

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

BULLETIN 1352

September 22, 1960

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

BULLETIN 1352

September 22, 1960

1. NEW LEGISLATION - R. S. 33:1-74 AMENDED - LIMITATION UPON NUMBER OF TEMPORARY PERMITS ISSUABLE.

Senate No. 171 was approved by the Governor on July 7, 1960, and thereupon became Chapter 92 of the Laws of 1960. It reads as follows:

"AN ACT concerning certain temporary permits issuable under the Alcoholic Beverage Law and amending section 33:1-74 of the Revised Statutes.

"BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

"1. Section 33:1-74 of the Revised Statutes is amended to read as follows:

"33:1-74. To provide for contingencies where it would be appropriate and consonant with the spirit of this chapter to issue a license but the contingency has not been expressly provided for, the Director of the Division may for special cause shown, subject to rules and regulations, issue temporary permits the fee for which shall be determined in each case by the Director of the Division and shall not be less than \$5.00 nor more than \$500.00, payable to the Director of the Division and to be accounted for by him as are license fees.

"As to any designated premises such temporary permits shall not exceed in the aggregate 25 in any 1 calendar year, but the Director of the Division may by said rules and regulations provide for a lesser number in the aggregate for any such designated premises in any 1 calendar year.

"2. This act shall take effect immediately."

WILLIAM HOWE DAVIS
DIRECTOR

Dated: August 26, 1960

2. APPELLATE DECISIONS - VECCHIO v. TRENTON

Ralph Vecchio,)
 Appellant,)
 v.)
 Board of Commissioners of the)
 City of Trenton,)
 Respondent.)
 -----)

ON APPEAL
O R D E R

Warren & Stein, Esqs., by George Warren, Esq., Attorneys for Appellant.
 Louis Josephson, Esq., by John A. Brieger, Esq., Attorney for Respondent.
 James F. McGovern, Jr., Esq., Attorney for Bill Long, Inc.
 Irving H. Lewis, Esq., Attorney for Neighborhood Objectors.
 Edward A. Costigan, Esq., Attorney for Trenton Tavern Owners Association.

BY THE DIRECTOR:

This is an appeal from the action of respondent whereby it denied appellant's application for the issuance of a plenary retail consumption license for the 1958-59 licensing period for premises to be constructed at 1480 West State Street, Trenton.

Subsequent to the hearing herein the attorneys for appellant advised me, in writing, that their client desires permission to withdraw the appeal. No reason appearing to the contrary,

It is, on the 19th day of July, 1960,

ORDERED that the above appeal be and the same is hereby dismissed.

WILLIAM HOWE DAVIS
DIRECTOR

3. DISCIPLINARY PROCEEDINGS - CONDUCTING BUSINESS AS NUISANCE (OBSCENE LANGUAGE AND CONDUCT, SALE TO INTOXICATED PERSON, PERMITTING INTOXICATED PERSON TO WORK ON PREMISES) - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

William Barna)
t/a Carrol's)
142 Broadway)
Newark 4, New Jersey)

CONCLUSIONS

and

Holder of Plenary Retail Consumption License C-802 (for the 1959-60 and 1960-61 licensing years), issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark)

ORDER

Joseph A. D'Alessio, Esq., Attorney for Defendant-licensee Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On March 25, 29, April 5, 26 and May 11, 1960, you allowed, permitted and suffered your licensed place of business to be conducted in such manner as to become a nuisance, viz., in that on March 25, 29, April 5 and May 11, 1960, you allowed, permitted and suffered lewdness and immoral activity and foul, filthy and obscene language and conduct in and upon your licensed premises; allowed, permitted and suffered on March 29, 1960 the sale and service to and the consumption of alcoholic beverages by a person actually or apparently intoxicated in and upon your licensed premises; allowed, permitted and suffered on April 26, 1960 a person actually or apparently intoxicated to work in and upon your licensed premises; and on all of the above mentioned dates you otherwise conducted your licensed place of business in a manner offensive to common decency and public morals; in violation of Rule 5 of State Regulation No. 20."

ABC agents visited defendant's licensed premises on the dates mentioned in the aforesaid charge.

