

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

BULLETIN 1338

May 23, 1960

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

BULLETIN 1338

May 23, 1960

1. APPELLATE DECISIONS - Lo BOVES ET AL. v. RIDGEFIELD PARK AND MELLOR.

MICHAEL C. Lo BOVES AND EAST BERGEN TAVERN OWNERS ASSOCIATION,)	
)	
Appellants,)	ON APPEAL
)	CONCLUSIONS
v.)	AND ORDER
)	
BOARD OF COMMISSIONERS OF THE VILLAGE OF RIDGEFIELD PARK, AND WILLIAM E. MELLOR,)	
)	
Respondents.		

James F. McGovern, Jr., Esq., Attorney for Appellants.
Huckin & Huckin, Esqs., by James I Avignone, Esq., Attorneys
for Respondent William E. Mellor.
Morrison, Lloyd & Griggs, Esqs., by Paul T. Huckin, Esq., Attorneys
for Respondent Board of Commissioners.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the action of the respondent Board of Commissioners whereby it approved an application for the issuance of a plenary retail Consumption license to respondent William E. Mellor for premises to be erected on the south side of Route 46, Ridgefield Park.

"Appellants set forth in the petition of appeal various reasons why respondent Board's action should be reversed. However, at the hearing herein the only evidence presented by appellant was with reference to respondent William E. Mellor's alleged failure to meet the resident requirement provided in an ordinance adopted by the said municipality. The pertinent section of the ordinance which was approved on March 24, 1953 by the respondent Board reads as follows:

'Sec. 6(A) No plenary retail consumption license shall be issued to any individual applicant who shall not have been a bona fide resident of the Village of Ridgefield Park for at least three years prior to the date of application for such license.'

"Appellants called as their witness William E. Mellor (the applicant for the license in question) who testified that he is a pilot, operates a flying school and deals in real estate; that his residence, as disclosed in his amended application for the liquor license, is in a hangar on Eucker Street, Ridgefield Park, consisting of apartment and other necessary facilities which he (Mellor) caused to be constructed in 1939; that he has been residing there during the past three years, spending approximately 250 days of 1958 and 1959, respectively, and a lesser time during 1957; that he owns real estate in Ramsey, New Jersey, and in Florida; that he is married and the father of five children, one of whom is in the Navy; that he spends

little time with his family and that he hasn't voted in five or six years.

"The only testimony presented herein with reference to respondent Mellor's residence especially during the past three years was that which was given by him. No substantial evidence was introduced to contradict this testimony.

"The nature of Mellor's business affiliations required him to be frequently absent from Ridgefield Park and also from the state. The fact that he is separated from his wife and children for long periods of time may appear unconventional. However, this, in itself, does not preclude one, when acting in good faith, from establishing his residence. The law presumes that when a person takes up his residence 'animo manendi' his residence continues at that place despite temporary absence. Cadwalader v. Howell, 18 N.J.L. 138; Harrell v. Harrell 39 N.J. Eq. 279; Valentine v. Valentine, 61 N.J. Eq. 400. See also Looloian v. Greenwich, Bulletin 504, Item 6.

"After careful consideration of the circumstances appearing in this case, I am satisfied, from the evidence presented, that respondent Mellor for three years prior to filing the amended application in question had been a resident of Ridgefield Park and, therefore, complied with residence requirements of the municipal ordinance pertaining to the issuance of liquor licenses. I recommend that the action of the respondent in approving the application for the issuance of the plenary retail consumption license to respondent Mellor be affirmed and that the appeal herein be dismissed."

No exceptions were taken to the Hearer's Report within the time limited by Rule 14 of State Regulation No. 15.

Having carefully considered the facts and circumstances herein, I concur in the findings and conclusions of the Hearer and adopt his recommendation.

Accordingly, it is, on this 19th day of April 1960,

ORDERED that the action of respondent Board of Commissioners of the Village of Ridgefield Park 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 - MURPHY v. ESTELL MANOR.

