

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

BULLETIN 1494

FEBRUARY 18, 1963

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2. APPELLATE DECISIONS - LONGVIEW CORPORATION v. SOUTH HACKENSACK AND HORIZON MOTEL.

LONGVIEW CORPORATION,)
t/a THE "LITTLE CLUB",)

Appellant,)

v.)

TOWNSHIP COMMITTEE OF THE)
TOWNSHIP OF SOUTH HACKENSACK,)
and HORIZON MOTEL, A CORPORATION,)

Respondents.)

ON APPEAL
CONCLUSIONS
AND ORDER

Messano and Messano, Esqs., by Ralph P. Messano, Esq.,
Attorneys for Appellant.
Chandless, Weller & Kramer, Esqs., by Ralph W. Chandless,
Esq., Attorneys for Respondent Township.
Arthur J. Messineo, Esq., Attorney for Respondent Horizon
Motel.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the action of respondent Township Committee whereby it granted an application for a plenary retail consumption license to respondent Horizon Motel (hereinafter respondent Motel) for existing premises and another building to be used as a restaurant to be constructed at Route 46, South Hackensack.

"Four of the five members of the respondent Committee attended the meeting and the vote was unanimous to approve respondent Motel application. The respondent Committee approved the application for the liquor license under and by virtue of the statute authorizing the issuance of a license to a hotel containing fifty sleeping rooms. R.S. 33:1-12.20.

"Appellant contends in its petition of appeal that the action of respondent Committee was erroneous for the following reasons:

- 'A - There is no public need or necessity for the issuance of said license, inasmuch as the area is amply served by the present existing licenses;
- B - The granting of said license is in violation of the alcoholic beverage control laws and the rules and regulations of the State of New Jersey;
- C - The respondent, Township Committee, was guilty of an abuse of discretion and a mistake of law and fact in granting the said license;
- D - The granting of said license was arbitrary and unreasonable.'

"The pertinent facts concerning the location and layout of respondent Motel premises for which the liquor license is sought are not in dispute. It appears that the motel operated by respondent Motel contains a total of 130 sleeping rooms, one

60-room building being on the south side of Route 46 and referred to as the East Gate, and three buildings having 70 rooms, and the restaurant now in the course of construction located on the north side of Route 46 and designated as the West Gate. Route 46, lying between the East and the West Gates is a four-lane highway, two lanes of which are provided for the use of motor vehicles traveling in an easterly direction and two lanes used by motor vehicles traveling in a westerly direction. There is no physical connection affording access to or from the premises on the north side of the highway, and the building on the south side of the highway (termed the West Gate) and the East Gate, respectively. According to the testimony of Walter Tkacz (secretary of respondent Motel), the business is operated on an all-year basis.

"Joseph L. Petrullo (president of appellant corporation which is the holder of a plenary retail consumption license for premises on the north side of Route 46 and the sole objector to the issuance of the license in question) testified that, although the property lines of appellant's land and that for the respondent Motel are adjacent, appellant's building is 'between two and two hundred fifty feet' from the proposed restaurant building of respondent Motel. Petrullo further testified that, in his opinion, there is no need for a liquor outlet at the proposed premises.

"Mayor Montenegro, Committeemen Ruta and Falato testified in support of the need for a liquor license at the proposed site; that, in addition to the needs of the residents in the community, they considered that approximately 20,000 persons are employed in the industries existing in South Hackensack and a great number of transients, many of whom use the facilities provided by respondent Motel.

"Appellant contends that the respondent Committee erred in classifying a motel as a hotel, as a distinction must be drawn between the respective public accommodations.

"In Rynax v. Neptune, Bulletin 1462, Item 1, when considering the issuance to a motel pursuant to R.S. 33:1-12.20, it was stated:

'The word "hotel" has been interpreted by the Director of this Division as contemplating and including an exception in favor of "motels" as well as "hotels". Bayshore Tavern Owners Association et al. v. Sea Bright, Bulletin 1378, Item 2; Cf. Schermer v. Fremar Corporation, 36 N.J. Super. 46 (1955). Mrs. Rynax has testified that her facility will contain at least fifty sleeping units before the end of May 1962. Her application may, therefore, be properly considered within the contemplation of this section.'

"In line with the above precedent I find that, in so far as the issuance of a liquor license is concerned, no distinction should be drawn between a hotel and a motel and that appellant's contention is without merit.

