

STATE OF NEW JERSEY  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
1060 Broad Street Newark 2, N. J.

BULLETIN 802

MAY 6, 1948.

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Licensees must be held responsible for the conduct of their licensed premises. Their lack of knowledge of what is occurring thereon merely indicates a lack of proper supervision, and is rather a cause for additional censure than an excuse. Re Fimiani, Bulletin 716, Item 4. The use of taverns or other licensed premises to cater to the vulgar, obscene or perverted cannot be permitted. If there were any indication that the licensee or her agents had knowledge of the immoral conduct, I would revoke the license outright. However, after considering all the facts and circumstances herein, I shall give the licensee a further chance to demonstrate that she is a fit person to hold a liquor license. I shall suspend the license for a period of ninety days.

Accordingly, it is, on this 26th day of April, 1948,

ORDERED that Plenary Retail Consumption License C-28, issued by the Mayor and Board of Council of the Town of Guttenberg, be and the same is hereby suspended for the balance of its term, effective at 3:00 a.m. May 4, 1948; and it is further

ORDERED that if any license be issued to this licensee or any other person for the premises in question for the 1948-49 licensing year, such license shall be under suspension until 3:00 a.m. August 2, 1948.

ERWIN B. HOCK  
Commissioner.

2. APPELLATE DECISIONS - DERMER AND KOZLOW v. ORANGE.

SAM DERMER and DAVID KOZLOW, )  
Appellants, )

-vs-

MUNICIPAL BOARD OF ALCOHOLIC )  
BEVERAGE CONTROL OF THE CITY )  
OF ORANGE, )  
Respondent )

ON APPEAL  
CONCLUSIONS AND ORDER

----- )  
Colalillo & Goldner, Esqs. and Sidney Simandl, Esq., Attorneys for )  
Appellants. )  
Edmond J. Dwyer, Esq., Attorney for Respondent.

BY THE COMMISSIONER:

This is an appeal from the action of respondent whereby appellants' license was suspended for twenty-five days after they had been found guilty in disciplinary proceedings of selling alcoholic beverages to minors, in violation of R. S. 33:1-77 and Rule 1 of State Regulations No. 20.

Upon the filing of the appeal an order was entered herein staying the suspension until further order, in accordance with the provisions of R. S. 33:1-31.

The answer sets forth, among other reasons, that the "conviction was contrary to the weight of the evidence".

It is clear from the testimony that Henry ---, who was then nineteen years of age, and Walter ---, who was then seventeen years of age, visited appellants' licensed premises at 119 Lincoln Avenue, Orange, on the night of August 5, 1947. At the hearing both minors testified

that they were in the licensed premises from shortly after nine o'clock until shortly after midnight. The testimony as to alleged sale of alcoholic beverages to minors consists solely of the testimony given by one of the two minors.

Henry --- testified that he had nothing to drink on the evening in question except orange soda. There is no other testimony in the case to support the charge of selling alcoholic beverages to Henry --- and hence, at least as far as that portion of the charges is concerned, I must reverse the action of respondent.

Walter --- testified that at about 9:35 p.m. he was served a glass of Three Feathers Whiskey by someone who was behind the bar, and that at short intervals thereafter he was served three additional glasses of Three Feathers Whiskey. He stated that these drinks had been ordered by Henry --- and that he did not remember seeing either of the appellants upon the licensed premises. Henry ---, however, testified that he did not order any drinks. He said that he put money on the bar, from which money the bartender deducted the price of drinks ordered by a male companion who was of full age. Henry further testified as follows:

"Q. What did (Walter) have to drink?

"A. He didn't have anything, to my knowledge, except orange soda.

\*\*\*\*\*

"Q. Did you buy him anything to drink?

"A. Only orange soda. That's the only thing he had to drink."

On behalf of appellants, Sam Dermer, one of the appellants herein, testified that he was the only person who was tending bar on the evening in question, and that he does not remember seeing either of the minors on the premises at that time. The male companion of the minors who is alleged to have ordered the drinks testified that he was in appellants' premises between 9:00 p.m. and 10:00 p.m., and that neither of the minors had any drinks of whiskey during that time. Another witness who was present during the evening testified that he saw Walter --- drinking orange soda.

The testimony further indicates that both minors had consumed many drinks of whiskey at various private homes before they entered appellants' premises. After considering all the evidence, I conclude that the finding of guilt as to the alleged sale to the minor --- Walter --- was also contrary to the weight of the evidence.

