

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

BULLETIN 1666

March 30, 1966

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STATE OF NEW JERSEY
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1. DISCIPLINARY PROCEEDINGS - PROCUREMENT FOR PROSTITUTION -
SALE FOR RESALE - AIDING AND ABETTING SALE WITHOUT LICENSE -
UNLAWFUL TRANSPORTATION - LICENSE REVOKED.

In the Matter of Disciplinary
Proceedings against

NEW PEPPERMINT LOUNGE, INC.,
303 Lafayette Street
Newark, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-307, issued by the Municipal
Board of Alcoholic Beverage Control of
the City of Newark.

Nicholas Castellano, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

Hearer's Report

Licensee pleaded not guilty to the following charge:

1. "On Saturday night, June 12 into Sunday morning, June 13, and on Friday night, June 18, 1965, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., in that you, through persons employed on your licensed premises, made offers to male patrons and customers on your licensed premises to procure and did procure a female to engage in acts of illicit sexual intercourse with them and participated in and allowed, permitted and suffered the making of overtures and arrangements in and upon your licensed premises by said female with male patrons and customers for acts of illicit sexual intercourse, as aforesaid; in violation of Rule 5 of State Regulation No. 20."

Licensee also pleaded non vult to charges as follows:

2. "On divers days from May 25, 1965, up to and including August 28, 1965, you sold alcoholic beverages not pursuant to and within the terms of your plenary retail consumption license, as defined by R.S. 33:1-12(1), viz., in that you sold alcoholic beverages to one Diego Alarcon not for consumption but for the purpose of resale by him; in violation of R.S. 33:1-2.

3. "On divers days from May 25, 1965, up to and including August 28, 1965, you knowingly aided and abetted the above-named Diego Alarcon, not the holder of any alcoholic beverage license or special permit, to sell, contrary to R.S. 33:1-2 and R.S. 33:1-50(a), above-mentioned alcoholic beverages sold by you to him during that period; said aiding and abetting by you being in violation of R.S. 33:1-52.

4. "On divers days from May 25, 1965, up to and including August 28, 1965, you allowed, permitted and suffered a vehicle bearing a transit insignia issued to you to be used for a purpose other than your licensed business; failed to have such vehicle remain within your exclusive possession and control at all times; and allowed, permitted and suffered such vehicle to be operated by person or persons other than yourself or your bona fide employees; in violation of Rule 5 of State Regulation No. 17."

With respect to the contested charge (1), in behalf of the Division, Agent S testified that, pursuant to specific assignment, he entered the licensed premises on Saturday, June 12, 1965, at approximately 10:25 p.m., and sat at the bar. Two bartenders (identified as John Glenn and Philippe) were serving the patrons.

Agent S asked of Glenn, "If there are any whores in the place, send them over." Glenn responded, "They cost fifteen, twenty, twenty-five dollars." After Agent S responded that he didn't mind paying, Glenn told the agent to walk around the bar and look over the girls and that he would take care of the details. After the agent feigned a reason for leaving, Glenn told the agent that he was on duty on Fridays, Saturdays and Sundays and that he would have a "broad" for him when he returned. The agent advised Glenn that he would return the following Friday night.

On Friday, June 18, 1965, at approximately 10:05 p.m. Agent S re-entered the licensed premises. Two other Division agents had entered the premises immediately prior to Agent S's entry. Again, John Glenn and Philippe were tending bar.

Agent S greeted Glenn with the expression "Hello, John." Glenn immediately responded by saying, "Look, one of the girls I had for you isn't here tonight....But don't worry, I will have a broad for you in a minute or two."

Thereafter, a female identified as "Helen" (who was later identified as Angeletta ---) entered the licensed premises. Glenn motioned to her to sit on a stool to the left of the witness. Glenn served Helen and Agent S a drink and took the agent's money in payment. The agent motioned with his head, whereupon Glenn said, "Don't worry. I will take care of everything." Glenn and Helen proceeded to another section of the bar where they conversed, after which Glenn returned to Agent S and said, "It's all fixed up. Fifteen dollars. Don't pay her a penny more." Helen returned to her seat next to Agent S. Then Glenn remarked to Helen, "Take care of this guy. You take care of this guy. You take care of him." At this point, and while Glenn was bent over the bartender's side of the bar between the witness and Helen, she remarked to the witness, "It's going to cost you \$20." Helen then said, "You have to hurry, because I have to come back here and take care of others." Glenn said to the witness, "See, I told you I'd take care of you, I'd fix you up, I'd have some broads for you."

