

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

January 13, 1960

BULLETIN 1317

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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.

January 13, 1960

BULLETIN 1317

1. DISCIPLINARY PROCEEDINGS - GAMBLING - MISLABELED BEER TAPS -
PRIOR RECORD - LICENSE SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)

CLUB BENMAR, INC.)
t/a CLUB BENMAR)
461 Broadway)
Paterson, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-5, issued by the Board of)
Alcoholic Beverage Control for the)
City of Paterson.)

George S. Grabow, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded nolo contendere to the following charges:

- "1. On June 4, 9 and 12, 1959, you allowed, permitted and suffered gambling in and upon your licensed premises, viz., the making and accepting of horse race bets on June 9 and 12, 1959 and the making and accepting of bets on baseball games on all of said days; in violation of Rule 7 of State Regulation No. 20.
- "2. On June 12, 1959, you allowed, permitted and suffered two taps on your licensed premises to be connected with barrels of malt alcoholic beverages which taps did not bear markers which truly indicated the names or brands of the manufacturers of such malt alcoholic beverages in that while said taps bore Schaefer markers they were connected to barrels of Piel's beer; in violation of Rule 26 of State Regulation No. 20."

A short time after the arrival of two ABC agents in defendant's licensed premises on the afternoon of June 4, 1959, James Dodd (the bartender) was heard talking to a patron about the odds to be given on a game of baseball to be played that day. The agents observed the patron hand a check to the bartender who gave the patron \$15 and then placed the check in his pocket. Immediately thereafter the bartender turned the radio on a station broadcasting the game of baseball in question. When all patrons had left defendant's establishment, the agents discussed the baseball game with the bartender and also talked about a horse race to be run that day. The bartender produced a daily newspaper and, after reading the odds in the race, stated that he used to book horses but had ceased doing so from about three years ago. Shortly thereafter the agents left the premises.

On June 9, 1959, at about 1:40 p.m., the two agents again visited the defendant's licensed premises and, after a discussion with the aforesaid bartender concerning bets on a baseball game and

horse races scheduled to be run that afternoon, an agent, at the suggestion of the bartender, handed him two bets on a horse and the bartender gave the money to a patron who immediately went to the telephone booth. A short time thereafter one of the agents placed a bet with the bartender on the outcome of the baseball game which had been previously discussed.

At about 12:45 p.m. on June 12, 1959, the agents again returned to defendant's licensed premises and spoke to the same bartender about the baseball game played the previous day, when the team selected by the agent had lost. The agent who had placed the horse race bet on June 9 told the bartender that the horse had placed second and the bartender put \$6.50 on the bar in front of the agent. After further discussion, the agent gave the bartender a ten-dollar bill (the serial number of which had been previously recorded) as a bet on the outcome of a baseball game scheduled that day. The other agent gave the bartender two five-dollar bills (the serial numbers of which had been previously recorded) to place on a horse to run that day. Shortly thereafter, another agent, by pre-arrangement, entered the premises with a captain of the State Police and two detectives assigned to the prosecutor's office. The captain advised the bartender the reason for their presence and asked him to empty his pockets. Among the money deposited on the bar by the bartender were the \$10 and \$5 "marked" bills.

An inspection of the premises disclosed that two beer taps did not truly set forth the brand of beer in the barrels to which the taps were connected.

Defendant has a prior adjudicated record. Effective June 3, 1946, its license was suspended by the then Deputy Commissioner for ten days for a "front" charge. Bulletin 709, Item 4. Effective April 28, 1950, defendant's license was suspended for twenty days by the then Director for an "hours" violation. Bulletin 874, Item 9. Inasmuch as both of the aforesaid violations were dissimilar to that now under consideration and occurred more than five years ago, they will not be considered in fixing the penalty herein. However, effective July 1, 1958, defendant's license was suspended for fifteen days by the local issuing authority for bookmaking.

The minimum suspension of a license for allowing, permitting and suffering an unaggravated bookmaking violation on a licensed premises, where the licensee or his employee is involved, is twenty-five days. Re Frega & Campbell, Bulletin 1299, Item 6. The minimum suspension for improperly labeled beer taps is ten days. Re Stango, Bulletin 1236, Item 6. In view of the similar violation of bookmaking occurring within the past five years, I shall suspend defendant's license for sixty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifty-five days.

