

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

January 12, 1970

BULLETIN 1893

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

January 12, 1970

BULLETIN 1893

1. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) -  
LICENSE SUSPENDED FOR 60 DAYS.

In the Matter of Disciplinary )  
Proceedings against )

Rudolph F. Bonanni )  
t/a Old Cedar Inn & Old Cedar )  
Liquor Store )  
1054-1056 S. Olden Ave. )  
Hamilton Township )  
PO Trenton, N.J., )

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption )  
License C-15, issued by the Township )  
Committee of the Township of )  
Hamilton (Mercer County). )

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Angelo R. Bianchi, Esq., Attorney for Licensee  
Louis F. Treole, Esq., Appearing for the Division

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charges:

- "1. On August 20, 27, 31, September 10 and 14, 1968, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of bets in a lottery, commonly known as the 'numbers game', and on said date of September 14, 1968, you allowed, permitted and suffered in and upon your licensed premises, slips, tickets, records, documents, memoranda and other writings pertaining to the aforementioned gambling activity; in violation of Rule 7 of State Regulation No. 20.
- "2. On August 20, 27, 31, September 10 and 14, 1968, 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, and also on said date of September 14, 1968, you allowed, permitted and suffered such tickets and participation rights in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20."

The Division offered the testimony of two ABC agents in substantiation of the charges.

Agent D, who possessed ample experience in conducting gambling investigations, including numbers betting, testified that he visited the licensed premises on August 20, 1968, shortly prior to noontime. He described the premises thusly:

"...facing the premises to the right is a liquor store section which is completely away from the other portion of the building, which contains the barroom, which contains a large rectangular-shaped bar, to the left of which is a telephone booth at the front corner of the building;

to the left rear is the dart board, some tables and chairs; in the center rear is a pool table and the men's and ladies' room; to the extreme right rear is an entrance into the rear store part of the liquor department; about two-thirds of the way down on the right wall or a little bit less than two-thirds of the way down is the inside entrance from the barroom into the liquor department."

The agent entered the premises via the package goods store and sat at the bar to the left of the opening. He ordered a drink from a person identified as James Kiernan (Jimmy) who was tending bar. At approximately 1 p.m. he observed Kiernan writing on a small slip of white paper three digits, a dash and two more digits. Kiernan handed the slip and two quarters to a male identified as Charles W. Cheesman. It was the agent's opinion that Kiernan had placed a numbers bet.

On August 27 the agent re-entered the licensed premises through the package goods store at approximately 11:30 a.m. and sat "on about the third bar stool to the left of the opening, again towards the front of the premises, by the door to the liquor department." Kiernan was tending bar. Rudolph F. Bonanni and Thomas R. McManimon (Roger) were behind the counter in the liquor department. At approximately 12:20 p.m. Agent D heard the telephone ring in the liquor department and he observed Roger come from that section into the barroom and inform a male identified as "Kelly" that the telephone call was for him. Kelly went to the telephone and Agent D "kept him under observation. Mr. Kiernan, the bartender, asked Roger if that was Charlie [Cheesman] and Roger said yes. He says, 'Tell him to play' either 118 or 117. I couldn't remember the number because I left the premises an hour later. But he said, 'Tell him to play' either 117 or 118 'for me for a dollar.' Roger went back into the liquor department and in a minute or so Kelly came in and Mr. Kiernan asked him if he got his number and he said yes. About 12:35 Charlie came in from the liquor department entrance into the barroom. He says, 'Oh, here he is. I owe you a dollar,' and he gave him a dollar bill." It was the agent's opinion that he had witnessed a numbers bet.

Agent D revisited the licensed premises on August 31 at approximately 11:35 a.m. by way of the liquor department and sat at the bar immediately to the right of the opening. One stool separated him from where Charles Cheesman was positioned. Kiernan was identified as one of the two bartenders on duty. Kiernan handed a folded piece of paper to Cheesman and said, "Here, this is for all of next week." Cheesman asked, "Do you want it to start today or Monday?" Kiernan replied, "This is for a friend of mine and it's to start on Monday" and walked away. Cheesman put the piece of paper in his shirt pocket. Several minutes later, when he removed the paper from his pocket, Agent D saw a three-digit number and a one dollar bill before the paper was returned to Cheesman's pocket.

