

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

BULLETIN 1171

JUNE 12, 1957.

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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 1171

JUNE 12, 1957.

1. APPELLATE DECISIONS - GELTZEILER v. NEWARK.

SIDNEY GELTZEILER, t/a )  
BARCLAY WINE & LIQUOR, )  
Appellant, )

-vs-

MUNICIPAL BOARD OF ALCOHOLIC )  
BEVERAGE CONTROL OF THE CITY )  
OF NEWARK, )

Respondent. )

CONCLUSIONS  
AND ORDER

-----  
Green & Yanoff, Esqs., by H. Kermit Green, Esq. and Carl J.  
Yagoda, Esq., Attorneys for Appellant.

Vincent P. Torppey, Esq., by James E. Abrams, Esq., Attorney  
for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

"This is an appeal from the action of respondent whereby it denied appellant's application to transfer his plenary retail consumption license (with broad package privilege) from 150 Spruce Street to 131 Spruce Street, Newark.

"The petition of appeal alleges that the action of respondent was erroneous because it was arbitrary, capricious and without legal basis. The answer denies that the action of respondent was erroneous and alleges that its decision was based upon the factual testimony before the Board, from which it concluded that the application for transfer should be denied.

"At the hearing herein the transcript of the proceedings below was introduced into evidence in accordance with Rule 8 of State Regulation No. 15, and additional evidence was heard.

"The fundamental facts, not disputed, are that, during the past eight years, appellant has been a tenant in a store at 150 Spruce Street (located at the corner of Spruce Street and Barclay Street). In said premises he has operated what is essentially a package goods store, as he is permitted to do under his license. R. S. 33:1-12.23 (P. L. 1948, ch. 98). There have been no complaints concerning his manner of operation. The building known as 150 Spruce Street is under option to the Housing Authority of the City of Newark and will be demolished in the near future. After he obtained this information, appellant filed with respondent an application to transfer his license to 131 Spruce Street (located at the corner of Spruce Street and Somerset Street), a distance of 390.62 feet east of his present premises. He has arranged for a ten-year lease of the premises at 131 Spruce Street to be used as a package goods store. On both sides of Spruce Street between Somerset Street and Monmouth Street (one block east of Somerset) there are stores of various types, including a package goods store at one corner of Spruce and Monmouth and another package goods store at another corner of Spruce and Monmouth. There is also a club license on Monmouth near Spruce. The Monmouth Street School is located north of Spruce between Somerset and Monmouth, and the distance between the nearest entrance to the school and

the nearest entrance to the premises sought to be licensed is 253.68 feet. More than 400 feet north of the school there is a tavern facing on Montgomery Street between Somerset and Monmouth, and a package goods store at the corner of Montgomery and Monmouth.

"It appears from the transcript of the hearing below (held on January 8, 1957) that a written objection to the transfer was filed by the Board of Education of the City of Newark and that petitions containing the names of about 200 people who objected to the transfer were received. At the hearing below Franklin Titus, Assistant Superintendent of Schools, testified that the Board of Education had adopted his recommendation to object to the transfer. He stated that his investigation disclosed that the distance between the entrance to the proposed premises and the entrance to the school is in excess of 200 feet, but that his recommendation was based 'upon the fact that there are, immediately in the vicinity of the school, other establishments.' He referred to the fact that there would be six licensed places within close proximity to the school, but he admitted, on cross-examination, that he could not point to a single instance where the school children had 'ever done anything that they should not have done because they passed a package goods store.' Mrs. Bland, Vice-President of the Monmouth Street School P.T.A., testified that she opposed the transfer because the area is 'saturated already with liquor stores' and because of the 'closeness of the liquor store to the Monmouth Street School.' Rev. Leo Warren, representing St. Paul's Seventh Day Baptist Church, and three other residents of the neighborhood testified as to alleged unsatisfactory conditions in that section of the City. On behalf of the applicant, a petition containing the names of 67 persons who stated that they had no objection to the transfer was presented at said hearing, and three residents of the neighborhood testified that they had no objections to the transfer of the license.

"On January 15, 1957, respondent announced its decision. Chairman Robinson and Commissioner Belfatto voted to deny the application, and Commissioner Walsack voted to grant the application.

"It is deemed advisable to set forth the pertinent portions of respondent's decision because each of the three members of respondent Board was subpoenaed by appellant to appear at the hearing held herein and each testified that he voted as he did for the reasons set forth in the decision. In announcing the decision of respondent, Chairman Robinson, after some preliminary remarks, said:

'Accordingly, after personal inspection of the area and after carefully weighing and considering all the testimony and evidence produced by the applicant and by the objectors in the instant case, the issue resolves itself into a conflict between the licensee and his interests, as opposed to the interests and well-being of the citizens and the community.

