

STATE OF NEW JERSEY  
 Department of Law and Public Safety  
 DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
 1100 Raymond Blvd. Newark, N.J. 07102

BULLETIN 1960

March 25, 1971

TABLE OF CONTENTSITEM

1. STATE REGULATIONS - REGULATION NO. 13 - RULES 3, 4, 5 and 6 AMENDED TO INCREASE FEES FOR EMPLOYMENT PERMITS.
2. DISCIPLINARY PROCEEDINGS (Newark) - LEWDNESS AND IMMORAL ACTIVITY - PRIOR DISSIMILAR AND SIMILAR RECORD - LICENSE REVOKED.
3. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1970 TO DECEMBER 31, 1970 AS REPORTED TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19 (INCLUDING 47 ISSUED BY THE DIRECTOR PURSUANT TO R.S. 33:1-20).
4. APPELLATE DECISIONS - CRANER & PILON v. PATERSON - SUPPLEMENTAL ORDER.
5. DISCIPLINARY PROCEEDINGS (Egg Harbor Township) - SALES TO MINORS - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
6. DISCIPLINARY PROCEEDINGS (Newark) - SALES TO INTOXICATED PERSONS - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
7. DISCIPLINARY PROCEEDINGS (Egg Harbor Township) - HINDERING INVESTIGATION - NOLLE PROSSED.
8. DISCIPLINARY PROCEEDINGS (Paterson) - SALES TO MINORS - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
9. ACTIVITY REPORT FOR FEBRUARY 1971.
10. DISQUALIFICATION REMOVAL PROCEEDINGS - ATTEMPTED RAPE - ORDER REMOVING DISQUALIFICATION.
11. DISCIPLINARY PROCEEDINGS (Florence Township) - VIOLATION OF LOCAL ORDINANCE - HOURS - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
12. DISCIPLINARY PROCEEDINGS (Palisades Park) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
13. STATE LICENSES - NEW APPLICATIONS FILED.

STATE OF NEW JERSEY  
Department of Law and Public Safety  
DIVISION OF ALCOHOLIC BEVERAGE CONTROL  
1100 Raymond Blvd. Newark, N. J. 07102

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March 25, 1971

1. STATE REGULATIONS - REGULATION NO. 13 - RULES 3, 4, 5 and 6 AMENDED TO INCREASE FEES FOR EMPLOYMENT PERMITS.

Pursuant to authority of R.S. 33:1-26 and 39, Rules 3, 4, 5 and 6 of State Regulation No. 13 have been amended to increase employment permit fees from \$3.00 to \$5.00 for minors, and from \$10.00 to \$15.00 for non-residents and non-citizens, effective March 1, 1971. The amended Rules now read as follows:

Rule 3. No licensee, except a retail licensee conducting a bona fide hotel or public restaurant, shall employ any person under the age of twenty-one (21) years, or shall allow, permit or suffer the employment of any such person, in or upon the licensed premises unless such person shall (1) have first obtained an employment permit from the Director of the Division of Alcoholic Beverage Control or (2) within ten (10) days after becoming employed, have filed with the Director of the Division of Alcoholic Beverage Control the application and fee for his employment permit or (3) be covered under a blanket employment permit issued to his employer pursuant to Rule 10 hereof. The fee for an individual permit is Five Dollars (\$5.00) per annum, or any part thereof.

Rule 4. No retail licensee, except a plenary retail transit licensee or a retail licensee conducting a bona fide hotel or public restaurant, shall employ any person who is not a resident of the State of New Jersey, or allow, permit or suffer the employment of any such person, in or upon the licensed premises unless such person shall (1) have first obtained an employment permit from the Director of the Division of Alcoholic Beverage Control or (2) within ten (10) days after becoming employed, have filed with the Director of the Division of Alcoholic Beverage Control the application and fee for his employment permit or (3) be covered under a blanket employment permit issued to his employer pursuant to Rule 10 hereof. The fee for an individual permit is Fifteen Dollars (\$15.00) per annum, or any part thereof.

Rule 5. No retail licensee conducting a bona fide hotel or public restaurant shall allow, permit or suffer a person who is not a resident of the State of New Jersey to serve, sell or solicit the sale of any alcoholic beverage or to participate in the mixing, processing or preparation thereof, unless such person shall (1) have first obtained an employment permit from the Director of the Division of Alcoholic Beverage Control or (2) within ten (10) days after becoming employed, have filed with the Director of the Division of Alcoholic Beverage Control the application and fee for his employment permit or (3) be covered under a blanket employment permit issued to his employer pursuant to Rule 10 hereof. The fee for an individual permit is Fifteen Dollars (\$15.00) per annum, or any part thereof.

