

STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1100 Raymond Blvd. Newark 5, N. J.

BULLETIN 1134

OCTOBER 15, 1956.

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STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1100 Raymond Blvd. Newark 5, N. J.

BULLETIN 1134

OCTOBER 15, 1956.

1. COURT DECISIONS - TOTOWA v. CHICKEN BARN, INC. AND DIVISION OF ALCOHOLIC BEVERAGE CONTROL - DIRECTOR AFFIRMED.

THE MAYOR & COUNCIL OF THE  
BOROUGH OF TOTOWA,

Appellant,

-vs-

CHICKEN BARN, INC.,

Respondent,

and

STATE OF NEW JERSEY, DIVISION  
OF ALCOHOLIC BEVERAGE CONTROL,  
DEPARTMENT OF LAW AND PUBLIC  
SAFETY,

Respondent.

) SUPERIOR COURT OF NEW JERSEY  
) APPELLATE DIVISION  
) A-378-55

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Argued, September 10, 1956, decided, September 21, 1956.

Before Judges Goldmann, Freund and Conford.

Mr. Howard Stern argued the cause for the appellant (Messrs. Boyle & Boyle, attorneys).

Mr. Saul Tischler argued the cause for the respondent, Chicken Barn, Inc. (Mr. Howard I. Schlesinger, attorney).

Mr. Samuel B. Helfand argued the cause for the respondent State of New Jersey, Division of Alcoholic Beverage Control (Mr. Grover C. Richman, Jr., Attorney General of New Jersey, attorney).

The opinion of the Court was delivered by

FREUND, J.A.D.

The respondent, Chicken Barn, Inc., is the holder of a plenary retail consumption license issued to it by the appellant for its premises in Totowa, New Jersey. The licensed premises has been operated as a restaurant and bar for more than 20 years, with accommodations for 350 table guests, and facilities for the display and sale of packaged liquor. In 1955 the respondent had plans drawn to enlarge the premises so as to accommodate an additional 150 guests, and to provide additional facilities for the display and sale of "packaged goods" in its combination restaurant and barroom. On July 29, 1955 it filed with the appellant an application for enlargement of its restaurant facilities and for a "place-to-place" transfer of its liquor license to enlarge its licensed premises.

In September, 1955 a public hearing was held before the Mayor and Council of the Borough of Totowa and by resolution it approved the application to enlarge the restaurant facilities, but denied the transfer of the liquor license on the ground that "such a transfer would be the equivalent of

granting a consumption license with the broad package privilege and an additional package goods store" and "that the proposed premises would not be a bona fide public barroom", imposing the condition that the bar and package display section remain as they had previously existed. From the denial of the transfer, the respondent appealed to the Director of the Division of Alcoholic Beverage Control who, after a hearing de novo, reversed the Borough Council's denial of the license transfer. In its present appeal, the Borough Council contends that the respondent's proposal for display and sale of alcoholic beverages for off premises consumption would not be from a bona fide public barroom that the plans are for the establishment of a package goods store, and that the addition to or enlargement of the premises is for the use of a package department in violation of Rule 7, Regulation 32, of the Division of Alcoholic Beverage Control.

The evidence discloses, and the Director so found, that prior to the filing of the application the room in question had an 18 foot bar, that behind the bar and parallel thereto was a back bar with shelves for the display of alcoholic beverages in original containers, and that adjacent thereto was a food counter behind which were more shelves for the display of packaged goods.

The proposed changes set forth in the plans submitted at the hearing and by the uncontroverted testimony of an officer of the respondent corporation do not affect the existing bar and display facilities, but enlarge the facilities by the erection of shelves for the display and sale of packaged goods, 27 feet in length at right angles to the bar, with a passageway between; in front of the 27 feet of shelving a counter 18 feet in length to be used for similar purposes; and at right angles to the 27 feet of shelving, along the exterior wall of the building and opposite the original 18 foot bar, a low-boy refrigerator, 14 feet in length, for the refrigeration of beer and other beverages for off premises consumption, with display shelves above the refrigerator.

