

BULLETIN 1470

September 18, 1962

TABLE OF CONTENTS

ITEM

1. DISCIPLINARY PROCEEDINGS (Paterson) - LEWDNESS AND IMMORAL ACTIVITY - RENTING OF ROOMS FOR ILLICIT SEXUAL INTERCOURSE - NO REMISSION FOR PLEA ENTERED AT HEARING - LICENSE SUSPENDED FOR 120 DAYS.
2. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - FAILURE TO REVEAL PRIOR SUSPENSION IN APPLICATION - PRIOR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.
3. DISCIPLINARY PROCEEDINGS (South Hackensack) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
4. DISCIPLINARY PROCEEDINGS (Paterson) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.
5. DISCIPLINARY PROCEEDINGS (Guttenburg) - AIDING AND ABETTING NON-LICENSEE TO EXERCISE PRIVILEGES OF LICENSE - FAILURE TO NOTIFY CHANGES IN APPLICATION - LICENSE SUSPENDED FOR BALANCE OF TERM, WITH LEAVE TO APPLY FOR ORDER LIFTING SUSPENSION AFTER THE EXPIRATION OF 20 DAYS IF ILLEGAL SITUATION CORRECTED.
6. DISCIPLINARY PROCEEDINGS (Lower Penns Neck Twp.) - FALSE ANSWERS IN APPLICATION - FRONT FOR NON-RESIDENTS - PAYMENT OF PERCENTAGE OF GROSS RECEIPTS TO LANDLORD - UNLAWFUL SITUATION CORRECTED - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.
7. DISQUALIFICATION REMOVAL PROCEEDINGS - 5 YEARS GOOD CONDUCT - APPLICANT EMPLOYED IN LICENSED PREMISES DURING INELIGIBLE PERIOD - APPLICATION GRANTED TO BECOME EFFECTIVE 6 MONTHS AFTER FILING DATE OF APPLICATION.
8. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - FAILURE TO AFFORD PUBLIC VIEW OF INTERIOR OF PREMISES DURING HOURS PROHIBITED BY LOCAL REGULATION - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
9. DISCIPLINARY PROCEEDINGS (Wallington) - ALCOHOLIC BEVERAGES SOLD AT LESS THAN FILED PRICE - PRIOR RECORD OF STOCKHOLDER - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
10. DISCIPLINARY PROCEEDINGS (Jersey City) - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
11. DISCIPLINARY PROCEEDINGS (Camden) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR RECORD OF CORPORATE OFFICER - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.
12. DISCIPLINARY PROCEEDINGS (Jersey City) - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.
13. ACTIVITY REPORT FOR JULY, 1962.
14. DISCIPLINARY PROCEEDINGS (South Hackensack) - SUSPENSION FOR BALANCE OF TERM LIFTED UPON CORRECTION OF ILLEGAL SITUATION.
15. DISCIPLINARY PROCEEDINGS (Montgomery Twp.) - SALE TO MINOR - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

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

BULLETIN 1470

September 18, 1962

DISCIPLINARY PROCEEDINGS - LEWDNESS AND IMMORAL ACTIVITY - RENTING OF ROOMS FOR ILLICIT SEXUAL INTERCOURSE - NO REMISSION FOR PLEA ENTERED AT HEARING - LICENSE SUSPENDED FOR 120 DAYS.

In the Matter of Disciplinary Proceedings against)

Roosevelt Hotel, Inc.)
27-29 Clark Street)
Paterson 1, N. J.)

Holder of Plenary Retail Consumption License C-200 for the year 1961-62 and C-200 for the year 1962-63 for premises 27 Clark Street, issued by the Board of Alcoholic Beverage Control for the City of Paterson.)
- - - - -)

CONCLUSIONS
AND
ORDER

Lawrence Diamond, Esq., Attorney for Licensee.
Edward F. Ambrose, Esq., Appearing for Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

Licensee pleaded not guilty to the following charge:

"On March 31, April 6 and 7, 1962, and on divers dates prior thereto, you allowed, permitted and suffered lewdness and immoral activity in and upon your licensed premises, viz., the making of arrangements for the renting of rooms, the offering to rent and the renting of rooms for the purpose of illicit sexual intercourse; in violation of Rule 5 of State Regulation No. 20."