THOMAS MURPHY,)	
)	
Appellant,)	ON APPEAL
)	ORDER OF DISMISSAL
v.)	
)	
COMMON COUNCIL OF THE CITY OF)	
ESTELL MANOR,)	
)	
Respondent.)	

Lipman & Casella, Esqs., by Charles Casella, Esq., Attorneys for
Appellant

Glenn & Glenn, Esqs., by Alfred T. Glenn, Jr., Esq., Attorneys for
Respondent

N. Douglas Russell, Esq., Attorney for various Objectors

Epstein & Fluharty, Esqs., by A. David Epstein, Esq., Attorneys
for Trustee in Bankruptcy of Sam's Shack, Inc.

BY THE DIRECTOR:

This was an appeal from the denial by respondent of an application for a person-to-person transfer of pñenary retail consumption license C-1 (issued for the 1958-59 licensing period) from Sam's Shack, Inc. to Thomas Murphy for premises located in Estell Manor. The appeal was partly heard and the hearing adjourned. While so adjourned, a petition in bankruptcy in the United States District Court was filed against Sam's Shack, Inc. and an order was entered by the Referee in Bankruptcy, and served upon the Director among other persons, restraining further proceedings in this appeal.

During the course of the bankruptcy proceedings the license was extended by respondent to the Trustee in Bankruptcy, renewed to him by the council for the 1959-60 period, and such renewed license recently cancelled by the Director for the reasons set forth in S. Mortimer Hirshorn, Esq., Trustee in Bankruptcy of Estate of Sam's Shack, Inc. v. Estell Manor, Bulletin 1326, Item 1. Hence this license no longer exists.

This situation was called to the attention of the respective counsel with the suggestion that they prepare appropriate stipulation and consent orders for the dismissal of the appeal of record. Counsel for the trustee replied that the trustee has been fully discharged and that they were of the opinion that there was no need for an order dismissing the restraining order. No response was received from the other counsel. Under the circumstances, I shall dismiss the appeal on my own motion.

Accordingly, it is, on this 13th day of April 1960

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

WILLIAM HOWE DAVIS
DIRECTOR

3.

ACTIVITY REPORT FOR APRIL 1960

ARRESTS:		
Total number of persons arrested	- - - - -	23
Licensees and employees	- - - - - 8	
Bootleggers	- - - - - 15	
SEIZURES:		
Motor vehicles - cars	- - - - -	1
Still - over 50 gallons	- - - - -	1
- 50 gallons or under	- - - - -	1
Mash - gallons	- - - - -	250.00
Distilled alcoholic beverages - gallons	- - - - -	14.45
Wine - gallons	- - - - -	2.00
Brewed malt alcoholic beverages - gallons	- - - - -	12.62
RETAIL LICENSEES:		
Premises inspected	- - - - -	456
Premises where alcoholic beverages were gauged	- - - - -	650
Bottles gauged	- - - - -	10,413
Premises where violations were found	- - - - -	29
Violations found	- - - - -	35
Unqualified employees	- - - - - 17	Other mercantile business
Application copy not available	- - - - - 6	Disposal permit necessary
Reg. #38 sign not posted	- - - - - 4	Other violations
		4
		3
		1
STATE LICENSEES:		
Premises inspected	- - - - -	22
License applications investigated	- - - - -	4
COMPLAINTS:		
Complaints assigned for investigation	- - - - -	375
Investigations completed	- - - - -	352
Investigations pending	- - - - -	185
LABORATORY:		
Analyses made	- - - - -	275
Refills from licensed premises - bottles	- - - - -	30
Bottles from unlicensed premises	- - - - -	55
IDENTIFICATION:		
Criminal fingerprint identifications made	- - - - -	9
Persons fingerprinted for non-criminal purposes	- - - - -	216
Identification contacts made with other enforcement agencies	- - - - -	173
DISCIPLINARY PROCEEDINGS:		
Cases transmitted to municipalities	- - - - -	13
Violations involved	- - - - -	13
Sale to minors	- - - - - 5	
Service to women at the bar (local reg)	- - - - - 4	
Sale during prohibited hours	- - - - - 3	
Possessing chilled beer (DL licensee)	- - - - - 1	
Cases instituted at Division	- - - - -	18*
Violations involved	- - - - -	27
Possessing liquor not truly labeled	- - - - - 6	Failure to close premises during
Sale to minors	- - - - - 4	prohibited hours
Fraud and front	- - - - - 3	Permitting hostesses on premises
Permitting immoral activity on premises	- - - - - 2	Sale outside scope of license
Permitting gambling (wagering) on prem.	- - - - - 1	Sale to intoxicated persons
Permitting lottery activity (numbers)	- - - - - 1	Failure to file notice of change
Sale during prohibited hours	- - - - - 1	in application
Sale at less than filed price	- - - - - 1	Failure to keep true books of account
Hindering investigation	- - - - - 1	
Possessing indecent matter	- - - - - 1	
*Includes one cancellation proceeding--license improvidently issued to club not bona fide		
Cases brought by municipalities on own initiative and reported to Division	- - - - -	9
Violations involved	- - - - -	10
Sale to minors	- - - - - 5	
Sale during prohibited hours	- - - - - 2	
Permitting brawls on premises	- - - - - 1	
Permitting bookmaking on premises	- - - - - 1	
Employee without identification card (local reg.)	- - - - - 1	
HEARINGS HELD AT DIVISION:		
Total number of hearings held	- - - - -	45
Appeals	- - - - - 5	Seizures
Disciplinary proceedings	- - - - - 30	Tax revocations
Eligibility	- - - - - 3	
STATE LICENSES AND PERMITS ISSUED:		
Total number issued	- - - - -	2,670
Licenses	- - - - - 1	Social affair permits
Solicitors' permits	- - - - - 33	Miscellaneous "
Employment "	- - - - - 1949	Transit insignia
Disposal "	- - - - - 69	Transit certificates
		382
		168
		62
		6

4. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JOSEPH F. DEOCK & DOROTHEA G. DEOCK t/a SILVER ARROW GRILL 168 Getty Avenue Paterson 3, New Jersey)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-240, issued by the Board of Alcoholic Beverage Control for the City of Paterson.)

Defendant-licensees, Pro se.
Dora P. Rothschild, Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge that they sold alcoholic beverages during prohibited hours in their original containers for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

On Saturday, March 5, 1960, at about 11:13 p.m., an ABC agent at the premises purchased a pint of whiskey from Robert Schweer, a bartender. The agent, accompanied by a fellow agent, left the premises with the whiskey. The agents returned almost immediately and revealed their identity to Schweer, who verbally admitted such sale.

Defendants have no prior adjudicated record. I shall suspend their license for the minimum period of fifteen days and remit five days for the plea entered herein, leaving a net suspension of ten days. Re L.F.A. Corporation, Bulletin 1326, Item 6.

Accordingly, it is, on this 29th day of March 1960,

ORDERED that Plenary Retail Consumption License C-240, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Joseph F. Deock & Dorothea G. Deock, t/a Silver Arrow Grill, for premises 168 Getty Avenue, Paterson, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m., Monday, April 4, 1960 and terminating at 3:00 a.m., Thursday, April 14, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - GAMBLING - LOTTERY - PRIOR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

CARL F. HORSTMANN t/a CARL'S CAFE 2167-71 Springfield Avenue Union Township (Union County) PO Vaux Hall, New Jersey)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-13, issued by the Township Committee of the Township of Union (Union County))

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

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On March 23, 24, 30 and 31, 1960, you allowed, permitted and suffered gambling, viz., the making and accepting of bets in a lottery commonly known as the 'numbers game', in and upon your licensed premises; in violation of Rule 7 of State Regulation No. 20.
"2. On March 23, 24, 30 and 31, 1960, you allowed, permitted and suffered tickets and participation rights in a lottery commonly known as the 'numbers game' to be sold and offered for sale, in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20."

On the morning of March 23, 1960, an ABC agent, who was in defendant's premises, placed four twenty-five-cent bets on various numbers with Amiel Nichols (a patron).