On the appeal to the Director it was stipulated that the issue to be decided was:

"Does the place to place transfer application of the appellant in this matter, together with its companion plans and lay-out, as the same relate to the bar and the areas designated for the sale and display for sale of alcoholic beverages in original containers for off the premises consumption, comply with the requirements of N.J.S. 33:1-12.23 (Chapter 98, P. L. 1948) and State Regulation No. 32 so that this application of the appellant should have been granted and approved by the respondent."

The pertinent provision of the statute, R. S. 33:1-12.23, defines a "public barroom" as follows:

"The holder of a plenary retail consumption license or a seasonal retail consumption license, after the effective date of this act, may sell and display for sale alcoholic beverages in original containers for consumption off the licensed premises only in the public barroom of the licensed premises, such barroom being a room containing a public bar, counter or similar piece of equipment designed for and used to facilitate the sale and dispensing of alcoholic beverages by the glass or other open receptacle for consumption on the licensed premises; \* \* \* "

In Coral Lounge and Cocktail Bar, Inc. v. Hock, 5 N. J. Super. 163, 167 (App. Div. 1949), Judge Colie said:

"The requisite standard or guide appears in the section (R. S. 33:1-12.23) under attack wherein a barroom is defined as 'a room containing a public bar, counter or similar piece of equipment' \* \* it seems clear to us that a barroom means that portion included within the four walls of the room in which the bar is located."

Vide; Eskridge v. Division of Alcoholic Beverage Control, 30 N. J. Super. 472, 476 (App. Div. 1954); Passaic Co., etc., Ass'n. v. Bd., etc., City of Paterson, 37 N. J. Super. 187, 194 (App. Div. 1955). From the evidence in the instant case, it would clearly appear that the proposed facilities for the display and sale of package goods would be contained within the confines of the original, but enlarged, "public barroom."

The appellant contends that the proposed enlargement of the premises violates Rule 7, Regulation 32, of the Division of Alcoholic Beverage Control, which provides that "no holder of a plenary retail consumption license \* \* shall sell any alcoholic beverage in original containers for off premises consumption from an additional public barroom \* \* "

The clear intent of the rule was to implement R. S. 33:1-12.23 so as to insure that a restricted consumption licensee should not establish a second public barroom and there sell packaged liquor. The statute and rule do not prohibit enlargement of an existing public barroom. To hold otherwise would prevent a licensee from enlarging or renovating his premises. The Director determined, and we agree, that since no walls were to be erected to separate the bar from the package goods display, the proposed changes merely enlarge the area wherein package goods are displayed, and thus there was no violation of either the statute or regulations.

The action of the Director rests in sound discretion and may not be disturbed unless it manifestly appears that such discretion has been mistakenly exercised. Zicherman v. Driscoll, 133 N.J.L. 586 (Sup. Ct. 1946); Biscamp v. Twp. Council of the Twp. of Teaneck, 5 N. J. Super. 172 (App. Div. 1949); Hornauer v. Div. of Alcoholic Beverage Control, 40 N. J. Super. 501, 504 (App. Div. 1956); our review of the evidence submitted both before the Borough Council and on appeal to the Director clearly supports his finding that the proposed changes are violative neither of the statute nor of the implementing regulations of the Division. Rajah Liquors v. Div. of Alcoholic Beverage Control, 33 N. J. Super. 598, 600 (App. Div. 1955), cert. denied 18 N. J. 204 (1955).

The order under review is affirmed.

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2. DISCIPLINARY PROCEEDINGS - FALSE STATEMENTS IN LICENSE APPLICATION AS TO BENEFICIAL OWNER AND AS TO NUMBER OF SHARES OF STOCK HELD BY STOCKHOLDERS - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO LIFT SUSPENSION AFTER 20 DAYS UPON CORRECTION OF UNLAWFUL SITUATION.