Two males who were shooting pool asked a male known as "Nello" (who was standing to the right of Cheesman) "if he was taking anything today." Nello responded "Yes." One of the males played the numbers 718 and 218 for 50 cents and gave Nello two quarters. Nello wrote the numbers on a card which he had taken out of his pocket. The other male played a number (which the agent could not recall) for a quarter. It was the agent's opinion that he had witnessed numbers betting.

Agent D returned to the licensed premises on September 10 and entered the barroom by way of the package goods department. Kiernan and another person were tending bar. Immediately prior to 1 p.m. Agent D left the barroom and re-entered the package goods section. He approached Cheesman who was at the telephone and asked him "if it was too late to get a numbers bet in."

Cheesman responded, "I don't know. I'll find out." While Cheesman was dialing, Agent D walked over to the counter and was waited on by the clerk. Kelly, who had been standing near the telephone, approached Agent D and said, "What was that number?" Agent D responded, "693 for fifty cents." Kelly walked towards Cheesman who was still at the telephone. Agent D then asked the sales clerk (identified as John Rose) for four quarters so that he could pay Cheesman. Upon being approached by Cheesman, Agent D asked him, "Did you get the number in?" Cheesman acknowledged that he placed the bet on number 693. Rose was still at the counter. Agent D gave Cheesman 50 cents, took his purchase and left the premises.

On the morning of September 14, ABC Agents D and De met by prearrangement with officers connected with the Mercer County Prosecutor's office and with a detective employed by the local police department. The agents had prepared a list of marked money and a slip containing eight separate number plays. At noontime Agent De entered the licensed premises. Agent D followed him approximately five minutes later and sat "at the bar near the turn closest to the entrance to the liquor department" approximately six stools to the left of Agent De. A male identified as Walter Bronek was tending bar. At approximately 12:15 p.m. Agent D observed Kiernan and Cheesman come out of the package store and enter the barroom. Kiernan went behind the bar and Cheesman positioned himself next to Agent D. The agent asked Cheesman "if he could take my action." Cheesman responded, "I just called them all in. Maybe Nello will be back." Agent D then informed him that he had something for that day "but the rest was for all of next week." Upon Cheesman responding, "What do you have?", Agent D gave him the prerecorded bet slip and the marked money. Cheesman examined it and said, "I will take care of it." Agent D gave Agent De a prearranged signal and De left the premises. Shortly thereafter he re-entered the barroom accompanied by County Detective Golya. Detective Golya identified himself to Cheesman, informed him he had a search warrant and requested Cheesman to go into the package goods section with him, which he did. A search of Cheesman's person (in the presence of Agent D) revealed three marked one-dollar bills and the prerecorded bet slip. When Agent D identified himself to Kiernan, Kiernan informed the agent that "he bets for himself once in a while and only for friends as a favor." Later Kiernan "denied everything emphatically." A search of the premises conducted by both agents revealed nothing relating to gambling.

Despite a thorough and incisive cross examination, Agent D's testimony mainly corroborated the salient features of the testimony adduced on direct examination as to the matters relevant to the charges.

Agent De testified that he met with Agent D and two county law enforcement officers on the morning of September 14. He saw the bet slip, the marked money and the marked money list used later that day. Pursuant to arrangements, he entered the barroom at approximately 12 noon. Agent D entered the barroom five minutes later and sat to Agent De's left at the curve of the bar so that the agents were positioned diagonally facing each other. Shortly after Agent D's entry, Cheesman and Kiernan entered the barroom. Cheesman sat next to Agent D. He observed Agent D hand Cheesman a white slip of paper and three one-dollar bills. Cheesman "took the same piece of paper, with the three dollar bills, he looked at it, closed it, stuck it in his shirt pocket." Agent De went outside, signaled to the law enforcement officers and re-entered the barroom with the officers. Both ABC agents and the law enforcement officers identified themselves to Cheesman. Detective Golya executed the warrant on Cheesman in the package goods department. Although he observed Golya commence a search of Cheesman's person, he did not remain to see

the search completed. He did not see what was recovered from Cheesman. He searched the area of the telephone and the cash register. He did not uncover anything. The agent then testified as follows:

"Well, Agent D had some conversation with Mr. Kiernan in my presence as to what was taking place, and Mr. Kiernan stated that he played, he has placed number bets for himself occasionally and for friends with Mr. Cheesman but never got anything for it. Then later on he denied ever saying anything of that kind."

