

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

BULLETIN 1887

December 4, 1969

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2. APPELLATE DECISIONS - JAWOROWSKI AND ZAVADA v. PASSAIC.

Eleanor Jaworowski, Executrix)
of the Estate of Zygmund)
Jaworowski and George Zavada,)
t/a Hollywood Bar & Grill,)
Appellants,)
v.)
Municipal Board of Alcoholic)
Beverage Control of the City)
of Passaic,)
Respondent.)
----->

On Appeal
CONCLUSIONS
AND ORDER

file 6 or

Hammer & Hammer, Esqs., by Stuart A. Hammer, Esq., Attorneys)
for Appellants)
Charles E. Miller, Esq., by Milton J. Pashman, Esq., Attorney)
for Respondent)

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Appellants appeal from the twenty-day suspension, effective February 17, 1969, by respondent of their plenary retail consumption license for premises 170 Passaic Street, Passaic, after finding appellants guilty of charges as follows:

"On September 7, 9, 10, and 11, 1968, you did engage in and allow, permit and suffer gambling, viz. the making and accepting of 'number bets' in and upon your licensed premises in violation of Rule 7 of State Regulation No. 20 of the Division of Alcoholic Beverage Control.

"You did engage in, allow, permit and suffer in or upon your licensed premises gambling, commonly known as 'numbers writing' on September 11, 1968 in violation of Rule 7 of State Regulation No. 20 of the Division of Alcoholic Beverage Control."

Upon the filing of the appeal, an order was entered by the Director on February 13, 1969, staying respondent's order of suspension until the entry of a further order herein.

Appellants in their petition of appeal allege that the action of respondent was erroneous in that (a) it was against the preponderance of the evidence and (b) it was based on incompetent evidence, hearsay evidence and other inadmissible testimony.

Respondent's answer denies the aforesaid allegations contained in appellants' petition of appeal and contends that it considered all of the facts and circumstances and that the suspension was reasonable and proper and in the best interest of public welfare.

The appeal was heard de novo pursuant to Rule 6 of State Regulation No. 15.

At the hearing herein, Detective Stanley Jarensky (a member of the Passaic Police Department) testified that at 12:05 p. m. on September 10, he entered appellants' licensed premises and that George Zavada (one of the licensees) was behind the bar serving food and drinks to patrons; that while he (Jarensky) was seated at the bar, one John Wos entered the premises, spoke to a few patrons

and went into the men's room; that a few minutes thereafter, Jarensky saw a man carrying some paper money and a slip of paper in his hand go into the men's room; that after the said man emerged, another man entered; that shortly thereafter, Detective Jarensky left the establishment.

Detective Jarensky further testified that on September 10, he obtained a search warrant from the municipal magistrate to search appellants' premises, appellant George Zavada, John Wos, and the latter's automobile. On September 11 at 1:40 p.m., after observing John Wos park his car a short distance away from appellants' premises and come to and enter the premises, Jarensky, accompanied by Captain Domino and Detective Grochala of the local police force, went into appellants' establishment. Detective Grochala served a copy on Zavada, the latter refused to accept same. Detective Grochala placed a copy of the search warrant on the bar in front of him.

Detective Jarensky stated that as he started to search Wos, he observed him "put a piece of paper into his mouth and swallowed it." During the course of the search of appellants' licensed premises and at approximately 2:20 p.m., Jarensky found "a small blue bag behind the pool stick rack in the rear, and inside of this bag were six slips of paper denoting numbers bets, and showing the amounts bet on each," and also \$10.15 in cash. Detective Jarensky stated that the rear room where the pool stick rack was located is "approximately ten feet" from the bar.

The detective further testified that thirty one-dollar bills were found on Zavada's person and \$239 in bills and silver were found under the bar.

Detective Jarensky testified that he had been with the Anti-Gambling Squad since March 1968 and in about fifty cases involving numbers bets. Based on his knowledge, experience and familiarity with the type of slips which were found in appellants' licensed premises, in his opinion these slips represented numbers bets. After an explanation that the original numbers slips were in the Passaic County Prosecutor's office, a photostatic copy of them, without objection by the attorney for appellants, was admitted in evidence.

