

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

Mr. Michelson

BULLETIN 1167

MAY 22, 1957.

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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 1167

MAY 22, 1957.

1. APPELLATE DECISIONS - PENQUIN SOCIAL CLUB, INC. v. PRINCETON.

PENQUIN SOCIAL CLUB, INC.,)
Appellant,)
-vs-) ON APPEAL
MAYOR AND COUNCIL OF THE) CONCLUSIONS AND ORDER
BOROUGH OF PRINCETON,)
Respondent.)

James E. Abrams, Esq., Attorney for Appellant.
Smith, Stratton & Wise, Esqs., by Henry M. Stratton, II, Esq.,
Attorneys for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

"This is an appeal from a thirty-day suspension of appellant's club license, issued for premises 184 John Street, Princeton. Respondent instituted disciplinary proceedings against appellant herein and, after a hearing, found appellant guilty of the following charges:

'1. On October 13, 1956, you sold, served and delivered and suffered and permitted the sale, service and delivery of alcoholic beverages directly or indirectly upon the licensed premises between the hours of 12 o'clock midnight and 7:00 A.M.; in violation of Section 11 of an ordinance adopted by the Mayor and Common Council of the Borough of Princeton on August 6, 1935, as amended December 20, 1939.

'2. On October 13, 1956, you sold and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to persons not bona fide members of the Club or bona fide guests of any such members, in violation of Rule 8 of State Regulation No. 7.'

"Upon the filing of this appeal an order was entered on December 7, 1956, staying the suspension until the entry of a further order herein. R. S. 33:1-31.

"The petition of appeal alleges, in effect, that the finding of guilt was contrary to the weight of the evidence.

"On behalf of respondent two ABC investigators and an ABC inspector testified, at the hearing held herein, that they arrived in Princeton on October 12, 1956, about 11:30 p.m.; that the two investigators entered the club, and that the inspector remained outside the club for about one hour.

"Both ABC investigators testified that when they entered the club they took seats at the bar; that Norman Hines, who was acting as bartender, came over and asked one of the investigators to remove his hat; that each investigator then ordered a bottle of beer which was served by Hines; that, shortly thereafter, one of the investigators asked Hines if Leonard Zulcke was present and was told that he would be in later; that Zulcke came in about 11:50 p.m. and joined the investigators at the bar; that rounds of drinks of alcoholic

beverages were served by Hines to Zulcke and the two investigators at about 11:50 p.m., 11:55 p.m., 12:05 a.m. and 12:18 a.m.; that at about 12:10 a.m. drinks of alcoholic beverages were served to two other persons at the bar; that at about 12:15 a.m. Hines put out all lights except a few near and underneath the bar.

"The ABC inspector testified that he entered the club at about 12:32 a.m.; that four persons left the premises as he entered; that, when he entered, the two investigators and Zulcke each had a glass containing what appeared to be alcoholic beverages in his hand, and that Hines said that he had served those drinks at 'approximately twelve midnight.' Neither of the two investigators is or was a member of Penquin Social Club, Inc.

"On behalf of appellant, Norman Hines testified that he is president and manager of appellant club. He further testified that he did not serve any drinks to the investigators before Zulcke joined them; that he turned out the lights, except around the bar, at midnight; that he served the last drink at or before midnight, and that 'I don't serve anybody after twelve.' Leonard Zulcke testified that he is a member of the club; that the last drinks were purchased shortly before the lights went out; that the lights went out around twelve o'clock and that he paid for none of the drinks. Both of these witnesses testified that they have known one of the investigators for the past ten or twelve years.

"After considering all the evidence I conclude that the positive testimony of the ABC investigators as to the time the drinks were served must be accepted as true rather than the vague testimony of appellant's witnesses as to the time the drinks were served. Despite the fact that Hines and Zulcke knew one of the investigators, I do not believe that the investigators were guests of any member of the club on the evening in question. In Bulletin 100, Item 3, it is said:

'Guests are those persons expressly invited to the club by a member and who, on arrival at the club, are not only sponsored but personally attended by their hosts.'

"In Re Rockefeller, Bulletin 63, Item 10, it is said that 'a pay guest is not a bona fide guest.' In any event, it appears from the testimony that drinks of beer were served to the two investigators before Zulcke joined them at the bar.

"It is recommended, therefore, that an order be entered affirming the action of respondent and fixing effective dates for the thirty-day suspension imposed by respondent."

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

I have carefully considered the entire record, together with the Hearer's Report and the written exceptions filed by the attorney for appellant. I agree with the statement of facts and conclusions of law set forth in the Hearer's Report and adopt them as my conclusions herein. Hence I shall affirm the action of respondent and reimpose the suspension which was stayed by order dated December 7, 1956.

Accordingly, it is, on this 8th day of April, 1957,

ORDERED that the action of respondent be and the same is hereby affirmed, and that the thirty-day suspension imposed by respondent be restored against the license held by Penquin Social Club, Inc., for premises 184 John Street, Princeton, commencing at 7:00 a.m. April 15, 1957, and terminating at 7:00 a.m. May 15, 1957.

