

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

BULLETIN 1146

JANUARY 10, 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 1146

JANUARY 10, 1957.

1. DISCIPLINARY PROCEEDINGS - GAMBLING - PRIOR RECORD - LICENSE  
SUSPENDED FOR 30 DAYS.

In the Matter of Disciplinary )  
Proceedings against )

LLEWELLYN RECREATION CENTER )  
28-32 Lincoln Avenue )  
Orange, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consump- )  
tion License C-43 for the 1955-56 )  
licensing period and C-42 for the )  
1956-57 licensing period, issued by )  
the Municipal Board of Alcoholic )  
Beverage Control of the City of )  
Orange. )

-----)  
James A. Palmieri, Esq., Attorney for Defendant-licensee.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic  
Beverage Control.

BY THE DIRECTOR:

The defendant has pleaded not guilty to a charge alleging that on April 3 and 4, 1956, it allowed, permitted and suffered gambling in the form of making and accepting horse race bets and the playing of a pool game for stakes of money, in and upon its licensed premises, in violation of Rule 7 of State Regulations No. 20.

At the hearing herein it was established that there was a "U" shaped bar in the premises, with a distance of about 16 feet from the front of the bar to an iron railing separating a rear room therefrom. Two open passageways, one on each side of the barroom, led to such rear room, which is about 30 feet in length. A number of tables and chairs in the rear room were placed immediately adjacent to the railing. A coin-operated pool game was about ten feet from the railing. Other tables and chairs were located elsewhere in the rear room. There is a side entrance door in such room.

An ABC agent testified that he and a fellow agent entered the licensed premises on April 3, 1956 at about 1:30 p.m. He observed a number of men in the rear room watching one Arnold Smith and another man playing the pool machine. The agent watched these two men play about ten or twelve games. At the end of each game, the loser handed a dollar to the winner. "Basil" (a bartender) was in and out of the rear room, serving food and drinks to the spectators, and some of the money changed hands between Smith and his opponent in his (the bartender's) presence. There was a general conversation being carried on by the men present about bets on horse races. Various men entered through the side entrance, obtained an "Armstrong Daily Racing Form" from Smith, which they consulted, then returned to Smith, and handed him sums of money. Russell Greenhalgh, an officer of the corporate licensee, came into the premises, checked the cash register and then obtained the racing form from Smith, returned it to him and handed him a sum of money. Thereafter another man entered the premises and the agent actually overheard this man place a horse race bet with Smith. At about 3:30 p.m., this agent obtained a racing form from Smith and

placed a horse race bet with Smith in the presence of his fellow agent. Both agents then left the premises.

The agent further testified that on April 4th he returned to the premises at about 2:00 p.m. and his fellow agent entered shortly thereafter. He observed Smith and another man again play five or six games of pool on the machine, with the exchange of money between them as previously described. Robert Greenhalgh, who was acting as bartender, was in and out of the rear room. The agent discussed with Smith the outcome of his bet on the previous day. Both agents sat at a table and studied a racing form obtained from Smith. The second agent ordered two beers from Robert Greenhalgh who served them at the table where the racing form was openly displayed and the agents were discussing the placing of horse race bets. The first agent then placed a bet on a horse race with Smith, using marked money. Robert Greenhalgh was standing at the railing facing the rear room when this bet was placed. Later, this agent told Robert about the bet he had placed with Smith on the previous day and that he had just placed another horse bet with Smith. Robert merely laughed. The agent also observed various other men apparently place bets on horse races with Smith. At about 2:30 p.m., other ABC agents and local police officers entered the premises and all of the officers disclosed their identities. For evidential purposes, the officers seized from Smith two racing forms, and a slip (which Smith sought to destroy) on which was noted the bet placed with him by the agent. Part of the marked money was also recovered.

The agent had a conversation with Robert Greenhalgh at police headquarters wherein Robert denied any knowledge of the gambling activities hereinabove described but stated that he knew Smith was a bookie; that Robert's father (Herbert Greenhalgh, president of the corporate-licensee) had chased Smith out of the licensed premises on several occasions and had previously closed the licensed premises for five days on his own accord because he knew it was "hot for bookies". The second agent testified in substantial accord with the first agent.