Rule 6. No licensee shall employ any person who is not a citizen of the United States or a national of a country with which the United States has an existing trade treaty affording reciprocal privileges to respective nationals, or allow, permit or suffer the employment of any such person, in or upon the licensed premises unless such person shall (1) have first obtained an employment permit from the Director of the Division of Alcoholic Beverage Control or (2) within ten (10) days after becoming employed, have filed with the Director of the Division of Alcoholic Beverage Control the application and fee for his employment permit or (3) be covered under a blanket employment permit issued to his employer pursuant to Rule 10 hereof. The fee for an individual permit is Fifteen Dollars (\$15.00) per annum, or any part thereof, Such employment permit may limit the capacity in which the alien may be employed on licensed premises.

RICHARD C. McDONOUGH  
DIRECTOR

Dated: March 1, 1971

2. DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITY -  
PRIOR DISSIMILAR AND SIMILAR RECORD - LICENSE REVOKED.

In the Matter of Disciplinary Proceedings against )

RALPH LEMONGELLI )  
t/a Club 28 )  
28 Columbia St. )  
Newark, N. J. )

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-771, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark. )

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Mario V. Farco, Esq., Attorney for Licensee  
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

The Hearer has filed the following report herein:

Hearer's Report

Licensee pleaded not guilty to the following charge:

"On February 28, 1970, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises viz., solicitation for prostitution and the making of overtures and arrangements for acts of illicit sexual intercourse and/or acts of illicit perverted sexual relations; in violation of Rule 5 of State Regulation No. 20."

Four ABC agents participated in the investigation which led to the preferment of the charge.

Agent S testified that, accompanied by agents, G, R and Ga, he entered the licensed premises (a neighborhood semi-night-club tavern) on February 28, 1970 at 7:50 p.m. They took positions

at the left side of a large octagon-shaped bar. Agent G had in his possession two ten-dollar bills and one five-dollar bill, the serial numbers of which had been pre-recorded.

A female, Geraldine Howard (Jerry) was tending bar. Agent S observed a lone female, later identified as Valérie C---, seated at the opposite side of the bar. A short time later Valerie left her position at the bar and sat next to a male who just entered. Agent G offered through Jerry, to buy Valerie a drink if she leaves that male. Jerry went to Valerie and conversed with her. Jerry then served Valerie a drink and said that the drink was purchased by "Bob", the name used by Agent G. Valerie looked at Agent G, raised her glass, and said "Thanks". Valerie left the male and positioned herself between Agents G and Ga. After some conversation, Agent S pointed to Valerie and said to Jerry "She is going to blow us, and she is going to give us half and half."

Agent S informed Jerry that they had a hotel room and asked her where Valerie takes males. Jerry replied that she had her own place around the corner. In response to a statement made by Agent R that they did not want to be mugged, Jerry responded, "Oh, no. She is a nice girl."

Arrangements were made for Agents S and G to go with Valerie first. At approximately 9:00 p.m. Valerie left, followed by Agents S and G, several feet behind. As they were leaving, Agent S informed Jerry that he and agent G were going first, and upon their return the other two would go. Jerry nodded her head affirmatively.

Valerie led Agents S and G in to a building where she opened a door to a small bedroom, started to disrobe and asked for payment. Agent G handed her the \$25 marked money. She placed the money in a book. After Valerie, in the nude, assumed a reclining position on the bed, Agent S said that he was returning to the tavern. Agent S saw Agents Ga and R with two local police officers at the corner. Agent S returned to the room accompanied by the police officers where they found Valerie lying on the bed naked and Agent G seated on a chair. The "marked" money was recovered. Agents S, G and R returned to the licensed premises.

The agents identified themselves to Jerry and informed her of the alleged violation. Upon being summoned, the licensee, Ralph Lemongelli (who resided on a floor above the licensed premises), entered the licensed premises. The agents identified themselves to him.

On cross examination, the agent testified that he was acting under specific assignment to investigate alleged solicitation for prostitution in the premises. Jerry heard a substantial part of the conversation between agents and Valerie concerning the solicitation. She did not participate in the actual solicitation.

Agent G's testimony substantially corroborated the testimony adduced from Agent S. Additionally, after testifying that Valerie seated herself between him and Agent Ga and that they were engaging in general conversation, he then testified, as follows:

"Q Tell us the conversation.

A I said to Valerie, 'Are you the go-go girl?'

She said, 'No,' she says, 'but I go.'  
 And I said, 'What is happening?'  
 She said, 'What do you want to happen?'  
 I said, 'What could happen?'  
 She said, 'I get twenty dollars for half and half.'"

He heard Agent S inform Jerry of Valerie's offer to engage in sexual intercourse. Jerry assured him that it was safe to go with Valerie.

It was stipulated that the testimony of ABC Agents R and Ga would be corroborative of the testimony adduced from the previous witnesses.

In defense of the charge, the licensee, Ralph Lemongelli, testified that he was not in the premises at the time of the alleged occurrence. Valerie was never employed by him, nor was he acquainted with her. Jerry was employed by him as a barmaid.

