

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

BULLETIN 1234

JULY 29, 1958.

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1. DISCIPLINARY PROCEEDINGS - GAMBLING - FAILURE TO NOTIFY  
ISSUING AUTHORITY OF CHANGE IN APPLICATION - LICENSE  
SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

JOE D'S BLUE MOON, INC. )  
165 First Avenue )  
Newark 7, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump- )  
tion License C-521, issued by the )  
Municipal Board of Alcoholic )  
Beverage Control of the City of )  
Newark. )

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Samuel D. Bozza, Esq., Attorney 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  
charges:

"1. On February 28, March 12, 14, 18, 26 and 27,  
1958, 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. You failed to file with the Municipal Board  
of Alcoholic Beverage Control of the City of Newark,  
within 10 days after the occurrence thereof, written  
notice of change in fact set forth in answer to  
Question No. 9 of your application dated May 28, 1957  
upon which you obtained your current plenary retail  
consumption license, such change being that on or  
about February 27, 1958, you commenced to engage in  
the business of your licensed premises of storing for  
sale and selling and offering for sale men's suits  
and coats; your failure to file such notice being in  
violation of R. S. 33:1-34."

The file herein discloses that at 12:50 p.m. on  
Friday, February 28, 1958, ABC agents arrived in the vicinity  
of defendant's licensed premises; that shortly thereafter the  
agents entered the premises and took seats at the bar; that a  
man referred to as "Chief" (subsequently identified as Michael  
Caprio) was tending bar; that during the agents' visit there  
were about nine males and one female in the establishment;  
that one of the males was referred to as "Joe D" and also as  
the "boss"; that a man named "Sal" (subsequently identified  
as Salvatore Maiorana) was in the premises; that a number of  
male patrons were discussing various odds on horse races and  
at one time "Chief" handed a man a "scratch sheet" which he  
had obtained from under the bar; that after the man made an  
examination thereof, he handed the sheet back to "Chief" and  
the latter placed it under the bar again; that at about 1:40  
p.m. two men entered the premises and were greeted by most of

the males present; that after the two men left, the conversation about betting on horses practically stopped and a number of men left the place; that the telephone kept continuously ringing and Joe D would answer it and knock on the window and Sal would come into the premises and answer the telephone; that on one occasion when Sal had come into the premises he was approached by a man who informed him that he desired to place a bet on a horse and Sal suggested that he go outside; that the female present said, in a loud voice, that she wished to place a bet but she was immediately hushed up by a male seated near her; that on one occasion when Joe D answered the telephone, he came to the bar and said to "Chief", "349 for a dollar"; that "Chief" tore a slip of paper from a pad near the register and while writing something at the far end of the bar remarked to two men, "Joe better be careful. He's crazy". The agents left the premises at approximately 2:40 p.m. and when they reached the outside of the building they observed a number of the men who had previously been in the premises in the vicinity of the rear of the building.

At about 12:35 p.m. on Wednesday, March 12, 1958, an ABC agent (not one of the agents on the prior visit) entered defendant's licensed premises and ordered a bottle of beer from a bartender called "Chief"; that two men referred to as Sal and Dick stationed themselves near the telephone which kept ringing continuously and as each would answer a call he would write something on a piece of paper; that at times various men entered the premises, some with racing sheets in their hands, and would place a bet either with Sal or Dick; that "Chief", the bartender, was heard discussing bets with many of the patrons; that on one occasion as Sal sat with a girl friend, he directed various men to give their bets to "Chief"; that the latter took the money and slips and placed both in envelopes which he sealed and put on the bar; that some time thereafter two men entered the premises and made an inquiry about a man called Bob and "Chief" stated that Bob had already gone; that the two men then departed from the premises and returned shortly thereafter, at which time the betting activities subsided; that "Chief" said to the agent, "Careful, it's the law"; that the agent remarked to "Chief" that he desired to place a bet on a horse scheduled to run at one of the tracks but "Chief" said that he could not accept bets then because the two men aforementioned were detectives. The agent left the premises at 2:00 p.m.