Accordingly, it is, on this 17th day of November, 1959,

ORDERED that Plenary Retail Consumption License C-5, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Club Benmar, Inc., t/a Club Benmar, for premises 461 Broadway, Paterson, be and the same is hereby suspended for fifty-five (55) days, commencing at 3 a.m. Tuesday, November 24, 1959, and terminating at 3 a.m. Monday, January 18, 1960.

WILLIAM HOWE DAVIS
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - HOSTESSES - PRIOR RECORD - LICENSE AND SPECIAL PERMIT SUSPENDED FOR 60 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

JOHN CASAMASSIMO)
701 Paterson Plank Road)
Union City, N. J.,)

Holder of Plenary Retail Consumption License C-82, issued by the Board of Commissioners of the City of Union City.)

CONCLUSIONS AND ORDER

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In the Matter of Disciplinary Proceedings against)

JOHN CASAMASSIMO)
701 Paterson Plank Road)
Union City, N. J.)

Holder of Special Permit E-No. 208, issued by the Director of the Division of Alcoholic Beverage Control.)

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Leo J. Berg, 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 September 25, 26 and October 3, 1959, you allowed, permitted and suffered Val Venise, Gloria Ann Whelan and Marie Stevens, females employed on your licensed premises to accept beverages at the expense of or as a gift from customers and patrons; in violation of Rule 22 of State Regulation No. 20."

ABC agents visited defendant's premises on the evening of September 25, 1959, and left the premises at about 12:35 the following morning, without identifying themselves. During this visit the agents observed unidentified male patrons purchasing drinks for Linda and Gloria, who had been introduced by two male musicians who accompanied them as they sang various songs during the evening.

The same agents again visited defendant's premises on the early morning of October 3, 1959. Mario Casamassimo (hereafter Mario), son of the licensee, and Gus Karras were tending bar. Three female vocalists, afterwards identified as Gloria Whelan, Marie Stevens and Sylvia Valeriano, took turns singing and, when not on the stage, sat at the bar. The agents' reports disclose that they observed Gloria drinking with a male patron; that, after this patron left the premises, the agents requested Gus Karras to serve a drink to Gloria at their expense, but that the bartender replied "I don't think she can drink with you" and that thereafter Gloria consumed several drinks purchased by another male patron. The agents' reports disclose that they spoke to Marie and offered to buy her a drink but that she replied "I'll see what I can do" and that thereafter she drank four vodkas which were purchased for her by another male patron. The agents' reports further disclose that at one time during the evening Mario motioned to Sylvia to join a male patron who was seated at another portion of the bar and, when she did this,

Mario introduced her to the patron in question and then joined them in three of the five rounds of drinks which were purchased by this male patron for himself and Sylvia. The agents identified themselves at 2:40 a.m. and Mario then said to the agents "I told them they can only drink with people they know, their friends and people that come in to see them."

Defendant has a prior record. Effective January 28, 1959, his license was suspended by me for fifteen days for a "hostess" violation. Bulletin 1266, Item 6. Effective August 5, 1959, his license was suspended by me for thirty-five days for a similar violation. Bulletin 1296, Item 4. In attempted mitigation the attorney for defendant alleges that the licensee was under the impression that no violation was involved where intimate friends of the female entertainers purchase beverages for them. Reports of investigation seem to indicate that the patrons in question were not "intimate friends" of the entertainers. It is true that in the two previous cases ABC agents purchased some of the drinks and that they purchased no drinks in this case. However, Rule 22 of State Regulation No. 20 clearly prohibits a licensee from permitting any female employee to accept any food or beverage, alcoholic or otherwise, at the expense of or as a gift from any customer or patron. Under all the circumstances, I shall suspend defendant's license for sixty days. Five days will be remitted for the plea, leaving a net suspension of fifty-five days. I shall also suspend defendant's special permit for fifty-five days.

Accordingly, it is, on this 19th day of November, 1959,

ORDERED that Plenary Retail Consumption License C-82, issued by the Board of Commissioners of the City of Union City to John Casamassimo, for premises 701 Paterson Plank Road, Union City, be and the same is hereby suspended for fifty-five (55) days, commencing at 3 a.m. Friday, November 27, 1959, and terminating at 3 a.m. Thursday, January 21, 1960; and it is further

ORDERED that defendant's Special Permit E-No. 208, issued by the Director of the Division of Alcoholic Beverage Control, shall be suspended for fifty-five (55) days, which penalty shall run concurrently with the aforesaid suspension of defendant's license.