The matter came on for hearing on June 18, 1962, and at the conclusion of the Division's case the attorney for licensee, after conferring with his client, retracted the plea of not guilty, entered a plea of non vult to the charge and supplemented such plea with a statement alleging mitigating circumstances.

Licensee has a previous record of two suspensions of license by the municipal issuing authority for local hours violations, one in 1938 and the other in 1942.

The prior record of dissimilar violations will be disregarded because they occurred more than five years ago.

Mitigating circumstances considered, the license will be suspended for one hundred twenty days. Re O'Neill, Bulletin 1286, Item 3. No remission will be granted for the plea because it was entered at the hearing held herein. Re Freedman, Bulletin 1436, Item 4.

Accordingly, it is, on this 5th day of July, 1962,

ORDERED that Plenary Retail Consumption License C-200, issued by the Board of Alcoholic Beverage Control for the City of Paterson to Roosevelt Hotel, Inc. for premises 27 Clark Street, Paterson, be and the same is hereby suspended for one hundred twenty (120) days, commencing at 3:00 A. M. Thursday, July 12, 1962, and terminating at 3:00 A. M. Friday, November 9, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

2. DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - FAILURE TO REVEAL PRIOR SUSPENSION IN APPLICATION - PRIOR RECORD - LICENSE SUSPENDED FOR 35 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Orlando Barone, Harry Barone & Joseph Barone t/a Barone's Bar 94-96-98 Logan Avenue Jersey City 6, N. J.,

Holder of Plenary Retail Consumption License C-483, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

CONCLUSIONS

and

ORDER

Licensees, Pro se

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

BY THE DIRECTOR:

Licensees plead non vult to charges alleging that (1) on June 7, 1962, at 11:15 p.m., they sold six cans of beer for off-premises consumption, in violation of Rule 1 of State Regulation No. 38, and (2) in their application for license dated June 19, 1961, they falsely denied any prior suspension of license, in violation of R.S. 33:1-25.

In alleged mitigation licensees have submitted an affidavit of the person who prepared the application for license, indicating that the applicable question was answered in the negative because he had not been advised by any of the licensees of the pendency of the prior disciplinary proceedings or the imposition of any penalty therein.

As indicated, licensees have a previous record of suspension of license by the Director for ten days effective January 18, 1960, for violation of Rule 1 of State Regulation No. 38. Re Barone, Bulletin 1326, Item 9.

The prior record of similar "hours" violation considered, the license will be suspended on the first charge for thirty days (Re Straus, Bulletin 1452, Item 3) and on the second charge for five days (Re Mastellone, Bulletin 1439, Item 4), or a total of thirty-five days, with remission of five days for the plea entered, leaving a net suspension of thirty days.

Accordingly, it is, on this 2nd day of July 1962,

ORDERED that plenary retail consumption license C-483, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Orlando Barone, Harry Barone & Joseph Barone, t/a Barone's Bar, for premises 94-96-98 Logan Avenue, Jersey City, be and the same is hereby suspended for thirty (30) days, commencing at 2 a.m. Monday, July 9, 1962, and terminating at 2 a.m. Wednesday, August 8, 1962.

WILLIAM HOWE DAVIS DIRECTOR

3. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against
 Ross' Blue Lantern, Inc.
 Huyler and East Wesley Streets
 South Hackensack, New Jersey
 Holder of Plenary Retail Consumption License C-10, issued by the Township Committee of the Township of South Hackensack.

CONCLUSIONS AND ORDER

Licensee, by Rosario Audino, President, 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 April 19, 1962, it possessed alcoholic beverages in eight 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 thirty days, with remission of five days for the plea entered, leaving a net suspension of twenty-five days. Re Arcieri Bulletin 1443, Item 2.