On Friday, March 14, 1958 at about 12:50 p.m., the agent who had visited defendant's premises on March 12th again entered said premises, at which time there were five males present; that two of these men were reading a racing sheet and two others whom he had seen on his prior visit, namely, Sal and Charlie, were answering the telephone; that at 1:30 p.m. the agent requested "Chief" to show him a racing sheet, but was told that he would have to wait until the fellow who was reading the sheet was finished; that when the man was through reading the racing form, "Chief" handed it to the agent and shortly thereafter "Chief" called Sal over and the agent selected a horse to bet on and handed Sal \$4.00; that Sal went to the telephone, put through a call and upon his return, told the agent what odds were given on the horse he chose, but Sal did not give the agent a slip of paper; that at 2:00 p.m. a man entered the premises with four sport jackets on individual hangers and after showing them to Sal, the latter approached the agent and asked him whether he could use any nice suits; that the agent priced the suits and after being told what they cost, Sal told him if he cared for any he had a stock of suits on the second floor of the licensed

premises. The agent did not indicate whether or not he intended to make a purchase at that time and shortly thereafter left the licensed premises.

At about 11:15 a.m. on Tuesday, March 18, 1958, the same agent who had visited the premises on two prior occasions together with a fellow agent, entered defendant's licensed premises and "Chief" again was tending bar at the time; that upon entering a man was seated at the bar examining a "scratch sheet"; that shortly after their entry "Chief" answered the telephone on several occasions advising the callers that Sal and Dick (Dick is also known as Jess) didn't come into the premises until noon; that about 12:05 p.m. Dick entered the premises followed a few minutes thereafter by Sal; that the agents asked "Chief" for the "scratch sheet" and after examining the sheet and consulting among themselves, they chose two horses to place bets on; that Sal approached the agent who had been there on prior occasions and handed him \$5.00 as a result of his bet on March 14th; that a few minutes later the agents called Sal over to their vicinity and told him that they wanted to place another bet on a horse running at one of the tracks that day; that Sal took the above bet and wrote it down on the inside cover of a book of matches; that the agents observed Dick receive \$200.00 from Sal which, from conversation gathered, represented winnings from a horse race bet; that about 12:30 p.m. there were seven men in defendant's licensed premises and Sal was observed handing each of them large sums of money; that Charlie was also observed passing large sums of money to various persons; that at about 12:40 p.m. two males entered the premises and after talking to the bartender, proceeded to the rear of the premises with Charlie and entered the doorway leading to a flight of stairs; that about ten minutes thereafter Charlie re-entered the barroom alone and stated that the two males who accompanied him upstairs had purchased a suit and a sport coat respectively; that during the agents' stay in the premises the telephone rang approximately 35 times and it was always answered by Dick; that the agents appeared to be the only ones who drank anything in the premises, as the others who entered and remained in the premises were busy discussing horse race bets, jockeys and odds on races. The agents left the premises at about 1:20 p.m.

On Wednesday, March 26, 1958 at about 12:30 p.m., the two agents who had been on the investigation on March 18th again entered defendant's licensed premises; that one of the agents asked "Chief", who was tending bar, if he could see the "scratch sheet", but "Chief" replied, "I can't, there are a couple of stool pigeons in the area"; that shortly thereafter Sal approached the agents with a racing form and asked whether or not one of them wished to see the sheet and remarked, "Be careful when you look at it as there is a little heat on in the area"; that Sal then said to one of the agents that he had some money coming to him but he did not give him anything at that time; that the other agent made mention of the fact that he knew of a good horse to run on one of the tracks; that Sal then walked away from the agents but rejoined them and asked whether or not they wished to place any bets; that the agents then selected horses to bet on and gave Sal money in payment therefor; that during this stay in the premises they did not observe any other bets being taken. The agents left the premises about 1:15 p.m.

At about 12:15 p.m. on Thursday, March 27, 1958, the agents who had visited defendant's licensed premises on March

26th again visited defendant's premises; that "Chief" was again tending bar and Sal, with whom the agents had placed bets on prior occasions, was in the premises; that Sal inquired of the agents what happened to the horse that they had recommended to him on the previous day and one of the agents replied, "I don't know. I guess it dropped dead"; that one of the agents then asked "Chief" for a "scratch sheet" and Sal, who had the sheet at the time, came to the agents and handed the sheet to the agent; that both agents placed bets on horses scheduled to run that day at one of the tracks and in payment of the bets gave Sal money, the serial numbers of which had been theretofore recorded; that at about 12:50 p.m. an agent left the premises and contacted three more agents and two local detectives and then returned to the premises; that shortly thereafter the agents who had remained outside, together with the detectives, entered the premises and ordered Sal to empty his pockets; that Sal placed the sum of \$387.00 on the bar among which was the money used by the agents in placing the bets; that Sal's wallet contained two white slips of paper bearing names and numerals; that a search of the coat checkroom resulted in the finding of two full length women's leather coats and upstairs were found 56 male sport coats, 42 male suits and four male top coats; that Sal was questioned about the clothing and he informed the agents that the merchandise belonged to him and that Joe D had knowledge of the fact that he was storing clothing on the premises.

