

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

BULLETIN 1742

August 3, 1967

TABLE OF CONTENTSITEM

1. DISCIPLINARY PROCEEDINGS (Hackensack) - PROCUREMENT FOR PROSTITUTION - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 215 DAYS, LESS 5 FOR PLEA.
2. DISCIPLINARY PROCEEDINGS (Bayonne) - GAMBLING (NUMBERS BETS) - LOTTERY (HORSE RACE POOL) - SERVICE OF ALCOHOLIC BEVERAGES TO FEMALES AT BAR - LICENSE SUSPENDED FOR 65 DAYS.
3. DISCIPLINARY PROCEEDINGS (Newark) - SALE TO INTOXICATED PERSON - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 70 DAYS, LESS 5 FOR PLEA.
4. DISCIPLINARY PROCEEDINGS (Bayonne) - GAMBLING (NUMBERS AND HORSE RACE BETS) - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 65 DAYS, LESS 5 FOR PLEA.
5. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN RESTAURANT - SUM DEPOSITED REPRESENTING RETAIL VALUE OF PERSONAL PROPERTY, AND SEIZED ALCOHOLIC BEVERAGES AND CASH ORDERED FORFEITED - CIGARETTE VENDING MACHINE RETURNED TO INNOCENT OWNER.
6. DISCIPLINARY PROCEEDINGS (Riverdale) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (Elizabeth) - GAMBLING (WAGERING, LIAR'S POKER) - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
- ✓ 8. ACTIVITY REPORT FOR JUNE 1967.
9. DISCIPLINARY PROCEEDINGS (Hoboken) - MISLABELED BEER TABS - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Linden) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

STATE OF NEW JERSEY
Department of Law and Public Safety
DIVISION OF ALCOHOLIC BEVERAGE CONTROL
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BULLETIN 1742

August 3, 1967

1. DISCIPLINARY PROCEEDINGS - PROCUREMENT FOR PROSTITUTION -
PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 215 DAYS,
LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

JAMES PETER SANSONE)
t/a Pete's Tavern)
308 Hudson Street)
Hackensack, New Jersey)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-41 issued by the City)
Council of the City of Hackensack.)

Lucchi & Conway, Esqs., by Benedict E. Lucchi, Esq., Attorneys
for Licensee.

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge as follows:

"On October 25, December 23 and 28, 1966, and
January 5, 1967, you allowed, permitted and
suffered lewdness and immoral activity in and upon
your licensed premises, viz., in that you made
offers to male patrons and customers on your
licensed premises to procure a female to engage in
acts of perverted sexual relations with them and,
in furtherance of those offers, made arrangements with
a female to engage in acts of perverted sexual
relations with male patrons and customers, as afore-
said; in violation of Rule 5 of State Regulation
No. 20."

Licensee has a previous record of suspension of license
then held for premises 315 Hudson Street, Hackensack, by the
municipal issuing authority for two days effective January 4,
1954 for hindering investigation, and for seven days effective
April 23, 1962 for sale to minors.

The prior record of suspension of license for dis-
similar violation occurring in 1954 more than five years ago
disregarded, the license will be suspended for two hundred ten
days (Re Galasso, Bulletin 1724, Item 1), to which will be
added five days by reason of the record of suspension for dis-
similar violation in 1963 occurring within the past five years
(Re Giordano, Bulletin 1729, Item 5), or a total of two hundred
fifteen days, with remission of five days for the plea entered,
leaving a net suspension of two hundred ten days.

Accordingly, it is, on this 18th day of May, 1967,

ORDERED that Plenary Retail Consumption License C-41,
issued by the City Council of the City of Hackensack to James

except when seated at tables and permitted females to stand and/or sit at a public bar in and upon your licensed premises; in violation of Section 14 of an Ordinance adopted by the Board of Commissioners of the City of Bayonne on August 3, 1943."

A copy of an ordinance in effect in the City of Bayonne restricting the sale of alcoholic beverages to females at bars was admitted into evidence.

ABC Agents C, D and Z participated in the investigation which led to the preferment of the charges.

Agent C testified that, accompanied by Agents D and Z, he entered the licensed premises (which he described as a neighborhood barroom) on December 3, 1966 at approximately 11:45 a.m. A person identified as Danny Palmer was tending bar. Three male patrons were in the barroom. The agent had in his possession five marked one-dollar bills and two marked five-dollar bills.