'The school authorities and the Parent, Teachers Association argue that it would bring another liquor establishment "too close" to Monmouth Street School that is already "ringed" with such establishments.

'Questions were raised about the type of license (C) involved in this application. That the licensee has the right to operate a tavern and package store at this location if he or some future owner so desires, thereby creating a very undesirable condition.

'It is our considered opinion that public interest should prevail. That the mere fact that the ordinance permits the transfer of a license under the "hardship" provision to a distance of not more than five hundred feet from the existing licensed premises, and does not require the usual proof of public necessity and convenience, does not bind this board, in the exercise of its sound discretion, to grant such an application; provided, however, that there are other factors and circumstances of such nature as to cause serious objections from citizens who live in the area to which the application for transfer is sought.

'It has been previously ruled that "there is no inherent right to transfer a license to other premises." Also, that the number of licenses permitted in any particular location, or area, and the determination as to whether or not a license will be transferred to a particular location, are matters within the sound discretion of the issuing authority.

'Under these circumstances, Commissioner Belfatto and the Chairman have voted to deny this application. Commissioner Walsack voted in the affirmative.'

"Commissioner Walsack said:

'There isn't much further that I can add. I was of the opinion that this license, where it was to be transferred, wouldn't be any different than from where they are moving. I can't understand why there should be any objection to it. I felt that it was a "hardship" case and that it should have been granted, over the objection by the Board of Education. I don't think that it would be any different than from where they are transferring from. That is why I voted in the affirmative, to approve the transfer of the license.'

"The transfer in question is not prohibited by Section 3.29 of the applicable Newark ordinance. For clarity, it might be stated that the cited Section provides that any licensee may be permitted to transfer his license less than 750 feet and provides, further, that if a licensee seeks to transfer his license more than 750 feet he may be permitted to do so if the premises to which he seeks the transfer is not within a distance of 750 feet of a then existing location licensed to do business under a like license, or, in a hardship case, within 500 feet of a then existing location licensed to do business under a like license. In any event, appellant is seeking to transfer his license to other premises less than 750 feet from his present premises and less than 500 feet from any premises for which a like license has been issued. Section 3.29 provides, in effect, that, where a place-to-place transfer is permissible, it may be granted in the discretion of the local issuing authority.

"The transfer of a liquor license to other persons or premises, or both, is not an inherent or automatic right. Therefore, the question to be decided herein is whether the action of respondent was reasonable or unreasonable under the circumstances of this case. Cf. Leonia Liquors, Inc. v. Leonia, Bulletin 766, Item 1.

"The number of licensed premises to be permitted in any particular area has been held to be a matter confided to the sound discretion of the issuing authority. DiGioacchino v. Atlantic City, Bulletin 1030, Item 3. However, where, as here,

the transfer is from one location in a neighborhood to another location in the same neighborhood, the mere fact that other licensees also serve the same neighborhood is not a valid reason for denial of the transfer since no increase in concentration of licenses results from such transfer. O'Bertz v. Perth Amboy, Bulletin 1011, Item 1.

"While no license may be transferred in violation of R. S. 33:1-76, the statutory discretion to grant or deny a transfer is vested in the local issuing authority (R.S. 33:1-26) and the exercise of this discretion includes the power to determine the policy question of whether or not any particular premises (although beyond the 200-foot distance) are too close to a church or school. Moraitis v. Lower Penns Neck, Bulletin 839, Item 11. However, such denial to have merit should be pursuant to a reasonable and bona fide municipal policy. Drozdowski v. Sayreville, Bulletin 746, Item 5. Such policy was found to exist as to a transfer from premises four miles away to premises in close proximity to a new school. Spezzi v. Sayreville, Bulletin 1152, Item 4. In this case it appears that on January 15, 1957, respondent granted another application to transfer a license to premises in closer proximity to another school. The Board of Education filed no objection to said transfer. It is apparent that respondent has adopted no policy as to this question, and the evidence shows that the objection of the Board of Education in this case was not based on the proximity to the school but upon the contention that the school would thus be 'ringed' by licensed establishments. The transfer of the license in question from one place to another place one block away in the same neighborhood would not result in the existence of an additional license in the vicinity of the school.

"It does not appear that appellant has contributed in any way to the alleged unsatisfactory conditions in the neighborhood. Kupay v. Passaic, Bulletin 803, Item 9. There is nothing in the case to show that appellant intends to operate a tavern.

"After considering all the evidence in this case, I am of the opinion that the action of respondent herein was unreasonable, and I recommend that an order be entered reversing the action of respondent. Gruber v. Newark, Bulletin 1071, Item 1."

No exceptions to the Hearer's Report were filed within the time limited by Rule 14 of State Regulation No. 15. Having carefully considered the entire record, I concur in the findings of the Hearer and adopt his recommendation.