Subsequently the agent departed the licensed premises with Helen and proceeded to her apartment in Newark. The agent gave Helen a ten-dollar bill and two five dollar bills (the serial numbers of which had been previously recorded) and Helen placed the bills in her wallet which she had in her handbag on the bureau. Helen disrobed completely and the agent disrobed partially. Agent T, accompanied by two local police officers, entered the apartment and one of the officers found the "marked" ten-dollar bill and the two five-dollar bills in Helen's handbag.

The group, including a local detective, Agents S and T and Helen, returned to the licensed premises where the detective placed Glenn under arrest and took him to police headquarters. Agent S testified that, in a room at police headquarters, and in the presence of the local detective, two Division agents and Richard Pereira (the president and manager of the licensee corporation), an interrogation with Glenn occurred as follows:

"I [referring to Agent S] said, 'Did you tell me to come back to the premises, you would have some girls there for me?'

He said, 'Yes, I did.'

I said, 'Did you procure a girl for me and fix me up with this girl named Helen and tell me it was going to cost fifteen dollars?'

He said, 'Yes, I did.'

I said, 'Did you see me go out of the premises?'

He said, 'Yes, I did.'

Then he looked at Richard Pereira and he said, 'I'm sorry, but what the agent says is the truth.'"

Agent T testified that he arrived at the vicinity of the licensed premises on Friday, June 18, 1965, at approximately 10 p.m., accompanied by Agent S and another Division agent. Agent T entered the licensed premises at approximately 10:05 p.m., and several minutes thereafter Agent S entered and sat at the bar about five stools away. John Glenn and Philippe were tending bar. He observed a female (heretofore identified as Angeletta ---, also known as "Helen") enter while Agent S and Glenn were engaged in conversation. Glenn motioned to Helen to sit next to Agent S, which she did. A drink was served to Helen and he observed Helen, Glenn and Agent S engage in conversation. He then observed Glenn and Helen move to another area of the bar adjacent to where he was seated. Glenn leaned over the bar and spoke in a low tone in her ear. Both returned to where Agent S was seated.

At approximately 10:20 to 10:30 p.m. Agent T left the licensed premises to communicate with the local police and two local officers arrived at the scene. Upon seeing Agent S and Helen leaving the licensed premises, Agent T and the local officers followed the pair to the building where they (Agent S and Helen) entered. Agent T and the local police proceeded to Helen's apartment after a lapse of time and found the female completely nude and Agent S partially disrobed. Agent T, who had noted the prerecording of the serial numbers of bills which Agent S had in his possession prior to entering the licensed premises that evening, saw the same bills removed from Helen's wallet. The entire group, consisting of the two agents, two local police officers and Helen, returned to the licensed premises and thence proceeded to police headquarters with Richard Pereira joining the group.

At the police headquarters, under questioning by Agent S, Glenn said, while looking at Pereira, "I'm sorry, that's the way it was. I promised to get this man who I now know is Inspector S a girl and I did get Angeletta for him."

Pereira said to Glenn, "What did you do to me?" In response Glenn said, "I'm sorry."

On cross examination the witness' version of the occurrences was unchanged.

In behalf of the licensee Richard A. Pereira testified that he had been the president of the licensee corporation for a period of almost fourteen months and that he is at the tavern most of the time from noontime to 2 a.m.

He recalled that on June 18, 1965, he was introduced to Agent S and had a drink and some brief general conversation with him. Later that evening, and while he was working behind the bar, a local detective entered the licensed premises and said that the bartender, John Glenn, was under arrest charged with "procuring." Upon inquiring of the detective, "Procuring who? and what?", he was advised that a Helen --- was arrested for prostitution.

Pereira asked for and was granted permission to go to police headquarters because, he stated, he "...wanted to know what happened." Pereira was not subjected to questioning; however, he was present when Glenn was questioned by Agent S. Glenn admitted to Agent S that he made arrangements with Helen --- for the agent. Glenn then turned to Pereira and apologized. Pereira asked Glenn, "Do you know what you are doing to me? Do you know what you did to me?" Glenn shook his shoulders and responded, "Rich, I'm sorry. What else can I say?"

Pereira admitted that Helen --- had been a patron of the tavern on weekends only for about a month prior to the occurrence in question, and he engaged in limited conversation with her. They never bought each other a drink. He never saw her pick up a man from his tavern and go out with any man.