The premises operated by appellants had a bad reputation before appellants obtained a transfer of the license in June 1947, and at least one of the minors in question was involved in a serious violation of the law shortly after leaving appellants' premises on the morning of August 6, 1947. However, I cannot permit these facts to influence my decision in this case.

On the evidence presented I must reverse the action of respondent.

Accordingly, it is, on this 26th day of April, 1948,

ORDERED that respondent's action in finding the appellants guilty of the aforesaid charges and suspending their license for a period of twenty-five days, which suspension was stayed during the pendency of these proceedings, be and the same is hereby reversed.

ERWIN B. HOCK  
Commissioner.

3. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

ALBERTINA KLEIN )  
T/a SUMMIT HOUSE RESTAURANT )  
59-61 Union Place )  
Summit, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-5, issued by the Common Council of the City of Summit. )

----- )  
Louis C. Rothseid, Esq., Attorney for Defendant-licensee. )  
Edward F. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control. )

BY THE COMMISSIONER:

Defendant pleads non vult to a charge alleging that on March 22, 1948 she possessed an illicit alcoholic beverage, to wit, a 4/5 quart bottle of "Canadian Club Blended Canadian Whisky", which was not genuine as labeled, in violation of R. S. 33:1-50.

On March 22, 1948, an ABC agent seized the bottle in question when his field tests disclosed that the contents of said bottle were not genuine as labeled. Subsequent analysis of the contents of the bottle by the Department chemist disclosed differences in characteristics between the alcoholic beverages described on the label and that contained in the bottle.

Defendant has no previous adjudicated record. I shall, therefore, suspend her license for a period of fifteen days, less five days' remission for the plea entered herein, leaving a net suspension of ten days. Re Grandinetti, Bulletin-774, Item 2.

Accordingly, it is, on this 27th day of April, 1948,

ORDERED that Plenary Retail Consumption License C-5, issued by the Common Council of the City of Summit to Albertina Klein, t/a Summit House Restaurant, for premises 59-61 Union Place, Summit, be and the same is hereby suspended for a period of ten (10) days, commencing at 12:01 a.m. May 3, 1948, and terminating at 12:01 a.m. May 13, 1948.

ERWIN B. HOCK  
Commissioner.

4. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - PRIOR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

20th CENTURY BAR, INC. )  
1571 Maple Avenue )  
Hillside, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-10, issued by the )  
Municipal Board of Alcoholic )  
Beverage Control of the Township )  
of Hillside. )

-----)  
Lipstein & Lipstein, Esqs., by Sidney Lipstein, Esq., Attorneys for )  
Defendant-licensee. )  
William F. Wood, Esq., appearing for Department of Alcoholic )  
Beverage Control. )

BY THE COMMISSIONER:

Defendant has pleaded non vult to a charge alleging that it possessed illicit alcoholic beverages at its licensed premises, in violation of R. S. 33:1-50.

On March 15, 1948, an inspector of the State Department of Alcoholic Beverage Control, during the course of an inspection of the licensed premises, seized one 4/5 quart bottle labeled "Schenley Reserve Blended Whiskey", one 4/5 quart bottle labeled "Mr. Boston's Pinch Bottle Blended Whiskey", one 4/5 quart bottle labeled "Three Feathers Blended Whiskey Reserve", one 4/5 quart bottle labeled "Imperial Hiram Walker's Blended Whiskey", and one 4/5 quart bottle labeled "Bonnie Laddie Private Vat Imitation Blended Scotch Whisky", when his field tests indicated that the contents of said five bottles were not genuine as labeled. Subsequent analyses by the Department chemist disclosed that the contents of the seized bottles were not genuine as labeled.

Defendant's officers deny any knowledge of the violation, alleging the "revenge motive" of a now discharged bartender as the cause thereof. It is noted that the gravamen of the charge herein is "possession". Defendant's lack of knowledge is not material. Cedar Restaurant & Cafe Co. v. Hock, 135 N.J.L. 156.

The usual minimum suspension for five-bottle cases is twenty-five days. Re Marrone, Bulletin 719, Item 4. Defendant, however, has been guilty of a prior violation of the law. In 1947 its license was suspended for five days on a "Fair Trade" conviction. I shall suspend the license for thirty days and remit five days because of the plea, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 28th day of April, 1948,

ORDERED that Plenary Retail Consumption License C-10, issued by the Municipal Board of Alcoholic Beverage Control of the Township of Hillside to 20th Century Bar, Inc., for premises 1571 Maple Avenue, Hillside, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 2:00 a.m. May 3, 1948, and terminating at 2:00 a.m. May 28, 1948.