Defendant has no prior adjudicated record. It is apparent from the evidence presented in this case that bookmaking on horses was taking place on a large scale. In attempted mitigation of penalty the attorney for the defendant-licensee claims that Joseph A. DiModica, Jr., (also known as Joe D) president of the defendant corporate-licensee, had no knowledge that such illegal conditions were being permitted on the licensed premises. The evidence in this case contradicts such fact. Furthermore, one would have to be naive indeed when taking into consideration the bookmaking activities resorted to in the establishment to accept such an explanation. Furthermore, a licensee is strictly responsible for any violation which occurs on the licensed premises. Under the circumstances appearing herein, I shall suspend defendant's license on Charge 1 for a period of thirty-five days (cf. Re Clark, Bulletin 1094, Item 3) and on Charge 2 for an additional ten days (cf. Re Pisacane, Bulletin 732, Item 6), making a total suspension of forty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of forty days.

Accordingly, it is, on this 16th day of June, 1958,

ORDERED that Plenary Retail Consumption License C-521, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Joe D's Blue Moon, Inc., for premises 165 First Avenue, Newark, be and the same is hereby suspended for the balance of its term, effective at 2:00 a.m. June 23, 1958; and it is further

ORDERED that any renewal for the 1958-59 licensing year or transfer of said license shall be and remain under suspension until 2:00 a.m. August 2, 1958.

WILLIAM HOWE DAVIS  
Director.

2. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - PERMITTING LOTTERY TICKETS ON PREMISES - PRIOR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
ROC SUM TAVERN, INC.  
368 Summit Ave. and 38 Rock St.  
Jersey City, 6, N. J.,  
Holder of Plenary Retail Consumption License C-311, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

CONCLUSIONS AND ORDER

Defendant-licensee, by Edna DeGeorge, President.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to charges alleging that (1) it sold during prohibited hours alcoholic beverages in their original containers for off-premises consumption, in violation of Rule 1 of State Regulation No. 38, and (2) it had custody of and allowed, permitted and suffered tickets and participation rights in lotteries in and upon its licensed premises, in violation of Rule 6 of State Regulation No. 20.

The file herein discloses that on the evening of Friday, April 18, 1958, two ABC agents entered the defendant's licensed premises, at which time John Joseph Phillips was tending bar. At about 10:10 p.m. the agents observed said bartender take two six-packs of beer from a cooler located underneath the cash register and place the beer in a paper bag. The bartender then had some conversation with a male patron and handed this patron various envelopes which he took from the back bar. The patron selected an envelope, wrote something thereon and returned the envelopes with a dollar-bill to the bartender. At about 10:15 p.m. this patron picked up the bag with the beer and left the premises. At about 10:30 p.m. the agents observed the bartender sell a six-pack of beer to another patron who carried the beer to a side entrance and there handed the beer to another person. At about 10:45 p.m. one of the agents purchased from the bartender a six-pack of beer for off-premises consumption. The bartender placed the beer in a paper bag. The agents left the premises with the beer but returned immediately and disclosed their identity to the bartender. Thereupon the bartender verbally admitted the aforesaid three sales of beer for off-premises consumption.

The agents then inspected the back bar and found the envelopes which had passed between the bartender and the aforesaid patron and five one-dollar bills therewith. The bartender then told them that the envelopes and slips therein represented a fight pool lottery on a boxing contest which was to take place that night. During the course of this inquiry the agents also ascertained that in a drawer behind the bar there was an envelope containing a number of sweepstake tickets.

The defendant urges that its manager was not present and did not know of the violations, and that such fact should be considered in mitigation of the violations. Absence from

the premises does not excuse a licensee from the consequences of the acts of its agents. See Rule 33 of State Regulation No. 20. Cf. Re Czaplicki, Bulletin 1170, Item 6. Such absence does not serve to justify the imposition of less than the established penalties in cases of this nature.

Defendant has a prior adjudicated record. Effective January 15, 1951, the local issuing authority suspended its license for five days for sale during prohibited hours. I shall suspend defendant's license for the minimum period of fifteen days on Charge 1. Since the presence of lottery participations in a fight and sweepstake tickets, to the extent here involved, does not represent commercial gambling, I shall suspend defendant's license for fifteen days on Charge 2. Re Holinda and Whelan, Bulletin 1134, Item 11; Re Sports Bar & Grill, Inc., Bulletin 1124, Item 2. Because the prior similar "hours" violation to Charge 1 herein occurred within a ten-year period, an additional five days will be added, making a total suspension of thirty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty days.

