

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

October 19, 1961

BULLETIN 1416

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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.

October 19, 1961

ILLETIN 1416

DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES  
(MAKING ARRANGEMENTS FOR ILLICIT SEXUAL INTERCOURSE)  
PERMITTING OBSCENE LANGUAGE AND CONDUCT - NUISANCE - LICENSE  
SUSPENDED FOR 90 DAYS.

In the Matter of Disciplinary )  
Proceedings against )  
A & B Bar, Inc. ) CONCLUSIONS  
339 Plane Street ) AND  
Newark 2, New Jersey )  
Holder of Plenary Retail Consumption ) ORDER  
License C-534, issued by the Municipal )  
Board of Alcoholic Beverage Control of )  
the City of Newark. )  
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Irving J. Zwillman, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant pleaded not guilty to the following charges:

- '1. On April 26, 1961, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., the making of overtures and arrangements for illicit sexual intercourse and perverted sexual relations; in violation of Rule 5 of State Regulation No. 20.
- '2. On April 26, 1961 you allowed, permitted and suffered foul, filthy and obscene conduct in and upon your licensed premises; in violation of Rule 5 of State Regulation No. 20.
- '3. On April 26, 1961 and prior thereto, 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 unescorted females frequenting your licensed premises to solicit male patrons, directly or indirectly, to purchase numerous drinks of alcoholic beverages for consumption by them and others and otherwise conducted your licensed place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulation No. 20.'

"Three ABC agents participated in the investigation of defendant's licensed premises, which resulted in preferment of the three charges herein for alleged violations of the Alcoholic Beverage Law.

"The testimony of Agent S that, at 9:00 p.m. on April 26, 1961, he and Agents B and Sp arrived in vicinity of the defendant's premises, each having in his possession a five-dollar bill from which the serial numbers were recorded on a piece of paper; that he immediately entered the premises and, after occupying a seat at the bar, engaged in conversation with the bartender, Charles Caruso, who was subsequently ascertained to be an officer of defendant corporate-licensee; that among male patrons were two females, one called Pauline and the other Josephine; that within a short time, Agent B entered, followed shortly thereafter by Agent Sp; that Josephine left the premises and when a male companion of Pauline left, she asked Agent B if he would buy her a drink; that he motioned for her to join him but she beckoned to him to sit alongside of her; Agent B did as she requested and Caruso poured a drink for Pauline and took payment therefrom from money on the bar, which money belonged to Agent B; a male patron called Joe joined Agent B and Pauline and, when the latter got off the stool to go to the juke box, Joe made a motion as if to touch her private part; that when Pauline returned to the bar, Caruso manipulated the front of his trousers in an indecent manner and directed an indecent proposal to her which caused all of the patrons to laugh; that he (Agent S) and his fellow agents met in the men's room where he and Agent Sp gave their respective 'marked' five-dollar bills to Agent B and all of them returned to their respective positions at the bar; that he heard Agent B say to Caruso, 'Hey, Charlie! She wants a buck and a half for a cab, and she will meet me on Central Avenue. We are going up to the apartment to get laid. Is she all right or will I get rolled?', to which Caruso replied, 'You can leave your wallet with me and pick it up after'; that Agent B then asked Caruso what manner of sexual activities the girls engaged in, perverted or otherwise, and he said, 'They all do every one of them'; that as Agent B was preparing to leave with Pauline, he heard him say, 'Charlie, I am going to get laid. Do you have any rubbers?', to which he answered that he did not, but suggested a drug store where they could be obtained; that Agent S treated Josephine (who had returned to the premises) to a drink and she then joined him at the bar; that after some conversation with her, she suggested that they go to a room where, for fifteen dollars, she would engage in perverted sexual activities; that he told Caruso about the proposition and said Josephine wanted to hire a cab because she didn't want to leave the premises in his company and Caruso said that was true as a man he has 'thrown out' of the premises made a complaint to the police authorities and they were after the place; that at 11:25 p.m., as he (Agent S) was preparing to leave to meet Josephine outside the premises, he told Caruso that if his girl, Rosie, should call the place, to tell her he would return later; that he left the premises and waited in the parking lot for his fellow-agents and, when the two returned, both entered the premises; that shortly thereafter, he, Pauline, Josephine another female and two detectives entered and when Caruso saw him, he said, 'O.K., you got me. You finally got me'; that he then gave a voluntary statement which he signed in the presence of the detectives and the agents.

