

BULLETIN 1082

OCTOBER 7, 1955.

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

BULLETIN 1082

OCTOBER 7, 1955.

1. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES
(INDECENT STORIES - INDECENT LANGUAGE) - HOSTESS - PRIOR
RECORD - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

THE PURCELL CORP.)
T/a CLUB PURCELL)
7051 Hudson Boulevard)
North Bergen, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consump-)
tion License C-36, issued by the)
Board of Commissioners of the)
Township of North Bergen.)

-----)
Arthur 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 the following charges:

"1. On July 13 and 14, 1955, you allowed, permitted and suffered lewdness and immoral activity and foul, filthy and obscene language and conduct in and upon your licensed premises in that you allowed, permitted and suffered a female employed on your premises as a bartender to recite, tell stories and utter words and phrases to patrons, having lewd, lascivious, indecent, filthy, disgusting and suggestive import and meaning; in violation of Rule 5 of State Regulations No. 20.

"2. On July 13, 14, 16, 22 and 23, 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."

The file herein discloses that between the hours of 10:00 p.m. July 13 and 1:30 a.m. July 14, 1955, ABC agents were present in defendant's licensed premises wherein they observed several male patrons, a three-piece orchestra, a female entertainer seated at the bar, and a barmaid called "Peggy" later identified as secretary and treasurer of the corporate licensee. On this occasion during their stay "Peggy" engaged the agents and two patrons in general conversation punctuated by double entendre quips which she considered "cute". Commencing at 11:00 p.m., the female entertainer, Miss Gaye, rendered several popular songs at spaced intervals and after each performance accepted alcoholic concoctions served by the barmaid at the expense of male patrons. The agents again visited the licensed premises at about 12:15 a.m. on July 16 and at about 11:15 p.m. on July 22, 1955, and noted that Miss Gaye followed the same routine. About 2:30 a.m. July 23, 1955, the agents invited her to join them in a drink and after the agents paid the charge, they identified themselves, seized Miss Gaye's unfinished beverage and obtained from her a signed, sworn statement admitting that she accepted alcoholic drinks from patrons, all of whom she classified as her friends.

Defendant has a prior adjudicated record. Effective May 5, 1955, its license was suspended for ten days by the local issuing authority for (1) sale to minors, (2) hostess activities and (3) a brawl on the licensed premises. The usual suspensions imposed in first offense cases for the violations charged herein are 15 and 20 days respectively, Re Berger, Bulletin 1023, Item 4 and Re Lee Club, Bulletin 1030, Item 8, but when, as in the instant case, prior similar and dissimilar violations have occurred within a five-year period, a longer suspension is indicated. Cf. Re Villa Valley Inn, Bulletin 1002, Item 1. However, the facts in the instant case are clearly distinguishable from those in Re Berger, supra, where a paid performer regaled a large group of patrons with numerous indecent stories. Furthermore, the facts which constituted the violation of Charge 2 are quite different from those usually found in other "hostess" cases. In this case there is no evidence of an established practice of permitting "hostess" activity. Rather, it appears to be an isolated incident not in any way connected with the "hostess racket" or with solicitation of male patrons for drinks or immoral purposes. I have received many letters and petitions addressed to me by patrons of the licensee respecting the orderly management of the licensed premises and the good character of "Peggy" and, under all the circumstances, I shall suspend defendant's license for 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 8th day of September, 1955,

ORDERED that Plenary Retail Consumption License C-36, issued by the Board of Commissioners of the Township of North Bergen to The Purcell Corp., t/a Club Purcell, for premises 7051 Hudson Boulevard, North Bergen, be and the same is hereby suspended for thirty-five (35) days, commencing at 3:00 a.m. September 13, 1955, and terminating at 3:00 a.m. October 18, 1955.

WILLIAM HOWE DAVIS
Director.

2. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD - FOUR SIMILAR VIOLATIONS WITHIN 10 YEARS - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

HARRY R. GOSLIN & EARL S. GOSLIN
T/a GOSLIN'S TAVERN
505 - 18th Avenue
South Belmar, N. J.,

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of South Belmar.