Accordingly, it is, on this 4th day of June, 1958,

ORDERED that Plenary Retail Consumption License C-311, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Roc Sum Tavern, Inc., for premises 368 Summit Ave. and 38 Rock St., Jersey City, be and the same is hereby suspended for the balance of its term, effective at 2:00 a.m. June 16, 1958; and it is further

ORDERED that any renewal or transfer of such license shall be and remain under suspension until 2:00 a.m. July 16, 1958.

WILLIAM HOWE DAVIS  
Director.

3. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 30 DAYS.

In the Matter of Disciplinary Proceedings against )

ALEXANDER & EMMA JOHNSON )  
188 First Street )  
Keyport, N. J., )

CONCLUSIONS  
AND ORDER

Holders of Plenary Retail Consumption License C-4, issued by the Borough Council of the Borough of Keyport. )

-----)  
Edward A. Costigan, Esq. and James J. Armstrong, Jr., Associate Counsel, Attorneys for Defendant-licensees.  
Edward F. Ambrose, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendants pleaded not guilty to charges alleging that (1) they sold, served and delivered alcoholic beverages to a minor, in violation of Rule 1 of State Regulation No. 20 and (2) they sold during prohibited hours for off-premises

alcoholic beverages in their original containers, in violation of Rule 1 of State Regulation No. 38.

"At the hearing herein the Division called as its witnesses Thomas ---, age 19, his five minor companions on the date alleged, and an ABC agent.

"Thomas testified in substance that on Saturday night, February 8, 1958, he, John ---, Robert ---, Michael ---, William ---, and Robert W. ---, drove to the vicinity of defendants' licensed premises and parked their car across the street therefrom; that between 11:30 p.m. and midnight, he, John and Robert entered defendants' tavern wherein Robert went to the men's room while he and John approached the bar; that he ordered and received for off-premises consumption a case of Schaefer beer from Alexander Johnson (known to him as 'Goody') who required no written proof of his age. Thomas' testimony was corroborated in all respects by that of John and by that of the other minors respecting the time of the occurrence of the violations, the fact that Thomas, John and Robert entered defendants' tavern and that Thomas emerged therefrom carrying a case of Schaefer beer. The ABC agent testified that on February 10, 11 and 12, 1958 the minors, in pairs, directed him and other agents to defendants' licensed premises which they pointed out as the place where Thomas had obtained the case of beer and therein Thomas, John and Robert identified Alexander Johnson as the person who made the sale. He testified further that Alexander Johnson said that he had served the boys alcoholic beverages on previous occasions when they had shown him identification cards but that he couldn't recall them being in his tavern on the night of February 8th although he was tending bar at the time.

"Emma Johnson, a male roomer in her residence above the tavern, and a next door neighbor appeared and testified in defendants' behalf. Mrs. Johnson's testimony, in substance, is that on the date alleged she was tending bar from 10:00 p.m. until closing time; that she did not see the minors in her premises and that although she carried in stock Schaefer beer, she did not sell a case of any brand of beer that night. The roomer, a retired man, and the neighbor, a woman, testified that they spent every evening in defendants' tavern; that they were present therein on the night and at the time alleged and that Mrs. Johnson was tending bar.

"I have carefully considered all the evidence adduced herein and find that the testimony of the minors remained unshaken and that they gave an accurate and truthful account of what transpired on the night and at the time alleged, notwithstanding that, at the request of defendants' counsel, they were excluded from the hearing room and separately examined. Under the circumstances, I conclude that the Division has sustained the burden of proof of defendants' guilt by a fair preponderance of the believable evidence and I recommend that defendants be adjudged guilty as charged. Since defendants have no prior adjudicated record, I further recommend that an order be entered providing that their license be suspended for the minimum period of fifteen days on Charge 1 (Re Brudzinski, Bulletin 1164, Item 1) and for the minimum period of fifteen days on Charge 2 (Re Olde Stone Tavern, Inc., Bulletin 1219, Item 6), making a total suspension of thirty 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 Hearer's findings and conclusions and adopt his recommendations.

Accordingly, it is, on this 2nd day of June, 1958,

ORDERED that Plenary Retail Consumption License C-4, issued by the Borough Council of the Borough of Keyport to Alexander & Emma Johnson, for premises 188 First Street, Keyport, be and the same is hereby suspended for the balance of its term, effective at 3:00 a.m. June 9, 1958; and it is further

ORDERED that any renewal for the 1958-59 licensing year or transfer of said license shall be and remain under suspension until 3:00 a.m. July 9, 1958.

WILLIAM HOWE DAVIS  
Director.

