

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

Mr. Gossweiler

BULLETIN 1476

October 8, 1962

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STATE OF NEW JERSEY
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DIVISION OF ALCOHOLIC BEVERAGE CONTROL
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October 8, 1962

1. DISCIPLINARY PROCEEDINGS - SOLICITOR DELIVERING TO NON-LICENSEES - AIDING AND ABETTING SALE WITHOUT LICENSE (WASH SALES) - PURCHASE OF ILLICIT BEVERAGES - UNLAWFUL TRANSPORTATION - PERMIT SUSPENDED FOR 150 DAYS.

DISCIPLINARY PROCEEDINGS - RETAILER AIDING AND ABETTING SALE WITHOUT LICENSE (WASH SALES) - AIDING AND ABETTING PURCHASE OF ILLICIT BEVERAGES - LICENSE SUSPENDED FOR 30 DAYS.

In the Matter of Disciplinary
Proceedings against

George J. DeFebb
2936 High Street
Camden, New Jersey

Holder of Solicitor's Permit
No. 3021 for the year 1961-62
and No. 2816 for the year
1962-63, issued by the Director
of the Division of Alcoholic
Beverage Control.

In the Matter of Disciplinary
Proceedings against

Anthony Scola and Jennie Scola
t/a Scola's Bar & Grille
13 So. Egg Harbor Road
Hammonton, New Jersey

Holders of Plenary Retail Consump-
tion License C-9, issued by the
Town Council of the Town of
Hammonton.

Harvey L. Stern, Esq., Attorney for Solicitor.
Cahill, Wilinski, Uliase & Mohrfeld, Esqs., by Robert Wilinski, Esq.,
Attorneys for Licensees.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

The Hearer has filed the following Report herein:

"On May 7, 1962, the Division preferred the following charges
against the permittee, George J. DeFebb:

'1. On divers dates between January 4, 1961 and
December 28, 1961, you sold alcoholic beverages other-
wise than to the extent duly allowed and permitted by
law and by the New Jersey license of your employer,
Crown, Ltd., in that you delivered alcoholic beverages
obtained from your said employer to persons not hold-
ing a retail or wholesale license, which conduct was

contrary to and beyond the terms of the plenary whole-sale license of your said employer, as defined by R.S. 33:1-11(1), and contrary to R.S. 33:1-2; in violation of Rule 5 of State Regulation No. 14.

'2. On the aforesaid dates, you knowingly aided and abetted your above mentioned employer in the unwitting sale of alcoholic beverages to yourself, a person not a licensed retailer or wholesaler, contrary to and beyond the terms of your employer's license, as defined by R.S. 33:1-11(1), in that you purchased alcoholic beverages from your employer by misrepresenting that the alcoholic beverages had been ordered by retail licensees; in violation of R.S. 33:1-52.

'3. On the aforesaid dates, you knowingly purchased, received and procured illicit beverages from your above mentioned employer, a wholesale licensee, in that said alcoholic beverages were sold to you, a person not a licensed retailer or wholesaler, contrary to and beyond the terms of said wholesaler's license, as defined by R.S. 33:1-11(1), and in violation of R.S. 33:1-2; in violation of R.S. 33:1-49.

'4. On the aforesaid dates, you transported alcoholic beverages not pursuant to and within the terms of a license, or as otherwise expressly authorized under the Alcoholic Beverage Law, contrary to R.S. 33:1-2; in violation of R.S. 33:1-50(a).'

"On the same date, the Division preferred the following charges against the retail licensees, Anthony and Jennie Scola:

'1. On divers dates between January 4, 1961 and December 28, 1961, you knowingly aided and abetted Crown, Ltd., a wholesale licensee, in the unwitting sale of alcoholic beverages to George De Febb, a person not a licensed retailer or wholesaler, contrary to and beyond the terms of said wholesaler's license, as defined by R.S. 33:1-11(1); in violation of R.S. 33:1-52.

'2. On the aforesaid dates, you knowingly aided and abetted George J. DeFebb to knowingly purchase, receive and procure illicit beverages from Crown, Ltd., a wholesale licensee, in that you assisted said DeFebb, a person not a licensed retailer or wholesaler, to purchase, receive and procure alcoholic beverages from said wholesaler contrary to and beyond the terms of said wholesaler's license and in violation of R.S. 33:1-2 and R.S. 33:1-49; in violation of R.S. 33:1-52.'