WILLIAM HOWE DAVIS
Director.

2. APPELLATE DECISIONS - NATIONAL LIQUOR COMPANY v. METUCHEN.

NATIONAL LIQUOR COMPANY,)

Appellant,)

-vs-

BOROUGH COUNCIL OF THE)
BOROUGH OF METUCHEN,)

Respondent.)

ON APPEAL
CONCLUSIONS AND ORDER

Weisman & Freedman, Esqs., by Joseph A. Weisman, Esq.,
Attorneys for Appellant.

Leon Semer, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the action of respondent whereby it denied appellant's application for the transfer of a plenary retail distribution license from Kaon Liquors, Inc. to appellant and from premises at 400 Main Street to premises at Middlesex Avenue and Holly Street, Metuchen.

"On October 22, 1956, respondent, after a public hearing upon an objection filed to the transfer, adopted a resolution denying the application for the following stated reasons:

- '1. proximity to a school, particularly a High School and a recreational area.
- '2. too great a concentration of licenses in an area close to a school.
- '3. sufficiency of number of licensed premises in the area.
- '4. the transfer would affect the present geographical distribution of this type of license serving the public convenience.
- '5. the transfer would leave only one distribution license on Main Street, the principal business district.
- '6. the transfer would be from one business area to another with a deficiency in the principal business district and a concentration in a secondary business area.'

"The petition of appeal alleges that no objection to the transfer was filed or voiced, except by a single competitor, and that the action of respondent was erroneous in that the reasons

furnished by respondent for denying the application were arbitrary and capricious and in that its action was discriminatory. The answer denies that the action of respondent was erroneous.

"The evidence establishes that five plenary retail distribution licenses are now outstanding in the Borough. One is now held for premises in the northern part of the Borough, nearly a mile from appellant's premises. Two are now held for premises on Main Street; one by Kaon Liquors, Inc. for premises between Hillside Avenue and the Pennsylvania Railroad and the other by another licensee for nearby premises at the corner of Main Street and Hillside Avenue. The fourth is now held by The Great Atlantic and Pacific Tea Company (hereafter called A & P) for premises operated as a supermarket at Pearl and New Streets, about midway between Main Street and appellant's premises. The fifth is now held by Metuchen Liquors, Inc. for premises on Lake Avenue, 103 feet from appellant's premises. The distance between the premises of Kaon Liquors, Inc. and appellant's premises is about 1100 feet in a straight line and 1300 feet as a pedestrian would properly walk.

"The evidence further establishes that Franklin School, with a fenced-in playground, is located on Middlesex Avenue, almost opposite the intersection of Middlesex Avenue and Holly Street, which terminates at Middlesex Avenue. The distance between the entrance to the school (as measured from the point where the walk leading thereto intersects the sidewalk on Middlesex Avenue) and the entrance to appellant's premises is 463 feet. The entrance to Metuchen Liquors, Inc. is located an additional 103 feet from the entrance to the school.

"On behalf of appellant, Walter Zirpolo testified that he is president of appellant corporation, a subsidiary of National Grocery Company which operates supermarkets in six municipalities in New Jersey; that two of said supermarkets located in other municipalities hold liquor licenses and have clear records as licensees. He further testified that appellant's supermarket in Metuchen is of a substantial size with a large parking area for its customers; that its customers desire 'one-stop shopping' and that appellant suffers from 'a very unfair disadvantage in town with the A & P two blocks from us'. He admitted that for years the business district in Metuchen has been along Main Street but contended there is now nearly as much business in the neighborhood of Middlesex Avenue and Holly Street.

"On behalf of respondent, Mayor Metzger testified that he participated in the discussion held after the hearing by the six members of the Borough Council who then voted unanimously to deny the application. He testified that the members of the Council felt that 'the atmosphere around a school building should be one which is conducive to the proper kind of education for the children'; that 'we were concerned because a transfer of this license would mean that a liquor store would be taken off the main business street of the Borough and put on another one -- we didn't wish to disturb that balance, which we think is a pretty good one'; that 'we were thinking about the convenience of the public and the fact that that is the main business street and there are people going up and down that street constantly in greater proportion than they are on Holly Street'. He admitted that the only objector at the hearing was Mr. Rossmeyer, connected with Metuchen Liquors,

Inc., but when asked if the members of the Council gave any credence or value to the objection, he replied, 'No, not particularly' and stated that the reasons set forth in the resolution are the sole reasons for denial. Councilman Tinnison, Councilman Ayres and former Councilman Hinton were present at the hearing herein but were not called to testify.