4. DISCIPLINARY PROCEEDINGS - GAMBLING - LOTTERY - LICENSE  
SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

DAVID BETHEA )  
t/a CORNER BAR )  
327 Brunswick Avenue )  
Trenton, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-207, issued by the Board of Commissioners of the City of Trenton. )

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Mario H. Volpe, Esq., Attorney 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 charges:

"1. On April 10 and 17, 1958, you allowed, permitted and suffered gambling, viz., the making and accepting of bets in a lottery commonly known as the 'numbers game', in and upon your licensed premises; in violation of Rule 7 of State Regulation No. 20.

"2. On April 10 and 17, 1958, you allowed, permitted and suffered tickets and participation rights in a lottery, commonly known as the 'numbers game' to be sold and offered for sale in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20."

The file herein discloses that on the morning of Thursday, April 10, 1958, an ABC agent entered defendant's licensed premises at which time Louise Bethea, wife of the licensee, was tending bar. Shortly thereafter, he observed three men enter the barroom, one of whom, later identified as Samuel Kelly, asked Louise what she wanted for the day; thereupon, Louise handed Kelly a sum of money and some notation of numbers. The agent then remarked that he dreamt that a certain number would be lucky. Louise then asked Kelly to give her that number and handed him a sum of money. The agent then observed a patron in the place

hand Kelly a dollar bill as a bet on a certain number. Thereupon the agent, in the presence of Louise, placed a numbers bet with Kelly. Kelly then left the premises and, shortly thereafter, the agent left the premises without disclosing his identity.

On the morning of April 17, 1958, the same agent returned to the licensed premises at which time David Bethea, the licensee, was tending bar. David remained as bartender except for a short period when he was relieved by his wife. The agent observed Kelly enter the licensed premises. David asked Kelly "what was good today" and the agent suggested to David that he play a certain number. Meanwhile, in the presence of David, the agent placed a numbers bet with Kelly. The two one-dollar bills used by the agent to place the bet with Kelly had previously been identified by serial numbers.

As Kelly left the tavern and was about to walk away, the agent engaged him in conversation on the street and placed another numbers bet with him. Kelly then went to his automobile and was there apprehended by ABC agents and local police officers. Slips indicating a total of 185 numbers bets amounting to \$78.00 were found on his person. The agents then accompanied Kelly to the licensed premises where he surrendered money in his pocket which included the two marked one-dollar bills given to him by the agent as a numbers bet.

Defendant has no prior adjudicated record. The circumstances urged by counsel for the defendant in alleged mitigation of the offense do not disclose any reason why I should impose less than the minimum penalty for a violation of this kind. I shall suspend defendant's license for twenty-five days. Re Sparvitt, Inc., Bulletin 1206, Item 4. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 3rd day of June, 1958,

ORDERED that Plenary Retail Consumption License C-207, issued by the Board of Commissioners of the City of Trenton to David Bethea, t/a Corner Bar, for premises 327 Brunswick Avenue, Trenton, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. June 10, 1958, and terminating at 2:00 a.m. June 30, 1958.

WILLIAM HOWE DAVIS  
Director.

5. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - PRIOR RECORD - LICENSE SUSPENDED FOR 25 DAYS.

In the Matter of Disciplinary Proceedings against )

SOLLY & LENA GUARIGLIA )  
t/a BUNNY HOP BAR AND GRILL )  
500 Ft. So. 18th Ave. on Hwy. 35 )  
Wall Township )  
PO Box 701, Belmar, N. J., )

CONCLUSIONS AND ORDER

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Holders of Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of Wall. )

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

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendants pleaded not guilty to the following charge:

'On February 28, 1958, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., Joseph J. ---, age 18, and allowed, permitted and suffered the consumption of alcoholic beverages by such person, in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.'

"Joseph J. --- testified that on the date of the alleged violation, he was 18 years of age and a member of the armed forces; that at 9:30 p.m. on February 28, 1958 he and 'four other men from the base' (among whom were Sgt. Charles Benjamin and Theodore W. ---), all wearing civilian clothes, visited defendants' licensed premises; that during the time he spent there he was served and consumed five or six glasses of beer, and the bartender who made service never questioned him with reference to his age; that after being in the premises for approximately twenty minutes, one of his companions became ill and he took him out of the place; that the sick companion returned to the tavern and he (Joseph) went into the establishment and again escorted his companion therefrom, both entering an automobile owned by one of the other companions. He further testified that although a male bartender served him, he could not recognize or identify the man.