He does not permit the type activities alleged in the charge to take place in his premises.

The bartender, Geraldine Howard, was not produced as a witness.

The charge herein is based on Rule 5 of State Regulation No. 20 which provides:

"No licensee shall engage in or allow, permit or suffer in or upon the licensed premises any lewdness, immoral activity, or foul, filthy, indecent or obscene language or conduct, or any brawl, act of violence, disturbance or unnecessary noise; nor shall any licensee allow, permit or suffer the licensed place of business to be conducted in such manner as to become a nuisance."

The specific charge herein alleges that the licensee had violated this rule by allowing, permitting and suffering the solicitation for prostitution and the making of overtures and arrangements for acts of illicit sexual intercourse. Our courts have consistently maintained that "the commission of an overt act on the licensed premises in furtherance or promotion or encouragement of an illicit purpose is in itself an immoral activity comprehended by the scope of the regulatory rule." In re Schneider, 12 N.J. Super. 449 (App.Div. 1951). The court stated in Schneider, at p. 458:

"The object manifestly inherent in the rule with which we are here concerned is primarily to discourage and prevent not only lewdness, fornication, prostitution, but all forms of licentious practices and immoral indecency on the licensed premises. The primary intent of the regulation is to suppress the inception of any immoral activity...."

See In re Olympic, Inc., 49 N.J. Super. 299 (App. Div. 1958).

Unquestionably, an arrangement was made on the date charged between a female (Valerie) and the agents in the licensed premises for acts of illicit sexual intercourse. This was followed up by their visit to the female's room for the purpose of consummating the arrangement.

Therefore, the sole remaining dispositive issue is, whether the licensee did "allow, permit or suffer" the act of lewdness and immoral activity in and upon the licensed premises.

The general rule in these cases is that the finding must be based on competent legal evidence and must be grounded on a reasonable certainty as to the probabilities arising from a fair consideration of the evidence. 32A C.J.S. Evidence, sec. 1042.

Applying this principle, I am convinced that Agent S's uncontroverted testimony of his conversation with the barmaid concerning the arrangements made with Valerie (amply corroborated by the testimony offered by the other agents) was not a fabrication and preconceived in order to falsely and maliciously inculcate an otherwise innocent licensee. Although the Division witnesses were subjected to intensive cross examination by counsel for the licensee, their testimony remained unshaken.

From the evidence presented it is manifest that the licensee permitted and suffered the solicitation for prostitution to take place on the licensed premises as charged.

As the Supreme Court said in Essex Holding Corp. v. Hock, 136 N.J.L. 28 (Sup. Ct. 1947), at p. 31:

"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. Guastamachio v. Brennan, 128 Conn. 356; 23 Atl. Rep. (2d) 140."

It has long been held that the solicitation for immoral purposes and the making of arrangements for sexual intercourse cannot and will not be tolerated on licensed premises. The public is entitled to protection from these sordid and dangerous evils. Re 17 Club, Inc., Bulletin 949, Item 2, aff'd In re 17 Club, Inc., 26 N.J. Super. 43 (App. Div. 1953).

Licensee argues an unawareness of the conduct and activity of the barmaid. The licensee is clearly inculcated by the misconduct of his employee. Such conduct constitutes a grave threat to the public welfare and morals and, unless eliminated, tends towards the abuse and abasement. Kravis v. Hock, 137 N.J.L. 252 (Sup. Ct. 1948); In re Schneider, supra. Furthermore, it is a basic principle that, in disciplinary proceedings, the licensee is fully accountable for all violations committed, or permitted and suffered by his servants, agents or employees. Knowledge on the part of the licensee is not a prerequisite to a finding of guilt where the employee participates in the misdeed. Cf. Essex Holding Corp. v. Hock, supra; In re Schneider, supra; Rule 33 of State Regulation No. 20.

After carefully considering and evaluating all of the evidence adduced herein, and the legal principles applicable thereto, I conclude that the Division has proved its case by clear and convincing testimony and by a fair preponderance of the credible evidence. I therefore recommend that the licensee be found guilty as charged.

Licensee has a previous record of three suspensions of license by the municipal issuing authority: (1) for fifteen

days effective January 10, 1966 for sale in violation of State Regulation No. 38; (2) for twenty days effective June 21, 1967 for sales of alcoholic beverages on Election Day, and (3) for twenty-five days effective September 1, 1969, for sale in violation of State Regulation No. 38.

Additionally, the licensee has a previous record of suspension of license by the Director for ninety days effective November 25, 1970 for lewdness and immoral activity (indecent dance). (The license is presently under suspension on this charge.) Re Lemongelli, Bulletin 1948, Item 2. Furthermore, the license of the predecessor licensee, Anna Lemongelli (wife of the present licensee) was suspended by the Director for ninety days effective August 12, 1964 for (1) lewdness and immoral activity (prostitution), (2) for sale in violation of State Regulation No. 38 and (3) fraud in application. Re Lemongelli, Bulletin 1580, Item 4. It is further noted that the present licensee, Ralph Lemongelli, participated in violations (1) and (2).