"Agents B and Sp's testimony, in substance, corroborated the testimony of Agent S as to what occurred in defendant's premises on the night in question. In addition thereto, Agent B testified that he was directed by Pauline to an apartment where another female was present and that he gave these five-dollar bills to Pauline who, in turn, gave one to the woman whose apartment was to be used to engage in illicit sexual intercourse. Furthermore, that as Pauline had started to disrobe Agent Sp and two municipal detectives entered the room and that the three 'marked' five-dollar bills were obtained from the two females.

"Defendant's attorney cross-examined the three agents at length to discredit their testimony with little success.

"Charles Caruso's testimony constituted a general denial of

the events about which the agents testified as to having occurred on the night in question. I am satisfied that the agents have given a true description as to the events which took place in defendant's premises on the night of April 26, 1961. On the other hand, I do not believe the testimony of Caruso wherein he espoused innocence of any participation in the events which had taken place in the premises during the evening in question. His statement which was admitted as an exhibit in this case contradicts the testimony given by him at the hearing herein.

"I am satisfied that defendant is guilty of all the charges preferred herein. Although the evidence does not indicate that Caruso actually procured the females to engage in illicit sexual intercourse with the agents, there is no doubt that he was aware of what was taking place on the licensed premises.

"Defendant has no prior adjudicated record. Under the circumstances, I recommend that an order be entered adjudging defendant guilty of the three charges preferred herein. I further recommend that its license be suspended on Charge 1 for sixty days (Re Cozy Circle, Inc., Bulletin 1413, Item 1); on Charge 2 for ten days (Re Madeira, Bulletin 1199, Item 2) and on Charge 3 for twenty days (Re Moniello and Onnen, Bulletin 1248, Item 11), making a total suspension of ninety days."

No exceptions were taken to the Hearer's Report within the time limited by Rule 6 of State Regulation No. 16.

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

Accordingly, it is, on this 11th day of September, 1961,

ORDERED that Plenary Retail Consumption License C-534, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to A & B Bar, Inc., for premises 339 Plane Street, Newark, and the same is hereby suspended for ninety (90) days, commencing at 12:00 a.m., Tuesday, September 19, 1961, and termination at 2:00 a.m., Monday, December 18, 1961.

WILLIAM HOWE DAVIS  
DIRECTOR

DISCIPLINARY PROCEEDINGS - GAMBLING - LOTTERY - VIOLATION OF  
RULE 1 OF STATE REGULATION NO. 38 - SALE AND KEEPING PREMISES  
OPEN DURING PROHIBITED HOURS IN VIOLATION OF LOCAL REGULATION-  
LICENSE SUSPENDED FOR 55 DAYS, LESS 5 FOR PLEA.

in the Matter of Disciplinary )  
proceedings against )  
  
Cliffwood Inn, (Incorporated) )  
t/a Cliffwood Inn )  
Northeast Keyport-South Amboy )  
Rd. and Cliffwood Ave., )  
Matawan Twp., PO Cliffwood, N. J., )  
  
holder of Plenary Retail Consumption )  
License C-3, issued by the Township )  
Committee of the Township of Matawan )  
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CONCLUSIONS  
AND  
ORDER

W. Karkus, Esq., Attorney for Defendant-licensee  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic  
Beverage Control

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On July 11 and 18, 1961, you allowed, permitted and suffered gambling, viz., the making and accepting of horse race bets in and upon your licensed premises; in violation of Rule 7 of State Regulation No. 20.
- "2. On July 18, 1961, you possessed, had custody of and allowed, permitted and suffered in and upon your licensed premises tickets and participation rights in lotteries, viz., in 'numbers games', 'horse-race pools', 'fight pools' etc.; in violation of Rule 6 of State Regulation No. 20.
- "3. On Sunday, July 16, 1961, at about 3:15 A.M., you sold and delivered and allowed, permitted and suffered the sale and delivery of an alcoholic beverage, viz., a pint bottle of Gallo California Port Wine, at retail, in its original container for consumption off your licensed premises and allowed, permitted and suffered the removal of said alcoholic beverage in its original container from your licensed premises; in violation of Rule 1 of State Regulation No. 38.
- "4. On Saturday, July 8, 1961, between 3:00 A.M. and 3:15 A.M. and on Sunday, July 16, 1961, between 3:00 A.M. and 3:20 A.M., you sold, served, delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages and allowed the consumption of alcoholic beverages on your licensed premises; in violation of Section 3 of an Ordinance adopted by the Township Committee of the Township of Matawan on January 21, 1943 as amended June 30, 1958.
- "5. On Saturday, July 8, 1961, between 3:00 A.M. and 3:15 A.M. and on Sunday, July 16, 1961, between 3:00 A.M. and 3:20 A.M., you failed to have and keep your entire licensed premises closed; in violation of Section 5 of an Ordinance adopted by the Township Committee of the Township of Matawan on January 21, 1943."