George Zavada testified that he was behind the bar during the time the search was conducted by the officers, and that the money found under the bar was put there by him for safekeeping. He stated that although he has had occasions to clean the pool table in the rear room, he never observed anything on top of the pool stick rack. Zavada also testified that Wos (who he understood was employed by a trucking company) had been coming into his establishment about three times a week for the past six years and he was aware that Wos had been convicted of engaging in gambling. However, it was Zavada's understanding that since his conviction, Wos had ceased taking any gambling bets of any kind. Moreover, Zavada said he had never seen Wos engage in gambling activities while in appellants' premises.

Apparently, there is no denial that at one time Wos had been involved in gambling practices. Thus it is inconceivable that, during a period of approximately three days each week for six years, he had come into the licensed premises but neither the licensees nor anyone else connected with the licensed business suspected that Wos was engaged in gambling activities. From the evidence presented by Detective Jarensky, it appears that Wos made no attempt

to conceal his activities in and about the premises while conversing with various persons, some of whom followed him into the men's room.

Even in the absence of actual knowledge, a licensee cannot escape the consequences of the occurrence of the incidents as related herein taking place in the licensed premises. It is no defense that the licensee had not actually participated in the violation or, as he alleged, had not even seen any gambling activities on the part of Wos, as licensees may not avoid their responsibility for the conduct of their premises by merely closing their eyes and ears. On the contrary, licensees or employees must use their eyes and ears, and use them effectively, to prevent the improper use of their premises. Bilowith v. Passaic, Bulletin 527, Item 3; Re One-thirty-five Mulberry Street Corp., Bulletin 892, Item 2. It is quite apparent, under the circumstances herein, that the licensee "suffered" numbers writing to take place on the licensed premises.

As the Supreme Court said in Essex Holding Corp. v. Hock, 136 N.J.L. 28, at p. 31:

"Although the word 'suffer' may require a different interpretation in the case of a trespasser, it imposes responsibility on a licensee, regardless of knowledge, where there is a failure to prevent the prohibited conduct by those occupying the premises with his authority. Guastamachio v. Brennan, 128 Conn. 356; 23 Atl. Rep. (2d) 140."

Under the circumstances appearing in this case, and after careful examination of the evidence, I am satisfied and find as a fact that appellants are guilty of the charges herein in that they suffered the gambling activities to occur on the licensed premises.

I conclude that appellants have failed to sustain the burden that respondent's action was erroneous and against the weight of the evidence, as required by Rule 6 of State Regulation No. 15.

It is therefore recommended that an order be entered affirming the action of respondent, dismissing the appeal, and fixing the effective dates for the suspension imposed by the Board and stayed pending the entry of the order herein.

Conclusions and Order

No exceptions to the Hearer's report were filed pursuant to Rule 14 of State Regulation No. 15.

Having carefully considered the entire record, including the transcript of the testimony, the exhibits and the Hearer's report, I adopt the conclusions and recommendations of the Hearer as my conclusions herein.

Accordingly, it is, on this 16th day of October 1969,

ORDERED that the action of respondent be and the same is hereby affirmed and the appeal herein be and the same is hereby dismissed; and it is further

ORDERED that Plenary Retail Consumption License C-36, issued by the Municipal Board of Alcoholic Beverage Control of the City of Passaic to Eleanor Jaworowski, Executrix of the Estate of Zygmund Jaworowski and George Zavada, t/a Hollywood Bar & Grill, for premises 170 Passaic Street, Passaic, be and the same is hereby suspended for twenty (20) days, commencing at 3 a.m. Thursday, October 23, 1969, and terminating at 3 a.m. Wednesday, November 12, 1969.

Joseph M. Keegan,
Director.

3. DISCIPLINARY PROCEEDINGS - HOSTESS ACTIVITY - PRIOR SIMILAR RECORD - AGGRAVATING CIRCUMSTANCES - LICENSE SUSPENDED FOR 90 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 Lee Castle, Inc.
 t/a Lee Castle's Bar
 3 S. Michigan Avenue
 Atlantic City, New Jersey
 Holder of Plenary Retail Consumption License C-160 for the year 1968-69 and C-152 for the year 1969-70 issued by the Board of Commissioners of the City of Atlantic City

CONCLUSIONS AND ORDER

Edwin H. Helfant, Esq., Attorney for Licensee
 Edward F. Ambrose, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to two charges alleging respectively that on May 14 and May 21, 1969, it permitted a female entertainer to drink at the expense of male patrons, in violation of Rule 22 of State Regulation No.20.