None of the corporate licensee's officers or employees who testified on its behalf at the hearing make any contention that the agents have not given an accurate account of the gambling activities which they observed on the licensed premises on April 3 and 4, or question the agent's statement that he personally placed two horse race bets with Smith on such dates.

Hence, without more, the defendant is guilty as charged because it is not essential that the corporate-licensee's officers or employees should be personally implicated in the gambling activities or have knowledge thereof in order to find guilt. Re Bressler, Bulletin 1091, Item 5.

Under such circumstances, no purpose will be served in contrasting and evaluating the testimony given by the ABC agents tending to indicate that the corporation's officers and employees had knowledge of or should have suspected that Smith was making book in the premises and that of the defendant's witnesses that they had no such knowledge or suspicion although the evidence would warrant an independent finding of guilt. Similarly, no comment is necessary on defendant's admission that its officers were aware that Smith was a well-known bookie who allegedly had been barred from the premises and allowed to return only upon his solemn promise not to engage in gambling activities therein although it would appear that such conduct would not present any defense.

The Hearer in the instant case filed a report wherein the above facts and pertinent principles were set forth and he recommended that the defendant be adjudged guilty of the charge preferred herein. Thereafter pursuant to Rule 6 of State Regulations No. 16, the attorney for the defendant filed exceptions and argument thereon.

The defendant's primary contention is that I should not apply to the instant case the salutary rule represented by the Bressler case, supra, based upon fundamental principles of effective liquor control as set forth by former Commissioner Hock in Re Alberti, Bulletin 856, Item 11, because its claim that the licensee's unsuccessful efforts to prevent gambling on its licensed premises should be accepted as a complete defense or mitigation of the offense. This contention is without merit even if the evidence established that such effort was made. Moreover, the claim of the licensee, even if accepted at face value, to quote from the brief of the attorney for defendant:

"We knew the gambler, Arnold Smith, plied his trade in our immediate vicinity. We asked him not to come into our place of business, even closing our place up for 4 or 5 days in order to keep him and his ilk from operating his nefarious practice. It was only after he made a solemn vow and promise to the president of the corporation, his wife and his brother, that we even allowed him to enter our licensed premises again."

does not represent any serious effort to control or supervise the activities of a professional bookie, known as such to defendant's officers and employees, still practicing his nefarious trade and who formerly made a practice of accepting bets on defendant's licensed premises.

I have carefully examined the entire record in this case, including the transcript of testimony, the Hearer's Report, the exceptions filed by the attorney for the defendant and each and every argument made by him in substantiation thereof. I find nothing therein which would absolve the defendant of guilt in this case. Therefore, I concur with the recommendation of the Hearer that the defendant is guilty of the violation set forth in the charge.

Defendant has a prior adjudicated record in that, effective February 23, 1955, its license was suspended for five days pursuant to an order entered by me after the withdrawal of an appeal from the action of the local issuing authority suspending the license for five days for an "hours" violation. Llewellyn v. Orange, Bulletin 1049, Item 2. The usual minimum penalty, prior to January 16, 1956, for a first offense of the nature presently involved was a twenty-day suspension. Re Bressler, supra. However, on that date, I announced that the 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 the prior dissimilar violation occurred within a five-year period, I shall suspend defendant's license for thirty days.

Accordingly, it is, on this 15th day of November, 1956,

ORDERED that Plenary Retail Consumption License C-42, issued by the Municipal Board of Alcoholic Beverage Control of

the City of Orange to Llewellyn Recreation Center, 28-32 Lincoln Avenue, Orange, be and the same is hereby suspended for a period of thirty (30) days, commencing at 3:00 a.m. November 23, 1956, and terminating at 3:00 a.m. December 23, 1956.

WILLIAM HOWE DAVIS  
Director.

2. DISCIPLINARY PROCEEDINGS - FALSE ANSWERS IN APPLICATION AS TO BENEFICIAL OWNERS AND AS TO RESIDENCE - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF A LICENSE - LICENSE SUSPENDED FOR 30 DAYS.