Accordingly, it is, on this 2d day of July, 1962,

ORDERED that Plenary Retail Consumption License C-10, issued by the Township Committee of the Township of South Hackensack to Ross' Blue Lantern Inc. for premises Huyler and East Wesley Streets, South Hackensack, be and the same is hereby suspended for twenty-five (25) days, commencing at 2:00 A. M. Monday, July 9, 1962, and terminating at 3:00 A. M. Friday, August 3, 1962.

WILLIAM HOWE DAVIS
 DIRECTOR

4. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED-
PRIOR RECORD - LICENSE SUSPENDED FOR 30 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary
Proceedings against)

Michael De Luccia)
t/a Club 25)
47 Bridge Street)
Paterson 1, N. J.)

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consump-
tion License C-162, issued by the)
Board of Alcoholic Beverage)
Control for the City of Paterson.)

Licensee, 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
May 28, 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.

Licensee has a previous record of suspension of license
as follows: by the Director (1) for twenty-five days effective
February 20, 1956 for "hours" violation, (2) for twenty-five days
effective April 1, 1957 for "hours" violation and (3) for fifteen days
effective April 26, 1957 for sale to minors; by the municipal issuing
authority (4) for ten days effective March 17, 1958 for permitting a
brawl and (5) for ten days effective April 6, 1959 for failure to
comply with special condition imposed upon grant of license; and by
the Director (6) for forty-five days effective November 9, 1959 for
sale to minors. Re De Luccia, Bulletin 1314, Item 3.

The minimum penalty customarily imposed for a first
offense of this kind, unaggravated by previous record, is suspension
of license for ten days. See Re Hibbits, Bulletin 1451, Item 9.
However, considering the prior record of three dissimilar violations
within five years preceding the date of the instant violation and
disregarding the record of other prior dissimilar violations, 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.

Accordingly, it is, on this 9th day of July, 1962,

ORDERED that Plenary Retail Consumption License C-162, issued
by the Board of Alcoholic Beverage Control for the City of Paterson to
Michael De Luccia, t/a Club 25, for premises 47 Bridge Street, Paterson,
be and the same is hereby suspended for twenty-five days, commencing
at 3:00 A. M. Monday, July 16, 1962, and terminating at 3:00 A. M.
Friday, August 10, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

DISCIPLINARY PROCEEDINGS - AIDING AND ABETTING NON-LICENSEE TO EXERCISE PRIVILEGES OF LICENSE - FAILURE TO NOTIFY CHANGES IN APPLICATION - LICENSE SUSPENDED FOR BALANCE OF TERM, WITH LEAVE TO APPLY FOR ORDER LIFTING SUSPENSION AFTER THE EXPIRATION OF 20 DAYS IF ILLEGAL SITUATION CORRECTED.

In the Matter of Disciplinary Proceedings against Skyline View Inn, Inc., 13- 68th Street Guttenberg, New Jersey, Holder of Plenary Retail Consumption License C-35, issued by the Board of Council of the Town of Guttenberg.

CONCLUSIONS and ORDER

Herbert Winokur, Esq., Attorney for Licensee David S. Piltzer, Esq., Appearing for Division of Alcoholic Beverage Control

BY THE DIRECTOR:

Licensee pleads non vult to the following charges:

- "1. From November 1, 1961 to date, you knowingly aided and abetted Rita M. Haynes and Frank W. Haynes to exercise, contrary to R.S. 33:1-26, the rights and privileges of your plenary retail consumption license, in violation of R.S. 33:1-52.
"2. You failed to file with the Board of Council, within ten days after the occurrence thereof, written notice of changes in facts set forth in answer to Questions No. 30 and 31 of your license application dated June 5, 1961, upon which you obtained your current plenary retail consumption license, such change being that on or about November 1, 1961 you entered into an agreement with Rita M. Haynes and Frank W. Haynes whereby they acquired an interest in your licensed business as real and beneficial owners thereof and by which you agreed to permit them to retain all the profits from said business upon payment to you of a fixed weekly sum of money; your failure to file such notice being in violation of R.S. 33:1-34."

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. Cf. Re Lincoln Hotel of Asbury Park, Inc., Bulletin 1337, Item 5; Re A. & L. Inc., Bulletin 1216, Item 5.