ERWIN B. HOCK  
Commissioner.

5. DISCIPLINARY PROCEEDINGS - SUSPENSION FOR BALANCE OF TERM, WITH LEAVE TO PETITION TO LIFT UPON EXPIRATION OF 45 DAYS AND CORRECTION OF ILLEGAL SITUATION - TRANSFER GRANTED BY MUNICIPAL ISSUING AUTHORITY - APPLICATION TO LIFT GRANTED.

In the Matter of Disciplinary Proceedings against )

LAURA E. MANNERBERG )  
T/a SUOMI HOVI BAR )  
Nolan's Point )  
Jefferson Township )  
P.O. Lake Hopatcong, N. J., )

ON PETITION  
O R D E R

Holder of Plenary Retail Consumption License C-30 issued by the Township Committee of the Township of Jefferson. )

-----  
William H. H. Ely, Esc., Attorney for Petitioners Robert C. Langley and Joseph A. Langley, Jr.

BY THE COMMISSIONER:

On October 21, 1947, I suspended defendant's License C-30 for the balance of its term, effective at 3:00 a.m. October 24, 1947, after she had pleaded non vult to various charges. Re Mannerberg, Bulletin 780, Item 11. In said order it was provided that, if an unlawful "front" situation were actually corrected, a petition might be filed with me by a transferee of the license to lift the suspension after at least forty-five days of the suspension had been served.

Pursuant to said leave, Robert C. Langley has filed verified petitions from which it appears that, on April 19, 1948, the Township Committee of the Township of Jefferson transferred said license, subject to the suspension heretofore imposed, from Laura E. Mannerberg to Joseph A. Langley and Robert C. Langley. A certified copy of the resolution transferring the license has been received from the Township Clerk.

It appearing from the facts herein that the unlawful "front" situation has been corrected, and it further appearing that the forty-five day suspension has already expired, the suspension will be lifted, effective immediately.

Accordingly, it is, on this 28th day of April, 1948,

ORDERED that the suspension heretofore imposed be lifted, and that Plenary Retail Consumption License C-30, issued by the Township Committee of the Township of Jefferson, be and the same is hereby restored to full force and operation, effective immediately.

ERWIN B. HOCK  
Commissioner.

6. DISCIPLINARY PROCEEDINGS - SALE TO MINOR - LICENSE SUSPENDED FOR 10 DAYS.

In the Matter of Disciplinary Proceedings against

HARRY F. STYER  
T/a HARRY'S INN  
Cor. Sunny & Maryland Avenues  
Somers Point, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-15, issued by the Common Council of the City of Somers Point.

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Joseph H. Blumberg, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant pleaded not guilty to charges alleging that he sold, served and delivered alcoholic beverages to two minors and permitted consumption of such beverages by the minors, in violation of R. S. 33:1-77 and Rule 1 of State Regulations No. 20.

This is one of four related cases resulting from the questioning of several minors by police officials in connection with an automobile accident on the early morning of Sunday, October 12, 1947. It appears that the minors visited defendant's premises before they visited the premises mentioned in the other three cases decided herewith.

In this case, Joseph H. --, age 19 years, testified that he and three companions, among whom was William ---, the other minor mentioned in the within charges, arrived at defendant's licensed premises at approximately 1:30 a.m. on Sunday, October 12, 1947. Joseph states that he purchased four glasses of beer, one for himself and one for each of his three companions; that he drank his glass of beer, but did not remember seeing William consume the glass of beer purchased for him. One of his companions, Francis Fay, an adult, testified that he purchased a round of four glasses of beer and that Joseph consumed one of the glasses of beer, but that he did not recall whether or not William drank any beer in defendant's tavern. The other companion, William ---, testified that he did not have anything to drink in defendant's licensed premises.

Defendant testified that he did not see Joseph in the tavern on the morning in question, but recalled seeing William ---, who was in a Navy uniform, and also Francis Fay. Donald Patterson, who was tending bar, recalled seeing the four youths in the tavern, but claimed that he served Francis Fay but did not serve Joseph. Defendant produced a number of witnesses who testified that they were present on the morning in question. Each of these witnesses testified that, although they saw the youths in defendant's premises, they did not see Joseph or William consume any beer.

There is no evidence that William purchased or consumed any alcoholic beverages in defendant's premises. I shall, therefore, dismiss the charges as to him. Although several witnesses testified that they did not see Joseph consume any alcoholic beverages, it is apparent from their testimony that they did not keep Joseph under observation at all times during his stay on the licensed premises. The defendant testified that he did not see Joseph in the premises, whereas Patterson saw Joseph but claimed he did not serve him any beer. The testimony shows that the bar was crowded while the minors were present.