On the first visit of March 25, 1960, the agents entered the premises at 9:40 p.m. and remained there until 12:50 a.m. the following morning. Throughout the evening "Mickey" (the bartender) engaged in "horseplay" with various patrons, pounding a shortened cue-stick on the bar causing many of the patrons to jump from fright. Several times he struck a certain male patron with the stick, and on one occasion the force of the blow caused the patron to fall to the floor and, as he lay there, the bartender seized a heavy metal barstool and threw it on top of him. Several patrons in the establishment helped the man to his feet and, when he arose, the agents observed that he had suffered a nosebleed and appeared stunned. After the bleeding stopped, the patron crept along the floor on his hands and knees and, while attempting to crawl behind the bar, was met with a barrage of highball glasses thrown at him by the

bartender, some striking the patron about the head and shoulders. On another occasion that evening the bartender was seen urinating in a glass which he placed in front of an elderly female patron who immediately spilled the contents on the bar.

The agents returned to the premises at 11:55 a.m. on March 29 and a male, referred to as Steve, was tending bar. Another male called "Doc" walked around the premises and was heard to state that he was the manager of the establishment. Two female patrons were present, one of whom appeared intoxicated. While in this condition a man treated her to mixed drinks containing alcohol and was observed caressing her. The bartender twice came from behind the bar, kissed the intoxicated female, placed his hands on her buttocks, but she repulsed his attempt to fondle her breasts. During conversation in which the agents participated, "Doc" stated that Steve had invited the female in question into the premises and Steve then used an indecent expression to describe her. "Doc" and the bartender engaged in filthy conversation which was followed by an indecent personal display on the part of the bartender.

On April 5, 1960, agents again visited defendant's premises and observed Steve (the bartender), while serving two female and one male patron, go through indecent movements and making filthy remarks concerning himself.

On the visit of April 26, 1960, the agents observed that Steve (the bartender) was intoxicated as he staggered and swayed while serving patrons, at times spilling part of the beverages being served.

On the last visit on May 11, 1960, the agents noticed the defendant at times in and about the barroom but spending most of his time in an office at the rear of the premises. Steve was tending bar and at times used vulgar expressions while talking to a female seated next to one of the agents. This female also used indecent language during her conversation with the bartender. The latter's wife came into the premises with a sandwich for him and he reached over the bar and grabbed at her breast and was rebuked by her for such conduct. The person referred to as "Doc" came into the premises and took hold of a female patron and held her in a tight embrace but the female managed to extricate herself from his grip. Thereafter the bartender engaged in indecent gestures and both he and "Doc" used filthy expressions in the presence of other patrons in the establishment.

The agents made known their identity to Steve (the bartender) and to the defendant, the latter remarking, when asked if he cared to give a statement, "What can I do, I can't be around all the time."

Defendant's attorney asked that leniency be extended to the defendant as he has conducted the licensed business for two-and-one-half years without ever being involved in any difficulties with the method of operation. Further, the attorney denies that "Doc" has any official connection with the business but was a friend of Steve (the bartender), and that both have been barred from attendance in the premises

The privilege of selling alcoholic beverages at retail to the public -- one granted to the few and denied to the many (Paul v. Gloucester, 50 N.J.L. 585) -- must be exercised in the public interest. It is apparent by the manner in which the licensed premises has been conducted that the licensee has demon-

strated a shocking lack of appreciation for and understanding of the fundamental decencies and proprieties in the operation of the licensed business. Although defendant did not personally participate in the indecent behavior in the premises, which occurred over a long period of time, it was his responsibility to know and see that the establishment was conducted in a manner conducive to the best interests of the liquor industry.

I shall take into consideration in mitigation of penalty the fact that defendant has no prior adjudicated record and that he did not actually participate in any of the indecent activities. In view of the seriousness of the type of indecent behavior permitted, I shall suspend defendant's license for a period of sixty days. Cf. Re Angioletti, Bulletin 1298, Item 3. Five days will be remitted for the plea entered herein, leaving a net suspension of fifty-five days.