"Hearing on the charges in both cases was scheduled for Friday, June 8, 1962 and, prior thereto, George De Febb entered a plea of non vult to the charges preferred against him. When the matter came on for hearing respecting the charges preferred against the licensees, Anthony Scola entered a plea of not guilty to both charges. Since the violations to which the permittee has entered a confessional plea and those alleged to have been committed by the licensee arose out of the same transactions, both cases will be considered and determined in a single report.

"Respecting the charges preferred against the permittee, it appears from the evidence uncovered by an ABC agent that between January 4 and December 28, 1961, De Febb, who was employed as a

salesman-solicitor by Crown, Ltd., a wholesale liquor licensee, ordered from his employer merchandise in the amount of \$6,077.42 to be delivered by him to Anthony and Jennie Scola, retail licensees; that in accordance with the wholesaler's practice, the invoices for said merchandise, totalling ninety-three, were stamped 'SWT' (meaning 'salesman will take'); that on each occasion De Febb transported the merchandise in the wholesaler's vehicle to premises other than Scola's bar and grille; and that De Febb appropriated it to his own use and allegedly paid for it out of his own pocket.

"It further appears that in order to prevent such illegal practices, known in the trade as 'washed sales', Crown, Ltd. gives the solicitor a yellow office copy of the invoice and retains a white copy which is later mailed to the retailer to whom the merchandise is delivered by its solicitor. In effect, the white copy is a bill for the merchandise so delivered. In the instant case, it appears that ninety-three yellow copies of invoices stamped 'SWT' were returned by the solicitor to Crown, Ltd. with fictitious signatures thereon, indicating that the merchandise had been received by the Scolas; that thereafter Crown, Ltd. mailed ninety-three white copies of the invoices to the Scolas in sealed envelopes which Scola, by prearrangement, turned over to De Febb with the envelopes unopened.

"By way of mitigation of the penalty to be imposed, De Febb's attorney submitted a memorandum in which it is alleged that the alcoholic beverages obtained by De Febb were used exclusively for himself and close friends at parties and gatherings held by De Febb during the year 1961 and that none of the merchandise was sold for pecuniary profit. It further appears that Scola was not financially prejudiced by the sales which were made with his knowledge and that the arrangements between De Febb and Scola arose as a result of a conversation in which Scola offered the use of his name by De Febb whenever he wished to purchase liquor for his own use.

"The illegal activities in which DeFebb participated indicate an utter disregard of the conditions and restrictions of his solicitor's permit. Considering the extensive and reprehensible practices of the permittee involving so great a quantity of merchandise of considerable value, there is engendered grave doubt that he disposed of the liquor in the manner he claims. However, since there is no evidence to the contrary, the fact that he has no prior adjudicated record and that he entered a confessional plea to the charges prior to the date set for hearing, I recommend that an order be entered suspending De Febb's solicitor's permit for a period of one hundred eighty days. Re Silverstein, Bulletin 1390, Item 1.

"To establish the charges preferred against the retail licensees, the Division produced Joseph Schwartz, general manager of Crown, Ltd., and the ABC agent who investigated the licensee's business transactions with the wholesaler. Mr. Schwartz testified in substance that Crown, Ltd. has an account with the retail licensees, Anthony and Jennie Scola; that during the year 1961, De Febb, salesman-solicitor for Crown, Ltd., called on said account; that the records of the office show that all of the invoices mailed to the licensees were paid; that the procedure followed by Crown, Ltd. in normal deliveries is to give the truck driver a yellow and a white copy of the invoice; that when the merchandise is received, the customer signs the yellow office file copy for the driver and retains the white copy, which is a bill; and that whenever an invoice is stamped 'SWT', the white copy is retained by the office and later mailed to the customer to show that he is being billed for the merchandise delivered by the salesman. Ninety-three yellow invoices stamped 'SWT' with fictitious signatures thereon and thirty-one yellow invoices signed by Scola were received in evidence and marked S-1 and S-2, respectively.