WILLIAM HOWE DAVIS
DIRECTOR

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

In the Matter of Disciplinary Proceedings against

PAUL EGRESI & MARY EGRESI
t/a THE GARDEN SPOT
647 Somerset Street
Franklin Township (Somerset Co.)
PO New Brunswick, N. J.

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of Franklin (Somerset County).

Geza Stamberger, Jr., Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to the following charge:

"On August 25, 26 and 27, 1959, 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."

On August 25 and 26, 1959, an ABC agent after observing that bookmaking activities were taking place on defendants' licensed premises, placed bets on horses with Jimmy (Alexander Ivan) who was tending bar.

On August 27, 1959, the same agent who had been in the defendants' establishment on previous occasions and another agent who accompanied him on the present occasion, placed bets with Jimmy on horses to run that day. Thereafter, by prearrangement, the prosecutor of Somerset County and members of his staff, the Chief of Police of Franklin Township and two ABC agents came into the premises and after making known their identities, asked Jimmy to empty his pockets. On his person were found the money he had accepted from the agents and the betting slips. Paul Egressi, co-licensee, admitted in a signed statement that he was aware that bets on horses were being accepted on the licensed premises.

Defendants' attorney in attempted mitigation of penalty contends that Jimmy was not actually an employee but volunteered to help during lunch hour without receiving compensation. When a licensee utilizes the service of any one on the licensed premises, the fact he receives no compensation or salary is immaterial. Re William Street Bar & Grill, Inc., Bulletin 466, Item 8; Kravis v. Hock, 137 N.J.L. 252 (Bulletin 808, Item 6).

Defendants have no prior adjudicated record. The minimum penalty imposed for a violation of this nature, where the licensee or his employees are involved, is a suspension of the license for twenty-five days. Re Titone, Bulletin 1293, Item 2. I shall suspend defendants' license for twenty-five days, less five days' remission for the plea entered herein, leaving a net suspension of twenty days.

- '3. In your aforesaid application, you falsely stated "Yes" in answer to Question 20, which asks: "Has the club been in exclusive continuous possession and use of the club quarters for at least three (3) years immediately prior to this application?", whereas in truth and fact you had not been in exclusive continuous possession and use of club quarters since the month of January, 1957; said false statement being in violation of R.S. 33:1-25.
- '4. In your aforesaid application, you falsely stated "Kimber Associate" in answer to Question 5(a), which asks: "Does applicant own premises to be licensed? (a) If not, give the name and address of owner", whereas in truth and fact the owner of the licensed premises was Associated Country Clubs, a limited partnership; in violation of R.S. 33:1-25.'

"Defendant pleaded non vult to Charges 1, 2 and 4 and not guilty to Charge 3.

"The defendant (hereinafter referred to as the club) was also served with an order to show cause why its liquor license should not be cancelled because the club had not been in exclusive continuous possession and use of a clubhouse or club quarters for at least three years prior to the submission of its application for the 1958-59 licensing period (Rule 4 of State Regulation No. 7).

"It appears from the record herein that the licensed premises and the adjacent grounds are owned by Associated Country Clubs, which had leased the buildings and grounds to John Handweg, Inc. The latter, by written agreement, sublet the entire premises to New Shackamaxon, Inc. (hereinafter referred to as management). It is contended on behalf of the club that there was a verbal agreement with management whereby the members of the club would pay dues directly to management and the members would then have control and use of the buildings and adjacent grounds; that management would operate the bar by virtue of the club license and also the restaurant and could retain all receipts derived from the licensed business for its sole use; that management would keep the buildings and grounds in proper condition so that the facilities thereof could be used by the club.

"The president of the club testified that the management was permitted to rent the premises to outsiders for social functions with the approval of the Board of Governors of the club. In the written application form for membership in the club there was a condition that the application is subject to review by the membership committee and the management reserved the right to approve or reject the application and return the deposit.