"Theodore W. --- testified he was one of the persons with Joseph on the evening in question and although he only consumed soft drinks, he observed Joseph 'a couple of times' with a glass of beer in his hand. He further testified that he did not pay too much attention to the bartender as he was only interested in playing pool on the licensed premises.

"Agent H testified that on Friday, March 14, 1958 he and a fellow investigator together with Joseph and Theodore, by direction of Joseph, went to the defendants' licensed premises; that upon entering they were met by the licensees and one John

Miller and acquainted the licensees with the purpose of their visit; that although John identified the inside of the tavern as being the place where he was on February 28th, he could not identify the person who he alleged had made service of the beer to him on the night in question.

"Solly Guariglia, one of the licensees, testified that he was in the establishment from seven o'clock on the evening of February 28th until closing time but did not recognize either Joseph or Theodore being in the premises that evening. Guariglia further testified that John Miller was behind the bar acting as bartender until ten o'clock that evening when he (Guariglia) also tended bar; that between 9:30 p.m. and 10:00 p.m. there were about twenty patrons in the establishment among whom was a group of men he did not know; that after 10:00 p.m. a police officer entered the premises and inquired of him if he knew a person by the name of Charles Benjamin and after making inquiries, one of two persons engaged in a pool game identified himself as that man; that he (Guariglia) was unable to state whether the person who was playing pool with Benjamin was Theodore aforementioned; that, because he was sitting at the bar talking to customers, he did not see the bartender make service to the group of men who he had testified were in the tavern on the evening in question.

"John Miller testified that he was helping out on the evening of February 28th but did not remember seeing either Joseph or Theodore in the licensed premises at that time; that although he saw a crowd playing pool, he did not notice anybody in particular because they had their backs to him; that he did recall, however, that at one time he did make service of five or six beers to a group, but did not know who they were; that he had no recollection if and when this group broke up, as he did not pay too much attention to them.

"I have carefully examined the testimony given by all of the witnesses herein. It is apparent that the testimony of the minor together with his companion, appears to describe accurately the events that took place on the evening in question. I am satisfied that service of beer was made to Joseph during the time that he was in defendants' establishment. The testimony given by both Solly Guariglia and John Miller is, on the whole, indefinite and uncertain as to whether or not beer was served to Joseph as charged herein. Under the circumstances, I recommend that the defendants be found guilty of sale and service of alcoholic beverages to the minor mentioned in the charge.

"Where it has been satisfactorily established that the minor purchased, had served to him or consumed, an alcoholic beverage in the licensed premises, failure to identify the specific person who made the sale and service is not fatal in disciplinary proceedings against the licensee. See Re La Corte, Bulletin 469, Item 1; Re Dante, Bulletin 771, Item 9. The minimum penalty for sale of alcoholic beverages to an 18-year-old minor is fifteen days. Re Angelotta, Bulletin 1163, Item 12. However, defendants have a prior adjudicated record. Their license was suspended for a period of thirty days, effective October 8, 1957, for a similar violation. Re Guariglia, Bulletin 1195, Item 3. In view of this fact, I recommend that an order be entered suspending defendants' license for a total of twenty-five days. Re Kowel et al., Bulletin 1213, Item 4."

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 3rd day of June, 1958,

ORDERED that Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of Wall to Solly & Lena Guariglia, t/a Bunny Hop Bar and Grill, for premises 500 Ft. So. 18th Ave. on Hwy. 35, Wall Township, be and the same is hereby suspended for the balance of its term, effective at 2:00 a.m. June 9, 1958; and it is further

ORDERED that any renewal for the 1958-59 licensing year or transfer of said license shall be and remain under suspension until 3:00 a.m. July 4, 1958.

WILLIAM HOWE DAVIS  
Director.

6. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE  
SUSPENDED FOR 15 DAYS.

In the Matter of Disciplinary Proceedings against )

GLASS CEILING BAR, INC. )  
140 - 48th Street )  
Union City, N. J., )

Holder of Plenary Retail Consumption License C-178, issued by the Board of Commissioners of the City of Union City, and transferred during the pendency of these proceedings to )

HEDWIG GADZINSKI )

for the same premises. )

CONCLUSIONS  
AND ORDER

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Defendant-licensee, by John S. Gadzinski, Secretary-Treasurer.  
Edward F. Ambrose, Esq., appearing for the Division of  
Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant, represented by its secretary and treasurer, John S. Gadzinski, pleaded not guilty to a charge alleging that it sold and delivered an alcoholic beverage to a person actually or apparently intoxicated and permitted the consumption of such beverage by said person in and upon its licensed premises, in violation of Rule 1 of State Regulation No. 20.