Two ABC agents entered defendant's premises at 2 a.m. on Saturday, July 8, 1961. At 2:55 a.m. George J. Pouzenc, Jr. (President of defendant corporation) extinguished the exterior lights, but eight patrons and the agents remained on the premises. At 3:05 a.m. drinks were served to the eight patrons. At 3:15 a.m. the agents and four patrons left the premises, but the agents remained in the vicinity and observed that the other four patrons did not leave until 3:25 a.m.

The same agents entered defendant's premises on the morning of July 11, 1961. George J. Pouzenc, Jr., and George Meinzer were tending bar. After some conversation about horses with the bartenders, the agents placed with Pouzenc the sum of \$4 in bets on horses running that day at Monmouth Park.

The same agents entered defendant's premises at 1:30 a.m. on Sunday, July 16, 1961. At 2:55 a.m. Alex Gilvany (who was tending bar) extinguished the exterior lights and closed the window blinds, but sixteen patrons and the agents remained on the premises. At 3:05 a.m. the bartender served drinks to the agents and to several patrons. At 3:15 a.m. one of the agents purchased from the bartender a pint of wine "to go." The agents left with the wine at about 3:20 a.m. and several of the patrons were still on the premises.

The agents did not identify themselves on any of the aforesaid visits.

The same agents entered defendant's premises on the morning of July 18, 1961, and placed six dollars in bets on various horses with George Meinzer (who was tending bar). George J. Pouzenc, Jr., then entered the premises. As prearranged, two other ABC agents and State Troopers entered shortly thereafter and found in Meinzer's possession the sum of \$74 which included two of the one-dollar bills given to him by the agents who first entered. Numerous horse-race and number bet slips were found in a rear room. Pouzenc then verbally admitted that he knew the bartender had been accepting bets on the premises and he and the bartender were arrested by the State Troopers.

By way of mitigation, the attorney for defendant has submitted a letter which attempts to place the entire blame on the bartender and which advises that the present stockholders intend to sell the business. I have carefully considered the letter, together with the file in the case.

Defendant has no prior adjudicated record. Under all the circumstances, I shall impose the minimum penalty usually imposed in cases of a similar kind. I shall suspend defendant's license for twenty-five days on Charges 1 and 2 (Re Buttaci, Bulletin 1397, Item 7); for fifteen days on Charge 3 (Re Buschbaum Enterprises, Inc., Bulletin 1400, Item 10), and for fifteen days on Charges 4 and 5 (Re Senatore, Bulletin 1400, Item 6), thus making a total suspension of fifty-five days. Five days will be remitted for the plea, leaving a net suspension of fifty days.

Accordingly, it is, on this 5th days of September 1961,

ORDERED that plenary retail consumption license C-3, issued by the Township Committee of the Township of Matawan to Cliffwood Inn, (Incorporated), t/a Cliffwood Inn, for premises at Northeast Keyport-South Amboy Rd. and Cliffwood Ave., Matawan Twp., be and the same is hereby suspended for fifty (50) days, commencing at 3 a.m. Wednesday, September 13, 1961, and terminating at 3 a.m. Thursday, November 2, 1961.

WILLIAM HOWE DAVIS  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against

Peter and Dorothy S. Doelger  
t/a Peter Doelger's Tavern  
34-39 Ocean Highway, Ocean Heights  
Brick Township  
PO Box 245, Mantoloking, N. J.

CONCLUSIONS

AND

ORDER

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Holders of Plenary Retail Consumption License C-8, issued by the Township Committee of Brick Township.

Novins, Novins & O'Connor, Esqs., by Robert J. Novins, Esq.,  
Attorneys for Defendant-licensees.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

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

Acting upon information obtained from the Seaside Park Police Department, ABC agents obtained sworn, written statements from John --- (age 19) and two other minors. John stated that at about 7:00 p.m. on Saturday, June 24, 1961, he and two other minors drove to the defendants' licensed premises to purchase beer; that while the other minors remained in the car, he entered the said premises alone, purchased a case of Rheingold canned beer from Ralph Whittaker, a clerk, without being required to make any representation as to his age and paid the clerk \$4.40 for the case of beer with money contributed by the three minors. John further stated that he then departed from the premises with the beer, reentered his car, in which the two other minors were waiting, and that they drove off to Seaside Heights where they consumed the said beer.

