

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

BULLETIN 1186

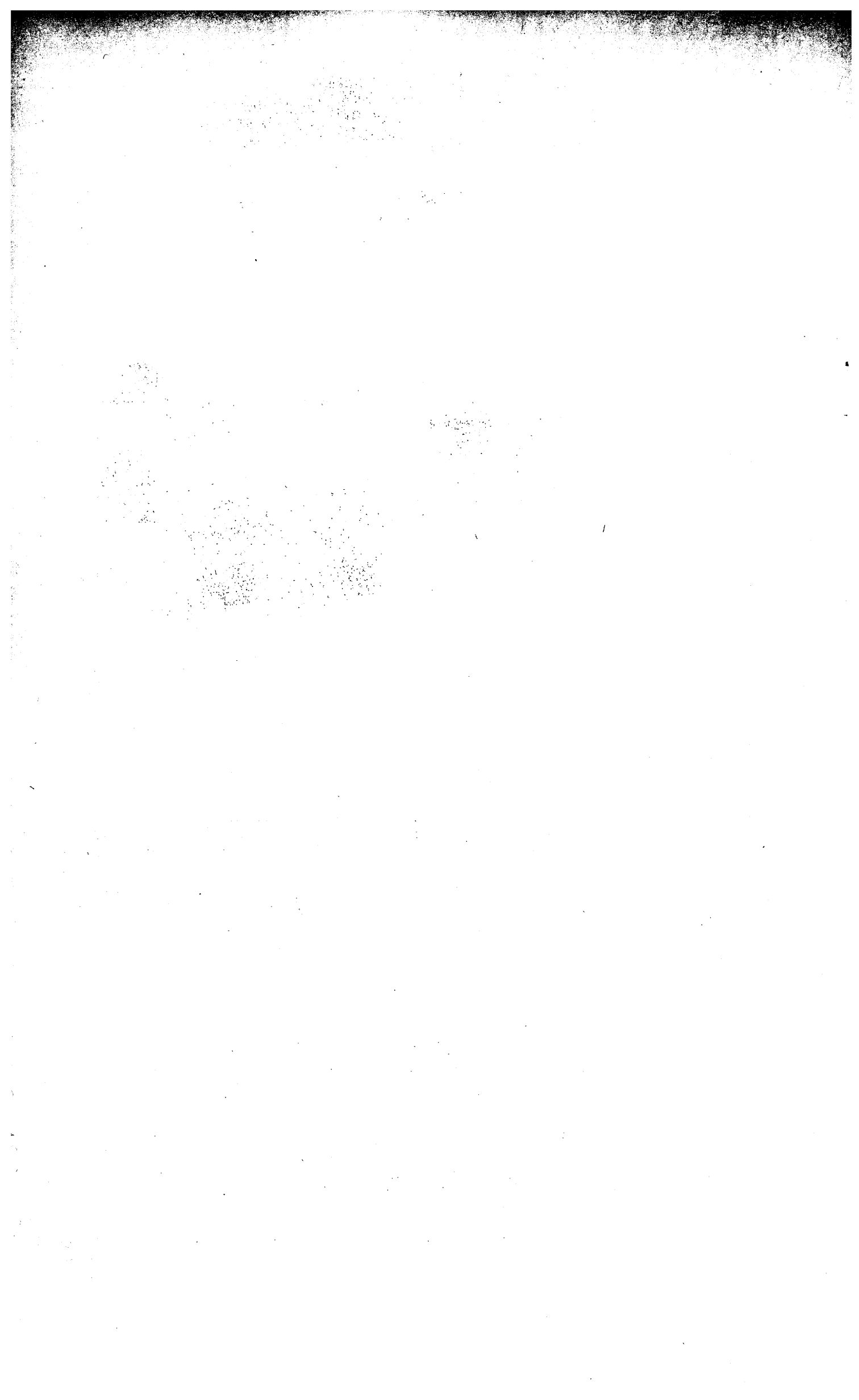
SEPTEMBER 25, 1957.

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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 1186

SEPTEMBER 25, 1957

1. APPELLATE DECISIONS - CAVOLO v. HARRISON.

JOSEPH CAVOLO, trading as
JOEY'S CLUB CASINO,

Appellant,

-vs-

TOWN COUNCIL OF THE TOWN OF
HARRISON,

Respondent.

ON APPEAL
CONCLUSIONS AND ORDER

Irving J. Zwillman, Esq., Attorney for Appellant.
Daniel F. Gilmore, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from respondent's Resolution and Order of April 29, 1957 revoking Plenary Retail Consumption License C-74 held by appellant for premises 400 No. Third Street, Harrison.

"Appellant pleaded guilty in disciplinary proceedings before respondent to charges alleging that on March 28, 1957 he sold alcoholic beverages during prohibited hours and permitted his licensed premises to be open during such hours, in violation of a local ordinance.

"Upon the filing of the appeal an order denying a stay of respondent's order was entered herein.

"Appellant in his petition of appeal alleges that the penalty imposed is harsh and excessive and should be modified.