In conclusion, Pereira stated that he had known Glenn for a period of only two weeks before the incident in question; that he had come into the licensed premises as a patron and stated that he had been a bartender in Bayonne and needed a job. Pereira hired Glenn as a bartender to work two nights a week only, i.e., on Friday and Saturday nights. Prior to the incident in question he had been employed at the licensed premises on only two nights -- June 12th and June 18th.

At this time the licensee was granted a continuance in order to afford him an opportunity to bring in other witnesses, including the girl Helen ---.

On the adjourned date the licensee produced no additional witnesses.

It is a firmly established principle of law 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); Hornauer v. Division of Alcoholic Beverage Control, 40 N.J. Super. 501 (1956). This principle was restated in the case of Howard Tavern, Inc. v. Division of Alcoholic Beverage Control (App.Div. 1962), not officially reported, reprinted in Bulletin 1491, Item 1, where the court said:

"The truth of charges in a proceeding before an administrative agency need be established only by a preponderance of the believable evidence, not beyond a reasonable doubt. Atkinson v. Parsekian, 37 N.J. 143, 149 (1962)."

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.

In the instant case the evidence is overwhelming that the bartender Glenn made offers to a male patron on the licensed premises to procure and did procure a female to make overtures and arrangements for acts of illicit sexual intercourse. The testimony of Agent S was explicit and straightforward and was corroborated by the testimony given by Agent T. It was not contradicted by any defense testimony.

One additional basic principle bears repetition and emphasis. In disciplinary proceedings the licensee is fully accountable for all violations committed or permitted by his servants, agents or employees. Rule 33 of State Regulation No. 20. Cf. In re Schneider, 12 N.J. Super. 449 (App.Div. 1951).

The attorney for the licensee argues in his brief that (1) licensee had no knowledge in law or in fact as to the behavior of the bartender John Glenn shortly after he commenced employment; (2) the licensee was a victim of a conspiracy and entrapment engaged in between the bartender and the Division agents and the bartender was not present at the instant hearing because of such conspiracy or arrangement.

In answering the second argument first, I conclude that the argument is wholly unsubstantiated by any of the testimony and completely lacks factual support and must be rejected.

The first argument must be rejected for the reason that responsibility for the actions of an employee is not predicated upon the length of employment. The same responsibility attaches to the misdeeds of a new employee as attaches to the misdeeds of an employee long in service.

A licensee cannot escape the consequences of the occurrence of incidents, such as hereinabove related, merely because he has no knowledge thereof. Scienter on the part of the employer is not a prerequisite to a finding of guilt where the employee participates in the misdeeds. Rule 33 of State Regulation No. 20.

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 first charge. As heretofore indicated, the licensee pleaded non vult to the second, third and fourth charges.

In view of the nature of the principal offense, i.e., procurement for prostitution, and considering the other offenses as well, I further recommend that the license be revoked. Re Charle's Tavern, Bulletin 1619, Item 2, and cases cited therein.

Conclusions and Order

Exceptions to the Hearer's Report and argument thereto were filed by the licensee's attorney pursuant to Rule 6 of State Regulation No. 16.

Licensee complains in its first exception that the findings of the Hearer were contrary to the weight of the evidence, and argues in its second exception that it had no knowledge of the behavior of the bartender and that the penalty is excessive.

A full and careful review of the record of the testimony taken at the hearing, which I find the Hearer has accurately summarized in his report, and a careful and detailed consideration of the arguments advanced by the attorney for the licensee plainly indicate that the first exception is without merit.

In considering the second exception I am mindful of the testimony of Agent S whose presence in the licensed premises was not by chance but pursuant to specific assignment to make observation and to report with respect to prostitution and other activities. He testified that Richard Pereira (who, in addition to being the president of the licensee corporation, was also in active management of the licensed premises) and a male who was seated to the left of Agent S were engaged in a conversation about the "broads" in the place. Pereira was overheard to exclaim to the male patron, "They cost money."