"A transfer of a liquor license is not an inherent or automatic right. The issuing authority may grant or deny a transfer in the exercise of a reasonable discretion. If denied on reasonable grounds, such action will be affirmed. Van Schoick v. Howell, Bulletin 120, Item 6; Thompson v. Mount Olive, Bulletin 986, Item 1. On appeal the burden is on appellant to show that respondent abused its discretion. Rule 6 of State Regulation No. 15; Boek Tavern Inc. v. Newark, Bulletin 952, Item 1; Livingston Land Corporation v. Livingston, Bulletin 1136, Item 3.

"There is no evidence that the members of respondent issuing authority were improperly motivated. Appellant stresses the fact that the sole objector was a competitor but the Mayor testified that the application was denied for the sole reasons set forth in the resolution. I find little, if any, merit in reasons 1 or 2 as set forth in the resolution. The fact that a license has been issued to Metuchen Liquors Inc. for premises slightly more than 100 feet from appellant's premises indicates that respondent has adopted no policy to deny licenses to premises beyond the required 200 feet from, but nevertheless within close proximity to, a school. However, there is ample evidence to support respondent's action for reasons 3, 4, 5 and 6, as set forth in the resolution. Cf. Rosenvinge v. Metuchen, Bulletin 249, Item 6. The evidence which indicates that the A & P has held a license at its present address for the past three years does not support the allegation of discrimination against appellant. Biscamp & Hess v. Teaneck et al., 5 N. J. Super. (Sup. Ct. App. Div. 1949). After considering the evidence and the briefs submitted herein, I conclude that appellant has not sustained the burden of proof in establishing that the action of respondent was erroneous and recommend that an order be entered affirming respondent's action."

Written exceptions and written argument as to said exceptions were filed with me by attorneys for appellant, and written answering argument was filed with me by attorney for respondent within the time permitted by Rule 14 of State Regulation No. 15.

After carefully considering the entire record in this case, including the transcript of testimony, the Hearer's Report and the exceptions and written arguments of counsel, I concur in and adopt the conclusions set forth in the Hearer's Report as my conclusions herein and, as recommended by the Hearer, I shall enter an order affirming respondent's action.

Accordingly, it is, on this 15th day of April, 1957,

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

WILLIAM HOWE DAVIS
Director.

3. 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 FRANK P. PELLEGRINO T/a FRANK'S WINES & LIQUOR STORE 429 Belmont Avenue Haledon, PO Paterson, N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-4, issued by the Borough Council of the Borough of Haledon.

Arnold M. Smith, 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 he sold an alcoholic beverage 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.

The file herein discloses that on Tuesday, January 15, 1957, an ABC agent visited defendant's licensed premises and purchased from the clerk therein a gallon of Gallo California Burgundy Red, White & Green Label wine for \$2.50, which was the price quoted by the clerk. The minimum resale price then in effect for the article in question was \$2.59. The clerk accepted three marked one-dollar bills in payment, rang up the sale and returned fifty cents in change. The agent then left with his purchase and returned immediately accompanied by another agent. Both identified themselves to the clerk who verbally admitted the sale. Later the licensee entered the premises and, being informed of the violation, turned over to the agents the marked bills and the tape from the cash register which confirmed the sale below the minimum price.

Defendant has no prior adjudicated record. I shall suspend his license for the minimum period of ten days. Five days will be remitted for the plea entered herein, leaving a net suspension of five days (Re Triangle Corp., Bulletin 1116, Item 8).

Accordingly, it is, on this 28th day of March, 1957,

ORDERED that Plenary Retail Distribution License D-4, issued by the Borough Council of the Borough of Haledon to Frank P. Pellegrino, t/a Frank's Wines & Liquor Store, for premises 429 Belmont Avenue, Haledon, be and the same is hereby suspended for five (5) days, commencing at 9:00 a.m. April 8, 1957, and terminating at 9:00 a.m. April 13, 1957.

WILLIAM HOWE DAVIS Director.

4. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ALEXANDER'S DEL'N. & CATERERS CORP.
T/a ALEXANDER'S DEL'N. & CATERERS CORP.
266 Jackson Avenue
Jersey City 5, N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-7, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

Alexander's Del'n. & Caterers Corp., Defendant-licensee, by Charles J. Rinkacs, President.
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that on Sunday, February 3, 1957, it sold alcoholic beverages in original containers for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

The file herein discloses that on Sunday, February 3, 1957, at about 3:00 p.m., an ABC agent entered the licensed premises in which he observed two patrons and two clerks. One of the clerks was behind a food counter and the other (Wilbur Reilly, vice-president of defendant corporation) was selling alcoholic beverages. After purchasing some food articles, the agent asked for some alcoholic beverages and was referred to Mr. Reilly who sold him a pint of Calvert Whiskey for \$3.00 and six 12-ounce cans of Schaefer beer for \$1.10. At about this time the agent also observed Mr. Reilly sell a 4/5 quart bottle of Canadian Club Whisky to the patrons aforementioned. The agent then left the premises with the alcoholic beverages and immediately returned with another agent. The agents identified themselves to Mr. Reilly who admitted the aforesaid illegal sales.