Upon considering the previous record of suspensions of license in which this particular licensee was involved and his callous disregard for the rules and regulations of this Division, I deem the only proper penalty to be outright revocation; and I so recommend. Re Royal Castle, Inc., Bulletin 1843, Item 1.

#### Conclusions and Order

No exceptions to the Hearer's report were filed pursuant to Rule 6 of State Regulation No. 16.

Having carefully considered the entire record herein, including the transcript of the testimony and the Hearer's report, I concur in the findings and conclusions of the Hearer and adopt them as my recommendations.

Accordingly, it is, on this 20th day of January 1971,

ORDERED that Plenary Retail Consumption License C-771, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Ralph Lemongelli, t/a Club 28, for premises 28 Columbia Street, Newark, be and the same is hereby revoked, effective immediately.

RICHARD C. McDONOUGH  
DIRECTOR

3. NUMBER OF MUNICIPAL LICENSES ISSUED AND AMOUNT OF FEES PAID FOR THE PERIOD JULY 1, 1970 TO DECEMBER 31, 1970 AS REPORTED TO THE DIVISION OF ALCOHOLIC BEVERAGE CONTROL BY THE LOCAL ISSUING AUTHORITIES PURSUANT TO R.S. 33:1-19 (INCLUDING 47 ISSUED BY THE DIRECTOR PURSUANT TO R.S. 33:1-20)

PAGE 7.

CLASSIFICATION OF LICENSES

County	Plenary Retail Consumption		Plenary Retail Distribution		Club	Limited Retail Distribution		Seasonal Retail Consumption		Licenses Surr. Revoked Retired	Number Licenses In Effect	Total Fees Paid	
	No. Issued	Fees Paid	No. Issued	Fees Paid		No. Issued	Fees Paid	No. Issued	Fees Paid				No. Issued
Atlantic	485	\$ 210,160.00	74	\$ 28,075.00	30	\$ 2,640.00					589	\$ 240,875.00	
Bergen	809	387,990.64	301	98,475.64	168	16,005.00	43	\$ 1,981.50	5	\$ 1,398.75	1326	505,851.53	
Burlington	201	98,580.00	43	17,321.00	61	7,832.05	1	50.00			306	123,783.05	
Camden	438	245,740.62	86	41,688.00	80	7,769.92			1	450.00	605	295,648.54	
Cape May	141	82,300.00	13	4,920.00	19	3,550.00					173	90,770.00	
Cumberland	81	47,400.00	15	5,200.00	34	4,575.20					130	57,175.20	
Essex	1167	751,627.21	330	223,770.00	90	12,450.00	23	1,150.00			1610	988,997.21	
Gloucester	110	42,990.00	16	4,540.00	28	2,685.00					154	50,215.00	
Hudson	1352	627,065.00	295	122,600.00	71	8,217.65	57	2,475.00			1775	760,357.65	
Hunterdon	80	37,017.40	17	13,035.00	19	2,380.00					116	52,432.40	
Mercer	394	288,629.00	51	29,586.00	65	9,750.00					510	327,965.00	
Middlesex	632	324,580.00	89	31,445.00	145	11,788.00	3	150.00			869	367,963.00	
Monmouth	546	297,197.93	128	47,428.00	69	7,992.34	10	492.00	18	11,769.62	771	364,879.89	
Morris	360	163,758.00	105	47,625.00	74	7,692.77	13	650.00	5	1,608.75	557	221,334.52	
Ocean	195	120,490.14	52	25,194.80	53	6,039.86					300	151,724.80	
Passaic	765	329,407.00	166	53,290.00	51	5,972.87	5	250.00			987	388,919.87	
Salem	50	20,010.00	8	1,640.00	20	1,650.00					78	23,300.00	
Somerset	190	97,580.00	41	14,415.00	41	5,015.00					272	117,010.00	
Sussex	166	47,975.00	21	4,495.00	15	865.00	1	50.00	1	225.00	204	53,610.00	
Union	543	346,688.00	145	77,549.00	97	10,786.16	25	1,250.00			2	808	436,273.16
Warren	145	45,382.00	22	6,014.75	33	3,486.50			1	225.00		201	55,108.25
Totals	8850	\$4,612,567.94	2018	\$898,307.19	1263	\$139,143.32	181	\$8,498.50	31	\$15,677.12	2*	12341	\$5,674,194.07

Since 7/1/70\* During period 10/1/70 - 12/31/70  
 1 C Revoked New Licenses - 1 "C"-1 "D"- 10 "CB"  
 1 C Retired Issued under hardship - 3 "C"  
 Late Renewals - 1 "C" - 1 "CB"  
 Previously operating under appeal - 1 "C" issued