Accordingly, it is, on this 3rd day of May, 1957,

ORDERED that the action of respondent be reversed, and respondent is ordered to transfer said license in accordance with the application filed by appellant.

WILLIAM HOWE DAVIS  
Director.

2. APPELLATE DECISIONS - SHERMAN BAR, INC. v. NEWARK.

SHERMAN BAR, INC., )  
 Appellant, )  
 -vs- )  
 MUNICIPAL BOARD OF ALCOHOLIC )  
 BEVERAGE CONTROL OF THE CITY )  
 OF NEWARK, )  
 Respondent. )

CONCLUSIONS  
AND ORDER

-----)  
 Carl J. Yagoda, Esq., Attorney for Appellant.  
 Vincent P. Torppey, Esq., by James E. Abrams, Esq., Attorney  
 for Respondent.

BY THE DIRECTOR:

The Hearer has filed the following report herein:

"Appellant appeals from a ten-day suspension of its license. The suspension was imposed after respondent instituted disciplinary proceedings and found appellant guilty of violating Rule 6 of State Regulation No. 20. The licensed premises are located at 36-36 1/2 Sherman Avenue, Newark.

"Upon the filing of the appeal an order was entered on March 1, 1957, staying respondent's order of suspension until the entry of a further order herein. R. S. 33:1-31.

"The case was presented upon the transcript of the proceedings below in accordance with the provisions of Rule 8 of State Regulation No. 15 and upon oral argument by the attorneys for the respective parties.

"The transcript of the proceedings below discloses that Detective Kenny, of the Essex County Prosecutor's Office, testified that on October 5, 1956, at about 4:40 p.m., he, two other detectives from the same office and Detective Adams of the Newark Police Department entered defendant's licensed premises and observed James Caldwell tending bar. He further testified that they had been assigned to visit the premises because of an anonymous call stating that a lottery was being conducted in the back room; that, after entering the premises, they went to the back room and found Caldwell's jacket hanging there; that in the pocket of the jacket they found four lottery slips containing number bets; that, later, in the pocket of a shirt being worn by Caldwell they found four similar slips, all of which slips indicated a play of \$20.30, and that a thorough search of the premises disclosed no other lottery slips. Detective Kenny further testified that they then questioned Caldwell, who verbally admitted that the numbers were played on the premises, usually in the morning between eight and nine o'clock, but refused to sign a written statement and that, when they questioned Harry Suckoneck, principal stockholder of appellant corporation, who entered about 5:00 p.m., Suckoneck denied any knowledge of or participation in the sale of lottery slips.

"Detective Adams testified that Caldwell had verbally admitted that he purchased some of the number slips in the tavern and that he played the numbers with a Mrs. West and Ray and Buddy, and that either one of the three would come into the tavern and take the bets.

"Caldwell was arrested and convicted of possession of lottery slips.

"On behalf of appellant, Caldwell testified that he had been employed as bartender for about twenty months in appellant's premises and that he played numbers. He admitted that he knew Mrs. West, Ray and Buddy, and testified that he had placed bets with Mrs. West on the corner of Hayes and 15th Streets; with Ray at Somerset and Montgomery Streets, and with Buddy in a club at Clinton and High Streets. He denied that any bets had been placed in the premises or that he verbally admitted to the detectives that they had. Harry Suckoneck testified that he usually comes in about noon and remains until closing time, and that Caldwell usually opened the premises at 7:00 a.m. Suckoneck denied that he had any knowledge that numbers were being played in the premises or that Caldwell possessed lottery slips.

"The pertinent part of Rule 6 of State Regulation No. 20 provides:

'No licensee shall allow, permit or suffer in or upon the licensed premises any lottery to be conducted, or any ticket or participation right in any lottery to be sold or offered for sale; nor shall any licensee possess, have custody of, or allow, permit or suffer any such ticket or participation right, in or upon the licensed premises \*\*\*.'

"The evidence is not sufficient to show that a lottery was conducted on the premises. However, if the verbal admission by Caldwell to the detectives is believed, the evidence is sufficient to show that lottery tickets were sold on the premises. Moreover, the evidence that lottery slips were found in possession of the bartender is sufficient to show that appellant corporation allowed, permitted and suffered lottery slips in and upon its licensed premises. In Greenbrier, Inc. v. Hock, 14 N. J. Super. 39 (App. Div. 1951), the Court said:

'Although the word "suffer" may require a different interpretation in the case of a trespasser, it imposes responsibility on a licensee, regardless of knowledge, where there is a failure to prevent the prohibited conduct by those occupying the premises with his authority.'