In the Matter of Disciplinary Proceedings against )

JAMES MASSARO )  
T/a LIGHTHOUSE INN )  
State Highway #9 )  
Ocean Township )  
PO Waretown, N. J., )

CONCLUSIONS  
AND  
ORDER

Holder of Plenary Retail Consumption License C-1 for the 1955-56 and 1956-57 licensing periods, issued by the Township Committee of the Township of Ocean, and transferred during the pendency of these proceedings to )

LIGHTHOUSE TAVERN, INC. )  
T/a LIGHTHOUSE TAVERN, INC., )

for the same premises. )  
-----)

Camp & Simmons, Esqs., by Roy G. Simmons, 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 May 18, 1955, filed with the Ocean Township Committee, 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 Frank Massare and Joseph Massare 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 on or about May 2, 1955 until the present time, you knowingly aided and abetted Frank Massare and Joseph Massare 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.

"3. In your aforesaid application you falsely stated your residence in answer to Question 3 as 'Route 9, Waretown, N. J.', whereas in truth and fact you actually resided at 230 Edwards Avenue, Barrington, N. J., and you also falsely stated 'Yes' in answer to Question 8, which asks: 'Does applicant own premises to be licensed?', whereas in truth and fact the premises were owned by Frank Massare and Joseph Massare; said false statements being in violation of R. S. 33:1-25."

The file herein discloses that the licensee's two brothers were the real and beneficial owners of the licensed business as evidenced by a sales agreement, bill of sale, title closing statement and bank account; that at the time they acquired their interest in the business they resided in another state; that the licensee herein has never had any financial interest in the licensed premises; that at the time he filed the application for his 1955-56 plenary retail consumption license the aforesaid facts were not disclosed; and that in said application he gave an address different from that whereat he resided.

All questions required to be answered by the Statute or the Rules and Regulations are material and a false answer to any question in the license application or any suppression of a material fact in securing a license is cause for suspension or revocation of the license. R. S. 33:1-25.

While it appears that the illegal operation of the licensed business no longer continues, it does not change the fact that the law was violated and that proper penalty must be imposed.

Defendant has no prior adjudicated record. I shall suspend the license for a period of thirty days. Re Hotel Holiday, Inc., Bulletin 1118, Item 3.

Accordingly, it is, on this 15th day of November, 1956,

ORDERED that Plenary Retail Consumption License C-1, issued by the Township Committee of the Township of Ocean to James Massaro, t/a Lighthouse Inn, State Highway #9, Ocean Township, and transferred during the pendency of these proceedings to Lighthouse Tavern, Inc., t/a Lighthouse Tavern, Inc., for the same premises, be and the same is hereby suspended for a period of thirty (30) days, commencing at 7:00 a.m. November 23, 1956, and terminating at 7:00 a.m. December 23, 1956.

WILLIAM HOWE DAVIS  
Director.

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

In the Matter of Disciplinary )  
 Proceedings against )

ANTONIO FEDERICO )  
 T/a TONY'S RED TAVERN )  
 Hightstown-Freehold Rd. )  
 Monroe Township )  
 PO Hightstown, N. J., )

CONCLUSIONS  
 AND ORDER

Holder of Plenary Retail Consump- )  
 tion License C-9, issued by the )  
 Township Committee of the Township )  
 of Monroe. )

----- )  
 Antonio Federico, Defendant-licensee, Pro se. )  
 Edward F. Ambrose, Esq., appearing for Division of Alcoholic )  
 Beverage Control. )

BY THE DIRECTOR:

Defendant has pleaded guilty to a charge alleging that he sold, served and delivered alcoholic beverages to five minors and permitted the consumption of such beverages by said minors in and upon his licensed premises, in violation of Rule 1 of State Regulations No. 20.

The file herein discloses that on Saturday night, October 6, 1956, ABC agents visited defendant's licensed premises wherein they observed five apparent minors consuming alcoholic beverages. Four of the youths were seated in a booth in the rear room, the other at the bar. The agents identified themselves and obtained signed sworn statements from Hella --- (age 17), Richard --- (age 18), Alan --- (age 18) and Calvin --- (age 20), in which they stated that they were each served a bottle of beer by a waitress, later identified as the licensee's wife. Delmas --- (age 18) verbally stated that he was served five bottles of beer by the barmaid and all of the minors stated that they were not required to produce proof of their ages.