Thereafter, the three minors identified the licensed premises as the place where the alcoholic beverages were obtained and John --- identified Whittaker as the person who "looked like the guy who sold me the beer".

By way of mitigation, the attorneys for the licensees have submitted a statement which I have carefully read, together with the statements of the minors and reports of the agents.

Defendants have no prior adjudicated record. I shall, therefore, suspend defendants' license for fifteen days, the minimum penalty in an unaggravated case for the sale to a 19-year-old minor. Re Vance's Bar, Inc., Bulletin 1396, Item 5. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 7th day of September 1961,

ORDERED that Plenary Retail Consumption License C-8, issued by the Township Committee of Brick Township to Peter and Dorothy S. Doelger, t/a Peter Doelger's Tavern, for premises 34-39 Ocean Highway, Ocean Heights, Brick Township, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m., Monday, September 18, 1961 and terminating at 2:00 a.m., Thursday, September 28, 1961.

WILLIAM HOWE DAVIS  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against )

Andrew J. Forgash and Victoria V. Forgash )  
t/a Washington Liquor Store )  
State Highway #33 S.W. Side Bet. )  
Robbinsville & Mercerville )  
Washington Township, PO Robbinsville, N. J. )

CONCLUSIONS  
AND  
ORDER

----- )  
Holders of Plenary Retail Distribution License D-2, issued by the Township Committee of the Township of Washington. )  
----- )

Lenox, Giordano & Lenox, Esqs., by Nicholas M. Giordano, Jr., Esq., Attorneys for Defendant-licensees.  
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to the following charge:

"On July 18, 1961, 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., Tovia ---, age 18 and Conrad ---, age 19; in violation of Rule 1 of State Regulation No. 20."

Acting upon information obtained from the New Jersey State Police, Princeton State Police Barracks, ABC agents obtained from Tovia ---, age 18, and Conrad ---, age 19, written statements which set forth that at approximately 8:00 p.m. on July 18, 1961, they, together with three other minors, drove to the defendants' licensed premises to purchase beer and whiskey. While the three other minors remained in the car, Tovia and Conrad entered the premises. Tovia purchased four six-pack containers of beer from Andrew J. Forgash, one of the licensees. Concurrently, Conrad purchased a quart bottle of whiskey from the said Forgash. Neither minor was required to make any representation as to his age. They then left the premises with the beer and whiskey, re-entered the car in which the three other minors were waiting, and drove off to a drive-in-theater where they consumed the alcoholic beverages. Thereafter, the two minors identified the licensed premises as the place where the alcoholic beverages were obtained and also identified Forgash as the person who sold them the said beverages.

Defendants have a prior adjudicated record. Effective November 11, 1952, their license was suspended for fifteen days for violation of Rule 1 of State Regulation No. 38. In view of the fact that this dissimilar violation occurred more than five years prior to the date hereof, it will not be considered in fixing the penalty in this matter. I shall suspend defendants' license for fifteen days, the minimum penalty for sale of alcoholic beverages to two minors, ages 18 years and 19 years. Re Calia, Bulletin 1330, Item 6. Five days will be remitted for the plea, leaving a net suspension of ten days.

Accordingly, it is, on this 11th day of September, 1961,

ORDERED that Plenary Retail Distribution License D-2, issued by the Township Committee of the Township of Washington to Andrew J. Forgash and Victoria V. Forgash, t/a Washington Liquor Store, for premises on State Highway #33 S.W. Side Bet. Robbinsville & Mercerville, Washington Township, be and the same is hereby suspended for ten (10) days, commencing at 9:00 a.m., Monday, September 18, 1961, and terminating at 9:00 a.m., Thursday, September 28, 1961.

WILLIAM HOWE DAVIS  
DIRECTOR

- 5. DISCIPLINARY PROCEEDINGS - RETAILER PURCHASING AND OBTAINING ALCOHOLIC BEVERAGES FROM OTHER THAN A NEW JERSEY MANUFACTURER OR WHOLESALER - PRIOR RECORD OF PREDECESSOR IN INTEREST - MITIGATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
 K & S Operating Corp.  
 t/a The Fairmont  
 319 Fifth Street  
 Lakewood, N. J.,  
 Holder of Plenary Retail Consumption License C-23 (for the 1960-61 and 1961-62 licensing years), issued by the Township Committee of the Township of Lakewood.