On cross examination the agent asserted that he made a thorough search of the premises. Kiernan did not disclose the location where he placed numbers bets with Cheesman.

In defense of the charges the licensee produced Martin H. Dempsey, who testified the he patronized the licensed premises every afternoon for lunch. He recalled seeing Cheesman and Agent D in the barroom on September 14. He observed that Cheesman was seated at the end of the bar near the pool table. Agent D entered and positioned himself next to Cheesman. Dempsey then testified as follows:

"And I heard him [Agent D] say to Charlie [Cheesman] 'Can you get some numbers in?' And Charlie said, 'No, it's too late.' He took the number, he said, 'Here', shoved it in Charlie's hand, 'Put them in for Monday.' And at that time, Charlie lifted his head up and something startled him and he shoved the money in his pocket because he didn't have time to look at it and anything, and that's when the two detectives come in and they locked him up."

Upon being questioned as to how much time elapsed between Cheesman's receiving the slip and the detectives' entering, the witness responded, "It was a matter of seconds." Dempsey testified that, although he patronized the barroom daily for lunch, he never saw Agent D in the licensed premises prior to September 14. He would usually be at the pool table. On September 14 he entered the licensed premises at 11:45 a.m. Agent D entered the licensed premises at noontime. Cheesman was at the bar when Dempsey came in.

Thomas R. McManimon testified that he was employed as a patrolman by the Township of Hamilton during August and September 1968 and worked part-time for the licensee. He denied that on August 27 Kiernan asked him to play 117 or 118 for a dollar if Cheesman was still on the telephone. He did not on that day come back to the bar and say "Okay, he got it in." One morning in late August or early September 1968 a male entered the package store and said that he wanted to play a number. McManimon informed the male that he would have to go elsewhere to play numbers, no gambling was allowed in the premises. After a lapse of forty-five minutes, the same male confronted the witness and said that his wife had a dream, he had to play a certain number. Again, McManimon informed the male that no gambling was allowed in the premises. At this time Bonanni walked into the premises. Upon being informed of what the male wanted to do, Bonanni told him no gambling was allowed in the premises and requested him to leave the premises. Between August 20 and September 14, 1968, McManimon did not witness any gambling being carried on in the premises.

Charles W. Cheesman testified that he patronized the licensed premises from the latter part of August to the first two weeks in September 1968. He was acquainted with the bartender Kiernan. He saw Agent D in the licensed premises during

that period of time. At no time between August 20 and September 14, 1968, did he accept a lottery slip or numbers bet from Kiernan. Upon being questioned as to the circumstances surrounding his arrest in the licensed premises on September 14, Cheesman testified:

"Well, I was in the liquor store and I come out, and this ABC fellow was here, Agent D. He was talking to my buddy, Jimmy. So I approached them, sit down where I supposed to sit. He said, 'Cheesman, you get a number in for me?' So I say, 'I played my numbers.' That's all. I went back and talked to my buddy Jimmy. Five minutes elapsed. He hits me on the arm. He says, 'Cheesman, if you can't get it in today, will you hold it till Monday?' I went like this. As I looked up, I seen this detective I know from the township. I was scared. I stuck it in my pocket. When they approached me, Agent D says, 'There he is. Right-hand pocket.'

Q When you say 'like this.'--

A Jimmy and I were talking about fishing or baseball or something.

Q How did the slips get in your hand?

A He put them there. He put them in my hand."

Although Agent D discussed numbers playing and horse racing with him at least six times between August 20 and September 14, Cheesman never had any discussion concerning taking bets from Agent D. He never accepted bets from any patron in the licensed premises. He did not at any time, or more particularly on August 20 or on August 31, accept bets from Kiernan.

On cross examination the witness asserted that on September 14 he had given his numbers play to a bookie prior to going to the licensed premises. He did not recall saying to Detective Golya that the numbers slip found in his pocket on September 14 was given to him by Agent D.

James E. Kiernan testified that he had been employed by the licensee as a bartender for almost ten years. From August 20 to September 14 he saw Agent D "a dozen times." During that period of time he did not give either an oral or a written numbers play to Cheesman or to anyone else. During the same period of time he did not observe anyone taking or placing a lottery bet at the bar. He did not, on August 20 or on any other date, write a lottery bet on a slip of paper. He did not, on August 27, say to McManimon "Is that Charlie on the phone? And if it is, tell him I want to play"117" or "118." He denied giving a dollar bill to Cheesman for a numbers bet on August 27 or on any other date. Finally, he testified that he never heard of anyone placing bets at the bar nor did he ever engage in placing bets at the bar.