"Respondent in its answer alleges, in substance, that appellant is an habitual violator of the law and an unfit person to hold a license.

"The appeal was heard de novo, pursuant to Rule 6 of State Regulation No. 15.

"It is admitted that appellant's license was suspended for fifteen days by respondent, effective September 24, 1956, for a similar violation.

"The reasons advanced by respondent for revoking appellant's license as testified to herein by two of its members are: the prior record of appellant, the warning to him that a subsequent violation would result in drastic action, that the Town is 'overloaded with taverns', that the violations were deliberate and that 'it would probably be a good idea if we eliminated the troublemakers.'

"It has long been established that the question of quantum of penalty rests within the sound discretion of the local issuing authority and will not be disturbed on appeal unless it is clearly excessive and manifestly unreasonable. Engelhorn v. Belmar, Bulletin 1083, Item 1.

"Having carefully considered the facts herein I find that respondent's action in revoking appellant's license was manifestly an unreasonable exercise of its discretionary powers. The penalty ordinarily imposed for a second similar offense of the type involved herein occurring within a five-year period is a suspension of the license for a period of thirty days, with a remission of five days for a confessional plea. Cf. Re Dominos et al., Bulletin 1050, Item 5. However, it appears in the instant case that there are aggravating circumstances which could justify a more severe penalty. I, therefore, recommend that an order be entered modifying respondent's order from revocation to suspension of the license for the balance of its term. Cf. Downie v. Somerdale, Bulletin 1119, Item 1."

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

I have carefully considered the facts and circumstances herein and, particularly because of the warning given to appellant, have hesitated to disturb the penalty which rests within the sound discretion of the local issuing authority. However, a revocation renders appellant ineligible to hold a license or to work on licensed premises for a period of two years from the effective date of such revocation. R.S. 33:1-31. This seems unduly harsh and, hence, I shall adopt the conclusions in the Hearer's Report as my conclusions herein and shall adopt the Hearer's recommendation to reduce the revocation to a suspension for the balance of the term of the license which expired at midnight June 30, 1957, and which suspension has been served. If appellant should file an application on or before July 30, 1957, for a renewal of his license for the 1957-58 licensing year, the question of his fitness to obtain a renewal may be considered by the local issuing authority in passing upon the application (Downie v. Somerdale, Bulletin 1135, Item 1).

Accordingly, it is, on this 18th day of July, 1957,

ORDERED that the revocation of appellant's license be and the same is hereby reduced to a suspension of said license for the balance of its term which expired at midnight June 30, 1957.

WILLIAM HOWE DAVIS
Director.

2. APPELLATE DECISIONS - BERNSTEIN v. PATERSON.

LEO BERNSTEIN and JACOB
BERNSTEIN, t/a KENYA CLUB,
Appellants,

-vs-

BOARD OF ALCOHOLIC BEVERAGE
CONTROL FOR THE CITY OF PATERSON,
Respondent.

ON APPEAL
CONCLUSIONS AND ORDER

George S. Grabow, Esq., Attorney for Appellants.
Joseph R. Brumale, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from respondent's action whereby on April 18, 1957 it suspended appellants' plenary retail consumption license for a period of ten days, commencing at 3:00

a.m. May 1, 1957, after appellants had been found guilty in disciplinary proceedings of a charge alleging that they permitted and suffered in and upon their licensed premises a brawl, act of violence or disturbance, in violation of Rule 5 of State Regulation No. 20. Appellants' premises are located at 7 Bridge Street, Paterson.

"Upon the filing of the appeal an order was entered by the Director on April 30, 1957, staying respondent's order of suspension until the entry of a further order herein.

"In their petition of appeal appellants allege that they 'are aggrieved at the finding of guilt' and they contend that the charge should be dismissed.

"Respondent in its answer alleges that the finding of guilt was supported by the evidence adduced at the hearing before it.

"The undisputed fact is that on the evening of February 6, 1957, a patron named McKinney was atrociously assaulted in appellants' licensed premises by appellants' bartender, Robinson.

"Robinson testified, in substance, that McKinney was sober when he entered the premises and was served a glass of beer; that shortly thereafter McKinney, in the presence of women patrons, persisted in the use of vile and indecent language and was escorted by him from the barroom; that McKinney returned and continued his vile language; that he called the police and thereafter showed McKinney a half baseball bat, saying 'If you don't leave I will be forced to use this on you'; that McKinney 'grabbed my arm he had his hand on the cane' which was hooked 'over the side of the bar' and 'I grabbed the club' and 'hit him * * * and I told one of the fellows in the bar to call police headquarters and have them send down an ambulance.' The testimony of another witness for appellants corroborated, in the main, that of Robinson.

"McKinney who wears a leg prosthesis and carries a cane, testified 'I don't know whether I used any (bad language) or not; not to my knowing. I don't know nothing about using it * * * I went to turn around and I remember getting hit' on the 'left-hand side of the head by the temple'. He testified further that he was taken to a hospital where 'they took seven stitches'.