Regardless of this testimony, in disciplinary proceedings the licensee is fully accountable for all violations committed by his agents, servants or employees. Rule 33 of State Regulation No. 20. Additionally, it is a fundamental principle that a licensee cannot escape the consequences of the occurrence of incidents, such as hereinabove related, on the licensed premises. A licensee may not escape or avoid his responsibility for conduct occurring on his premises by merely closing his eyes and ears. On the contrary, licensees or their agents 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 Ehrlich, Bulletin 1441, Item 5; Re Club Tequila, Bulletin 1557, Item 1. Most certainly the licensee "suffered" the aforesaid immoral activities to take place on the licensed premises in contravention of Rule 5 of State Regulation No. 20. See Essex Holding Co. v. Hock, 136 N.J.L. 28 (Sup.Ct. 1947).

The evidence in the instant case supports a finding that the licensee knew or should have known that one of its employees made offers to a male patron on the licensed premises to procure, and did procure, a female to make arrangements to engage in acts of illicit sexual intercourse. The relatively overt manner in which the bartender Glenn introduced Helen to the ABC agent, a stranger in the premises, and then calling her away to speak in hushed tones, followed by Helen and Glenn rejoining the ABC agent (all of this occurring while the president of the licensee corporation was on the premises actively supervising its operation) is incompatible with the licensee's profession of an unawareness that such overtures were being made in the licensed premises.

As to the extent of the sentence to be imposed, I cannot be insensitive to the intent and construction of the Alcoholic Beverage Law anent which the Legislature declared "This chapter is intended to be remedial of abuses inherent in liquor traffic and shall be liberally construed." R.S. 33:1-73.

The whole machinery of the Alcoholic Beverage Control statute is designed to control and keep within limits a traffic which, unless tightly restrained, tends toward abuse and debasement. Kravis v. Hock, 135 N.J.L. 259 (Sup.Ct. 1947), reversed on other grounds, 136 N.J.L. 161 (E. & A. 1947).

"The liquor business is one that must be carefully supervised and it should be conducted by reputable people in a reputable manner." Zicherman v. Driscoll, 133 N.J.L. 586 (Sup. Ct. 1946).

The responsibility of a licensee may in some circumstances be imposed even where, regardless of his knowledge, there is a failure to prevent the prohibited conduct by those entrusted with the management of the licensed premises. Essex Holding Corp. v. Hock, *supra*; Cedar Restaurant & Cafe Co. v. Hock, 3 N.J. Super. 127 (App.Div. 1949).

Considering the nature and gravity of the principal offense charged, that is, procurement for prostitution, and, additionally, considering the other charges, I find the Hearer's recommendation of revocation proper and consonant with established practice. See Re 17 Club, Inc., Bulletin 949, Item 2, affirmed in re 17 Club, Inc., 26 N.J. Super. 43 (App.Div. 1953), reprinted in Bulletin 970, Item 1; Re Charles's Tavern, Bulletin 1619, Item 2; Re Caprio, Bulletin 1540, Item 1; Re Monkey Club, Inc., Bulletin 1511, Item 1; Benedetti v. Trenton, Bulletin 1040, Item 1, affirmed Benedetti v. Trenton and Division of Alcoholic Beverage Control (App.Div. 1955, not officially reported), reprinted in Bulletin 1058, Item 1.

The fact that, if the license is revoked, the licensee will suffer loss of its investment is immaterial, as the interest and welfare of the public are always paramount.

Having carefully considered the entire record herein, including the transcript of the proceedings, the Hearer's report and the exceptions thereto, I concur in the findings and conclusion of the Hearer and adopt his recommendations.

Accordingly, it is, on this 10th day of February 1966,

ORDERED that Plenary Retail Consumption License C-307, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to New Peppermint Lounge, Inc., for premises 303 Lafayette Street, Newark, be and the same is hereby revoked, effective immediately.

JOSEPH P. LORDI
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - HINDERING INVESTIGATION - FOUL LANGUAGE - INDECENT ENTERTAINMENT - HOSTESS ACTIVITY - FALSE STATEMENT IN LICENSE APPLICATION - PRIOR RECORD OF CORPORATION IN WHICH LICENSEE WAS STOCKHOLDER - LICENSE SUSPENDED FOR 100 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

ELLA LONG

t/a LONG'S COCKTAIL LOUNGE
48-50 North Center Street
Orange, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-18, issued by the Municipal
Board of Alcoholic Beverage Control
of the City of Orange.

Samuel D. Bozza, Esq., Attorney for Licensee.

