

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

BULLETIN 1107

APRIL 12, 1956.

TABLE OF CONTENTS

ITEM

1. APPELLATE DECISIONS - IORIO v. JERSEY CITY AND D'AMICO AND MANZO.
2. STUEBER v. WASHINGTON BOROUGH (WARREN COUNTY).
3. APPELLATE DECISIONS - ROMANO v. JERSEY CITY.
4. DISCIPLINARY PROCEEDINGS (Union City) - HOSTESS - ALLOWING PREMISES TO BE CONDUCTED AS A NUISANCE - PRIOR RECORD OF PREDECESSOR IN INTEREST - LICENSE SUSPENDED FOR 55 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Paterson) - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS - FAILURE TO HAVE PREMISES CLOSED DURING PROHIBITED HOURS - FAILURE TO KEEP LICENSED PREMISES OPEN TO PUBLIC VIEW, ALL IN VIOLATION OF A LOCAL ORDINANCE - GAMBLING - HINDERING INVESTIGATION - PRIOR RECORD OF PREDECESSOR IN INTEREST - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Secaucus) - SALE DURING PROHIBITED HOURS, IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - LEWDNESS AND IMMORAL ACTIVITIES (INDECENT LANGUAGE) - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (Orange) - GAMBLING - PRIOR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
8. ACTIVITY REPORT FOR MARCH 1956.
9. DISCIPLINARY PROCEEDINGS (Pleasantville) - SALES TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Newark) - SALE TO INTOXICATED PERSON - ALLOWING PREMISES TO BE CONDUCTED AS A NUISANCE - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
1000 Broad Street Newark 2, N. J.

BULLETIN 1107

APRIL 12, 1956.

1. APPELLATE DECISIONS - IORIO v. JERSEY CITY AND D'AMICO AND MANZO.

JOSEPH IORIO, t/a JOE
IORIO'S TAVERN,

Appellant,

-vs-

MUNICIPAL BOARD OF ALCOHOLIC
BEVERAGE CONTROL OF THE CITY OF
JERSEY CITY, and ANGELO D'AMICO &
CLEMENTE MANZO, trading as TWO
BUDDIES,

Respondents.

ON APPEAL
CONCLUSIONS AND ORDER

John J. Langan, Esq., Attorney for Appellant.

John B. Graf, Esq., Attorney for Respondent Municipal Board
of Alcoholic Beverage Control of the City of Jersey City.

Daniel M. Figurelli, Esq., Attorney for Respondents Angelo
D'Amico & Clemente Manzo.

BY THE DIRECTOR:

This is an appeal from the action of respondent Board whereby it granted respondent-licensees' application for a place-to-place transfer of their license C-196, from premises 335-1/2 - 5th Street to premises 423-1/2 Monmouth Street, Jersey City.

Appellant, who holds a plenary retail consumption license at 410 Monmouth Street, alleges in his Petition of Appeal that the action of respondent Board was erroneous in that (1) it violated R. S. 33:1-76; (2) the new location is within 175 feet of his licensed premises and will greatly affect his business; (3) the transfer will concentrate three taverns within two hundred feet of one another; and (4) it violated Section 4 of local Ordinance #K1299, as amended.

At the hearing herein, which was held de novo pursuant to Rule 6 of State Regulations No. 15, appellant abandoned the first three grounds alleged in his Petition of Appeal and presented testimony tending to show that alleged unsatisfactory conditions existing at respondent-licensees' premises at 335-1/2 - 5th Street were under their control and of their own making and that the so-called "hardship clause" of the Ordinance was, therefore, inapplicable.

Section 4 of the Ordinance referred to (which is actually Ordinance K-1112) provides inter alia that no consumption license may be transferred to other premises within 750 feet of premises similarly licensed except that the Board may, in its discretion, transfer a license to other premises within five hundred (500) feet of the licensed premises to be vacated, if the licensee shall be compelled to vacate "for any reason" that in the opinion of the Board was not caused by any action on the part of the licensee.

Since the comprehensive phrase "for any reason" appears to be the standard by which the Board may formulate an opinion governing its action, it becomes necessary to determine from the facts in the instant case if reasonable cause existed for the Board's decision.

The credible testimony elicited herein was that on August 1, 1952, a three-year lease was entered into between respondent-licensees and Mary Amoroso for premises 335-1/2 - 5th Street; that the cellar under the licensed premises is 4-1/2 feet high; that tapped beer is drawn from barrels stored in the adjoining cellar of a building owned by the licensees' landlord; that during the licensees' tenancy, surface water seeped through the cellar walls of the licensed premises and sewage frequently backed up into the cellar; that during heavy storms, the cellar flooded and water, mud and filth accumulated in and about the cellar which emitted foul and nauseating odors injurious to the licensees and offensive to their patrons; that the traps in the cellar were inadequate to drain off the sludge; that it was the landlord's responsibility to correct the objectionable conditions which she was requested to remedy but failed to do; that the lease having expired, the licensees thereafter applied for a transfer to the new location which is deemed to be tenantable.