In the Matter of Disciplinary Proceedings against )

SEABAY INN, INC. )  
T/a SEABAY INN )  
Highway 35 & Deauville Drive )  
Deauville Beach, Brick Township )  
PO Normandy Beach, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-3 for the 1955-56 licensing period, issued by the Township Committee of the Township of Brick; and renewed as License C-3 for the 1956-57 licensing period to )

SEABAY INN, INC. )  
T/a MURPHY'S SEABAY INN )

for the same premises. )

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Novins & Novins, Esqs., by Robert J. Novins, Esq., Attorneys for Defendant-licensee.

William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to the following charges:

"1. In your application dated June 14, 1955, filed with the Brick Township Committee, upon which you obtained your current plenary retail consumption license, you falsely stated in answer to Question 22 that Barton G. Cogle held 98 shares of your stock, Florence M. Murphy 1 share and Harold F. Murphy 1 share, whereas in truth and fact Barton G. Cogle held 3 shares, Florence M. Murphy 96 shares and Harold F. Murphy 1 share; said false statement being in violation of R. S. 33:1-25.

"2. In your aforesaid application, you falsely stated 'No' in answer to Question 24, which asks: 'Has any stockholder of the applicant corporation any beneficial interest, directly or indirectly, in the stock of any other stockholder of the applicant corporation?', whereas in truth and fact Harold F. Murphy was the real and beneficial owner of the stock held by Barton G. Cogle and Florence M. Murphy; said false statement being in violation of R. S. 33:1-25."

The file herein discloses that Harold F. Murphy entered into a contract to purchase the property and business of a retail consumption licensee, agreeing to pay the seller one-half of the purchase price in cash, the other half to be secured by a purchase money mortgage. It was further agreed between the parties that the contract would be assigned to a corporation to be set up to operate the licensed business. To consummate the

sale Murphy incorporated and borrowed the greater portion of the money needed from a friend who has a criminal record and the balance from Barton G. Cogle, a realtor. The friend's loan was unsecured but Cogle took back a second mortgage on the realty, a chattel mortgage on the tavern fixtures, became an officer and director of the corporation and was issued three shares of stock. Murphy, the corporation's president and a director, was issued one share of stock; and his wife, secretary-treasurer and a director, was issued 96 shares of stock. Thereafter, Murphy and his wife endorsed their shares of stock in blank and turned them over to Cogle as collateral security, it being agreed that Cogle would return said shares upon payment of the debt. Murphy, acting for the corporation, then filed the current license application containing the false answers as alleged in the charges.

It appears from a review of all the facts that neither Murphy's friend nor Cogle nor Murphy's wife have or had any proprietary interest in the licensed premises and that Murphy, although not suffering any statutory disqualification, inserted the false answers in the application to conceal his interest as the sole and beneficial owner of the licensed premises because of outstanding money judgments against him. I find defendant guilty on both charges.

Defendant has no prior adjudicated record. Since it appears that the unlawful situation charged herein continues to exist, I have no alternative but to suspend the license for the balance of its term. I shall, however, entertain a petition to lift the suspension herein after a correction of the unlawful situation has been effected, but in no event will the suspension be lifted until the license has been under suspension for a period of twenty days from the effective date hereof. Re Lewis, Bulletin 790, Item 12.

Accordingly, it is, on this 10th day of September, 1956,

ORDERED that Plenary Retail Consumption License C-3, issued for the 1956-57 licensing period by the Township Committee of the Township of Brick to Seabay Inn, Inc., t/a Murphy's Seabay Inn, Highway 35 & Deauville Drive, Deauville Beach, Brick Township, be and the same is hereby suspended for the balance of its term, effective at 2:00 a.m. September 17, 1956; with leave to file a petition to lift the suspension, as aforesaid.

WILLIAM HOWE DAVIS  
Director.