Accordingly, it is, on this 19th day of July 1960,

ORDERED that plenary retail consumption license C-802 (for the 1960-61 licensing year), issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to William Barna, t/a Carrol's, for premises 142 Broadway, Newark, be and the same is hereby suspended for fifty-five (55) days, commencing at 2 a.m. Tuesday, July 26, 1960, and terminating at 2 a.m. Monday, September 19, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

DISCIPLINARY PROCEEDINGS - GAMBLING - POSSESSING OBSCENE PRINTED MATTER - CONTRACEPTIVES - LICENSE SUSPENDED FOR 45 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
Michael Feno
625 Bound Brook Road
Dunellen, New Jersey
Holder of Plenary Retail Consumption License C-3 (for the 1959-60 and 1960-61 licensing years), issued by the Borough Council of the Borough of Dunellen.

)
) CONCLUSIONS
) AND
) ORDER

John A. McKenna, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On May 4, 7, 10, and 11, 1960, and on divers days prior thereto, you engaged in and allowed, permitted and suffered gambling, viz., the making and accepting of horse race bets in and upon your licensed premises; in violation of Rule 7 of State Regulation No. 20.

- "2. On May 11, 1960 and prior thereto, you allowed, permitted and suffered in and upon your licensed premises and had in your possession matters containing obscene, indecent, filthy, lewd, lascivious and disgusting pictures and representations, viz., a group of photographic and cartoon illustrations of male and female persons depicted in obscene, indecent, filthy, lewd, lascivious and disgusting poses, positions, practices and acts; in violation of Rule 17 of State Regulation No. 20.
- "3. On May 11, 1960 and prior thereto, you possessed prophylactics against venereal disease and contraceptives and contraceptive devices, in and upon your licensed premises; in violation of Rule 9 of State Regulation No. 20."

On May 4, 10, and 11, 1960 the licensee personally accepted horse race bets placed with him by an ABC agent, and was observed by such agent to generally engage in what appeared to be horse race betting activity, and on May 7th the licensee's wife paid to an ABC agent his winnings on a bet placed by him on May 4th. On May 11th the licensee, in a signed sworn statement, acknowledged that he was engaged in bookmaking activities since January or February 1960 and telephoned the bets placed with him to the owner of a taxi service.

After the agents disclosed their identities on May 11th, they proceeded to make an inspection of the premises and discovered a large number of cartoons, pictures and representations depicting male and female persons in obscene, indecent, filthy, lewd and lascivious poses and also discovered a large number of contraceptives.

Defendant has no prior adjudicated record. I shall suspend defendant's license for twenty-five days on Charge 1 and ten days on Charge 2 (Cf. Re Night Owl Club, Inc., Bulletin 1339, Item 2) and for ten days on Charge 3 (Re Alexis and Alexopoulos, Bulletin 1328, Item 8), making a total suspension of forty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of forty days.

Accordingly, it is, on this 21st day of July, 1960,

ORDERED that Plenary Retail Consumption License C-3, for the 1960-61 licensing year, issued by the Borough Council of the Borough of Dunellen to Michael Feno, for premises 625 Bound Brook Road, Dunellen, be and the same is hereby suspended for forty (40) days, commencing at 1:00 a.m., Wednesday, August 3, 1960, and terminating at 1:00 a.m., Monday, September 12, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - GAMBLING - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 40 DAYS.

In the Matter of Disciplinary Proceedings against
 Veronica Wiater
 t/a Anchor Tavern
 95 Bayway
 Elizabeth 2, New Jersey
 Holder of Plenary Retail Consumption License C-187 (for the 1959-60 and 1960-61 licensing years), issued by the City Council of the City of Elizabeth.

CONCLUSIONS

and

ORDER

Weiner, Weiner and Glennon, Esqs., by John T. Glennon, Esq.,
 Attorneys for Defendant-licensee.
 Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant pleaded not guilty to the following charges:

- '1. On December 29 and 30, 1959, and January 5, 6 and 7, 1960, you allowed, permitted and suffered gambling, viz., the making and accepting of horse race bets in and upon your licensed premises; in violation of Rule 7 of State Regulation No. 20.
- '2. On Tuesday, January 5, 1960, at about 7:45 A.M., you sold and delivered and allowed, permitted and suffered the sale and delivery of an alcoholic beverage, viz., a pint bottle of Seagram's Seven Crown Blended Whiskey, at retail, in its original container for consumption off your licensed premises and allowed, permitted and suffered the removal of said alcoholic beverage in its original container from your licensed premises; in violation of Rule 1 of State Regulation No. 38.'