CONCLUSIONS  
 AND  
 ORDER

James F. McGovern, Jr., 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 or about February 26, 1960, you purchased and obtained alcoholic beverages, viz., 3 - fifth bottles of Jack Daniels Bourbon Whiskey, other than from the holder of a New Jersey manufacturer's or wholesaler's license or pursuant to a special permit first obtained from the Director of the Division of Alcoholic Beverage Control; in violation of Rule 15 of State Regulation No. 20."

On December 19, 1960, ABC agents, during an inspection of defendant's premises, found three one-fifth bottles of Jack Daniels Bourbon Whiskey in cabinets on the premises, but were unable to find any invoices covering the purchase of said bottles. Eventually they found an invoice of Dorchester, Inc. (a New Jersey wholesaler) which was receipted by Leo Ross and which indicated a delivery to defendant's premises on February 26, 1960, of "3-5th J & B Scotch." To this invoice was attached a shipping ticket referring to the same item and bearing a notation "invoiced at same cost as 3-5th Jack Daniels."

The agents then interviewed Leo Ross who on February 26, 1960, was employed as a bartender on defendant's licensed premises. He admitted that he had obtained the three bottles of Jack Daniels Bourbon Whiskey from Philip Silverstein who was at that time a salesman for a New Jersey wholesaler. He stated that, although the invoice referred to "3-5th J & B Scotch", he had not obtained the latter item but had, instead, obtained for use on defendant's premises the three bottles of Jack Daniels Bourbon Whiskey at the same price. It appears that said wholesaler did not handle Jack Daniels Bourbon lines.

Defendant has no prior adjudicated record. However, when the license for the same premises was held by Louis Kelman, president of defendant corporation, his license was suspended by the then Director for fifty days, effective October 1, 1951, on charges alleging sale during prohibited hours possession of indecent matter, possession of contraceptives and hindering an investigation (Bulletin 906, Item 6); effective October 19, 1953, his license was suspended for twenty-five days by the local issuing authority for sale during prohibited hours and, effective October 27, 1956, his license was again suspended for ten days by the local issuing authority for sale during prohibited hours.

In attempted mitigation defendant's attorney, conceding the responsibility of the licensee for the acts of its employee, alleges that the officers of defendant corporation had no knowledge of the transaction between the bartender and the former solicitor at the time it occurred; that the invoice in question was paid in the usual course of business, and that said officers did not know of the violation until the investigation was made herein by the ABC agents in December 1960. The minimum suspension for obtaining alcoholic beverages from a person not the holder of a New Jersey manufacturer's or wholesaler's license is fifteen days. Re Schultz & Friedman Pharmacies, Inc., Bulletin 1310, Item 3. In fixing a penalty herein I must consider the record of defendant's predecessor-in-interest, which includes two suspension more than five years ago for dissimilar violations and one suspension within the past five years for a dissimilar violation. I conclude that, as to defendant-licensee, there are some mitigating factors in this case. It also appears that the permit of the solicitor mentioned herein was recently suspended for 180 days because of his illegal activities, which involved many retail licensees. Re Philip P. Silverstein, Bulletin 1390, Item 1. Under all the circumstances of this case I shall suspend defendant's license for twenty days. Five days will be remitted for the plea, leaving a net suspension of fifteen days.

Accordingly, it is, on this 7th day of September 1961,

ORDERED that plenary retail consumption license C-23, issued by the Township Committee of the Township of Lakewood to K & S Operating Corp., t/a The Fairmont, for premises 319 Fifth Street, Lakewood, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Monday, September 25, 1961, and terminating at 2 a.m. Tuesday, October 10, 1961.

WILLIAM HOWE DAVIS  
DIRECTOR

DISCIPLINARY PROCEEDINGS - SUSPENSION PREVIOUSLY IMPOSED  
TEMPORARILY LIFTED.

In the Matter of Disciplinary Proceedings against  
K & S Operating Corp.  
t/a The Fairmont  
319 Fifth Street  
Lakewood, N. J.,  
Holder of Plenary Retail Consumption License C-23 (for the 1960-61 and 1961-62 licensing years), issued by the Township Committee of the Township of Lakewood.

On Petition  
O R D E R

James F. McGovern, Jr., Esq., Attorney for Petitioner.

BY THE DIRECTOR:

On September 7, 1961, I entered an order suspending defendant's license for fifteen days commencing at 2 a.m. Monday, September 25, 1961, and terminating at 2 a.m. Tuesday, October 10, 1961.