Accordingly, it is, on this 3rd day of July 1962,

ORDERED that plenary retail consumption license C-35, issued by the Board of Council of the Town of Guttenberg to Skyling View Inn, Inc., for premises 13- 68th Street, Guttenberg, be and the same is hereby suspended for the balance of its term effective 3 a.m. Tuesday, July 10, 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 a.m. Monday, July 30, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

- 6. DISCIPLINARY PROCEEDINGS - FALSE ANSWERS IN APPLICATION - FRONT FOR NONRESIDENTS - PAYMENT OF PERCENTAGE OF GROSS RECEIPTS TO LANDLORD-UNLAW SITUATION CORRECTED - LICENSE SUSPENDED FOR 25 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)
)
 R S M Associates, Incorporated)
 Shopping Center, North Broadway)
 (North end, 2nd Section))
 Lower Penns Neck Township)
 PO Pennsville, New Jersey)
)
 Holder of Plenary Retail Consumption License C-2, issued by the)
 Township Committee of Lower Penns Neck Township.)
 -----)

CONCLUSIONS
AND
ORDER

John V. Burns, 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. In your application dated May 26, 1961, filed with the Lower Penns Neck Township Committee, upon which you obtained your current plenary retail consumption license, in answer to Question No. 22 you listed Horace R. Macconi and Roland Macconi as the holders of 50% and 10%, respectively, of your issued and outstanding stock, and in answer to Questions No. 23 and 24 you denied that anyone else had any beneficial interest, directly or indirectly, in the stock of said listed stockholders, whereas in truth and fact said listed stockholders did not have any beneficial interest in said stock and Irving Spiro, Arnold Mattei, Edward F. Matthews and Joseph W. Remedio had such an interest in that they were the real and beneficial owners of said stock; said misrepresentation and evasion and suppression of material facts being in violation of R.S. 33:1-25.

"2. In your aforesaid application, in answer to Question No. 31, you denied that you had 'agreed to pay (by way of rent, salary or otherwise) to any employee, or other person, any portion or 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 agreed to pay your landlord, Pennsville Shopping Center Corporation, a percentage of the gross receipts of your licensed business as rental for your licensed premises; said misrepresentation and evasion and suppression of material facts being in violation of R.S. 33:1-25."

The facts are sufficiently set forth in the quoted charges when, in addition, it is noted that, as appears from reports of investigation, Spiro, Mattei, Matthews and Remedio were non-residents of New Jersey.

I am satisfied from the proofs submitted in behalf of the licensee that the unlawful situation has now been corrected.

Licensee has a previous record of suspension of license by the municipal issuing authority for sale to minors for three days effective September 17, 1961.

The prior record considered, 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. Cf. Re A. & L., Inc., Bulletin 1216, Item 5.

Accordingly, it is, on this 3d day of July, 1962,

ORDERED that Plenary Retail Consumption License C-2, issued by the Township Committee of Lower Penns Neck Township to R. S. M. Associates, Incorporated, for premises Shopping Center, North Broadway, Lower Penns Neck Township, be and the same is hereby suspended for twenty (20) days, commencing at 2:00 A. M. Tuesday, July 10, 1962, and terminating at 2:00 A. M. Monday, July 30, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

7. DISQUALIFICATION REMOVAL PROCEEDINGS - 5 YEARS GOOD CONDUCT - APPLICANT EMPLOYED IN LICENSED PREMISES DURING INELIGIBLE PERIOD - APPLICATION GRANTED TO BECOME EFFECTIVE 6 MONTHS AFTER FILING DATE OF APPLICATION.

In the Matter of an Application to Remove Disqualification because of a Conviction, Pursuant to R.S. 33: 1-31.2

Case No. 1701

CONCLUSIONS and ORDER

BY THE DIRECTOR:

Applicant's criminal record discloses that on November 17, 1933 (at the age of 17) he was convicted of breaking, entering and larceny and placed on probation; that on May 15, 1952, following a conviction of robbery in another State, he was sentenced to serve five to seven years in a State Prison (sentence commuted to two and one-half years to five years), from which institution he was paroled on January 9, 1953, and that on April 26, 1957, he was sentenced to serve six months in a county jail and fined \$100 on a charge of stakeholding, jail term suspended.