Rudolph F. Bonanni testified that he has been the owner of the licensed premises in excess of ten years. At no time did he allow, permit or suffer anyone to take lottery or horse race bets on the licensed premises. A week or two prior to September 14, he ejected a person who sought to place a numbers bet in the licensed premises. The gross annual receipts of the licensed business are quite substantial.

On cross examination the witness testified that he resides above the licensed premises and is in and out of the licensed premises all day in a managerial capacity. He never saw Agent D in the licensed premises. He was not in the premises at the time of the raid.

In adjudicating matters of this kind we are guided by the firmly established principle that disciplinary proceedings against liquor licensees are civil in nature and require proof by a preponderance of the believable evidence only. Butler Oak Tavern v. Div. of Alcoholic Beverage Control, 20 N.J. 373 (1956); Freud v. Davis, 64 N.J. Super. 242 (App.Div. 1960); Howard Tavern, Inc. v. Div. of Alcoholic Beverage Control, not officially reported, reprinted in Bulletin 1491, Item 1.

In appraising the factual picture presented herein the credibility of witnesses must be weighed. Testimony, to be believed, must not only proceed from the mouth of a credible witness but must be credible in itself. It must be such as the common experience and observation of mankind can approve as probable in the circumstances. Spagnuolo v. Bonnet, 16 N.J. 546 (1954); Gallo v. Gallo, 66 N.J. Super. 1 (App.Div. 1961).

The general rule in these cases is that the finding must be based on competent legal evidence and must be grounded on a reasonable certainty as to the probabilities arising from a fair consideration of the evidence. 32A C.J.S. Evidence, sec. 1042.

Referring to August 20, it is reasonable to infer that the bartender Kiernan gave a numbers bet to Cheesman. Agent D observed Kiernan writing on a small slip of paper three digits followed by a dash and two more digits and then give the slip and two quarters to Cheesman.

It is abundantly clear that on August 27 Kiernan placed a numbers bet of one dollar on either 117 or 118 with Cheesman when McManimon (Roger) acted as an intermediary.

Referring to August 31, the evidence is crystal clear and believable that Kiernan handed Cheesman a slip of paper containing a three-digit number and paper currency and said that it was for the next week and that two patrons who had been playing pool gave numbers bets and money to a male known as Nello.

Again, Agent D explained in detail that on September 10 he played number 693 for 50 cents with Cheesman at the liquor counter in the immediate presence of a sales clerk.

Agent D presented in detail the numbers betting activity he engaged in with Cheesman while they were positioned at the bar on September 14. His testimony was amply supported by the finding of the marked money and the prerecorded bet slip in Cheesman's possession. I reject Cheesman's explanation that Agent D shoved the slip and money in Cheesman's hand and that, upon observing a local detective entering the barroom, he panicked and placed the slip and money in his pocket. I also reject the testimony offered by the licensee's witnesses denying the existence of the numbers betting activity which has been clearly and graphically detailed by Agent D in his testimony.

Bonanni's testimony that he did not allow, permit or suffer gambling activity to be carried on in the licensed premises and that he did not see or have any knowledge thereof is without legal merit. It is a basic principle that a licensee is fully accountable for all violations committed or permitted by his servants, agents or employees. Knowledge on the part of the employer is not a prerequisite to a finding of guilt where an employee participates in the misdeeds. Rule 33 of State Regulation No. 20. Cf. In re Schneider, 12 N.J. Super. 449 (App.Div. 1951).

After carefully considering and evaluating all of the evidence adduced herein and the legal principles applicable thereto, I conclude that the Division has proved its case by clear and convincing testimony and by a fair preponderance of the credible evidence. I therefore recommend that the licensee be found guilty of the charges.

Licensee has no prior adjudicated record of suspension of license. I further recommend that the license be suspended for sixty days. Re Zig E., Inc., Bulletin 1872, Item 4.

Conclusions and Order

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

Having carefully considered the entire record herein, including the transcript of the testimony, the exhibits and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt his recommendations.