Patterson, in answer to a question as to the time he first observed the youths, testified, "That I couldn't tell you. I was so busy I could not tell you what went on from ten until three as far as time went. When you're busy like that you lose track of them". The bartender could not remember the number of beers ordered by Fay. Furthermore, when asked, "You were too busy to concentrate to tell exactly what was going on?", Patterson answered, "That's right".

I am satisfied, after consideration of all the evidence presented in the instant case, that Joseph --- was sold or, at the very least, permitted to consume beer on defendant's licensed premises. Therefore, I find defendant guilty of the violation charged in so far as Joseph is concerned. Under the circumstances, and in view of the fact that defendant has no previous adjudicated record, I shall suspend his license for a period of ten days.

Accordingly, it is, on this 30th day of April, 1948,

ORDERED that Plenary Retail Consumption License C-15, issued by the Common Council of the City of Somers Point to Harry F. Styer, t/a Harry's Inn, for premises Corner Sunny & Maryland Avenues, Somers Point, be and the same is hereby suspended for a period of ten (10) days, commencing at 3:00 a.m. May 10, 1948, and terminating at 3:00 a.m. May 20, 1948.

ERWIN B. HOCK  
Commissioner.

7. DISCIPLINARY PROCEEDINGS - ALLEGED SALE TO MINORS - DEPARTMENT FAILED TO SUSTAIN BURDEN OF PROOF - CHARGES DISMISSED.

In the Matter of Disciplinary Proceedings against )

ANDREW CORNAGLIO )  
T/a ANCHORAGE )  
823 Bay Avenue )  
Somers Point, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-7 issued by the Common Council of the City of Somers Point. )

Augustus S. Goetz, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant pleaded not guilty to charges alleging that he sold, served and delivered alcoholic beverages to three minors, and permitted consumption of such beverages by the minors, in violation of R.S. 33:1-77 and Rule 1 of State Regulations No. 20.

This is one of four related cases. See Re Styer (decided herewith). The minors visited defendant's premises shortly after they left Styer's premises.

Joseph H. ---, age 19 years, testified that he and seven companions, among whom were William --- and Earl W. ---, arrived at defendant's licensed premises on October 12, 1947, shortly before 3:00 a.m. Joseph H. --- further testified that he does not recall who ordered drinks; he does not recall how many drinks he had in defendant's establishment -- "it may have been two or three"; he is not sure whether he paid for any; he did not observe Earl W. --- or William --- drink any; he "don't know whether William --- went over to the dart

board then or not"; he did not recall how long he remained in defendant's premises; he did not remember any discussion taking place between the bartender and "Scrappy" Fay at the bar relative to military service discharge papers; he was next to "Scrappy" at the bar while each was drinking beer; and he did not remember if he had ever been at defendant's licensed premises previous to the time in question.

Earl W. --- testified that, when he entered, he placed a dollar bill on the bar and told one of the other youths to get beer. He testified that he was at the dart board when someone set a couple of glasses of beer on a table near the dart board; that he does not recall who brought them; that he saw Joseph H. --- with a beer; when asked what Joseph was doing he said, "I couldn't tell you, they were all back of me"; and when asked, "Did you notice whether they had any drinks or not", he answered, "I couldn't say for sure". Earl says that he got involved in an argument with the bartender when the latter refused to give free beer to a dart player who had made two perfect scores on the board, and that the dollar which he had placed on the bar was returned to him when he got ready to leave the premises. He further testified that he remained in defendant's premises "fifteen to twenty minutes".

William --- testified that he had nothing to drink in defendant's licensed premises, nor did he observe any of his companions drinking. When questioned how long he remained in the premises he stated, "We were in there only ten minutes."

Francis Fay testified that he did not remember being in defendant's tavern on the morning in question. He admitted that on the previous evening he had had a dispute in defendant's premises with a patron (Raymond Reamer) concerning his (Fay's) activities in the military service.

On behalf of defendant, Philip Corcicone, who was acting as manager, and Raymond Pilkington, who was tending bar, testified that they were preparing to close the place when they heard a "lot of commotion" as the party of eight came up on the porch of the licensed premises. Corcicone says that, because they were in the process of closing up, he first refused to admit the party but that he finally admitted them after Fay told him that he wished to speak to the bartender a few minutes about his discharge papers. According to the testimony of both of these witnesses, which is corroborated by the testimony of two patrons, Fay and one of the boys went to the bar while the others in the party played a game on the dart board. All of defendant's witnesses swear that, during the time the party of eight was on the licensed premises, no drinks were served to anyone and that the bartender was engaged in an attempt to convince Fay that he was not interested in his dispute with Reamer as to the facts set forth in Fay's discharge papers. Defendant's witnesses testified that the party of eight remained on the premises for not more than ten minutes.