"In Benedetti v. Board of Commissioners of Trenton, et al., 35 N. J. Super. 30 (App. Div. 1955), the Court said:

'Such responsibility adheres regardless of knowledge where there is a failure to prevent the prohibited conduct by those in the premises with his authority.'

"The penalty imposed herein was not excessive.

"After considering the evidence and argument herein, I recommend that an order be entered affirming the action of respondent and reimposing the ten-day suspension."

Pursuant to Rule 14 of State Regulation No. 15, the attorney for appellant filed written exceptions to the Hearer's Report and written argument thereon. Having carefully considered the entire record, including said exceptions and argument, I concur in the findings of the Hearer and adopt his recommendation.

Accordingly, it is, on this 3rd day of May, 1957,

ORDERED that the action of respondent be and the same is hereby affirmed, and that the ten-day suspension heretofore imposed by respondent be and the same is hereby restored and reimposed to commence at 2:00 a.m. May 13, 1957, and terminate at 2:00 a.m. May 23, 1957.

WILLIAM HOWE DAVIS  
Director.

3. DISCIPLINARY PROCEEDINGS - FALSE ANSWERS IN APPLICATION AS TO BENEFICIAL OWNER - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE PRIVILEGES OF A LICENSE - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO APPLY TO LIFT AFTER EXPIRATION OF 30 DAYS IF SITUATION CORRECTED.

In the Matter of Disciplinary Proceedings against  
LEO FRANK FREGA  
T/a FRANKLIN TAVERN  
42 Sherman Ave. & 84-86 Franklin St.  
Jersey City 7, N. J.,

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-169, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

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Thomas F. Carlin, Esq., Attorney for Defendant-licensee.  
William F. Wood, 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 charges:

'1. In your application dated May 9, 1956, filed with the Municipal Board of Alcoholic Beverage Control of Jersey City, upon which you obtained your current plenary retail consumption license, you falsely stated "No" in answer to Question 30, which asks: "Has any individual, partnership, corporation or association, other than the applicant, any interest, directly or indirectly, in the license applied for or in the business to be conducted under said license?", whereas in truth and fact Charles Gitteri and Anna Gitteri had such an interest in that they were the real and beneficial owners of the licensed business; said false statement being in violation of R. S. 33:1-25.

'2. From about March 22, 1955 until the present time, you knowingly aided and abetted Charles Gitteri and Anna Gitteri to exercise, contrary to R.S. 33:1-26, the rights and privileges of your successive plenary retail consumption licenses; thereby yourself violating R. S. 33:1-52.'

"The record herein discloses that a license held by Charles Gitteri for 159 First Street, Hoboken, was revoked by the Director effective June 1, 1953 (Bulletin 974, Item 4); that on March 22, 1955 Morris Gallipoli and his wife conveyed their

real property at 42 Sherman Avenue, Jersey City, to the said Charles Gutteri and Anna Gutteri, his wife; that on the same day, Morris Gallipoli transferred the goods and chattels in his licensed premises in said property to Frank Frega, the licensee herein, for the sum of \$9,500.00; that on the same date Frega gave a promissory note to Anna Gutteri, his sister-in-law, for the full amount covering the purchase price of the licensed premises; that on the same day, the local issuing authority transferred the license from Morris Gallipoli to Frank Frega; that in June 1955 Frega entered into a three-year lease with Charles Gutteri and Anna Gutteri for said premises; and that on May 10, 1956 Frega filed an application for renewal of his license wherein he stated in answer to Question 30 that no one other than himself had any interest, directly or indirectly, in the licensed premises.

"An ABC agent testified that on June 8, 1956, he interviewed Frega who stated, in substance, that he didn't know the name of the person from whom he purchased the licensed business or the name of the attorney who represented him or the amount of business done at the licensed premises; that he didn't invest any of his own money in the licensed business; and that he repaid Anna Gutteri a small amount of the money he borrowed. The agent further testified that on July 5, 1956 he again interviewed Frega who then stated that he has been employed by the American Can Company for eight years; that he repaid Anna Gutteri about \$2,000.00; that Charles Gutteri actually runs the business; that the only money he received from Charles Gutteri is what he deposits for the purpose of issuing business checks; that Charles Gutteri takes from the business receipts rent for the licensed premises in amounts differing from those set forth in the lease; and that 'I am going to give this business to Anna Gutteri'. The agent testified further that on the four or five visits he made to the licensed premises in the course of his investigation, the only person he found working in the premises was Charles Gutteri who tended bar. The agent's testimony respecting the interview of July 5, 1956 was corroborated by another ABC agent.

"Frega testified, in substance, that he told his attorney that he wanted to buy the place and that his attorney filled out the application which he read 'roughly' before signing it; that 'I didn't know that if I borrowed money from somebody I may be punished'; that the \$9,500.00 of the \$10,000.00 deposited in his bank account 'came from his sister-in-law, the other \$500.00 from his brothers-in-law, sisters-in-law'; and that Charles Gutteri has been employed as a cook on the licensed premises.