Harry R. Goslin and Earl S. Goslin, Defendant-licensees, Pro se.
Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge alleging that on May 28, 1955, they sold, served and delivered alcoholic beverages to two minors, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that, as a result of information received from the Chief of Police of South Belmar, ABC agents interviewed Thomas --- (age 17) on August 9, 1955. The minor refused to sign a statement but verbally admitted to the agents that on May 28, 1955, he and Leonard --- visited defendants' licensed premises and ordered six containers of beer from a male bartender; that, after the bartender questioned him as to his age, he (Thomas) gave him a false name, a false address and a false date of birth; that the bartender wrote this information on a piece of paper but did not request him to sign any written statement as to his age; that the bartender placed the six containers of beer in two paper bags and that, after he and his companion left the premises with the paper bags, they were stopped by a police officer who seized the beer and took the minors to police headquarters. On August 16, 1955, the ABC agents interviewed Leonard --- (age 18) who also refused to give a written statement but who stated verbally to the agents that he and Thomas entered defendants' licensed premises on May 28, 1955; that he went to the men's room; that, when he returned to the bar, Thomas had already purchased the six containers of beer and that, after they left the premises, they were stopped by a police officer who seized the beer and took them to police headquarters. It appears that on May 29, 1955, both Thomas and Leonard had given written statements to the South Belmar police setting forth substantially the same facts which they gave to the ABC agents.

Defendants have a prior record. Effective November 23, 1942, their license was suspended by the local issuing authority for three days for possession of a mislabeled beer tap. Since this violation was of a dissimilar character and occurred more than five years ago, I shall not consider it in fixing a penalty in this case. Effective April 22, 1947, their license was suspended by the then Commissioner for a period of twenty days on charges of selling alcoholic beverages to a minor and bottling alcoholic beverages. See Bulletin 752, Item 7, and Bulletin 759, Item 6. Effective October 25, 1948, their license was suspended by the local issuing authority for five days for selling alcoholic beverages to minors and, effective October 30, 1950, their license was again suspended by the local issuing authority for ten days for sales to minors. It should be noted that the last violation occurred less than five years ago. It is somewhat difficult to fix a proper penalty in this case. This is a fourth similar violation within a period of less than ten years. In attempted mitigation defendants allege that the sale was made to Thomas who "is a tall fellow about six feet and looks twenty-one years old and over" and that the sale was made in all good faith and in reliance on the minors' verbal assurances which it now develops were false. It is rather difficult to understand why licensees do not insist upon the written representation of age required by R. S. 33:1-77 when there is any doubt as to whether or not the purchaser is a minor. Under all the circumstances of this case I shall suspend defendants' license for 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 12th day of September, 1955,

ORDERED that Plenary Retail Consumption License C-1, issued by the Borough Council of the Borough of South Belmar to Harry R. Goslin & Earl S. Goslin, t/a Goslin's Tavern, for premises 505 - 18th Avenue, South Belmar, be and the same is hereby suspended for thirty-five (35) days, commencing at 2:00 a.m. September 19, 1955, and terminating at 2:00 a.m. October 24, 1955.

WILLIAM HOWE DAVIS
Director.

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

In the Matter of Disciplinary Proceedings against

MORRIS KAPLAN, ADM. ESTATE OF

HATTIE N. KAPLAN,

T/a OCEAN VIEW HOTEL,

1 East Church Street

Sea Bright, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-7, issued by the Mayor and Council of the Borough of Sea Bright.

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

BY THE DIRECTOR:

Defendant has pleaded guilty to a charge alleging that he sold, served and delivered alcoholic beverages to minors and allowed, permitted and suffered the consumption of such beverages by said minors in and upon his licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that on Sunday, July 3, 1955, at about 1:45 a.m., two minors, 17 and 18 years of age respectively, were served with alcoholic beverages by an employee of defendant. One of the minor girls was served a glass of whiskey and soda and the other a glass of gin and soda. As they were in the process of consuming their respective drinks, ABC agents identified themselves, at which time it was ascertained that the girls were minors.

Defendant has no prior adjudicated record. I shall suspend defendant's license for a period of fifteen days (the minimum suspension where a minor 17 years of age has been served or permitted to consume alcoholic beverages). Five days will be remitted for the plea entered herein, leaving a net suspension of ten days (Re Bochniak, Bulletin 989, Item 9).