Accordingly, it is, on this 2nd day of December 1969,

ORDERED that Plenary Retail Consumption License C-15, issued by the Township Committee of the Township of Hamilton (Mercer County) to Rudolph F. Bonanni, t/a Old Cedar Inn & Old Cedar Liquor Store, for premises 1054-1056 S. Olden Avenue, Hamilton Township, be and the same is hereby suspended for sixty (60) days, commencing at 2 a.m. Thursday, December 11, 1969, and terminating at 2 a.m. Monday, February 9, 1970.

Joseph M. Keegan,  
Director.

2. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS -  
LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )  
  
Schoell's Tavern, Inc. )  
t/a Schoell's Tavern )  
949 N. 25th Street )  
Camden, N.J., )  
  
Holder of Plenary Retail Consumption )  
License C-148, issued by the Municipal )  
Board of Alcoholic Beverage Control of )  
the City of Camden. )

CONCLUSIONS  
and  
ORDER

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Licensee, by Thomas L. Schoell, President, Pro se  
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on September 21, 1969 it sold alcoholic beverages after 2:00 a.m. during prohibited hours, in violation of local ordinance.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Samuel T. Lambert Post #3020, V.F.W., Bulletin 1869, Item 7.

Accordingly, it is, on this 25th day of November 1969,

ORDERED that Plenary Retail Consumption License C-148, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Schoell's Tavern, Inc., t/a Schoell's Tavern, for premises 949 N. 25th Street, Camden, be and the same is hereby suspended for ten(10) days, commencing at 2 a.m. Tuesday, December 2, 1969, and terminating at 2 a.m. Friday, December 12, 1969.

Joseph M. Keegan,  
Director.

3. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) -  
LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Tom-O-Inc. )  
t/a Benn's Pub )  
336-338 N. New Hampshire Ave. )  
Atlantic City, N.J., )

Holder of Plenary Retail Consumption License C-89 (for the 1968-69 license year) and C-86 (for the 1969-70 license year), issued by the Board of Commissioners of the City of Atlantic City. )

CONCLUSIONS

and

ORDER

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Licensee, by Adele Polk, Secretary-Treasurer, Pro se  
Louis F. Treole, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on divers dates between April 24 and May 24, 1969, it permitted acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for five days effective January 8, 1962, for sale to minors.

The prior record of suspension for dissimilar violation occurring more than five years ago disregarded, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Zig E., Inc., Bulletin 1872, Item 4.

Accordingly, it is, on this 25th day of November 1969,

ORDERED that Plenary Retail Consumption License C-86, issued by the Board of Commissioners of the City of Atlantic City to Tom-O-Inc., t/a Benn's Pub, for premises 336-338 N. New Hampshire Avenue, Atlantic City, be and the same is hereby suspended for fifty-five (55) days, commencing at 7 a.m. Tuesday, December 2, 1969, and terminating at 7 a.m. Monday, January 26, 1970.

Joseph M. Keegan,  
Director.

4.