On the morning of March 24, 1960, the same agent and another ABC agent were in defendant's premises. Each gave one dollar and bet slips on numbers to Joseph Misinsky, Sr., who was tending bar, with instructions to give the money to the aforesaid patron.

On the morning of March 30, 1960, the same agents entered the premises and placed similar bets on numbers with Amiel Nichols, in the presence of the aforesaid bartender.

On the morning of March 31, 1960, the same agents entered the premises and each gave to Amiel Nichols one dollar and a bet slip, which the patron placed in his pocket. Later, another agent and members of the Union Township Police Department entered. The money and slips were found in the possession of the aforesaid patron and he and another patron were arrested on a charge of possessing lottery slips. The bartender was arrested on a charge of accepting lottery slips on March 24.

Defendant has a prior record. Effective November 17, 1958, his license was suspended for five days by the local issuing authority for an "hours" violation. Effective November 30, 1959, his license was suspended for ten days by the local issuing authority for an "hours"

served about seven drinks of whiskey and seven glasses of beer and that he had visited the same premises on the evening of March 23, at which time he was served about three drinks of whiskey. Alan --- stated that on the evening of March 24 he was served about ten drinks of whiskey and ten glasses of beer and that he had visited the same premises on the evening of March 23, at which time he was served about four drinks of whiskey and two glasses of beer. Private Douglas --- stated that on the evening of March 24 he was served one "screwdriver" and about three glasses of beer. Private Thomas --- stated that on the evening of March 24 he was served about seven "screwdrivers" and ten glasses of beer. From the statements it appears that the drinks were served by Bernard Hoffman (a bartender) who did not question any of the patrons as to his age. Thus, the case involves sale and service to four minors, two of whom had been served on a previous visit to the premises. As set forth above, two of the minors were 19 years of age and two were 20 years of age, and all of them were served with and consumed many drinks.

In alleged mitigation defendants have advised me in writing that neither of them was present when the violation occurred and that they had instructed all of their bartenders not to serve minors. Nevertheless, the licensees are fully responsible for the violations which occurred on their premises. Rule 33 of State Regulation No. 20.

Defendants have no prior record. The minimum penalty for an unaggravated sale to a 19-year-old and a 20-year-old minor is fifteen days. Re Harvey, Jr., Bulletin 1285, Item 13. However, because of the number of minors involved and the large amount of alcoholic beverages sold and served to them, I shall suspend defendant's license for twenty-five days. Five days will be remitted for the plea, leaving a net suspension of twenty days.

Accordingly, it is, on this 14th day of April 1960,

ORDERED that Plenary Retail Consumption License C-9, issued by the Township Committee of Ocean Township to Philip E. Wetzel & Robert J. Wilson, t/a "Memory Lane", for premises at Hy. 35 & Talmadge Avenue, Ocean Township, be and the same is hereby suspended for twenty (20) days, commencing at 3:00 a.m., Thursday, April 21, 1960 and terminating at 3:00 a.m., Wednesday, May 11, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

AUTOMATIC SUSPENSION - LIFTED, ON MOTION OF DIRECTOR, AT EXPIRATION OF SUSPENSION IMPOSED IN DISCIPLINARY PROCEEDINGS.

In the Matter of Disciplinary Proceedings against)

BENJAMIN OSKIERKO & GENEVIEVE OSKIERKO)
t/a WATER TOWER LIQUORS INN)
Bordentown Ave. (Plot 5, Block 33))
Sayreville, New Jersey)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-3, issued by the Mayor and Borough Council of the Borough of Sayreville.)

Auto. Susp. #184)
In the Matter of a Petition to Lift the Automatic Suspension of License C-3, issued by the Mayor and Borough Council of the Borough of Sayreville to)

ORDER

BENJAMIN OSKIERKO & GENEVIEVE OSKIERKO)
t/a WATER TOWER LIQUORS INN)
Bordentown Ave. (Plot 5, Block 33))
Sayreville, New Jersey)

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

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they sold and permitted the sale of alcoholic beverages to a minor in their licensed premises, in violation of Rule 1 of State Regulation No. 20.