Appeals to the Director from the action of the local issuing authority are heard de novo and the burden of establishing that the action of such issuing authority was erroneous and should be reversed rests with the appellant. Rule 6 of State Regulations No. 15. Skripko v. Raritan Township, Bulletin 1081, Item 1, and cases cited therein.

I have carefully considered all the evidence herein and I find that the licensees' landlord permitted unsanitary and offensive conditions to exist in and upon the licensed premises; that she failed in her responsibility to remedy the conditions complained of and thereby caused the premises to become unfit for the normal operation of respondent-licensees' business. Since the aforesaid facts constitute reasonable cause for respondent Board's action, appellant has failed to establish that such action was erroneous and should be reversed.

Accordingly, it is, on this 15th day of March, 1956,

ORDERED that the action of respondent Board be and the same is hereby affirmed, and that the appeal herein be and the same is hereby dismissed.

WILLIAM HOWE DAVIS
Director.

2. APPELLATE DECISIONS - STUEBER v. WASHINGTON BOROUGH (WARREN COUNTY).

PAUL STUEBER, trading as
PAUL'S TAVERN,

Appellant,

-vs-

MAYOR AND COMMON COUNCIL OF
THE BOROUGH OF WASHINGTON
(Warren County),

Respondent.

ON APPEAL
CONCLUSIONS AND ORDER

Edward E. Stover, Esq., Attorney for Appellant.
Bowers & Bry-Nildsen, Esqs., by Martin Bry-Nildsen, Jr., Esq.,
Attorneys for Respondent.

BY THE DIRECTOR:

This is an appeal from respondent's action whereby it suspended appellant's plenary retail consumption license for a period of thirty days, effective November 15, 1955, upon a finding of guilt in disciplinary proceedings on a charge alleging that on July 15, 1955 and on divers dates prior thereto he sold, served and delivered alcoholic beverages to a minor and permitted the consumption of such beverages by said minor in and upon his licensed premises, 49 East Washington Avenue, Borough of Washington, in violation of Rule 1 of State Regulations No. 20.

Upon the filing of the appeal herein, an Order was entered on November 16, 1955 staying respondent's order of suspension until the entry of a further order herein. R.S. 33:1-31.

The Petition of Appeal alleges that, at the hearing below, appellant "did not deny the sale to the minor, nor did he enter a plea of not guilty" and prays that the action of respondent be reversed and the suspension reduced.

The hearing on appeal was heard de novo pursuant to Rule 6 of State Regulations No. 15. On February 28, 1956, counsel for the respective parties appeared before me on oral argument.

The testimony adduced at the hearing clearly establishes that on Friday evening, July 15, 1955, and on previous occasions, appellant sold, served and delivered to Elmer --- (age 18) alcoholic beverages which the minor consumed on the licensed premises and that on the specific date alleged in the charge appellant sold, served and delivered to said minor twelve cans of beer for off-premises consumption. Although appellant denies seeing Elmer or serving alcoholic beverages to him on July 15, 1955, he admits serving him such beverages on a previous occasion and that he did not require written proof of the minor's age as required by R. S. 33:1-77.

The truth of the charge having been established by the uncontradicted testimony of competent witnesses including the testimony of the appellant himself, it remains to be determined whether or not the penalty imposed by respondent should be reduced.

I have held in numerous cases that the penalty to be imposed in disciplinary proceedings instituted by a local issuing authority rests within its sound discretion in the first

instance and the power of the Director to reduce it on appeal should be exercised only where such penalty is manifestly unreasonable and clearly excessive. Skripko v. Raritan Township, Bulletin 1081, Item 1. There is no allegation in the Petition of Appeal that the members of respondent issuing authority were improperly motivated nor was any evidence presented to indicate such impropriety. While the penalty is in excess of that usually imposed by the Division for sale of alcoholic beverages to an 18-year-old minor in a similar case instituted by the Division, that does not preclude a local issuing authority from imposing a more severe penalty in proceedings instituted locally when the issuing authority acts within the limits of sound discretion. Benedetti v. Trenton, Bulletin 1040, Item 1. Considering all the facts and circumstances of the instant case, I cannot find that respondent's action was unreasonable or arbitrary. Hence, the action of respondent will be affirmed, the appeal will be dismissed and the thirty-day suspension heretofore imposed will be reinstated.