Although there is some testimony by Joseph H. --- and Earl W. --- that they consumed beer, their testimony as a whole is replete with uncertainty as to what occurred in defendant's premises on the morning in question. It is significant that free beers were refused; that no one says he purchased any beer, and that Earl's money was returned to him. In view of the uncertain testimony of the State's witnesses as against the positive testimony of defendant's witnesses, I conclude that the prosecution has not sustained the burden of proof by a preponderance of the evidence and, therefore, the charges will be dismissed.

Accordingly, it is, on this 30th day of April, 1948,

ORDERED that the charges herein be and the same are hereby dismissed.

ERWIN B. HOCK  
Commissioner.

8. DISCIPLINARY PROCEEDINGS - ALLEGED SALE TO MINORS - DEPARTMENT FAILED TO SUSTAIN BURDEN OF PROOF - CHARGES DISMISSED.

In the Matter of Disciplinary Proceedings against )  
 CATHERINE DOROSHENKO )  
 Fire Road, Farmington )  
 Egg Harbor Township )  
 P.O. R.F.D. 1, Pleasantville, N.J., )  
 Holder of Plenary Retail Consumption License C-13, issued by the Township )  
 Committee of the Township of Egg Harbor. )

CONCLUSIONS AND ORDER

Morgan E. Thomas, Esq., Attorney for Defendant-licensee.  
 Edward F. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant pleaded not guilty to charges alleging that she sold, served and delivered alcoholic beverages to three minors and permitted the consumption of such beverages by the minors, in violation of R. S. 33:1-77 and Rule 1 of State Regulations No. 20.

This is one of four related cases. See Re Styer (decided herewith). The minors had previously visited other licensed premises on the morning of October 12, 1947.

Joseph ---, age 19 years, testified that he visited defendant's licensed premises on the morning of October 12, 1947, in the company of five other young men. Joseph did not recall when he arrived at defendant's premises, but testified that "I had about two beers" at the bar. He did not recall who ordered the drinks. He identified the licensee as the person who had served the drinks. Joseph further testified that he remained in defendant's premises about fifteen minutes, and during that time did not observe any of his companions consuming alcoholic beverages.

Earl ---, 20 years of age, testified that he was one of the young men who accompanied Joseph --- to defendant's licensed premises. Earl testified that he arrived at defendant's premises between 3:00 and 3:30 on the morning of October 12, 1947, and proceeded to the shuffleboard. Earl testified he remained in the licensed premises for fifteen minutes, during which time a companion (now deceased) handed him a glass of beer, which he drank. He identified the licensee as the person who was tending bar.

William ---, a third minor in the group, testified that he observed a lady tending bar at the time he was in the licensed premises. William denied having anything to drink. He stated that he remained on the premises "just long enough to play one game of shuffleboard", and that he did not observe whether or not the other boys had any drinks.

Defendant testified that she was in the licensed premises on the morning in question but did not tend bar at any time. She testified that she did not see any of the boys in the premises at any time.

Nicholas Marad testified that he was tending bar at defendant's premises between 2:30 a.m. and 3:45 a.m. on October 12, 1947, but did not observe any of the boys on the licensed premises.

Six other witnesses were produced by defendant. Five of these witnesses testified that they were in defendant's premises for at

least a few hours before it closed at approximately 3:45 a.m. on October 12, 1947. One of these witnesses testified that Nicholas Marad was tending bar. These witnesses testified that they knew some or all of the boys, and that they did not see any of the boys in defendant's premises on the morning of October 12, 1947.

The testimony given by the witnesses produced by the Department was vague and uncertain in many particulars. After reviewing carefully their testimony and the testimony given by defendant's witnesses, I conclude that the Department has not sustained the burden of proof in establishing the guilt of defendant by a preponderance of the evidence. Hence I shall dismiss the charges.

Accordingly, it is, on this 30th day of April, 1948,

ORDERED that the charges herein be and the same are hereby dismissed.

ERWIN B. HOCK  
Commissioner.

9. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - PRIOR RECORD - LICENSE SUSPENDED FOR 20 DAYS.