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

In the Matter of Disciplinary Proceedings against )

SIMON MELLER )  
T/a NAT'S BAR )  
367 Grand Street )  
Jersey City 2, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-161, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City. )

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Simon Meller, Defendant-licensee, Pro se.  
Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

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

The file herein discloses that on August 17, 1956, two ABC agents entered defendant's licensed premises and at about 10:25 p.m. one of them asked Simon Meller (the licensee) for a half-pint of gin. Meller, who said he had to be careful since it was after 10:00 p.m., questioned the agent and, apparently satisfied with the answers, sold him the requested liquor. Both agents left with the purchase and returned immediately accompanied by a third agent, all of whom identified themselves. Meller verbally admitted the aforesaid sale, but refused to give a written statement to that effect.

Defendant has a prior adjudicated record. Effective July 19, 1954, his license was suspended for twenty-five days by this Division for (1) sale during prohibited hours and (2) possession of contraceptives on licensed premises. Moreover, effective September 20, 1952, a license held by Promell Corp., of which defendant was then an officer, was suspended for five days by the local issuing authority for a violation similar to that set forth herein. Re Meller, Bulletin 1026, Item 3. The minimum penalty imposed for a violation as charged herein is fifteen days. Re Sabia, Bulletin 1125, Item 5. However, because of the prior record within a five-year period I shall suspend defendant's license for thirty-five days. Cf. Re Weinstein and Leventhal, Bulletin 999, Item 4. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty days.

Accordingly, it is, on this 11th day of September, 1956,

ORDERED that Plenary Retail Consumption License C-161, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Simon Meller, t/a Nat's Bar, for premises 367 Grand Street, Jersey City, be and the same is hereby suspended for thirty (30) days, commencing at 2:00 a.m. September 18, 1956, and terminating at 2:00 a.m. October 18, 1956.

WILLIAM HOWE DAVIS  
Director.

4. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - PRIOR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

STEPHEN HORAK )  
T/a STEVE'S TAVERN )  
309 Johnston Avenue )  
Jersey City 4, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-503, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City. )

-----)  
Stephen Horak, Defendant-licensee, Pro se.  
Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to a charge alleging that he sold, during prohibited hours, alcoholic beverages in their original containers for off-premises consumption, in violation of Rule 1 of State Regulations No. 38.

On Sunday, August 5, 1956, ABC agents entered defendant's licensed premises at about 1:05 p.m. John Walsh was tending bar, and Paul Horak (nephew of the licensee, who is also a part-time bartender employed there) was also present. The agents observed Walsh take six cans of Rheingold beer from the cooler, place the beer in a bag and hand the bag to Paul Horak. Horak then handed the beer to a patron who left the premises and was followed and halted by one of the agents. The agent and the patron returned to the premises, where Paul Horak verbally admitted the sale of the beer observed by the agents.

Defendant has a prior adjudicated record. Effective February 2, 1953, defendant's license was suspended for fifteen days for sale of alcoholic beverages during prohibited hours, in violation of a municipal ordinance (Re Horak, Bulletin 957, Item 4). In the absence of a prior record, the minimum penalty for the instant violation would be fifteen days (Re Felice, Bulletin 1125, Item 11). Where a second similar violation occurs within five years, the penalty is doubled. Although the offense here charged involves violation of a State Regulation and the "hours" violation of which defendant was convicted in 1953 involved a violation of a local regulation, both are nevertheless similar. Accordingly, I shall suspend the defendant's license for a period of thirty days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days (Re Moskowitz, Bulletin 1127, Item 4).

Accordingly, it is, on this 6th day of September, 1956,

ORDERED that Plenary Retail Consumption License C-503, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Stephen Horak, t/a Steve's Tavern, for premises 309 Johnston Avenue, Jersey City, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m. September 14, 1956, and terminating at 2:00 a.m. October 9, 1956.

WILLIAM HOWE DAVIS  
Director.

5. DISCIPLINARY PROCEEDINGS - AGGRAVATED SALES TO MINORS - PRIOR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

SAMUEL GRAHAM )  
T/a THE SHADY OAKS )  
S/W side of Malapardis Road about )  
500' west of Ridgedale Avenue, )  
Cedar Knolls )  
Hanover Township, PO Box 163 )  
Whippany, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-8, issued by the Township Committee of Hanover Township. )  
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Louis Winer, Esq., Attorney for Defendant-licensee.  
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to the following charge:

"On the night of July 28 and during the early morning hours of July 29, 1956 and on the night of July 31 and during the early morning hours of August 1, 1956 and on divers dates prior thereto, 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., Shirley ---, age 17, 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 Regulations No. 20."