Accordingly, it is, on this 15th day of March, 1956,

ORDERED that the action of respondent be and the same is hereby affirmed and the appeal be and the same is hereby dismissed; and it is further

ORDERED that the thirty-day suspension by respondent of appellant's Plenary Retail Consumption License C-3, issued for premises located at 49 East Washington Avenue in the Borough of Washington, Warren County, be and the same is hereby restored and reimposed for the same premises, to commence at 1:00 a.m. March 26, 1956, and to terminate at 1:00 a.m. April 25, 1956.

WILLIAM HOWE DAVIS
Director.

3. APPELLATE DECISIONS - ROMANO v. JERSEY CITY.

ANTHONY ROMANO, trading as)
ROMANO'S TAVERN,)

Appellant,)

-vs-)

ON APPEAL
O R D E R

MUNICIPAL BOARD OF ALCOHOLIC)
BEVERAGE CONTROL OF THE CITY)
OF JERSEY CITY,)

Respondent.)

James F. McGovern, Jr., Esq., Attorney for Appellant.

John B. Graf, Esq., by Louis E. Saunders, Esq., Attorney for
Respondent.

BY THE DIRECTOR:

This is an appeal from respondent's action whereby it suspended for twenty days appellant's plenary retail consumption license issued for premises 195 Mallory Avenue, Jersey City, for an alleged sale during prohibited hours. Upon the filing of the appeal I entered an order, dated November 9, 1955, staying the effect of respondent's order pending a scheduled hearing and until further order herein.

The petition of appeal alleges, among other things, that appellant was not granted a proper hearing by respondent.

Prior to the hearing herein the attorneys for the respective parties have presented to me a written stipulation that the cause be remanded to respondent for trial.

No reason appearing to the contrary,

It is, on this 22nd day of March, 1956,

ORDERED that the matter be remanded to respondent for trial in accordance with the written stipulation; and it is further

ORDERED that the stay of respondent's original order of suspension shall continue in effect until the entry of a further order by respondent.

WILLIAM HOWE DAVIS
Director.

4. DISCIPLINARY PROCEEDINGS - HOSTESS - ALLOWING PREMISES TO BE CONDUCTED AS A NUISANCE - PRIOR RECORD OF PREDECESSOR IN INTEREST - LICENSE SUSPENDED FOR 55 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

ENNESS, INC.
107 - 48th Street
Union City, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-
tion License C-139, issued by the
Board of Commissioners of the City
of Union City.

Harold Krieger, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. On October 23, November 3, 4, 9 and 10, 1955, you allowed, permitted and suffered females employed on your licensed premises to accept beverages at the expense of or as a gift from customers and patrons; in violation of Rule 22 of State Regulations No. 20.

"2. On October 23, November 3, 4, 9 and 10, 1955, 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 female impersonators and persons who appeared to be homosexuals in and upon and to frequent your licensed premises; allowed, permitted and suffered lewdness and immoral activity and foul, filthy and obscene language and conduct in and upon your licensed premises; and otherwise conducted your place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulations No. 20."

The file herein discloses that at 12:20 a.m. on October 23, 1955, two ABC agents entered defendant's licensed premises. About fifty males and females were present at the time. The agents observed four males who had artificially waved hair, plucked eyebrows and mascaraed eyelashes, powdered faces and exceptionally red lips. One of these persons kissed a middle-aged man on the lips and then on the neck while, at the same time, he rubbed the man's thigh. A female pianist, seated at a piano located inside the rectangular-shaped bar, raised a glass containing a beverage and directed the following remarks to a group of male patrons, "I don't know who to thank for this but here's luck anyway." The agents were in the establishment for approximately twenty minutes when they observed a female, whom they recognized from a prior investigation of another tavern, engage the bartender in conversation. She then approached the agents and after a few sarcastic preliminary remarks, became quite abusive. The agents thereupon left the premises.