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

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that she (1) on July 16-17, 1965 hindered an investigation, in violation of R.S. 33:1-35; (2) on July 17, 1965 permitted foul language on the licensed premises, in violation of Rule 5 of State Regulation No. 20; (3) on July 16, 1965 permitted indecent entertainment on the licensed premises, in violation of Rule 5 of State Regulation No. 20; (4) on July 9-10 and 16-17, 1965 permitted a waitress and a female entertainer to accept drinks at the expense of male patrons, in violation of Rule 22 of State Regulation No. 20; and (5) in the current application for license, concealed a previous suspension of license of a corporation in which she was a stockholder, in violation of R.S. 33:1-25.

With respect to the first and second charges, reports of investigation disclose that during the conduct of investigation by ABC agents, the licensee's manager threatened them with bodily harm in foul, filthy and obscene language. With respect to the third charge, reports disclose that on the date alleged, a female entertainer, to musical background, successively removed her various items of apparel to a bare minimum, meanwhile performing "bumps and grinds" and engaging in other suggestive bodily movements--a standard strip routine.

Although the licensee individually has no previous record of suspension of license, the license of The New Broadway, Inc. then held for premises 46 Broadway, Newark, of which corporation the licensee was a 49% stockholder, was suspended by the municipal issuing authority for ten days effective March 20, 1961, for sale during prohibited hours, concealment of which suspension being the subject of the fifth charge.

The license will be suspended on the first charge for twenty-five days (cf. Re Elliott, Bulletin 1478, Item 2), on the second charge for ten days (Re Hauge, Bulletin 1629, Item 3), on the third charge for thirty days (Re Wayne Falls, Inc., Bulletin 1659, Item 3), on the fourth charge for twenty days (Re Subaru, Inc., Bulletin 1586, Item 2; Re Stumble Inn, Inc., Bulletin 1652, Item 3) and on the fifth charge for ten days (Re John Johnson Lodge #587, Bulletin 1652, Item 5), to which will be added five days by reason

of the record of suspension of license of The New Broadway, Inc. (Re Oliveri, Bulletin 1532, Item 3) for dissimilar violation occurring within the past five years (Re DiGiuseppe, Bulletin 1659, Item 2), or a total of one hundred days, with remission of five days for the plea entered, leaving a net suspension of ninety-five days.

Accordingly, it is, on this 15th day of February, 1966,

ORDERED that Plenary Retail Consumption License C-18, issued by the Municipal Board of Alcoholic Beverage Control of the City of Orange to Ella Long, t/a Long's Cocktail Lounge, for premises 48-50 North Center Street, Orange, be and the same is hereby suspended for ninety-five (95) days, commencing at 2:00 a.m. Monday, February 21, 1966, and terminating at 2:00 a.m. Friday, May 27, 1966.

JOSEPH P. LORDI
DIRECTOR

3. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto.Susp. #272)	
In the Matter of a Petition to Lift)	
the Automatic Suspension of Plenary)	
Retail Distribution License D-23,)	ON PETITION
Issued by the Municipal Board of)	SUPPLEMENTAL
Alcoholic Beverage Control of the)	ORDER
City of Clifton to)	
TESSIE KLARA)	
t/a EDDIE'S WINES & LIQUORS)	
110 Knapp Avenue)	
Clifton, N. J.)	

BY THE DIRECTOR:

On January 19, 1966, an order was entered herein temporarily staying statutory automatic suspension of license of licensee-petitioner pending determination of disciplinary proceedings against her.

It now appears that in disciplinary proceedings conducted by the municipal issuing authority, the license was suspended for five days effective 3:00 a.m. February 13, 1966, on a charge alleging sale of alcoholic beverages to the same minor, which sale was the subject of the previous criminal conviction. Hence, I shall lift the automatic suspension in anticipation of the service of the currently effective municipal suspension. Re Forgione, Bulletin 1644, Item 4.

Accordingly, it is, on this 14th day of February 1966,

ORDERED that the statutory automatic suspension of said license D-23 be and the same is hereby lifted, effective 3:00 a.m. Friday, February 18, 1966.

JOSEPH P. LORDI
DIRECTOR

4. STATE REGULATIONS - REGULATION NO. 9 REVISED.

TO: PLENARY WINERY LICENSEES:

The following revised Regulation No. 9 is necessitated by reason of the passage of Chapter 208 of the Laws of 1965, effective December 23, 1965, in amendment of R.S. 33:1-10, specifically Paragraph 2a.

STATE REGULATION NO. 9

Plenary Winery Licenses and Retail Privileges

RULE 1. Application for the privilege of selling wine at retail by the holder of or by an applicant for a plenary winery license must be filed with the Director at or before the first insertion of advertisement of Notice of Application therefor on forms, promulgated by the Director, accompanied by the full amount of the required license fee.