"The ABC agent testified in substance that on January 15, 1962, he visited Scola's Bar and Grille and obtained from Scola the licensees' monthly beverage tax reports for the year 1961; that he also obtained thirty-one white invoices of Crown, Ltd.; that he compared the total gallonage listed on the tax reports and the invoices and found that they reflected exact amounts; that when he asked Scola for the other ninety-three white invoices which had been mailed by Crown, Ltd. to the Scolas, Scola told him that he had given them to De Febb and that he did not list on his tax reports the gallonage indicated on those invoices; that Scola also said he was not officially on COD and that the notation 'COD' on many of the invoices was in accord with an arrangement between him and De Febb to have the orders sent out COD; and, that he did not receive or pay for the merchandise listed on the ninety-three invoices. The agent further testified that at his request, De Febb appeared at the office of Crown, Ltd. where he gave a signed sworn statement and turned over three sealed envelopes addressed to Anthony and Jennie Scola by Crown, Ltd. The three envelopes, the twelve beverage tax reports, thirty-one white invoices, and Scola's signed sworn statement were received in evidence and marked S-3, S-4, S-5 and S-6, respectively.

"Anthony Scola testified in substance that he was a licensee from 1933 to 1955; that in 1955 he leased his premises and resumed operation of the licensed business in 1960; that he has dealt with Crown, Ltd. since 1960; that he pays by check for the merchandise delivered to him; that he did not receive the merchandise listed on the ninety-three invoices; that he had no agreement with De Febb whereby De Febb would obtain liquor on his account; and that when he received the ninety-three white invoices from Crown, Ltd., 'some I threw away and some he (De Febb) asked for... I didn't open them up because I didn't owe nobody any money.'

"In a brief submitted by the licensees' attorney, it is argued that to sustain a conviction under R.S. 33:1-52, under which the charges are brought, it must be established that the licensees knowingly aided and abetted the permittee and wholesaler in the illegal transactions and that, since no evidence was adduced by the Division to prove scienter, the charges should be dismissed.

"It appears, however, that Scola, by his own admission, had an arrangement with De Febb to have various invoices stamped 'COD' notwithstanding the fact that he was not in default and one would indeed be naive to believe that he received ninety-three bills for merchandise and turned them over in sealed envelopes to De Febb unless there was a prearrangement to aid and abet the solicitor and the wholesaler in the illegal transactions.

"In view of the aforesaid, I conclude that the Division has established the truth of the charges preferred against the licensees by the necessary preponderance of the believable evidence and I recommend that an order be entered suspending their license for a period of thirty days. Cf. Re Houlis, Bulletin 1272, Item 1."

Pursuant to Rule 6 of State Regulation No. 16, exceptions to the Hearer's Report and written argument thereto were filed with me by both the permittee and the licensees. The permittee has excepted to the recommended penalty of one hundred eighty days suspension as being too severe, while the retail licensees have excepted to the recommended finding that they "knowingly aided and abetted" the permittee in the unlawful activity in question.

With respect to the proceeding against the permittee De Febb it is first noted that, since he entered a plea of non vult to the

charges against him, normally no Hearer's Report would be prepared in his case and no opportunity would be afforded him to file exceptions to any recommended penalty. Rule 6 of State Regulation No. 16. For this reason the two cases should have been treated separately, rather than consolidated, regardless of the fact that they arise from common factual transactions.

Nevertheless, I have considered the argument advanced concerning the quantum of penalty recommended by the Hearer and am unable to accept the contention that the penalty herein should be governed by the two seventy-five-day suspension cases cited by De Febb in his written Argument. Since the dates of the cited cases (1957 and January 1959), I have viewed the prohibited practices of a solicitor "washing" sales of alcoholic beverages through retailers for resale purposes in a more serious light, warranting more severe penalties as a deterrent to future similar violations. See Re Silverstein cited by the Hearer (decided April 12, 1961) in which I imposed a penalty of one hundred eighty days permit suspension for similar offenses. In Silverstein the solicitor was actually found to be peddling alcoholic beverages obtained by "wash sales." Here, however, it is not certain what disposition DeFebb made of the alcoholic beverages in question, although I agree with the Hearer that it is highly unlikely that DeFebb's claim of using the alcoholic beverages at parties deserves credibility, especially since much of the liquor in question is of a type not customarily used at parties.

Under the circumstances, I shall suspend DeFebb's permit for a period of one hundred fifty days.