"Anna Gutteri testified that Frega borrowed \$9,500.00 from her; that she earned the money by working in various factories during the past twenty-five or thirty years; that she had no thought of having an interest in the licensed business; that Frega was repaying his note in monthly installments for which she gave him receipts (the receipts totalling \$2,475.00 were received in evidence); and that she drew some of the \$9,500.00 from her bank account, the remainder from a safe deposit box. She admitted on cross-examination that the bank account from which she drew the money (\$6,000.00) was opened in 1952 in the name of Charles and Anna Gutteri.

"While the evidence herein is for the most part circumstantial, a reasonable inference can be drawn from the admitted facts and surrounding circumstances that Frega has been 'fronting'

for Charles Gutteri (who, by reason of the revocation, was disqualified from holding a license between June 1, 1953 and June 1, 1955), and/or Anna Gutteri. I find defendant guilty as charged.

"Since it appears that the unlawful situation continues to exist, I recommend that defendant's license be suspended for the balance of its term. If the illegal situation is corrected, I recommend that defendant or a transferee of the license be permitted to make application to the Director to lift such suspension but not until thirty days shall have elapsed from the effective date thereof. Cf. Re Torry, Bulletin 1077, Item 1."

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

After carefully considering the facts and circumstances herein, I concur in and adopt the Hearer's findings and recommended conclusions.

Accordingly, it is, on this 29th day of April, 1957,

ORDERED that Plenary Retail Consumption License C-169, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Leo Frank Frega, t/a Franklin Tavern, 42 Sherman Ave. & 84-86 Franklin St., Jersey City, be and the same is hereby suspended for the balance of its term, effective 2:00 a.m. May 6, 1957; and it is further

ORDERED that, in the event a correction of the illegal situation is effected, leave will be given to make application to me for the lifting of said suspension, as aforesaid.

WILLIAM HOWE DAVIS  
Director.

4. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
LEO J. RAYWOOD  
T/a RAYWOOD'S TAVERN  
Penn.-Washington Cr. Rd.  
R. D. Titusville  
Hopewell Township, N. J.,  
Holder of Plenary Retail Consumption License C-10, issued by the Township Committee of the Township of Hopewell.

CONCLUSIONS  
AND ORDER

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Stark and Stark, Esqs., Attorneys for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to a charge alleging that on Friday night, March 1, and early Saturday morning, March 2, 1957, and on divers days prior thereto, he sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages, directly or indirectly, to a minor and permitted the consumption of said beverages by said minor on his licensed premises in violation of Rule 1 of State Regulation No. 20.

Upon receiving information from State Police authorities that Robert --- (age 20), the minor in question, was involved in an automobile accident, ABC agents interviewed Robert and obtained a signed sworn statement from him. In such statement he asserts that he and a companion arrived at defendant's licensed tavern on March 1 at about 9:30 p.m., went to the bar, and both ordered and were served drinks of whiskey and "7-Up" and purchased and consumed a total of four or five of such drinks during their stay at the premises; that, although a bartender served the drinks, the licensee was present; that Robert started to frequent the tavern about a year ago and has been there perhaps once or twice a month; and that neither the licensee nor the bartender asked his age or required him to display any identification or ask him to sign any written representation as to his age. Robert, in the presence of ABC agents, identified the bartender who served the drinks on March 1 and 2 and also identified the licensee. Thereupon the licensee acknowledged that both he and his bartender had served alcoholic beverages to Robert "quite a few times" but insisted that Robert had displayed a driver's license or "card of some kind" evidencing that he was twenty-one. Robert, on his part, in the presence of the entire group, denied that such was the fact.

Defendant has presented what he contends are mitigating circumstances in that he reiterates that Robert displayed to him and his bartender a driver's or fishing license showing Robert to be over twenty-one years of age, and for that reason they did not ask him to sign any written representation thereof. Aside from the minor's denial, a written representation as to age, signed by the minor, is essential to establish a defense under the provisions of R.S. 33:1-77. Re Cirigliano, Bulletin 1141, Item 8.

Defendant has a prior adjudicated record. Effective January 6, 1947, the then Deputy Commissioner suspended his license for fifteen days for sale to a minor and allowing a minor to sell alcoholic beverages (Re Raywood, Bulletin 742, Item 5). Effective April 20, 1956, the local issuing authority suspended his license for twenty days for sale to a minor. The suspension in 1947 will not be considered in imposing penalty because it occurred more than ten years ago (Re Polish Peoples Home, Inc., Bulletin 1137, Item 1).

