

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

BULLETIN 1528

SEPTEMBER 18, 1963

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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 1528

SEPTEMBER 18, 1963

1. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITY  
(PROCUREMENT FOR PROSTITUTION) - HOSTESS ACTIVITY -  
UNQUALIFIED EMPLOYEES - NUISANCE - LICENSE SUSPENDED FOR  
235 DAYS.

In the Matter of Disciplinary )  
Proceedings against )

JOSEPH STARR AND JOSEPH ROSE )  
t/a SHOW PLACE BAR )  
188 South Virginia Ave. )  
Atlantic City, N. J. )

CONCLUSIONS  
AND ORDER

----- )  
Holders of Plenary Retail Consumption )  
License C-147, issued by the Board of )  
Commissioners of the City of Atlantic )  
City. )

Licensees, Pro se.

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

BY THE ACTING DIRECTOR:

Licensees plead non vult to charges as follows:

- "1. On June 27, 1963, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., in that you, through a person employed as a bartender on your licensed premises, made offers to male patrons and customers on your licensed premises to procure and did procure a female to engage in acts of illicit sexual intercourse and/or acts of perverted sexual relations with said male patrons and customers, and participated in and allowed, permitted and suffered the making of overtures and arrangements, in and upon your licensed premises, by said female with male patrons and customers for acts of illicit sexual intercourse and/or acts of perverted sexual relations, as aforesaid; in violation of Rule 5 of State Regulation No. 20.
- "2. On June 27, 1963, you allowed, permitted and suffered females employed on your licensed premises to accept beverages at the expense of or as a gift from customers and patrons; in violation of Rule 22 of State Regulation No. 20.
- "3. On June 27, 1963, and prior thereto, you allowed, permitted and suffered the employment in and upon your licensed premises of persons not bona fide residents of the State of New Jersey, contrary to and in violation of Rule 4 of State Regulation No. 13.

"4. On June 27, 1963, you allowed, permitted and suffered your licensed place of business to be conducted in such manner as to become a nuisance; in violation of Rule 5 of State Regulation No. 20."

In view of the licensees' clear previous record, and especially in view of the plea entered, the license will be suspended on the first charge for two hundred ten days (Re Foti, Bulletin 1488, Item 7); on the second and third charges for twenty-five days (Re Schillig, Bulletin 1496, Item 5), with no additional penalty imposed on the fourth charge in view of the fact that it is a reinforcing charge based on the same facts as alleged in the first three charges, or a total of two hundred thirty-five days.

Accordingly, it is, on this 12th day of August 1963,

ORDERED that Plenary Retail Consumption License C-147, issued by the Board of Commissioners of the City of Atlantic City to Joseph Starr and Joseph Rose, t/a Show Place Bar, for premises 188 South Virginia Ave., Atlantic City, be and the same is hereby suspended for two hundred thirty-five (235) days, commencing at 7 a.m. Monday, August 19, 1963, and terminating at 7 a.m. Friday, April 10, 1964.

EMERSON A. TSCHUPP  
ACTING DIRECTOR

2. DISCIPLINARY PROCEEDINGS - ORDER DEFERRING EFFECTIVE DATE OF SUSPENSION.

In the Matter of Disciplinary Proceedings against  
  
JOSEPH STARR AND JOSEPH ROSE  
t/a SHOW PLACE BAR  
188 South Virginia Ave.  
Atlantic City, N. J.

AMENDED  
ORDER

Holder(s) of Plenary Retail Consumption License C-147, issued by the Board of Commissioners of the City of Atlantic City.

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Lawrence Milton Freed, Esq., Attorney for Licensees  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE ACTING DIRECTOR:

On August 12, 1963, I entered an order suspending the license herein for 235 days commencing August 19, 1963. Re Starr and Rose, Bulletin 1528, Item 1.

Licensees have filed a petition requesting that the imposition of the suspension be deferred until mid-September and, for good cause appearing, I have granted such petition.