Accordingly, it is, on this 30th day of August, 1955,

ORDERED that Plenary Retail Consumption License C-7, issued by the Mayor and Council of the Borough of Sea Bright to Morris Kaplan, Adm. Estate of Hattie N. Kaplan, t/a Ocean View Hotel, for premises 1 East Church Street, Sea Bright, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. September 6, 1955, and terminating at 3:00 a.m. September 16, 1955.

WILLIAM HOWE DAVIS
Director.

4. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - AGGRAVATED CIRCUMSTANCES - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

LEN'S TAVERN, INC.)
T/a LEN'S TAVERN, INC.)
533 Center Street)
South Amboy, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-36, issued by the Mayor and Common Council of the City of South Amboy.)
-----)

Wilentz, Goldman, Spitzer & Sills, Esqs., by Henry M. Spitzer, Esq., Attorneys for Defendant-licensee, Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to a charge alleging that it sold, served and delivered alcoholic beverages to minors and allowed, permitted and suffered the consumption of such beverages by said minors in and upon its licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that about 11:10 p.m. on Friday, July 29, 1955, ABC agents observed the bartender, subsequently identified as Alexander Kalmar, Jr., President of defendant corporate-licensee, serve a glass of beer apiece to three young men. The agents identified themselves to the bartender and to the three youths who were 16, 18 and 19 years of age, respectively. When confronted with the violation, the bartender admitted that he made no inquiry as to the ages of the three minors before serving the beer to them and he signed a statement to that effect.

Defendant has no prior adjudicated record. The minimum penalty for sale and service of alcoholic beverages to a sixteen-year-old minor is a suspension of the license for twenty days. Re O'Brien & Cronin, Bulletin 1052, Item 6. An additional five days will be added in this case because three minors were involved. Re Camarda, Bulletin 946, Item 3. This makes a total 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 29th day of August, 1955,

ORDERED that Plenary Retail Consumption License C-36, issued by the Mayor and Common Council of the City of South Amboy to Len's Tavern, Inc., t/a Len's Tavern, Inc., for premises 533 Center Street, South Amboy, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. September 6, 1955, and terminating at 2:00 a.m. September 26, 1955.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - ILLEGAL SITUATION CORRECTED - PRIOR SUSPENSION FOR BALANCE OF TERM LIFTED AFTER EXPIRATION OF 30 DAYS.

In the Matter of Disciplinary Proceedings against
 JOHN TORRY
 208 River Street
 Hoboken, N. J.,
 Holder of Plenary Retail Consumption License C-197, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken.
 -----)

O R D E R

BY THE DIRECTOR:

On August 1, 1955, I suspended defendant's license for the balance of its term, effective at 2:00 a.m. August 8, 1955, after defendant had pleaded non vult to charges alleging in effect that Edward Stinson, Sr., had an undisclosed interest in said license. Leave was given to apply to me for an order lifting said suspension if the illegal situation was thereafter corrected provided, however, that the suspension would not be lifted until the expiration of thirty days from the effective date thereof. Re Torry, Bulletin 1077, Item 1.

The Secretary of the Board of Alcoholic Beverage Control has forwarded to me a certified copy of a resolution adopted at a meeting of said Board held on August 26, 1955, transferring License C-197 from John Torry to John Torry and Edward J. Stinson, Sr., for the same premises. Such transfer is necessarily subject to the suspension heretofore imposed. Rule 5 of State Regulations No. 16.

It thus appearing to my satisfaction that the unlawful situation has been corrected and that the suspension will have been in effect for thirty days at 2:00 a.m. September 7, 1955,

It is, on this 31st day of August, 1955,

ORDERED that the suspension heretofore imposed be lifted and that License C-197 be restored to full force and operation at 2:00 a.m. September 7, 1955, or as soon thereafter as the transfer of the license to John Torry and Edward J. Stinson, Sr., is endorsed on the face of the license certificate by the Secretary of the Municipal Board.

WILLIAM HOWE DAVIS
 Director.

6. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

ROSE E. BAKER
N. E. Corner 17th Street and Boulevard
Ship Bottom, N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-3, issued by the Mayor and Council of the Borough of Ship Bottom.