"After considering all of the testimony herein, I find that even if McKinney used vile language he was not the aggressor in the affray which followed and I conclude that the assault by Robinson was unduly severe and certainly not justified under the circumstances. Re Gutman, Bulletin 936, Item 4; Cesar v. Trenton, Bulletin 957, Item 1. I recommend that the action of respondent be affirmed, and the ten-day suspension re-imposed."

No exceptions were taken to the Hearer's Report within the time limited by Rule 14 of State Regulation No. 15. After carefully considering the evidence herein, I adopt the conclusions in the Hearer's Report as my conclusions in the case and accept the recommendation of the Hearer.

Accordingly, it is, on this 23rd day of July, 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; and it is further

ORDERED that the ten-day suspension imposed by respondent, and which was stayed during the pendency of these proceedings, be restored against License C-121 now held by appellants for premises 7 Bridge Street, Paterson, to commence at 3:00 a.m. July 29, 1957, and terminate at 3:00 a.m. August 8, 1957.

WILLIAM HOWE DAVIS
Director.

3. APPELLATE DECISIONS - FRAN-BO-CAR, INC. v. ENGLEWOOD.

FRAN-BO-CAR, INC., t/a)	
RUSTY'S TAVERN,)	
)	
Appellant,)	ON APPEAL
)	CONCLUSIONS AND ORDER
-vs-)	
COMMON COUNCIL OF THE CITY)	
OF ENGLEWOOD,)	
)	
Respondent.)	

David H. Rothberg, Esq., Attorney for Appellant.
LeRoy B. Huckin, Esq., Attorney for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the action of the respondent whereby it suspended appellant's license for fifteen days effective May 13, 1957, after appellant was adjudged guilty of a charge alleging that on April 7, 1957 it sold, served and delivered and allowed, permitted and suffered the consumption of alcoholic beverages by a 20-year-old minor on its licensed premises, in violation of Rule 1 of State Regulation No. 20.

"Upon the filing of the Notice and Petition of Appeal it was ordered on May 13, 1957 by the Director that such filing shall stay respondent's order of suspension pending the hearing thereon and until further order of the Director. R. S. 33:1-31.

"Carrie --- testified that she was twenty years of age on April 7, 1957 when she visited appellant's licensed premises; that when she and a girl companion entered the premises they took seats at a table in a booth; that a man by the name of Herman Blackwell came over to the booth where they were seated and asked for their order; that each of them ordered a bottle of beer; that before she had an opportunity to consume any of the beer, two municipal detectives came to the booth where she and her companion were seated and questioned her as to her age; that she told them she was twenty years of age.

"Lula Mae Woods testified that she accompanied Carrie to appellant's licensed premises and her testimony as to the events on the date in question, in substance, corroborated the testimony given by the minor.

"Herman Blackwell testified that at the time in question he observed the two females aforementioned seated in

a booth and asked them if they wished something to drink; that he asked Carrie whether 'she was old enough to drink, and she said "Yes"'; that each ordered a bottle of beer which he obtained from the bartender and after returning to the booth, placed the beer on the table in front of the females and then 'walked around to the juke box'. He further testified that he patronized appellant's licensed premises on many occasions and was known by the bartenders employed in the establishment.

"Police Officers Earl F. Beers and Thomas P. Ryan testified that they went into appellant's licensed premises and seeing the two females seated in the booth, asked them for their identification and proof of ages; that Carrie told them she was twenty years of age and the other female was an adult. The police officers further testified that they picked up the bottles and upon examining same observed that they were partially filled, although they did not actually see the minor consuming any of the alcoholic beverages.

"Irving Donald Jean testified that he was employed as a bartender and on duty in appellant's licensed premises on the night in question; that Herman Blackwell ordered two bottles of beer and after receiving same from him, walked over to one of the booths; that the next thing he knew 'the detectives came in'. Jean further testified that the place was crowded and that 'every stool was taken and people standing up one and two deep behind'; that he did not question Blackwell concerning to whom the beer was to be served.

"Appellant's attorney argued that since Blackwell was not a servant, employee or agent of appellant and that since there was no beer actually consumed by the minor, the charges brought by the respondent issuing authority must be dismissed.

"It is unnecessary herein to determine whether or not, as appellant's attorney contends, Blackwell is a servant, employee or agent of the appellant. Former Director Cavicchia stated in Grippio v. Hoboken, Bulletin 999, Item 2 that 'the service of the beer although not a sale to the minors in the ordinary sense, nevertheless constituted a sale as well as service of the beer to the minors for the purpose of the Alcoholic beverage Law (R. S. 33:1-1(w)). (See: Re Morganstern and Oliner, Bulletin 292, Item 9, cited in Re: Gahr, Bulletin 377, Item 7, in which the late Commissioner Burnett stated: "It is immaterial whether the service and delivery were effected directly by the bartender ... or indirectly by means of the minor's companion.") Licensees are "under the full responsibility of seeing to it that no minor is sold or served or allowed to consume any alcoholic beverages on the licensed premises." (Re: Hamilton Township Licensed Beverage Association, Bulletin 787, Item 8.)' Therefore, the argument of appellant's attorney in this regard appears to be without merit.