Richard C. McDonough  
 Director

BULLETIN 1960

4. APPELLATE DECISIONS - CRANER & PILON v. PATERSON -  
SUPPLEMENTAL ORDER.

#3416	)	
JOHN A. CRANER & RAYMOND P. PILON	)	
t/a MUGGSY'S FRIENDLY TAVERN,	)	
	)	ON APPEAL
Appellants,	)	SUPPLEMENTAL
	)	ORDER
v.	)	
	)	
BOARD OF ALCOHOLIC BEVERAGE	)	
CONTROL FOR THE CITY OF	)	
PATERSON,	)	
	)	
Respondent.	)	

-----  
 John A. Craner, Esq., Attorney for Appellants  
 Joseph L. Conn, Esq., by Samuel K. Yucht, Esq., Attorney for Respondent

BY THE DIRECTOR:

On May 26, 1970 Conclusions and Order were entered in this Division affirming the action of respondent which denied the application for renewal of appellants' plenary retail consumption license (for premises 839 Main Street, Paterson), which license had heretofore been extended for the 1968-69 license period pending determination of the appeal herein. The order provided also that an order dated June 30, 1969 (extending the term of the said license pending determination of the appeal herein) be vacated effective immediately. Craner & Pilon v. Paterson, Bulletin 1918, Item 1.

Appellants thereupon appealed to the Appellate Division of the Superior Court, which stayed the aforesaid order under which the appellants have been operating until further order of the court. On January 21, 1971 the Appellate Division of the Superior Court affirmed the order of the Director and added:

"Any order that may have been granted extending the term of the license pending the determination of the appeal is vacated."

Pilon and Craner v. Paterson and Div. of Alcoholic Beverage Control (App.Div. 1969).

Thus, appellants are not authorized to hold any license for the operation of said premises.

Therefore, it is, on this 25th day of January 1971,

ORDERED that, in accordance with the order of the Appellate Division of the Superior Court, my order of June 30, 1969 (extending the term of the license pending determination of the appeal) be and the same is hereby vacated, effective immediately.

RICHARD C. McDONOUGH  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against )

DONGE, INC. )  
t/a The Mug )  
Longport Blvd. at Bass Harbor Bridge )  
Egg Harbor Township )  
PO Box 89, Somers Point, N. J. )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-20, issued by the Township Committee of Egg Harbor Township )

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Licensee, by John J. Cella, President, Pro se.  
Francis P. Meehan, Jr., Esq., Appearing for the Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that, on December 5, 1970, it sold drinks of beer to five minors, one age 17, two age 18 and two age 19, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, the license will be suspended for thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days. Cf. Re Lynch & Turso, Bulletin 1740, Item 4.

Accordingly, it is, on this 22nd day of January, 1971,

ORDERED that Plenary Retail Consumption License C-20, issued by the Township Committee of Egg Harbor Township to Donge, Inc., t/a The Mug, for premises Longport Blvd. at Bass Harbor Bridge, Egg Harbor Township, be and the same is hereby suspended for twenty-five (25) days, commencing at 7:00 a.m. Monday, February 8, 1971, and terminating at 7:00 a.m. Friday, March 5, 1971.

RICHARD C. McDONOUGH  
DIRECTOR

6. DISCIPLINARY PROCEEDINGS - SALES TO INTOXICATED PERSONS -  
LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against	)	
	)	
NEWARK CLUB DURAND (A Corp.)	)	CONCLUSIONS
t/a Club Durand	)	AND ORDER
56 Mulberry Street	)	
Newark, N. J.	)	
Holder of Plenary Retail Consumption License C-117, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark.	)	

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 Marra, Cherin & Gerstein, Esqs., by Manny Gerstein, Esq.,  
 Attorneys for Licensee  
 Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on October 7, 1970, it sold drinks of alcoholic beverages to two persons actually or apparently intoxicated, in violation of Rule 1 of State Regulation No. 20.

Absent prior record, 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 Petito and Petito, Bulletin 1849, Item 4.

Accordingly, it is, on this 22nd day of January 1971,

ORDERED that Plenary Retail Consumption License C-117, issued by the Municipal Board of Alcoholic Beverage Control of the City of Newark to Newark Club Durand (A Corp.), t/a Club Durand, for premises 56 Mulberry Street, Newark, be and the same is hereby suspended for fifteen (15) days, commencing at 2:00 a.m. Tuesday, January 26, 1971, and terminating at 2:00 a.m. Wednesday, February 10, 1971.

RICHARD C. McDONOUGH  
DIRECTOR

7. DISCIPLINARY PROCEEDINGS - HINDERING INVESTIGATION -  
NOLLE PROSSED.

In the Matter of Disciplinary Proceedings against

DUNES CLUB, INC.  
t/a The Dunes  
Somers Point-Longport Boulevard at  
Junction  
Egg Harbor Township  
PO Box 434, Longport, N. J.