"I am also satisfied from the testimony of the members of the respondent Committee that they were convinced the issuance of the liquor license would serve a useful purpose in the community and that there is a need for and a convenience to be served by the issuance of the license.

"In connection with a need for and convenience to be served by the issuance of a liquor license to a particular area in a municipality, it is interesting to note Judge Gaulkin's discussion of said terms in Fanwood v. Rocco et al., 59 N.J. Super. 306 (App.Div. 1960):

'The terms "public necessity" and "public convenience" are probably as confusing and misleading when used in connection with liquor cases as the term "abuse of discretion." It is to be noted that these terms are not found in the statute but are the unfortunate products of our case law. Judge Clapp pointed this out in the Lakewood case, supra, at 464-466 of 38 N. J. saying: "An even more obvious question arises as to the significance of the term in connection with intoxicating liquors. Is there any public necessity for a tavern?" Cf. Barry v. O'Connell, supra. It would help clarify our thinking if the use of such sonorous expressions were avoided wherever possible, and instead there were hammered out a plain statement of the facts and the considerations leading to the decision.***'

"There has been nothing presented herein which shows any improper motivation on the part of the members of respondent Committee.

"However, I cannot agree with the contention advanced by the attorney for respondent Motel that the license should cover the premises on both sides of Route 46. I am aware that on April 20, 1938 (Re Dodd, Bulletin 241, Item 8) the late Commissioner Burnett answered an inquiry theretofore received concerning the license issued to a club which had two social halls -- one on the west side of the highway used in the summer, and one on the east side used in the winter. Commissioner Burnett stated that, under the circumstances appearing therein, it would be permissible to consider it one licensed premises although divided by a public highway whereas, if it were a commercial proposition merely seeking to obtain two licensed premises for the price of one, it would not. Thus the opinion expressed by Commissioner Burnett in that particular situation has no applicability to the case herein. Also, the facts in Essex County Retail Liquor Stores Association v. Newark, et al., 64 N.J. Super. 314, wherein a plenary retail distribution license was involved, are so dissimilar to those herein that it too has no applicability to the instant case.

"Under the circumstances and in the absence of any evidence disclosing that the respondent Committee was arbitrary or unreasonable, it is recommended that the action of the respondent Committee be affirmed in so far as approval of the application for the issuance of the license in question is concerned, but it is further recommended that said license, when actually issued, include only the restaurant and the 70 rooms located on the north side of Route 46 and designated as the West Gate, and that the application for license be amended accordingly to exclude the portion of the premises designated as the East Gate."

Pursuant to the provisions of Rule 14 of State Regulation No. 15, written exceptions to the Hearer's Report and written

argument thereto were filed with me by the attorneys for appellant. Written answering argument was filed with me by the attorneys for the respective respondents.

After carefully considering the testimony, exhibits, Hearer's Report, exceptions thereto and written arguments filed in behalf of appellant and both respondents, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein. Hence, I shall enter an order as recommended by the Hearer.

Accordingly, it is, on this 27th day of December, 1962,

ORDERED that the action of respondent Township Committee of the Township of South Hackensack be affirmed in so far as approval of the application for the issuance of the plenary retail consumption license to respondent Horizon Motel, a corporation, is concerned but that when the said license is issued, the licensed premises shall include only the restaurant and the seventy rooms located on the north side of Route 46 and designated as the West Gate and that the application for the license be amended to exclude the portion of the premises on the south side of Route 46 and designated as the East Gate.

WILLIAM HOWE DAVIS
DIRECTOR

3. APPELLATE DECISIONS - MIELE v. VERONA.

ROSE MIELE,)	
Appellant,)	
v.)	ON APPEAL
)	CONCLUSIONS
MAYOR AND COUNCIL OF THE)	AND ORDER
BOROUGH OF VERONA,)	
Respondent.)	

John W. Lebeda, Esq., Attorney for Appellant
Fred G. Stickel, III, Esq., Attorney for Respondent
Brass & Brass, Esqs., by Leonard Brass, Esq., Attorneys for
Essex County Retail Liquor Stores Assn., Objector

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"This is an appeal from the action of respondent whereby it denied an application for a person-to-person and place-to-place transfer of a plenary retail consumption license from Thomas Cerra, Sr., t/a Tommy's Bar & Grill, to Rose Miele, and from premises 411 Bloomfield Avenue to premises 125 Bloomfield Avenue, Verona.

"Five of the six councilmen (one councilman having disqualified himself) who were present and heard the matter in question voted unanimously to deny appellant's application.