Palmer asked the agents as to whether or not they desired to engage in a horse race lottery whereby the winner was determined by the post position of the horse that came in first in the feature race. Each participant would pick a small numbered ball shaken out a bottle. The number chosen would indicate the post position of the horse in the feature race for the day. Agent D picked a ball out of a bottle brought to the agents by Palmer. Palmer took payment of a dollar, the sum which each participant would pay.

Thereafter Agents C, D and Z, seated at the bar, ordered and received an alcoholic beverage from Palmer which they consumed. Agent D is a female. A total of three rounds were ordered and consumed by the agents, including Agent D. Agent D ordered one round of drinks. The drinks were served at the bar.

At approximately 12 Noon Agent C asked Palmer "if he could get a bet in." Upon replying in the affirmative, he went to the telephone booth, made a telephone call and, upon his return, advised C, "He will be in." C asked of Palmer, "Is Gordie coming in?" Palmer responded, "Yes, he will be down." At approximately 12:15 p.m. Gordon Tangeman (known as "Gordie") entered the tavern. When the agent was questioned as to whether or not there was any occurrence between him and Palmer prior to Gordie's arrival at the tavern, he responded, "Yes, sir. I told him it was getting close to post time, and he went to the telephone and made a telephone call. After returning from the telephone call he came to me at the bar, and I had put 4 \$1 bills down, and he asked me what I wanted to play before he went to the phone, and I gave him a horse by the name of Brunswick Road, and I said 2 and 2. He went to the phone, and after returning from the phone he came back and took the \$4 which I had placed on the bar and said, 'That was 2 and 2; right?' I said, 'Right.' He took the \$4."

Continuing, the agent testified that the transaction he described pertained to a horse race at Aqueduct on that day. When Tangeman arrived at the tavern he positioned himself at the bar, four or five feet to the right of Agents C and D.

After obtaining a newspaper from Palmer, C turned to Tangeman and told him he wanted to bet on a horse running at

Aqueduct that day. Gordon wrote the horse bet for \$4 on a pad on the bar. Payment was made by handing Tangeman a marked five-dollar bill. The bartender was "in and around that section of the bar." Gordon Tangeman moved to various sections of the bar conversing with patrons and writing in his notebook.

When Tangeman returned to a position next to the agent, the agent asked him to have a drink and place a bet on the number 203 for a dollar. Tangeman wrote the number bet on the bar with Palmer facing their direction on the other side of the bar. The agent described the transaction as a "numbers bet" and the slip as a "lottery slip." Tangeman was paid with another marked five-dollar bill, receiving \$4 change.

At this point Agent Z, who had departed from the licensed premises, returned with two local police officers. Palmer headed for the kitchen area. Agent C found him in the kitchen area with several bills in his hand trying to open a safe. Upon request, Palmer returned to the barroom and placed the bills on the bar. The agent recognized three of the dollar bills as the marked money which he had used in placing the horse bet on Brunswick Road. Additionally, he recognized two of the five-dollar bills taken from Tangeman as the marked money given to Tangeman in payment of the number and horse racing bets. During the course of the investigation Palmer admitted to Agent C that he recalled taking his horse bet, that Tangeman had been accepting numbers and horse race bets and that he had served females at the bar.

On the occasion of Agent C's first visit to the licensed premises on November 12, 1966 he, together with ABC Agents D and Z, entered therein at approximately 11:50 a.m. and sat at the bar. Palmer was tending bar. A female known as Mary was seated at the bar "left-hand side." He observed Mary order alcoholic beverages of Palmer and consume them after service by Palmer. Agent D (a female) ordered a round of drinks for the agents (beer) from Palmer and, after Palmer served the beer, she consumed her drink. Three rounds of drinks were served to the agents, including Agent D.

Thereafter Gordon Tangeman entered the licensed premises and conferred with the bartender without ordering a beverage. At the request of a patron, Tangeman proceeded to the agents' position at the bar. While at that position Agents Z and D placed a number bet for a dollar each with Tangeman. The numbers writing was done by Tangeman on a piece of paper on the bar. At that time the bartender was about two or three feet away looking in their direction.

Referring to a subsequent event, the testimony revealed the following:

"Q After that did you have any conversation with Danny, the bartender?

A Yes, sir. I asked Danny if I could get a bet in on a horse. That horse was Deckhand.

Q When you asked him that question what did he say?

A Yes.

Q What did you do?