A petition having been filed by defendant for postponement of said suspension because prior thereto defendant had made arrangements for several affairs to be held on the licensed premises on September 29,

September 30 and October 1, 1961, and it appearing to my satisfaction that said affairs were previously scheduled and that nenerous innocent persons would be inconvenienced by a denial of the requested postponement;

It is, on this 13th day of September 1961,

ORDERED that the suspension heretofore imposed shall commence at 2 a.m. Monday, September 25, 1961, and continue in effect until 7 a.m. Friday, September 29, 1961, at which time said suspension shall be lifted (exclusive of prohibited hours of sale on Sunday, October 1, 1961) until 7 a.m. Monday, October 2, 1961; at which time said suspension shall continue in effect until 2 a.m. Friday, October 13, 1961.

WILLIAM HOWE DAVIS  
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - SUSPENSION PREVIOUSLY IMPOSED TEMPORARILY LIFTED.

In the Matter of Disciplinary Proceedings against )

Celtic Bar, Incorporated )  
559 Jackson Avenue )  
Jersey City, New Jersey, )

O R D E R

Holder of Plenary Retail Consumption License C-332, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City. )  
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BY THE DIRECTOR:

On August 24, 1961, I entered an order suspending defendant's license for fifty-five days effective from 2 a.m. Tuesday, September 5, 1961, to 2 a.m. Monday, October 30, 1961; and

Application having been made to me by Richard W. Sheehan (president of defendant corporate licensee) for postponement of said suspension because prior thereto defendant had made arrangements for an affair to be held on the licensed premises on Saturday, September 16, 1961, and defendant's appointment book having been exhibited to me, from which I am satisfied that said affair was previously scheduled and that numerous innocent persons would be inconvenienced by a denial of the requested postponement;

It is, on this 12th day of September 1961,

ORDERED that the suspension heretofore imposed shall commence at 2 a.m. Tuesday, September 5, 1961, and continue in effect until 2 a.m. Saturday, September 16, 1961; that said suspension shall then be lifted until 2 a.m. Sunday, September 17, 1961, at which time the suspension shall be reinstated and continue in effect until 2 a.m. Tuesday, October 31, 1961.

WILLIAM HOWE DAVIS  
DIRECTOR

DISCIPLINARY PROCEEDINGS - EMPLOYMENT PERMIT - PERMIT  
CANCELLED UPON FINDING OF GUILT THAT PERMITTEE ENGAGED IN  
CONDUCT PROHIBITED TO EMPLOYER.

In the Matter of Disciplinary )  
Proceedings against )  
Claudia E. Wheeler )  
242 W. 112th Street, Apt. 5C )  
New York 26, New York, )  
Holder of Unlimited Employment )  
Permit No. 4421, issued by the )  
Director of the Division of )  
Alcoholic Beverage Control. )  
----- )

CONCLUSIONS

AND

ORDER

Defendant-permittee, no appearance  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

The Division preferred the following charge against the  
defendant:

"On Friday night, May 26 and early Saturday morning  
May 27, 1961 and on divers days prior thereto, you,  
the holder of an unlimited employment permit for a  
person failing to qualify as to residence in the State  
of New Jersey, engaged in conduct prohibited to your  
employer, Wonder Bar, Inc., t/a Wonder Bar, holder of a  
plenary retail consumption license for premises 40  
Westfield Avenue, Elizabeth, New Jersey, by regulation  
adopted under the Alcoholic Beverage Law, as follows:

On Friday night May 26 and early Saturday morning  
May 27, 1961 and on divers days prior thereto, you,  
a female employed on the aforesaid licensed premises  
of Wonder Bar, Inc., t/a Wonder Bar, accepted beverages  
at the expense of or as a gift from customers and  
patrons, the allowing, permitting and suffering of  
which conduct was prohibited to your said employer by  
Rule 22 of State Regulation No. 20;

all of which conduct by you was in violation of Rule 12 of  
State Regulation No. 13."

The hearing in this matter was scheduled for Tuesday, July  
1, 1961. The defendant failed to appear.

Agent R then testified that on May 26, 1961, at about 11:30  
a.m., he and Agent B entered the licensed premises of The Wonder Bar,  
Inc.; that he observed Claudia at the bar drinking and conversing with  
a male patron, following which she proceeded to the stage and entertained  
the patrons with a few songs.