Defendant has no prior adjudicated record. I shall suspend its license for fifteen days. Re DiMattia, Bulletin 1141, Item 10. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 1st day of April, 1957,

ORDERED that Plenary Retail Distribution License D-7, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Alexander's Del'n. & Caterers Corp., t/a Alexander's Del'n. & Caterers Corp., 266 Jackson Avenue, Jersey City, be and the same is hereby suspended for a period of ten (10) days, commencing at 9:00 a.m. April 8, 1957, and terminating at 9:00 a.m. April 18, 1957.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - MISLABELED BEER TAP - LICENSE
SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

PERRY'S BAR & GRILL (A CORP.))
405 Frelinghuysen Avenue)
Newark 5, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-702, issued by the)
Municipal Board of Alcoholic)
Beverage Control of the City of)
Newark.)

-----)
Perry's Bar & Grill (A Corp.), Defendant-licensee, by Alfredo
Pereira, President.
William F. Wood, Esq., appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that
it allowed, permitted and suffered two mislabeled beer taps
and an unlabeled beer tap on its licensed premises, in viola-
tion of Rule 26 of State Regulation No. 20.

The file herein discloses that on March 11, 1957,
during the course of a retail inspection of defendant's
licensed premises, two ABC agents found three barrels of
Dobler beer, one of them was connected to a tap which bore the
brand name "Schaefer", another was connected to a tap which
bore the brand name "Rheingold", and the third was connected
to an unlabeled tap.

Defendant has no prior adjudicated record. I shall
suspend its license for a period of ten days. Re Zilberblat,
Bulletin 1135, Item 4. Five days will be remitted for the
plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 4th day of April, 1957,

ORDERED that Plenary Retail Consumption License C-702,
issued by the Municipal Board of Alcoholic Beverage Control
of the City of Newark to Perry's Bar & Grill (A Corp.), 405
Frelinghuysen Avenue, Newark, be and the same is hereby sus-
pended for a period of five (5) days, commencing at 2:00 a.m.
April 15, 1957, and terminating at 2:00 a.m. April 20, 1957.

WILLIAM HOWE DAVIS
Director.

6.

ACTIVITY REPORT FOR APRIL 1957

ARRESTS:		
Total number of persons arrested	- - - - -	29
Licensees and employees	- - - - - 9	
Bootleggers	- - - - - 18	
ABC agent impersonators	- - - - - 2	
SEIZURES:		
Motor vehicles + cars	- - - - -	6
Stillls - over 50 gallons	- - - - -	2
Mash - gallons	- - - - -	300.00
Distilled alcoholic beverages - gallons	- - - - -	85.03
Wine - gallons	- - - - -	3.92
Brewed malt alcoholic beverages - gallons	- - - - -	4.40
RETAIL LICENSEES:		
Premises inspected	- - - - -	834
Premises where alcoholic beverages were gauged	- - - - -	592
Bottles gauged	- - - - -	9,641
Premises where violations were found	- - - - -	70
Violations found	- - - - -	100
Type of violations found:		
Prohibited signs	- - - - - 24	Reg. #38 sign not posted - - - - -15
Application copy not available	- - - - - 23	Other mercantile business - - - - -1
Unqualified employees	- - - - - 18	Other violations - - - - -19
STATE LICENSEES:		
Premises inspected	- - - - -	28
License applications investigated	- - - - -	13
COMPLAINTS:		
Complaints assigned for investigation	- - - - -	488
Investigations completed	- - - - -	407
Investigations pending	- - - - -	181
LABORATORY:		
Analyses made	- - - - -	150
Refills from licensed premises - bottles	- - - - -	6
Bottles from unlicensed premises	- - - - -	35
IDENTIFICATION BUREAU:		
Criminal fingerprint identifications made	- - - - -	20
Persons fingerprinted for non-criminal purposes	- - - - -	264
Identification contacts made with other enforcement agencies	- - - - -	205
Motor vehicle identifications via N. J. State Police teletype	- - - - -	1
DISCIPLINARY PROCEEDINGS:		
Cases transmitted to municipalities	- - - - -	20
Violations involved	- - - - -	23
Sale during prohibited hours	- - - - - 16	
Failure to close premises	- - - - -	
during prohibited hours	- - - - - 3	
Sale to minors	- - - - - 3	
Sale to non-members by club	- - - - - 1	
Cases instituted at Division	- - - - -	83*
Violations involved	- - - - -	31
Sale during prohibited hours	- - - - - 7	Fraud in application - - - - - 1
Sale to minors	- - - - - 6	Delivery without bona fide invoice - 1
Permitting bookmaking on premises	- - - - - 2	Permitting immoral activity - - - - 1
Permitting lottery activity	- - - - -	Failure to close premises
(numbers, drawing) on premises	- - - - - 2	during prohibited hours - - - - 1
Hindering investigation	- - - - - 2	Sale below minimum resale price - 1
Conducting business as a nuisance	- - - - - 2	Sale outside scope of license - - - 1
Possessing illicit liquor	- - - - - 2	Sale outside scope of permit - - - 1
Sale to non-members by club	- - - - - 1	
*Includes one cancellation proceeding - DL license improvidently issued for premises not operated as a bona fide food store		
Cases brought by municipalities on own initiative and reported to Division	- - - - -	12
Violations involved	- - - - -	13
Sale during prohibited hours	- - - - - 6	
Sale to minors	- - - - - 4	
Failure to afford view into premises	- - - - -	
during prohibited hours	- - - - - 1	
Permitting bookmaking on premises	- - - - - 1	
Permitting gambling (cards) on prem.	- - - - - 1	
HEARINGS HELD AT DIVISION:		
Total number of hearings held	- - - - -	43
Appeals	- - - - - 3	
Disciplinary proceedings	- - - - - 25	Seizures - - - - - 4
Eligibility	- - - - - 7	Tax revocations - - - - - 4
STATE LICENSES AND PERMITS ISSUED:		
Total number issued	- - - - -	2,426
Licenses	- - - - - 1	Transit insignia - - - - - 89
Employment permits	- - - - - 1,767	Transit certificates - - - - - 26
Solicitors "	- - - - - 68	
Disposal "	- - - - - 61	
Social affair "	- - - - - 261	
Miscellaneous "	- - - - - 153	