In the Matter of Disciplinary Proceedings against )

ANNA MANUK )  
T/a HORSESHOE TAVERN )  
1268 White Horse Pike )  
Galloway Township )  
P.O. Absecon, R.D., N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-17 issued by the Township Committee of the Township of Galloway. )  
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William Charlton, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant pleaded not guilty to charges alleging that she sold, served and delivered alcoholic beverages to three minors, and permitted the consumption of such beverages by the minors, in violation of R. S. 33:1-77 and Rule 1 of State Regulations No. 20.

This is one of four related cases. See Re Styer (decided herewith). Defendant's premises were the last visited by the minors on the morning of October 12, 1947.

Joseph H. ---, age 19 years, testified that he and five male companions visited defendant's licensed premises on the morning of October 12, 1947, and while there he had five or six glasses of beer. He stated that the beer was served to him at the bar by one Margaret McGraw, an employee of defendant.

Earl W. ---, age 20 years, one of the group, testified that they arrived at defendant's premises about 4:00 o'clock in the morning and that, while playing darts, seven glasses of beer were placed on the table near the dart board and that he consumed three or four of them. Earl further testified that he paid the sum of sixty cents for a round of six glasses of beer that morning. Earl stated that Margaret McGraw was tending bar.

William ---, a United States sailor, age 18 years, also one of the group, testified that while on the defendant's licensed premises on the morning of October 12, 1947, he consumed a glass of beer. William --- stated that a "Chief Petty Officer" treated him to the beer which was served to him at the bar by the woman tending bar.

Frank Fay, an adult, testified that he too was with the group of young men and that Margaret McGraw served the beer to him and his companions. He testified that both Joseph and Earl bought drinks for the party from the lady tending bar. Fay further testified that, after they had been in the premises for about half an hour, he became engaged in an argument with the licensee, as a result of which she refused to serve the young men any more beer.

Defendant produced a number of witnesses, some of whom testified that they were at the tavern part of the time that the young men were there, and others who testified that they were in defendant's premises during the entire time that the young men were there. The witnesses testified that they saw only Joseph, Earl and Frank Fay in defendant's premises the morning in question. These witnesses denied that drinks were served to the minors.

Defendant testified that, when the boys entered, she told Margaret McGraw not to serve any drinks to them and alleges that Fay started the argument soon after he arrived because the boys could not obtain any drinks. Margaret McGraw says that she refused to serve the boys because of the licensee's instructions.

Defendant, when asked whether a Petty Officer ordered a round of drinks and if William had a drink with them, answered, "I didn't see it, I wasn't watching the bar enough to see if they drank it." Furthermore, defendant did not recall seeing a Naval Petty Officer in the licensed premises that night as she states the place was "pretty crowded".

The three young men who testified as witnesses for the State claimed that, when they were in defendant's premises, the only patrons present were a couple and a Chief Petty Officer.

Considering all the evidence, I am satisfied that the minors purchased and consumed alcoholic beverages on defendant's premises. I conclude that the argument with Fay arose from the fact that further drinks were refused after the boys had been on the premises for some time. Consequently, I find defendant guilty.

Defendant has a previous adjudicated record. Effective April 10, 1944, defendant's license was suspended by the State Commissioner for the balance of its term for permitting female employees to accept beverages at customers' expense; permitting immoral activities on licensed premises, and sale to persons actually or apparently intoxicated. See Re Manuk, Bulletin 612, Item 6. Under the circumstances, I shall suspend defendant's license for a period of twenty days.

Accordingly, it is, on this 30th day of April, 1948,

ORDERED that Plenary Retail Consumption License C-17, issued by the Township Committee of the Township of Galloway to Anna Manuk, t/a Horseshoe Tavern, 1268 White Horse Pike, Galloway Township, be and the same is hereby suspended for twenty (20) days, commencing at 3:00 a.m. May 7, 1948, and terminating at 3:00 a.m. May 27, 1948.

ERWIN B. HOCK  
Commissioner.

10. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

THE HICKORY GRILL, INC. )  
760 Broad Street )  
Newark 2, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-796, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark. )  
----- )

The Hickory Grill, Inc., by Elmer Zuckerman, President.  
Edward F. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

The defendant pleaded non vult to a charge alleging that, on March 12, 1948, it possessed an illicit alcoholic beverage, to wit, a 4/5 quart bottle labeled "Canadian Club, Blended Canadian Whisky", which was not genuine as labeled, in violation of R. S. 33:1-50.