At 10:30 p.m. on November 3, 1955, two agents who had not visited the defendant's licensed premises on the prior visit aforementioned, entered the premises and took seats at the bar. They observed seven male patrons seated at the bar and five female entertainers who were consuming drinks at the expense of these male patrons. An entertainer called Pauline sang and upon completion of her number joined another female called Sonny who was seated with a man, and after having a drink of whiskey at the expense of the male patron came over to where the agents were seated, sat down alongside of one of them and, placing her arms around him, inquired whether he was enjoying himself. The agent then purchased a drink for Pauline, and Julie the bartender made service thereof. Thereafter, whenever the agents would order drinks for themselves, Julie would pour a drink for Pauline and take the money in payment therefor from the agents' money on the bar. The pianist called Cleo put her arms around a male patron seated at the bar and moved her body in the manner of doing bumps and grinds, then kicked her legs so that the upper part of her thighs were exposed. Many patrons and also Julie, the bartender, burst into laughter. Cleo then came over to Pauline who was with the agents and after making a filthy and obscene remark concerning the man that she had fondled previously, walked over to him and sat on his lap and began to hug and kiss him. She then got off his lap, turned her back to him, bent over from her waist and again did bumps and grinds, concluding her gesture with the raising of her dress above her hips so that her undergarment was visible. At this juncture, Julie remarked that Cleo "was overdoing it" but he laughed and made no attempt to stop such performance. Cleo then said to the man, "If you don't buy me a drink, I'll take your money" and when the man did not respond she took a dollar bill from the money on the bar in front of him and, despite his protests, ordered a glass of whiskey from the bartender who took payment therefor from the dollar bill that she had just taken from the male patron. Upon receipt of twenty-five cents in change from the bartender, Cleo placed the change in the juke box. Other female entertainers were observed taking change from in front of male patrons during the evening and inserting it in the juke box. The female entertainer called Sonny sat with a male patron for the entire evening that the agents were in the premises and was served glass after glass of blackberry brandy. After service of every third or fourth drink of blackberry brandy to Sonny, the bartender would place a tall glass which was approximately one-quarter filled with Coca-Cola in front of her and, after each apparent drink of blackberry brandy, Sonny would place the tall

glass containing the Coca-Cola to her lips and permit the brandy to flow into said glass. During the evening, the agents observed a male called "Caledonia" walk about the bar and speak to various patrons. Although dressed in general male attire, his hair was very long with curls extending down the back of his neck and he walked and gesticulated with his hands in an effeminate manner and when he spoke his voice was high-pitched. At one time one of the entertainers gave him her shawl which he placed on his head like a kerchief and danced in a feminine manner. The agents left the premises at 12:45 a.m. on November 4th.

Three agents arrived in the vicinity of defendant's licensed premises at 10:30 p.m. on November 9th. One remained outside of the tavern while the other two agents, one of whom had been there on a prior occasion, entered the premises. A bartender, subsequently identified as Carmen Sciarra, president of defendant corporate-licensee, was on duty at the time. Caledonia was seated at the bar as were five female entertainers mentioned as being present on the previous visit. As the agents took seats at the bar, Caledonia approached them and, after greeting the agent who had been in the premises on a former visit, sat next to the other agent and remained there during the time the agents spent in the premises. All of the female entertainers were observed drinking with and at the expense of male patrons. Pauline, who had been in the premises on the prior occasion, sat with the agents and from time to time Sciarra would pour drinks for her and take the payments therefor from the agents' money. Pauline introduced Sonny to the agents and called over Sciarra who poured a drink for Sonny and took the agents' money in payment. Sonny then went to another male patron, had a drink at his expense, left him and returned to the agents and had several more drinks at their expense.

Julie, who had tended bar on a previous occasion, came into the premises and greeted the agent who had met him previously. The agent told Julie (subsequently identified as Julius Natale, secretary-treasurer of defendant corporation) about a conversation he had with Caledonia who informed the agent that he was expecting to attend a "Gay Ball" for "queers" in an adjoining state and Julius Natale smiled and walked away. Shortly after midnight, the agents identified themselves to Carmine Sciarra, Julius Natale and to the female entertainers. Sciarra and Natale both admitted to the agents that the female entertainers were employed by defendant and that they were aware that they were accepting drinks from male patrons but denied that they ever instructed them to do so. Neither would give a statement in writing regarding the occurrences that took place on the licensed premises.

I have recited in detail many of the occurrences which took place in defendant's licensed premises on the dates in question. It is apparent that the manner in which the premises are operated is not conducive to the best welfare of the liquor industry. The apparent condonation by officers of defendant corporate-licensee of the practices which took place on the licensed premises will not be tolerated.

Defendant corporate-licensee has no prior adjudicated record. However, Carmen Sciarra, who is president of the defendant corporation and holder of 48% of its stock, was the prior holder of the license in question when it was suspended by the local issuing authority for ten days, effective March 21, 1954, for permitting a brawl on the licensed premises. Under the circumstances appearing in this case and considering

the past dissimilar record of Carmen Sciarra, the former licensee, during the past five years, I shall suspend defendant's license for a period of fifty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifty days.

Accordingly, it is, on this 8th day of March, 1956,

ORDERED that Plenary Retail Consumption License C-139, issued by the Board of Commissioners of the City of Union City to Enness, Inc., 107 - 48th Street, Union City, be and the same is hereby suspended for a period of fifty (50) days, commencing at 3:00 a.m. March 19, 1956, and terminating at 3:00 a.m. May 8, 1956.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - SALE OF ALCOHOLIC BEVERAGES DURING PROHIBITED HOURS - FAILURE TO HAVE PREMISES CLOSED DURING PROHIBITED HOURS - FAILURE TO KEEP LICENSED PREMISES OPEN TO PUBLIC VIEW, ALL IN VIOLATION OF A LOCAL ORDINANCE - GAMBLING - HINDERING INVESTIGATION - PRIOR RECORD OF PREDECESSOR IN INTEREST - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

S. M. S. CORPORATION
T/a MELODY CLUB
219 Ellison Street
Paterson, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-261, issued by the Board of Alcoholic Beverage Control for the City of Paterson.