A I handed Danny a \$5 bill and told him 2 and 2 on Deckhand. Danny took the money to the cash register, and that is where he put it. Danny returned to me at the bar and asked me if I wanted to play bar pool at this time.

* * * * *

Q What did you say?

A I said, Yes. I'll go 50-50 with Agent D---

Q Then what happened? Did you pay him?

A Yes, sir, I did.

Q How did you pay him?

A Danny retained the dollar he had that I had coming in change for me."

The bar pool bet was described thusly:

"... you draw a ball from the pill pool bottle, the number picked would be the post position of the horse running the feature race that day, and at this race was post position No. 6, and that was for the high horse on that day."

The bartender handed Agent D the pill pool bottle and she drew the pill from the bottle.

Prior to the agents' departure from the tavern, Palmer exclaimed "If you win the pool the money will be at the bar."

Concerning the visit of November 19, 1966, the agent testified that he was again accompanied by D and Z. He entered the barroom first at approximately 11:50 a.m. Thereafter D and Z joined him at the bar. Again, Palmer was tending bar. The patronage consisted of five males. Subsequently two females entered the bar in addition to Agent D. Peter Druback (a stockholder of the licensee corporation and the secretary and treasurer thereof) was in and out of the tavern intermittently. He was observed to seat himself between the two females who entered subsequent to the agents' entry and purchase several drinks for the females who then consumed the drinks. Additionally, the females purchased "one or two" of the drinks. Palmer informed the agents that they had won the horse race pool picked on the occasion of the previous visit. At Palmer's solicitation, the agents again engaged in a horse race pool similar to the pool previously described. The agents departed from the premises at approximately 1:20 p.m.

On November 23, 1966 Agents C and Z entered the licensed premises at approximately 1:30 p.m. Peter Druback was tending bar. Three females were seated at the bar to the left of the agents. He observed Druback serving the females mixed drinks (which they had ordered) and he further observed the females consume the drinks. The agents emerged from the premises at approximately 2:30 p.m.

Despite a rigorous and probing cross examination by licensee's attorney, the agents testimony remained unchanged. Additionally, he testified that he did not know the identifies of the females who were served at the bar.

It was stipulated by the attorney for the Division and the attorney for the licensee that the testimony of Agent D (who accompanied Agent C on November 12, November 19 and December 3, 1966) and the testimony of Agent Z (who accompanied Agent C on all four dates mentioned in the charges) would be the same as the testimony given by Agent C for the dates on which they participated in the investigation.

In defense of the charges the licensee called to the witness stand Peter Druback, the secretary and treasurer of the licensee corporation and a stockholder therein and who manages the operation of the tavern business conducted by the licensee.

He testified that Palmer was employed occasionally as a bartender. He never permitted women at the bar while he was in the tavern, and he had no knowledge that gambling, of any type, was ever conducted or permitted in the licensed premises. He would never permit any kind of gambling in the tavern. Palmer is still employed at the establishment.

It is apparent that the major point of inquiry presented herein is factual.

In adjudicating this matter I observe primarily that, in evaluating the testimony and its legal impact, we are guided by the firmly established principle that disciplinary proceedings against liquor licensees are civil in nature and require proof by a preponderance of the believable evidence only. Butler Oak Tavern v. Division of Alcoholic Beverage Control, 20 N.J. 373 (1956); Freud v. Davis, 64 N.J. Super. 242 (App.Div. 1960); Howard Tavern, Inc. v. Division of Alcoholic Beverage Control (App.Div. 1962), not officially reported, reprinted in Bulletin 1491, Item 1.

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

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

I have had an opportunity to observe the demeanor of the witnesses as they testified and have made a careful analysis and evaluation of their testimony.

It is abundantly clear from the evidence adduced at the hearing that not only was gambling as alleged allowed, permitted and suffered upon the licensed premises by a person not connected with the corporate licensee but there was also a participation therein by the licensee's bartender Palmer. Further, the testimony clearly indicates that Palmer solicited the ABC agents' participation in the horse race pool.

Additionally, the evidence clearly establishes that females, including the female ABC agent, were permitted to be served while at the bar in violation of the City ordinance quoted in Charge 3. The fact that the identities of the females who were served at the bar (excepting the female agent) were unknown is immaterial in fixing or establishing the guilt of the licensee.