As to the contested proceedings against the retailers Anthony Scola and Jennie Scola, they have argued that the Hearer was erroneously influenced by the admissions of DeFebb, in his non vult uncontested case, in finding that the Scolas knowingly aided and abetted DeFebb in the prohibited "wash sales." Apparently, the basis for this position is the fact that the first part of the Hearer's Report dealing with the DeFebb case sets forth certain statements by the permittee in which he attempts to implicate the Scolas as the instigators of the unlawful scheme in question. In this connection, the reason for separate handling of affiliated contested and uncontested cases becomes clear, and it is unfortunate that such treatment was not employed here.

However, I have independently reviewed the record in the Scola case and, without recourse to or consideration of any of the matters in the DeFebb case, I find that Anthony Scola had knowledge that DeFebb was "washing" sales through his licensed business and that, at the least, Scola acquiesced in the practice of DeFebb using the name of his licensed business as the ostensible purchaser of alcoholic beverages from DeFebb's employer. I cannot accept Scola's claim that he did not know that the ninety-three envelopes received by him in the mail from DeFebb's employer contained invoices billed to him for merchandise he never received or ordered. When verbally questioned by the Division agent and when giving the agent a written statement, Scola acknowledged that he knew that the envelopes contained such invoices. Furthermore, the envelopes in question were "window" envelopes whereby the words "Sold to Scola A & J, 13 So. Egg Harbor Road, Hammonton, N. J." on the invoices could be seen through the transparent cellophane portion of the unopened envelopes.

I therefore, find the Scolas guilty of aiding and abetting DeFebb in the proscribed activity set forth in the two charges against them (Rule 33 of State Regulation No. 20) and will impose the penalty recommended by the Hearer.

Accordingly, it is, on this 13th day of August 1962,

ORDERED that Solicitor's Permit No. 2816, issued by the Director of the Division of Alcoholic Beverage Control to George J. DeFebb, 2936 High Street, Camden, New Jersey, for the licensing year 1962-63, be and the same is hereby suspended for one hundred fifty (150) days, effective 7 a.m. Monday, August 20, 1962, and terminating 7 a.m. Thursday, January 17, 1963; and it is further

ORDERED that plenary retail consumption license C-9, issued by the Town Council of the Town of Hammonton to Anthony Scola and Jennie Scola, t/a Scola's Bar & Grille, for premises 13 So. Egg Harbor Road, Hammonton, for the 1962-63 licensing year, be and the same is hereby suspended for thirty (30) days, effective at 2 a.m. Monday, August 20, 1962, and terminating at 2 a.m. Wednesday, September 19, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - SALE TO INTOXICATED PERSONS - PERMITTING INTOXICATED PERSONS TO WORK ON PREMISES - INDECENT LANGUAGE - BRAWLS - GAMBLING (WAGERING) - SERVING WOMEN AT BAR - HOSTESS ACTIVITY - HINDERING INVESTIGATION - NUISANCE - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 90 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

B. J. Ward, Inc.
t/a Sally's Cafe
601 N. Front Street
Camden 2, New Jersey

CONCLUSIONS

AND

Holder of Plenary Retail Consumption
License C-177, for the 1961-62 licensing
year, and C-184, for the 1962-63 licensing
year, issued by the Municipal Board of
Alcoholic Beverage Control of the City of
Camden.

ORDER

Frank M. Lario, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for the Division of
Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on May 12-13, 1962, it (1) sold alcoholic beverages to intoxicated persons, in violation of Rule 1 of State Regulation No. 20, (2) permitted intoxicated persons to work on the licensed premises, in violation of Rule 24 of State Regulation No. 20, (3) permitted indecent language on the licensed premises, in violation of Rule 5 of State Regulation No. 20, (4) permitted brawls, violence and disturbance on the licensed premises, in violation of Rule 5 of State Regulation No. 20, (5) permitted gambling (wagering on shuffle alley games), in violation of Rule 7 of State Regulation No. 20, (6) served alcoholic beverages to women at the bar, in violation of local ordinance, (7) permitted a female employee to drink at the expense of male patrons, in violation of Rule 22 of State Regulation No. 20, (8) hindered an investigation, in violation of R.S. 33:1-35, and (9) conducted the licensed business as a nuisance, in violation of Rule 5 of State Regulation No. 20.