John J. Bergin, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. On Thursday, January 26, 1956, between 3:00 a.m. and 3:20 a.m., you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages and allowed the consumption of alcoholic beverages on your licensed premises; in violation of Section II of an Ordinance adopted by the Board of Alcoholic Beverage Control for the City of Paterson on May 27, 1948, which prohibits any such activity between 3:00 a.m. and 7:00 a.m. on any weekday.

"2. On the occasion aforesaid, you failed to have your entire licensed premises closed; in violation of Section II of an Ordinance adopted by the Board of Alcoholic Beverage Control for the City of Paterson on May 27, 1948, which requires that licensed premises (other than hotels, restaurants as defined by R.S. 33:1-1(t), or other establishments where the principal business is other than the sale of alcoholic beverages) shall be closed between the hours of 3:00 a.m. and 7:00 a.m. on weekdays.

"3. On the occasion aforesaid, you failed to keep the interior of your licensed premises open to the public

view from the outside thereof and permitted a screen, partition or other obstacle to interfere with a clear public view; in violation of Section 4 of a Resolution passed by the Board of Aldermen of the City of Paterson on June 28, 1935, amended December 5, 1938 and June 30, 1939 and adopted by the Board of Alcoholic Beverage Control for the City of Paterson on June 21, 1940.

"4. On Thursday, January 26, 1956, you allowed, permitted and suffered gambling, viz., the playing of card games and dice for stakes of money, in and upon your licensed premises; in violation of Rule 7 of State Regulations No. 20.

"5. On Thursday, January 26, 1956, between 3:15 a.m. and 4:00 a.m., while Inspectors of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety of the State of New Jersey were conducting an investigation, inspection and examination at your licensed premises, you, through Salvatore Manno, your president, director and shareholder, failed to facilitate and hindered and delayed and caused the hindrance and delay of such investigation, inspection and examination; in violation of R.S. 33:1-35."

The file herein discloses that an ABC agent entered defendant's licensed premises at about 1:00 a.m. January 26, 1956. Between that time and 3:00 a.m. the agent observed a poker game being played at the bar. Salvatore Manno, president of defendant corporation who was tending bar, and three patrons participated in the game. The players used bar coasters for chips and at first placed a valuation of five cents on each chip but gradually increased said valuation to twenty-five cents. At 3:00 a.m. the poker game ended but two of the patrons thereafter started to shoot crap at a table and one patron lost the sum of \$6.00 to the other patron. After 3:00 a.m. the ABC agent and the three other patrons remained in the premises, and at 3:12 a.m. the agent ordered from and was served a glass of beer by Salvatore Manno.

At 3:16 a.m. another ABC agent, who had remained outside, knocked on the door and, after a delay of about three minutes, was admitted by the bartender. This agent reports that, when he approached the premises, he was unable to obtain a view of the interior because the venetian blinds were drawn tight and the glass pane in the door was covered with paper.

After both agents had identified themselves to Salvatore Manno, he interfered with their attempts to obtain the names of the two patrons who were then on the premises. Manno told the agents "You are not going to annoy my customers" and helped one of the patrons to leave the premises without giving his name to the agents.

Defendant has no prior record. However, when Salvatore Manno and Mary Manno (who is also a stockholder in defendant corporation) held a license for other premises, their license was suspended by the then Director for fifteen days, effective November 26, 1951, for hostess activity, and again for fifteen days, effective August 13, 1952, for sales to minors (Re Manno, Bulletin 921, Item 6; Re Manno, Bulletin 942, Item 4). I shall suspend defendant's license for twenty days on Charges 1, 2 and 3 (Re Buddy & Steve's Tavern, Inc., Bulletin 1053, Item 5); for an additional period of ten days on Charge 4 (Re Woodlawn Bar & Grill, Inc., Bulletin 990, Item 4); for an additional period of

ten days on Charge 5 (Re Feeney & Murphy, Inc., Bulletin 1013, Item 5) and for an additional period of five days because of the prior dissimilar record of its predecessors in interest, thus making a total suspension of forty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of forty days.

Accordingly, it is, on this 12th day of March, 1956,

ORDERED that Plenary Retail Consumption License C-261, issued by the Board of Alcoholic Beverage Control for the City of Paterson to S. M. S. Corporation, t/a Melody Club, for premises 219 Ellison Street, Paterson, be and the same is hereby suspended for forty (40) days, commencing at 3:00 a.m. March 21, 1956, and terminating at 3:00 a.m. April 30, 1956.