"It is apparent that the method of operation of the defendant club does not meet the requirements of the Alcoholic Beverage Law and Division regulations relating to club licenses. There is no denying that management (with the apparent acquiescence of the defendant's officers) exercises an unusual measure of supervision over the club. Neither is there any dispute that defendant actually 'farmed out' its license during the time in question. The plea of non vult on the part of the club to such charge virtually conceded this to be so. The Division, in similar situations, has ruled that were not a club a bona fide organization and free from intent to circumvent the Alcoholic Beverage Law, a revocation of the license might well be warranted. Re Morganville Independent Club, Bulletin 1199, Item 1.

"The question of exclusive, continuous possession of the club premises by the club appears to be a most serious problem to determine. The officers of the club at the hearing contended that the club holds its regular meeting at the premises and has the exclusive right to the use of the premises and grounds and it was obligatory for management to obtain the club's permission before any person or group of persons might use the facilities. This fact, however, is contradicted by the statements given by some of the officers to ABC agents during the investigation. Thus, accepting the statements given during the course of the investigation, it might readily appear that under the arrangements, the defendant relinquished its right to possession to the club quarters. On the other hand, giving equal weight to the testimony of defendant's officers, it would appear that the club had not lost the right to possession of the licensed premises. Where the evidence is in equipoise or, as here, there is a doubt as to the side on which the evidence preponderates, the Division, having the burden of proof, must sustain that burden. I find that the Division has not sufficiently established its case that the club is not in exclusive continuous possession of a club headquarters. Although I have found in favor of the club on this close issue, it should not be construed as an approval of the existing agreement between the club and management. It might be well that the club's position as to its tenancy be strengthened forthwith.

"I recommend that the order to show cause entered herein be discharged and that Charge 3 alleging false statements in the application pertaining to the exclusive possession requirement be dismissed. It is further recommended that adequate proof be submitted that all necessary steps have been taken and accomplished to operate the club in such a manner as to be completely compatible with the spirit as well as with the letter of the law.

"Defendant has a prior adjudicated record. Effective October 31, 1956 the club license was suspended by the Director for twenty days for sale of alcoholic beverages to non-members and for hindering an investigation. Re Shackamaxon Country Club, Bulletin 1143, Items 3 and 8. It is recommended that on Charges 1, 2 and 4, defendant's license be suspended for twenty days (Cf. Re Morganville Independent Club, supra), plus five days for the dissimilar violation which occurred during the past five years, and that five days be remitted for the plea entered to said charges, leaving a net suspension of twenty days.

"The unlawful situation continues to exist. In view of this, it is recommended that defendant's license be suspended for the balance of its term and, if the illegal situation is corrected, defendant be permitted to make application to the Director to lift such suspension, but not until twenty days have elapsed from the effective date thereof."

Written exceptions and argument thereon to the Hearer's Report, wherein he recommended dismissal of Charge 3 and discharge of the order to show cause entered herein, were filed with me by the attorney appearing for the Division within the time limited by Rule 6 of State Regulation No. 16.

Having carefully considered the entire record, including the transcript of the testimony, the Hearer's Report and the exceptions and argument filed herein, I concur in the Hearer's findings and conclusions and adopt his recommendations.

Since it appears that the unlawful operation of the licensed business continues to exist, I have no alternative except to suspend the license for the balance of its term. Under the circumstances of this case, leave will be given to defendant to file with me a petition to lift the suspension herein imposed after the expiration of twenty days from the effective date hereof. If a petition is

filed, the defendant must satisfy me that the unlawful situation has been corrected. The rule to show cause why the license should not be cancelled is dismissed.

Accordingly, it is, on this 18th day of November 1959,

ORDERED that Club License CB-2, issued by the Township Committee of the Township of Scotch Plains for the current licensing period to Shackamaxon Country Club, for premises on Shackamaxon Drive, Scotch Plains, be and the same is hereby suspended for the balance of its term, expiring June 30, 1960, effective at 2:00 a.m., Tuesday, December 1, 1959, with leave to file a petition to lift such suspension as aforesaid; and it is further

ORDERED that the rule to show cause why the license should not be cancelled be and the same is hereby dismissed.

WILLIAM HOWE DAVIS
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - SUSPENSION LIFTED ON 8 DIFFERENT DATES - LEAVE TO APPLY TO LIFT SUSPENSION AFTER 28 DAYS (INSTEAD OF 20) IF UNLAWFUL SITUATION CORRECTED.