RULE 2. Where the applicant applies simultaneously for a plenary winery license and the privilege of selling only wine at retail, the Notice of Application published in the form prescribed by Rule 4 of State Regulation No. 1, and in the manner prescribed by Rule 10 of State Regulation No. 1, shall include the following statement:

Take further notice that the within named applicant has also applied for the privilege of selling wine at retail at the premises situated at (insert address of such premises).

RULE 3. Where the applicant applies simultaneously for a plenary winery license and the privilege of selling wines and other alcoholic beverages at retail, the Notice of Application published in the form prescribed by Rule 4 of State Regulation No. 1 and in the manner prescribed by Rule 10 of State Regulation No. 1, shall include the following statement:

Take further notice that the within named applicant has also applied for the privilege of selling at retail on the licensed premises, but only for consumption off such premises, such wines and other alcoholic beverages as bear applicant's labels and as are manufactured or blended, fortified, distilled or treated by the applicant or by applicant's subsidiary corporation.

RULE 4. Where applicant is already the holder of a plenary winery license, the Notice of Application for the privilege of selling wine, or wines and other alcoholic beverages, at retail shall be published in the manner prescribed by Rule 10 of State Regulation No. 1 in whichever of the following forms is applicable:

FORM A: Take notice that _____
(Name of Applicant)

trading as _____, holder of a
(Trade Name, if any)

plenary winery license for premises situated at (insert address of licensed premises shown on current license certificate) has applied to the Director of the Division of Alcoholic Beverage Control for the privilege of selling wine at retail at premises situated at (insert address).

Objections, if any, should be made immediately in writing to the Director of the Division of Alcoholic Beverage Control, 1100 Raymond Boulevard, Newark, N. J. 07102.

FORM B: Take notice that _____
(Name of Applicant)

trading as _____, holder of a
(Trade Name, if any)

plenary winery license for premises situated at (insert address of licensed premises shown on current license certificate) has applied to the Director of the Division of Alcoholic Beverage Control for the privilege of selling at retail at such premises, but only for consumption off such premises, such wine and other alcoholic beverages as bear applicant's labels and as are manufactured or blended, fortified, distilled or treated by the applicant or by applicant's subsidiary corporation.

Objections, if any, should be made immediately in writing to the Director of the Division of Alcoholic Beverage Control, 1100 Raymond Boulevard, Newark, N. J. 07102.

RULE 5. Within any statutory limitation of the number of plenary winery licenses as to which the privilege of selling wine at retail may be granted, prior consideration will be given to applicants for such privilege who are engaged in growing and cultivating grapes upon land owned by the applicant and having an area of not less than three (3) acres.

RULE 6. Whenever the holder of a plenary winery license is granted the privilege of selling wine at retail, or wines and other alcoholic beverages, the license certificate shall thereupon be appropriately endorsed by the Director to set forth the retail privileges conferred thereunder, and no plenary winery licensee whose certificate does not bear such endorsement shall sell or deliver or allow, permit or suffer the sale or delivery at retail of wine, or wines and other alcoholic beverages, as the case may be.

RULE 7. Unless the container in which the wine is sold shall bear a label approved pursuant to the provisions of the Federal Alcohol Administration Act, each plenary winery licensee having the privilege of selling wine at retail shall attach a label to each container in which wine is sold to consumers for off-premises consumption, which label shall bear the brand name, type, alcoholic content of the wine stated in per centum of alcohol by volume within an accuracy of one per cent, net contents of the container, and name or trade name and address of the licensee.

RULE 8. No plenary winery licensee privileged to sell at retail shall sell or deliver, or allow, permit or suffer the sale or delivery of any wine or other alcoholic beverage at retail for consumption off the retail licensed premises or allow, permit or suffer the removal of any such wine or other alcoholic beverage from the retail licensed premises, on Sunday, or before 9:00 a.m. or after 10:00 p.m. on any other day of the week.

Joseph P. Lordi
Director

Promulgated Monday, March 14, 1966

Effective Monday, March 14, 1966

Filed with the Secretary of State (N.J.) Monday, March 14, 1966

5. DISCIPLINARY PROCEEDINGS - SALE TO MINORS - LICENSE SUSPENDED
FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

BROOKSIDE BAR, INC.
So. Main St. and Saddle River Ave.
(Garfield Park Section)
South Hackensack
PO Garfield, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-8, issued by the Township
Committee of the Township of South
Hackensack.