Rose E. Baker, Defendant-licensee, Pro se.
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that she sold, served and delivered alcoholic beverages to a minor and allowed, permitted and suffered the consumption of such beverages by said minor in and upon her licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file in the instant case discloses that at about 10:15 p.m. on Saturday, July 23, 1955, ABC agents observed at a table two young men each of whom was consuming a glass of beer. One of the young men, subsequently identified as over twenty-one years of age, left the table and went to the bar where he obtained from a bartender two glasses of beer which he placed on the table at which his companion was seated. Shortly thereafter the agents identified themselves and ascertained that the youth who had remained at the table and who had consumed a glass of beer was twenty years of age.

Defendant has no prior adjudicated record. Inasmuch as the within violation does not appear to be an aggravated offense, I shall suspend defendant's license for a minimum period of ten days. Five days will be remitted for the plea entered herein, leaving a net suspension of five days. Re Fanok, Bulletin 1033, Item 3.

Accordingly, it is, on this 1st day of September, 1955,

ORDERED that Plenary Retail Consumption License C-3, issued by the Mayor and Council of the Borough of Ship Bottom to Rose E. Baker, for premises at N. E. Corner 17th Street and Boulevard, Ship Bottom, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. September 9, 1955, and terminating at 2:00 a.m. September 14, 1955.

WILLIAM HOWE DAVIS
Director.

7. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

DONALD A. FEINBERG
T/a OLSON'S GRILL
17-19 East Broad Street
Bridgeton, N. J.,

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-8, issued by the City Council of the City of Bridgeton.

-----)
David L. Horuvitz, Esq., Attorney for Defendant-licensee.
Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that on August 12, 1955, and on divers occasions 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, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that on August 22, 1955, ABC agents, acting upon information received from the Chief of Police of Bridgeton, obtained a sworn statement from Willie --- (20 years of age). In his statement the minor alleges that he entered defendant's premises about 6:00 p.m. on August 12, 1955; that, while seated at a table, he ordered from and was served a quart of beer by a waitress; that, after consuming the beer, he went to the bar and purchased a pint of whiskey which he carried from the licensed premises and which he and other individuals consumed elsewhere. In his statement the minor also alleged that he had purchased alcoholic beverages at defendant's premises on several prior occasions.

Defendant has no prior record. I shall suspend his license for ten days (the usual penalty imposed for sale of alcoholic beverages to a twenty-year-old minor). Re Brazinski, Bulletin 948, Item 7. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 8th day of September, 1955,

ORDERED that Plenary Retail Consumption License C-8, issued by the City Council of the City of Bridgeton to Donald A. Feinberg, t/a Olson's Grill, for premises 17-19 East Broad Street, Bridgeton, be and the same is hereby suspended for five (5) days, commencing at 8:00 a.m. September 19, 1955, and terminating at 8:00 a.m. September 24, 1955.

WILLIAM HOWE DAVIS
Director.

8. DISCIPLINARY PROCEEDINGS - PIN BALL MACHINE - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against ANNE BURSTEIN T/a KLODE HOTEL Calais Road Randolph Township PO Mt. Freedom, N. J.,

CONCLUSIONS AND ORDER.

Holder of Plenary Retail Consumption License C-19, issued by the Township Committee of the Township of Randolph.

Anne Burstein, Defendant-licensee, Pro se. William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that she allowed, permitted and suffered in and upon her licensed premises a bagatelle or pin ball machine, in violation of Rule 7 of State Regulations No. 20.

The file herein discloses that on August 1, 1955, an ABC agent, while making a routine inspection of defendant's licensed premises, observed, in the game room adjacent to the barroom, a "Play Ball" 5 ball bumper and pin type bagatelle machine which he operated in the presence of the bartender and found it to be in working order.

Defendant has no prior adjudicated record. I shall suspend her license for the minimum period of ten days. Re Devino, Bulletin 1042, Item 5. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 12th day of September, 1955,

ORDERED that Plenary Retail Consumption License C-19, issued by the Township Committee of the Township of Randolph to Anne Burstein, t/a Klode Hotel, for premises on Calais Road, Randolph Township, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. September 19, 1955, and terminating at 2:00 a.m. September 24, 1955.

WILLIAM HOWE DAVIS Director.

9. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against GEORGE CONSTANTINE & ANNA M. CONSTANTINE T/a BLUE HORSE LOUNGE 2329 White Horse Pike Galloway Township PO Egg Harbor, R.D., N. J.,

CONCLUSIONS AND ORDER

Holders of Plenary Retail Consumption License C-27, issued by the Township Committee of Galloway Township.