In the Matter of Disciplinary Proceedings against)	
)	
SHACKAMAXON COUNTRY CLUB)	ON PETITION
Shackamaxon Drive)	ORDER
Scotch Plains, N. J.)	
)	
Holder of Club License CB-2 (for the 1958-59 and 1959-60 licensing years), issued by the Township Committee of the Township of Scotch Plains.)	

Green and Yanoff, Esqs., Attorneys for Petitioner.

BY THE DIRECTOR:

An order having been entered on November 18, 1959, suspending defendant's license for the balance of its term, effective at 2 a.m. Tuesday, December 1, 1959; and

A petition having been filed herein requesting a postponement of the effective date of said suspension because, prior to entry of said order, social affairs involving members of the public had been scheduled to be held at defendant's premises on December 4, 5, 11, 12, 18, 19, 23 and 31, 1959; and

It appearing to my satisfaction that numerous innocent persons would be unnecessarily inconvenienced by the suspension covering the eight above listed dates, and that this may be prevented by exempting these dates from the suspension order and adding eight days to the original minimum suspension period in lieu thereof,

It is, on the 1st day of December 1959,

ORDERED that the suspension hereinbefore imposed for the balance of the current term of the license commence as scheduled, but that it shall not apply to December 4, 5, 11, 12, 18, 19, 23 and 31, 1959, from 2:00 a.m. of each such respective date to 2:00 a.m. of each respective succeeding date except January 1, 1960, which shall extend to 5:00 a.m.; and

IT IS FURTHER ORDERED that defendant is given leave to file at any time a petition to lift the suspension after 2:00 a.m. Tuesday, December 29, 1959, subject to the terms of the original order.

WILLIAM HOWE DAVIS
DIRECTOR

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

In the Matter of Disciplinary)
Proceedings against)

HAPPY HOUR INN (A Corp.))
t/a HAPPY HOUR INN)
12 - 4th Avenue)
Long Branch, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-5, issued by the Board of)
Commissioners of the City of Long)
Branch.)

George S. Skokos, Esq., Attorney for Defendant-licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"Defendant pleaded not guilty to the following charge:

'On June 20, 1959, you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a person under the age of twenty-one (21) years, viz., Howard ---, age 19, and allowed, permitted and suffered the consumption of alcoholic beverages by such person in and upon your licensed premises; in violation of Rule 1 of State Regulation No. 20.'

"At the hearing held herein Howard --- testified that he was born on December 5, 1939, and hence, was nineteen years of age on June 20, 1959. He testified that during the early morning hours of June 20, 1959, he and two other soldiers then stationed at Fort Monmouth drove to the vicinity of defendant's premises and at about 2 a.m. parked down the street; that he alone entered the premises, went to the bar and asked Carl Olsen, Jr. (a bartender) for three beers; that, after the bartender had opened three bottles of beer and placed the bottles and three glasses on the bar, he poured beer in a glass and drank some of it; that he picked up the three bottles, left the premises and returned to the car where the bottles were taken from him by the bartender and Clarence F. Montgomery who had run after him.

"Howard --- also testified that, before serving the beer, the bartender had questioned him as to his age; that he told the bartender he was twenty-four and showed the bartender an Army Identification Card which belonged to another soldier and which indicated that the holder thereof was twenty-four years of age. He denied that he signed any written representation that he was twenty-one years of age or over. One of the soldiers who had been

riding in the car with Howard testified that he saw him enter the premises.

"On behalf of defendant, Clarence F. Montgomery, a police officer of the City of Long Branch, testified that he was in defendant's premises and saw Howard show a card to Olsen; that he saw Howard leaving the premises with the bottles and that he and others ran out after him and took the bottles away from him. Joseph DeVito testified that he and Olsen were tending bar; that Olsen looked at the identification card and then placed three bottles of beer and three glasses on the bar. Carl Olsen, Jr., testified that he looked at the identification card which Howard handed to him; that he opened three bottles of beer and placed the bottles with three glasses on the bar; that Howard poured some beer out of one bottle into a glass; that thereafter Howard picked up the three bottles and ran from the premises; and that he and Officer Montgomery ran out and took the bottles from Howard.

"The sole issue in the case is whether defendant permitted the sale, service and delivery of alcoholic beverages to a minor and permitted said minor to consume such beverages on its licensed premises.