DATED: May 7, 1957

WILLIAM HOWE DAVIS
DIRECTOR

7. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1956 THROUGH MARCH 31, 1957

	1st Quarter July, Aug., Sept.		2d Quarter Oct., Nov., Dec.			3d Quarter Jan., Feb., Mar.		Total
ARRESTS:								
Total number of persons arrested	110		75			96		281
Licensees and employees	35		22			35		92
Bootleggers	74		52			61		187
ABC agent impersonator	1		1			0		2
SEIZURES:								
Motor vehicles - cars	11		4			6		21
- trucks	1		1			-		2
Still - over 50 gallons	2		3			1		6
- 50 gallons or under	2		7			2		11
Alcohol - gallons	-		-			4.25		4.25
Mash - gallons	1,472.20		3,191.26			990.16		5,653.62
Distilled alcoholic beverages - gallons	241.38		457.67			345.56		1,044.61
Wine - gallons	82.44		199.18			4.84		286.46
Brewed malt alcoholic beverages - gallons	393.44		48.28			12.14		453.86
RETAIL LICENSEES:								
Premises inspected	1,572		1,837			1,738		5,147
Premises where alcoholic beverages were gauged	1,263		1,800			1,702		4,765
Bottles gauged	22,826		31,418			28,562		82,806
Premises where violations were found	120		110			98		328
Violations found	184		156			138		478
Type of violations found:								
Unqualified employees	98		57			49		204
Application copy not available	41		31			51		123
Reg. #38 sign not posted	10		15			5		30
Other mercantile business	9		7			3		19
Disposal permit necessary	3		9			8		16
Prohibited signs	2		1			8		11
Gambling devices	-		4			1		5
Improper beer taps	4		-			-		4
Probable fronts	2		1			-		3
Other violations	15		31			17		63
STATE LICENSEES:								
Premises inspected	39		134			84		257
License applications investigated	32		29			29		90
COMPLAINTS:								
Complaints assigned for investigation	1,134		1,111			1,121		3,366
Investigations completed	1,088		1,071			1,011		3,170
Investigations pending	(177)		(122)			150		150
LABORATORY:								
Analyses made	548		380			483		1,411
Refills from licensed premises - bottles	10		17			18		45
Bottles from unlicensed premises	195		137			67		399
IDENTIFICATION BUREAU:								
Criminal fingerprint identifications made	91		46			45		182
Persons fingerprinted for non-criminal purposes	832		543			541		1,916
Identification contacts made w/other enf. agencies	619		393			427		1,439
Motor vehicle identifications via N.J.St.police teletype	3		6			17		26
DISCIPLINARY PROCEEDINGS:								
Cases transmitted to municipalities	25		46			41		112
Violations involved								
Sale during prohibited hours	15		29			20		64
Sale to minors	7		12			18		37
Failure to close premises during prohibited hours	5		5			2		12
Sale to non-members by club	2		1			1		4
Failure to afford view into premises during prohibited hours	1		1			1		3
Employing female bartender (local reg.)	-		2			1		3
Permitting hostesses on premises	-		2			1		3
Sale to intoxicated persons	-		2			1		3
Permitting brawl on premises	-		1			1		2
Service to women at a bar (local reg.)	1		-			-		1
Permitting lottery activity (sweepstakes)	1		-			-		1
Permitting foul language on premises	-		1			-		1
Permitting gambling (cards) on premises	-		1			-		1
Sale outside scope of license	-		1			-		1
Cases instituted at Division	90*		63**			84*		237
Violations involved								
Sale to minors	41		15			32		88
Sale during prohibited hours	16		13			16		45
Sale below minimum resale price	8		5			10		23
Permitting immoral activity on premises	4		10			2		16
Conducting business as a nuisance	7		2			5		14
Possessing illicit liquor	3		2			6		11
Fraud and front	4		6			-		10
Possessing indecent matter	2		5			3		10