Defendant has no prior adjudicated record. The minimum penalty heretofore imposed for an unaggravated sale of alcoholic beverages to a seventeen-year-old minor was fifteen days. Re Gelfand, Bulletin 1102, Item 10. Since January 16, 1956, the penalty in such cases has been increased by five days. See Bulletin 1095, Item 1. Considering the age of the youngest minor and the number of minors involved, I shall suspend defendant's license for thirty days. Cf. Re Butts, Bulletin 1098, Item 5. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty-five days.

Accordingly, it is, on this 19th day of November, 1956,

ORDERED that Plenary Retail Consumption License C-9, issued by the Township Committee of the Township of Monroe to Antonio Federico, t/a Tony's Red Tavern, Hightstown-Freehold Rd., Monroe Township, be and the same is hereby suspended for a period of twenty-five (25) days, commencing at 3:00 a.m. November 26, 1956, and terminating at 3:00 a.m. December 21, 1956.

WILLIAM HOWE DAVIS  
 Director.

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

In the Matter of Disciplinary Proceedings against HAROLD W. JOHNSON & LAWRENCE J. McMAHON T/a GAY 90'S 267 First Street South Amboy, N. J.,

CONCLUSIONS AND ORDER

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Holders of Plenary Retail Consumption License C-25, issued by the Common Council of the City of South Amboy.

I. Oscar Spevack, Esq., Attorney for Defendant-licensees. Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendants have pleaded non vult to the following charge:

"On September 12, 14, 25, 26, 28 and 29, 1956, 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 Regulations No. 20."

The file herein discloses that on the dates set forth in the above charge, one or more ABC agents, respectively, visited defendants' licensed premises wherein, on September 25, 26, 28 and 29, 1956, one of the agents placed bets on horses with men who frequented the defendants' licensed premises. On one occasion the agent handed money to a female employee to be placed on a horse scheduled to run at one of the tracks and the woman in turn handed the money to a man (later identified as a "bookie"). On the last occasion, the agent handed another man (also later identified as a "bookie") six one-dollar bills, the serial numbers of which had previously been recorded. Shortly thereafter, as prearranged, two ABC agents, accompanied by a municipal Police Captain, entered the premises and identified themselves. Four horse race slips and the \$6.00 referred to above were found on one of those accepting bets and one slip was found on the other. The woman bartender who was on duty admitted verbally that she was aware that horse race bets were being accepted in defendants' licensed premises and later gave a signed written statement to that effect.

Defendants have no prior adjudicated record. The minimum penalty heretofore imposed for a violation such as charged herein was twenty days. Re Dakos, Bulletin 1095, Item 10. Since the violation in question occurred after January 16, 1956, at which time I announced a five-day increase in the penalty in a case such as that now under consideration (Re Increased Penalties, Bulletin 1095, Item 1), I shall suspend defendants' license for twenty-five days. Re Furmick's Tavern, Incorporated, Bulletin 1131, Item 10. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 2nd day of November, 1956,

ORDERED that Plenary Retail Consumption License C-25, issued by the Common Council of the City of South Amboy to Harold W. Johnson & Lawrence J. McMahon, t/a Gay 90's, 267 First Street, South Amboy, be and the same is hereby suspended for a period of twenty (20) days, commencing at 2:00 a.m. November 7, 1956, and terminating at 2:00 a.m. November 27, 1956.

WILLIAM HOWE DAVIS  
Director.

5. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATIONS NO. 38 - EMPLOYMENT OF FEMALE BARTENDER IN VIOLATION OF LOCAL ORDINANCE -- SALE BEYOND TERMS OF LICENSE - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

ALBERT LOPIANO )  
1000 Central Avenue )  
Union City, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-204, issued by the Board of Commissioners of the City of Union City. )

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Albert Lopiano, Defendant-licensee, Pro se.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to the following charges:

"1. On Friday, August 17, 1956, at about 10:25 p.m. and 10:40 p.m. and on Wednesday, September 26, 1956 at about 11:25 p.m., you sold and delivered and allowed, permitted and suffered the sale and delivery of alcoholic beverages at retail in their original containers for consumption off your licensed premises; in violation of Rule 1 of State Regulations No. 38.