George and Anna M. Constantine, Defendant-licensees, Pro se. William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge alleging that they possessed on their licensed premises alcoholic beverages in bottles bearing labels which did not truly describe the contents thereof; in violation of Rule 27 of State Regulations No. 20.

The file herein discloses that on August 3, 1955, an ABC agent making a routine inspection of defendants' licensed premises, tested and gauged sixty-eight open bottles of assorted brands of liquors. The contents of all but two bottles of Canadian Club Blended Whisky were apparently genuine as labeled. The agent seized the two bottles, the contents of which appeared to be off in color, and submitted them to the Division's chemist for analysis. The chemist's report shows the contents of each bottle to be low in acids and high in solids when compared with samples of the genuine product.

Defendants have no prior adjudicated record. The minimum period of suspension for the violation herein is fifteen days. Re Petrach, Bulletin 1050, Item 11. I shall suspend defendants' license for the minimum period, and remit five days for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 12th day of September, 1955,

ORDERED that Plenary Retail Consumption License C-27, issued by the Township Committee of Galloway Township to George Constantine and Anna M. Constantine, t/a Blue Horse Lounge, for premises 2329 White Horse Pike, Galloway Township, be and the same is hereby suspended for a period of ten (10) days, commencing at 7:00 a.m. September 19, 1955, and terminating at 7:00 a.m. September 29, 1955.

WILLIAM HOWE DAVIS Director.

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

In the Matter of Disciplinary Proceedings against)

JOHN BERT CHESSMAN & FLORENCE CHESSMAN 113 New Jersey Avenue Absecon, N. J.,)

CONCLUSIONS AND ORDER

Holders of Plenary Retail Distribution License D-1, issued by the Common Council of the City of Absecon.)

Voorhees & Voorhees, Esqs., by Austin H. Voorhees, Esq., Attorneys for Defendant-licensees. Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

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

The file herein discloses that, during an investigation resulting from a phone call from a police official of another municipality, ABC agents obtained a signed sworn statement from George --- (age 17) relating that on Friday night, June 24, 1955, he and five companions drove to the defendants' licensed premises and parked their car nearby; that he entered the licensed premises and ordered from a female clerk therein three quart-bottles and two six-can-packs of beer; that the clerk asked him if he was twenty-one years old and if he had proof, and that he answered in the affirmative; that she, without requiring written confirmation of his age, filled his order, placed it in a cardboard box, and accepted payment; that he carried the merchandise to his waiting companions who helped him consume it. The agents thereafter obtained signed sworn statements from the five other youths who corroborated George's statement and who, together with George, directed the agents to defendants' licensed premises which they pointed out as the place wherein George obtained the alcoholic beverages. George was unable to identify the female who served him.

Defendants have advised me that they were out of the State at the time of the alleged violation and, though they were advised to plead non vult to the infraction, they feel it is unfair to penalize them when the minor was unable to identify the person who served him. It has long been established that the failure of a minor to identify the specific person who made the sale of intoxicating beverages to him is not fatal in disciplinary proceedings against the licensee (Re LaCorte, Bulletin 469, Item 1; Re Cohen, Bulletin 495, Item 6; Re Dante, Bulletin 771, Item 9).

Defendants have no prior adjudicated record. Since the minor involved was only seventeen years of age, I shall suspend their license for fifteen days (Re Avenel Recreation, Inc., Bulletin 1054, Item 12). Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 29th day of August, 1955,

ORDERED that Plenary Retail Distribution License D-1, issued by the Common Council of the City of Absecon to John Bert Chessman & Florence Chessman, for premises 113 New Jersey Avenue, Absecon, be and the same is hereby suspended for ten (10) days, commencing at 9:00 a.m. September 6, 1955, and terminating at 9:00 a.m. September 16, 1955.

WILLIAM HOWE DAVIS
Director.

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

In the Matter of Disciplinary Proceedings against)

GEORGE M. GRAY, JR.)
T/a TUCKERTON YACHT CLUB)
Carroll Avenue & Tuckerton Creek)
Tuckerton, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-4, issued by the Mayor and Council of the Borough of Tuckerton.)