*Includes one cancellation proceeding - license improvidently issued

**Includes two cancellation proceedings - license improvidently issued

	1st Quarter			2d Quarter			3d Quarter			Total
	July	AUG.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	
DISCIPLINARY PROCEEDINGS (Continued)										
Cases Instituted at Division (Continued)										
Violations involved:										
Sale outside scope of license	3			3			2			8
Sale to intoxicated persons	3			1			3			7
Permitting lottery activity (numbers, pools, raffle tickets)	3			3			-			6
Employing unqualified persons	4			1			1			6
Permitting bookmaking on premises	4			1			-			5
Permitting gambling (cards, wagering, pool game)	1			-			4			5
Mislabeling beer taps	1			2			1			4
Failure to afford view into premises during prohibited hours	-			3			1			4
Failure to close premises during prohibited hours	-			2			2			4
Sale to non-members by club	-			1			3			4
Hindering investigation	2			1			-			3
Permitting hostesses on premises	1			1			1			3
Employing person w/o identification card (local reg.)	-			1			2			3
Storage off licensed premises	1			1			-			2
Possessing contraceptives on premises	1			2			-			2
Service to women at a bar (local reg.)	1			-			1			2
Possessing pin ball machine on premises	-			1			1			2
Permittee engaging in conduct prohibited to employer	1			-			-			1
Furnishing gifts with retail sales	1			-			-			1
Failure to file notice of change in application	1			-			-			1
Exercising license privilege prior to transfer	1			-			-			1
Permitting prostitutes on premises	1			-			-			1
Sale without license	-			1			-			1
Failure to have copy of lic. application on premises	-			1			-			1
Employing female bartender (local reg.)	-			1			-			1
Unauthorized transportation	-			1			-			1
Delivery without bona fide invoice	-			1			-			1
Permitting foul language on premises	-			-			1			1
Retailer soliciting house to house	-			-			1			1
Permitting slot machines on premises	-			-			1			1
Licensee working while intoxicated	-			-			1			1
Permitting consumption on distribution lic. prem.	-			-			1			1
Purchase from improper source	-			-			1			1
Sale during license suspension	-			-			1			1
Cases brought by municipalities on own initiative and reported to Division	31			34			50			115
Violations involved										
Sale to minors	20			17			24			61
Permitting brawl on premises	5			11			12			28
Sale during prohibited hours	2			5			7			14
Failure to close premises during prohibited hours	1			2			3			6
Permitting minors to loiter on premises (local reg.)	4			-			1			5
Conducting business as a nuisance	3			1			1			5
Permitting gambling on premises	1			-			2			3
Hindering investigation	-			1			2			3
Failure to afford view into premises during prohibited hours	-			1			3			4
Employing unqualified persons	-			1			2			3
Sale to intoxicated persons	-			1			2			3
Permitting immoral activity on premises	1			1			-			2
Permitting lottery activity on premises	1			-			1			2
Sale outside scope of license	1			-			1			2
Fraud in application	1			-			-			1
Employing bartender w/o identification card	1			-			-			1
Service to women at a bar (local reg.)	1			-			-			1
Sale to non-members by club	-			1			-			1
Failure to display license certificate	-			-			1			1
Permitting bookmaking on premises	-			-			1			1
Unauthorized transportation	-			-			1			1
Delivery without bona fide invoice	-			-			1			1
Storage off licensed premises	-			-			1			1
Permitting persons of ill repute on premises	-			-			1			1
HEARINGS HELD AT DIVISION:										
Total number of hearings held	158			117			148			423
Appeals	36			9			16			61
Disciplinary proceedings	94			71			84			249
Eligibility	18			14			23			55
Seizures	6			14			10			30
Tex revocations	-			5			11			16
Applications for license	4			4			4			12
STATE LICENSES AND PERMITS ISSUED:										
Total number issued	4,870			4,649			2,550			12,069
Licenses	936			8			10			954
Employment permits	776			485			376			1,637
Solicitors "	154			95			137			386
Disposal "	246			243			273			762
Wine "	-			1,405			30			1,435
Social affair "	1,073			1,109			861			3,043
Miscellaneous "	577			554			304			1,435
Transit insignia	1,022			691			459			2,172
Transit certificates	86			61			100			247

NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1956 TO MARCH 31, 1957 AS REPORTED TO THE DIRECTOR OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19.