Acting on information received from the Hanover Township Police, ABC agents obtained two sworn statements from Shirley --- (age 17) dated August 1 and 3, 1956, and a statement from Bertha Beatrice Dorsey (a female adult) dated August 2, 1956. In her statements Shirley says that on Saturday, July 28, 1956, at about 10:30 p.m., she entered the licensed premises in the company of Bertha Dorsey and some male adults; that, while seated at a table in a section of the premises set apart for dancing, one of the male adults went to the bar and returned with four bottles of beer, part of which she drank; that she also had a mixed drink of gin and soda served to her at the table by a waiter who did not question her as to her age; that on the following Tuesday (July 31, 1956) Bertha B. Dorsey and she were at the licensed premises from 11:30 p.m. to early morning on August 1, 1956, during which time she drank half a glass of beer and a mixed drink of gin and soda; that the latter drink was made with gin poured from a bottle of Gordon Gin purchased at the bar by a male adult in her group. Bertha B. Dorsey in her statement says she was with Shirley at the licensed premises on the aforesaid days and hours; that on July 28, 1956, while sitting at a table with Shirley and two male adults, one of the men went to the bar and returned with four bottles of ale, one of which was consumed by Shirley; that later in the evening Shirley and she had mixed drinks containing alcoholic beverages ordered by them at the table from a waiter who also served them; that on July 31, 1956, shortly after their arrival, some of the male adults with whom they

were sitting went to the bar and purchased a supply of beer, ale, gin and soda; that during this visit Shirley consumed a glass of beer and also had a mixed drink of gin and soda, and that on neither of the aforesaid dates did anyone ask Shirley her age.

On August 3, 1956, Shirley directed two ABC agents and a local policewoman to the licensed premises where she identified William Mosley as the person who served her the alcoholic beverages on July 28, 1956, and also indicated the tables where she sat on both of the aforesaid occasions. On August 8, 1956, Bertha B. Dorsey led an ABC agent and a local policewoman to the licensed premises and pointed out the tables where she sat on July 28, 1956, and July 31, 1956.

The file herein also discloses that for a period of about three months prior to August 1, 1956, Shirley had been on the licensed premises about five or six times, and on two or three of these occasions she had consumed alcoholic beverages. The file further discloses that a bartender had refused to serve an alcoholic beverage to Shirley on her first visit, but that Shirley never signed any written representation that she was twenty-one years of age or over.

Defendant has a prior adjudicated record. Effective November 14, 1955, the local issuing authority suspended defendant's license for ten days for a sale to a minor. Since the violation herein is the second similar offense within five years, the minimum penalty in this case, if otherwise unaggravated, would be a suspension of the license for twenty days (Re Tarsi, Bulletin 1058, Item 2). However, the instant case is aggravated by the tender age (17) of the minor and for this reason I shall suspend defendant's license for thirty days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 10th day of September, 1956,

ORDERED that Plenary Retail Consumption License C-8, issued by the Township Committee of Hanover Township to Samuel Graham, t/a The Shady Oaks, for premises S/W side of Malapardis Road about 500' west of Ridgedale Avenue, Cedar Knolls, Hanover Township, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m. September 17, 1956, and terminating at 2:00 a.m. October 12, 1956.

WILLIAM HOWE DAVIS  
Director.

6. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

FRANK AMMIRATO )  
T/a DUKE'S )  
7 Church Street )  
Paterson, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump- )  
tion License C-143, issued by the )  
Board of Alcoholic Beverage Control )  
for the City of Paterson. )

-----)  
Frank Ammirato, Defendant-licensee, Pro se.  
Dora P. Rothschild, appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that he sold during prohibited hours alcoholic beverages in original containers for off-premises consumption, in violation of Rule 1 of State Regulations No. 38.