Reports of investigation disclose that the drinks served were splits of the cheapest domestic champagne, retailing at 79 cents, for which the patron was charged \$7.50.

Licensee has a previous record of suspension of license by the Director for fifteen days effective March 24, 1969, for similar violation occurring on February 15, 1969. Re Lee Castle, Inc., Bulletin 1856, Item 7.

All of the facts considered, including the prior record of suspension for similar violation, the commission of the violation on May 21 after the violation of May 14 had been brought to the licensee's attention, the aggravating circumstance of the commission of the instant violations (which may be considered the second and third similar violations within three months) in close proximity to the expiration of the suspension for the previous violation, and the aggravated nature of the violations herein, the license will be suspended for ninety days, with remission of five days for the plea entered, leaving a net suspension of eighty-five days.

Accordingly, it is, on this 15th day of October, 1969,

ORDERED that Plenary Retail Consumption License C-152, issued by the Board of Commissioners of the City of Atlantic City to Lee Castle, Inc., t/a Lee Castle's Bar, for premises 3 S. Michigan Avenue, Atlantic City, be and the same is hereby suspended for eighty-five (85) days, commencing at 7:00 a.m. Wednesday, October 22, 1969, and terminating at 7:00 a. m. Thursday, January 15, 1970.

Joseph M. Keegan
 Director

4. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) -
HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 75
DAYS.

In the Matter of Disciplinary)
Proceedings against)

John C. Pico, Jr.)
91 Heckel Street)
Belleville, N.J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-38 issued by the Board of)
Commissioners of the Town of Belleville)
and transferred during the pendency of)
these proceedings to)

Mildred J. Pico)
(same premises))

Joseph C. Glavin, Jr., Esq., Attorney for Licensee
Louis F. Treole, Esq., Appearing for the Division

BY THE DIRECTOR:

The Hearer has filed the following report herein.

Hearer's Report

Licensee pleaded not guilty to the following charges:

"1. On September 23, 24 and 26, 1968, you engaged in and allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of bets in a lottery, commonly known as the 'numbers game' on all of said dates and on horse races on said date of September 26, 1968, and on said date of September 26, 1968 you also possessed, had custody of and allowed, permitted and suffered in and upon your licensed premises, slips, tickets, records, documents, memorandum and other writings pertaining to the aforementioned gambling activity; in violation of Rule 7 of State Regulation No. 20.

"2. On September 23, 24 and 26, 1968, you engaged in and 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, and on said date of September 26, 1968, you also possessed, had custody of and allowed, permitted and suffered such tickets and participation rights in and upon your licensed premises; in violation of Rule 6 of State Regulation No. 20.

"3. On Thursday, September 26, 1968, between 12:45 P. M. and 1:45 P. M., you, directly or indirectly, failed to facilitate, hindered, delayed, caused the hindrance and delay, and attempted to hinder, delay and cause the hindrance and delay of an investigation of your licensed business and an inspection and search of your licensed premises then and there being conducted and made by Inspectors and Investigators of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety of the State of New Jersey; in violation of Rule 35 of State Regulation No. 20."

The Division offered the testimony of several ABC agents in substantiation of the charges.

Agent G (who possessed sufficient experience in conducting gambling investigations, including horse race and numbers lottery betting) testified that accompanied by ABC Agents S and Go and Essex County Prosecutor's Investigator John Fitzgerald, he visited the licensed premises (characterized as a neighborhood bar) on September 23 at approximately 12:30 p. m. and sat at the "near end of the bar." Approximately ten patrons were being served by the licensee John Pico, Jr., who was tending bar.

After observing patrons hand slips of paper and money to Pico, Agent Go beckoned Pico to his position alongside Agent G. Agent G overheard Agent Go say to Pico "to get 879 in for half and half." Pico repeated "879 and 50 and 50." He observed Agent Go hand four quarters to Pico. Pico accepted the money. It was Agent G's opinion that Agent Go had placed a numbers bet with Pico. Agent G a short time later observed that a male "went to the end of the bar and conversed with Mr. Pico and handed him a slip and money and departed the premises without having a drink, just walked out again." The agents left the premises at 1:15 p. m.