Agent R further testified that Claudia left the stage and  
joined him and Agent B; that Morris Schnur served Claudia a mixed drink  
at his expense; that, after consuming her drink, Claudia joined a male  
patron at the bar; that he observed Claudia consume a drink and the bartender  
accept payment thereof from the male patron, and that he observed  
Morris Schnur, at the request and at the expense of Agent B, serve a drink  
to Claudia while in the company of the male patron. See Re Wonder Bar, Inc.

Bulletin 1407, Item 3.

Agent B testified that, if examined, his testimony would be the same as Agent R's.

After reviewing the testimony (written and oral) adduced herein, I find the defendant guilty of aforesaid charge and shall cancel her permit.

Accordingly, it is, on this 12th day of September 1961,

ORDERED that Unlimited Employment Permit No. 4421, issued by the Director of the Division of Alcoholic Beverage Control to Claudia E. Wheeler, 242 W. 112th Street, Apt. 5C, New York 26, New York, be and the same is hereby cancelled, effective immediately.

WILLIAM HOWE DAVIS  
DIRECTOR

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

In the matter of Disciplinary  
Proceedings against )

Barry's Tavern, Inc. )  
t/a Milne's Tavern )  
31-33 Harrison Avenue )  
West Orange, New Jersey )

CONCLUSIONS

AND

Holder of Plenary Retail Consumption  
License C-37, issued by the Municipal )  
Board of Alcoholic Beverage Control )  
of the Town of West Orange. )  
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ORDER

Defendant-licensee, by Joseph A. Milne, President.  
David S. Piltzer, Esq., Appearing for the Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that it possessed on its licensed premises an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

On July 8, 1961, an ABC agent tested defendant's opened bottles of liquor and seized two bottles for further tests by the Division's chemist. Subsequent analysis by the chemist disclosed that the contents of one bottle, labeled "Fleischmann's Preferred Blended Whiskey, 90 Proof", varied substantially in solids, color and proof from the contents of a genuine bottle of the same brand.

Defendant has no prior adjudicated record. Although it appears that disciplinary proceedings instituted by the local issuing authority for alleged sales to minors is presently pending, I shall suspend defendant's license in this case for ten days, the minimum period where one bottle is involved. Re Pieretti, Bulletin 1400, Item 3. Five days will be remitted for the plea herein, leaving a net suspension of five days.

Accordingly, it is, on this 12th day of September 1961,

ORDERED that plenary retail consumption license C-37, issued by

the Municipal Board of Alcoholic Beverage Control of the Town of West Orange to Barry's Tavern, Inc., t/a Milne's Tavern, for premises 31-33 Harrison Avenue, West Orange, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m., Monday, September 18, 1961, and terminating at 2:00 a.m., Saturday, September 23, 1961.

WILLIAM HOWE DAVIS  
DIRECTOR

D. AUTOMATIC SUSPENSION - LICENSE PREVIOUSLY SUSPENDED BY DIRECTOR - SUSPENSION LIFTED UPON MOTION OF DIRECTOR.

Auto. Susp. #199- )  
In the Matter of Proceedings to )  
Lift the Statutory Automatic )  
Suspension of License C-6, )  
issued by the Borough Council )  
of the Borough of Dunellen to )  
  
Babe's Bar, Incorporated )  
#401 North Avenue )  
Dunellen, New Jersey. )  
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O R D E R

Ginsberg and Simone, Esqs., by Francis J. Simone, Esq.,  
Attorneys for Licensee

BY THE DIRECTOR:

On August 8, 1961, William Pauser (president of Babe's Bar, Incorporated) was fined \$50 and costs after he pleaded non vult in the Municipal Court of the Borough of Dunellen to a charge alleging that he sold alcoholic beverages to minors, in violation of R.S. 33:1-77. His conviction resulted in the automatic suspension for the balance of its term of the license held by said corporation. R.S. 33:1-31.1. The license was not picked up because of the facts hereinafter set forth.

By order dated August 16, 1961, I suspended the license in question for twenty-five days after the licensee pleaded non vult in disciplinary proceedings to a charge alleging that it sold alcoholic beverages to the same minors. This suspension became effective at 1 a.m. Monday, August 28, 1961, and will terminate at 1 a.m. Friday, September 22, 1961. Under the circumstances, I shall, upon my own motion, enter an order lifting the statutory automatic suspension at the time the suspension imposed in the disciplinary proceedings terminates.

Accordingly, it is, on this 13th day of September 1961,

ORDERED that the statutory automatic suspension of said License C-6 be lifted, and said license be restored to full force and operation at 1 a.m. Friday, September 22, 1961.