On Sunday, August 12, 1956 at 1:15 p.m., two ABC agents, who were then in defendant's premises, observed the sale of six 12-ounce cans of beer to a patron by the licensee. After the patron left the premises with the beer, one of the agents followed him and identified himself to the patron. Both returned to the premises where the agents identified themselves to the licensee who admitted that he had made the sale.

Defendant has no prior record. I shall suspend his license for fifteen days and remit five days for the plea entered herein, leaving a net suspension of ten days. Re Felice, Bulletin 1125, Item 11.

Accordingly, it is, on this 5th day of September, 1956,

ORDERED that Plenary Retail Consumption License C-143, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Frank Ammirato, t/a Duke's, 7 Church Street, Paterson, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. September 11, 1956, and terminating at 3:00 a.m. September 21, 1956.

WILLIAM HOWE DAVIS  
Director.

7. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
 WILLIAM BARRARO and CARMEN MARIANO  
 T/a THE CENTRAL BAR & GRILL  
 535 Central Avenue  
 Orange, N. J.,

CONCLUSIONS AND ORDER

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 Holders of Plenary Retail Consumption License C-29, issued by the Municipal Board of Alcoholic Beverage Control of the City of Orange.

James A. Palmieri, Esq., Attorney for Defendant-licensees.  
 William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to a charge alleging that on Friday, June 1, 1956, at 10:30 p.m. and 10:45 p.m., and on Sunday, June 3, 1956, at 12:40 a.m., they sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages at retail in their original containers for consumption off the licensed premises, in violation of Rule 1 of State Regulations No. 38.

On June 1, 1956, at about 10:30 p.m., Carmen Mariano (one of the licensees) was observed by three ABC agents receiving six cans of beer in a bag from a bartender, and in turn hand the beer in the bag to a woman who was outside the licensed premises near the rear entrance. On his return to the bar Mariano handed the bartender some money, which the latter rang up on the cash register. At about 10:45 p.m. the agents observed the bartender place about eight cans of beer in a bag, hand the bag to Mariano who in turn handed the bag of beer to a man who gave Mariano some money and then left the premises with the beer. The agents left the premises without disclosing their identity.

On Sunday, June 3, 1956, at about 12:40 a.m., one of these agents then in the premises purchased six cans of beer from Mariano, who received the beer from William Barraro (the other licensee). Mariano accompanied the agent to the sidewalk outside the premises and there handed the beer to the agent. This agent and two other agents who had remained outside re-entered the premises almost immediately thereafter and confronted Mariano who, in a signed sworn statement, acknowledged the sale of the beer to the agent and the previous sale of beer on June 1 to the woman but claimed that he had no recollection of the sale of beer that day to the man. William Barraro admitted his part in the sale of the beer to the agent.

Defendants have no prior adjudicated record. I shall suspend the 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 Felice, Bulletin 1125, Item 11).

Accordingly, it is, on this 5th day of September, 1956,

ORDERED that Plenary Retail Consumption License C-29, issued by the Municipal Board of Alcoholic Beverage Control of the City of Orange to William Barraro and Carmen Mariano, t/a The Central Bar & Grill, for premises 535 Central Avenue, Orange, be and the same is hereby suspended for ten (10) days,

commencing at 2:00 a.m. September 11, 1956, and terminating at 2:00 a.m. September 21, 1956.

WILLIAM HOWE DAVIS  
Director.

8. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )

GEORGE DEFFENBACH )  
T/a SIP TAVERN )  
241 Sip Avenue )  
Jersey City 6, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump- )  
tion License C-342, issued by the )  
Municipal Board of Alcoholic )  
Beverage Control of the City of )  
Jersey City. )

-----)  
George Deffenbach, Defendant-licensee, Pro se.  
Dora P. Rothschild, appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that during prohibited hours he sold alcoholic beverages in their original containers for off-premises consumption, in violation of Rule 1 of State Regulations No. 38.