Since the crime of robbery per se, and the crime of breaking, entering and larceny involve the element of moral turpitude (Re Case No. 1436, Bulletin 1260, Item 5, and Re Case No. 679, Bulletin 1246, Item 8), the applicant was thereby rendered ineligible to be engaged in the alcoholic beverage industry in this State. R.S. 33: 1-25, 26. In view of this it is unnecessary to determine whether the applicant's conviction on April 26, 1957, outlined above, involved this element.

The records of this Division disclose that on September 25, 1958, the applicant applied to this Division to determine his eligibility to work in a licensed premises in New Jersey; that the applicant failed to appear for a hearing on the petition; that, by reason thereof, the petition was dismissed and that by letter dated October 29, 1958, the applicant was advised that, in the opinion of the Director, he had been convicted of a crime involving moral turpitude and was precluded from engaging in the alcoholic beverage industry in this State until his disqualification had been removed, and that any licensee who employed him subjects himself to a suspension or revocation of his license.

At the hearing held herein the applicant (46 years of age) testified that he is married and living with his wife and four children; that for the past six years he has resided at his present address; that for the past ten years he has been regularly employed at various jobs; that in 1940 he had been given permission by a local police department to work as a bartender; that during the past three or four years he was intermittently employed as a bartender in this State, and that he was last employed in such capacity between November 1961 and February 1962. The applicant further testified that for the past two or three years his wife had been ill; that most of his income was spent on his wife's medical expenses; that he is asking the Director to remove his disqualification to supplement his present income and to assure him of a permanent job in the future, and that ever since his conviction on April 26, 1957, he has not been convicted of any crime or arrested.

The applicant produced three character witnesses (a contractor, a saleslady and a telephone operator) who testified that they have known him for over five years last past and that he now bears a reputation for being a law-abiding person.

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

I hesitate to grant the relief sought for the reason that for the past three or four years applicant worked in a licensed premises in this State despite the above mentioned letter advising him that he was ineligible to do so. I am, however, favorably influenced by the testimony of his character witnesses and the fact that he has not been convicted of a crime or arrested within the past five years.

Considering all of the aforesaid facts and circumstances, I shall grant his application but shall withhold relief until six months after June 26, 1962 (the date upon which he filed the within application).

Accordingly, it is, on this 2nd day of July 1962,

ORDERED that applicant's statutory disqualification, because of the convictions described herein, be and the same is hereby removed, in accordance with the provisions of R.S. 33: 1-31.2, effective December 26, 1962; provided, however, that the applicant shall not in the interim become associated with the alcoholic beverage industry in this State in any manner whatsoever.

WILLIAM HOWE DAVIS
DIRECTOR

DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - FAILURE TO AFFORD PUBLIC VIEW OF INTERIOR OF PREMISES DURING HOURS PROHIBITED BY LOCAL REGULATION - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Herman Mandel and Sidney Lichenstein, t/a Halfway House
450 Grand Street
Jersey City 2, New Jersey,

Holder of Plenary Retail Consumption License C-241, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.

CONCLUSIONS
and
ORDER

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

BY THE DIRECTOR:

Licensees plead non vult to charges alleging that on Sunday, June 17, 1962, they (1) sold a pint bottle of wine for off-premises consumption, in violation of Rule 1 of State Regulation No. 38, and (2) during hours prohibited by municipal regulation failed to afford public view of the interior of the licensed premises.

Absent prior record, the license will be suspended on the first charge for fifteen days (Re Sabo, Bulletin 1449, Item 3) and on the second charge for five days (Re DiBuono, Bulletin 1382, Item 6), or a total of twenty days, with remission of five days for the plea entered, leaving a net suspension of fifteen days.