Accompanied by Agent Go and Investigator Fitzgerald, Agent G returned to the licensed premises on September 24 at approximately 10:15 a. m. They positioned themselves at the near end of the bar and ordered beverages from Pico who was again tending bar. At this point the questioning revealed the following:

"Q What happened next?

A I called Mr. Pico over to where we were sitting at the bar, and I said, 'I want to get in 318 for \$1 and a \$1.' Mr. Pico turned around, took a piece of paper off the back bar and pencil and wrote the number down on the piece of paper, 318 1 slash 1.

Q You saw that?

A Yes, sir. We were right in front of him. At this time Agent Go said, 'I want to bet 879 for \$1 and \$1.' He wrote 879 \$1 and \$1 right under my bet. Then Investigator Fitzgerald told him, 'I want to play 079 for \$1 and \$1.' He wrote Investigator Fitzgerald's number underneath Agent Go's. We each gave John \$2 for our bets. He took the money and slip and put it on the back bar."

The trio left the premises at 10:45 a. m.

Agent G re-entered the licensed premises with Agent S on September 26 at approximately 12:35 p. m., while Agent L and Detective Gregory of the Essex County Prosecutor's office waited in the vicinity of the tavern at a point of observation. Prior to entering the tavern, a bet slip containing horse race bets and numbers bets and a marked money list of six one-dollar bills were prepared in duplicate. Agent G had in his possession the original horse race and numbers bets slip and six marked one-dollar bills. The agents sat at the near end of the bar and ordered drinks of Pico who was tending bar. Upon being questioned as to what happened next, the agent responded:

"We ordered a round of mixed drinks from Mr. Pico. These drinks were paid for by Agent S. After he paid for the drinks I took out the six one dollar bills I had marked and the bet slip and called John to the end

of the bar and said to John, 'Here is my bet slip today.' John accepted the money and slip, looked at it, and put it in his right rear pocket."

Agent S left the tavern and immediately re-entered with Agent L and Detective Gregory. The three agents showed their identification and Detective Gregory showed a search warrant and an arrest warrant to Pico. The agent described the next occurrence as follows:

"At this time Mr. Pico reached into his pocket and took out the slip of paper and threw it behind the bar. It eventually ended up in the wash water. At this time I jumped over the bar to try to stop Mr. Pico, and he proceeded to run down the length of the bar to the back of the premises. As he was running he put something in his mouth. I got up to him at the end of the bar, joined by Detective Gregory, and Detective Gregory told him he was under arrest again. Mr. Pico did struggle with us, and he put one handcuff on him, and he struggled from the bar at this time to the floor, struggling with us. At this time he was hollering, 'Help! Help! Help!' We managed to get the other handcuff on him. Mr. Pico was told to lie down in prone position while he was searched. Detective Gregory recovered from his right rear pocket my bet slip, and the marked money he compared it with the copy he had."

Agent G forced open Pico's mouth, recovered papers that Pico had put in his mouth and handed the papers to Agent L and Detective Gregory. The marked money list, the marked money and the horse race and numbers bet slip were received in evidence.

On cross examination, Agent G's testimony was mainly corroborative. He reiterated that Pico yelled "Help! Help! Help!" upon being apprehended after the agents had identified themselves.

The testimony of Agent Go, who accompanied Agent G in the licensed premises on September 23 and 24, corroborated Agent G's testimony as to the matters relevant to charges 1 and 2.

Agent L, who was present at the time the plans were formulated on the day of the raid (September 26), testified that he and Detective Gregory had the tavern under surveillance while Agents G and S entered therein and that, upon receiving a signal from Agent S, they entered the premises. After the agents identified themselves and upon being served with an arrest warrant by Detective Gregory, Pico put a wad of paper in his mouth, threw a slip of paper in the sink and ran behind the bar towards an exit. Detective Gregory and Agent G intercepted Pico and wrestled him to the floor.