"The reasons given by respondent for denying the transfer were as follows:

"In the first place the restaurant is enjoyed by a great number of children or young people; in the second place, the off-street parking facilities do

not exist and apparently cannot be created at that location. In fact, the patrons of the restaurant must park either on the Safeway lot or the Verona Inn lot, or in the Claremont Diner lot, and we have had several personal injury accidents resulting from pedestrians crossing from the south side to the north side of the Avenue. We are concerned with accidents of this type, and that accidents of this type might increase if persons who park on the north side of the Avenue and eat on the south side of the Avenue also have an opportunity to drink liquor, prior to recrossing the Avenue. Finally, we feel that the area is adequately served with liquor consumption licenses and for these reasons, I will move that the application be denied.'

"Appellant in her petition of appeal alleges that the action of respondent was erroneous because all of the reasons given for the denial of the transfer in question were insufficient to justify its action.

"Respondent in its answer denies the aforesaid allegations and contends that it exercised reasonable and proper discretion in the matter.

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

"Appellant testified that she has operated a restaurant and pizzeria at 125 Bloomfield Avenue for approximately three and one-half years and now is desirous of obtaining a plenary retail consumption license; that, because 'a majority of our customers have asked us if we would serve a glass of wine with their meals or a glass of beer because, I guess, they could enjoy it much better'; that the size of the premises to be licensed is 16' x 26' and contains twelve tables; that her business consists of both adults and teenagers; that 'The majority of our customers are teenagers on a Friday night, yes, from 9:30 to 11:30. All we have in at that time in our restaurant are teenagers. You wouldn't find one adult in there sometimes'; that, although she 'wouldn't say' that the majority of the customers are teenagers, she has substantial teenage customers on week-ends but during the week there is a 'family trade' because of the fact that the teenagers attend school; that she does not have any facility for off-street parking for her customers.

"Police Chief Edgar D. Coffin testified that, as a result of his investigation in this matter, he recommended to the respondent that the transfer to the proposed site be denied. He testified that 'From about six o'clock to around nine the percentage weighs to adults. From nine to eleven it reverses itself and it is predominantly teenagers to the point that teenagers are hanging around on the outside of the premises. Around twelve o'clock at night it begins to balance itself off equally;' that there is a definite need for off-street parking in the area because of the volume of traffic especially from 'four to six when it is the heaviest, and then in the morning about eight to nine o'clock.'

"Councilman Richard N. Sandler, Chairman of the Police and Fire Committee, testified that he voted to deny appellant's application for transfer for the reasons he announced at the close of the hearing before respondent and which are contained

in the official minutes of the meeting held on September 4, 1962. The reasons have already been quoted herein and this need not be repeated.

"Four persons appeared and objected to the transfer, expressing such reasons for their objections as the lack of parking, teenagers frequenting appellant's establishment, heavy traffic on Bloomfield Avenue, and the apparent lack of a need for another liquor outlet at appellant's place of business.

"A transfer of a liquor license to other premises is not an inherent or automatic right. The issuing authority may grant or deny the transfer in the exercise of reasonable discretion. If denied on a reasonable ground, such action will be affirmed. Fafalak v. Bayonne, Bulletin 95, Item 5; VanSchoick v. Howell, Bulletin 120, Item 6; Craig v. Orange, Bulletin 251, Item 4; Biscamp and Hess v. Teaneck, Bulletin 821, Item 8. See also Biscamp v. Teaneck, 5 N.J. Super. 172 (App. Div. 1949) where, as in the instant case, the issuing authority denied a transfer of a liquor license because it was of the opinion that there was no need or necessity for a liquor outlet in a particular location in a community. Also, in Fanwood v. Rocco et al., 59 N.J. Super. 306, Judge Gaulkin stated:

'The Legislature has entrusted to the municipal issuing authority the right and charged it with the duty to issue licenses (R.S. 33:1-24) and place-to-place transfers thereof "[O]n application made therefor setting forth the same matters and things with reference to the premises to which a transfer of license is sought as are required to be set forth in connection with an original application for license, as to said premises." N.J.S.A. 33:1-26. As we have seen, and as respondent admits, the action of the local board may not be reversed by the Director unless he finds "the act of the board was clearly against the logic and effect of the presented facts." Hudson Bergen County Retail Liquor Stores Ass'n, Inc. v. Board of Com'rs. of City of Hoboken, supra, 135 N.J.L., at page 511. ***'

"After reviewing the testimony and the exhibits herein, I find that there is sufficient competent evidence to support respondent's findings that the locale to which appellant seeks transfer of her license has sufficient liquor establishments to meet the needs and to serve the convenience of the persons residing in that section of the municipality. Furthermore, the license to be transferred is presently located at premises situated at a considerable distance from the proposed establishment and, if the transfer were granted, it would aggravate the existing concentration of liquor licenses already in that area. Finally, on the public highway at the point where appellant's premises are located, according to the testimony presented, there is very heavy motor vehicle traffic and, due to the lack of off-street parking facilities, it could, as the Chief of Police testified, become extremely hazardous.