"The testimony of the police officers discloses that they examined the bottles on the table in front of the minor and her companion and that the bottles were partially filled with beer and they also observed that the glasses in front of the females contained beer. Although the officers did not actually observe Carrie in the act of actually consuming beer there is no dispute that a bottle of beer was served to the minor.

"Appellant also complained that it was not given a proper opportunity to participate at the hearing held before

the respondent issuing authority. Since this appeal was heard de novo and the appellant was not curtailed in any way in the presentment of its case, the ground advanced in respect thereto appears to be without merit.

"In appeals to the Director from action of the local issuing authority the burden of establishing that the action of such issuing authority was erroneous and should be reversed rests with the appellant. Rule 6 of State Regulation No. 15; Neu v. Irvington, Bulletin 923, Item 3; Lawrence Harbor Amusement Corp. v. Madison, Bulletin 955, Item 1. I am satisfied after a careful examination of the entire record before me that appellant has failed to sustain the burden.

"I recommend from the evidence adduced herein that the action of the respondent in finding appellant guilty of the charge should be affirmed and that the fifteen-day suspension be reimposed."

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

Having carefully examined the evidence adduced herein, I agree with the conclusions and the recommendations as 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 May 13, 1957.

Accordingly, it is, on this 23rd day of July, 1957,

ORDERED that the action of respondent be and the same is hereby affirmed and that the fifteen-day suspension imposed by respondent be restored against Plenary Retail Consumption License C-8 held by Fran-Bo-Car, Inc., t/a Rusty's Tavern, for premises at 3 South Dean Street, Englewood, commencing at 1:00 a.m. July 30, 1957, and terminating at 1:00 a.m. August 14, 1957.

WILLIAM HOWE DAVIS
Director.

4. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - CONDUCTING BUSINESS AS A NUISANCE - LICENSE SUSPENDED FOR 90 DAYS.

In the Matter of Disciplinary Proceedings against)	
MARY ROGERS)	
T/a PEGGY'S TAVERN)	CONCLUSIONS
202 Hudson Street)	AND ORDER
Hoboken, N. J.,)	
Holder of Plenary Retail Consumption License C-43 for the 1956-57 and C-174 for the 1957-58 licensing years, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken.)	
-----)	
Andrew F. Batistich, Esq., Attorney for Defendant-licensee.)	
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.)	

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

"1. On April 26, 1957, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years, viz., James ---, age 17, Bruce ---, age 17 and Thomas W. ---, age 18, and allowed, permitted and suffered the consumption of alcoholic beverages by such persons in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.

"2. On March 30, April 10, 17, 19, 20 and 26, 1957, you allowed, permitted and suffered your licensed place of business to be conducted in such manner as to become a nuisance in that you allowed, permitted and suffered lewdness and immoral activity and foul, filthy and obscene language and conduct in and upon your licensed premises on all the above stated dates; allowed, permitted and suffered the sale and service to and the consumption of alcoholic beverages by persons actually or apparently intoxicated in and upon your licensed premises on April 10 and 17, 1957; sold and delivered and allowed, permitted and suffered the sale and delivery for off-premises consumption and the removal from your licensed premises of alcoholic beverages in their original containers at about 2:00 a.m. on the aforesaid date of April 20, 1957; and otherwise conducted your place of business on all the above stated dates in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulation No. 20."

The file herein discloses that on the various dates mentioned in the aforesaid charges, ABC agents visited defendant's licensed premises.

Referring to the March 30th visit the agents reported that in addition to the filthy language of the patrons, a man and a woman engaged in a highly indecent verbal duel during which the woman lifted her skirt and exposed her undergarments in order to prove to the man that they were clean. The man, in turn, attempted to un~~zip~~ the zipper on the front of his trousers when the bartender, in a facetious manner, remarked, "Not you, her, alright, but not you". The agents left the premises at 11:20 p.m.

ABC agents again returned to defendant's licensed premises at 8:55 p.m. on April 10th and reported that they heard various patrons engaging in indecent and filthy language. Furthermore, the agents stated that they observed two service men and two girl companions, respectively, kissing each other for periods of time. The agents also stated that during their stay in the premises they also observed three male patrons, while in a state of apparent intoxication, being served alcoholic beverages from time to time. The agents left on this occasion about 11:35 p.m.

Agents again visited defendant's premises at 8:25 p.m. on April 17th and remained therein until 10:35 p.m. During the course of their stay on this occasion the agents stated that patrons engaged in filthy and indecent conversations. The agents further reported that the defendant at one time was seated at the bar facing the dance floor when three male patrons attempted to look up her clothes; that the defendant encouraged this indecent behavior by uncrossing her legs and parting her knees and that one of the men lighted a match, held it between the defendant's knees, while the other two men knelt on the floor and looked under the defendant's skirt; that a female patron exclaimed, "Hey you guys, don't strain, here try this"

and then lifted her skirt so that her panties were exposed. This provoked much laughter on the part of the rest of the patrons who were watching the lurid performance. Also on this occasion the agents reported that they observed three men, apparently intoxicated, being served alcoholic beverages.