Benjamin Marmer, 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, served and delivered alcoholic beverages to two minors, and permitted the consumption of such beverages by said minors in and upon his licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that ABC agents, acting upon information transmitted to this Division by the New Jersey State Police, obtained signed sworn statements from Stephen --- (age 17) and Donald --- (age 18) relating that on Saturday, May 28, 1955, between 9:45 p.m. and 11:00 p.m., they were in defendant's licensed premises where they consumed alcoholic beverages purchased from a waitress who required no written proof of their ages. Stephen stated that he consumed four glasses of beer and Donald stated that he consumed two glasses of beer. On June 10, 1955, the aforesaid youths, together with two other minors who were with them in the licensed premises on the night in question, directed the agents to defendant's establishment which they identified as the place wherein Stephen and Donald had purchased and consumed the alcoholic beverages.

Defendant's attorney was granted permission to present oral argument before me respecting penalty and to submit a photograph of the seventeen-year-old minor in confirmation of his apparent maturity. I have scrutinized the photograph and am of the opinion that it depicts a youth who might well be in his later 'teens, as is the fact. His distinguishing characteristics should have raised, in the mind of the licensee, sufficient doubt of his age as to require written proof thereof.

Defendant has no prior adjudicated record. The minimum suspension for sales to minors is ten days. However, because of the fact that one of the minors was only seventeen years of age when the violation occurred, I shall suspend defendant's license for fifteen days (Re Jacek, Bulletin 933, Item 5). Five days

be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 29th day of August, 1955,

ORDERED that Plenary Retail Consumption License C-4, issued by the Mayor and Council of the Borough of Tuckerton to George M. Gray, Jr., t/a Tuckerton Yacht Club, for premises at Carroll Avenue & Tuckerton Creek, Tuckerton, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a. m. September 6, 1955, and terminating at 2:00 a.m. September 16, 1955.

WILLIAM HOWE DAVIS
Director.

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

In the Matter of Disciplinary Proceedings against)

HARRY BUDENSTEIN)
T/a BUDDY'S LIQUOR FAIR)
N. E. Cor. New Jersey & Atlantic)
Avenues)
Atlantic City, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Distribution License D-19, issued by the Board of Commissioners of the City of Atlantic City.)

Samuel Moskowitz, 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 July 7, 1955, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, at your licensed premises to a person under the age of twenty-one (21) years, viz., Allen Rufus ---, age 17, in violation of Rule 1 of State Regulations No. 20."

The file herein discloses that on July 14, 1955, ABC agents, acting upon information transmitted to this Division by the Sheriff's Office of Atlantic County, obtained a signed sworn statement from Allen Rufus ---, (age 17) wherein it appears that on July 7, 1955, at about 6:00 p.m. Allen Rufus --- entered defendant's licensed premises and purchased a pint of Old Stag Whiskey for \$2.91; that he left the premises, joined two other minors, and that they consumed the whiskey. Thereafter, Allen Rufus --- returned to such licensed premises and purchased another pint of the same whiskey which the minors consumed. The other minors, in signed sworn statements, relate that they accompanied Allen Rufus when he purchased the first pint of whiskey, but remained outside, and that they consumed both pints of whiskey.

All of the minors identified the defendant's licensed premises as those wherein Allen Rufus --- purchased the whiskey,

and the latter further states that he was not questioned by anyone in such premises as to his age and was not asked to display any identification or sign any representation as to his age.

Defendant has no prior adjudicated record. Since the minor involved was only 17 years of age, I shall suspend defendant's license for fifteen days. Re Avenel, Bulletin 1054, Item 12. Five days will be remitted for the plea entered herein leaving a net suspension of ten days.

Accordingly, it is, on this 6th day of September, 1955,

ORDERED that Plenary Retail Distribution License D-19, issued by the Board of Commissioners of the City of Atlantic City to Harry Budenstein, t/a Buddy's Liquor Fair, for premises N. E. cor. New Jersey & Atlantic Avenues, Atlantic City, be and the same is hereby suspended for a period of ten (10) days, commencing at 9:00 a.m. September 16, 1955 and terminating at 9:00 a.m. September 26, 1955.

WILLIAM HOWE DAVIS
Director.