It may be well to point out that the agents' version of the occurrences was uncontradicted. Although Palmer was still employed by the licensee, it failed to produce Palmer as a witness. The implication is evident Palmer could not deny the allegations contained in the charges or successfully dispute the agents' testimony.

The argument that the officers of corporate licensee did not participate in or have knowledge of the misdeeds is untenable. Equally untenable is the argument that the bartender acted contrary to the instructions of the licensee.

It is an oft-repeated doctrine that, in disciplinary proceedings, a licensee is fully accountable for all violations committed or permitted by his servants, agents or employees. Knowledge on the part of the employer is not a prerequisite to a finding of guilt where an employee participates in the misdeeds. Rule 33 of State Regulation No. 20. Cf. In re Schneider, 12 N.J. Super. 449 (App.Div. 1951).

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

The licensee has no prior adjudicated record of suspension of license. I further recommend that the license be suspended on Charges 1 and 2 for sixty days (Re Friendly Tavern, Inc., Bulletin 1581, Item 9) and on Charge 3 for five days (Re Barrett, Bulletin 1679, Item 6), or a total of sixty-five days.

Conclusions and Order

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

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

Accordingly, it is, on this 29th day of May 1967,

ORDERED that Plenary Retail Consumption License C-87, issued by the Municipal Council of the City of Bayonne to Paul's Cafe, Inc., for premises 6 West 21st Street, Bayonne, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1967, commencing at 2 a.m. Monday, June 5, 1967; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2 a.m. Wednesday, August 9, 1967.

JOSEPH P. LORDI
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - SALE TO INTOXICATED PERSON - SALE IN VIOLATION OF STATE REGULATION NO. 38 - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 70 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JAMES LEKAS & STEPHEN PAROBY t/a Central Avenue Tavern 86-88 Central Avenue Newark, New Jersey)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-602, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

----- Licensees, Pro se. Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to charges alleging that on March 31, 1967, they (1) sold a drink of wine to an intoxicated patron, in violation of Rule 1 of State Regulation No. 20 and (2) sold a pint bottle of whiskey 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 by the Director for forty days effective January 9, 1966 for sale in violation of State Regulation No. 38, sale to an intoxicated person and permitting foul language on the licensed premises. Re Lekas and Paroby, Bulletin 1659, Item 12.

The prior record of suspension of license for similar violations within the past five years considered, the license will be suspended on the first charge for forty days (Re Subar, Inc., Bulletin 1586, Item 2) and on the second charge for thirty days (Re Maesm, Inc., Bulletin 1717, Item 7), or a total of seventy days, with remission of five days for the plea entered, leaving a net suspension of sixty-five days.

Accordingly, it is, on this 29th day of May, 1967,

ORDERED that Plenary Retail Consumption License C-602, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to James Lekas & Stephen Paroby, t/a Central Avenue Tavern, for premises 86-88 Central Avenue, Newark, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1967, commencing at 2 a.m. Monday, June 5, 1967, and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2 a.m. Wednesday August 8, 1967.

JOSEPH P. LORDI DIRECTOR

4. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS AND HORSE RACE BETS) - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 65 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against CHARLES W. GAJEWSKI t/a G. & G. Tavern 250 Broadway Bayonne, N. J. Holder of Plenary Retail Consumption License C-68 issued by the Municipal Council of the City of Bayonne

CONCLUSIONS AND ORDER

James L. Sweeney, Esq., Attorney for Licensee. Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on March 28 and April 4, 1967, he permitted the acceptance of numbers bets and on March 28, 1967, the acceptance of horse race bets, in violation of Rules 6 and 7 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for twenty days effective May 9, 1961, for permitting wagering on bowling and card games and possession of a punchboard (Re Gajewski, Bulletin 1396, Item 1) and by the municipal issuing authority for ten days effective October 14, 1963, for sale during prohibited hours.

The prior record of suspension of license for dissimilar violation (Re Conrad's Wine & Liquors, Inc., Bulletin 1719, Item 4) occurring more than five years ago disregarded, the license will be suspended for sixty days (Re Farkas, Bulletin 1727, Item 5), to which will be added five days by reason of the record of suspension for dissimilar violation occurring within the past five years (Re Lake, Inc., Bulletin 1732, Item 7), or a total of sixty-five days, with remission of five days for the plea entered, leaving a net suspension of sixty days.