CONCLUSIONS  
AND ORDER

Holder of Plenary Retail Consumption License C-29, issued by the Township Committee of Egg Harbor Township

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Frank J. Ferry, Esq., Attorney for Licensee  
Edward F. Ambrose, Esq., Appearing for Division

BY THE DIRECTOR:

On August 27, 1970, the Division, on basis of a report dated August 4, 1970, submitted by Bernard J. McBride, a detective on the staff of the Office of the County Prosecutor of the County of Atlantic, preferred the following charge against the licensee:

"On June 6, 1970 you, directly or indirectly, through agents, servants, persons employed on your licensed premises and other persons in your behalf, failed to facilitate, hindered, delayed and caused the hindrance and delay, and attempted to hinder, delay and cause the hindrance and delay of an investigation and inspection of your licensed business and premises then and there being conducted by an officer, viz., Atlantic County Detective Bernard J. McBride (Office of the County Prosecutor, County of Atlantic); in violation of Rule 35 of State Regulation No. 20."

This Division did not participate in the investigation and Detective McBride was advised that he should arrange to be present with his witnesses at any hearing in the matter.

The licensee entered a plea of not guilty to the charge and hearing in the case was adjourned from time to time pending completion of trials in the Municipal Court of Egg Harbor Township on cross complaints signed against each other by Detective McBride and agents of the licensee corporation for violations of the Disorderly Persons Law.

Under date of December 21, 1970, Detective McBride wrote to the Division as follows:

"In view of the Egg Harbor Township Municipal Hearing regarding my complaint against Harley Schoaf III being dismissed. I herewith withdraw my complaint against the Dunes.

Thanking you, and the Division of Alcoholic Beverage Control for your cooperation in this matter."

Since, therefore, Detective McBride has elected not to appear with his witnesses in prosecution of the charge and the attorney appearing for the Division represents that the Division is without any proof of its own in support thereof, and in that status moves for a nolle pros, and

Such appearing to be good cause, I shall grant the motion.

Accordingly, it is, on this 26th day of January 1971,

ORDERED that the charge herein be and the same is hereby nolle prossed.

RICHARD C. McDONOUGH  
DIRECTOR

8. DISCIPLINARY PROCEEDINGS - SALES TO MINORS - PRIOR DISSIMILAR RECORD - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

G & J LOUNGE, INC.  
138 Fifth Avenue  
Paterson, N. J.

)  
)  
) CONCLUSIONS  
) AND ORDER  
)  
)

Holder of Plenary Retail Consumption License C-257, issued by the Board of Alcoholic Beverage Control for the City of Paterson.

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Robert P. Alliegro, Esq., Attorney for Licensee  
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee entered plea of non vult to a charge alleging that on October 28, 1970 it sold drinks of alcoholic beverages to two minors, ages 18 and 20, in violation of Rule 1 of State Regulation No. 20.

Licensee corporation has a prior record of suspension of license by the Director for ten days effective March 23, 1970, for failure to have the licensed premises closed during hours fixed by municipal ordinance. Re G & J Lounge, Inc., Bulletin 1902, Item 8. In addition, a license held by John Brownlee for premises 1571 Third Avenue, Paterson, an officer and stockholder of licensee corporation, was suspended by the municipal issuing authority for ten days effective June 30, 1966 for sales during prohibited hours, in violation of a local regulation.

The license will be suspended on the charge herein for fifteen days (Re R.H. & H., Inc., Bulletin 1896, Item 16), to which will be added ten days by reason of the record of the within mentioned two suspensions of license for dissimilar violations within the past five years (Re Nazario, Bulletin 1840, Item 5), or a total of twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days.

Accordingly, it is, on this 25th day of January 1971,

ORDERED that Plenary Retail Consumption License C-257, issued by the Board of Alcoholic Beverage Control for the City of Paterson to G & J Lounge, Inc., for premises 138 Fifth Avenue, Paterson, be and the same is hereby suspended for twenty (20) days, commencing at 3 a.m. Tuesday, February 9, 1971, and terminating at 3 a.m. Monday, March 1, 1971.

RICHARD C. McDONOUGH  
DIRECTOR

9.