"The evidence adduced by the Division shows that one of the ABC agents assigned to investigate defendant's licensed business visited the premises on December 29, 1959 and at 12:10 p.m., after conversing with the bartender (hereinafter called Chet), who is one of the licensee's sons, handed him a \$6 horse bet which Chet turned over to a man later identified as Charles Morton, who was seated at the bar. The evidence further shows that the same agent returned to the licensed premises on December 30, 1959; that at about 11:50 a.m., Morton arrived and handed Chet \$6 saying: 'This is for the money you gave me yesterday'; that Chat gave the money to the agent telling Morton: 'This is the fellow it belongs to', and that thereafter the agent placed a bet with Morton who turned it over to a man at the bar later identified as John De Louisa. The evi-

dence further shows that on January 5, 1960 the same agent accompanied by a fellow agent, entered the licensed premises and placed an \$8 horse bet with Chet who was tending bar and gave him \$1 explaining that he had \$7 coming to him from his previous bet; that Chet said he would see to it that Morton or De Louisa received the bet and that at 7:50 a.m. the agent purchased from Chet a pint of whiskey for off-premises consumption. The evidence further shows that the same two agents returned to the licensed premises on January 6, 1960; that Chet informed them that he had placed the \$8 bet; that at 12:10 p.m. on said date, De Louisa arrived and after Chet told him that 'this fellow', referring to one of the agents, had money coming to him, De Louisa said: 'You have \$22 coming back. Do you have anything you want to put in today?'; that when the agent replied in the affirmative, De Louisa said: 'Come on, let's go into the men's room'; that the agent followed him therein and gave him two \$6 horse bets and accepted \$10, the balance of his previous winnings. The evidence further shows that the same agents visited defendant's tavern on January 7, 1960 and placed two bets with Morton giving him \$10 in marked currency and requesting that he give the bets to De Louisa from whom they told him they had \$20 coming. Shortly thereafter, De Louisa arrived and was about to pay the agents their winnings when Morton said: 'Forget about it, John, it's included in today's bet.' The evidence further shows that one of the agents then left the premises, signaled three local detectives and an ABC inspector who were participating in the investigation and returned with them to the tavern where all identified themselves; that thereafter, at the detectives' request, De Louisa and Morton emptied their pockets and among the contents were found the marked currency and bet slips given to them by the agents.

"Witnesses appearing on defendant's behalf were Veronica Wiater (the licensee), her son, Chet, and Charles Morton.

"Mrs. Wiater testified that she has held the license since 1947; that she knew nothing about gambling activities upon her licensed premises; that her three sons operate the business and that she had never been charged with any other violation.

"Chet testified that one of the agents gave him some money to put behind the bar and told him that someone would come in and ask for it; that the agent came in the next day and he returned the money; that he never saw the agents engage in any betting activity with De Louisa or Morton and that he never took a wager or gave one to De Louisa. He admitted that he sold a pint of whiskey to the agent during prohibited hours.

"Morton testified that he was in defendant's tavern on December 29 and 30, 1959 and did not see the agent on those days but did see him on December 31st; that he did not give Chet \$6 and tell him that the horse was scratched; that what did occur was that John De Louisa met him in the industrial plant where they both work and asked: 'Will you take this money over and give it to Chet?'; that 'I took it over and gave it to Chet and Chet put it behind the bar'; that he had no idea what the money represented; that Chet handed it to some man along the bar; that on January 7, 1960 one of the agents invited him over to have a drink with him and a friend; that he went over to a table and the agent said: 'How about giving this to John'; that he said: 'Well, John will be in, you give it to him'; that John came in 'almost immediately' and started to pull some money out of his pocket and he (Morton) said to John: 'It's all right, John, it's all straightened out with Mr. D (the agent)'; that thereafter he was arrested and searched and the detectives found 'those two little money packages. How much was in them at the time I didn't know.'

"On cross-examination Morton was confronted with his signed sworn statement given to the police after his arrest. The questions and answers in the statement were read to him and his answers, which he testified were true, corroborated the testimony of the agents.