Essex County Prosecutor's Detective Carl E. Gregory (who possessed ample experience in horse race and numbers betting investigations) testified that he was present on the morning of September 26 when plans were formulated to conduct a raid of the licensed premises on that day. Agents G and S entered the tavern at approximately 12:30 p. m. Agent L and he waited outside at a point of observation. He then testified as follows:

"They [Agents S and G] gave us a signal they had placed bets. We entered the tavern, myself and Agent L, and when I entered the tavern Mr. Pico was behind the bar, and I had a search and arrest warrant, and I informed him of that. I identified myself and told him I had a search and arrest warrant for this premises. Immedi-

ately after that he seemed to panic. I couldn't tell you all he did. He seemed to panic. He threw a slip of paper in the sink full of water and ran to the other end of the bar stuffing some papers in his mouth. Agent G at that time jumped over the bar and pursued him, and I ran down outside the bar to cut him off from going outside, and we had this struggling and all the time telling him he was under arrest, and we had to restrain him. We had to restrain him with handcuffs."

The bet slip that had been prepared on that morning and the marked money were found on the person of Pico. It was the witness' opinion that the three slips retrieved from Pico's mouth contained horse race and numbers betting.

Agent S, who accompanied Agent G into the licensed premises on September 26, corroborated the testimony offered by Agents G and L as to the events which took place in the premises on that day.

In behalf of the licensee, Mattia Mele testified that he was a patron in the licensed premises on the day of the raid. He observed the first two agents enter and order a drink. He continued reading a newspaper. Suddenly he heard Pico "holler." The agents did not display any credentials. It was his impression that there was a robbery in progress.

James P. Ceres testified that on September 26 he was admitted into the licensed premises by Agent S after identifying himself as a friend of Pico. He observed Pico, Gregory and one of the ABC agents behind the bar. Pico was handcuffed at the time. Upon being questioned as to what occurred prior to his talking with Pico, Ceres replied:

"I could tell by my first view of the situation there was a scuffle. The agents' clothes and Mr. Pico's clothes were disheveled, they were covered with floor soot, and I knew he was in excitable condition. John said to me he thought this was part of a robbery and kept repeating it. I said, 'Calm down a minute.' I turned to Mr. S and I asked him for his credentials. He immediately showed them to me, and G and Gregory showed me his. Then they pointed to the summons that was on the warrant and that was on the beer cooler portion of the bar. I picked it up and looked at it. I turned around to John and asked him to cooperate fully, that everything is being conducted properly."

Thereafter, Pico calmed down.

Preliminarily I observe that in adjudicating matters of this kind, 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 herein, 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. 32A C.J.S. Evidence, sec. 1042.

I am unwaveringly persuaded that the testimony offered by ABC Agents G and Go, wherein they graphically depicted the numbers betting activity engaged in by the licensee John Pico, Jr. with Agent Go on September 23 and again engaged in by Agents G and Go and Investigator Fitzgerald with Pico on September 24 was wholly factual, credible and, I may add, uncontroverted.

Referring to the date of September 26, the testimony of Agents G and S clearly depicted the acceptance of a bet slip (containing horse race and numbers lottery bets) and money by Pico. Their testimony was amply supported by the finding of the aforesaid bet slip and the marked money in Pico's possession, and required no further probative embellishment.

Referring to charge 3, I am persuaded that the agents made their identities known to Pico and that he, being apprehensive that the illegal activities which he had engaged in would be uncovered, attempted to destroy evidence, tried to escape and struggle with the law enforcement officers which necessitated his handcuffing. The licensee's claim that he thought a robbery was being perpetrated, was clearly a sham.

It is noteworthy that Pico, although present at the hearing, failed to take the witness stand. From this I draw an inference that he could not truthfully rebut the testimony offered in behalf of the Division.

After carefully considering 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 adjudged guilty of said charges.

The license then held by John Pico, Jr. in partnership with Rose Pico for the same premises was suspended by the Director for five days effective September 18, 1967, for possession of an alcoholic beverage not truly labeled. Re Pico, Bulletin 1759, Item 14. The prior record of suspension of license for dissimilar violation within the past five years considered, I further recommend that the license be suspended on charges 1 and 2 for sixty-five days (Re Gropp's Tavern, Inc., Bulletin 1867, Item 6) and on charge 3 for ten days (Re Delabu, Inc., Bulletin 1873, Item 4), or a total of seventy-five days, and that the penalty be imposed against Mildred Pico, the transferee of the license, pursuant to Rules 1, 2 and 3 of State Regulation No. 16.