At 10:30 p.m. on April 19th, agents again visited defendant's premises and stated that they heard indecent and filthy language being used by the patrons. At about midnight, a girl referred to as "Pat" entered the premises, immediately approached a male patron whom she embraced and kissed from time to time; that she engaged in a dance called the "fish" during the performance of which she and her male partner rubbed the lower parts of their respective bodies against one another; that at the completion of the dance "Pat" passed by the defendant, who reached out and grabbed "Pat's" buttocks, remarking, "Hey, you have pants on tonight". The agents reported that at about 2:00 a.m. a bartender handed six bottles of beer to a male patron; that this patron placed two of the bottles in his pocket, gave two of the bottles to another patron who did likewise and gave the other two bottles to another bartender employed by defendant; and that a short time thereafter the two patrons and the bartender left the licensed premises with the bottles.

ABC agents visited the defendant's licensed premises on April 26th arriving there about 9:30 p.m. and reported that they heard a woman patron using filthy and indecent language; that the agents observed the woman place her arms about a man's neck, kiss and hug him and then grab his private parts; that at 10:10 p.m. an intoxicated female staggered into the premises at which time a male left his seat at the bar, approached the woman, knocked her to the floor and then pushed her through the door; that while the scuffle was in progress the bartender stood by and made no effort to stop it; that at about 10:20 p.m. the agents observed a young man being served a glass of beer by the bartender and a short time thereafter two other youthful-appearing males entered the premises and they were also served alcoholic beverages; that the agents identified themselves and as a result of questioning the boys it was ascertained that two of them were 17 years of age and the other one was 18 years old.

During the times in question either the defendant or her employees were on duty and not only permitted the indecent language and conduct to take place, but on several occasions the defendant participated in the disgraceful exhibitions. Needless to say, such shocking and outrageous activities will not be tolerated on licensed premises in this State.

The attorney for the defendant contends, among other things, as mitigating circumstances for the violations committed in defendant's licensed premises, that "The establishment is situated near the waterfront and its patrons consist almost entirely of longshoremen and railroad workers. Miss Rogers has done everything possible to control the conduct of her patrons. Although she has not been entirely successful in the past she would not permit any of the above conduct on her premises. Now that she is conducting the business by herself with the aid of her sister, she is in a position to supervise her patrons. All these facts are not set forth as an excuse but only to demonstrate the course of conduct that can be expected in the future." In answer thereto, it is apparent from an examination of the facts herein that if the defendant's past supervision of

the licensed premises is a criterion of what to expect in the future, it might be well if, without further delay, she would make an effort to obtain a bona fide purchaser for her licensed business.

The appropriate penalty gives me great concern. The pattern of such misconduct as was carried on in defendant's licensed premises, and the number and type of violations committed warrants a severe penalty.

The defendant has no prior adjudicated record. I shall, therefore, suspend her license for a period of ninety days. Cf. Re Raimondi & Capelli, Bulletin 884, Item 8. The non vult plea was not entered in these proceedings until after the hearing herein was opened. Therefore, the remission usually granted in cases where the plea is received sufficiently in advance of the hearing will not be allowed. Cf. Re The New Ciro's, Inc., Bulletin 994, Item 7 and cases therein cited.

Accordingly, it is, on this 30th day of July, 1957,

ORDERED that Plenary Retail Consumption License C-174 for the 1957-58 licensing year, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Mary J. Rogers for premises 202 Hudson Street, Hoboken, be and the same is hereby suspended for ninety (90) days, commencing at 2:00 a.m. August 6, 1957 and terminating at 2:00 a.m. November 4, 1957.

WILLIAM HOWE DAVIS
Director.

5. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - AGGRAVATING CIRCUMSTANCES - PRIOR RECORD - LICENSE SUSPENDED FOR 70 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)	
CASTLE GREER)	
T/a CASTLE'S INN)	
11 New Street)	CONCLUSIONS
Sea Bright, N.J.,)	AND ORDER

Holder of Plenary Retail Consumption License C-10 (for the 1956-57 and 1957-58 licensing years), issued by the Mayor and Council of the Borough of Sea Bright.

Henneberry & Giordano, Esqs., by John C. Giordano, Jr., Esq.,
Attorneys for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charge:

"You sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to persons under the age of twenty-one (21) years, viz., Arthur ---, age 16 on April 15 and 26, 1957 and divers days prior thereto; Joseph ---, age 17 on April 25 and May 10, 1957 and divers days prior thereto; Bernard M. ---, age 18 and Aavo ---, age 17 on April 23, 25 and

and 26, 1957 and divers days prior thereto; James P. ---, age 16, William D. ---, age 16, Marie A. ---, age 15, Edward A. ---, age 16, Richard P. ---, age 17, and Charles T. ---, age 19 on April 26, 1957 and divers days prior thereto; and allowed, permitted and suffered the consumption of alcoholic beverages by all such persons in and upon your licensed premises on the above stated respective dates and occasions; in violation of Rule 1 of State Regulation No. 20."