"In his brief filed herein defendant's attorney alleges that the Division has not adequately proved that Howard was a minor and cites State v. Koettgen, 89 N.J.L. 678. However, that case holds only that opinion evidence given by others and based solely upon the appearance of the alleged minor is not sufficient. It is well established that the testimony of a person as to his or her age is admissible. State v. Girone, 91 N.J.L. 498; State v. Calabrese, 99 N.J.L. 312; State v. Andoloro, 108 N.J.L. 47. On the testimony presented herein, I find as a fact that Howard was nineteen years of age on June 20, 1959. I also find that the evidence establishes that the bartender sold, served and delivered alcoholic beverages to him and permitted him to consume alcoholic beverages on the premises.

"Irrespective of the minor's appearance, defendant has not established a defense under R.S. 33:1-77 because it has not established that the minor represented in writing that he was twenty-one years of age or over. However, since the minor admitted that he displayed a false identification card, this should be considered a mitigating circumstance in this case. Re Wedemeyer, Bulletin 1050, Item 8.

"After considering the evidence and brief herein, I recommend that defendant be found guilty as charged. Defendant has no prior adjudicated record. The usual penalty for an unaggravated sale to a 19-year-old minor is fifteen days (Re Stirpe, Bulletin 1294, Item 7) but, considering the mitigating circumstance herein, I further recommend that an order be entered suspending defendant's license for ten days. Re Wedemeyer, supra"

No exceptions to the Hearer's Report were filed within the time limited by Rule 6 of State Regulation No. 16.

Having carefully considered the evidence herein, the brief filed by attorney for defendant and the Hearer's Report, I concur in the Hearer's conclusions and adopt them as my conclusions herein.

Accordingly, it is, on this 17th day of November 1959,

ORDERED that Plenary Retail Consumption License C-5, issued by the Board of Commissioners of the City of Long Branch to Happy Hour Inn (A Corp.), t/a Happy Hour Inn, for premises 12 - 4th Avenue

Long Branch, be and the same is hereby suspended for ten (10) days, commencing at 2 a.m. Monday, November 30, 1959, and terminating at 2 a.m. Thursday, December 10, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - SERVICE TO INTOXICATED PERSON-- LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

EDWARD F. & STEPHANIE SCHINDEL
t/a DEER HEAD INN
E/S U.S. Route No. 9
Howell Township, PO RD #3,
Farmingdale, N. J.)

CONCLUSIONS
AND ORDER

Holders of Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of Howell.)

Elliot L. Katz, Esq., Attorney for Defendant-licensees.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they served alcoholic beverages in and upon their licensed premises to a person actually or apparently intoxicated, in violation of Rule 1 of State Regulation No. 20.

At 1:25 a.m. Wednesday, September 2, 1959, ABC agents entered defendants' licensed premises and seated themselves at the bar. During their stay they observed Edward Schindel (one of the licensees) serve two glasses of beer to an elderly male patron who appeared to be intoxicated. When the patron had consumed some of the beer in the last glass served to him, he got off the stool and staggered toward the front entrance. At this time the agents identified themselves and informed Schindel of the violation. Schindel admitted that the patron was intoxicated when he entered the premises and that he had served him the two glasses of beer knowing him to be in that condition.

Defendants have no prior adjudicated record. I shall suspend their license for the minimum period of fifteen days and remit five days for the plea entered herein, leaving a net suspension of ten days. Re Golden Slipper, Inc., Bulletin 1268, Item 7.

Accordingly, it is, on this 17th day of November, 1959,

ORDERED that Plenary Retail Consumption License C-6, issued by the Township Committee of the Township of Howell to Edward F. & Stephanie Schindel, t/a Deer Head Inn, for premises on E/S U.S. Route No. 9, Howell Township, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m., Monday, November 30, 1959, and terminating at 2:00 a.m., Thursday, December 10, 1959.

WILLIAM HOWE DAVIS
DIRECTOR

9. AUTOMATIC SUSPENSION - LICENSE PREVIOUSLY SUSPENDED BY LOCAL ISSUING AUTHORITY - APPLICATION TO LIFT GRANTED.

In the Matter of a Petition to)	
Lift the Automatic Suspension of)	
Plenary Retail Consumption License)	ON PETITION
C-9, issued by the Township)	ORDER
Committee of Jefferson Township to)	
 ALMA E. KRUGEL)	
t/a KRUGEL'S BEER GARDEN)	
Longwood Lake, Jefferson Township)	
P.O. Oak Ridge, N. J.)	