Accordingly, it is, on this 16th day of August 1963,

ORDERED that the previous order of suspension herein is hereby vacated; and it is further

ORDERED that Plenary Retail Consumption License C-147, issued by the Board of Commissioners of the City of Atlantic City to Joseph Starr and Joseph Rose, t/a Show Place Bar, for premises 188 South Virginia Ave., Atlantic City, be and the same is hereby suspended for two hundred thirty-five (235) days, commencing at 7:00 a.m. Monday, September 16, 1963 and terminating at 7:00 a.m. Friday, May 8, 1964.

EMERSON A. TSCHUPP  
ACTING DIRECTOR

3. DISCIPLINARY PROCEEDINGS - GAMBLING (HORSE RACE AND NUMBERS BETS) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PREVIOUS SIMILAR RECORD - LICENSE SUSPENDED FOR 80 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

JOHN MATTERN & EDITH MATTERN )  
t/a J & E TAVERN )  
73 Hancock Avenue )  
Jersey City 7, N. J. )

CONCLUSIONS  
AND ORDER

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Holders of Plenary Retail Consumption )  
License C-111, issued by the Municipal )  
Board of Alcoholic Beverage Control of )  
the City of Jersey City. )

Daniels, Colello & Daniels, Esqs., by Alfred J. Daniels, Esq.,  
Attorneys for Licensees  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic  
Beverage Control

BY THE ACTING DIRECTOR:

Licensees plead non vult to charges (1) and (2) alleging that on June 27 and 28, 1963, they permitted acceptance of horse race and numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20, and (3) on May 25 and June 27, 1963, they sold alcoholic beverages in original containers for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

Licensees have a previous record of suspension of license then held for premises 105-107 - 39th Street, Union City, by the Director for forty-five days effective July 3, 1961, for permitting numbers and bookmaking activity and sale during hours prohibited by local regulation and State Regulation No. 38. Re Mattern, Bulletin 1403, Item 4.

Since each of the instant offenses is a second similar offense within five years, the minimum penalty for each will be doubled and the license suspended on the first and second charges for fifty days (Re Beesley and Tuite, Bulletin 1461, Item 2), and on the third charge for thirty days (Re Leona Corporation, Bulletin 1515, Item 5), or a total of eighty days, with remission of five days for the plea entered, leaving a net suspension of seventy-five days.

Accordingly, it is, on this 14th day of August 1963,

ORDERED that Plenary Retail Consumption License C-111, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to John Mattern & Edith Mattern, t/a J & E Tavern, for premises 73 Hancock Avenue, Jersey City, be and the same is hereby suspended for seventy-five (75) days commencing at 2 a.m. Wednesday, August 21, 1963, and terminating at 2 a.m. Monday, November 4, 1963.

EMERSON A. TSCHUPP  
ACTING DIRECTOR

4. STATE LICENSE - OBJECTIONS TO APPLICATION FOR PLENARY WHOLESALER LICENSE - APPLICATION GRANTED SUBJECT TO SPECIAL CONDITION.

In the Matter of Objections to the Issuance of a Plenary Wholesale License to )

CONCLUSIONS

LOUIS L. EPSTEIN and JULIUS E. EPSTEIN )  
t/a STRATFORD INTERNATIONAL TOBACCO CO. )  
504 Clinton Avenue )  
Newark, N. J. )

-----  
Max Mehler, Esq., and Leslie H. Cohen, Esq., Attorneys for Applicants.

Harold A. Taft, Esq., Attorney for Marine Tobacco Co., Inc., an Objector.

Milton H. Cooper, Esq., Attorney for N.J. Wine & Spirit Wholesalers Association, an Objector.

BY THE ACTING DIRECTOR:

Applicants have filed an application for a Plenary Wholesale license for premises 504 Clinton Avenue, Newark, N. J. Written objections to the proposed granting of the application have been filed herein by the Marine Tobacco Company, Inc. and the N.J. Wine & Spirit Wholesalers Association.