"I find no abuse of discretion on the part of respondent and its action was neither arbitrary nor unreasonable.

"I, therefore, conclude that appellant has failed to establish that respondent's action was erroneous, and I recommend that an order be entered affirming respondent's action and dismissing the appeal herein."

No exceptions to the Hearer's Report were filed with me within the time limited by Rule 14 of State Regulation No. 15.

Having carefully considered the entire record herein, including the testimony taken, the exhibits introduced in evidence at the hearing on the appeal, the memoranda filed by the attorneys for the respective parties herein, the Hearer's Report and the recommendations included therein, I concur in the findings and conclusions of the Hearer and adopt them as my conclusions herein. Hence I shall enter an order as recommended.

Accordingly, it is, on this 28th day of December 1962,

ORDERED that the action of respondent Mayor and Council be and the same is hereby affirmed, and that the appeal be and the same is hereby dismissed.

WILLIAM HOWE DAVIS
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

WALTER SOMIA AND ARTHUR SOMIA)
83 Reservoir Avenue)
Jersey City 7, N. J.)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Distribution License D-72, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

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

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on December 13, 1962, they sold six cans of beer to a minor, age 16, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty-five days (Re Franke's Bar & Grill, Inc., Bulletin 1484, Item 6), with remission of five days for the plea entered, leaving a net suspension of twenty days.

Accordingly, it is, on this 27th day of December, 1962,

ORDERED that Plenary Retail Distribution License D-72, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Walter Somia and Arthur Somia for premises 83 Reservoir Avenue, Jersey City, be and the same is hereby suspended for twenty (20) days, commencing at 9:00 a.m. Thursday, January 3, 1963, and terminating at 9:00 a.m. Wednesday, January 23, 1963.

WILLIAM HOWE DAVIS
DIRECTOR

5. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1962 to DECEMBER 31, 1962 AS REPORTED TO THE DIRECTOR
OF THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19

C L A S S I F I C A T I O N O F L I C E N S E S

County	Plenary Retail Consumption		Plenary Retail Distribution		Club		Limited Retail Distribution		Seasonal Retail Consumption		Number Surren- dered Revoked Expired	Number Licenses in Effect	Total Fees Paid
	No. Issued	Fees Paid	No. Issued	Fees Paid	No., Issued	Fees Paid	No. Issued	Fees Paid	No. Issued	Fees Paid			
Atlantic	485	\$ 207,593.26	73	\$ 27,525.00	28	\$ 2,845.00						586	\$ 237,963.26
Bergen	822	323,485.26	291	85,013.80	135	12,430.96	49	\$ 2,309.50	5	\$ 1,398.75	5	1297	424,638.27
Burlington	191	85,970.00	41	13,150.00	48	6,900.00	1	50.00				281	106,070.00
Camden	453	223,591.78	84	36,195.00	80	7,786.43			1	450.00	1	617	268,023.21
Cape May	138	78,300.00	12	4,500.00	18	2,200.00						168	85,000.00
Cumberland	79	40,217.12	15	4,200.00	30	4,060.00						124	48,477.12
Essex	1334	758,330.00	350	211,100.00	103	14,375.00	27	1,350.00	2	1,500.00	1	1815	986,655.00
Gloucester	108	38,710.00	15	3,820.00	23	2,950.00						146	44,580.00
Hudson	1498	679,038.93	298	122,400.00	82	9,272.89	63	2,700.00				1941	813,411.82
Hunterdon	79	28,240.00	12	5,810.00	10	1,100.00						101	35,150.00
Mercer	421	261,772.44	51	22,510.00	56	8,239.59			1	116.64	1	528	292,638.67
Middlesex	632	316,004.67	85	28,225.43	112	9,724.79	4	200.00				833	354,154.89
Monmouth	553	291,622.76	125	44,560.00	58	6,331.25	8	385.00	23	11,207.91	23	744	354,106.92
Morris	355	139,095.00	104	38,441.10	61	5,777.23	15	750.00	5	1,425.00	5	535	185,488.33
Ocean	195	107,517.68	50	21,566.00	35	3,987.42						280	133,071.10
Passaic	854	354,751.00	170	52,700.00	42	5,125.00	7	350.00				1073	412,926.00
Salem	50	19,542.46	8	1,600.00	19	1,600.00						77	22,742.46
Somerset	188	87,915.00	41	12,925.00	32	3,800.00						261	104,640.00
Sussex	165	46,563.18	21	4,235.00	11	645.00	1	50.00	1	225.00		199	51,718.18
Union	546	312,346.00	145	71,692.76	82	8,975.00	29	1,425.00				802	394,438.76
Warren	147	44,260.00	21	5,270.00	30	3,212.20			2	375.00	2	198	53,117.20
Total	9293	\$4,444,866.54	2012	\$817,439.09	1095	\$ 120,437.76	204	\$ 9,569.50	40	\$ 16,698.30	38	12606	\$ 5,409,011.19