Accordingly, it is, on this 29th day of May, 1967,

ORDERED that Plenary Retail Consumption License C-68, issued by the Municipal Council of the City of Bayonne to Charles W. Gajewski, t/a G. & G. Tavern, for premises 250 Broadway, Bayonne, be and the same is hereby suspended for the balance of its term, viz., until midnight, June 30, 1967, commencing at 2:00 a.m. Monday, June 5, 1967; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2:00 a.m. Friday, August 4, 1967.

JOSEPH P. LORDI DIRECTOR

5. SEIZURE - FORFEITURE PROCEEDINGS - SPEAKEASY IN RESTAURANT - SUM DEPOSITED REPRESENTING RETAIL VALUE OF PERSONAL PROPERTY, AND SEIZED ALCOHOLIC BEVERAGES AND CASH ORDERED FORFEITED - CIGARETTE VENDING MACHINE RETURNED TO INNOCENT OWNER.

In the Matter of the Seizure)	Case No. 11,821
on December 10, 1966 of a)	
quantity of alcoholic beverages,)	ON HEARING
\$43.65 in cash, various fixtures,)	CONCLUSIONS
furnishings and equipment in a)	AND ORDER
restaurant located at 481 Communipaw)	
Avenue, in the City of Jersey City,)	
County of Hudson and State of New Jersey)	

Maurice J. Frager, Esq., appearing for Joseph Shivers.
Herbert Silber, appearing for Eskin Vending Corporation.
I. Edward Amada, Esq., appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

This matter comes before me pursuant to the provisions of Title 33, Chapter 1, Revised Statutes of New Jersey and State Regulation No. 28 to determine whether three containers of alcoholic beverages, \$43.65 in cash, various fixtures, furnishings and equipment, as set forth in an inventory attached hereto, made part hereof and marked Schedule "A", seized on December 10, 1966 at a restaurant located at 481 Communipaw Avenue, Jersey City, constitute unlawful property and should be forfeited.

The seizure was made by ABC agents because of unlawful sales of alcoholic beverages at a speakeasy conducted at the said premises.

When the matter came on for hearing pursuant to R.S. 33:1-66, Joseph Shivers, the owner and operator of the said speakeasy, represented by counsel, after partial hearing, deposited the sum of \$400.00, representing the retail value of the said personal property, exclusive of a cigarette machine, the cash and the alcoholic beverages. The attorney for Shivers stated that Shivers decided to withdraw any claim that he may have to the seized property and to the sum deposited, and specifically waived his rights to any hearing thereon or claim for the return thereof.

The Eskin Vending Corporation, represented by counsel, sought return of the cigarette machine referred to in the Schedule herein.

Reports of ABC agents and other documents in the file admitted into evidence with the consent of the claimant herein disclose the following facts: Two ABC agents visited the premises in question on December 8th and December 10, 1966 on each of which visits they purchased alcoholic beverages from Joseph Shivers.

On the visit of December 10, 1966 after completing the sale, ABC agents placed Shivers under arrest and a search and seizure of the premises was made. The records of this Division do not disclose any license or permit authorizing the sale of alcoholic beverages to Joseph Shivers, Sagebrush Restaurant or for the premises where the violation took place.

The report of the Division chemist shows, in part, that a one-quart bottle containing 10 ounces of A & T Special Forth

Blended Whiskey, 86 proof, seized herein is an alcoholic beverage fit for beverage purposes with an alcoholic content, by volume, of 43.27%.

Since Shivers did not have any license authorizing him to sell alcoholic beverages, the alcoholic beverages are illicit and constitute unlawful property subject to forfeiture. Such alcoholic beverages are illicit because they were intended for sale without a license. The alcoholic beverages, the personal property and the cash as set forth in Schedule "A" herein constitute unlawful property and are subject to forfeiture. R.S. 33:1-2; R.S. 33:1-66. Seizure Case No. 11,433, Bulletin 1644, Item 3.

The Eskin Vending Corporation, represented by its sales manager, Herbert Silber, presented claim for the return of a certain cigarette vending machine. Silber gave the following account: This machine was one of a number of machines included in a route which was purchased by this claimant in 1961. This claimant does not have any indicia of ownership other than a schedule produced by the claimant, reflecting various machines placed at the locations included in the said route, on which this machine is listed.

A copy of the agreement of purchase of the said route by this claimant dated October 13, 1961 was also admitted into evidence. This machine was apparently never serviced by this claimant because, as explained, on several visits to the premises by its regular route man, he found the premises closed. Thus, the claimant never obtained any receipts from the machine and, in fact, it does not even have a ledger sheet reflecting the service of the said machine. Thus, claimant denies any knowledge of any alleged sales of alcoholic beverages at the said premises.