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 15th day of October 1969,

ORDERED that Plenary Retail Consumption License C-38, issued by the Board of Commissioners of the Town of Belleville to John C. Pico, Jr., and transferred to Mildred J. Pico, for premises 91 Heckel Street, Belleville, be and the same is hereby suspended for seventy-five (75) days, commencing at 2 a.m. Wednesday, October 22, 1969, and terminating at 2 a.m. Monday, January 5, 1970.

Joseph M. Keegan,
Director.

5. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS AND HORSE RACE BETS AND WAGERING) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 Michael Wall
 t/a The Shannon
 795 Jersey Avenue
 Jersey City, New Jersey
 Holder of Plenary Retail Consumption License C-423 issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City

CONCLUSIONS AND ORDER

 Licensee, Pro se
 Louis F. Treole, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to charges (1) and (2) alleging that on divers dates between May 14 and July 18, 1969, he variously permitted acceptance of bets on numbers, horse races and baseball games, in violation of Rules 6 and 7 of State Regulation No. 20.

Licensee has a previous record of suspension of license then held for premises 106 First Street, Hoboken, by the municipal issuing authority for five days effective March 30, 1959, for sale to minors.

The prior record of suspension for dissimilar violation occurring more than five years ago disregarded, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Ganser's Tavern, Inc., Bulletin 1784, Item 4.

Accordingly, it is, on this 15th day of October, 1969,

ORDERED that Plenary Retail Consumption License C-423, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Michael Wall, t/a The Shannon, for premises 795 Jersey Avenue, Jersey City, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. Wednesday, October 22, 1969, and terminating at 2:00 a.m. Tuesday, December 16, 1969.

Joseph M. Keegan
Director

6. DISCIPLINARY PROCEEDINGS - GAMBLING (NUMBERS BETS) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Marcar Investment Co., Inc.)
t/a Walt's Bar)
700 Mt. Vernon Street)
Camden, N.J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption License C-156 issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden and transferred during the pendency of these proceedings to)

Threadgill Tavern, Inc.)
t/a Mike's Corner)
(same premises))

Piarulli and Vittori, Esq., by Frank E. Vittori, Esq., Attorneys for Licensee Marcar Investment Co., Inc.
Edward F. Ambrose, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee Marcar Investment Co. Inc. pleads non vult to charges (1) and (2) alleging that on divers dates between March 5 and April 22, 1969, it permitted acceptance of numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20.

Absent prior record, the license will be suspended for sixty days, with remission of five days for the plea entered, leaving a net suspension of fifty-five days. Re Zig E. Inc., Bulletin 1872, Item 4.

Accordingly, it is, on this 15th day of October, 1969,

ORDERED that Plenary Retail Consumption License C-156, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Marcar Investment Co., Inc., t/a Walt's Bar, and transferred to Threadgill Tavern, Inc., t/a Mike's Corner, for premises 700 Mt. Vernon Street, Camden, be and the same is hereby suspended for fifty-five (55) days, commencing at 2:00 a.m. Wednesday, October 22, 1969, and terminating at 2:00 a.m. Tuesday, December 16, 1969.

Joseph M. Keegan
Director

7. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - HINDERING INVESTIGATION - PRIOR SIMILAR RECORD - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Henry O. Lopez)
t/a Cuba's Nite Club)
1147 Springwood Avenue)
Asbury Park, New Jersey,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-35, issued by the City Council of the City of Asbury Park.)