William Howe Davis
Director

January 2, 1963

6. ACTIVITY REPORT FOR DECEMBER 1962

ARRESTS:

Total number of persons arrested	-----	26
Licensees and employees	21	
Bootleggers	5	

SEIZURES:

Stills - 50 gallons or under	-----	2
Mash - gallons	-----	80.000
Distilled alcoholic beverages - gallons	-----	22.389
Wine - gallons	-----	3.282
Brewed malt alcoholic beverages - gallons	-----	2.251

RETAIL LICENSEES:

Premises inspected	-----	867
Premises where alcoholic beverages were gauged	-----	563
Bottles gauged	-----	8,732
Premises where violations were found	-----	102
Violations found	-----	119
Reg. #38 Sign not posted	28	
Unqualified employees	24	
Application copy not available	21	
Other mercantile business	12	
Prohibited signs	8	
Improper beer taps	7	
Disposal permit necessary	3	
Questionable liquor	1	
Other violations	15	

STATE LICENSEES:

Premises inspected	-----	23
License applications investigated	-----	9

COMPLAINTS:

Complaints assigned for investigation	-----	319
Investigations completed	-----	311
Investigations pending	-----	185

IDENTIFICATION:

Criminal fingerprint identifications made	-----	7
Persons fingerprinted for non-criminal purposes	-----	200
Identification contacts made with other enforcement agencies	-----	146
Motor vehicle identifications via N.J. State Police teletype	-----	2

DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities	-----	9
Violations involved	-----	9
Sale to minors	5	
Sale during prohibited hours	3	
Employing female bartender (local reg.)	1	
Cases instituted at Division	-----	20
Violations involved	-----	41
Possessing liquor not truly labeled	7	
Sale during prohibited hours	5	
Sale to minors	3	
Hindering investigation	3	
Conducting business as a nuisance	3	
Sale below filed price	2	
Permitting immoral activity on prem.	2	
Permitting hostesses on premises	2	
Permitting female impersonator on prem.	1	
Permitting prostitutes on premises	1	
Possessing contraceptives on prem.	1	
Sale to intoxicated person	1	
Permitting lottery activity (numbers) on premises	1	
Unqualified employee	1	
Fraud in license application	1	
Sale to non-members by club	1	
Unlicensed transportation	1	
Delivery without bona fide invoice	1	
Aiding & abetting unlawful transportation	1	
Storage off licensed premises	1	
Permitting foul language on premises	1	
Possessing indecent pictures on prem.	1	
Cases brought by municipalities on own initiative and reported to Division	-----	15
Violations involved	-----	22
Sale to minors	12	
Permitting brews on premises	2	
Sale during prohibited hours	2	
Permitting foul language on prem.	1	
Fraud in license application	1	
Employing unqualified person	1	
Permitting person of ill repute on prem.	1	
Hindering investigation	1	
Permitting gambling (numbers) on prem.	1	

HEARINGS HELD AT DIVISION:

Total number of hearings held	-----	32
Appeals	5	
Disciplinary proceedings	22	
Eligibility	2	
Seizures	1	
Tax revocations	1	
Applications for license	1	

STATE LICENSES AND PERMITS ISSUED:

Total number issued	-----	1,029
Licensees	2	
Solicitors' permits	22	
Employment permits	208	
Disposal permits	37	
Wine permits	29	
Social Affairs permits	297	
Miscellaneous	216	
Transit insignia	209	
Transit certificates	9	