Herbert F. Myers, Jr., 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
September 25, 1965, it sold drinks of alcoholic beverages to six
minors, age 18, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for
thirty days, with remission of five days for the plea entered,
leaving a net suspension of twenty-five days. Cf. Re McCormick,
Bulletin 1640, Item 3; Re Amadeo, Bulletin 1415, Item 2; Re Poodle
Club, Inc., Bulletin 1525, Item 5.

Accordingly, it is, on this 21st day of February, 1966,

ORDERED that Plenary Retail Consumption License C-8,
issued by the Township Committee of the Township of South Hackensack
to Brookside Bar, Inc., for premises South Main Street and Saddle
River Avenue, South Hackensack, be and the same is hereby suspended
for twenty-five (25) days, commencing at 2:00 a.m. Monday, February
28, 1966, and terminating at 3:00 a.m. Friday, March 25, 1966.

JOSEPH P. LORDI
DIRECTOR

6.

ACTIVITY REPORT FOR FEBRUARY 1966

ARRESTS:		
Total number of persons arrested	-----	24
Licensees and employees	19	
Bootleggers	5	
SEIZURES:		
Distilled alcoholic beverages - gallons	-----	1.266
Wine - gallons	-----	2.125
Brewed malt alcoholic beverages - gallons	-----	1.08
RETAIL LICENSEES:		
Premises inspected	-----	621
Premises where alcoholic beverages were gauged	-----	516
Bottles gauged	-----	8,449
Premises where violations were found	-----	53
Violations found	-----	83
Unqualified employees	49	Other mercantile business
Application copy not available	16	Improper beer taps
Reg. #38 sign not posted	3	Other violations
Prohibited signs	2	11
STATE LICENSEES:		
Premises inspected	-----	26
License applications investigated	-----	1
COMPLAINTS:		
Complaints assigned for investigation	-----	318
Investigations completed	-----	327
Investigations pending	-----	229
LABORATORY:		
Analyses made	-----	151
Refills from licensed premises - bottles	-----	79
Bottles from unlicensed premises	-----	15
IDENTIFICATION:		
Criminal fingerprint identifications made	-----	2
Persons fingerprinted for non-criminal purposes	-----	325
Identification contacts made with other enforcement agencies	-----	174
DISCIPLINARY PROCEEDINGS:		
Cases transmitted to municipalities	-----	9
Violations involved	-----	10
Sale during prohibited hours	7	Failure to close premises during prohibited
Sale to minors	2	hours
Cases instituted at Division	-----	15
Violations involved	-----	21
Sale to minors	7	Permitting immoral activity on prem.
Sale during prohibited hours	3	Sale to intoxicated person
Beverage Tax Law non-compliance	2	Permitting foul language on prem.
Permitting bookmaking on premises	1	Fraud and front
Permitting lottery activity on prem.	1	Failure to file notice of change in
Hindering investigation	1	lic. application
Conducting business as a nuisance	1	1
Cases brought by municipalities on own initiative and reported to Division	-----	21
Violations involved	-----	30
Sale to minors	10	Permitting person of ill repute on prem.
Sale during prohibited hours	6	Conducting business as a nuisance
Permitting brawl on premises	3	Permitting illegal activity on prem.
Failure to close prem. during proh. hrs.	2	Employment w/o employee's certificate
Permitting lottery activity on prem.	2	(local reg.)
Hindering investigation	1	Failure to afford view into prem.
Permitting bookmaking on premises	1	during proh. hours
HEARINGS HELD AT DIVISION:		
Total number of hearings held	-----	25
Appeals	3	Eligibility
Disciplinary proceedings	17	5
STATE LICENSES AND PERMITS ISSUED:		
Total number issued	-----	1,011
Licenses	1	Social affair permits
Solicitors permits	34	Miscellaneous permits
Employment permits	288	Transit insignia
Disposal permits	38	Transit certificates
OFFICE OF AMUSEMENT GAMES CONTROL:		
Licenses issued	37	Disciplinary proceedings instituted
		Violations involved
		Redemption of prize for money

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

Dated: March 4, 1966

7. STATUTORY AUTOMATIC SUSPENSION - ORDER LIFTING SUSPENSION.

Auto.Susp. #271)
In the Matter of a Petition to Lift)
the Automatic Suspension of Plenary)
Retail Distribution License D-16,) ON PETITION
issued by the Municipal Board of) SUPPLEMENTAL
Alcoholic Beverage Control of the) ORDER
City of Clifton to)

WALTER MURASKI & JOSEPH EWOSSA)
t/a VERNON LIQUOR SHOP)
293 Vernon Avenue)
Clifton, N. J.)