Licensee has a previous record of suspension of license by the municipal issuing authority for ten days, effective April 18, 1960 for sale of alcoholic beverages to a minor.

The prior record considered, and more importantly the number and variety of violations, the license will be suspended for ninety days, with remission of five days for the plea entered, leaving a net suspension of eighty-five days. Cf. Re Lesniewski, Bulletin 1448, Item 7.

Accordingly, it is, on this 13th day of August, 1962,

ORDERED that Plenary Retail Consumption License C-184, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to B. J. Ward, Inc., t/a Sally's Cafe, for premises 601 N. Front Street, Camden, be and the same is hereby suspended for eighty-five (85) days, commencing at 7:00 a.m., Monday, August 20, 1962, and terminating at 7:00 a.m., Tuesday, November 13, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

1. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION NO. 38 - SALE BELOW FILED PRICE - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 40 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Henry O. Lopez
t/a Cuba's Nite Club
1147 Springwood Avenue
Asbury Park, New Jersey

CONCLUSIONS

AND

ORDER

holder of Plenary Retail Consumption License C-35, issued by the City Council of the City of Asbury Park.

Licensee, Pro se.

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

BY THE DIRECTOR:

Licensee pleads non vult to charges alleging that on Sunday, July 22, 1962, he (1) sold a four-fifth pint bottle of whiskey for off-premises consumption, in violation of Rule 1 of State Regulation No. 38, and (2) below filed price, in violation of Rule 5 of State Regulation No. 30.

Licensee and his predecessor in interest, Henry O. Lopez, Inc. (of which he was president and principal stockholder) have a lengthy record of previous suspensions of license (six between 1937 and 1956) for various types of violations as set forth in Re Lopez, Bulletin 1125, Item 8, all either dissimilar occurring more than five years ago or similar occurring more than ten years ago, in consequence of which they will be disregarded in fixing the penalty herein. In addition, the license was suspended by the municipal issuing authority for ten days, effective November 7, 1960, for sale in violation of State Regulation No. 38.

The prior record of similar violation within the past five years considered, the license will be suspended on the first charge for thirty days (Re 74 Hamilton Ave. Corp., Bulletin 1455, Item 4) and on the second charge for ten days (Re Ditchkus, Bulletin 1461, Item 12), or a total of forty days, with remission of five days for the plea entered, leaving a net suspension of thirty-five days.

Accordingly, it is, on this 13th day of August, 1962,

ORDERED that Plenary Retail Consumption License C-35, issued by the City Council of the City of Asbury Park to Henry O. Lopez, t/a Cuba's Nite Club, for premises 1147 Springwood Avenue, Asbury Park, be and the same is hereby suspended for thirty-five (35) days, commencing at 3:00 a.m., Monday, August 20, 1962, and terminating at 3:00 a.m., Monday, September 24, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

4. DISCIPLINARY PROCEEDINGS - FRONT - FALSE STATEMENT IN APPLICATION FOR LICENSE - LICENSE SUSPENDED FOR BALANCE OF TERM WITH LEAVE TO LIFT AFTER 20 DAYS UPON PROOF OF CORRECTION OF UNLAWFUL SITUATION.

In the Matter of Disciplinary Proceedings against

Karunos and Arvanitis (A Corp.)
t/a Peters
Ocean Avenue (Boardwalk)
Long Branch, New Jersey

Holder of Seasonal Retail Consumption License CS-5 (expiring November 1, 1962), issued by the City Council of the City of Long Branch.

CONCLUSIONS

AND

ORDER

Walter J. George, Esq., Attorney for Licensee.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to the following charges:

- "1. From July 18, 1960 to date, you knowingly aided and abetted Ida Barbara Bevacqui to exercise, contrary to R.S. 33:1-26, the rights and privileges of your 1960-61 and 1961-62 seasonal retail consumption licenses; in violation of R.S. 33:1-52.
- "2. In your application dated April 6, 1962, filed with the City Council of the City of Long Branch on April 16, 1962, upon which you obtained your current seasonal retail consumption license, you falsely stated 'No' in answer to Questions 30 and 31 thereof which ask, respectively: '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?' and 'Have you agreed to pay (by way of rent, salary or otherwise) to any employee, or other person, any portion of percentage of the gross or net profits or income derived from the business to be conducted under the license applied for?', whereas in truth and fact you had entered into an agreement with Ida Barbara Bevacqui whereby she acquired an interest in your licensed business as a real and beneficial owner thereof and by which you agreed to permit her to retain all the profits from your licensed business after payment to you of a fixed annual fee; said false statements being in violation of R.S. 33:1-25."