OFFICE OF AMUSEMENT GAMES CONTROL:

Licenses issued	88	
Enforcement files established	7	
Premises inspected	2	

WILLIAM HOWE DAVIS
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

7. RECAPITULATION OF ACTIVITY BY QUARTERLY PERIODS FROM JULY 1, 1962 THROUGH DECEMBER 31, 1962

	1st Quarter			2nd Quarter			Total
	July	Aug.	Sept.	Oct.	Nov.	Dec.	
ARRESTS:							
Total number of persons arrested	72			68			140
Licensees and employees	32			45			77
Boofleggers	38			22			60
ABC agent impersonator	2			-			2
SEIZURES:							
Motor vehicles - cars	4			2			6
Stills - over 50 gallons	2			2			4
- 50 gallons or under	4			4			8
Mash - gallons	2,525			1,280			3,805
Distilled alcoholic beverages - gallons	339.512			147.843			487.355
Wine - gallons	18.945			39.323			58.268
Brewed malt alcoholic beverages - gallons	55.878			24.472			80.350
RETAIL LICENSEES:							
Premises inspected	2,119			2,570			4,689
Premises where alcoholic beverages were gauged	1,910			2,029			3,939
Bottles gauged	29,859			31,226			61,065
Premises where violations were found	244			290			534
Violations found	394			358			752
Reg. #38 sign not posted	62			84			146
Unqualified employees	210			85			295
Application copy not available	47			48			95
Prohibited signs	8			23			31
Other mercantile business	6			20			26
Disposal permit necessary	8			7			15
Improper beer taps	2			8			10
Questionable liquor	7			-			7
Other violations	44			83			127
STATE LICENSEES:							
Premises inspected	32			49			81
License applications investigated	27			23			50
COMPLAINTS:							
Complaints assigned for investigation	1,176			1,083			2,259
Investigations completed	1,248			1,077			2,325
Investigations pending	(149)			185			185
LABORATORY:							
Analyses made	699			241			940
Refills from licensed premises - bottles	102			62			164
Bottles from unlicensed premises	143			50			193
IDENTIFICATION:							
Criminal fingerprint identifications made	30			33			63
Persons fingerprinted for non-criminal purposes	1,019			665			1,684
Identification contacts made with other enforcement agencies	689			505			1,194
Motor vehicle identifications via N.J. State Police teletype	14			12			26
DISCIPLINARY PROCEEDINGS:							
Cases transmitted to municipalities	49			37			86
Violations involved	52			40			92
Sale during prohibited hours	26			19			45
Sale to minors	21			14			35
Failure to close premises during prohibited hours	2			3			5
Possessing chilled beer (DL licensee)	2			2			4
Sale outside scope of license	1			-			1
Sale to non-members by club	-			1			1
Employing female bartender (local reg.)	-			1			1
Cases instituted at Division	65			58			123
Violations involved	92			101			193
Possessing liquor not truly labeled	17			16			33
Sale to minors	12			14			26
Sale during prohibited hours	13			13			26
Hindering investigation	7			6			13
Permitting immoral activity on premises	2			8			10
Sale below filed price	7			2			9
Permitting lottery activity on premises	5			3			8
Permitting hostesses on premises	2			5			7
Conducting business as a nuisance	1			4			5
Fraud in application	3			2			5
Sale to non-members by club	3			1			4
Permitting bookmaking on premises	4			-			4
Unauthorized transportation	2			-			2
Permitting foul language on premises	1			2			3
Unqualified employees	-			3			3
Sale to intoxicated persons	1			2			3
Application copy not on premises	1			1			2
Fraud and front	-			2			2
Retailer-to-retailer sales	2			-			2
Possessing indecent matter	-			2			2
Failure to close premises during prohibited hours	2			-			2
Solr-permittee engaging in conduct prohibited to employer	1			-			1
Failure to afford view into premises during prohibited hours	1			-			1
Delivery without bona fide invoice	-			1			1
Possessing contraceptives on premises	-			1			1