-----)
Louis A. Zemo, Jr., Esq., Attorney for Licensee
Louis F. Treole, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads guilty to charges alleging that on August 23, 1969 he (1) sold a pint bottle of gin for off-premises consumption during prohibited hours, in violation of Rule 1 of State Regulation No. 38, and (2) hindered investigation by ABC agents by refusing to produce copy of the license application for inspection, in violation of Rule 35 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the Director for ten days effective May 10, 1948, for false statement in the license application, for twenty-five days effective January 29, 1951, for possession of an alcoholic beverage not truly labeled, for fifteen days effective June 18, 1956, for sale of an opened bottle of whiskey for off-premises consumption, and for thirty-five days effective August 20, 1962, for sale during prohibited hours and below filed price. Re Lopez, Bulletin 1476, Item 3. In addition, the license was suspended by the municipal issuing authority for ten days effective November 7, 1960, for ten days effective September 23, 1963, and for fifteen days effective October 3, 1963, all for sale during prohibited hours.

The prior record of suspensions for dissimilar violations in 1948, 1951 and 1956 occurring more than five years ago disregarded, the license will be suspended on the first charge for fifteen days (Re Clark, Bulletin 1877, Item 5), to which will be added twenty days by reason of the record of four suspensions for similar violation occurring in 1960, 1962 and 1963, more than five but less than ten years ago (cf. Re Silver Star Cafe, Inc., Bulletin 1820, Item 5), and on the second charge for ten days (cf. Re LaBruno, Bulletin 1759, Item 2), or a total of forty-five days, with remission of five days for the plea entered, leaving a net suspension of forty days.

Accordingly, it is, on this 16th day of October 1969,

ORDERED that Plenary Retail Consumption License C-35, issued by the City Council of the City of Asbury Park to Henry O. Lopez, t/a Cuba's Nite Club, for premises 1147 Springwood Avenue, Asbury Park, be and the same is hereby suspended for forty (40) days, commencing at 3 a.m. Thursday, October 23, 1969, and terminating at 3 a.m. Tuesday, December 2, 1969.

Joseph M. Keegan,
Director.

8. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Charles J. Addalia)
N/S Monmouth County Highway #524)
Howell Township, Box 64)
PO Farmingdale, N.J.,)

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-12, issued by the Township Committee of the Township of Howell.)

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Margulies and Kochanski, Esqs., by Philip Margulies, Esq.,
Attorneys for Licensee
Louis F. Treole, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 12, 1969 he sold drinks of beer to five minors, one age 15, two age 17, one age 18 and one age 20, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for forty days, with remission of five days for the plea entered, leaving a net suspension of thirty-five days. Cf. Re Percudani, Bulletin 1610, Item 6.

Accordingly, it is, on this 20th day of October 1969,

ORDERED that Plenary Retail Consumption License C-12, issued by the Township Committee of the Township of Howell to Charles J. Addalia, for premises N/S Monmouth County Highway #524, Howell, be and the same is hereby suspended for thirty-five (35) days, commencing at 2 a.m. Monday, October 27, 1969, and terminating at 2 a.m. Monday, December 1, 1969.

Joseph M. Keegan,
Director.

9. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA - DEFERRED EFFECTIVE DATE OF SUSPENSION.

In the Matter of Disciplinary Proceedings against Ocean Drive Hotel, Inc. 3909-3915 Landis Avenue Sea Isle City, New Jersey Holder of Plenary Retail Consumption License C-6 issued by the Board of Commissioners of the City of Sea Isle City

CONCLUSIONS AND ORDER

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Florence E. Josephson, Esq., Attorney for Licensee Walter H. Cleaver, Esq., Appearing for the Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on August 22, 1969, it sold mixed drinks of alcoholic beverages to two minors, both age 20, in violation of Rule 1 of State Regulation No. 20.

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 Cortazzo and Yurchuk, Bulletin 1725, Item 8.

Report of recent investigation discloses that the licensed business until recently has been operating only on a limited basis, with discontinuance scheduled for the week-end of October 11th and resumption on or about May 15th of next year. Thus no effective penalty can be imposed at this time. Hence the effective dates of the suspension will be fixed by further order herein after the operation of the licensed business has been resumed full time on a substantial basis.

Accordingly, it is, on this 16th day of October, 1969,

ORDERED that Plenary Retail Consumption License C-6, issued by the Board of Commissioners of the City of Sea Isle City to Ocean Drive Hotel, Inc. for premises 3909-3915 Landis Avenue, Sea Isle City, be and the same is hereby suspended for five (5) days, the effective dates of such suspension to be fixed by further order as aforesaid.

Joseph M. Keegan Director