Inasmuch as the present offense is the second similar violation within a period of five years, I shall double the minimum suspension of ten days for sale to a minor twenty years of age and suspend defendant's license for twenty days. Five days will be remitted for the plea entered herein, leaving a net suspension of fifteen days (Re Joe Crine's Tavern, Inc., Bulletin 1128, Item 4).

Accordingly, it is, on this 29th day of April, 1957,

ORDERED that Plenary Retail Consumption License C-10, issued by the Township Committee of the Township of Hopewell to Leo J. Raywood, t/a Raywood's Tavern, for premises on Penn.-Washington Cr. Rd., Hopewell Township, be and the same is hereby suspended for fifteen (15) days, commencing at 2:30 a.m. May 6, 1957 and terminating at 2:30 a.m. May 21, 1957.

WILLIAM HOWE DAVIS  
Director.

5. DISCIPLINARY PROCEEDINGS - ILLICIT LIQUOR - LICENSES SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary )  
 Proceedings against )  
 )  
 WILLIAM A. GROGAN and )  
 EVELYN A. NEELS )  
 200 Garden Street )  
 Hoboken, N. J., )  
 )  
 Holders of Plenary Retail Consump- )  
 tion License C-100, issued by the )  
 Municipal Board of Alcoholic )  
 Beverage Control of the City of )  
 Hoboken. )  
 ----- )

CONCLUSIONS  
AND ORDER

William A. Grogan and Evelyn A. Neels, Defendant-licensees, by  
 Evelyn A. Neels.  
 William F. Wood, Esq., appearing for Division of Alcoholic  
 Beverage Control.

BY THE DIRECTOR:

Defendants pleaded non vult to a charge alleging that they possessed on their licensed premises an alcoholic beverage in a bottle bearing a label which did not truly describe its contents in violation of Rule 27 of State Regulation No. 20.

The file herein discloses that on February 25, 1957, an ABC agent, while testing and gauging the licensees' open bottles of alcoholic beverages, found a quart bottle of "Old Hickory Straight Bourbon Whisky Premium Quality Six Years Old 86 Proof" the contents of which appeared to be off in color. The agent seized the bottle and submitted it to the Division chemist for analysis of its contents. The chemist's report shows the liquor to be high in solids, too low in acids and has added artificial color when compared with samples of the genuine product.

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 Anders, Bulletin 1135, Item 5.

Accordingly, it is, on this 29th day of April, 1957,

ORDERED that Plenary Retail Consumption License C-100, issued by the Municipal Board of Alcoholic Beverage Control of the City of Hoboken to William A. Grogan and Evelyn A. Neels, 200 Garden Street, Hoboken, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. May 6, 1957, and terminating at 2:00 a.m. May 16, 1957.

WILLIAM HOWE DAVIS  
 Director.

6. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS IN VIOLATION OF LOCAL REGULATION - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

JOSEPH F. MEYER )  
T/a EAST SIDE CAFE )  
2400 Federal Street )  
Camden, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-84 issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden. )

-----  
Joseph F. Meyer, Defendant-licensee, Pro se.  
David S. Piltzer, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to the following charge:

"On Sunday, March 17, 1957, between 2:00 a.m. and 2:25 a.m., you sold, served and delivered and suffered and permitted the sale, service and delivery of alcoholic beverages, directly or indirectly, upon your licensed premises; in violation of Section 5 of an Ordinance adopted by the Board of Commissioners of the City of Camden on December 27, 1934."

On Sunday, March 17, 1957 at about 12:45 a.m., three ABC agents entered licensed premises and took seats at the bar. At about 2:10 a.m. and again at about 2:25 a.m., the licensee, acting as bartender, served a bottle of beer to each of the agents and accepted ninety cents in payment thereof. Shortly after being served the second round of drinks, the agents identified themselves to the bartender who admitted aforesaid violations.

The prohibited hours set forth in the aforesaid Ordinance are from 2:00 a.m. on Sunday to 7:00 a.m. on Monday.

Defendant has no prior adjudicated record. The minimum penalty for an "hours" violation is fifteen days. Cf. Re DeCarlo, Bulletin 1128, Item 2. I shall suspend defendant's license for fifteen days. Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 25th day of April, 1957,

ORDERED that Plenary Retail Consumption License C-84, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Joseph F. Meyer, t/a East Side Cafe, 2400 Federal Street, Camden, be and the same is hereby suspended for ten (10) days commencing at 2:00 a.m. May 6, 1957 and terminating at 2:00 a.m. May 16, 1957.

WILLIAM HOWE DAVIS  
Director.