Acting upon information obtained from the Madison Township Police Department, ABC agents obtained sworn, written statements from Charles --- and three other minors. In his statement Charles says that he is 16 years of age; that shortly after 8 p.m. February 6, 1960, he and the other minors drove to the vicinity of defendants' premises and parked nearby; that he alone entered and purchased a pint of wine and a pack containing six 12-ounce cans of beer which he carried from the premises to the parked car and that the man who sold the alcoholic beverages did not question him as to his age. The statements obtained from the other minors say that each saw Charles, empty-handed, enter defendants' premises and emerge therefrom carrying a paper bag containing the alcoholic beverages.

Defendants have no prior adjudicated record. In attempted mitigation Benjamin Oskierko has submitted an affidavit wherein he admits the aforesaid sale but says that, in response to his request for evidence of age, Charles --- produced a driver's license which indicated that the holder thereof was 21 or more years of age. The minor denies this and the agents report that the minor appeared to be 16 years of age. In any event, the minor did not falsely represent in writing that he was 21 years of age or over as required by R.S. 33:1-77(a). I shall suspend defendants' license for twenty-five days (the minimum suspension for sale to a 16-year-old minor).
Re Shoreview, Inc., Bulletin 1307, Item 3. Five days will be remitted

Defendant has no prior record. In alleged mitigation defendant has submitted a letter wherein he states that he was not on the premises when the violation occurred. Nevertheless, defendant is liable for the violation which occurred on his premises. Rule 33 of State Regulation No. 20. I shall suspend defendant's license for twenty days (the minimum penalty for sale to a 17-year-old minor). Re Campbell, Bulletin 1320, Item 10. Five days will be remitted for the plea, leaving a net suspension of fifteen days.

Accordingly, it is, on this 13th day of April 1960,

ORDERED that Plenary Retail Consumption License C-4, issued by the Borough Council of the Borough of Matawan to Frank Tourine, Jr., t/a Tourine's Tavern, for premises 40 Main Street, Matawan, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m., Monday, April 25, 1960 and terminating at 2:00 a.m., Tuesday, May 10, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - GAMBLING - LOTTERY - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

HIBERNIAN CLUB OF ELIZABETH, INC.)
630 First Avenue)
Elizabeth 4, New Jersey)

CONCLUSIONS
AND ORDER

Holder of Club License CB-8, issued by the City Council of the City of Elizabeth.)

James T. Kirk, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On December 14, 1959, and prior thereto, you allowed, permitted and suffered gambling, viz., the conduct of a lottery, commonly known as a 'drawing' or 'raffle' for prizes of money, in and upon your licensed premises; in violation of Rule 7 of State Regulation No. 20.
- "2. On December 14, 1959, and prior thereto, you allowed, permitted and suffered a lottery, commonly known as a 'raffle' or 'drawing' for prizes of money, to be conducted in and upon your licensed premises, and sold and offered for sale and possessed, had custody of an allowed, permitted and suffered tickets and participation rights in such aforementioned lottery, in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20."

Early Monday evening, December 14, 1959, ABC agents arrived in the vicinity of defendant's licensed premises and from vantage points kept the club under surveillance until 10:55 p.m. During their watch a total of 23 persons entered the club through an unlocked door and one of the agents also entered and sought to purchase a drink in the barroom. Being refused, he rejoined his fellow agent outside. At

10:00 p.m. they saw two males leave the club, drive away and in ten minutes return and enter the club carrying two large sacks. Ascertaining that a drawing was to take place at 11:00 p.m., the agents entered the club at 10:55 p.m. and stationed themselves outside the barroom door which was locked and there heard someone within say "Okay, this is the last number, who wants to draw it?" Shortly thereafter, the door was opened and the agents entered. After identifying themselves they seized a gallon jug in which were 217 capsules, each containing a numbered slip of paper.