	1st Quarter		2nd Quarter		Total
	July, Aug.,	Sept.	Oct., Nov.,	Dec.	
DISCIPLINARY PROCEEDINGS (Continued)					
Cases instituted at Division (Continued)					
Beverage Tax Law non-compliance	-	-	1	-	1
Sale outside scope of license	3	-	-	-	3
Permitting female impersonators on premises	-	-	2	-	2
Service to women at the bar (local reg.)	1	-	-	-	1
Act of violence on premises	1	-	-	-	1
Storage off licensed premises	-	-	1	-	1
Permitting prostitutes on premises	-	-	1	-	1
Aiding & abetting unlawful transportation	-	-	1	-	1
Failure to file notice of change in application	-	-	1	-	1
Purchase from improper source	-	-	1	-	1
Possessing illicit liquor	-	-	1	-	1
Filing false tax reports	-	-	1	-	1
Violation of special condition	-	-	1	-	1
Cases brought by municipalities on own initiative and reported to Division	54	-	73	-	127
Violations involved	59	-	91	-	150
Sale to minors	46	-	43	-	89
Sale during prohibited hours	7	-	12	-	19
Permitting brawls on premises	5	-	7	-	12
Failure to close premises during prohibited hours	4	-	5	-	9
Hindering investigation	1	-	3	-	4
Permitting minors unaccompanied by parents on prem. (local reg.)	-	-	4	-	4
Permitting gambling on premises	1	-	2	-	3
Conducting business as a nuisance	2	-	1	-	3
Permitting bookmaking on premises	2	-	1	-	3
Permitting lottery activity on premises	1	-	1	-	2
Unqualified employees	-	-	2	-	2
Permitting foul language on premises	-	-	1	-	1
Employing bartender without permit (local reg.)	-	-	1	-	1
Permitting immoral activity on premises	-	-	1	-	1
Act of violence on premises	-	-	1	-	1
Sale outside scope of license	-	-	1	-	1
Permitting persons of ill repute on premises	-	-	1	-	1
Fraud in application	-	-	1	-	1
Permitting persons in improper dress on premises	-	-	1	-	1
Employee working while intoxicated	-	-	1	-	1
HEARINGS HELD AT DIVISION:					
Total number of hearings held	117	-	99	-	216
Appeals	22	-	14	-	36
Disciplinary proceedings	74	-	61	-	135
Eligibility	16	-	14	-	30
Seizures	3	-	6	-	9
Applications for license	1	-	1	-	2
Orders to show cause	-	-	2	-	2
Hearing on petition	1	-	-	-	1
Tax revocations	-	-	1	-	1
STATE LICENSES AND PERMITS ISSUED:					
Total number issued	4,720	-	4,680	-	9,400
Licenses	615	-	9	-	624
Solicitors' permits	162	-	122	-	284
Employment permits	1,007	-	663	-	1,670
Disposal permits	233	-	177	-	410
Social affair permits	1,341	-	1,315	-	2,656
Wine permits	2	-	941	-	943
Miscellaneous permits	535	-	626	-	1,161
Transit insignia	781	-	729	-	1,510
Transit certificates	44	-	98	-	142
OFFICE OF AMUSEMENT GAMES CONTROL:					
Licenses issued	177	-	90	-	267
Premises inspected	1,023	-	3	-	1,026
Premises where violations were found	23	-	-	-	23
Violations found	25	-	-	-	25
Enforcement files established	72	-	97	-	169
Disciplinary proceedings instituted at Division	3	-	-	-	3
Violations involved	5	-	-	-	5
Redemption of prize for money	1	-	-	-	1
Hindering investigation	1	-	-	-	1
Operating controlled game	1	-	-	-	1
Operating unlicensed game	1	-	-	-	1
Awarding free game	1	-	-	-	1

WILLIAM HOWE DAVIS
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

8. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - HOSTESS ACTIVITY -
 LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)	
Proceedings against)	
FIORE D'AMBOLA & ROSE D'AMBOLA)	
t/a Ro'Dee)	
759 $\frac{1}{2}$ -761 Broadway)	CONCLUSIONS
Newark 4, N. J.)	AND ORDER
Holders of Plenary Retail Consumption)	
License C-895, issued by the Municipal)	
Board of Alcoholic Beverage Control of)	
the City of Newark.)	

 Anthony Giuliand, 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 September 12, 1962, they (1) sold drinks of alcoholic beverages to a minor, age 19, in violation of Rule 1 of State Regulation No. 20, and (2) permitted a female employee (waitress) to accept drinks at the expense of patrons, in violation of Rule 22 of State Regulation No. 20.

Absent prior record, the license will be suspended on the first charge for fifteen days (Re Highlander Hotel Corp., Bulletin 1475, Item 1) and on the second charge for twenty days (Re Tropeano, Bulletin 1410, Item 6), or a total suspension of thirty-five days, with remission of five days for the plea entered, leaving a net suspension of thirty days.