The objections are:

- 1. That there is no need or necessity for the issuance of a license to said applicants; and
- 2. That the applicants are not morally qualified for and do not merit a license.

The New Jersey Wine & Spirit Wholesalers Association limited its objection to the proposed grant of this application to the first objection.

Hearings were held at this Division on June 6 and June 7, 1963, pursuant to Rule 12 of State Regulation No. 1.

Applicants, members of a newly formed partnership, are also members of a partnership composed of Louis L. Epstein, Julius E. Epstein and their sister, Mrs. Hensler. The Epstein brothers have been in the tobacco distributing business as operators of B. Epstein Tobacco Company since 1926, having continued a business founded by their father prior to 1900. For the past two and a half years, B. Epstein Tobacco Company has also been engaged in large-scale selling tax free tobacco to steamship lines and vessels in the Port of New York area,

which encompasses ports south of Yonkers on the New York side and as far south as Leonardo on the New Jersey side. The most important of the fifteen ports covered on the New Jersey side are Hoboken, Jersey City, Newark, Elizabeth and Perth Amboy.

Louis Epstein, testifying on behalf of the applicants, stated that the primary reason for this application was that applicants considered it necessary to sell tax-free liquors in order to retain its tax-free tobacco business. He noted that the only company which presently supplies tax-free liquor to the ships and vessels in this area is the objector, Marine Tobacco Company, which, in his opinion, has practically a monopoly on this business. It was his contention that the Marine Tobacco Company does not sell all brands of liquor; that customers are entitled to purchase such brands as they desire and to have more than one source of supply. Since such competition would improve service, there is in his opinion, definitely a need and necessity for another supplier. This witness stated that the present intention of the applicants is to concentrate exclusively on tax-free purchases, although they do not intend the application to be so limited.

Epstein further described the proposed operations as follows: The applicants intend to sell tax-free liquor to ships only. Purchases will be made from distributors in Europe and the United States. Applicants do not intend to store any liquor at their present building in Newark. The liquor will be stored either at the Harborside Warehouse in Jersey City or at the U.S. Trucking Corp., Industrial Terminal in Fair Lawn, N.J. The Newark building will be used as executive offices. The applicants will not have any solicitors; and orders will be received primarily by telephone in Newark. An independent contractor will be engaged for transportation.

On cross-examination, Epstein admitted that he had effected a drop-shipment from a distiller directly to the SS Bremen. However, he insisted that his discussions with Federal authorities satisfied him that his company did not need a license to do a tax-free liquor business; that the only reason for the application was to avoid possible litigation. The sale hereinabove referred to was made on a date subsequent to the filing of the application, but was based upon a telephone order given to him by the captain of the ship.

This witness also asserted that he has at least four franchises which would "open up" if he had a license. He also submitted into evidence a basic permit from the United States Government for the sale of liquor, and insisted that he has never represented to anyone that he possessed a state license from either New Jersey or New York.

On behalf of the Marine Tobacco Company, two representatives of the companies named by Louis Epstein as Franchises which would "open up" testified that no firm commitment had been made to the applicants with respect to the purchases of liquor from their companies. However, Emil P. Kneis, representing McKesson & Robbins, stated that he has had continuing discussions regarding the proposed purchases.

Barnie Brody, president of the Marine Tobacco Company, testified that his company has been a wholesale distributor of tobacco and alcoholic products since 1920 and

has been for some time in possession of a New York State liquor license. He stated that 12,846 vessels used the Port of New York facilities during 1962 and that 175 vessels per month, which can buy tax-free liquor, used the New Jersey facilities. He further claimed that during the past year, he has grossed about \$8,000 per month and has made a net profit of three or four per cent or a total of \$3,000. In 1962 he obtained a plenary wholesale liquor license in New Jersey and presently is the only supplier of tax-free liquor to vessels in the New Jersey area. He has three or four sales representatives in New Jersey; his company made a total of 799 sales in 1961 which produced a net of \$3,000 after payment of the \$3,000 license fee. He insists that he is operating marginally and that additional competition would further decrease his total gross sales and net profit.