"Considering the aforesaid, I find that the agents' testimony accurately portrays what transpired during their visits to defendant's licensed premises and I conclude that the Division has established the guilt of defendant as to both charges by the necessary preponderance of the believable evidence. Since defendant has had no prior adjudicated record, I recommend that her license be suspended for twenty-five days on Charge 1 (Re Fendelander, Bulletin 1316, Item 5) and fifteen days on Charge 2 (Re City Gardens, Inc., Bulletin 1337, Item 10), making a total suspension of forty days, the minimum penalty imposed for such violations."

No exceptions to the Hearer's Report were filed with me within the time limited by Rule 6 of State Regulation No. 16. Having carefully considered all the facts and circumstances herein, I concur in the Hearer's findings and conclusions and adopt his recommendation.

Accordingly, it is, on the 25th day of July 1960,

ORDERED that plenary retail consumption license C-187, for the 1960-61 licensing year, issued by the City Council of the City of Elizabeth to Veronica Wiater, t/a Anchor Tavern, for premises 95 Bayway, Elizabeth, be and the same is hereby suspended for forty (40) days, commencing at 2 a.m. Friday, July 29, 1960, and terminating at 2 a.m. Wednesday, September 7, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

6. ACTIVITY REPORT FOR JULY 1960

ARRESTS:

Total number of persons arrested	-----	31
Licensees and employees	----- 16	
Bootleggers	----- 15	

SEIZURES:

Motor vehicles - cars	-----	1
- trucks	-----	1
- trailers	-----	1
Stills - over 50 gallons	-----	1
Mash - gallons	-----	5,500.00
Distilled alcoholic beverages - gallons	-----	18.07
Wine - gallons	-----	325.72
Brewed malt alcoholic beverages - gallons	-----	18.81

RETAIL LICENSEES:

Premises inspected	-----	508	
Premises where alcoholic beverages were gauged	-----	490	
Bottles gauged	-----	7,968	
Premises where violations were found	-----	44	
Violations found	-----	58	
Unqualified employees	----- 28	Improper beer taps	----- 1
Application copy not available	----- 15	Other mercantile business	----- 1
Reg. #38 sign not posted	----- 6	Disposal permit necessary	----- 1
Prohibited signs	----- 1	Other violations	----- 5

STATE LICENSEES:

Premises inspected	-----	18
License applications investigated	-----	13

COMPLAINTS:

Complaints assigned for investigation	-----	418
Investigations completed	-----	385
Investigations pending	-----	187

LABORATORY:

Analyses made	-----	100
Refills from licensed premises - bottles	-----	6
Bottles from unlicensed premises	-----	30

IDENTIFICATION:

Criminal fingerprint identifications made	-----	17
Persons fingerprinted for non-criminal purposes	-----	432
Identification contacts made with other enforcement agencies	-----	284

DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities	-----	23	
Violations involved	-----	27	
Sale during prohibited hours	----- 15		
Sale to minors	----- 6	Failure to close premises	-----
Sale to non-members by club	----- 3	during prohibited hours	----- 3
Cases instituted at Division	-----	20	
Violations involved	-----	27	
Sale during prohibited hours	----- 9	Permitting foul language on premises	----- 2
Possessing liquor not truly labeled	----- 4	Sale to intoxicated persons	----- 1
Sale to minors	----- 4	Sale outside scope of license	----- 1
Permitting lottery activity (numbers)	----- 3	Hindering investigation	----- 1
Permitting immoral activity on premises	----- 2		
Cases brought by municipalities on own initiative and reported to Division	-----	16	
Violations involved	-----	17	
Sale to minors	----- 9	Failure to close premises	-----
Permitting brawl on premises	----- 4	during prohibited hours	----- 2
Possessing slot machines on premises	----- 1	False statement in license application	----- 1

HEARINGS HELD AT DIVISION:

Total number of hearings held	-----	40	
Appeals	----- 10	Seizures	----- 5
Disciplinary proceedings	----- 16	Applications for license	----- 1
Eligibility	----- 8		

STATE LICENSES AND PERMITS ISSUED:

Total number issued	-----	2,228	
Licenses	----- 656	Social affair permits	----- 366
Solicitors' permits	----- 50	Miscellaneous "	----- 264
Employment "	----- 484	Transit insignia	----- 259
Disposal "	----- 110	Transit certificates	----- 39

OFFICE OF AMUSEMENT GAMES CONTROL:

Licenses issued	-----	18
Premises inspected	-----	55
Premises where violations were found	-----	8
Number of violations found	-----	10

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

Dated: August 3, 1960

DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - PRIOR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Celtic Bar, Inc.)
559 Jackson Avenue)
Jersey City, New Jersey)

CONCLUSIONS

AND

Holder of Plenary Retail Consumption License C-332 (for the 1959-60 and 1960-61 licensing years), issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)
-----)

ORDER

Defendant-licensee, by Richard D. Sheehan, President.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to a charge alleging that it sold during prohibited hours an alcoholic beverage in its original container for off-premises consumption, in violation of Rule 1 of State Regulation No. 38.

At 4:35 p.m., Sunday, June 12, 1960, two ABC agents visited the vicinity of defendant's premises. One of them entered the tavern and the other remained outside. The agent who entered took a seat at the bar and observed the bartenders, Richard Sheehan (president of the corporate-licensee), and John Walsh, serve packaged alcoholic beverages to several patrons for off-premises consumption. At 4:50 p.m. the agent at the bar ordered and received from Sheehan a pint of whiskey "to go" and left with his purchase which he showed to the other agent. Both agents entered the tavern and identified themselves to Sheehan and Walsh who were in the act of selling a fifth of whiskey and six cans of beer, respectively, to two customers. Sheehan refused to give a signed statement, but orally admitted the unlawful sale to the agent.

Defendant has a prior adjudicated record. Effective May 18, 1959, its license was suspended for ten days by this Division for violating Rule 1 of State Regulation No. 38. Re Celtic Bar, Inc., Bulletin 1281, Item 9. In addition, when John E. Dunne and Richard Sheehan (officers, directors and shareholders of the corporate-licensee herein) held the license as partners, such license was suspended for five days effective January 15, 1951 by the local issuing authority for a like violation. The minimum penalty for the violation charged herein is a suspension of the license for a period of fifteen days. Re City Gardens, Inc., Bulletin 1337, Item 10. However, because of the prior similar violation which occurred within a five-year period, the penalty will be doubled (Re Butts, Bulletin 1276, Item 7) and an additional five days will be imposed because of the similar violation which occurred more than five but within a ten-year period (Re Kruvant, Bulletin 1291, Item 3), making a total suspension of thirty-five days. Five days will be remitted for the confessional plea entered herein, leaving a net suspension of thirty days.

Accordingly, it is, on this 20th day of July 1960,

ORDERED that Plenary Retail Consumption License C-332 for the 1960-61 licensing year, issued by the Municipal Board of Alcoholic Bev-

erage Control of the City of Jersey City to Celtic Bar, Inc., for premises 559 Jackson Avenue, Jersey City, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m., Monday, August 1, 1960 and terminating at 2:00 a.m., Wednesday, August 31, 1960.

WILLIAM HOWE DAVIS,
DIRECTOR.

8. DISCIPLINARY PROCEEDINGS - GAMBLING - LOTTERY - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Harry Beerman)
t/a New Merchants Restaurant)
206 Miller Street)
Newark 5, New Jersey)

CONCLUSIONS

AND

Holder of Plenary Retail Consumption License C-780 (for the 1959-60 and 1960-61 licensing years), issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.)

ORDER

Robert W. Wolfe, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

- "1. On May 26, 31 and June 15, 1960, you allowed, permitted and suffered gambling, viz., the making and accepting of bets in a lottery, commonly known as the 'numbers game', in and upon your licensed premises; in violation of Rule 7 of State Regulation No. 20.
- "2. On May 26, 31 and June 15, 1960, you 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; in violation of Rule 6 of State Regulation No. 20."