C L A S S I F I C A T I O N O F L I C E N S E S

COUNTY	Plenary Retail Consumption		Plenary Retail Distribution		Club		Limited Retail Distribution		Seasonal Retail Consumption		Number Surrendered Revoked Expired	Number Licenses in Effect	Total Fees Paid
	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid			
Atlantic	490	\$ 208,922.05	71	\$ 25,575.00	22	\$ 1,974.81					1	582	\$ 236,471.86
Bergen	796	300,137.50	290	84,226.59	99	9,507.77	53	\$ 2,496.25	5	\$ 1,387.34	5	1238	397,755.45
Burlington	185	78,040.00	37	10,097.04	44	6,299.18	1	50.00				267	94,486.22
Camden	454	220,368.47	82	34,818.15	70	6,749.11			1	375.00	1	606	262,310.73
Cape May	134	73,900.00	11	4,000.00	18	2,148.90						163	80,048.90
Cumberland	80	40,875.00	15	4,100.00	29	3,910.00						124	48,885.00
Essex	1354	754,810.00	351	205,700.00	100	13,480.20	29	1,450.00	2	1,500.00	1	1835	976,940.20
Gloucester	108	34,400.00	15	3,500.00	22	1,922.88						145	39,822.88
Hudson	1539	698,537.79	298	122,400.00	84	9,781.77	66	2,850.00				1987	833,569.56
Hunterdon	79	27,200.00	8	3,000.00	8	948.90	1	50.00				96	31,198.90
Mercer	425	259,600.00	51	21,150.00	55	7,790.98			1	105.00	1	531	288,645.96
Middlesex	633	312,455.00	74	23,195.00	90	7,874.76	4	200.00				801	345,724.76
Monmouth	551	288,525.14	120	41,985.00	42	4,713.15	10	435.00	26	11,453.80	26	723	347,112.09
Morris	356	127,340.00	98	32,700.00	49	4,478.05	19	950.00	5	1,368.75	6	521	166,836.80
Ocean	198	107,093.79	47	19,680.00	26	2,724.38						271	129,498.17
Passaic	872	357,455.00	167	51,370.00	37	4,425.00	10	475.00			2	1084	413,725.00
Salem	51	19,300.00	8	1,550.00	18	1,725.00						77	22,575.00
Somerset	186	81,400.00	40	12,245.00	26	2,950.00						252	96,595.00
Sussex	168	45,855.00	20	3,955.00	9	535.00	1	50.00	1	182.40	1	198	50,577.40
Union	549	301,909.93	144	66,300.00	73	8,188.91	31	1,525.00				797	377,923.84
Warren	148	43,830.00	20	5,060.00	31	3,329.79			2	289.69	2	199	52,509.48
Total	9256	\$4,381,954.67	1967	776,606.78	952	105,458.52	225	10,531.25	43	16,661.98	46	12497	\$5,291,215.20

William Howe Davis
Director

April 29, 1957

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

In the Matter of Disciplinary Proceedings against)

ITALIAN AMERICAN PLEASURE CLUB)
 OF PHILLIPSBURG, NEW JERSEY)
 287 Grant Street)
 Phillipsburg, N. J.,)

CONCLUSIONS AND ORDER

Holder of Club License CB-283,)
 issued by the Director of the)
 Division of Alcoholic Beverage)
 Control.)

-----)
 Robert E. Frederick, Esq., Attorney for Defendant-licensee.
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic
 Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On February 9, 1957, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to persons not bona fide members of your club or bona fide guests of any such member; in violation of Rule 8 of State Regulation No. 7."

The file herein discloses that on February 9, 1957, at about 11:05 p.m., two ABC agents were at defendant's licensed club wherein they purchased and consumed several bottles of beer served by two bartenders working under the supervision of Joseph Behe, the club's steward and manager. Neither the bartenders nor the steward inquired of the agents if they were members or bona fide guests of members of said club. The agents (non-members) identified themselves to the bartenders and Mr. Behe. The bartenders admitted they sold beer to the agents and did not ask them if they were members of the club. Mr. Behe stated that he did see the agents enter the club and knew it was a violation to serve them alcoholic beverages.

Defendant has no prior adjudicated record. I shall suspend defendant's license for the minimum period of fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days (Re Orange Lodge #135, B.P.O. Elks, Bulletin 1127, Item 5).

Accordingly, it is, on this 4th day of April, 1957,

ORDERED that Club License CB-283, issued by the Director of the Division of Alcoholic Beverage Control to Italian American Pleasure Club of Phillipsburg, New Jersey, for premises 287 Grant Street, Phillipsburg, be and the same is hereby suspended for ten (10) days, commencing at 1:00 a.m. April 15, 1957, and terminating at 1:00 a.m. April 25, 1957.

WILLIAM HOWE DAVIS
 Director.

10. AUTOMATIC SUSPENSION - SALES TO MINORS - LICENSE PREVIOUSLY SUSPENDED BY LOCAL ISSUING AUTHORITY - APPLICATION TO LIFT GRANTED.