On cross-examination, Mr. Brody admitted that in addition to selling to the vessels, he had made sales to military personnel and to any other person or facility which has "the privilege of purchasing tax-free liquor".

The principal objection to the issuance of this license is that there is no public need or necessity to be served by such issuance. Such public need or necessity must be considered within the general context of whether there is ever a need for the grant of a license for the sale or distribution of alcoholic beverages. As Judge Clapp said in connection with the issuance of a tavern license in Township Committee of the Township of Lakewood v. Brandt, 38 N.J. Super. 462:

"An even more obvious question arises as to the significance of the term in connection with intoxicating liquors. Is there any public necessity for a tavern? To be sure, the authority issuing a liquor license must take into consideration more than the matter of public convenience.\*\*\*For one thing--as may be said to be suggested by the concept of public necessity--consideration should be given to the question whether there is any deficiency or lack in present facilities. Cf. In re Washington Ave. in Borough of Chatham, 5 N.J. Misc. 858, 860 (Cir. Ct. 1927). And of course the paramount consideration is the public interest. Cf. In re Greenville Bus Co., 17 N.J. 131, 143 (1954)."

Judge Clapp identifies this term as a matter of public interest and poses the question whether the public is served by the denial the application or by its grant.

The applicants state that their primary intention is to engage in the sale of tax-free liquor to customers using the facilities of the Port of New York Authority on the New Jersey side. In a well prepared and articulate brief by attorneys for the applicants, it was pointed out that these ports contain well over a hundred piers or berths. An official map issued by the Port of New York Authority, which was submitted with the brief, reflects the fact that there are 65 berths at Port Newark, and Elizabeth, 17 at West New York, Weehawken and part of Hoboken, and 35 at Jersey City and part of Hoboken. Every type of ship uses these New Jersey facilities and is privileged to buy tax-free liquor. The publication issued by the Maritime Association and prepared by Marine's president, Bernie Brody, shows that 12,838 vessels arrived in the Port of New York area in 1962 and 13,151 in 1961.

Epstein estimated that about 600 ships monthly dock in the New Jersey section and 1,000 in the New York section. While these figures may vary from those compiled by the Maritime Association, they nevertheless indicate that a substantial number of various vessels travel to and from ports throughout the world.

Brody testified that between 1,980 and 2,280 ships privileged to buy an unlimited amount of tax-free liquor used the New Jersey section of the Port of New York facilities annually.

There is no reason to suggest that business will decrease in the New Jersey section of the Port of New York. The fact is that great strides are being made at this very moment to expand facilities, particularly in the Port Newark area. It is well known that additional companies have engaged facilities during the past year and indeed new facilities are presently being constructed both in Port Newark and Elizabeth. It is therefore logical to assume that an increase, rather than a decrease, in the potential of such business is likely. It is equally unrealistic and arbitrary to limit the distribution of tax-free liquor to one licensee.

As the Director stated in Re Admiral Wine Co., Inc., Bulletin 1460, Item 7:

" . . . I do not believe that this Division is prepared to state that there is no public need or necessity, based on the present market, for the issuance of any such license. . . ."

While the Admiral Wine Company case related to an application of a wine wholesaler for a plenary Wholesale license, the rationale is applicable to the situation presented herein.

Counsel for the Marine Tobacco Company has energetically advocated that the applicants are not morally qualified for and do not merit the license. In support of this contention, he alleged that the applicants sold and attempted to sell alcoholic beverages in the State of New York without benefit of a New York State liquor license, thus "violating the law of the State of New York and also seriously jeopardizing the buyers, who are not permitted to purchase alcoholic beverages from a non-licensee."