7. DISCIPLINARY PROCEEDINGS - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

PRIDE OF BAYONNE LODGE #461, IMPROVED BENEVOLENT PROTECTIVE ORDER OF ELKS OF THE WORLD 92 West 20th Street Bayonne, N. J., )

CONCLUSIONS AND ORDER

Holder of Club License CB-10, issued by the Board of Commissioners of the City of Bayonne. )

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Pride of Bayonne Lodge #461, Improved Benevolent Protective Order of Elks of the World, Defendant-licensee, by Edward Butts, Exalted Ruler.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to the following charge:

"On March 30, 1957, while Investigators of the Division of Alcoholic Beverage Control of the Department of Law and Public Safety of the State of New Jersey were conducting an investigation, inspection and examination at your licensed premises, you failed to facilitate and hindered and delayed and caused the hindrance and delay of such investigation, inspection and examination; in violation of R. S. 33:1-35."

The file herein discloses that on the early morning of March 30, 1957, while ABC agents were conducting an investigation of defendant's licensed premises, the bartender on duty at the time refused to cooperate with them. More particularly, he became very belligerent and blocked the passageway leading behind the bar so that the agents could not make an inspection of that area. Furthermore, when the agents requested his assistance in controlling the patrons who had become very boisterous, he took no action whatsoever. The agents then questioned a man who had identified himself as a member of the house committee, but he refused to answer any questions put to him.

Defendant has no prior adjudicated record. I shall suspend its license for fifteen days (Re Drexel Bar, Inc., Bulletin 1138, Item 3). Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 30th day of April, 1957,

ORDERED that Club License CB-10, issued by the Board of Commissioners of the City of Bayonne to Pride of Bayonne Lodge #461, Improved Benevolent Protective Order of Elks of the World, for premises 92 West 20th Street, Bayonne, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. May 7, 1957, and terminating at 2:00 a.m. May 17, 1957.

WILLIAM HOWE DAVIS  
Director.

ACTIVITY REPORT FOR MAY 1957

ARRESTS:

Total number of persons arrested	- - - - -	34
Licensees and employees	- - - - - 7	
Bootleggers	- - - - - 27	

SEIZURES:

Motor vehicles - cars	- - - - -	4
Stillis - 50 gallons or under	- - - - -	1
Mash - gallons	- - - - -	450.00
Distilled alcoholic beverages - gallons	- - - - -	114.76
Wine - gallons	- - - - -	9.62
Brewed malt alcoholic beverages - gallons	- - - - -	19.21

RETAIL LICENSEES:

Premises inspected	- - - - -	684
Premises where alcoholic beverages were gauged	- - - - -	500
Bottles gauged	- - - - -	8,291
Premises where violations were found	- - - - -	77
Violations found	- - - - -	137
Type of violations found:		
Reg. #38 sign not posted	- - - - - 20	
Prohibited signs	- - - - - 38	
Other mercantile business	- - - - - 1	
Unqualified employees	- - - - - 37	
Disposal permit necessary	- - - - - 1	
Application copy not available	- - - - - 22	
Other violations	- - - - - 18	

STATE LICENSEES:

Premises inspected	- - - - -	23
License applications investigated	- - - - -	26

COMPLAINTS:

Complaints assigned for investigation	- - - - -	431
Investigations completed	- - - - -	422
Investigations pending	- - - - -	159

LABORATORY:

Analyses made	- - - - -	155
Bottles from unlicensed premises	- - - - -	40

IDENTIFICATION BUREAU:

Criminal fingerprint identifications made	- - - - -	22
Persons fingerprinted for non-criminal purposes	- - - - -	256
Identification contacts made with other enforcement agencies	- - - - -	229

DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities	- - - - -	14
Violations involved	- - - - -	17
Sale to minors	- - - - - 5	
Sale during prohibited hours	- - - - - 5	
Serving women at a bar (local reg.)	- - - - - 2	
Permitting slot machines on prem.	- - - - - 1	
Sale to non-members by club	- - - - - 1	
Permitting brawl on premises	- - - - - 1	
Sale to intoxicated person	- - - - - 1	
Unqualified employees	- - - - - 1	
Cases instituted at Division	- - - - -	35
Violations involved	- - - - -	49
Sale to minors	- - - - - 14	
Sale during prohibited hours	- - - - - 9	
Sale below minimum resale price	- - - - - 3	
Permitting immoral activity	- - - - - 2	
Fraud and front	- - - - - 2	
Failure to file notice of change in application	- - - - - 2	
Sale outside scope of license	- - - - - 2	
Serving beverages other than ordered	- - - - - 1	
Possessing indecent matter	- - - - - 1	
Conducting business as a nuisance	- - - - - 1	
Permitting foul language on prem.	- - - - - 1	
Sale to non-members by club	- - - - - 1	
Failure to close premises during prohibited hours	- - - - - 1	
Permittee engaging in conduct prohibited to employer	- - - - - 1	
Aiding and abetting wholesaler to sell to consumers	- - - - - 1	
Unauthorized transportation	- - - - - 1	
Act or happening	- - - - - 1	
Permitting bookmaking on premises	- - - - - 1	
Permitting gambling (cards) on prem.	- - - - - 1	
Permitting lottery activity (numbers)	- - - - - 1	
Failure to afford view into premises during prohibited hours	- - - - - 1	
Serving women at a bar (local reg.)	- - - - - 1	
Cases brought by municipalities on own initiative and reported to Division	- - - - -	9
Violations involved	- - - - -	10
Sale to minors	- - - - - 4	
Sale during prohibited hours	- - - - - 3	
Conducting business as a nuisance	- - - - - 1	
Hindering investigation	- - - - - 1	
Permitting brawl on premises	- - - - - 1	