It is clear that while this claimant did not make any background investigation of the individual or the premises in which this machine was placed, it is apparent that, because of the non-service of this machine during the period of six years that this claimant did not receive any receipts or any benefit from the placement thereof. Under the circumstances, I conclude that there is no evidence of bad faith and I find that, under these special circumstances, this claimant did not know, or have any reason to believe that alcoholic beverages were being sold in these premises. The machine will, therefore, be ordered returned to this claimant. Seizure Case No. 10,416, Bulletin 1384, Item 4; R.S. 33:1-66(f).

Accordingly, it is on this 23rd day of May, 1967

DETERMINED and ORDERED that the claim of Eskin Vending Corporation for the return of its said cigarette machine be recognized and that if on or before the 12th day of June, 1967, the Eskin Vending Corporation pays the costs of seizure and storage of the said cigarette vending machine, said item will be returned to it; and it is further

DETERMINED and ORDERED that the seized property, exclusive of the cigarette machine, the cash and the alcoholic beverages, more fully set forth in Schedule "A", attached hereto, constitutes unlawful property; and that the sum of \$400.00, (representing the retail value of the said personal property owned by Joseph Shivers which was returned to him,) paid to the Director of the Division of Alcoholic Beverage Control by the said Joseph Shivers be, and the same is hereby forfeited in accordance with law; and it is further

DETERMINED and ORDERED that the cash in the sum of \$43.65 and the alcoholic beverages be and the same are hereby forfeited, and retained for the use of hospitals and State, county and municipal institutions or destroyed, in whole or in part, at the direction of the Director of the Division of Alcoholic Beverage Control.

JOSEPH P. LORDI
DIRECTOR

SCHEDULE "A"

- 3 - containers of alcoholic beverages
cigarette machine; television set;
juke box; cash register; typewriter;
refrigerator; tables, chairs,
miscellaneous equipment
\$43.65 - in cash

6. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

GEORGE AND CATHERINE FRASER)
t/a George's Tavern)
21 Hamburg Turnpike)
Riverdale, New Jersey)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-3 issued by the Borough Council of the Borough of Riverdale)

D'Angelo, Greco & Hickey, Esqs., by John J. Greco, Esq., Attorneys for Licensees.
Leon Chorkavy, Jr., Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on December 20, 1966, they possessed an alcoholic beverage in a bottle bearing a label which did not truly describe its contents, in violation of Rule 27 of State Regulation No. 20.

Licensees have a previous record of suspension of license by the municipal issuing authority for six days effective January 24, 1964, for sale to minors.

The prior record considered, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re McCoy, Bulletin 1712, Item 10.

Accordingly, it is, on this 29th day of May, 1967,

ORDERED that Plenary Retail Consumption License C-3, issued by the Borough Council of the Borough of Riverdale to George and Catherine Fraser, t/a George's Tavern, for premises 21 Hamburg Turnpike, Riverdale, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, June 5, 1967, and terminating at 2:00 a.m. Thursday, June 15, 1967.

JOSEPH P. LORDI
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - GAMBLING (WAGERING, LIAR'S POKER) - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

ALFRED T. LOMBARD)
t/a Old Elizabeth Tavern)
959 Elizabeth Avenue)
Elizabeth, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-183, issued by the City Council of the City of Elizabeth.)

Charles J. Grinchis, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on April 13, 1967 he permitted gambling on the licensed premises, viz., wagering upon the matching of serial numbers of United States paper currency, also known as "Liar's Poker", in violation of Rule 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Gary's Bar, Inc., Bulletin 1691, Item 6.

Accordingly, it is, on this 29th day of May 1967,

ORDERED that Plenary Retail Consumption License C-183, issued by the City Council of the City of Elizabeth to Alfred T. Lombard, t/a Old Elizabeth Tavern, for premises 959 Elizabeth Avenue, Elizabeth, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Monday, June 5, 1967 and terminating at 2 a.m. Thursday, June 15, 1967.

JOSEPH P. LORDI
DIRECTOR

8.