On each of the dates alleged in the charge, Michael A. Ingetti, a patron, accepted "numbers" bets from an ABC agent in the defendant's licensed premises, part of which is used as a restaurant. After placing his bet on May 26th aforesaid, the agent (identity undisclosed) informed the cashier (wife of the licensee) that he had observed Ingetti accepting "numbers" bets from patrons on the premises and that Ingetti had also accepted a "numbers" bet from him. The cashier wished him luck and the agent left the premises.

On his second visit to the premises, the agent (identity still undisclosed) informed the cashier that he had placed another "numbers" bet with Ingetti and trusted that his luck would be better this time. On June 15th aforesaid, the agent placed a bet with Ingetti in full view of other ABC agents on the premises, following which the agents

identified themselves to Ingetti. By prearrangement, local police arrived at the scene. Two one-dollar bills and a "numbers" slip (which had been marked by the agents), together with 64 one-dollar bills and one five-dollar bill, were found in Ingetti's possession. The agents identified themselves to Harry Beerman, the licensee, and Tessie Beerman, his wife. Mr. Beerman admitted that Ingetti frequented the licensed premises but denied any knowledge of aforesaid gambling activities by Ingetti.

By way of mitigation, the attorney for the defendant has submitted a statement setting forth therein that 90 per cent of his business on the licensed premises is the operation of his restaurant; that on June 15th aforesaid, when Ingetti was taken into custody, he was busy serving about 80 customers with their noon hour lunch and that he had no knowledge of Ingetti's gambling activities on the licensed premises. I have carefully read the attorney's statement, together with the reports of the agents, and do not find mitigating circumstances of sufficient weight to warrant imposition of a penalty less than the minimum imposed in cases of this character. A licensee is under a duty to exercise close supervision over his licensed premises, and violations occurring therein cannot be excused because he had no personal knowledge of them. Re DiAngelo, Bulletin 1252, Item 1.

Defendant has a prior adjudicated record. When he held a license for premises 213 Vanderpool Street, Newark, such license was suspended by the local issuing authority for two days, effective June 14, 1937, for sale of alcoholic beverages on Election Day. Since knowledge of Ingetti's gambling activities was brought to the attention of the licensee's employee (wife of the licensee) by the agents as aforesaid, I am satisfied that the licensee knew or should have known that Ingetti was accepting "numbers" bets on the licensed premises. Re Lafayette Mens Bar, Inc., Bulletin 1297, Item 2. The prior violation will not be considered in fixing the penalty herein since it occurred more than ten years ago. Re Clendenny Tavern, Inc., Bulletin 1272, Item 5. I shall suspend defendant's license for the minimum period of twenty-five days. Re Lafayette Mens Bar, Inc., supra. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on the 20th day of July 1960,

ORDERED that Plenary Retail Consumption License C-780, for the 1960-61 licensing year, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Harry Beerman, t/a New Merchants Restaurant, for premises 206 Miller Street, Newark, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m., Tuesday, August 2, 1960 and terminating at 2:00 a.m., Monday, August 22, 1960.

WILLIAM HOWE DAVIS,
DIRECTOR.

9. DISCIPLINARY PROCEEDINGS - PURCHASE BY RETAILER FROM RETAILER - SALE BY RETAILER TO RETAILER - UNLAWFUL TRANSPORTATION OF TAX-PAID LIQUOR - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

John A. Lyle & Agnes Lyle t/a Lyle's Restaurant 477 Passaic Avenue Kearny, N. J.,)

CONCLUSIONS

and

Holders of Plenary Retail Consumption License C-32 (for the 1959-60 and 1960-61 licensing years), issued by the Town Council of the Town of Kearny)

ORDER

Levy, McCloskey, Schlesinger & Tischler, Esqs., by Howard I. Schlesinger, Esq., Attorneys for Defendant-licensees.
David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to the following charges:

- "1. On or about October 24, 1959, you purchased and obtained alcoholic beverages from Fahey's Bottle Shop, Inc., which was not a holder of a New Jersey manufacturer's or wholesaler's license, without authority of special permit first obtained from the Director of the Division of Alcoholic Beverage Control; in violation of Rule 15 of State Regulation No. 20.
- "2. On October 28, 1959, you sold alcoholic beverages to another retailer, the above mentioned Fahey's Bottle Shop, Inc., holder of a plenary retail distribution license for premises 592 Ridge Road, North Arlington, New Jersey; in violation of Rule 15 of State Regulation No. 20.
- "3. On or about October 24, 1959, you transported alcoholic beverages in a vehicle not having a transit insignia affixed thereto or a transit insignia inscription painted thereon; in violation of Rule 2 of State Regulation No. 17."