HEARINGS HELD AT DIVISION:

Total number of hearings held	- - - - -	52
Appeals	- - - - - 3	
Disciplinary proceedings	- - - - - 34	
Eligibility	- - - - - 3	
Seizures	- - - - - 8	
Tax revocations	- - - - - 4	

STATE LICENSES AND PERMITS ISSUED:

Total number issued	- - - - -	14,266
Licenses	- - - - - 4	
Employment permits	- - - - - 284	
Solicitors'	- - - - - 34	
Disposal	- - - - - 123	
Social affair permits	- - - - - 462	
Miscellaneous "	- - - - - 396	
Transit insignia	- - - - - 11,897	
Transit certificates	- - - - - 1,266	

WILLIAM HOWE DAVIS  
DIRECTOR

Dated: June 6, 1957

9. DISCIPLINARY PROCEEDINGS - CLUB LICENSE - SALE DURING PROHIBITED HOURS IN VIOLATION OF LOCAL REGULATION - SALE TO NON-MEMBERS - PRIOR RECORD - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

VITTORIO VENETO LODGE, INC. )  
905 S. 4th Street )  
Camden, N. J., )

CONCLUSIONS AND ORDER

Holder of Club License CB-22, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden. )

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Vittorio Veneto Lodge, Inc., Defendant-licensee, by Fiorindo DiLodoireo, President.  
David S. Piltzer, Esq., appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to the following charges:

"1. On Sunday, March 17, 1957, at about 5:30 p.m., you sold, served and delivered and suffered and permitted the sale, service and delivery of alcoholic beverages, directly or indirectly, upon your licensed premises; in violation of Section 5 of an ordinance adopted by the Board of Commissioners of the City of Camden on December 27, 1934.

"2. On Sunday, March 17, 1957, at about 5:30 p.m., you sold, served and delivered and allowed, permitted and suffered the sale, service and delivery of alcoholic beverages to persons not bona fide members of your club or bona fide guests of any such members; in violation of Rule 8 of State Regulation No. 7."

The file herein discloses that on Sunday, March 17, 1957 at about 5:30 p.m., two ABC agents entered defendant's licensed club wherein they observed eight men drinking alcoholic beverages at the bar behind which stood the club's steward acting as bartender. The agents took seats at the bar and were served two bottles of beer by the bartender who accepted 50¢ in payment thereof. Shortly thereafter, the agents, non-members of the club, identified themselves to the bartender who stated that he was the club's steward and admitted the aforesaid violations.

Defendant has a prior adjudicated record. Effective March 9, 1942, its license was suspended by the local issuing authority for five days for violations similar to those charged herein; effective November 23, 1942, its license was suspended by the then Commissioner of the Division for fifty-five days for violations similar to those charged herein; effective May 22, 1950, its license was suspended for forty days by the Director of this Division for sale to non-members. It thus appears that two of the violations occurred more than ten years ago and that the third violation occurred more than five years ago.

Considering all the facts and surrounding circumstances in this case, I shall suspend defendant's license for forty

days. Five days will be remitted for the plea entered herein, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 1st day of May, 1957,

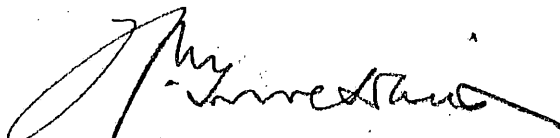
ORDERED that Club License CB-22, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Vittorio Veneto Lodge, Inc., 905 S. 4th Street, Camden, be and the same is hereby suspended for a period of thirty-five (35) days, commencing at 2:00 a.m. May 8, 1957, and terminating at 2:00 a.m. June 12, 1957.

WILLIAM HOWE DAVIS  
Director.

10. STATE LICENSES - NEW APPLICATION FILED.

New England Distillers, Incorporated  
300 North Street  
Teterboro, N. J.

Application filed June 7, 1957 for Plenary Wholesale License.



William Howe Davis  
Director.