The file herein discloses that ABC agents obtained signed sworn statements from the aforesaid minors stating that on the specific dates alleged in the charge and at other times prior thereto they were served and consumed alcoholic beverages in defendant's licensed premises. Some of the minors stated that they were served by the licensee herein and others stated that they were served by a male bartender. All stated that they were not required to produce written proof of age. The minors thereafter directed the agents to the licensed premises which they pointed out as the place wherein they had been served alcoholic beverages and therein identified the persons who had served them.

In mitigation of the penalty to be imposed herein, the licensee submitted letters from professional and lay persons attesting to her character and her interest in the betterment of youth in the area. The facts disclosed by the investigation do not confirm the opinions of the writers as to the latter since the agents' reports disclose that the licensee's premises have for a long time been a welcome haven for male and female minors of several municipalities who knew and boasted that they could obtain alcoholic beverages there without being questioned as to their age. In further mitigation it is alleged that the licensee was not present on April 26th when violations were committed by her employees, but that is no excuse.

Defendant has a prior adjudicated record. Effective October 18, 1954, her license was suspended for ten days by the local issuing authority for a local "hours" violation.

Considering the number of minors involved, their tender age, the amount and type of alcoholic beverages sold to them (bottled beer, vodka and "champale"), and the prior record of defendant which occurred within a five-year period, a penalty is warranted the severity of which should prove a likely deterrent for future similar violations. I shall suspend defendant's license for a period of seventy days. Cf. Re Polish Peoples Home, Inc., Bulletin 1137, Item 1. Five days will be remitted for the plea entered herein, leaving a net suspension of sixty-five days.

Accordingly, it is, on this 18th day of July, 1957,

ORDERED that Plenary Retail Consumption License C-10, for the 1957-58 licensing year, issued by the Mayor and Council of the Borough of Sea Bright to Castle Greer, t/a Castle's Inn, for premises 11 New Street, Sea Bright, be and the same is hereby suspended for a period of sixty-five (65) days, commencing at 3:00 a.m. July 29, 1957 and terminating at 3:00 a.m. October 2, 1957.

WILLIAM HOWE DAVIS
Director.

6. DISCIPLINARY PROCEEDINGS - GAMBLING - LICENSE SUSPENDED FOR 5 DAYS, LESS 2 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ALEXANDER SHUSKO)
T/a ALEX'S CAFE)
1800 Fillmore Street)
Camden, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-127 for the 1956-57 licensing year, and C-114 for the 1957-58 licensing year, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.)

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

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On Friday night, June 21 and early Saturday morning, June 22, 1957, you allowed, permitted and suffered gambling, viz., the playing of a card game for stakes of money, in and upon your licensed premises; in violation of Rule 7 of State Regulation No. 20."

The file herein discloses that on Friday, June 21, 1957, at about 10:30 p.m., two ABC agents entered defendant's licensed premises and remained thereon until about 12:30 the next morning. During the aforesaid period the agents observed three men engaged in a number of games of pinochle and, at the end of each game, saw the winner thereof collect an unknown amount of money from the other players. During the course of the games the licensee (a spectator thereof) served drinks to the players. Upon identification by the agents, the licensee stated he was unaware the men were playing for money; the bartender stated "he figured that the boys were gambling."

Defendant has held a license for approximately twenty years and has no prior adjudicated record. I shall suspend his license for five days (Re Club 209 Bar & Grill, Inc., Bulletin 1036, Item 4). Two days will be remitted for the plea entered herein, leaving a net suspension of three days.

Accordingly, it is, on this 18th day of July, 1957,

ORDERED that Plenary Retail Consumption License C-114 (for the 1957-58 licensing year), issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Alexander Shusko, t/a Alex's Cafe, for premises 1800 Fillmore Street, Camden, be and the same is hereby suspended for three (3) days, commencing at 2:00 a.m. July 29, 1957, and terminating at 2:00 a.m. August 1, 1957.

WILLIAM HOWE DAVIS
Director.

7. 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

PAT CARIDI, INC.
T/a COOPER TAVERN
601 N. Front Street
Camden, N. J.,

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-176 for the 1956-57 and C-149 for the 1957-58 licensing years, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.

Donald Palese, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that it sold alcoholic beverages at less than the price listed in the Minimum Consumer Resale Price List then in effect, in violation of Rule 5 of State Regulation No. 30.

The file herein discloses that on June 21, 1957, Frank Caridi, a bartender on duty at the defendant's licensed premises, sold a fifth of Seagram's V. O. Canadian Whisky to an agent of this Division for \$5.70. The minimum consumer resale price then in effect was \$6.45. After the sale was consummated the agent and another who joined him, identified themselves to Mr. Caridi who admitted the violation.

Defendant has no prior adjudicated record. I shall suspend its license for the minimum period of ten days. Re Bregman, Bulletin 1128, Item 12. Five days will be remitted for the plea entered herein, leaving a net suspension of five days.