"2. On Friday, August 17, 1956 between 10:20 p.m. and 10:40 p.m. and on divers dates prior thereto, you employed and suffered and permitted a female to sell, serve and deliver alcoholic beverages for consumption on your licensed premises; in violation of Section 22 of an Ordinance adopted by the Board of Commissioners of the City of Union City on February 6, 1936.

"3. On Friday, August 17, 1956, at about 10:40 p.m., you sold an alcoholic beverage not pursuant to and within the terms of your license, as defined by R. S. 33:1-12(1), viz., a glass of beer for consumption off your licensed premises; in violation of R. S. 33:1-2."

The file herein discloses that on Friday, August 17, 1956, at about 9:45 p.m., two ABC agents entered the premises, took seats at the bar and noticed that the tavern was occupied by four patrons and the licensee who was acting as bartender. At about 10:25 p.m., the agents observed a barmaid, after relieving the licensee behind the bar, place six cans of beer in a brown paper bag, hand them to a patron and accept \$1.10 in payment thereof. Immediately upon receipt of this package

the patron departed from the premises. About fifteen minutes later the licensee resumed his duties and sold six cans of beer for off-premises consumption. Thereafter, the agents saw the barmaid, who continued on the premises, serve a glass of beer to a woman and further observed this woman walk off the premises with the glass of beer after obtaining permission to do so from the licensee.

On Wednesday, September 26, 1956, at about 11:25 p.m., the aforesaid two ABC agents returned to the premises and one of them asked the licensee for six cans of beer "to take out." The licensee thereupon placed six cans of beer in a brown paper bag, gave the same to the agent and accepted \$1.20 in payment thereof. The agents (one of them in possession of the beer) left the premises to which they returned within a few minutes and identified themselves. Upon questioning by the agents the licensee admitted the aforementioned violations committed by him on August 17, 1956 and September 26, 1956. During this period of interrogation, the barmaid appeared, admitted her aforesaid illegal activities and further stated that she had on prior occasions worked behind the bar to help the licensee.

Defendant has no prior adjudicated record. Considering all the facts and surrounding circumstances in this case, I shall suspend defendant's license for twenty-five days. Five days will be remitted for the plea entered herein, leaving a net suspension of twenty days.

Accordingly, it is, on this 13th day of November, 1956,

ORDERED that Plenary Retail Consumption License C-204, issued by the Board of Commissioners of the City of Union City to Albert Lopiano, 1000 Central Avenue, Union City, be and the same is hereby suspended for a period of twenty (20) days, commencing at 3:00 a.m. November 27, 1956, and terminating at 3:00 a.m. December 17, 1956.

WILLIAM HOWE DAVIS  
Director.

6. DISCIPLINARY PROCEEDINGS - ORDER POSTPONING EFFECTIVE DATES OF SUSPENSION.

In the Matter of Disciplinary Proceedings against  
 POLISH PEOPLES HOME, INC.  
 1-3 Monroe Street  
 Passaic, N. J.,  
 Holder of Plenary Retail Consumption License C-133 for the 1955-56 and 1956-57 licensing years, issued by the Board of Commissioners of the City of Passaic.

O R D E R

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 BY THE DIRECTOR:

An order having been entered herein on September 19, 1956, suspending defendant's license for a period of seventy-five days, commencing at 3:00 a.m. October 1, 1956, and terminating at 3:00 a.m. December 15, 1956; and

A further order having been entered on October 25, 1956, lifting said suspension for a period of one day and extending the suspension until 3:00 a.m. December 16, 1956; and

It appearing that prior to the imposition of the suspension arrangements had been completed to hold the annual dance of the Holy Name Society of St. Stanislaw Kostka Church at defendant's premises on Sunday, November 25, 1956, and that numerous innocent persons would be inconvenienced by the suspension of the license on said date,

It is, on this 7th day of November, 1956,

ORDERED that the suspension now in effect shall be lifted from 1:00 p.m. Sunday, November 25, 1956, until 3:00 a.m. Monday, November 26, 1956, at which time the suspension shall be reinstated and continue in effect until 3:00 a.m. December 17, 1956.