ACTIVITY REPORT FOR NOVEMBER 1969

ARRESTS:			
Total number of persons arrested	- - - - -		9
Licensees and employees	- - - - - 6		
Bootleggers	- - - - - 3		
SEIZURES:			
Distilled alcoholic beverages - gallons	- - - - -		4.25
Wine - gallons	- - - - -		.34
Brewed malt alcoholic beverages- gallons	- - - - -		2.34
RETAIL LICENSEES:			
Premises inspected	- - - - -		522
Premises where alcoholic beverages were gauged	- - - - -		430
Bottles gauged	- - - - -		6,525
Premises where violations were found	- - - - -		140
Violations found	- - - - -		198
No Form E-141-A on premises	- - - - - 62	Application copy not available	- - - - - 15
Unqualified employees	- - - - - 48	No disposal permit	- - - - - 1
Form E-141-A incomplete	- - - - - 27	Other violations	- - - - - 44
Prohibited signs	- - - - - 1		
STATE LICENSEES:			
Premises inspected	- - - - -		11
License applications investigated	- - - - -		3
COMPLAINTS:			
Complaints assigned for investigation	- - - - -		345
Investigations completed	- - - - -		368
Investigations pending	- - - - -		217
LABORATORY:			
Analyses made	- - - - -		60
Refills from licensed premises - bottles	- - - - -		40
Bottles from unlicensed premises	- - - - -		5
IDENTIFICATION:			
Criminal fingerprint identifications made	- - - - -		4
Persons fingerprinted for non-criminal purposes	- - - - -		281
Identification contacts made with other enforcement agencies	- - - - -		241
DISCIPLINARY PROCEEDINGS:			
Cases transmitted to municipalities	- - - - -		5
Violations involved	- - - - -		6
Sale during prohibited hours	- - - - - 2	Sale to minors	- - - - - 1
Possessing chilled beer (DL license)	- - - - - 1	Failure to close prem. during	
Sale outside scope of license	- - - - - 1	prohibited hours	- - - - - 1
Cases instituted at Division	- - - - -		22
Violations involved	- - - - -		24
Sale to minors	- - - - - 7	Sale below filed price	- - - - - 1
Possessing liquor not truly labeled	- - - - - 6	Fraud in application	- - - - - 1
Permitting lottery acty. on premises	- - - - - 3	Hindering investigation	- - - - - 1
Sale during prohibited hours	- - - - - 3	Fail. to close premises during	
Permitting misc. gambling on prem.	- - - - - 1	prohibited hours	- - - - - 1
Cases brought by municipalities on own initiative and reported to Division	- - - - -		10
Violations involved	- - - - -		12
Fail. to close prem. during proh. hrs.	- - - - - 4	Permitting gambling on premises	- - - - - 1
Sale during prohibited hours	- - - - - 2	Permitting illegal acty. on prem.	- - - - - 1
Sale to minors	- - - - - 2	Fail. to afford view into premises	
Permitting hostesses on premises	- - - - - 1	during prohibited hours	- - - - - 1
HEARINGS HELD AT DIVISION:			
Total number of hearings held	- - - - -		33
Appeals	- - - - - 7	Seizures	- - - - - 2
Disciplinary proceedings	- - - - - 13	Tax revocations	- - - - - 2
Eligibility	- - - - - 9		
STATE LICENSES AND PERMITS:			
Total number issued	- - - - -		1,310
Licenses	- - - - - 2	Wine permits	- - - - - 204
Solicitors' permits	- - - - - 30	Miscellaneous permits	- - - - - 265
Employment permits	- - - - - 255	Transit insignia	- - - - - 156
Disposal permits	- - - - - 42	Transit certificates	- - - - - 11
Social affair permits	- - - - - 345		
OFFICE OF AMUSEMENT GAMES CONTROL:			
Enforcement files established	- - - - -		31

JOSEPH M. KEEGAN  
 Director of Alcoholic Beverage Control  
 Commissioner of Amusement Games Control

Dated: December 5, 1969

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

In the Matter of Disciplinary Proceedings against Cranbury Vikings & Sportsmen's Club, Inc. Southfield Road West Windsor Township PO Princeton Junction, New Jersey Holder of Club License CB-2 issued by the Township Committee of the Township of West Windsor

CONCLUSIONS AND ORDER

James J. Armstrong, Jr., Esq., Attorney for Licensee Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non-vult to a charge alleging that on July 18, 1969, it sold a drink of beer to a non-member, in violation of Rule 8 of State Regulation No. 7.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re The American Legion, Matawan Post #176, Bulletin 1850, Item 5.

Accordingly, it is, on this 25th day of November, 1969,

ORDERED that Club License CB-2, issued by the Township Committee of the Township of West Windsor to Cranbury Vikings & Sportsmen's Club, Inc. for premises on Southfield Road, West Windsor, be and the same is hereby suspended for ten (10) days, commencing at 1:00 a.m. Tuesday, December 2, 1969, and terminating at 1:00 a.m. Friday, December 12, 1969.

Joseph M. Keegan Director

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

In the Matter of Disciplinary Proceedings against Byron Ellsworth Phoebus t/a Farmstead Golf & Country Club Germany Flats Road Andover Township PO RD1, Lafayette, N.J. Holder of Plenary Retail Consumption License C-10, issued by the Township Committee of the Township of Andover.

CONCLUSIONS and ORDER

Licensee, Pro se Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 3, 1969 he possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Rosso, Bulletin 1883, Item 11.

Accordingly, it is on this 24th day of November 1969,

ORDERED that Plenary Retail Consumption License C-10, issued by the Township Committee of the Township of Andover to Byron Ellsworth Phoebus, t/a Farmstead Golf & Country Club, for premises on Germany Flats Road, Township of Andover, be and the same is hereby suspended for five (5) days commencing at 1:30 a.m. Monday, December 1, 1969, and terminating at 1:30 a.m. Saturday, December 6, 1969.