In further support, he points to three drop-shipments of liquor made in the New York area of the Port of New York by the applicants, for which the applicants billed and received payment from the vessel owner. He properly points out the fact that when pressed for the specific dates of these "illegal sales", Epstein failed and refused to furnish such information. It would have been helpful and indeed, more persuasive, if the applicants had produced for inspection by this Division records of all sales made in this manner, when demand for same was made by counsel for the objector.

However, in all fairness to the applicants it should be noted that they were in possession of a wholesaler's basic permit issued by the Internal Revenue Service of the U.S. Treasury Department. This permit was granted for the purchase of distilled spirits for resale at wholesale.

It should also be noted that the several transactions testified to by Epstein were drop-shipments of bonded liquor. At no time did the applicants have any liquor in their possession in the State of New Jersey which they sought to sell to ships in the Port of New York area. It is also noted that while the applicants had calling cards printed with the legend "Bonded Cigarettes and Beer", Epstein's explanation for this was that he expected to sell bonded beer when this application was granted.

In addition, Epstein testified that he wrote to the New York State Liquor Authority but was unable to produce the reply which he received from such Authority. As noted earlier, Epstein stated that his reason for applying on behalf of the applicants for this license was to obviate possible litigation with respect to his operating in the manner hereinabove indicated.

Examination of all of the testimony leads me to the inescapable conclusion that there is no factual foundation in the record for the allegation that the applicants are not morally qualified for and do not merit this license. The individual applicants have had many years of sound business experience in this area of activity. Thus, the issuance of this license to permit applicants to operate competitively with products geared to a receptive market would be in the public interest. Cf. Mauriello v. Driscoll, 135 N.J.L. 220.

In view of all the facts and circumstances herein, I conclude that there is no substantial reason for withholding issuance of this license.

In view of applicants' expressed present intention with regard to the scope of their proposed operation under the license, I shall grant the application subject to the following special condition: That no sales of alcoholic beverages will be made in New Jersey under this license except only such sales as are made in bond to steamship companies to become part of ships' stores for use beyond the jurisdiction of this state.

EMERSON A. TSCHUPP  
ACTING DIRECTOR

Dated: August 19, 1963

5.