Paul Colvin, Esq., Attorney for Petitioner.

BY THE DIRECTOR:

On November 6, 1959, Alma E. Krugel was placed on probation for five years by a Judge of the Morris County Court after she pleaded non vult to an indictment for selling alcoholic beverages to minors, in violation of R.S. 33:1-77. Said conviction resulted in the automatic suspension of her license. R.S. 33:1-31.1. The petition filed herein requests the lifting of said suspension. The license has not been picked up because of the pendency of these proceedings.

The petition and the records of this Division disclose that the local issuing authority suspended petitioner's license for eighty-five days, effective from June 4, 1959, to August 28, 1959, after she pleaded guilty in disciplinary proceedings to a charge alleging sales of alcoholic beverages to the same minors. Under the circumstances, it appears that the suspension imposed by the local issuing authority was adequate. The relief requested will be granted.

Accordingly, it is, on this 18th day of November 1959,

ORDERED that the automatic suspension of License C-9, held by Alma E. Krugel, t/a Krugel's Beer Garden, for premises at Longwood Lake, Jefferson Township, be and the same is hereby lifted, and said license is restored to full force and operation, effective immediately.

WILLIAM HOWE DAVIS
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - SUSPENSION REIMPOSED AFTER DENIAL BY COURT OF FURTHER STAY.

In the Matter of Disciplinary Proceedings against)
)
 BILL'S B. BAR (A CORP.))
 783 Spruce Street)
 Camden, N. J.)
)
 Holder of Plenary Retail Consumption License C-87, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.)
 -----)

ORDER

BY THE DIRECTOR:

On November 5, 1959, defendant's license was suspended for forty days commencing November 12, 1959. Upon the filing of an appeal in the Superior Court, Appellate Division, the Court, on November 10, 1959, granted an ex parte preliminary stay of the suspension until November 24, 1959. On November 23, 1959, the Court denied defendant's application for a further stay pending the outcome of the appeal and the suspension may, therefore, be now reimposed.

Accordingly, it is, on this 30th day of November 1959,

ORDERED that the forty-day suspension of Plenary Retail Consumption License C-87, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Bill's B. Bar (A Corp.), for premises 783 Spruce Street, Camden, be and the same is hereby reimposed, commencing at 2:00 a.m., Monday, December 7, 1959 and terminating at 2:00 a.m., Saturday, January 16, 1960.

WILLIAM HOWE DAVIS
 DIRECTOR

11. AUTOMATIC SUSPENSION - LICENSE PREVIOUSLY SUSPENDED BY DIRECTOR - APPLICATION TO LIFT GRANTED.

In the Matter of a Petition by)

RUDOLPH DOORNBOS)
t/a RUDY'S CLUB)
45 Bridge Street)
Paterson 1, N. J.)

ON PETITION
ORDER

To Lift the Statutory Automatic)
Suspension of License C-89, issued)
by the Board of Alcoholic Beverage)
Control for the City of Paterson.)

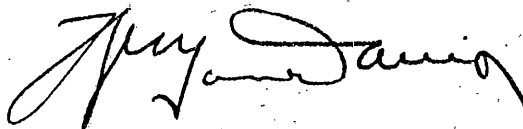
BY THE DIRECTOR:

It appears from a petition filed herein that on November 19, 1959, petitioner was fined \$150 by a Judge of the Passaic County Court for selling alcoholic beverages to minors, in violation of R.S. 33:1-77. Said conviction resulted in the automatic suspension for the balance of its term of the license which petitioner now holds. R.S. 33:1-31.1. The license was not picked up because of the pendency of these proceedings.

By order dated June 2, 1959, I suspended the license which petitioner then held for twenty days effective from 3 a.m. June 9 to 3 a.m. June 29, 1959, after he pleaded non vult in disciplinary proceedings to a charge alleging that he sold alcoholic beverages to the same minors (Bulletin 1286, Item 6). Under the circumstances, I shall grant petitioner's request to lift the automatic suspension.

Accordingly, it is, on this 1st day of December, 1959,

ORDERED that the statutory automatic suspension of License C-89, now held by Rudolph Doornbos, be and the same is hereby lifted and said license is restored to full force and operation, effective immediately.



DIRECTOR