Accordingly, it is, on this 9th day of July 1962,

ORDERED that plenary retail consumption license C-241, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Herman Mandel and Sidney Lichenstein, t/a Halfway House, for premises 450 Grand Street, Jersey City, be and the same is hereby suspended for fifteen (15) days, commencing at 2 a.m. Monday, July 16, 1962, and terminating at 2 a.m. Tuesday, July 31, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

9. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES SOLD AT LESS THAN FILED PRICE - PRIOR RECORD OF STOCKHOLDER - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Main Stop Grill, Inc.
35 Main Avenue
Wallington, N. J.,

CONCLUSIONS
and
ORDER

Holder of Plenary Retail Consumption License C-14, issued by the Borough Council of the Borough of Wallington.

Leo J. Berg, 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 February 28, 1962, it sold a quart bottle of whiskey and a case of beer in combination at a single aggregate price less than the total of their minimum filed prices, in violation of Rules 19 and 20 of State Regulation No. 20.

Although the licensee corporation has no previous record, John Gavlak (a minority shareholder and director), its predecessor in interest, has a record of five previous license suspensions as follows: (1) sixty days effective June 25, 1946, for refilling, (2) fifty days effective June 27, 1951, for permitting gambling and possession of lewd matter, (3) fifty days effective May 12, 1952, for refilling, (4) twenty days effective September 15, 1958, for refilling, and (5) thirty-five days effective October 27, 1959, for sale in violation of State Regulation No. 38. Re Gavlak, Bulletin-1311, Item 3.

Significantly, when the purchase which is the subject of the charges in this proceeding was sought to be made, the approach was made to Alfred Gavlak (the president and majority stockholder) who informed the agent that he would have to see "John" who then consummated the sale. John was later identified as John Gavlak.

The minimum penalty customarily imposed for a first offense of this kind, unaggravated by previous record, is suspension of license for ten days. See Re Golden, Bulletin 868, Item 9. However, in view of the prior record of John Gavlak (predecessor in interest and stockholder and director of the licensee) who actually made the sale and who is apparently in dominant control of the licensed business, 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 9th day of July 1962,

ORDERED that plenary retail consumption license C-14, issued by the Borough Council of the Borough of Wallington to Main Stop Grill, Inc., for premises 35 Main Avenue, Wallington, be and the same is hereby suspended for fifteen (15) days, commencing at 3 a.m. Monday, July 16, 1962, and terminating at 3 a.m. Tuesday, July 31, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

DISCIPLINARY PROCEEDINGS - SALE IN VIOLATION OF RULE 1 OF STATE REGULATION NO. 38 - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against)

Anthony Kelsey)
t/a Kelsey's Tavern)
236 Wayne St.)
Jersey City, New Jersey)

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption License C-52, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City.)

Licensee, 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 Sunday, June 17, 1962, he sold six cans of beer for off-premises consumption, in violation of Rule 1 of State Regulation 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 Sabo, Bulletin 1449, Item 3.

Accordingly, it is, on this 2d day of July, 1962,

ORDERED that Plenary Retail Consumption License C-52, issued by the Municipal Board of Alcoholic Beverage Control of the City of Jersey City to Anthony Kelsey, t/a Kelsey's Tavern, for premises 236 Wayne Street, Jersey City, be and the same is hereby suspended for ten (10) days, commencing at 2:00 A. M. Monday, July 9, 1962, and terminating at 2:00 A. M. Thursday, July 19, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

11. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY LABELED - PRIOR RECORD OF CORPORATE OFFICER - LICENSE SUSPENDED FOR 15 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary Proceedings against

Liquor Towne Bar, Inc.
938 Kaighn Avenue
Camden, N. J.

CONCLUSIONS
AND
ORDER

Holder of Plenary Retail Consumption License C-185, issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden.

Benjamin Asbell, Esq., Attorney 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 May 23, 1962, it 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.

Licensee (under its former name Liquor Towne, A Corporation) has a previous record of suspension of license by the Director for fifteen days effective September 26, 1961, for purchase of alcoholic beverages from an improper source. Re Liquor Towne, A Corporation, Bulletin 1418, Item 3.