"At the hearing herein, the Division called as its witnesses two ABC agents who participated in the investigation of defendant's licensed premises. Both agents testified in substance that on Sunday morning, January 26, 1958, they visited defendant's tavern wherein at about 2:00 a.m. they observed an elderly, disheveled female stagger into the tavern and seat herself unsteadily at the bar, upon which she rested her head. They further testified that, while in that incumbent position, the female languidly raised her arm and pointed her forefinger upwards mumbling 'beer'; that the bartender placed a glass of beer in front of her and that, when she had consumed a few sips of the beverage, they identified themselves, ascertained her name and address and seized the remaining portion of her drink for evidential purposes. The agents described the

female's attire, speech and actions from which they concluded that she was intoxicated. They testified still further that they apprized the bartender and John Gadzinski (secretary and treasurer of the corporate-licensee) of the female's inebriated condition and that both denied that she was intoxicated, the latter stating that 'she was always like that'.

"John Gadzinski, two males who were in the licensed premises on the morning alleged and the female in question appeared and testified in defendant's behalf. One male testified that 'she (the female) might have had a few beers but I wouldn't say she was intoxicated'. The other male testified that she was 'perfectly sober' and Gadzinski maintained that 'she was always like that'. However, the 57-year-old female testified that, prior to visiting defendant's licensed premises, she had stayed for about an hour in another tavern wherein she consumed four glasses of beer and then left for home but proceeded in the wrong direction. When asked if she had put her head on the bar she replied 'I might have because I was -- you know -- on account of my age. You know what I mean. But I didn't drink; did I?' and when inquiry was made as to her condition on the morning alleged she testified 'I wasn't exactly drunk'.

"Having carefully considered all the testimony herein and having observed the walk, speech, attire and general demeanor of the female in question, I cannot agree with Gadzinski that the female's mannerisms are always like those described by the agents. I find from the evidence that the agents were justified in their conclusions that she was in fact intoxicated and I recommend that defendant be found guilty as charged. Since defendant has no prior adjudicated record, I further recommend that its license be suspended for the minimum period of fifteen days. Re Madeira, Bulletin 1199, Item 2."

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

After the Hearer's Report was submitted to defendant-licensee herein, the license was transferred to Hedwig Gadzinski for the same premises.

Having carefully considered the facts and circumstances herein, I concur in the Hearer's findings and conclusions and adopt his recommendations.

Accordingly, it is, on this 4th day of June, 1958,

ORDERED that Plenary Retail Consumption License C-178, issued by the Board of Commissioners of the City of Union City to Glass Ceiling Bar, Inc., for premises 140 - 48th Street, Union City, and transferred during the pendency of these proceedings to Hedwig Gadzinski for the same premises, be and the same is hereby suspended for a period of fifteen days, commencing at 3:00 a.m. June 16, 1958, and terminating at midnight, June 30, 1958.

WILLIAM HOWE DAVIS  
Director.

7. DISCIPLINARY PROCEEDINGS - EMPLOYMENT PERMIT - ENGAGING IN CONDUCT PROHIBITED TO EMPLOYER - PERMIT SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

SALLY GAY )  
341 West 48th Street )  
New York, New York, )

CONCLUSIONS AND ORDER

Holder of Unlimited Employment Permit No. 3981, issued by the Director of the Division of Alcoholic Beverage Control. )  
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Sally Gay, Defendant-permittee, Pro se.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charge:

"On Friday night, April 18, and early Saturday morning, April 19, 1958, 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, The Holly Club, Inc., holder of a plenary retail consumption license for premises 701 Paterson Plank Road, Union City, New Jersey, by regulations adopted under the Alcoholic Beverage Law, as follows:

"On Friday night, April 18, and early Saturday morning, April 19, 1958, you, a female employed on the aforesaid licensed premises of The Holly Club, Inc. 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 facts upon which the charge herein is based are set forth in Re The Holly Club, Inc., Bulletin 1232, Item 2, and disclosed that the defendant engaged in the prohibited conduct on the dates alleged in the charge.

Defendant has no prior record. I shall suspend her employment permit for fifteen days. Five days will be remitted for the plea, leaving a net suspension of ten days (Re Colabella, Bulletin 1137, Item 5).

Accordingly, it is, on this 2nd day of June, 1958,

ORDERED that Unlimited Employment Permit No. 3981, issued by the Director of the Division of Alcoholic Beverage Control to Sally Gay, 341 West 48th Street, New York, New York, be and the same is hereby suspended for ten (10) days, commencing at 9:00 a.m. June 9, 1958, and terminating at 9:00 a.m. June 19, 1958.

WILLIAM HOWE DAVIS  
Director.