ACTIVITY REPORT FOR FEBRUARY 1971

<b>ARRESTS:</b>		
Total number of persons arrested - - - - -		33
Licensees and employees - - - - -	13	
Bootleggers - - - - -	4	
Minors - - - - -	16	
<b>SEIZURES:</b>		
Distilled alcoholic beverages - gallons - - - - -		5.15
Wine - gallons - - - - -		2.42
Brewed malt alcoholic beverages - gallons - - - - -		59.90
<b>RETAIL LICENSEES:</b>		
Premises inspected - - - - -		616
Premises where alcoholic beverages were gauged - - - - -		482
Bottles gauged - - - - -		8,219
Premises where violations were found - - - - -		131
Violations found - - - - -		184
Unqualified employees - - - - -	47	No disposal permit - - - - - 2
No Form E-141-A on premises - - - - -	34	Other mercantile business - - - - - 1
Form E-141-A incomplete - - - - -	33	Prohibited signs & practice - - - - - 1
Application copy not available - - - - -	29	Other violations - - - - - 37
<b>STATE LICENSEES:</b>		
Premises inspected - - - - -		4
License applications investigated - - - - -		4
<b>COMPLAINTS:</b>		
Complaints assigned for investigation - - - - -		349
Investigations completed - - - - -		362
Investigations pending - - - - -		347
<b>LABORATORY:</b>		
Analyses made - - - - -		72
Refills from licensed premises - bottles - - - - -		48
Bottles from unlicensed premises - - - - -		5
<b>IDENTIFICATION:</b>		
Criminal fingerprint identifications made - - - - -		22
Persons fingerprinted for non-criminal purposes - - - - -		278
Identification contacts made with other enforcement agencies - - - - -		220
<b>DISCIPLINARY PROCEEDINGS:</b>		
Cases transmitted to municipalities - - - - -		2
Violations involved - - - - -		2
Sale during prohibited hours - - - - -	1	
Sale to minors - - - - -	1	
Cases instituted at Division - - - - -		17
Violations involved - - - - -		24
Sale during prohibited hours - - - - -	6	Filing false tax reports - - - - - 1
Permitting immoral acty.on prem. - - - - -	3	Unauthorized transportation - - - - - 1
Sale to minors - - - - -	2	Possession of lottery tickets on prem. - - 1
Fail. to close prem. dur. proh. hrs. - - - - -	2	Fraud in application - - - - - 1
Perm. bookmaking & raffles on prem. - - - - -	1	Possessing liquor not truly labeled - - - 1
Perm. Bookmaking & lottery on prem. - - - - -	1	Perm. pinball machines on prem. - - - - 1
Purchase from improper source - - - - -	1	Employee working while intoxicated - - - 1
Storage off licensed premises - - - - -	1	
Cases brought by municipalities on own initiative and reported to Division - - - - -		20
Violations involved - - - - -		25
Sale to minors - - - - -	7	Sale to intoxicated person - - - - - 1
Permitting gambling on premises - - - - -	3	Hindering investigation - - - - - 1
Conducting business as a nuisance - - - - -	3	Sale during public emergency (local) - - - 1
Perm. loitering by minors unaccomp. by adults (local reg.) - - - - -	3	Employee working w/o reporting to local PD (local) - - - - - 1
Perm. illegal activity (narcotics) on prem	2	Failure to close prem. during proh. hr. 1
Sale during prohibited hours - - - - -	2	
<b>HEARINGS HELD AT DIVISION:</b>		
Total number of hearings held - - - - -		30
Appeals - - - - -	4	Eligibility - - - - - 5
Disciplinary proceedings - - - - -	20	Tax revocations - - - - - 1
<b>STATE LICENSES AND PERMITS:</b>		
Total number issued - - - - -		1,048
Licenses - - - - -	3	Wine permits - - - - - 4
Solicitors' permits - - - - -	25	Miscellaneous permits - - - - - 188
Employment permits - - - - -	247	Transit insignia - - - - - 94
Disposal permits - - - - -	42	Transit certificates - - - - - 38
Social affair permits - - - - -	407	
<b>OFFICE OF AMUSEMENT GAMES CONTROL:</b>		
Licenses issued - - - - -	100	
Enforcement files established - - - - -	1	

RICHARD C. McDONOUGH  
 Director of Alcoholic Beverage Control  
 Commissioner of Amusement Games Control

Dated: March 8, 1971

10. DISQUALIFICATION REMOVAL PROCEEDINGS - ATTEMPTED RAPE - ORDER REMOVING DISQUALIFICATION.

In the Matter of an Application	)	
to Remove Disqualification because	)	CONCLUSIONS
of a Conviction, Pursuant to R.S. 33:1-31.2	)	AND ORDER
Case No. 2427	)	

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BY THE DIRECTOR:

Petitioner's criminal record discloses that on June 8, 1942 he was convicted of the crime of attempted rape in the Essex County Court. He was sentenced to the Rahway Reformatory and released on parole October 18, 1944.

Since the crime of which petitioner was convicted involved the element of moral turpitude (Re Case No. 1738, Bulletin 1538, Item 9) he was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this State. R.S. 33:1-25, 26.

At the hearing held herein, petitioner (52 years old) testified that he is married and living with his wife and four children; for the past five and one half years he has resided in the same municipality; and has been employed as a dishwasher for six years on licensed premises.

Petitioner further testified that he is asking for the removal of his disqualification to be free to engage in the alcoholic beverage industry in this State and that ever since his conviction in 1942, he has not been convicted of any crime or arrested.