Auto. Susp. #136)
In the Matter of a Petition by)
WALTER J. PIASECKI)
T/a WALTER'S CAFE)
1717 Hudson Boulevard)
Jersey City, N. J.,)

ON PETITION
O R D E R

To Lift the Automatic Suspension)
of Plenary Retail Consumption)
License C-293, issued by the)
Board of Alcoholic Beverage)
Control of the City of Jersey)
City.)

-----)
Chester F. Sikinski, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

It appears from a petition filed herein that on March 29, 1957, petitioner was fined the sum of \$200.00 in the Hudson County Court after he was found guilty on an indictment for selling alcoholic beverages to minors, in violation of R. S. 33:1-77. Said conviction resulted in the automatic suspension of his license for the balance of its term. R. S. 33:1-31.1.

It appears from the petition and the records of this Division that, in disciplinary proceedings instituted by the Board of Alcoholic Beverage Control of the City of Jersey City, said Board suspended his license for twenty days, effective from 2:00 a.m. July 1, 1956, to 2:00 a.m. July 21, 1956, after finding him guilty on a charge of selling alcoholic beverages to the same minors. The case involved the sale of alcoholic beverages in original containers for off-premises consumption to a 16-year-old minor and a 17-year-old minor. The suspension imposed was somewhat less than the suspension usually imposed by me for sale to a 16-year-old minor but, since the local issuing authority instituted the case on its own initiative and was familiar with all the facts of the case, I shall consider the suspension adequate and grant the relief herein requested.

Accordingly, it is, on this 1st day of April, 1957,

ORDERED that the automatic suspension of License C-293, held by Walter J. Piasecki, t/a Walter's Cafe, for premises 1717 Hudson Boulevard, Jersey City, be and the same is hereby lifted, and said license is restored to full force and operation, effective immediately.

WILLIAM HOWE DAVIS
Director.

11. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD OF PREDECESSOR IN INTEREST NOT CONSIDERED BECAUSE OF LAPSE OF TIME - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

SANDOR and RUTH ZHELESNIK)
T/a SANDY'S TAVERN)
Route 22, West Portal)
Bethlehem Township)
RD Asbury, N. J.,)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-4, issued by the Township Committee of the Township of Bethlehem.)

Sandor and Ruth Zhelesnik, Defendant-licensees, by Sandor Zhelesnik.

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

BY THE DIRECTOR:

Defendants pleaded non vult to the following charge:

"On March 2, 1957, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., William B. ---, age 20, and allowed, permitted and suffered the consumption of alcoholic beverages by such person in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20."

On March 2, 1957 at about 9:20 p.m., two ABC agents visited defendants' licensed premises and took seats at the bar. The tavern was occupied by a female bartender and six patrons seated at the bar. At about 10:45 p.m. the agents saw three young men enter the premises and approach the bar where the bartender served each of them with a glass of beer for which she accepted 45¢. After observing these young men consume part of their beer, the agents made known their identities to them and learned that one of them, William B. ---, was twenty years of age. Thereafter this minor gave a sworn statement setting forth therein that this was his only visit to the licensed premises; that he was served a glass of beer by the bartender and at no time did anyone on the premises question him about his age. The bartender also gave a sworn statement in which she admits serving a glass of beer to the aforesaid minor.

Defendants have no prior adjudicated record. It, however, appears that the licensees herein, while in partnership with Paul and Sophie Matweishyn, t/a Melody Manor, held a license for premises located on Kenilworth Boulevard, Kenilworth, which license was suspended by the local issuing authority for thirty-five days, effective July 16, 1948, for (1) brawls, (2) selling to intoxicated persons, and (3) permitting one of the licensees to work while intoxicated. However, since these dissimilar violations occurred more than five years ago, I

shall not consider them in fixing the penalty herein.
 Re O'Donnell, Bulletin 1131, Item 9. I shall suspend defendants' license for ten days (the minimum suspension imposed for sale of alcoholic beverages to a twenty-year-old minor).
 Re Kraft and Patterson, Bulletin 1141, Item 9. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

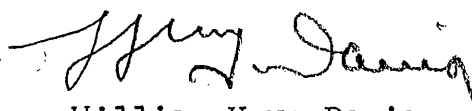
Accordingly, it is, on this 1st day of April, 1957,

ORDERED that Plenary Retail Consumption License C-4, issued by the Township Committee of the Township of Bethlehem to Sandor and Ruth Zhelesnik, t/a Sandy's Tavern, Route 22, West Portal, Bethlehem Township, be and the same is hereby suspended for a period of five (5) days, commencing at 3:00 a.m. April 8, 1957, and terminating at 3:00 a.m. April 13, 1957.

WILLIAM HOWE DAVIS
 Director.

12. STATE LICENSES - NEW APPLICATION FILED.

Allen Motor Lines Inc.
 37 Fairmont Avenue
 Jersey City, N. J.
 Application filed May 15, 1957 for Transportation License.



William Howe Davis
 Director.