Accordingly, it is, on this 22nd day of July, 1957,

ORDERED that Plenary Retail Consumption License C-149 for the 1957-58 licensing year, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Pat Caridi, Inc., t/a Cooper Tavern, for premises 601 N. Front Street, Camden, be and the same is hereby suspended for five (5) days, commencing at 7:00 a.m. July 29, 1957 and terminating at 7:00 a.m. August 3, 1957.

WILLIAM HOWE DAVIS
Director.

8. 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

THE RIGHT SPOT BAR & RESTAURANT, CORP.
T/a THE RIGHT SPOT BAR & RESTAURANT, CORP.)
15-17 Terhune Avenue
Lodi, N. J.,)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-2 for the 1956-57 and 1957-58 licensing years, issued by the Mayor and Council of the Borough of Lodi.

James F. McGovern, Jr., Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The defendant pleaded non vult to charge alleging that on July 3, 1957, it sold during prohibited hours 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 July 3, 1957 at about 7:30 a.m., two ABC agents entered defendant's licensed premises and took seats at the bar behind which stood Lawrence J. Blanchard, president of the corporate-licensee, acting as bartender. About ten minutes later one of the agents asked Mr. Blanchard for a pint of Schenley whiskey. Mr. Blanchard thereupon placed a brown paper bag containing a pint bottle of aforesaid brand of whiskey on the bar, instructed the agent to remove the bottle and put it in his pocket. The agent followed these instructions, paid Blanchard \$3.00 and then left the premises with the other agent. Within a few minutes the agents re-entered the premises and identified themselves to Blanchard who orally admitted aforesaid violation.

Defendant has no prior record. The minimum penalty for an "hours" violation is fifteen days. Cf. Re DeCarlo, Bulletin 1128, Item 2. I shall suspend defendant's license for fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 22nd day of July, 1957,

ORDERED that Plenary Retail Consumption License C-2 for the 1957-58 licensing year, issued by the Mayor and Council of the Borough of Lodi to The Right Spot Bar & Restaurant, Corp., t/a The Right Spot Bar & Restaurant, Corp., for premises 15-17 Terhune Avenue, Lodi, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. July 29, 1957 and terminating at 3:00 a.m. August 8, 1957.

WILLIAM HOWE DAVIS
Director.

9.

ACTIVITY REPORT FOR AUGUST 1957

ARRESTS:

Total number of persons arrested	-----	38
Licensees and employees	----- 17	
Bootleggers	----- 21	

SEIZURES:

Motor vehicles - cars	-----	2
Stillis - 50 gallons or under	-----	1
Mash - gallons	-----	350.00
Distilled alcoholic beverages - gallons	-----	8.08
Wine - gallons	-----	6.00
Brewed malt alcoholic beverages - gallons	-----	23.47

RETAIL LICENSEES:

Premises inspected	-----	505	
Premises where alcoholic beverages were gauged	-----	512	
Bottles gauged	-----	8,631	
Premises where violations were found	-----	62	
Violations found	-----	82	
Type of violations found:			
Unqualified employees	----- 39	Other mercantile business	----- 2
Application copy not available	----- 23	Improper beer taps	----- 1
Reg. #38 sign not posted	----- 5	Disposal permit necessary	----- 1
Prohibited signs	----- 2	Other violations	----- 9

STATE LICENSEES:

Premises inspected	-----	32
License applications investigated	-----	10

COMPLAINTS:

Complaints assigned for investigation	-----	430
Investigations completed	-----	451
Investigations pending	-----	166

LABORATORY:

Analyses made	-----	198
Refills from licensed premises - bottles	-----	2
Bottles from unlicensed premises	-----	45

IDENTIFICATION BUREAU:

Criminal fingerprint identifications made	-----	33
Persons fingerprinted for non-criminal purposes	-----	239
Identification contacts made with other enforcement agencies	-----	199
Motor vehicle identifications via N. J. State Police teletype	-----	9

DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities	-----	15	
Violations involved	-----	18	
Sale during prohibited hours	----- 12		
Sale to minors	----- 3		
Failure to close premises during prohibited hours	----- 2		
Permitting brawl on premises	----- 1		
Cases instituted at Division	-----	19	
Violations involved	-----	26	
Sale to minors	----- 11	Conducting business as a nuisance	----- 1
Sale during prohibited hours	----- 4	Permitting foul language on premises	----- 1
Permitting immoral activity on premises	----- 3	Permitting hostesses on premises	----- 1
Employing bartender without requisite identification card (local reg.)	----- 1	Sale outside scope of license	----- 1
Employing female bartender (local reg.)	----- 1	Permitting bookmaking on premises	----- 1
Cases brought by municipalities on own initiative and reported to Division	-----	Permitting brawl on premises	----- 1
Violations involved	-----		
Sale to minors	----- 8		
Sale during prohibited hours	----- 4		

HEARINGS HELD AT DIVISION:

Total number of hearings held	-----	44	
Appeals	----- 9		
Disciplinary proceedings	----- 22	Seizures	----- 4
Eligibility	----- 7	Tax revocations	----- 2