ACTIVITY REPORT FOR AUGUST 1963

<b>ARRESTS:</b>		
Total number of persons arrested - - - - -		18
Licensees and employees - - - - -	12	
Bootleggers - - - - -	6	
<b>SEIZURES:</b>		
Motor vehicles - cars - - - - -		1
- fishing boat - - - - -		1
Stills - 50 gallons or under - - - - -		2
Mash - gallons - - - - -		655
Distilled alcoholic beverages - gallons - - - - -		1,875
Brewed malt alcoholic beverages - gallons - - - - -		13,781
<b>RETAIL LICENSEES:</b>		
Premises inspected - - - - -		822
Premises where alcoholic beverages were gauged - - - - -		641
Bottles gauged - - - - -		9,560
Premises where violations were found - - - - -		72
Violations found - - - - -		100
Unqualified employees - - - - -	33	Disposal permit necessary - - - - - 4
Reg. #38 sign not posted - - - - -	25	Improper beer taps - - - - - 2
Application copy not available - - - - -	11	Prohibited signs - - - - - 1
Other mercantile business - - - - -	7	Other violations - - - - - 17
<b>STATE LICENSEES:</b>		
Premises inspected - - - - -		24
License applications investigated - - - - -		12
<b>COMPLAINTS:</b>		
Complaints assigned for investigation - - - - -		355
Investigations completed - - - - -		369
Investigations pending - - - - -		148
<b>LABORATORY:</b>		
Analyses made - - - - -		96
Refills from licensed premises - bottles - - - - -		26
Bottles from unlicensed premises - - - - -		38
<b>IDENTIFICATION:</b>		
Criminal fingerprint identifications made - - - - -		7
Persons fingerprinted for non-criminal purposes - - - - -		310
Identification contacts made with other enforcement agencies - - - - -		170
Motor vehicle identifications via N. J. State Police teletype - - - - -		1
<b>DISCIPLINARY PROCEEDINGS:</b>		
Cases transmitted to municipalities - - - - -		13
Violations involved - - - - -		15
Sale during prohibited hours - - - - -	11	Failure to afford view into premises during prohibited hours - - - - - 1
Possessing chilled beer (DL licensee) - - - - -	2	
Failure to close prem. dur. proh. hrs. - - - - -	1	
Cases instituted at Division - - - - -		23
Violations involved - - - - -		32
Sale during prohibited hours - - - - -	7	Sale below filed price - - - - - 1
Possessing liquor not truly labeled - - - - -	4	Aiding & abetting unlawful transportation - - - - - 1
Furnishing unlawful inducements to ret. - - - - -	4	Sale outside scope of license - - - - - 1
Fraud in application - - - - -	2	Failure to file notice of default - - - - - 1
Solr-perm. engaging in conduct prohibited to employer - - - - -	2	Sale on credit to retailer on default - - - - - 1
Sale to minors - - - - -	2	Minding investigation - - - - - 1
Conducting business as a nuisance - - - - -	1	Fraud and front - - - - - 1
Substituting alc. bev. other than ordered - - - - -	1	Permitting immoral activity on premises - - - - - 1
and reported to Division - - - - -		Rebottling by retailer - - - - - 1
Cases brought by municipalities on own initiative - - - - -		26
Violations involved - - - - -		29
Sale to minors - - - - -	16	Permitting minors to loiter on premises (local reg.) - - - - - 1
Sale during prohibited hours - - - - -	6	Permitting gambling (shuffleboard for money) on premises - - - - - 1
Failure to close prem. dur. proh. hrs. - - - - -	2	
Permitting brawl on premises - - - - -	2	
Permitting lottery activity on prem. - - - - -	1	
<b>HEARINGS HELD AT DIVISION:</b>		
Total number of hearings held - - - - -		39
Appeals - - - - -	1	Eligibility - - - - - 6
Disciplinary proceedings - - - - -	29	Seizures - - - - - 3
<b>STATE LICENSES AND PERMITS ISSUED:</b>		
Total number issued - - - - -		1,553
Licenses - - - - -	4	Social affair permits - - - - - 479
Solicitors' permits - - - - -	57	Wine permits - - - - - 1
Employment permits - - - - -	290	Miscellaneous - - - - - 164
Disposal permits - - - - -	65	Transit insignia - - - - - 260
		Transit certificates - - - - - 33
<b>OFFICE OF AMUSEMENT GAMES CONTROL:</b>		
Licenses issued - - - - -	114	Disciplinary proceedings instituted - - - - - 1
Premises inspected - - - - -	713	Violations involved - - - - - 2
Enforcement files established - - - - -	35	Redemption for prize other than merch. - - - - - 1
Premises where violations were found - - - - -	20	Redemption of prize for money - - - - - 1
Number of violations found - - - - -	22	

EMERSON A. TSCHUPP  
 ACTING DIRECTOR OF ALCOHOLIC BEVERAGE CONTROL  
 ACTING COMMISSIONER OF AMUSEMENT GAMES CONTROL

DATED: September 5, 1963

6. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

OCEAN AVENUE TAVERN, INC.  
t/a OCEAN AVENUE TAVERN  
703 Ocean Avenue  
Jersey City 5, N. J.

)  
)  
) CONCLUSIONS  
) AND ORDER  
)

Holder of Plenary Retail Consumption License C-506, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

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Licensee, by Jean Zurich, President, Pro se.  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on Sunday, July 14, 1963, it sold a 4/5 pint bottle of whiskey for off-premises consumption in violation of Rule 1 of State Regulation No. 38.