Joseph M. Keegan,  
Director.

7. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

Michael LaBruno )  
t/a Duncan Bar )  
268 Duncan Avenue )  
Jersey City, New Jersey )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-235 issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City )  
----- )

Licensee, Pro se  
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on October 16, 1969, he sold three six-packs of beer to a minor, age 18, in violation of Rule 1 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for thirty-five days effective July 5, 1956, for sale to minors, sale during prohibited hours and possession of indecent matter; and again for fifty-five days effective September 13, 1967, for sale during prohibited hours, permitting foul language on the licensed premises, failure to possess copy of license application, and hindering investigation. Re LaBruno, Bulletin 1759, Item 2.

The prior record of suspension for similar violation in 1956 occurring more than ten years ago disregarded, but the record of suspension for dissimilar violations in 1967 occurring within the past five years considered, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days. Re Sable, Bulletin 1696, Item 10.

Accordingly, it is, on this 24th day of November, 1969,

ORDERED that Plenary Retail Consumption License C-235, issued by the Municipal Board of Alcoholic Beverage Control of the

City of Jersey City to Michael LaBruno, t/a Duncan Bar, for premises 268 Duncan Avenue, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Monday, December 1, 1969 and terminating at 2:00 a.m. Tuesday, December 16, 1969.

Joseph M. Keegan  
Director.

8. 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 )

Mary Louise Alviggi )  
t/a Al's Tavern )  
10 Mitchell Street )  
West Orange, New Jersey, )

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption License C-17, issued by the Municipal Board of Alcoholic Beverage Control of the Town of West Orange. )  
----- )

Licensee, Pro se  
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on September 20, 1969 she sold six cans of beer for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Rios, Bulletin 1882, Item 8.

Accordingly, it is, on this 24th day of November 1969,

ORDERED that Plenary Retail Consumption License C-17, issued by the Municipal Board of Alcoholic Beverage Control of the Town of West Orange to Mary Louise Alviggi, t/a Al's Tavern, for premises 10 Mitchell Street, West Orange, be and the same is hereby suspended for ten (10)days, commencing at 2 a.m. Monday, December 1, 1969, and terminating at 2 a.m. Thursday, December 11, 1969.

Joseph M. Keegan,  
Director.

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

In the Matter of Disciplinary Proceedings against Falcaro's Restaurant, Inc. Route #46 Lodi, New Jersey, Holder of Plenary Retail Consumption License C-4, issued by the Mayor and Council of the Borough of Lodi.

CONCLUSIONS and ORDER

Ronald J. Picinich, Esq., Attorney for Licensee Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on September 29, 1969 it possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Rosso, Bulletin 1883, Item 11.

Accordingly, it is, on this 25th day of November 1969,

ORDERED that Plenary Retail Consumption License C-4, issued by the Mayor and Council of the Borough of Lodi to Falcaro's Restaurant, Inc., for premises on Route #46, Lodi, be and the same is hereby suspended for five (5) days, commencing at 3 a.m. Monday, December 1, 1969, and terminating at 3 a.m. Saturday, December 6, 1969.

Joseph M. Keegan, Director.

10. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against Pine Tavern, Inc. t/a Pine Tavern 156 South Olden Avenue Trenton, N.J., Holder of Plenary Retail Consumption License C-179 issued by the City Council of the City of Trenton.

CONCLUSIONS AND ORDER

Gerald Patrick Higham, Esq., Attorney for Licensee. Walter H. Cleaver, Esq., Appearing for Division.

BY THE DIRECTOR:

Licensee pleads non vult to charge alleging that on September 22, 1969 it possessed alcoholic beverages in two bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Although the licensee corporation has no previous record of suspension of license, the license then held by Richard H. Crutchley (a 99.2 percent stockholder in the licensee corporation) for these same premises was suspended by the municipal license issuing authority for five days, effective August 20, 1962, for alcoholic beverage activity on the licensed premises during prohibited hours in violation of local ordinance.

The prior record of suspension of license for dissimilar violation occurring more than five years ago disregarded, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Spencer, Bulletin 1883, Item 8.