On October 24, 1959, defendants borrowed three cases of Seagram's 7 Crown Whiskey from another retailer (Fahey's Bottle Shop, Inc.) and transported such alcoholic beverages from the licensed premises of such other retailer to the defendants' licensed premises in a vehicle which did not bear a transportation insignia. On October 28, 1959, the licensees returned three cases of alcoholic beverages of the similar brand to such other retailer. The return was effected by the purchase of such alcoholic beverages by the licensees from a licensed wholesaler, who made the delivery in the wholesaler's vehicle directly to the other retailer.

Defendants have no prior adjudicated record. I shall suspend defendants' license for twenty days (the minimum penalty for the violations herein). Re Barone and Colicchio, Bulletin 1292, Item 8. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days.

Accordingly, it is, on the 25th day of July 1960,

ORDERED that plenary retail consumption license C-32 (for the 1960-61 licensing year), issued by the Town Council of the Town of Kearny to John A. Lyle & Agnes Lyle, t/a Lyle's Restaurant, for premises 477 Passaic Avenue, Kearny, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Monday, August 15, 1960, and terminating at 2 a.m. Tuesday, August 30, 1960.

WILLIAM HOWE DAVIS,
DIRECTOR.

0. DISCIPLINARY PROCEEDINGS - SALE BY RETAILER TO RETAILER - PURCHASE BY RETAILER FROM OTHER THAN NEW JERSEY MANUFACTURER OR WHOLESALER - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Fahey's Bottle Shop, Inc.)
592 Ridge Road)
North Arlington, N. J.)

CONCLUSIONS

AND

Holder of Plenary Retail Distribution License D-7 (for the 1959-60 and 1960-61 licensing years), issued by the Mayor and Council of the Borough of North Arlington.)

ORDER

Defendant-licensee, by Bert M. Fahey, President
David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Defendant pleaded non vult to the following charges:

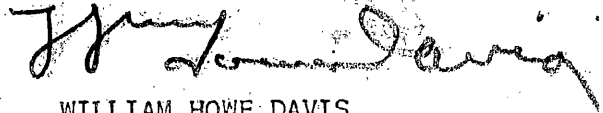
- "1. On or about October 24, 1959, you sold alcoholic beverages to another retailer, John A. Lyle & Agnes Lyle, t/a Lyle's Restaurant, holders of a plenary retail consumption license for premises 477 Passaic Avenue, Kearny, New Jersey; in violation of Rule 15 of State Regulation No. 20.
- "2. On October 28, 1959, you purchased and obtained alcoholic beverages from the above mentioned retail licensees, who were not holders of a New Jersey manufacturer's or wholesaler's license, without authority of special permit first obtained from the Director of the Division of Alcoholic Beverage Control; in violation of Rule 15 of State Regulation No. 20."

On October 24, 1959, defendant loaned three cases of Seagram's 7 Crown Whiskey to another retailer (John A. Lyle & Agnes Lyle), and on October 28, 1959, the other retailer returned three cases of alcoholic beverages of similar brand to the licensee. The return was effected by the purchase of such alcoholic beverages by the other retailer from a licensed wholesaler who made the delivery in the wholesaler's licensed vehicle directly to the licensee.

Defendant has no prior adjudicated record. I shall suspend defendant's license for a period of fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days. Re Silver Rod Stores, Bulletin 1106, Item 9.

Accordingly, it is, on the 25th day of July 1960,

ORDERED that plenary retail distribution license D-7 (for the 1960-61 licensing year), issued by the Mayor and Council of the Borough of North Arlington to Fahey's Bottle Shop, Inc., for premises 592 Ridge Road, North Arlington, be and the same is hereby suspended for ten (10) days, commencing at 9 a.m. Monday, August 15, 1960, and terminating at 9 a.m. Thursday, August 25, 1960.



WILLIAM HOWE DAVIS
DIRECTOR