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

In the Matter of Disciplinary Proceedings against )

CLEMENS and JADWIGA KRYGIER )  
Jamesburg-Helmetta Road )  
Monroe Township (Middlesex )  
County) )  
PO Helmetta, N. J., )

CONCLUSIONS AND ORDER

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Holders of Plenary Retail Distribution License D-1, issued by the Township Committee of Monroe Township. )

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

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge alleging that on April 12, 1958 they sold, served and delivered alcoholic beverages to a minor, in violation of Rule 1 of State Regulation No. 20.

The file herein discloses that ABC agents, acting upon information transmitted to this Division by the Division of Motor Vehicles, obtained a signed, sworn statement from William ---, age 18, wherein he states that on April 12, 1958 he and a minor companion drove to defendants' licensed premises which he, alone, entered and purchased two six-packs of beer from Jadwiga Krygier, one of the licensees, without being required to produce any written proof of his age. William and the other minor later directed the agents to defendants' package store and pointed it out as the place where the beer had been purchased and William identified therein the aforesaid licensee as the person who made the sale. Jadwiga Krygier gave the agents a signed, sworn statement in which she admits the unlawful sale on the date alleged herein and states that she had been selling beer to William since May 1957, at which time he showed her a card representing himself to be 21 years of age. The representation in writing required by the Alcoholic Beverage Law is a writing made by the minor at the time of sale or service, and the display by a minor of a driver's license, birth certificate or ID card is not a sufficient compliance with the requirements of the statute.

Defendants have no prior adjudicated record. I shall suspend their license for the minimum period of fifteen days. Re Vinci & Rich, Bulletin 1178, Item 2. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 29th day of May, 1958,

ORDERED that Plenary Retail Distribution License D-1, issued by the Township Committee of Monroe Township to Clemens and Jadwiga Krygier, for premises on Jamesburg-Helmetta Road, Monroe Township, be and the same is hereby suspended for ten (10) days, commencing at 9:00 a.m. June 9, 1958, and terminating at 9:00 a.m. June 19, 1958.

WILLIAM HOWE DAVIS  
Director.

9. AUTOMATIC SUSPENSION - STAYED PENDING DISPOSITION OF DISCIPLINARY PROCEEDINGS BY LOCAL ISSUING AUTHORITY.

In the Matter of a Petition to )  
Lift the Statutory Automatic )  
Suspension of License D-12, issued )  
by the Borough Council of the )  
Borough of Cliffside Park to )  
ON PETITION  
O R D E R

SALVATORE SALMERI )  
t/a ALFANO'S WINES & LIQUORS )  
211 Cliff Street )  
Cliffside Park, N. J. )

-----  
Salvatore Salmeri, Petitioner, Pro se.

BY THE DIRECTOR:

The petition herein discloses that on June 10, 1958, Salvatore Salmeri, the licensee, was fined the sum of \$200.00 after he pleaded non vult in the Municipal Court of the Borough of Cliffside Park to a charge of selling alcoholic beverages to a minor. Such conviction resulted in the automatic suspension of his license. R. S. 33:1-31.1.

The petition herein sets forth that disciplinary proceedings are about to be instituted by the Borough Council of Cliffside Park for the same sale of alcoholic beverages; that petitioner intends to plead non vult to the charge in the disciplinary proceedings but that the Borough Council will not meet until June 16. Under the circumstances, an order will be entered staying the effect of the automatic suspension of the license until the effective date of the suspension to be imposed in the disciplinary proceedings. Re Faessler, Bulletin 920, Item 15.

Accordingly, it is, on this 13th day of June, 1958,

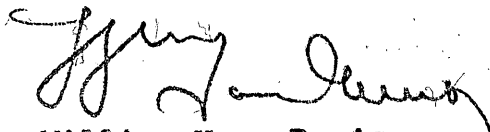
ORDERED that the aforesaid automatic suspension be stayed until the effective date of the suspension to be imposed in the disciplinary proceedings.

WILLIAM HOWE DAVIS  
Director.

10. STATE LICENSES - NEW APPLICATIONS FILED.

Shore Beverages Co., Inc.  
502 Atkins Ave., Neptune, N.J.  
Application filed July 24, 1958 for Limited Wholesale License.

Jack Stempler, t/a Allstate Liquor Distributors  
49 East Bigelow St., Newark, N.J.  
Application filed July 24, 1958 for person-to-person, place-to-place transfer of Plenary Wholesale License W-79 from Shore Beverage Co., Inc., 502 Atkins Ave., Neptune, N.J.

  
William Howe Davis  
Director.