The facts are sufficiently set forth in the quoted charges.

To date, no correction of the unlawful situation has been accomplished.

Absent prior record, the license will be suspended for the balance of its term, with leave granted to the licensee or any bona fide transferee of the license to apply for lifting of the suspension whenever the unlawful situation has been corrected, but in no event sooner than twenty days from the date of commencement of the suspension herein. Re Skyline View Inn, Inc., Bulletin 1470, Item 5.

Accordingly, it is, on this 13th day of August, 1962,

ORDERED that Seasonal Retail Consumption License CS-5 (expiring November 1, 1962) issued by the City Council of the City of Long Branch to Karunos and Arvanitis (A Corp.), t/a Peters, for premises on Ocean Avenue (Boardwalk), Long Branch, be and the same is hereby suspended for the balance of its term effective 3:00 a.m., Tuesday, August 21, 1962, with leave to the licensee or any bona fide transferee of the license to file verified petition establishing correction of the unlawful situation for lifting of the suspension of the license on or after 3:00 a.m., Monday, September 10, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

5. DISCIPLINARY PROCEEDINGS - SALE BELOW FILED PRICE - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Vincent B. Sabbia & Nicholas Sabbia)
t/a Sabbia Food Center)
36-40 Dales Avenue)
Jersey City, New Jersey)

CONCLUSIONS
AND

Holders of Plenary Retail Distribution License D-78, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

ORDER

Licensees, Pro se.
Edward F. Ambrose, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensees plead non vult to a charge alleging that on July 21, 1962, they sold a case of beer at less than filed price, in violation of Rule 5 of State Regulation No. 30.

Licensees have a previous record of suspension of license by the Director for seventy-five days, effective January 5, 1961, for purchase of a quantity of stolen beer. Re Sabbia, Bulletin 1373, Item 3. In addition, the license of Vike-Inn, Inc., of which Vincent Sabbia was president, was suspended by the Director for twenty days, effective November 5, 1958, for sale of alcoholic beverages in violation of State Regulation No. 38 and failure to possess copy of license application on the licensed premises. Re Vike-Inn, Inc., Bulletin 1253, Item 5.

The prior record considered, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving

a net suspension of fifteen days. Re Clendenny Tavern, Inc., Bulletin 1451, Item 2.

Accordingly, it is, on this 13th day of August, 1962,

ORDERED that Plenary Retail Distribution License D-78, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Vincent B. Sabbia and Nicholas Sabbia, t/a Sabbia Food Center, for premises 36-40 Dales Avenue, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 9:00 a.m., Monday, August 20, 1962, and terminating at 9:00 a.m., Tuesday, September 4, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SALE OF DRINKS FOR OFF-PREMISES CONSUMPTION - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 10 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Broadway Tavern, Inc.
142 Broadway
Jersey City, New Jersey

Holder of Plenary Retail Consumption License C-186, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

CONCLUSIONS

AND

ORDER

James F. McGovern, Jr., Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for the Division of
Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on June 15, 1962, it sold a gin drink in other than the original container for consumption off the licensed premises, in violation of R.S. 33:1-2.

Licensee has a previous record of suspension of license for twenty days, effective September 21, 1960, for sale in violation of State Regulation No. 38 and permitting indecent language on the licensed premises. Re Broadway Tavern, Inc., Bulletin 1359, Item 9.

The minimum penalty for a first offense of this kind, unaggravated by prior record, is suspension for five days. Re Villa Rosa, A Corporation, Bulletin 1466, Item 3. However, the prior record considered, the license will be suspended for ten days, with remission of five days for the plea entered, leaving a net suspension of five days.