WILLIAM HOWE DAVIS  
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY  
LABELED - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
 Livingston Lodge #1855, B.P.O. Elks  
 19-21 West Mt. Pleasant Avenue  
 Livingston, N. J.,  
 Holder of Club License CB-1, issued  
 by the Township Committee of the  
 Township of Livingston.  
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CONCLUSIONS  
 AND  
 ORDERS

Defendant-licensee, by James R. Hurley, Secretary  
 Davis S. Piltzer, Esq., Appearing for Division of Alcoholic  
 Beverage Control

BY THE DIRECTOR:

Defendant pleaded non vult to a charge that it possessed on its licensed premises alcoholic beverages in bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

On June 3, 1961, an ABC agent tested defendant's open stock of assorted brands of liquor and seized a number of bottles, the contents of which appeared to be off in color. Subsequent analysis by the Division's chemist disclosed that the contents of seven of the seized bottles were low in solids and acids and lighter in color when compared with samples of the genuine products of the labeled brands.

John J. Callahan (the house chairman of the licensed premises) signed a written acknowledgment that the seized bottles register low in proof and varied in color, but denied that he tampered with the contents or that he knew of anyone who tampered with them.

Defendant has no prior adjudicated record. I shall suspend defendant's license for thirty days, the minimum period imposed in "refill" cases where seven bottles are involved. Re Riverview Tavern, Inc. Bulletin 1322, Item 2. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 13th day of September 1961,

ORDERED that Club License CB-1, issued by the Township Committee of the Township of Livingston to Livingston Lodge #1855, B.P.O. Elks, for premises 19-21 West Mt. Pleasant Avenue, Livingston, be and the same is hereby suspended for twenty-five (25) days, commencing at 2 a.m. Monday, September 25, 1961, and terminating at 2 a.m. Friday, October 20, 1961.

WILLIAM HOWE DAVIS  
 DIRECTOR

2. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY  
LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary  
Proceedings against

Frank Paull  
t/a Century Bar  
28 Haddon Avenue  
Camden 3, N. J.,

Holder of Plenary Retail Consumption  
License C-101, issued by the Municipal  
Board of Alcoholic Beverage Control of  
the City of Camden.

CONCLUSIONS

AND

ORDER

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Samuel J. Shmerelson, Esq., Attorney for Defendant-licensee  
David S. Piltzer, Esq., Appearing for Division of Alcoholic  
Beverage Control

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that he possessed upon his licensed premises alcoholic beverages in bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

On May 31, 1961, an ABC agent tested defendant's open stock of liquor and seized three bottles for further tests by the Division's chemist. Subsequent analysis by the chemist disclosed that the contents of the three bottles, when compared with the contents of genuine bottles of the same brands, varied substantially in acids and solids.

Defendant has no prior adjudicated record. I have carefully considered the contents of a letter submitted by defendant's attorney setting forth alleged mitigating circumstances, and find nothing therein which would justify the imposition of less than the minimum penalty imposed in similar cases. I shall suspend defendant's license for twenty days, the minimum penalty in cases involving three bottles. Re Sunset Inn, Inc., Bulletin 1397, Item 5. Five days will be remitted for the plea, leaving a net suspension of fifteen days.

Accordingly, it is, on this 14th day of September 1961,

ORDERED that plenary retail consumption license C-101, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden, to Frank Paull, t/a Century Bar, for premises 28 Haddon Avenue, Camden, be and the same is hereby suspended for fifteen (15) days, commencing at 7 a.m. Monday, September 25, 1961, and terminating at 7 a.m. Tuesday, October 10, 1961.

WILLIAM HOWE DAVIS  
DIRECTOR

## 13. STATE LICENSES - NEW APPLICATIONS FILED

Steven V. Sivco & G. Warren Fairchild  
t/a Clicquot Club Distributors  
Route 27 at Churchill Avenue  
Franklin Township, PO Somerset, New Jersey  
Application filed October 17, 1961 for  
person-to-person, place-to-place transfer  
of State Beverage Distributor's License  
SBD-198 from Peter Piper Distributors Inc.,  
811 Georges Road, North Brunswick, New Jersey

The House of Seagram, Inc.  
1180 Raymond Boulevard  
Newark, New Jersey

Application filed October 18, 1961 for  
place-to-place transfer of Additional  
Salesroom License AW-34 on Plenary  
Wholesale License W-85 from 143 Broadway,  
Newark, New Jersey, to 270 Broad Street,  
Bloomfield, New Jersey.



William Howe Davis,  
Director.