The file herein discloses that at 11:10 p.m., August 8, 1956, an ABC agent purchased from the bartender in defendant's licensed premises six cans of beer for off-premises consumption. The agent left with the merchandise, and re-entering immediately accompanied by two other agents, identified themselves to the bartender who, in the presence of the licensee, gave a signed sworn statement, admitting the aforesaid sale during prohibited hours.

Defendant has no prior adjudicated record. I shall suspend his 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 Cahill, Jr., Bulletin 1102, Item 3.

Accordingly, it is, on this 5th day of September, 1956,

ORDERED that Plenary Retail Consumption License C-342, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to George Deffenbach, t/a Sip Tavern, 241 Sip Avenue, Jersey City, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. September 11, 1956, and terminating at 2:00 a.m. September 21, 1956.

WILLIAM HOWE DAVIS  
Director.

9. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - SALE DURING PROHIBITED HOURS IN VIOLATION OF LOCAL REGULATIONS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

HELLMUTH MATZ, INC. )  
2324 Hudson Boulevard )  
Jersey City, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-81, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City. )

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Samuel Moskowitz, Esq., Attorney for Defendant-licensee.  
Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to charges alleging that (1) on Sunday, July 8, 1956, it sold an alcoholic beverage in its original container for off-premises consumption, in violation of Rule 1 of State Regulations No. 38; and (2) on said date it sold said alcoholic beverage during prohibited hours, in violation of a local regulation.

On Sunday, July 8, 1956, at about 12:40 p.m., an ABC agent purchased from Hellmuth Matz in defendant's premises one pint-bottle of whiskey. Rule 1 of State Regulations No. 38 prohibits such sale on Sundays and the local regulation prohibits the sale of alcoholic beverages between 2:00 a.m. and 1:00 p.m. on Sundays.

Defendant has no prior record. I shall suspend defendant's license for twenty days and remit five days for the plea herein, leaving a net suspension of fifteen days (Re Reimer, Bulletin 1075, Item 5).

Accordingly, it is, on this 6th day of September, 1956,

ORDERED that Plenary Retail Distribution License D-81, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Hellmuth Matz, Inc., for premises 2324 Hudson Boulevard, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 9:00 a.m. September 17, 1956, and terminating at 9:00 a.m. October 2, 1956.

WILLIAM HOWE DAVIS  
Director.

10. DISCIPLINARY PROCEEDINGS - AGGRAVATED SALES TO MINORS -  
LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
Proceedings against )  
MARIE E. CAUSTON )  
T/a AL'S GRILLE )  
859 Mantua Avenue )  
West Deptford Township )  
PO Woodbury, N. J., )  
Holder of Plenary Retail Consump- )  
tion License C-7, issued by the )  
Township Committee of the Township )  
of West Deptford. )

CONCLUSIONS  
AND ORDER

-----)  
Marie E. Causton, Defendant-licensee, Pro se.  
David S. Piltzer, Esq., appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

Defendant pleaded non vult to a charge alleging that she sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to minors, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that at approximately 9:55 p.m. on Friday, August 3, 1956, ABC agents observed two youths, each carrying 12 cans of beer, leaving defendant's licensed premises. It was ascertained as a result of questioning the youths that each was 18 years of age. The minors stated that, in addition to the 24 cans of beer, they had purchased and consumed a glass of beer apiece in defendant's premises without being questioned as to their respective ages.

Defendant has no prior adjudicated record. Until recently the minimum penalty for sale of alcoholic beverages to two 18-year-old minors was a suspension of the license for ten days. (Re Valentino, Bulletin 1085, Item 8.) However, on January 16, 1956, I announced that the minimum penalty in such cases would be increased by five days. (Re Increased Penalties, Bulletin 1095, Item 1.) Since the violation in the instant case occurred after that announcement and was aggravated by the quantity of alcoholic beverages sold, I shall suspend defendant's license for a period of twenty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days. Re Great Cove Park, A New Jersey Corp., Bulletin 1130, Item 3.