Licensee has a previous record of suspension of license by the Director (1) for 10 days, effective July 29, 1957 and (2) for 20 days, effective April 18, 1961, both for similar violation. Re Ocean Avenue Tavern, Inc., Bulletin 1187, Item 6; Bulletin 1390, Item 3.

The prior record of two similar violations, one within 5 years and the other more than 5 but less than 10 years ago considered, the license will be suspended for 35 days with remission of 5 days for the plea entered, leaving a net suspension of 30 days. Re 188 Boyd St., Inc. Bulletin 1518, Item 2.

Accordingly, it is, on this 19th day of August, 1963,

ORDERED that Plenary Retail Consumption License C-506, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Ocean Avenue Tavern, Inc., t/a Ocean Avenue Tavern, for premises 703 Ocean Avenue, Jersey City, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m. Monday, August 26, 1963, and terminating at 2:00 a.m. Wednesday, September 25, 1963.

EMERSON A. TSCHUPP  
ACTING DIRECTOR

7. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

WILLIAM RUSSO and HENRY RUSSO )  
214 River Street )  
Hoboken, N. J. )

CONCLUSIONS AND ORDER

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Holders of Plenary Retail Consumption License C-162, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken. )

Edward J. Liguori, Esq., Attorney for Licensees  
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE ACTING DIRECTOR:

Licensees plead non vult to charges (1) and (2) alleging that on May 23, 1963, they permitted the acceptance of numbers bets on licensed premises, in violation of Rules 6 and 7 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 entered, leaving a net suspension of twenty days. Re Dohoney, Bulletin 1518, Item 8.

Accordingly, it is, on this 12th day of August 1963,

ORDERED that Plenary Retail Consumption License C-162, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to William Russo and Henry Russo, for premises 214 River Street, Hoboken, be and the same is hereby suspended for twenty (20) days, commencing at 2 a.m. Friday, August 16, 1963, and terminating at 2 a.m. Thursday, September 5, 1963.

EMERSON A. TSCHUPP  
ACTING DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

E.A.V. LIQUORS & BAR, INC.  
302 Market Street  
Paterson, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-281, issued by the Board of Alcoholic Beverage Control for the City of Paterson.

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Licensee, by G. A. Verduci, President, Pro se.  
Harry D. Gross, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE ACTING DIRECTOR:

Licensee pleads non vult to a charge alleging that on July 31, 1963, it sold a pint bottle of gin for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days effective June 11, 1963, for sale to minors.

The prior record 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 Zarzecki, Bulletin 1475, Item 6.

Accordingly, it is, on this 12th day of August 1963,

ORDERED that Plenary Retail Consumption License C-281, issued by the Board of Alcoholic Beverage Control for the City of Paterson to E.A.V. Liquors & Bar, Inc., for premises 302 Market Street, Paterson, be and the same is hereby suspended for fifteen (15) days, commencing at 3 a.m. August 15, 1963, and terminating at 3 a.m. August 30, 1963.

EMERSON A. TSCHUPP  
ACTING DIRECTOR

9. 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

WALTER LOGAN AND JUDSON C. FRANCIS  
t/a 3200 CLUB  
3200 Hudson Boulevard  
Jersey City, N. J.

CONCLUSIONS AND ORDER

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Holders of Plenary Retail Consumption License C-486, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

Licensee, Pro se.  
Harry D. Gross, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensees plead guilty to a charge alleging that on Sunday, August 4, 1963, they sold six cans of beer for off-premises consumption, in violation 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.

Accordingly, it is, on this 13th day of August 1963,

ORDERED that Plenary Retail Consumption License C-486, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Walter Logan and Judson C. Francis, t/a 3200 Club, for premises 3200 Hudson Boulevard, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Tuesday, August 20, 1963, and terminating at 2 a.m. Friday, August 30, 1963.