WILLIAM HOWE DAVIS  
Director.

7. DISCIPLINARY PROCEEDINGS - FALSE ANSWERS IN APPLICATION AS TO BENEFICIAL OWNER - AIDING AND ABETTING NON-LICENSEE TO EXERCISE THE RIGHTS AND PRIVILEGES OF A LICENSE - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO APPLY TO LIFT AFTER EXPIRATION OF 20 DAYS.

In the Matter of Disciplinary Proceedings against )

ANNA DeCARLO )  
254 Broad Avenue )  
Palisades Park, N. J., )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-13, issued by the Borough Council of the Borough of Palisades Park. )

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Anna DeCarlo, Defendant-licensee, Pro se.  
William F. Wood, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to charges alleging that (1) in her application, dated June 4, 1956, she falsely concealed the fact that Ann & Fan, Inc. was the real owner of the licensed business, in violation of R. S. 33:1-25; and (2) from about September 20, 1955 until the time the charges were served she knowingly aided and abetted Ann & Fan, Inc. to exercise the privileges of her license, contrary to R. S. 33:1-26, thereby herself violating R. S. 33:1-52.

The file herein discloses that defendant has held a license for the above premises since March 22, 1955; that prior thereto she and Nicholas DeCarlo held the license for the same premises; that an entity known as Ann & Fan, Inc. took over the operation of the licensed business on or about September 20, 1955 without formal transfer; and that the said entity was duly incorporated on March 21, 1956 and continued the operation of the licensed business until about June 15, 1956 on which date all operations of the business ceased. The incorporators of Ann & Fan, Inc. are Martin J. Lucarelli, Anna DeCarlo and Gertrude Tuskiewicz, none of whom, it appears, is disqualified by statute from being associated with the alcoholic beverage industry in this State.

Defendant has no prior adjudicated record. Since it appears that the unlawful situation continues to exist, I have

no alternative except to suspend her license for the balance of its term. Leave is reserved to defendant or other qualified person to file a petition with me to have the suspension lifted upon proof of proper correction, but in no event will the suspension be lifted prior to the expiration of twenty days from the effective date hereof. Re Recreation Center of Bogota, Bulletin 1109, Item 2.

Accordingly, it is, on this 19th day of November, 1956,

ORDERED that Plenary Retail Consumption License C-13, issued by the Borough Council of the Borough of Palisades Park to Anna DeCarlo, 254 Broad Avenue, Palisades Park, be and the same is hereby suspended for the balance of its term, effective at 3:00 a.m. November 26, 1956; 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.

8. DISCIPLINARY PROCEEDINGS - SALE AT LESS THAN PRICE LISTED IN MINIMUM CONSUMER RESALE PRICE LIST - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against  
LLOYD G. CARR  
T/a LLOYD'S  
129 East Fourth Street  
Lakewood, N. J.,  
Holder of Plenary Retail Distribution License D-10, issued by the Township Committee of the Township of Lakewood.

CONCLUSIONS  
AND ORDER

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Lloyd G. Carr, Defendant-licensee, Pro se.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant pleaded guilty to a charge alleging that on October 10, 1956, he sold an alcoholic beverage at less than the price listed in the Minimum Consumer Resale Price List then in effect, in violation of Rule 5 of State Regulations No. 30.

The file herein discloses that on October 10, 1956, two ABC agents entered defendant's licensed premises and one of them purchased three cans of beer from the licensee. This agent paid for the beer, counted the money remaining in his hand and asked his fellow agent to contribute whatever change he had toward the purchase of a pint-bottle of whiskey. The second agent then contributed 60¢ which made a sum total of \$2.44 in the first agent's hand. Said agent then turned to the licensee and asked "Can we get a pint of Corby Whiskey for \$2.44?" The licensee replied that it would be all right this time. He then obtained a pint of Corby's Reserve Blended Whiskey from the shelf, delivered it to the agent, and accepted \$2.44 in payment. Both agents then left the premises with the bottle of whiskey, returned immediately and identified themselves

to the licensee. The licensee gave the agents a signed sworn statement wherein he admitted that he sold the agent the bottle of whiskey aforementioned for the price of \$2.44 instead of \$2.55 (the price then in effect for the item in question).