Accordingly, it is, on this 2nd day of December, 1969,

ORDERED that Plenary Retail Consumption License C-179, issued by the City Council of the City of Trenton to Pine Tavern, Inc., t/a Pine Tavern, for premises 156 South Olden Avenue, Trenton, be and the same is hereby suspended, for ten (10) days, commencing at 2:00 a.m. Tuesday, December 9, 1969, and terminating at 2:00 a.m. Friday, December 19, 1969.

Joseph M. Keegan  
Director

11. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto. Susp. #322 )  
In the Matter of the Automatic )  
Suspension of Plenary Retail )  
Distribution License D-99, issued )  
by the Municipal Board of Alcoholic )  
Beverage Control of the City of )  
Jersey City to )  
Jersey City Liquor Mart, Inc. )  
478 West Side Avenue )  
Jersey City, N.J. )

ORDER

-----)  
BY THE DIRECTOR:

On September 24, 1969 Thomas Falkowski, president of the licensee corporation, was fined \$100 and received a thirty-day suspended sentence after pleading guilty to a charge that he sold alcoholic beverages to minors on August 8, 1969, in violation of R.S. 33:1-77. The conviction resulted in the automatic suspension of the license for the balance of its term. R.S.33:1-31.1.

It appears that in disciplinary proceedings conducted by the municipal issuing authority the license was suspended for fifteen days effective at 2:00 a.m. Monday, September 15, 1969 and terminating at 2:00 a.m. Tuesday, September 30, 1969, on the charge alleging sale of alcoholic beverages to the same minors, which sale was the subject of the criminal conviction. The suspension having been served, I shall enter an order lifting the statutory automatic suspension. Cf. Re Hillside Bowling, Inc. Bulletin 1813, Item 9.

Accordingly, it is, on this 26th day of November, 1969,

ORDERED that the statutory automatic suspension of said license D-99 be and the same is hereby lifted effective 2:00 a.m. Wednesday, November 26, 1969.

Joseph M. Keegan  
Director

12. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY  
LAELED - LICENSE SUSPENDE FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

Jernee Mill Inn, Inc. )  
t/a Jernee Mill Inn )  
Jernee Mill Road )  
PO Box 19, Sayreville, New Jersey, )

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption  
License C-1, issued by the Borough )  
Council of the Borough of Sayreville. )  
----- )

Edwin A. Kolodziej, Esq., Attorney for Licensee  
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non-vult to a charge alleging that on  
June 24, 1969, it possessed alcoholic beverages in five bottles  
bearing labels which did not truly describe their contents, in  
violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for  
twenty-five days, with remission of five days for the plea enter-  
ed, leaving a net suspension of twenty days. Re Lullman & Finn,  
Bulletin 1875, Item 8.

Accordingly, it is, on the 2nd day of December, 1969,

ORDERED that Plenary Retail Consumption License C-1,  
issued by the Borough Council of the Borough of Sayreville to  
Jernee Mill Inn, Inc., t/a Jernee Mill Inn, for premises on  
Jernee Mill Road, Sayreville, be and the same is hereby suspend-  
ed for twenty (20) days, commencing at 3:00 a.m. Tuesday,  
December 9, 1969, and terminating at 3:00 a. m. Monday,  
December 29, 1969.

Joseph M. Keegan  
Director

13. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGE NOT TRULY  
LAELED - LICENSE SUSPENDE FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

William Murphy and John Jarrow )  
490 Kennedy Blvd. )  
Bayonne, N.J., )

CONCLUSIONS  
and  
ORDER

Holder of Plenary Retail Consumption  
License C-128, issued by the Municipal )  
Council of the City of Bayonne. )  
----- )

Licensees, Pro se  
Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that  
on October 15, 1969 they possessed an alcoholic beverage in  
a bottle bearing a label which did not truly describe its

contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Cal-Jac Corporation, Bulletin 1885, Item 9.

Accordingly, it is, on this 2nd day of December 1969,

ORDERED that Plenary Retail Consumption License C-128, issued by the Municipal Council of the City of Bayonne to William Murphy and John Jarrow, for premises 490 Kennedy Blvd., Bayonne, be and the same is hereby suspended for five (5) days, commencing at 6 a.m. Monday, December 8, 1969, and terminating at 6 a.m. Saturday, December 13, 1969.

  
Joseph M. Keegan  
Director