ACTIVITY REPORT FOR JUNE 1967

ARRESTS:		
Total number of persons arrested	-----	12
Licensees and employees	----- 10	
Bootleggers	----- 2	
SEIZURES:		
Alcohol - gallons	-----	.25
Distilled alcoholic beverages - gallons	-----	2.22
Wine - gallons	-----	3.11
Brewed malt alcoholic beverages - gallons	-----	4.31
RETAIL LICENSEES:		
Premises inspected	-----	818
Premises where alcoholic beverages were gauged	-----	688
Bottles gauged	-----	11,406
Premises where violations were found	-----	78
Violations found	-----	118
Unqualified employees	----- 68	Disposal permit necessary ----- 2
Application copy not available	----- 25	Prohibited signs & practice ----- 1
Reg. #38 sign not posted	----- 2	Other violations ----- 18
Other mercantile business	----- 2	
STATE LICENSEES:		
Premises inspected	-----	15
License applications investigated	-----	28
COMPLAINTS:		
Complaints assigned for investigation	-----	406
Investigations completed	-----	349
Investigations pending	-----	302
LABORATORY:		
Analyses made	-----	249
Refills from licensed premises - bottles	-----	222
Bottles from unlicensed premises	-----	3
IDENTIFICATION:		
Criminal fingerprint identifications made	-----	8
Persons fingerprinted for non-criminal purposes	-----	655
Identification contacts made with other enforcement agencies	-----	455
DISCIPLINARY PROCEEDINGS:		
Cases transmitted to municipalities	-----	10
Violations involved	-----	10
Sale to minors	----- 5	Failure to close premises
Sale during prohibited hours	----- 4	during prohibited hours ----- 1
Cases instituted at Division	-----	35
Violations involved	-----	43
Possessing liquor not truly labeled	----- 15	Fraud and front ----- 2
Permitting lottery acty. on premises	----- 5	Permitting immoral acty. on prem. ----- 2
Permitting bookmaking on premises	----- 4	Possessing indecent matter ----- 2
Sale to minors	----- 3	Permitting foul lang. on prem. ----- 1
Sale during prohibited hours	----- 3	Beverage Tax Law non-compliance ----- 1
Failure to file notice of change in	-----	Sale below filed price ----- 1
license application	----- 2	Permitting gambling on premises ----- 1
Misabeled beer taps	----- 1	
Cases brought by municipalities on own initiative and reported to Division	-----	12
Violations involved	-----	13
Sale to minors	----- 9	Failure to close premises during
Sale during prohibited hours	----- 3	prohibited hours ----- 1
HEARINGS HELD AT DIVISION:		
Total number of hearings held	-----	44
Appeals	----- 3	Seizures ----- 2
Disciplinary proceedings	----- 31	Tax revocations ----- 1
Eligibility	----- 7	
STATE LICENSES AND PERMITS:		
Total number issued	-----	4,954
Solicitors' Permits	----- 2,801	Wine permits ----- 1
Employment permits	----- 896	Miscellaneous permits ----- 204
Disposal permits	----- 55	Transit insignia ----- 492
Social affair permits	----- 464	Transit certificates ----- 41
OFFICE OF AMUSEMENT GAMES CONTROL:		
Licenses issued	----- 33	Premises inspected ----- 312
State Fair licenses issued	----- 2	Premises where violations found ----- 3
Enforcement files established	----- 17	Number of violations found ----- 4

JOSEPH P. LORDI
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

Dated: July 11, 1967

9. DISCIPLINARY PROCEEDINGS - MISLABELED BEER TAPS - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

OLD HOLLAND HOUSE (A Corporation))
330 River Street)
Hoboken, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-115, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken.)

Abr. M. Nickelsporn, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on April 19, 1967, it permitted a mislabeled beer tap on the licensed premises, in violation of Rule 26 of State Regulation No. 20.

Report of inspection discloses that, on the date alleged, a beer tap marked "Rheingold" was connected to a barrel of Ballantine beer.

Absent prior record, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days. Re Gay Nineties Club, Inc., Bulletin 1721, Item 5.

Accordingly, it is, on this 19th day of June 1967,

ORDERED that Plenary Retail Consumption License C-115, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to Old Holland House (A Corporation), for premises 330 River Street, Hoboken, be and the same is hereby suspended for the balance of its term, viz., until midnight June 30, 1967, commencing at 2 a.m. Monday, June 26, 1967; and it is further

ORDERED that any renewal license that may be granted shall be and the same is hereby suspended until 2 a.m. Saturday, July 1, 1967.

JOSEPH P. LORDI
DIRECTOR