Defendant has no prior adjudicated record. I shall suspend defendant's license for a period of ten days and remit five days for the plea entered herein, leaving a net suspension of five days (Re Bregman, Bulletin 1128, Item 12).

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

ORDERED that Plenary Retail Distribution License D-10, issued by the Township Committee of the Township of Lakewood to Lloyd G. Carr, t/a Lloyd's, for premises 129 East Fourth Street, Lakewood, be and the same is hereby suspended for five (5) days, commencing at 9:00 a.m. November 12, 1956, and terminating at 9:00 a.m. November 17, 1956.

WILLIAM HOWE DAVIS  
Director.

9. DISCIPLINARY PROCEEDINGS - ORDER FIXING EFFECTIVE DATES OF SUSPENSION PREVIOUSLY IMPOSED.

In the Matter of Disciplinary Proceedings against )

LLEWELLYN RECREATION CENTER )  
28-32 Lincoln Avenue )  
Orange, N. J., )

O R D E R

Holder of Plenary Retail Consumption License C-43 (for the 1955-56 licensing period) and C-42 (for the 1956-57 licensing period), issued by the Municipal Board of Alcoholic Beverage Control of the City of Orange. )

-----  
James A. Palmieri, Esq., Attorney for Defendant-licensee.

BY THE DIRECTOR:

An order having been entered herein on November 15, 1956, suspending defendant's license for thirty days, commencing at 3:00 a.m. November 23, 1956, and terminating at 3:00 a.m. December 23, 1956; and

Defendant having requested me to advance the effective date of said suspension because a Christmas party had previously been scheduled to be held on the premises on December 21; and no reason appearing to the contrary;

It is, on this 19th day of November, 1956,

ORDERED that the suspension previously imposed shall commence at 3:00 a.m. November 21, 1956, and terminate at 3:00 a.m. December 21, 1956, in lieu of the dates previously fixed for said suspension.

WILLIAM HOWE DAVIS  
Director.

10. DISCIPLINARY PROCEEDINGS - SALE FOR OFF-PREMISES CONSUMPTION IN OTHER THAN ORIGINAL CONTAINER - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

C. W. & T. CORP. )  
T/a TURCHI'S )  
4200 Arctic Avenue )  
Wildwood, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-8, issued by the Board of Commissioners of the City of Wildwood. )

-----)  
C. W. & T. Corp., Defendant-licensee, by Coleman Taylor.  
Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded guilty to a charge alleging that it sold for off-premises consumption an alcoholic beverage in other than its original container, in violation of R.S. 33:1-2.

The file herein discloses that at 11:05 p.m., on Friday, August 24, 1956, an ABC agent purchased a pint bottle of "Seagram's V. O. Canadian Whisky, A Blend" for off-premises consumption from a bartender employed by defendant. The bartender, before delivering the bottle of whisky in question to the agent, destroyed the seal thereon. The breaking of the seal thereby converted it into an open container with the apparent attempt to circumvent Rule 1 of State Regulations No. 38 which prohibits sale of alcoholic beverages in original containers for off-premises consumption after 10:00 p.m. on weekdays.

Defendant has no prior adjudicated record. I shall suspend defendant's license for the minimum period of fifteen days (Re Bunks, Bulletin 1075, Item 4). Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

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

ORDERED that Plenary Retail Consumption License C-8, issued by the Board of Commissioners of the City of Wildwood to C. W. & T. Corp., t/a Turchi's, 4200 Arctic Avenue, Wildwood, be and the same is hereby suspended for a period of ten (10) days, commencing at 2:00 a.m. November 12, 1956, and terminating at 2:00 a.m. November 22, 1956.

WILLIAM HOWE DAVIS  
Director.