The president and treasurer of the club informed the agents that tickets for the raffle were sold mainly to members for \$10 apiece; that the drawing was held for nine consecutive weeks and the holders of three winning numbers drawn each week received \$20, \$10 and \$5, respectively; that the three capsules containing the three numbers drawn each week were returned to the jar and that in the tenth week a grand drawing was held, at which time three numbers were drawn and the holders of those numbers in the order drawn received \$500, \$100 and \$10, respectively. The president informed the agents that the club received approximately forty per cent of the proceeds of the raffle.

Defendant has no prior adjudicated record. I shall suspend its license for the minimum period of fifteen days (Re Francis W. Robbins Post No. 194, American Legion, Bulletin 1015, Item 9) and remit five days for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 5th day of April 1960,

ORDERED that Club License CB-8, issued by the City Council of the City of Elizabeth to Hibernian Club of Elizabeth, Inc., for premises 630 First Avenue, Elizabeth, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m., Tuesday, April 12, 1960, and terminating at 2:00 a.m., Friday, April 22, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED -
 PRIOR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JOHN OSTROWSKI)
 t/a OSTROWSKI'S CAFE)
 419 Hudson Street)
 Hackensack, N. J.)

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Consumption License C-39, issued by the City Council of the City of Hackensack.)

 George W. Weleck, Esq., Attorney for Defendant-licensee
 William F. Wood, 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 alcoholic beverages in bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

On March 7, 1960, an ABC agent tested defendant's open stock of liquor and seized a number of bottles for further tests by the Division's chemist. Subsequent analysis by the chemist disclosed that the contents of eight of the seized bottles varied substantially in solids when compared with the contents of genuine bottles of the same brands.

Defendant has a prior adjudicated record. In 1934 he was fined \$150 in the Criminal Judicial District Court after he had been found guilty of possessing illicit (untaxed) alcoholic beverages. On August 14, 1946, his license was suspended for a period of twenty days after he had pleaded non vult to charges alleging that he possessed a bottle containing an alcoholic beverage not genuine as labeled and falsely denied in his application that he had ever been convicted of a crime whereas he had been so convicted as hereinabove set forth. Bulletin 726, Item 5; Bulletin 749, Item 2. Effective January 5, 1953, defendant's license was suspended for fifteen days for possession of a bottle containing an alcoholic beverage not genuine as labeled. Bulletin 952, Item 7. Inasmuch as the conviction in 1934 aforementioned and the two violations in 1946 (one of which is similar to the charge herein) happened more than ten years ago, they will not be considered in fixing the penalty herein. However, since the defendant's last similar violation in 1953 happened within ten years, an additional penalty will be added herein.

I shall suspend defendant's license for the minimum penalty of thirty days, where eight bottles are involved (Re Kruvant, Bulletin 1291, Item 3), plus five days for the past record, making a total suspension of thirty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty days.

Accordingly, it is, on this 18th day of April 1960,

ORDERED that Plenary Retail Consumption License C-39, issued by the City Council of the City of Hackensack to John Ostrowski, t/a Ostrowski's Cafe, for premises 419 Hudson Street, Hackensack, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m., Monday, April 25, 1960, and terminating at 2:00 a.m., Wednesday, May 25, 1960.

WILLIAM HOWE DAVIS
 DIRECTOR

11. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

THOMAS FRIEDMAN
t/a ROSELAND WINE & LIQUOR
201 Dayton Avenue
Passaic, New Jersey

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-19, issued by the Board of Commissioners of the City of Passaic.

Harry Kampelman, 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 a charge alleging that on March 22, 1960, he 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 the above date an ABC agent entered defendant's licensed premises and purchased from the licensee two quart bottles of Kinsey Silver Blended Whiskey for the price of \$8.75. At the time of such purchase the correct price for these two bottles of whiskey was \$9.58. The agent left the premises with the whiskey, joined a fellow agent who had remained outside and both agents entered the premises almost immediately. The agents revealed their identity, whereupon the licensee verbally admitted the sale of the whiskey below the correct price.

