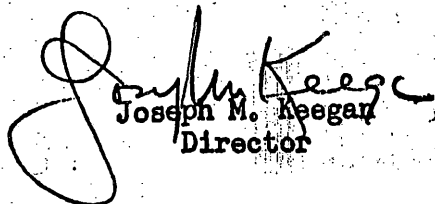
ORDERED that Plenary Retail Consumption License C-560, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to James Knudson and Anna Knudson, t/a Nest Inn, for premises 84 Niagara Street, Newark, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, April 8, 1968, and terminating at 2:00 a.m. Saturday, April 13, 1968.

JOSEPH M. KEEGAN  
DIRECTOR

9. STATE LICENSES - NEW APPLICATION FILED.

Reitman Industries  
300 Frelinghuysen Avenue  
Newark, N. J.

Application filed May 20, 1968 for additional warehouse license pursuant to Plenary Wholesale License W-42, for premises 312-324 Frelinghuysen Avenue, Newark, New Jersey.



Joseph M. Keegan  
Director