Accordingly, it is, on this 26th day of December 1962,

ORDERED that Plenary Retail Consumption License C-895, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Fiore D'Ambola & Rose D'Ambola, t/a Ro'Dee, for premises 759 $\frac{1}{2}$ -761 Broadway, Newark, be and the same is hereby suspended for thirty (30) days, commencing at 2 a.m. Monday, January 7, 1963, and terminating at 2 a.m. Wednesday, February 6, 1963.

WILLIAM HOWE DAVIS
 DIRECTOR

9. DISCIPLINARY PROCEEDINGS - GAMBLING (HORSE RACE AND NUMBERS BETS) - SALE IN VIOLATION OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against BURNS TAVERN, INC. 681 -691 Doremus Avenue & new addition Newark, N. J.

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-588, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.

Samuel L. Marcus, Esq., Attorney for Licensee. David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on August 7, 1962, it (1) and (2) permitted the acceptance of horse race and numbers bets on the licensed premises, in violation of Rules 6 and 7 of State Regulation No. 20, and (3) sold a pint bottle of whiskey at 8:30 a.m. for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

Absent prior record, the license will be suspended on the first and second charges for twenty-five days (Re Club "16" Corp., Bulletin 1472, Item 10), and on the third charge for fifteen days (Re Boyer, Bulletin 1486, Item 4), or a total suspension of forty days, with remission of five days for the plea entered, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 27th day of December, 1962,

ORDERED that Plenary Retail Consumption License C-588, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Burns Tavern, Inc. for premises 681-691 Doremus Avenue and new addition, Newark, be and the same is hereby suspended for thirty-five (35) days, commencing at 2:00 a.m. Thursday, January 3, 1963, and terminating at 2:00 a.m. Thursday, February 7, 1963.

WILLIAM HOWE DAVIS DIRECTOR

10. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE
REGULATION NO. 38 - HINDERING INVESTIGATION - LICENSE
SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)	
Proceedings against)	
SAWDUST TRAIL ENTERPRIZES, INC.)	
705 - 8th Street)	CONCLUSIONS
Union City, N. J.)	AND ORDER
Holder of Plenary Retail Consump-)	
tion License C-127, issued by the)	
Board of Commissioners of the City)	
of Union City.)	

Maurice Gottlieb, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on November 9, 1962 (1) at 11:10 p.m. it sold a quart bottle of whiskey for off-premises consumption, in violation of Rule 1 of State Regulation No. 38, and (2) it hindered and failed to facilitate an investigation being conducted by ABC agents, viz., failure to restrain disorderly patrons from interfering with the conduct of the investigation, in violation of R.S. 33:1-35.

Although the licensee has no previous record, the license of Francis Klocko and Lucille Russell, predecessors in interest of the licensee and presently its principal stockholders, was suspended by the municipal issuing authority for ten days, effective October 31, 1955, for sale to minors.

The prior dissimilar record disregarded because occurring more than five years ago, the license will be suspended on the first charge for fifteen days (Re Galamb, Bulletin 1485, Item 10) and on the second charge for ten days (cf. Re Miskiewicz, Bulletin 1478, Item 10), or a total suspension 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 26th day of December 1962,

ORDERED that Plenary Retail Consumption License C-127 issued by the Board of Commissioners of the City of Union City to Sawdust Trail Enterprizes, Inc. for premises 705 - 8th Street, Union City, be and the same is hereby suspended for twenty (20) days, commencing at 3:00 a.m. Wednesday, January 2, 1963, and terminating at 3:00 a.m. Tuesday, January 22, 1963.

WILLIAM HOWE DAVIS
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

MILTON RUBIN)
519 South Orange Avenue)
Newark, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-190, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

Licensee, Pro se.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

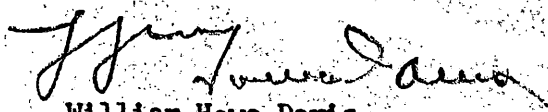
BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on November 15, 1962, he possessed alcoholic beverages in five bottles bearing labels which did not truly describe their contents, in violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re Marfran, Inc., Bulletin 1432, Item 9.

Accordingly, it is, on this 26th day of December 1962,

ORDERED that Plenary Retail Consumption License C-190, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Milton Rubin for premises 519 South Orange Avenue, Newark, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. Wednesday, January 2, 1963, and terminating at 2:00 a.m. Tuesday, January 22, 1963.


William Howe Davis
Director