On March 12, 1948, an ABC agent seized the bottle in question when his field tests disclosed that the contents of said bottle were not genuine as labeled. Subsequent analysis of the contents of the bottle by the Department chemist disclosed differences in characteristics between the alcoholic beverages described on the label and that contained in the bottle.

In view of the fact that defendant has no previous adjudicated record, I shall suspend its license for a period of fifteen days. Five days will be remitted for the plea, leaving a net suspension of ten days. Re Bridgeway Hotel Corporation, Bulletin 781, Item 12.

Accordingly, it is, on this 30th day of April, 1948,

ORDERED that Plenary Retail Consumption License C-796, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to The Hickory Grill, Inc., for premises 760 Broad Street, Newark, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. May 10, 1948, and terminating at 2:00 a.m. May 20, 1948.

ERWIN B. HOCK  
Commissioner.

May 4, 1948

11.

ACTIVITY REPORT FOR APRIL 1948

ARRESTS:

Total number of persons arrested	-----	10.
Licensees and employees	----- 1	
Bootleggers	----- 9	

SEIZURES:

Motor vehicles - cars	-----	1
Still - over 50 gallons	-----	2
Mash - gallons	-----	45
Distilled alcoholic beverages - gallons	-----	6.98*
Wine - gallons	-----	165.36
Brewed malt beverages - gallons	-----	11.64

RETAIL LICENSEES:

Premises inspected	-----	759
Premises where alcoholic beverages were gauged	-----	848
Bottles gauged	-----	13,765
Premises where violations were found	-----	47
Violations found	-----	65
Type of violations found:		
Unqualified employees	----- 40	Regulations 28 sign not posted - - - 1
Disposal permit necessary	----- 8	Other mercantile business - - - 1
Probable fronts	----- 1	Other violations - - - 14

STATE LICENSEES:

Premises inspected	-----	18
License applications investigated	-----	9

COMPLAINTS:

Complaints assigned for investigation	-----	361
Investigations completed	-----	357
Investigations pending	-----	191

LABORATORY:

Analyses made	-----	125
"Shake-up" cases (alcohol, water and artificial color) - bottles	-----	10
Liquor found to be not genuine as labeled - bottles	-----	16

IDENTIFICATION BUREAU:

Criminal fingerprint identifications made	-----	39
Persons fingerprinted for non-criminal purposes	-----	207
Identification contacts made with other enforcement agencies	-----	215
Motor vehicle identifications via N. J. State Police Teletype	-----	35

DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities	-----	14
Violations involved:		
Sale to minors	----- 5	Permitting brawls on premises - - - 1
Sale during prohibited hours	----- 4	Sale on Election Day - - - 1
Permitting bookmaking on premises	----- 3	Possessing contraceptives on premises - 1
Cases instituted at Department (*1 case also involved cancellation proceedings)	-----	25
Violations involved:		
Possessing illicit liquor	----- 5	Unqualified employees - - - 1
Permitting slot machines on premises	----- 4	Permitting bookmaking on premises - - 1
Sale to minors	----- 3	Hindering investigation - - - 1
Sale under Fair Trade price	----- 3	Mislabeled beer taps - - - 1
Fraud and front	----- 5*	Permitting brawls on premises - - - 1
Permitting immoral activity on premises	----- 2	Conducting business as a nuisance - - 1
Sale during prohibited hours	----- 2	Failure to file notice of change in application - - - 1
Cases brought by municipalities on own initiative and reported to Department	-----	8
Violations involved:		
Sale to minors	----- 4	Permitting bookmaking on premises - - 1
Sale to intoxicated persons	----- 2	Permitting brawls on premises - - - 1

HEARINGS HELD AT DEPARTMENT:

Total number of hearings held	-----	38
Appeals	----- 1	Seizures - - - 5
Disciplinary proceedings	----- 18	Tax revocations - - - 4
Eligibility	----- 9	Applications for license - - - 1

PERMITS ISSUED:

Total number of permits issued	-----	928
Social affairs	----- 394	Employment - - - 125
Solicitors	----- 168	Miscellaneous - - - 88
Disposal of alcoholic beverages	----- 153	

Erwin B. Hock  
Commissioner

12. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITIES - STRIP TEASE DANCE - HOSTESSES - UNQUALIFIED EMPLOYEES - LICENSE SUSPENDED FOR 60 DAYS.

In the Matter of Disciplinary Proceedings against )

SWAN CLUB, INC. )  
149-153 Meeker Avenue )  
Newark 5, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-679, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark. )

Saul C. Schutzman, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for Department of Alcoholic Beverage Control.