WILLIAM HOWE DAVIS
Director.

6. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS, IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - LEWDNESS AND IMMORAL ACTIVITIES (INDECENT LANGUAGE) - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

VICTOR WILENTA & MICHAEL WILENTA
248 County Avenue
Secaucus, N. J.,

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-11, issued by the Town Council of the Town of Secaucus.

Victor Wilenta & Michael Wilenta, Defendant-licensees, by Victor Wilenta.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded guilty to the following charges:

"1. On Saturday, January 21, 1956, at about 11:30 p.m. and again at about 11:57 p.m., and on Sunday, January 22, 1956 at about 12:05 a.m., you sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages at retail in their original containers for consumption off your licensed premises; in violation of Rule 1 of State Regulations No. 38.

"2. On Saturday, January 21, 1956 between 11:15 p.m. and 11:30 p.m., you allowed, permitted and suffered foul, filthy and obscene language in and upon your licensed premises; in violation of Rule 5 of State Regulations No. 20."

ABC agents were at defendants' licensed premises during the late evening hours of Saturday, January 21, 1956 and the early morning hours of January 22nd. At about 11:30 p.m., they observed Victor Wilenta sell cans of beer and a pint of whiskey to a patron who then left the premises. At 11:57 p.m., they

observed Victor Wilenta sell another patron cans of beer, with which the patron left the premises. At about 12:05 a.m., one of the agents purchased a pint of Seagram's 7 Crown Whiskey from Victor Wilenta. The agents left the premises and returned immediately and disclosed their identities.

At about 11:15 p.m., a patron called Lou entered the premises and an argument arose between Lou and another patron present. During the course of this argument and in the presence of three females, Lou gave expression in a loud voice to language that was filthy, foul and indecent.

Defendants have no prior adjudicated record. I shall suspend their license for fifteen days on Charge 1, Re 124 - 16th Avenue Corporation, Bulletin 1088, Item 8, and for five days on Charge 2, making a total suspension of twenty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 6th day of March, 1956,

ORDERED that Plenary Retail Consumption License C-11, issued by the Town Council of the Town of Secaucus to Victor Wilenta & Michael Wilenta, 248 County Avenue, Secaucus, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. March 12, 1956, and terminating at 2:00 a.m. March 27, 1956.

WILLIAM HOWE DAVIS
Director.

7. DISCIPLINARY PROCEEDINGS - GAMBLING - PRIOR RECORD - LICENSE
SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

ALFRED A. TIMINSKI)
T/a ADAM'S TAVERN)
553-555 Forest Street)
Orange, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-37, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Orange.)
-----)

Samuel F. Penza, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charge:

"On November 12, 26, December 3, 10, and 17, 1955, you allowed, permitted and suffered gambling, viz., the making and accepting of horse race bets and the playing of card games for stakes of money, in and upon your licensed premises; in violation of Rule 7 of State Regulations No. 20."

The file herein discloses that ABC agents visited defendant's licensed premises on the various dates alleged in the charge herein. On the first day they observed a pinochle game

in progress and overheard two patrons discuss the placing of horse race bets with a person called "Lefty". On their second visit the agents saw the barmaid, Mary Timinski, later identified as the wife of the licensee, place a horse race bet with "Lefty" who later engaged in a pinochle game and collected winnings from each loser in the amount of \$3.00. Similar sums were paid to winners of subsequent pinochle games. While "Lefty" was at the card table the agents observed slips of paper and money being passed to him by Alfred Timinski, the licensee, and heard the licensee give instructions to play "five across". On the third visit the agents observed a pinochle game being played for undetermined stakes. One of the agents placed a bet with "Lefty" after Mary confirmed having previously seen the bettor. "Lefty" refused to take a slip of paper indicating the bet, saying "No slip. That way it's your word against mine". On the fourth visit the agents observed a pinochle game in progress and heard a woman patron ask "Lefty" for a "good horse" which he refused to name stating that there were strangers present. One of the agents, however, placed a bet with "Lefty". On the fifth and last visit, the agents heard the licensee caution some pinochle players to "take it easy when you pass money around, a couple of ABC men are around". The agents thereafter informed the licensee that they wanted to place a bet with "Lefty" and were told to wait until he came in. When "Lefty" entered the premises one of the agents, in the presence of the licensee, read from a list the horses he wanted to play. "Lefty" repeated the bets and accepted marked money in payment. "Lefty" and the licensee then went into a hallway and upon their return were confronted by police cooperating with the agents who then identified themselves. A "scratch sheet", playing cards and score cards were seized on the premises and on "Lefty's" person was found \$200.00, although he stated that he was unemployed. The marked money used by the agent in payment of his bets was not located.