13. DISCIPLINARY PROCEEDINGS - SUSPENSION LIFTED UPON CORRECTION OF ILLEGAL SITUATION.

In the Matter of Disciplinary Proceedings against

THE BRASS RAIL TAVERN, INC.
133 Plane Street
Newark 2, N. J.,

ON PETITION
O R D E R

Holder of Plenary Retail Consumption License C-151, issued by the Municipal Board of Alcoholic Beverage Control and thereafter extended to William M. Becker, Receiver for The Brass Rail Tavern, Inc.

Bergman & Rothbard, Esqs., Attorneys for Petitioner.

On June 14, 1955, the Director entered an order suspending defendant's license for the balance of its term and providing that any license issued in renewal thereof shall be under suspension until the entry of a further order herein. Said order further provided that application might be made to lift said suspension after it had been in effect for ninety days, in the event of a correction of the illegal situation. Bulletin 1072, Item 3.

Plane Brass Rail, Inc. has filed a verified petition herein reciting that it was formed on July 20, 1955; that it has no connection with Gail Pierson, James F. Russell, James L. Pierson or Ernest Pierson and that, on September 13, 1955, the Municipal Board of Alcoholic Beverage Control of the City of Newark transferred License C-151 to it for the same premises. The transfer is subject to the suspension herein. Rule 5 of State Regulations No. 16.

It thus appearing that the unlawful situation herein has been corrected and that the suspension has been in effect for ninety days,

It is, on this 14th day of September, 1955,

ORDERED that the suspension heretofore imposed be lifted, and that said License C-151 be restored to full force and operation, effective immediately.

WILLIAM HOWE DAVIS
Director.

By: Edward J. Dorton
Deputy Director.

14. DISCIPLINARY PROCEEDINGS - GAMBLING - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ALBERT TUZENEW)
T/a FIFTH AVENUE TAVERN)
812 Fifth Avenue)
Asbury Park, N. J.,)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-60, issued by the City Council of the City of Asbury Park.)
-----)

Stout & O'Hagan, Esqs., by William J. O'Hagan, Esq., Attorneys for Defendant-licensee.
Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he allowed, permitted and suffered gambling, viz., the making and accepting of horse race bets upon his licensed premises; in violation of Rule 7 of State Regulations No. 20.

The file herein discloses that on May 4, 5 and 11, 1955 two ABC agents were at defendant's licensed premises to investigate alleged gambling activities being carried on there. On the first date, the agents placed two bets directly with the licensee, one of \$5.00 and one of \$6.00, on two horse races. On May 5th the licensee paid one of the agents \$9.20 as his winnings on his bet placed the previous day and accepted from the agents bets of \$6.00 and \$9.00 on two horse races. On May 11th the agents placed three bets with the licensee on three horse races in the amounts of \$6.00, \$2.00 and \$6.00, using bills identified by serial numbers. During their visits the agents observed various other patrons consulting Armstrong's scratch sheet furnished by the licensee.

On May 11th other ABC agents and local police officers entered the licensed premises, disclosed their identity and recovered from the person of the licensee the \$14.00 in marked money which the agents had used in placing their bets. The agents also seized on the premises various written notations concerning horse race bets.

Defendant has no prior adjudicated record. I shall suspend defendant's license for twenty days, the minimum penalty

for an offense of this kind in which a licensee or his employee participated. Re Wiener, Bulletin 1053, Item 6. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on this 15th day of September, 1955,

ORDERED that Plenary Retail Consumption License C-60, issued by the City Council of the City of Asbury Park to Albert Tuzenew, t/a Fifth Avenue Tavern, 812 Fifth Avenue, Asbury Park, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 3:00 a.m. September 26, 1955, and terminating at 3:00 a.m. October 11, 1955.

WILLIAM HOWE DAVIS
Director.

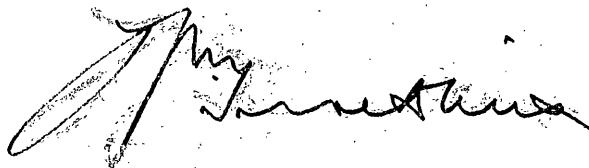
15. STATE LICENSES - NEW APPLICATIONS FILED.

Mogen David Wine Corporation
3737 South Sacramento Avenue
Chicago, Illinois.

Application filed October 3, 1955 for Wine Wholesale License.

Quinn Freight Lines, Inc.
720 Tonnele Avenue
Jersey City, N. J.

Application filed October 5, 1955 for Transportation License.



William Howe Davis
Director.