Accordingly, it is, on this 13th day of August, 1962,

ORDERED that Plenary Retail Consumption License C-186, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Broadway Tavern, Inc., for premises 142 Broadway, Jersey City, be and the same is hereby suspended for five (5) days, commencing at 2:00 a.m., Monday, August 20, 1962, and terminating at 2:00 a.m., Saturday, August 25, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - SALE BELOW FILED PRICE - SALE OF
DRINKS FOR OFF-PREMISES CONSUMPTION - PRIOR DISSIMILAR RECORD -
LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

)

)

Terminal Diner Inc.
Foot of Pershing Road
Weehawken, New Jersey

)

)

CONCLUSIONS

AND

Holder of Plenary Retail Consumption
License C-7, issued by the Township
Committee of the Township of Weehawken.

)

ORDER

Licensee, by Emilie Bochmann, Secretary-Treasurer, Pro se.
Edward F. Ambrose, Esq., Appearing for the Division of
Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on July 21, 1962, it (1) sold a four-fifth quart bottle of whiskey at less than filed price, in violation of Rule 5 of State Regulation No. 30, and (2) sold four mixed gin drinks in other than the original container (Tom Collins in cardboard containers) for consumption off the licensed premises, in violation of R.S. 33:1-2.

Licensee has a previous record of suspension of license by the municipal issuing authority for five days, effective January 22, 1960, for sale during hours prohibited by municipal regulation and in violation of State Regulation No. 38.

The minimum penalty for first offenses of this kind, unaggravated by prior record, is suspension of license for ten days on the first charge (Re Ditchkus, Bulletin 1461, Item 12) and for five days on the second charge (Re Broadway Tavern, Inc., Bulletin 1476, Item 7), or a total of fifteen days. However, the prior record considered, the license will be suspended for twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days.

Accordingly, it is, on this 13th day of August, 1962,

ORDERED that Plenary Retail Consumption License C-7, issued by the Township Committee of the Township of Weehawken to Terminal Diner Inc., for premises at Foot of Pershing Road, Weehawken, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m., Monday, August 20, 1962, and terminating at 2:00 a.m., Tuesday, September 4, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALE DURING HOURS PROHIBITED BY MUNICIPAL REGULATION - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Duffy's Tavern, Inc.
147 Jackson Avenue
Jersey City 5, New Jersey

Holder of Plenary Retail Consumption
License C-136, issued by the Municipal
Board of Alcoholic Beverage Control
of the City of Jersey City.

CONCLUSIONS

AND

ORDER

John J. Meehan, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for the Division of
Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to charges (1 and 2) alleging that on Sunday, July 29, 1962, it sold drinks of alcoholic beverages before noon, in violation of local regulation.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re Canova, Bulletin 1411, Item 4.

Accordingly, it is, on this 6th day of August, 1962,

ORDERED that Plenary Retail Consumption License C-136, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Duffy's Tavern, Inc., for premises 147 Jackson Avenue, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m., Monday, August 13, 1962, and terminating at 2:00 a.m., Thursday, August 23, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF STATE REGULATION
NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Silvio A. Cinaglia
t/a Pete's Cafe
1102 S. 4th Street
Camden 3, New Jersey

CONCLUSIONS

AND

Holder of Plenary Retail Consumption
License C-83, issued by the Municipal
Board of Alcoholic Beverage Control of
the City of Camden.

ORDER

Licensee, Pro se.

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

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that at
8:35 a.m. on July 20, 1962, he sold a pint bottle of whiskey for
off-premises consumption, in violation of Rule 1 of State Regu-
lation No. 38.

Absent prior record, the license will be suspended for
fifteen days, with remission of five days for the plea entered,
leaving a net suspension of ten days. Re The 134 Tavern, Inc.,
Bulletin 1461, Item 10.

Accordingly, it is, on this 13th day of August, 1962,

ORDERED that Plenary Retail Consumption License C-83,
issued by the Municipal Board of Alcoholic Beverage Control of
the City of Camden to Silvio A. Cinaglia, t/a Pete's Cafe, for
premises 1102 S. 4th Street, Camden, be and the same is hereby
suspended for ten (10) days, commencing at 7:00 a.m., Monday,
August 20, 1962, and terminating at 7:00 a.m., Thursday, August
30, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

10. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
 LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
 Proceedings against

Gem Tavern, Inc.
 t/a Gem Tavern, Inc.
 136 Washington Avenue
 Carteret, New Jersey

CONCLUSIONS

AND

Holder of Plenary Retail Consumption
 License C-35, issued by the Borough
 Council of the Borough of Carteret.