Accordingly, it is, on this 6th day of September, 1956,

ORDERED that Plenary Retail Consumption License C-7, issued by the Township Committee of the Township of West Deptford to Marie E. Causton, t/a Al's Grille, 859 Mantua Avenue, West Deptford Township, be and the same is hereby suspended for a period of fifteen (15) days, commencing at 2:00 a.m. September 13, 1956, and terminating at 2:00 a.m. September 28, 1956.

WILLIAM HOWE DAVIS  
Director.

11. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - LOTTERY - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
 Proceedings against )  
 JOHN HOLINDA and WILLIAM WHELAN )  
 498 North Avenue )  
 Union Township ) CONCLUSIONS  
 PO Elizabeth, N. J., ) AND ORDER

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 Holders of Plenary Retail Consump- )  
 tion License C-15, issued by the )  
 Township Committee of the Township )  
 of Union (Union County). )

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 John Holinda and William Whelan, Defendant-licensees, by  
 John Holinda.  
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic  
 Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded guilty to charges alleging that (1) they sold during prohibited hours alcoholic beverages in their original containers for off-premises consumption, in violation of Rule 1 of State Regulations No. 38, and (2) they allowed, permitted and suffered a lottery, commonly known as a "fight pool" to be conducted in and upon their licensed premises and sold and offered for sale and had custody of and allowed, permitted and suffered tickets and participation rights in such aforementioned lottery in and upon their licensed premises, in violation of Rule 6 of State Regulations No. 20.

On Friday, June 1, 1956, at about 9:30 p.m., three ABC agents entered the defendants' licensed premises and took seats at the bar. Shortly thereafter the bartender on duty asked the patrons at the bar if they preferred to watch the fight on television instead of a baseball game. At this time he asked the agents if they would like to participate in a "fight pool" at a cost of 50¢ a chance per round. The bartender proceeded to prepare slips of paper for each round and various patrons purchased chances by selecting such slips. The agents selected slips for four rounds and paid the bartender \$2.00 therefor. The holder of the slip for the "9th round" was the winner and the bartender paid him the proceeds of the pool.

At 10:40 p.m. one of the agents told the bartender he wanted six cans of Rheingold beer to take out. The bartender obtained six cans of beer from the cooler, placed them in a bag and received payment therefor from the agent. The bartender told this agent he would place the beer on the floor at the end of the bar. The agents finished their drinks and one of them picked up the bag of beer and the three agents left the premises. They returned immediately and identified themselves, whereupon Robert Fitzsimmons (the bartender) verbally acknowledged that he had made the aforesaid sale of beer to one of the agents.

Defendants have no prior adjudicated record of conviction for a similar violation within the last ten years, or conviction for a dissimilar violation within the last five years. I shall suspend defendants' license for fifteen days on charge (1). Since the instant case does not involve commercialized gambling, my announcement of increased penalties for violations of that

nature (Re Increased Penalties, Bulletin 1095, Item 1) will not affect the penalty herein. I shall suspend defendants' license for fifteen days on charge (2) (Re Rybicki, Bulletin 1087, Item 12). Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 6th day of September, 1956,

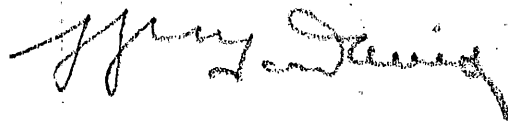
ORDERED that Plenary Retail Consumption License C-15, issued by the Township Committee of the Township of Union (Union County) to John Holinda and William Whelan, for premises 498 North Avenue, Union Township, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 a.m. September 17, 1956, and terminating at 2:00 a.m. October 12, 1956.

WILLIAM HOWE DAVIS  
Director.

12. STATE LICENSES - NEW APPLICATION FILED.

Maurice Taylor  
Southeast Corner 1st Ave. & Rio Grande Blvd.  
Middle Township, N. J.

Application filed October 11, 1956 for place-to-place transfer of State Beverage Distributor's License SBD-44 from Easterly side of New York Avenue between Walnut and Spruce Avenues, North Wildwood, N.J.



William Howe Davis  
Director.