The Police Department of the municipality wherein the petitioner resides reports that there are no complaints or investigations presently pending against the petitioner.

Petitioner produced three character witnesses, (an insurance agent, a manager of an insurance company, and a toll collector) who testified that they have known petitioner for more than five years last past and that in their opinion he is now an honest, law-abiding person with a good reputation.

The only reservation I have in granting the relief sought herein is based on the fact that although disqualified, he was employed on licensed premises in this State. I am, however, favorably influenced by three factors, viz., (a) testimony of his character witnesses, (b) his sworn testimony that he was unaware of his ineligibility to be associated with the alcoholic beverage industry in this State, and (c) his present attitude. Knowledge of the law, moreover, is not a prerequisite to removal of disqualification in these proceedings. Re Case No. 1738, Bulletin 1510, Item 7.

Considering all the aforesaid facts and circumstances, I am satisfied that petitioner has conducted himself in a law-abiding manner for five years last past and conclude that his association with the alcoholic beverage industry in this State will not be contrary to the public interest.

Accordingly, it is, on this 27th day of January, 1971,

ORDERED that petitioner's statutory disqualification because of his conviction described herein be and the same is hereby removed in accordance with the provisions of R.S. 33:1-31.2.

RICHARD C. McDONOUGH  
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - VIOLATION OF LOCAL ORDINANCE - HOURS - HINDERING INVESTIGATION - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against	)	
	)	
OPRE-LARSON POST #8838 VETERANS OF FOREIGN WARS OF THE UNITED STATES	)	CONCLUSIONS AND ORDER
s/w Cor. of Main St. & 10th Avenue	)	
Florence Township	)	
PO Roebling, N. J.	)	
Holder of Club License CB-9, issued by the Township Committee of the Township of Florence.	)	

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Dimon, Haines and Bunting, Esqs., by John E. Dimon, Esq., Attorneys for the Licensee.  
Walter H. Cleaver, Esq., Appearing for the Division.

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that, on Sunday, September 27, 1970, it (1) permitted the consumption of alcoholic beverages on its licensed premises in violation of a municipal ordinance, and (2) hindered the investigation then being conducted by Division agents by refusal to admit them to the licensed premises, in violation of Rule 35 of State Regulation No. 20.

Absent prior record, the license will be suspended for twenty-five days, with remission of five days for the plea entered, leaving a net suspension of twenty days. Re Kelly, Bulletin 1897, Item 6.

Accordingly, it is, on this 25th day of January, 1971,

ORDERED that Club License CB-9, issued by the Township Committee of the Township of Florence to Opre-Larson Post #8838 Veterans of Foreign Wars of the United States, for premises s/w Cor. of Main Street & 10th Avenue, Florence Township, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 a.m. Monday, February 1, 1971, and terminating at 2:00 a.m. Sunday, February 21, 1971.

RICHARD C. McDONOUGH  
DIRECTOR

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

In the Matter of Disciplinary Proceedings against )

FRIVOLOUS SAL, INC. )  
445 Grand Avenue )  
Palisades Park, N. J. )

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-11, issued by the Mayor and Council of the Borough of Palisades Park. )

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Diamond, Diamond & Afflitto, Esqs., by Michael K. Diamond, Esq., Attorneys for Licensee  
Walter H. Cleaver, Esq., Appearing for Division

BY THE DIRECTOR:

Licensee pleads non vult to a charge alleging that on September 19, 1970, it possessed alcoholic beverages in two bottles bearing labels which did not truly describe 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 Enjam, Inc., Bulletin 1935, Item 4.

Accordingly, it is, on this 27th day of January 1971,

ORDERED that Plenary Retail Consumption License C-11, issued by the Mayor and Council of the Borough of Palisades Park to Frivolous Sal, Inc., for premises 445 Grand Avenue, Palisades Park, be and the same is hereby suspended for ten (10) days, commencing at 3:00 a.m. Monday, February 15, 1971, and terminating at 3:00 a.m. Thursday, February 25, 1971.

RICHARD C. McDONOUGH  
DIRECTOR

13. STATE LICENSES - NEW APPLICATIONS FILED.

Hub City Distributors, Inc.  
649 Whitehead Road Extension and  
666 Cherry Tree Lane  
Trenton, New Jersey

Application filed March 22, 1970 for place-to-place transfer of Additional Warehouse License AW-55, operated under Limited Wholesale License WL-75, from 14-16 Ingham Avenue, Trenton, New Jersey, to E/S So. Clinton Avenue, Trenton, New Jersey.

Monsieur Henri Wines, Ltd.  
131 Morgan Avenue  
Booklyn, New York

Application filed March 23, 1971 for place-to-place transfer of licensed warehouse operated under Wine Wholesale License WW-2 from 497 Raymond Boulevard, Newark, New Jersey, to 63-14 Dewey Avenue, West New York New Jersey.

  
Richard C. McDonough  
Director