BY THE COMMISSIONER:

Defendant has pleaded non vult to charges which may be summarized as follows:

1. On March 12, 13 and 14, 1948, you allowed, permitted and suffered lewdness and immoral activities in and upon your licensed premises in that entertainers performed in a lewd, indecent and immoral manner, in violation of Rule 5 of State Regulations No. 20.
2. On March 12, 1948, you allowed, permitted and suffered females employed on your licensed premises to accept beverages at the expense of and as a gift from customers and patrons, in violation of Rule 22 of State Regulations No. 20.
3. On March 12, 13 and 14, 1948, you had in your possession obscene, indecent, lewd and lascivious picture posters, in violation of Rule 17 of State Regulations No. 20.
4. On March 12, 13 and 14, 1948, you knowingly employed on your licensed premises eleven non-residents of New Jersey who had not obtained requisite employment permits, in violation of Rule 4 of State Regulations No. 13.
5. On March 12, 13 and 14, 1948, you knowingly employed on your licensed premises five minors who had not obtained requisite employment permits, in violation of Rule 3 of State Regulations No. 13.
6. On March 12, 13 and 14, 1948, 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 Regulations No. 20.

Investigators from the Department of Alcoholic Beverage Control visited defendant's premises on the evening of Friday, March 12. They made a second visit to defendant's premises on the evening of Saturday, March 13, and early morning of Sunday, March 14.

As to Charges 1 and 3: On their first and second visits the investigators observed two female entertainers performing "strip tease" dances, one of which included suggestive bodily movements. At the end, each performer wore only a transparent gauze brassiere and a "G" string. On both occasions a pianist sang songs and a male entertainer told jokes, some of which were indecent and lewd. The male entertainer also performed an imitation "strip tease" dance which was indecent, to say the least. During the course of the investigation the investigators seized six large posters showing several of the female entertainers in the snow in scanty costumes. These photos had been on display in the front snow-window of defendant's premises. On

the interior of the licensed premises there were a number of photos of semi-nude females.

As to Charge 2: At the time the investigators first visited the licensed premises, two cigarette girls who were employed by defendant consumed alcoholic beverages which were purchased for them, at their request, by the investigators.

As to Charges 4 and 5: In the show, which was booked through a New York agency, there were included eleven performers, who were not residents of New Jersey. In a band which played on the licensed premises, five of the members were under the age of twenty-one years. No permits had been obtained by defendant to permit the employment of these non-residents or minors on its licensed premises.

As to Charge 6: This charge is based upon the evidence set forth above.

Defendant has no prior record. The minimum period of suspension where a "strip tease" dance is permitted on the licensed premises, and there are no aggravating circumstances, has been fixed at thirty days. Re DiAngelo, Bulletin 753, Item 4. In view of the additional violations set forth above, and considering the plea entered herein, I shall suspend defendant's license for a period of sixty days.

Accordingly, it is, on this 4th day of May, 1948,

ORDERED that Plenary Retail Consumption License C-679, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Swan Club, Inc., for premises 149-153 Meeker Avenue, Newark, be and the same is hereby suspended for the balance of its term, effective at 2:00 a.m. May 10, 1948; and it is further

ORDERED that, if any license be issued to this licensee or any other person for the premises in question for the 1948-1949 licensing year, such license shall be under suspension until 2:00 a.m. July 9, 1948.

ERWIN B. HOCK  
Commissioner.

### 13. STATE LICENSES - NEW APPLICATIONS FILED.

Esa Balish and George F. Balish, t/a Balish Beverage Company  
5 Lafayette Ave., Summit, N. J.

Application for State Beverage Distributor's License filed  
April 27, 1948.

August F. Blume, t/a Rae Motor Lines

Amboy Ave. and Route 25, Woodbridge, N. J.

Application filed April 27, 1948 for transfer of Transportation  
License T-87 from Paul von Stein and H. Leroy Caton, t/a Rae  
Motor Lines.

Nickolas Segro, t/a Segro Wines

143-151 Getty Ave., Clifton, N. J.

Application filed April 29, 1948 for transfer of Wine Wholesale  
License WW-28 from A. Baldanza Co., 151 Getty Ave., Clifton, N.J.

Frank Manto and Samuel Alvino, t/a Judy Joette Wine Company  
225 Camden St., Newark, N. J.

Application filed May 5, 1948 for transfer of Plenary Winery  
License V-6 (with retail privileges) from Liquor Distributors of  
America, 29-35 Euclid Avenue, Newark, N. J.

New Jersey State Library

*Erwin B. Hock*

Commissioner.