Defendant has no prior adjudicated record. I shall suspend his license for the minimum period of ten days. Re Philmore Liquor Sales, Inc., Bulletin 1330, Item 7. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 18th day of April 1960,

ORDERED that Plenary Retail Consumption License C-19, issued by the Board of Commissioners of the City of Passaic to Thomas Friedman, t/a Roseland Wine & Liquor, for premises 201 Dayton Avenue, Passaic, be and the same is hereby suspended for five (5) days, commencing at 3 a.m. Monday, April 25, 1960, and terminating at 3 a.m. Saturday, April 30, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

MIKE & MARY PICKLO)
171 Hathaway Street)
Wallington, N. J.)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-24, issued by the Mayor and Council of the Borough of Wallington, (now held by Mary Picklo, for the same premises).)

Louis A. Schiffman, Esq., Attorney for Defendant-licensees.
William F. Wood, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they possessed on their licensed premises 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.

On January 15, 1960, an ABC agent tested defendants' open bottles of alcoholic beverages and seized, among other bottles, a quart bottle of "Old Mr. Boston Vodka 100 Proof" for further tests by the Division's chemist. Subsequent analysis by the chemist disclosed that the contents of the seized bottle was low in proof when compared with an analysis of the genuine product.

Defendants have no prior adjudicated record. The partnership in question was dissolved on March 8, 1960 and Mary Picklo is now the holder of the license in question. I shall suspend her license for the minimum period of ten days. Re Club Zanzibar Corp., Bulletin 1331, Item 6. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 18th day of April 1960,

ORDERED that Plenary Retail Consumption License C-24, issued by the Mayor and Council of the Borough of Wallington and now held by Mary Picklo, for premises 171 Hathaway Street, Wallington, be and the same is hereby suspended for five (5) days, commencing at 3:00 a.m., Monday, April 25, 1960 and terminating at 3:00 a.m., Saturday, April 30, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

13. DISCIPLINARY PROCEEDINGS - EFFECTIVE DATES FIXED FOR 10-DAY SUSPENSION PREVIOUSLY IMPOSED.

In the Matter of Disciplinary Proceedings against)

JACK ROSENTHAL)
t/a Casino Bar)
Palisades Amus. Park)
Fort Lee, N. J.)

ORDER

Holder of Plenary Retail Consumption License C-34, issued by the Mayor and Council of the Borough of Fort Lee.)

Jacob Schneider, Esq., Attorney for Defendant-licensee.

BY THE DIRECTOR:

By order dated October 27, 1959, I suspended defendant's license for ten days. Because it then appeared that the licensed premises were not being operated, the order provided that the effective dates for said suspension would be fixed by a subsequent order after the premises reopened for the 1960 season. Bulletin 1312, Item 13.

It now appearing to my satisfaction that defendant's premises will reopen for the season on April 14, 1960,

It is, on this 11th day of April 1960,

ORDERED that the ten-day suspension heretofore imposed shall commence at 3 a.m. Monday, April 25, 1960, and terminate at 3 a.m. Thursday, May 5, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

14. STATE LICENSES - NEW APPLICATIONS FILED.


Kinsey Distilling Sales Company
169-171 Frelinghuysen Ave.
Newark, N. J.
Application filed May 17, 1960 for place-to-place transfer of Plenary Wholesale License W-27 from 259-265 Hillside Avenue, Newark, N. J.

Joseph H. Reinfeld, Inc.
591-629 Rahway Avenue
Union, N. J.
Application filed May 20, 1960 for place-to-place transfer of 1960-1961 Plenary Wholesale License W-11 from 461-467 Frelinghuysen Ave., Newark, N.J.

Baxter Warehouse Corporation
591-629 Rahway Ave.
Union, N. J.
Application filed May 20, 1960 for Plenary Wholesale License, for the 1960-61 licensing year.

Majestic Wine & Spirits, Inc.
1423 Ferry Avenue
Camden, N. J.
Application filed May 20, 1960 for Additional Salesroom on Plenary Wholesale License W-110 for premises 591-629 Rahway Avenue, Union, N. J. for the 1960-61 licensing year.

New Jersey State Library


William Howe Davis
Director