In attempted diminution of penalty to be imposed, it is urged by the licensee that since the imposition of the previous penalty, the structure of corporate stockholdings has changed and that the principal stockholders are now persons other than the previous principal stockholder, Isadore Mazer. However, Mazer continues to be a stockholder in the corporation, albeit a minority stockholder, and continues to be an officer of the corporation as vice-president. Accordingly, the previous record will be considered in fixing the penalty herein. Cf. Re Marlborough Hotel Corporation, Bulletin 1391, Item 1.

The prior record of dissimilar violation within the past five years considered, 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 Point Inn, Inc., Bulletin 1443, Item 11.

Accordingly, it is, on this 9th day of July, 1962,

ORDERED that Plenary Retail Consumption License C-185 issued by the Municipal Board of Alcoholic Beverage Control of the City of Camden to Liquor Towne Bar, Inc. for premises 938 Kaighn Avenue, Camden, be and the same is hereby suspended for ten (10) days, commencing at 2:00 a.m. Monday, July 16, 1962, and terminating at 2:00 a.m. Thursday, July 26, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

12. DISCIPLINARY PROCEEDINGS - ALCOHOLIC BEVERAGES NOT TRULY
LAELED - LICENSE SUSPENDED FOR 20 DAYS, LESS 5 FOR PLEA.

In the Matter of Disciplinary)
Proceedings against)
JOHN BOZZONE)
t/a "B & A Tavern")
74 Cambridge Avenue)
Jersey City, N. J.)

CONCLUSIONS
AND ORDER

Holder of Plenary Retail Consumption)
License C-481, issued by the)
Municipal Board of Alcoholic Beverage)
Control of the City of Jersey City.)

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
April 11, 1962, he possessed alcoholic beverages in four
bottles bearing labels which did not truly describe their
dontents, in violation of Rule 27 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 Manning, Bulletin
1431, Item 5.

Accordingly, it is, on this 2d day of July, 1962,

ORDERED that Plenary Retail Consumption License C-481,
issued by the Municipal Board of Alcoholic Beverage Control of
the City of Jersey City to John Bozzone, t/a B & A Tavern, for
premises 74 Cambridge Avenue, Jersey City, be and the same is
hereby suspended for fifteen (15) days, commencing at 2:00 a.m.
Monday, July 9, 1962, and terminating at 2:00 a.m. Tuesday,
July 24, 1962.

WILLIAM HOWE DAVIS
DIRECTOR

13.

ACTIVITY REPORT FOR JULY, 1962

ARRESTS:

Total number of persons arrested		
Licensees and employees	11	
Bootleggers	10	
ABC Agent impersonators	1	

SEIZURES:

Motor Vehicles - cars		
Stillis - 50 gallons or under		
Mash - gallons		
Distilled alcoholic beverages - gallons		
Wine - gallons		
Brewed malt alcoholic beverages - gallons		

RETAIL LICENSEES:

Premises inspected			
Premises where alcoholic beverages were gauged			
Bottles gauged			
Premises where violations were found			
Violations found			
Unqualified employees	130	Other mercantile business	4
Reg 438 sign not posted	25	Disposal permit necessary	3
Application copy not available	25	Improper Beer Taps	2
Prohibited signs	4	Other violations	18

STATE LICENSEES:

Premises inspected	
License applications investigated	

COMPLAINTS:

Complaints assigned for investigation	
Investigations completed	
Investigations pending	

LABORATORY:

Analyses made	
Refills from licensed premises - bottles	
Bottles from unlicensed premises	

IDENTIFICATION:

Criminal fingerprint identifications made	
Persons fingerprinted for non-criminal purposes	
Motor vehicles identifications via N. J. State Police Teletype	
Identification contacts made with other enforcement agencies	

DISCIPLINARY PROCEEDINGS:

Cases transmitted to municipalities			
Violations involved			
Sale to minors	8	Possessing chilled beer (DL license)	1
Sale during prohibited hours	8	Sale outside scope of license	1
Cases instituted at Division			
Violations involved			
Possessing liquor not truly labeled	8	Solicitor-permittee engaging in conduct prohibited to employer	1
Sale below filed price	3	Hindering investigation	1
Sale to minors	3	Sale outside scope of license	1
Sale during prohibited hours	3	Failure to close prem. during proh. hours	1
Permitting immoral activity on premises	2	Sale to non-members by club	1
Unauthorized transportation	2	Fraud in application	1
Retailer to retailer sales	2		
Cases brought by municipalities on own initiative and reported to Division			
Violations involved			
Sale to minors	14	Conducting business as a nuisance	1
Sale during prohibited hours	4	Failure to close premises during prohibited hours	1
Permitting gambling on premises	1		

HEARINGS HELD AT DIVISION:

Total number of hearings held			
Appeals	7	Eligibility	6
Disciplinary proceedings	27		

STATE LICENSES AND PERMITS ISSUED:

Total number issued			
Licenses	605	Social affairs	397
Solicitor Permits	70	Transit insignia	228
Employment Permits	462	Special Transit Certificates	11
Transfer in title of alc. bev.	69	Miscellaneous Special Permits	238

OFFICE OF AMUSEMENT GAMES CONTROL:

Licenses issued	8	Enforcement files established	26
Premises inspected	95	Number of violations found	3
Premises where violations were found	3		

WILLIAM HOWE DAVIS
 Director of Alcoholic Beverage Control
 Commissioner of Amusement Games Control

Dated: August 6, 1962

14. DISCIPLINARY PROCEEDINGS - SUSPENSION FOR BALANCE OF TERM LIFTED UPON CORRECTION OF ILLEGAL SITUATION.

In the Matter of Disciplinary Proceedings against)
)
 LUCY M. ROSETTO)
 Executrix Estate of Carmen Rosetto)
 430 Route 46)
 South Hackensack, N. J.)

Holder of Plenary Retail Consumption License C-4, issued by the Township Committee of the Township of South Hackensack and transferred during the pendency of these proceedings to)
)
 DOMINICK MERLO)
 430 Route 46)
 South Hackensack, N. J.)

ORDER

 Henry M. Schmidt, Esq., Attorney for Dominick Merlo
 David S. Piltzer, Esq., Appearing for the Division of Alcoholic Beverage Control.

BY THE DIRECTOR:

On June 12, 1962, I entered an order suspending the license herein for the balance of its term commencing June 19, 1962, and further suspending any renewal license that might be granted for the balance of its term, with leave to the licensee or any bona fide transferee of the license to file verified petition establishing correction of the then unlawful situation (front for non-residents) for lifting of the suspension on or after 2:00 a.m. Monday, July 9, 1962.

It now appearing that the license for the year 1961-62 has been transferred by the municipal issuing authority to Dominick Merlo effective June 22, 1962, and that proof has been submitted by said Dominick Merlo indicating that he is the bona fide new owner of the licensed business, with no undisclosed interests in the license or the licensed business, I shall grant his petition requesting termination of the suspension.

Accordingly, it is, on this 5th day of July, 1962,

ORDERED that the suspension heretofore imposed herein shall be and the same is hereby terminated effective 2:00 a.m. Monday, July 9, 1962.

WILLIAM HOWE DAVIS
 DIRECTOR

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

In the Matter of Disciplinary Proceedings against)

WOODEN WHEEL INN CO., INC.)
West side Route 206)
Montgomery Township)
PO R.D. Skillman, N. J.)

CONCLUSIONS AND ORDER

Holder of Plenary Retail Consumption License C-1, issued by the Township Committee of the Township of Montgomery.)

Edward A. Costigan, 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 May 17, 1962, it sold a drink of an alcoholic beverage 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 (Re Barnegat Inn, Inc., Bulletin 1452, Item 8), with remission of five days for the plea entered, leaving a net suspension of ten days.

Accordingly, it is, on this 2d day of July, 1962,

ORDERED that Plenary Retail Consumption License C-1, issued by the Township Committee of the Township of Montgomery to Wooden Wheel Inn Co., Inc. for premises west side Route 206, Montgomery Township, be and the same is hereby suspended for ten (10) days, commencing at 1:30 a.m. Monday, July 9, 1962, and terminating at 1:30 a.m. Thursday, July 19, 1962.


William Howe Davis
Director