ORDER

Licensee, by Michael Poll, President, Pro se.
 David S. Piltzer, Esq., Appearing for the Division of Alcoholic
 Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on
 July 18, 1962, it possessed alcoholic beverages in two bottles
 bearing labels which did not truly described their contents, in
 violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for
 fifteen days, with remission of five days for the plea entered,
 leaving a net suspension of ten days. Re Kistulinec, Bulletin
 1461, Item 11.

Accordingly, it is, on this 13th day of August, 1962,

ORDERED that Plenary Retail Consumption License C-35,
 issued by the Borough Council of the Borough of Carteret to Gem
 Tavern, Inc., t/a Gem Tavern, Inc., for premises 136 Washington
 Avenue, Carteret, be and the same is hereby suspended for ten
 (10) days, commencing at 2:00 a.m., Monday, August 20, 1962,
 and terminating at 2:00 a.m., Thursday, August 30, 1962.

WILLIAM HOWE DAVIS
 DIRECTOR

11. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
Labeled - License Suspended for 10 days, less 5 for plea.

In the Matter of Disciplinary)
Proceedings against)
John Kalafut)
t/a J. Kalafut Bar & Grill)
42 Main Street)
Ogdensburg, New Jersey)
Holder of Plenary Retail Consumption)
License C-1078, issued by the Director)
of the Division of Alcoholic Beverage)
Control.)

CONCLUSIONS
AND
ORDER

Licensee, Pro se.
David S. Piltzer, Esq., Appearing for the Division of
Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleads guilty to a charge alleging that on
July 11, 1962, he possessed an alcoholic beverage in one bottle
bearing a label which did not truly describe its contents, in
violation of Rule 27 of State Regulation No. 20.

Absent prior record, the license will be suspended for
ten days, with remission of five days for the plea entered,
leaving a net suspension of five days. Re Marchitto, Bulletin
1461, Item 13.

Accordingly, it is, on this 13th day of August, 1962,

ORDERED that Plenary Retail Consumption License C-1078,
issued by the Director of the Division of Alcoholic Beverage
Control to John Kalafut, t/a J. Kalafut Bar & Grill, for premises
42 Main Street, Ogdensburg, be and the same is hereby suspended
for five (5) days, commencing at 2:00 a.m., Monday, August 20,
1962, and terminating at 2:00 a.m., Saturday, August 25, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

12. DISCIPLINARY PROCEEDINGS - SALE TO A MINOR - LICENSE
SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against

Elwood Corporation
t/a J Bar
203-205 Market Street
Camden 2, New Jersey

CONCLUSIONS

AND

Holder of Plenary Retail Consumption
License C-22, issued by the Muni-
cipal Board of Alcoholic Beverage Con-
trol of the City of Camden.

ORDER

Teitelman & Teitelman, Esqs., Attorneys for Licensee.
David S. Piltzer, Esq., Appearing for the Division of Alcoholic
Beverage Control.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on July 11, 1962, it sold two quarts and two six-packs of cans of beer to an 18-year-old minor, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for fifteen days, with remission of five days for the plea entered, leaving a net suspension of ten days. Re DePiano & Bizarro, Bulletin 1457, Item 1.

Accordingly, it is, on this 21st day of August, 1962,

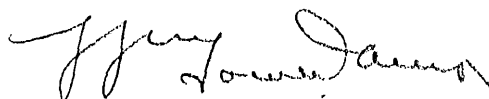
ORDERED that Plenary Retail Consumption License C-22, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Elwood Corporation, t/a J Bar, for premises 203-205 Market Street, Camden, be and the same is hereby suspended for ten (10) days, commencing at 2:00 A.M. Tuesday, August 28, 1962, and terminating at 2:00 A.M. Friday, September 7, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

13. STATE LICENSES - NEW APPLICATION FILED.

PIEL, INC.
t/a PIELS, PIEL BROS. &
TROMMER BREWING COMPANY
315 Liberty Avenue
Brooklyn, New York

Application filed October 3, 1962 for person-to-person
transfer of Limited Wholesale License WL-8 from Piel Bros.


William Howe Davis
Director

New Jersey State Library