Defendant has a prior adjudicated record. Effective August 23, 1954, his license was suspended by me for five days for sale of alcoholic beverages to a minor. Re Timinski, Bulletin 1029, Item 4. The minimum penalty for the violation charged herein and committed prior to January 16, 1956 is a suspension of the license for a period of twenty days. Re The Howin Corporation, Bulletin 1087, Item 6. However, since the prior dissimilar violation occurred within a five-year period, an additional five-day penalty will be added, Re Weiner, Bulletin 1021, Item 4, making a total suspension of twenty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 7th day of March, 1956,

ORDERED that Plenary Retail Consumption License C-37, issued by the Municipal Board of Alcoholic Beverage Control of the City of Orange to Alfred A. Timinski, t/a Adam's Tavern, for premises 553-555 Forest Street, Orange, be and the same is hereby suspended for a period of twenty (20) days, commencing at 2:00 a.m. March 14, 1956, and terminating at 2:00 a.m. April 3, 1956.

WILLIAM HOWE DAVIS
Director.

8.

ACTIVITY REPORT FOR MARCH 1956

ARRESTS:	
Total number of persons arrested	27
Licensees and employees	-10
Bootleggers	-17
SEIZURES:	
Motor vehicles - cars	5
- trucks	1
Stillis - over 50 gallons	1
- 50 gallons or under	2
Mash - gallons	2,350.00
Distilled alcoholic beverages - gallons	169.36
Brewed malt alcoholic beverages - gallons	3.09
RETAIL LICENSEES:	
Premises inspected	1,010
Premises where alcoholic beverages were gauged	876
Bottles gauged	15,475
Premises where violations were found	76
Violations found	93
Type of violations found:	
Unqualified employees	-30
Disposal permit necessary	-12
Regs. #38 sign not posted	6
Other mercantile business	3
Prohibited signs	3
Probable fronts	1
Other violations	-38
STATE LICENSEES:	
Premises inspected	16
License applications investigated	10
COMPLAINTS:	
Complaints assigned for investigation	372
Investigations completed	344
Investigations pending	183
LABORATORY:	
Analyses made	162
Refills from licensed premises - bottles	10
Bottles from unlicensed premises	20
IDENTIFICATION BUREAU:	
Criminal fingerprint identifications made	19
Persons fingerprinted for non-criminal purposes	192
Identification contacts made with other enforcement agencies	162
Motor vehicle identifications via N. J. State Police teletype	4
DISCIPLINARY PROCEEDINGS:	
Cases transmitted to municipalities	9
Violations involved:	
Sale to minors	5
Sale during prohibited hours	4
Failure to close premises during prohibited hours	1
Cases instituted at Division	30
Violations involved:	
Sale to minors	-14
Sale during prohibited hours	-3
Permitting bookmaking on premises	-3
Permitting immoral activity on premises	-3
Possessing illicit liquor	-3
Hindering investigation	-2
Failure to close premises during prohibited hours	-1
Permitting foul language on premises	-1
Cases brought by municipalities on own initiative and reported to Division	16
Violations involved:	
Sale to minors	5
Permitting brawls on premises	4
Permitting bookmaking on premises	3
Sale during prohibited hours	2
Conducting business as a nuisance	1
Serving women at a bar (local reg.)	1
Fraud in application	1
Act of violence on premises	1
Sale outside scope of license	1
Permitting lottery activity (numbers)	1
Permitting female impersonator on premises	1
Sale below minimum resale price	1
HEARING HELD AT DIVISION:	
Total number of hearings held	45
Appeals	4
Disciplinary proceedings	27
Eligibility	3
SEIZURES	
Seizures	6
Tax revocations	2
Applications for license	3
STATE LICENSES AND PERMITS ISSUED:	
Total number issued	1,074
Licenses	1
Employment permits	131
Solicitors	67
Disposal	153
Social affair permits	291
Miscellaneous	103
Transportation insignia	301
Transportation certificates	27

Dated: April 4, 1956

WILLIAM HOWE DAVIS
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

EDITH BROOKE MARTIN
(Now Edith Brooke Martin Morrison)
31-33-35 North Main Street
Pleasantville, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distribution
License D-3, issued by the Common
Council of the City of Pleasantville.