EMERSON A. TSCHUPP  
ACTING DIRECTOR

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

In the Matter of Disciplinary Proceedings against

JOCON BAR & GRILL, INC.  
413-415 Avenue C  
Bayonne, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-23, issued by the Municipal Council of the City of Bayonne.

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Licensee, by Joseph Conti, President, Pro se.  
Davis S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads guilty to charge alleging that on May 7, 1963, it possessed an alcoholic beverage in one 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 plea entered, leaving a net suspension of five days. Re Dolan, Bulletin 1518, Item 5.

Accordingly, it is, on this 19th day of August, 1963,

ORDERED that Plenary Retail Consumption License C-23, issued by the Municipal Council of the City of Bayonne to Jocon Bar & Grill, Inc., for premises 413-415 Avenue C. Bayonne, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m. Monday, August 26, 1963, and terminating at 3:00 a.m. Saturday, August 31, 1963.

EMERSON A. TSCHUPP  
ACTING DIRECTOR

11. DISCIPLINARY PROCEEDINGS - FRONT - FALSE STATEMENTS IN APPLICATION FOR LICENSE - LICENSE SUSPENDED FOR BALANCE OF TERM, WITH LEAVE TO LIFT AFTER 20 DAYS UPON PROOF OF CORRECTION OF UNLAWFUL SITUATION.

In the Matter of Disciplinary Proceedings against JOHN THEODORE SOLARSKI t/a Olden Bar 618-620 North Olden Avenue Trenton 7, New Jersey Holder of Plenary Retail Consumption License C-186, issued by the City Council of the City of Trenton

CONCLUSIONS AND ORDER

Joseph P. Merlino, Esq., Attorney for Licensee. David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE ACTING DIRECTOR:

Licensee pleads non vult to charges as follows:

- 1. In your application dated June 8, 1962, filed with the City Council of the City of Trenton, upon which you obtained your 1962-63 plenary retail consumption license, you falsely stated 'No' in answer to Question No. 30, which asks: 'Has any individual, partnership, corporation or association, other than the applicant, any interest, directly or indirectly, in the license applied for or in the business to be conducted under said license?', whereas in truth and fact John Joseph Solarski and James Fenneli had such an interest in that they were the real and beneficial owners of such licensed business; in violation of R.S. 33:1-25.
2. In your aforesaid application, you falsely stated 'No' in answer to Question No. 31, which asks: 'Have you agreed to pay (by way of rent, salary or otherwise) to any employee, or other person, any portion or percentage of the gross or net profits or income derived from the business to be conducted under the license applied for?', whereas in truth and fact you had agreed to permit John Joseph Solarski and James Fenneli to retain all the profits and income derived from such licensed business; in violation of R.S. 33:1-25.
3. From June 7, 1961, to date, you aided and abetted John Joseph Solarski and James Fenneli to exercise, contrary to R.S. 33:1-26, the rights and privileges of your successive plenary retail consumption licenses in violation of R.S. 33:1-52."


The facts are sufficiently set forth in the quoted charges.

To date, no correction of the unlawful situation has been accomplished.

Absent prior record, the license will be suspended for the balance of its term, with leave granted to the licensee or any bona fide transferee of license to apply for lifting of the suspension whenever the unlawful situation has been corrected, but in no event sooner than twenty days from the date of commencement of the suspension herein. Re Karunos and Arvanitis, Bulletin 1476, Item 4.

Accordingly, it is, on this 28th day of August, 1963,

ORDERED that Plenary Retail Consumption License C-186, issued by the City Council of the City of Trenton to John Theodore Solariski, t/a Olden Bar, for premises 618-620 North Olden Avenue, Trenton, be and the same is hereby suspended for the balance of its term, effective 2:00 a.m. Wednesday, September 4, 1963, with leave to the licensee or any bona fide transferee of the license to file verified petition establishing correction of the unlawful situation for lifting of the suspension of the license on or after 2:00 a.m. Tuesday, September 24, 1963.

  
Emerson A. Tschupp  
Acting Director