STATE LICENSES AND PERMITS ISSUED:

Total number issued	-----	1,226	
Licenses	----- 3	Wine permits	----- 2
Employment permits	----- 229	Miscellaneous permits	----- 130
Solicitors'	----- 56	Transit insignia	----- 222
Disposal	----- 120	Transit certificates	----- 46
Social affair	----- 418		

Dated: September 5, 1957

WILLIAM HOWE DAVIS
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF LOCAL REGULATION - PRIOR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 LILLIAN H. RICHMAN
 T/a RICHMAN'S CAFE
 1135-37 S. 4th St.
 Camden, N. J.,

CONCLUSIONS
 AND ORDER

Holder of Plenary Retail Consumption License C-128 for the 1956-57 licensing year and C-76 for the 1957-58 licensing year, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.

 Edward A. Tanski, Esq., Attorney for Defendant-licensee.
 David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On Sunday, May 19, 1957, between the hours of 2:00 a.m. and 1:00 p.m., you sold, served and delivered and suffered and permitted the sale, service and delivery of alcoholic beverages, directly or indirectly, upon your licensed premises; in violation of Section 5 of an ordinance adopted by the Board of Commissioners of the City of Camden on December 27, 1934."

The file herein discloses that on Sunday, May 19, 1957, at about 1:05 p.m., two ABC agents entered defendant's licensed premises where they saw two male patrons drinking beer at a table in the rear of the premises. The agents also observed that the table contained two bottles of beer, a number of empty "shot" glasses and cash amounting to \$7.15. After the agents identified themselves, Lillian Richman, the licensee who was behind the bar, stated that she served the beer to the aforesaid men gratuitously. However, a gift of alcoholic beverages by a licensee constitutes a sale thereof. R. S. 33:1-1(w).

The prohibited hours set forth in the aforesaid ordinance are from 2:00 a.m. on Sunday to 7:00 a.m. on Monday.

Defendant has a prior adjudicated record. Her license was suspended twice; once, effective November 5, 1953, for 20 days by the Director of this Division for permitting the sale of lottery tickets on her licensed premises (Re Richman, Bulletin 990, Item 5); and the second time, effective January 3, 1955, for 45 days by the local issuing authority for permitting a brawl on her licensed premises. The minimum penalty for an "hours" violation is 15 days. Cf. Re DeCarlo, Bulletin 1128, Item 2. Because of the prior dissimilar violations within the past five years, I shall suspend defendant's license for 20 days. Cf. Re Titone, Bulletin 1166, Item 5. Five days will be remitted for the plea entered herein, leaving a net suspension of 15 days.

Accordingly, it is, on this 22nd day of July, 1957,

ORDERED that Plenary Retail Consumption License C-76, for the 1957-58 licensing year, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Lillian H. Richman, t/a Richman's Cafe, 1135-37 S. 4th St., Camden, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 7:00 a.m. July 29, 1957, and terminating at 7:00 a.m. August 13, 1957.

WILLIAM HOWE DAVIS
Director.

11. DISQUALIFICATION REMOVAL PROCEEDINGS - APPLICANT CONVICTED AS DISORDERLY PERSON ON THREE OCCASIONS WITHIN PAST FIVE YEARS - GOOD CONDUCT DURING PAST FIVE YEARS NOT ESTABLISHED - APPLICATION DENIED.

MORAL TURPITUDE - GRAND LARCENY AND BURGLARY HELD TO INVOLVE MORAL TURPITUDE.

In the Matter of an Application)
to Remove Disqualification because)
of a Conviction, pursuant to R. S.)
33:1-31.2.)

CONCLUSIONS

Case No. 1365.)

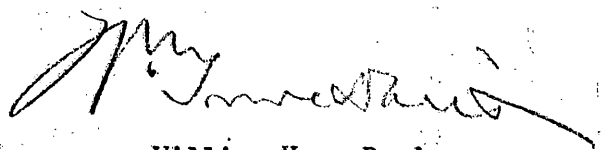
BY THE DIRECTOR:

The fingerprint record of the applicant discloses that on November 7, 1947 he was sentenced in a county court to serve three months on a charge of larceny; on December 22, 1948 he was given a suspended sentence on two charges of attempted burglary; and on August 31, 1954 he was sent to a county penitentiary for six months on a charge of larceny. The aforesaid crimes clearly involve moral turpitude. In addition to the foregoing, from January 25, 1948 to September 23, 1955, applicant was convicted as a disorderly person on about thirty occasions for which he was given various sentences ranging from thirty days to one year. Three of these convictions took place in 1952, two in 1953, two in 1954 and three in 1955, the last of which was on September 23, 1955 when applicant was sentenced to serve one year in a county jail.

One of the statutory requirements necessary for the lifting of a disqualification is that applicant must have conducted himself in a law-abiding manner for a period of five years last past. R. S. 33:1-31.2; Re Case No. 1226, Bulletin 1073, Item 9.

I am satisfied that the applicant has not so conducted himself and, therefore, will deny his application.

Dated: August 7, 1957.



William Howe Davis
Director