Lilienfeld & Lilienfeld, Esqs., by Irving A. Lilienfeld, Esq.,
Attorneys for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that she sold, served and delivered alcoholic beverages to a minor, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that, as a result of information obtained from the Pleasantville Police Department, ABC agents obtained a signed sworn statement from Frank --- (age 18). In his statement Frank --- says that on the evening of Saturday, February 4, 1956, he and four companions drove to the side entrance of defendant's licensed premises where he purchased 12 cans of beer from a clerk therein who made no inquiry as to his age. All of his companions in signed sworn statements verified the said purchase and on February 7, 1956 two of them together with Frank directed the agents to the licensed premises and pointed it out as the place where the beer was obtained. Frank failed to identify the clerk who served him, which failure is not fatal in disciplinary proceedings against the licensee. Re King, Bulletin 966, Item 1.

Defendant has no prior adjudicated record. The minimum suspension heretofore imposed for an unaggravated sale of alcoholic beverages to an 18-year-old minor was ten days. Re Bob's Inc., Bulletin 1080, Item 1. However, on January 16, 1956, I announced that the penalty in such cases would hereafter be increased by five days. Re Increased Penalties, Bulletin 1095, Item 1. I shall suspend defendant's license for fifteen days and remit five days for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 7th day of March, 1956,

ORDERED that Plenary Retail Distribution License D-3, issued by the Common Council of the City of Pleasantville to Edith Brooke Martin Morrison, 31-33-35 North Main Street, Pleasantville, be and the same is hereby suspended for ten (10) days, commencing at 9:00 a.m. March 19, 1956, and terminating at 9:00 a.m. March 29, 1956.

WILLIAM HOWE DAVIS
Director.

10. DISCIPLINARY PROCEEDINGS - SALE TO INTOXICATED PERSON - ALLOWING PREMISES TO BE CONDUCTED AS A NUISANCE - PRIOR RECORD NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

MAX & ANNA BLANKER
28 Central Avenue
Newark 2, N. J.,

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consump-
tion License C-867, issued by the
Municipal Board of Alcoholic
Beverage Control of the City of
Newark.

-----)
Max and Anna Blanker, Defendant-licensees, Pro se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to the following charges:

"1. On February 8, 9 and 11, 1956, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons actually or apparently intoxicated and allowed, permitted and suffered the consumption of alcoholic beverages by such persons in and upon your licensed premises; in violation of Rule 1 of State Regulations No. 20.

"2. On the occasions aforesaid, you allowed, permitted and suffered your place of business to be conducted in such manner as to become a nuisance in that you allowed, permitted and suffered lewdness and immoral activity and foul, filthy and obscene language and conduct in and upon your licensed premises; permitted unescorted females frequenting your licensed premises to solicit male patrons to purchase numerous drinks of alcoholic beverages and food for consumption by them and others; 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 Regulations No. 20."

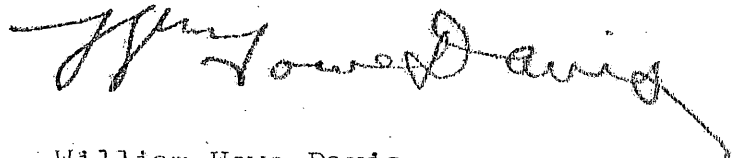
The file herein discloses that ABC agents entered defendants' licensed premises at about 11:20 p.m. on February 8, 1956, and remained in the premises until about 1:40 a.m. on February 9, 1956. The agents report that during their visit two male patrons appeared to be nearing a state of intoxication; that several female patrons, under the heavy influence of liquor, drank at the expense of various male patrons. The agents returned to the premises during the early morning hours of February 11, 1956. Both licensees were then tending bar. Three of the female patrons who had been present at the time of the agents' previous visit were seated at the bar and drinking at the expense of several male patrons. A male patron who was apparently intoxicated was induced to buy drinks for two of the females and for Anna Blanker. On two occasions Max Blanker served a glass of beer to this patron and did not give him any change from a dollar bill. A porter in the premises induced another male patron, who was approaching intoxication, to buy

drinks for him and a female patron. At 2:00 a.m. the agents identified themselves to the licensees.

Defendant Max Blanker has a prior record. Effective June 21, 1938, the then Commissioner suspended for twenty days a license then held by him for other premises for sale to a minor and a false answer in his application for a license (Re Blanker, Bulletin 254, Item 6). However, since the prior violations occurred more than ten years ago, I shall not consider his prior record in fixing penalty herein (Re Dzama, Bulletin 1099, Item 9). I shall suspend defendants' license for twenty days on Charge 1 (Re Fulton, Bulletin 1094, Item 5) and for an additional twenty days on Charge 2 (Re Marrone, Bulletin 1076, Item 4), making a total suspension of forty days. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 15th day of March, 1956,

ORDERED that Plenary Retail Consumption License C-867, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Max & Anna Blanker, for premises 28 Central Avenue, Newark, be and the same is hereby suspended for thirty-five (35) days, commencing at 2:00 a.m. March 26, 1956, and terminating at 2:00 a.m. April 30, 1956.



William Howe Davis
Director.