Celentano, Razen and Salerno, Esqs., by Joseph J. Salerno, Esq.,
Attorneys for Petitioners.

BY THE DIRECTOR:

On January 18, 1966, an order was entered herein temporarily staying statutory automatic suspension of license of licensees-petitioners pending determination of disciplinary proceedings against them.

It now appears that in disciplinary proceedings conducted by the municipal issuing authority, the license was suspended for five days effective 3:00 a.m. February 13, 1966, on a charge alleging sale of alcoholic beverages to the same minor, which sale was the subject of the previous criminal conviction of Walter Muraski. Hence, I shall lift the automatic suspension in anticipation of the service of the currently effective municipal suspension. Re Forgione, Bulletin 1644, Item 4.

Accordingly, it is, on this 15th day of February, 1966,

ORDERED that the statutory automatic suspension of said license D-16 be and the same is hereby lifted, effective 3:00 a.m. Friday, February 18, 1966.

JOSEPH P. LORDI
DIRECTOR

New Jersey State Library

8. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE
REGULATION NO. 38 - SALE TO A MINOR - LICENSE SUSPENDED FOR
25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

CHARLES MARINO AND ANNA MARINO
t/a CHARLIE MARINO'S TAVERN
1725 Kennedy Boulevard
Jersey City, N. J.

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption
License C-516, issued by the Municipal
Board of Alcoholic Beverage Control of
the City of Jersey City.

Joseph M. Lepis, Esq., Attorney for Licensees.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to charges alleging that on
Sunday, January 23, 1966, they (1) sold six cans of beer for off-
premises consumption, in violation of Rule 1 of State Regulation
No. 38, and (2) sold drinks of alcoholic beverages and the six
cans of beer to a minor, age 20, in violation of Rule 1 of State
Regulation No. 20.

Absent prior record, the license will be suspended on
the first charge for fifteen days (Re Cavaluzzi, Bulletin 1650,
Item 8) and on the second charge for ten days (Re Kit-Kat Club,
Inc., Bulletin 1607, Item 10), or a total of twenty-five days,
with remission of five days for the plea entered, leaving a net
suspension of twenty days.

Accordingly, it is, on this 15th day of February, 1966,

ORDERED that Plenary Retail Consumption License C-516,
issued by the Municipal Board of Alcoholic Beverage Control of the
City of Jersey City to Charles Marino and Anna Marino, t/a
Charlie Marino's Tavern, for premises 1725 Kennedy Boulevard,
Jersey City, be and the same is hereby suspended for twenty (20)
days, commencing at 2:00 a.m. Tuesday, February 22, 1966, and
terminating at 2:00 a.m. Monday, March 14, 1966.

JOSEPH P. LORDI
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE
SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

ARTHUR PAULS, INC.
t/a Hide-a-way
24 Main Street
Asbury Park, N. J.

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption
License C-55, issued by the City
Council of the City of Asbury Park

Licensee, by John Joline, President and Treasurer, Pro se.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on January 29, 1966, it sold six 16-ounce cans of beer and two quart bottles of beer to a minor, age 18, in violation of Rule 1 of State Regulation No. 20.

Although the licensee corporation has no previous record of suspension of license, the license then held by Arthur Pulido (secretary and 10% stockholder of the licensee corporation) for premises 75 Miller Street, Highlands, was suspended by the municipal issuing authority for ten days for sale to minors, which suspension was affirmed by the Director effective August 4, 1952. Pulido v. Highlands, Bulletin 942, Item 1.

The prior record of suspension for similar violation occurring more than ten years ago disregarded, 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 McCormick, Bulletin 1640, Item 3.

Accordingly, it is, on this 1st day of March, 1966,

ORDERED that Plenary Retail Consumption License C-55, issued by the City Council of the City of Asbury Park to Arthur Pauls, Inc., t/a Hide-a-way, for premises 24 Main Street, Asbury Park, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Tuesday, March 8, 1966, and terminating at 3:00 a.m. Friday, March 18, 1966.


Joseph P. Lordi
Director