11. DISCIPLINARY PROCEEDINGS - SALE DURING PROHIBITED HOURS AND FAILURE TO HAVE PREMISES CLOSED DURING PROHIBITED HOURS IN VIOLATION OF LOCAL ORDINANCE - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against )

ALFRED J. ROMEO )  
T/a FREDDY'S BAR & GRILL )  
13 West Broadway )  
Paterson 1, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-23, issued by the Board of Alcoholic Beverage Control for the City of Paterson. )  
-----)

Alfred J. Romeo, Defendant-licensee, Pro se.  
Dora P. Rothschild, appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Defendant has pleaded non vult to charges alleging that (1) he allowed the consumption of alcoholic beverages on his licensed premises during prohibited hours, and (2) he failed to have his entire premises closed during prohibited hours, both in violation of a local ordinance.

The file herein discloses that on Sunday, September 30, 1956, between 11:00 a.m. and 12:30 p.m., ABC agents peered through the screen door of defendant's licensed premises wherein they observed two males consuming beverages at the bar. The agents were admitted after identifying themselves and seized a glass of beer from one of the patrons. The licensee admitted serving a few beers to the two patrons but refused to give a signed statement. The local ordinance prohibits the sale and consumption of alcoholic beverages on Sunday between the hours of 3:00 a.m. and 1:00 p.m. and provides that the premises must be closed during said prohibited hours.

Defendant has no prior adjudicated record. I shall suspend his license for a period of fifteen days (Re Salek, Bulletin 1116, Item 6). Five days will be remitted for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 7th day of November, 1956,

ORDERED that Plenary Retail Consumption License C-23, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Alfred J. Romeo, t/a Freddy's Bar & Grill, for premises 13 West Broadway, Paterson, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. November 13, 1956, and terminating at 3:00 a.m. November 23, 1956.

WILLIAM HOWE DAVIS  
Director.

12. DISCIPLINARY PROCEEDINGS - SALE 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 )

ORIENT DELICATESSEN & LIQUOR STORE, INC. )

T/a ORIENT DEL'N & LIQ. STORE 663 Ocean Avenue Jersey City 4, N. J., )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Distribution License D-66, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City. )

-----) Orient Delicatessen & Liquor Store, Inc., by Roy Vafiadis, President.

Edward F. Ambrose, Esq., appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

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

The file herein discloses that at 11:35 a.m. Sunday, September 30, 1956, an ABC agent visited defendant's licensed premises wherein he observed Roy Vafiadis, President of the defendant corporate-licensee herein, sell bottles of alcoholic beverages to two patrons for off-premises consumption. The agent asked for a pint of whiskey which Vafiadis sold him after being assured by one of the patrons that the agent was O. K. The agent left with his purchase and within minutes re-entered the premises accompanied by another agent. Both identified themselves to Vafiadis and seized twelve cans of beer from a patron who had just made payment for the merchandise.

Defendant has no prior adjudicated record. I shall suspend its license for fifteen days (Re Cullen, Bulletin 1101, Item 8), and remit five days for the plea entered herein, leaving a net suspension of ten days.

Accordingly, it is, on this 15th day of November, 1956,

ORDERED that Plenary Retail Distribution License D-66, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Orient Delicatessen & Liquor Store, Inc., t/a Orient Del'n & Liq. Store, for premises 663 Ocean Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 9:00 a.m. November 26, 1956, and terminating at 9:00 a.m. December 6, 1956.

WILLIAM HOWE DAVIS  
Director.

## 13. STATE LICENSES - NEW APPLICATIONS FILED.

South Bergen Distributing Corporation  
380 Mt. Pleasant Ave.  
Wallington, N. J.

Application filed January 4, 1957 for Limited Wholesale License.

South Bergen Distributing Corporation  
380 Mt. Pleasant Avenue  
Wallington, N. J.

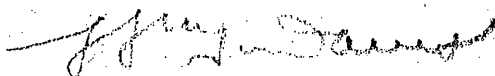
Application filed January 4, 1957 for Wine Wholesale License.

N. V. Nederlandsch-Amerikaansche Stoomvaart Maatschappij  
(Holland American Line), "S. S. Statendam"

29 Broadway

New York, New York.

Application filed January 7, 1957 for Plenary Retail Transit License.



William Howe Davis  
Director.